



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, February 20, 2024

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

5:30 pm URA Board of Directors Work Session

6:00 pm City Council Work Session

7:00 pm City Council Regular Meeting

City Council Executive Session

**(ORS 192.660(2)(f), Exempt Public Records and (2)(d), Labor Negotiator Consultations)
(Following the regular City Council Meeting)**

This meeting will be live streamed at
<https://www.youtube.com/user/CityofSherwood>



Home of the Tualatin River National Wildlife Refuge

5:30 PM URA BOARD OF DIRECTORS WORK SESSION

1. **Sherwood Cannery PUD Vacant Lot Discussion**
(Eric Rutledge, Community Development Director)

6:00 PM CITY COUNCIL WORK SESSION

1. **Brookman Sanitary Trunkline Reimbursement Districts Presentation**
(Jason Waters, City Engineer)
2. **Sherwood West Update** (Eric Rutledge, Community Development Director)

7:00 PM REGULAR SESSION

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. CONSENT AGENDA

- A. Approval of February 3, 2024 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
- B. Approval of February 6, 2024 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
- C. Resolution 2024-006, Authorizing Workback Policy for the City of Sherwood**
(Lydia McEvoy, Human Resources Director)
- D. Resolution 2024-007, Authorizing Leave Donation Policy for the City of Sherwood**
(Lydia McEvoy, Human Resources Director)
- E. Resolution 2024-008, Authorizing the City Manager Pro Tem to sign a contract amendment with WSP USA Environmental & Infrastructure, Inc. for the Tannery Site Cleanup Project**
(Jason Waters, City Engineer)
- F. Resolution 2024-009, Declaring support for a Comprehensive Approach to Addressing Oregon's Addiction and Community Livability Crisis** (Craig Sheldon, City Manager Pro Tem)

6. CITIZEN COMMENTS

7. CITY MANAGER REPORT

8. COUNCIL ANNOUNCEMENTS

9. ADJOURN to EXECUTIVE SESSION

10. EXECUTIVE SESSION

AGENDA

SHERWOOD CITY COUNCIL February 20, 2024

**5:30 pm URA Board of Directors
Work Session**

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(ORS 192.660(2)(f)(d), Exempt Public Records &
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Sherwood, OR 97140**

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AMENDED AGENDA, Item 5.F Added

A. ORS 192.660(2)(f)(d), Exempt Public Records and Labor Negotiator Consultations
(Ryan Adams, City Attorney)

11. ADJOURN

How to Provide Citizen Comments and Public Hearing Testimony: Citizen comments and public hearing testimony may be provided in person, in writing, or by telephone. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by e-mail to Cityrecorder@Sherwoodoregon.gov and must clearly state either (1) that it is intended as a general Citizen Comment for this meeting or (2) if it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended. To provide comment by phone during the live meeting, please e-mail or call the City Recorder at Cityrecorder@Sherwoodoregon.gov or 503-625-4246 at least 24 hours in advance of the meeting start time in order to receive the phone dial-in instructions. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.

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, generally by the Thursday prior to a Council meeting. When possible, Council agendas are also posted at the Sherwood Library/City Hall and the Sherwood Post Office.

To Schedule a Presentation to the Council: If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or Cityrecorder@Sherwoodoregon.gov

ADA Accommodations: If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or Cityrecorder@Sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time. Assisted Listening Devices available on site.



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
February 3, 2024

WORK SESSION – GOAL SETTING

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 9:10 am.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Keith Mays, Doug Scott, Taylor Giles, and Renee Brouse. Councilor Dan Standke was absent.
3. **STAFF PRESENT:** City Manager Pro Tem Craig Sheldon, Assistant City Manager Kristen Switzer, IT Director Brad Crawford, Finance Director David Bodway, Economic Development Manager Bruce Coleman, Community Development Director Eric Rutledge, HR Director Lydia McEvoy, and City Recorder Sylvia Murphy.

OTHERS PRESENT: SGR consultant Jeff Tyne.

4. TOPICS:

A. Goal Setting Facilitation

Mayor Rosener recapped that there had been discussions regarding simplifying and consolidating several City Council goals and provided an overview of the goal setting work session process. City Manager Pro Tem Craig Sheldon stated that one of the goals of this work session was to provide staff direction about Council's goals, objectives, and projects. Staff would take that direction and create an analysis of the estimated staff time and budget to accomplish those goals and share those findings with Council. He continued that he was aware that there were several upcoming staff retirements which would impact the estimated timeline for some projects. He spoke on library funding and stated that the city needed to develop a long-term sustainability plan for the Sherwood Public Library as continued support from Washington County was not certain. He spoke on the Sherwood Police Department and stated that a funding source for the hiring of police personnel needed to be developed and suggested that a fee on a city service bill could be added. SGR consultant Jeff Tyne provided an overview of the goal setting work session process and the importance of using the SMART (specific, measurable, achievable, relevant, and timely) approach to goal setting. Councilor Giles asked if Council needed to rank the goals in terms of priority for staff and Mayor Rosener replied that prioritization was important, but some goals would be shifted to deliverables and Council would be discussing pillars, goals, and deliverables. Mr. Tyne presented the "City Council Goal Setting Session" PowerPoint presentation (see record, Exhibit A) and referred to the City Council Pillars, Goals, and Deliverables handout (see record, Exhibit B) and addressed **Pillar 1: Economic Development**. He provided an overview of the eight goals of: Promote Strong Diverse Economic Growth Opportunities; Build Infrastructure to Support New Commercial and Industrial Development; Balancing the Tax Base; Work with Metro and regional partners to bring Sherwood West land into UGB; Bring Jobs to Sherwood that provide

wages that allow people to live and work in Sherwood; Sherwood West Planning; Tonquin Employment Area; and Prioritization of Infrastructure Development Deliverables for Best ROI. He referred to Deliverable 1:1(a) Code Audit and Stakeholder Meetings to Determine Opportunity for Improvement and reported that staff had conducted industrial/commercial developer and broker tours of Sherwood West to gain input on future zoning, additional interviews were scheduled for 2024, and a work session was scheduled for April 2024. He referred to Deliverable 1:2 Create Annexation Policies & Processes to Manage our Growth Goals as it Relates to Infrastructure, School Capacity, & Long-Term Community Needs and reported that new annexation policies for Sherwood West had been drafted and shared with Council and a work session was scheduled for February 2024. Mr. Tyne referred to Deliverable 1:3 Target Metrics for Jobs/Housing Balance and reported that this was an ongoing deliverable and the city continued to strive for 45% of the assessed property value to be commercial/industrial. He reported that Deliverable 1:4 Completion and Adoption of Sherwood West Re-Look Plan was completed in July 2023. He asked if Council approved of the efforts staff had taken to address Pillar 1: Economic Development and Council signaled they approved. Assistant City Manager Kristen Switzer referred to the format of Exhibit B and explained the designations of “ongoing” and “completed” had been added to better capture work staff was completing and asked for Council feedback. Council stated they approved of the addition of the designations. Mr. Tyne asked Council to provide prioritization feedback for Pillar 1 goals and deliverables. Councilor Scott commented that he felt that there were only three distinct goals under Pillar 1, which were: Promote Strong Diverse Economic Growth Opportunities, Build Infrastructure to Support New Commercial and Industrial Development, and Balancing the Tax Base. He stated that the remaining goals were already covered by an existing goal or should be categorized as deliverables. Mayor Rosener stated he agreed with Councilor Scott’s comments. He stated he would combine several of the goals into a single goal of: Build Infrastructure to Support New Commercial and Industrial Development in the Tonquin Employment Area and Sherwood West. Councilor Giles replied that he approved of doing so as long as Old Town was also included in that goal. Councilor Giles referred to the goal of balancing the tax base and diversity in businesses and commented that he often heard feedback regarding the lack of variety of the businesses located in Sherwood and referred to an email from Sherwood Main Street (see record). Discussion occurred regarding changing the goal to “city wide” instead of only the TEA and Sherwood West. Mayor Rosener clarified that he had cited the TEA and Sherwood West because those areas would need major infrastructure to be constructed, but acknowledged the need for city wide development, including Old Town. Councilor Brouse recommended changing the “Balancing the Tax Base” goal into a deliverable under “Promote Strong Diverse Economic Growth Opportunities.” Councilor Scott commented that it should be considered a part of the ongoing measurable KPIs, and Councilor Brouse commented she agreed. Discussion regarding Pillar 1’s goals and deliverables occurred, and Mr. Tyne put forward the goals of “Promote strong, diverse economic growth opportunities” and “Support new commercial and industrial development.” Council discussed the merits of keeping the separate goal of “Balancing the tax base” or if balancing the tax base was accomplished by pursuing the other goals under Pillar 1. Councilor Scott stated that the goal of “Bring Jobs to Sherwood that Provide Wages that Allow People to Live and Work in Sherwood” should be retained under Pillar 1. Mr. Tyne recapped the new goals under Pillar 1 as: Promote Strong, Diverse Economic Growth Opportunities; Support New Commercial and Industrial Development; and Bring Jobs to Sherwood that Provide Wages that Allow People to Live and Work in Sherwood. He asked for Council feedback. Councilor Mays stated that his goal was to balance the tax base, and the way to achieve that was by building infrastructure to support new commercial and industrial development and bringing jobs to Sherwood that provided wages that allowed people to live and work in Sherwood. Mayor Rosener asked that the goal of Balancing the Tax Base be retained as it was important to show that the city was being financially responsible with taxpayer money. Mr. Tyne recapped the new goals under Pillar 1 as: Promote Strong, Diverse Economic Growth Opportunities; Support New Commercial and Industrial Development; Balancing the Tax Base; and Bring Jobs to Sherwood that Provide Wages that Allow People to Live and Work in Sherwood and asked for staff feedback. Economic Development Manager Bruce Coleman referred to the goal of Promote Strong, Diverse Economic Growth Opportunities and stated that that goal was to

create the space to allow for economic growth opportunities, and the creation of infrastructure was needed in order to attract developers. He stated that successfully executing that goal would be by observing how much development took place. Mayor Rosener asked for Mr. Coleman to develop several long-term and short-term metrics to measure progress on the goal of promoting strong, diverse economic growth opportunities. Councilor Giles referred to the goal of “Promote Strong, Diverse Economic Growth Opportunities” and spoke on business diversity and Old Town. He stated that the city needed to work to ensure there was a variety of businesses within Sherwood because the types of businesses in the city would impact the city’s atmosphere. Mr. Coleman commented that both large and small businesses should be attracted to Sherwood and Mayor Rosener spoke on his desire to work to ensure that Sherwood remained viable and livable for its residents and small businesses.

Mr. Tyne addressed **Pillar 2: Infrastructure** and provided an overview of the five goals of: Build Pedestrian Connectors between Sherwood East and West; Continue to Invest in Sherwood Broadband Utility as an Important Infrastructure for Sherwood and Beyond; New Public Works Facility; Cedar Creek Pedestrian Wildlife Undercrossing; and Invest in Business Process Improvements. He asked for feedback on the deliverables under Pillar 2. Councilor Scott commented that the goals of “Build Pedestrian Connectors between Sherwood East and West” and “Cedar Creek Pedestrian Wildlife Undercrossing” should be combined into one goal. Economic Development Manager Coleman asked which pillar Ice Age Drive fit into and Council replied that Ice Age Drive would fall under Pillar 1: Economic Development. Councilor Scott commented that he felt that the infrastructure pillar should be absorbed by another pillar and discussion occurred. City Manager Pro Tem Sheldon spoke on the new Public Works facility and reported that the city was waiting for the brownfield report to come back to determine if the city could apply for a \$5 million grant. He reported that the city was continuing to work with the state on potential different options for the site. Council President Young referred to Councilor Scott’s comments about removing the infrastructure pillar and commented that the goal of “Building Pedestrian Connectors between Sherwood East and West” could be moved to Pillar 3: Livability and Workability and discussion occurred. Council asked for staff input. Mr. Sheldon replied that in his opinion, Pillar 2’s goals and deliverables could probably be absorbed by other pillars. He explained that this goal directly influenced what Public Works staff worked on and spoke on contracts and planning. Councilor Mays commented that he preferred to keep Pillar 2 as a separate pillar because it illustrated important city projects and asked if timelines for updating the city’s master plans needed to be added as a deliverable. Mr. Sheldon replied that there were several city master plans that needed to be updated to incorporate Sherwood West. Councilor Mays asked that updating the city’s master plans to incorporate Sherwood West be added under Pillar 2. Mayor Rosener asked that “quality, sustainable infrastructure” language be added as a core value under Pillar 2. Councilor Scott commented that he was in favor of retaining Pillar 2. Councilor Giles asked if Pillar 2 should also include city facilities and referred to the library. Councilor Scott commented that a new Pillar 2 goal of “Update All City Master Plans” should be added. Councilor Giles referred to the Cedar Creek Undercrossing and asked if procuring funding for that project was within the timeframe scope of three years. Mayor Rosener replied that there was necessary groundwork to complete prior to trying to procure funding for the construction of the undercrossing and discussion occurred. Mr. Tyne recapped the new goals under Pillar 2 as: Establish Connectivity Between East and West Sherwood; Update Key Master Plans; Continue Progress on New Public Works Facility; and Continue to Invest in Sherwood Broadband Utility. He asked for Council and staff feedback on Pillar 2 goals. Staff signaled their agreement with the goals. Mayor Rosener referred to updating master plans and previous work session discussions with city boards and commission chairs and asked that a process be created to allow for master plans to be more easily amended without having to do a complete revision. City Manager Pro Tem Sheldon clarified that some master plans were in need of a full revision.

Mr. Tyne addressed **Pillar 3: Livability and Workability** and provided an overview of the seven goals of: Continue to Support and Enhance Senior Services; Trails and Walkability; Promote and Monitor Diverse Housing that will Accommodate a Wide Variety of Life Stages and Needs; Public Art; Mental Health and Wellness Within the Organization and the Community; Investment in Community Gathering Spaces or

Community Enhancements; and Investment in Parks (Acquire New Land for Parks and Expansion and Improvements of Current Parks). Councilor Brouse asked if the city's recent age-friendly city designation should be used for the goal of "Continue to Support and Enhance Senior Services" and discussion occurred. Councilor Scott commented that he felt that goals under this pillar did not need to be adjusted beyond adding some clarification to some of the goals. He explained that not all of the goals under this pillar were going to have specific deliverables attached to them and referred to the "Trails and Walkability" goal. Councilor Brouse commented that the goals of "Investment in Community Gathering Spaces or Community Enhancements" and "Investment in Parks" could be combined into one goal of "Investment in Community Gathering Spaces and Parks" and discussion occurred. Council President Young stated that she would retain the reference to community enhancements to help capture Councilor Giles' previous comments regarding Old Town. Councilor Scott explained that these goals applied to publicly owned land as well as the promotion of privately owned development, infrastructure, and revitalization in Sherwood. Councilor Brouse suggested the wording of "Investment in Parks, Community Gathering Spaces, or Community Enhancements" and discussion on if that phrasing was too broad occurred. Economic Development Manager Coleman asked how these goals and deliverables would be delegated to staff and City Manager Pro Tem Sheldon replied that the Senior Leadership Team would be making those decisions. Mayor Rosener referred to the "Trails and Walkability" goal and commented that the city had done a good job of creating trails within developments, but the city needed to work to create wider trail connectivity throughout the city. Mr. Tyne addressed the goal of "Public Art" and asked for Council feedback. Councilor Scott suggested that the "community enhancements" language from the "Investment in Community Gathering Spaces or Community Enhancements" goal be added to the "Public Art" goal to become a broader statement around promoting and investing in public art and community enhancements. Councilor Giles referred to the Cultural Arts Commission and murals and commented that he wanted to see more public art that would be a social media draw. Mr. Tyne recapped potential new phrasings for Pillar 3 goals as: Continue to Support Our Direction Towards Our Age-Friendly City Designation; Trails, Walkability, and Interconnectivity; Investment in Community Enhancements and Unique Art; Investment in Parks and Gathering Spaces. He referred to the goal of "Promote and Monitor Diverse Housing that will Accommodate a Wide Variety of Life Stages and Needs" and asked for Council feedback. Mayor Rosener spoke on Sherwood West and the city's aim of tracking and influencing the legislative process in Salem, Metro, and the county while also adapting and reacting to those decisions. Discussion occurred and Council President Young spoke on her experience serving on the CDBG board and affordable housing. She stated that the idea of how to bring in an affordable housing development to the city had never been discussed. Councilor Giles stated that Sherwood needed to develop affordable housing so young families could move to the city and keep Sherwood's schools full. Councilor Mays stated that if affordable housing was the goal, then the best thing to do was to zone housing with square footage limits because square footage drove prices and discussion occurred. Mayor Rosener commented that additional affordable housing discussions were needed outside of this meeting because of the impact of upcoming legislative decisions regarding infrastructure. Mr. Tyne referred to the "Mental Health and Wellness Within the Organization and the Community" goal and asked for feedback. Councilor Brouse suggested moving this goal under Pillar 4: Public Safety and Councilor Scott commented that he agreed. Councilor Mays replied that his focus for that goal was to address the mental health of city staff. Mayor Rosener referred to mental health within the community and state funding and commented that he wanted to be mindful of what the city could offer to residents. Mr. Tyne asked if Council felt that enough was being done for city employees. HR Director McEvoy replied that the city did many things to promote mental health and wellness for city employees and commented that she felt the intent of the goal was too vague. Councilor Brouse asked if there was a purpose in keeping the goal if it was only applicable internally. She commented that if the goal was moved under Pillar 4: Public Safety, then the goal could address the mental health of the community and stated that the Police Department was already engaging with the community in such a way. Councilor Scott suggested that the promotion of employee mental health should be absorbed into the city's policies and removed from Pillar 3. He continued that unless there was a deliverable to tie the goal to Pillar 4: Public

Safety, then it should be removed from the list. Mayor Rosener spoke on mental health within the community and funding sources and stated that Council and staff should be advocating at the local and regional level for more funding and discussion occurred. Councilor Mays asked regarding adding employee mental wellness into the city's policies and procedures. City Manager Pro Tem Sheldon replied that staff was currently working on adding those items to the employee manual and stated that the new employee manual would be presented at a Council work session in the spring. Assistant City Manager Switzer added that the Senior Center also offered several mental health services for seniors.

The Council recessed for a break from 10:42 am to 10:58 am.

Mr. Sheldon referred to the vacant lot near the Arts Center and the ideas of food carts or a train depot building and asked if it was possible to tie those ideas into the Old Town Overlay. Mayor Rosener spoke on his desire for the Old Town Overlay to be updated to ensure that developments adhered to a design cohesiveness and referred to flat rooftops. He added that an additional element of the Old Town Overlay project was to develop ways to partner with Sherwood Main Street in order to bring in other businesses, resources, and assets into the community. Councilor Scott commented that limiting the goal to only address the Old Town Overlay was too narrow and there was a bigger picture that needed to be captured and referred to the vacant lot near the Arts Center. He explained that the broader view had multiple components and needed to include the city-owned lots as well as the overall look and feel of Old Town. He explained that some of the elements fell under Economic Development and some elements fell under Livability and asked if these aspirations should be captured under an overarching goal or should they be broken up into deliverables under different goals. Economic Development Manager Coleman commented that a strategic plan could provide some clarity and could be utilized for Old Town. Council President Young referred to the Old Town Overlay and asked if that project would fall under the master plans work. Mr. Sheldon replied that that was an option as well as capturing the Old Town Overlay under Pillar 2: Infrastructure. Discussion occurred regarding the creation of an Old Town Strategy that would capture the Old Town development code, the city's relationship with Sherwood Main Street, city-owned properties, infrastructure, etc. Mayor Rosener added that there may need to be a reactive element in order to be able to address potential legislative outcomes.

Mr. Tyne addressed **Pillar 4: Public Safety** and provided an overview of the four goals of: Public Safety Planning; Collaborate with School District; Promote Bike and Pedestrian Safety; and Promote Driver Safety. Councilor Mays commented regarding metrics for Pillar 4 and voiced that it would be detrimental to the city to be short staffed in Public Works and the Police Department. Councilor Giles commented that appropriate succession planning was needed in order to prepare for upcoming departmental retirements and was as important as recruitment. Council discussed the need for city-wide succession planning. Councilor Brouse suggested adding "Enhance Community Safety" under Pillar 4 and commented that doing so would allow staff to pursue funding sources for community mental health programs. She stated that the PERS Workback program would also need to be addressed sooner rather than later. Councilor Scott commented that he was not in favor of adding Police Department funding sources as a goal. He stated that public safety was Sherwood's top priority and was funded before anything else. He stated that if cuts were needed, then the cuts needed to be made elsewhere. Mayor Rosener suggested combining the goals of "Promote Bike and Pedestrian Safety" and "Promote Driver Safety" into one goal and stated that he was in favor of Councilor Brouse's suggestion of adding "Enhance Community Safety." Mr. Tyne outlined the new Pillar 4 goals as: Public Safety Planning; Collaborate with School District; Promote Bike, Driver, and Pedestrian Safety; and Enhance Community Safety. He referred to funding sources and suggested that Council discuss this topic at upcoming Budget Committee meetings. Councilor Mays commented that the Police Advisory Board could be tasked with identifying potential funding sources as well as conducting a staffing review. Council commented that a Police Department staffing review had been conducted roughly six years ago and a new review was likely needed. City Manager Pro Tem Sheldon stated that he would like Police Chief Hanlon to work with the

Police Advisory Board to identify staffing needs and make a recommendation to Council. Council discussed if the Police Advisory Board should also identify funding sources. Councilor Giles commented that determining what level of police services was appropriate also needed to be decided. Council commented that they agreed but they needed more information before those decisions could be made. Mr. Tyne suggested the goal of “Undertake Staffing Deployment/Planning/Effort in Coordination with Police Advisory Board” with deliverables including “explore funding sources.” Mayor Rosener stated that he understood that there were other staffing-level issues within other departments and asked that Council be provided with more data on those matters for Council consideration. Mr. Sheldon replied that that was a separate issue to consider and was something that could be addressed by an organizational development plan. He commented that the organizational development plan could be a future work session topic. Mr. Tyne addressed the “Collaborate with School District” goal and asked for Council feedback. Mayor Rosener commented that he felt that by having the goal under Pillar 4, it was constricting the collaboration to only public safety matters and he wanted it to be broader. Mr. Tyne suggested adding the goal to Pillar 6: Citizen Engagement and Mayor Rosener suggested the goal move to Pillar 3: Livability and Workability instead. Council discussed changing the wording of Pillar 4 to “Enhance Community Safety” instead of “Public Safety” and discussion occurred. Council agreed to change the language of Pillar 4 to “Community Safety.” Mr. Tyne asked for additional goals under Pillar 4 and Councilor Brouse suggested “Promoting/Advocating for Community Mental Health.” Councilor Scott asked regarding disaster planning and City Manager Pro Tem Sheldon replied staff had already completed some disaster planning preparedness, but more was needed and referred to the Emergency Management Coordinator position within the city. Councilor Scott asked if emergency/disaster preparedness needed to be included as a goal and discussion occurred. Mr. Sheldon commented that the weakest portion of the city’s emergency management was the volunteer portion and stated that more work was needed. Council President Young asked that if disaster planning was added as a goal, were there any deliverables that could be added under it and Mr. Sheldon replied that there were several short- and long-term deliverables that could be added. Council agreed that disaster planning should be added as a goal under Pillar 4.

Mr. Tyne addressed **Pillar 5: Fiscal Responsibility** and provided an overview of the six goals of: Pursue New Internal and External Revenue Sources; Efficient Service Delivery; Facilitate Grant Readiness; Quarterly Meetings to Stay Current on Budget Expectations; Regularly Evaluate the Risks to Traditional Sources of Revenue; and Be Transparent and Proactive to Changes in Economy. He asked for Council feedback and Councilor Scott replied that some of the goals could be consolidated. He suggested that the goal of “Pursue New Internal and External Revenue Sources” and “Regularly Evaluate the Risks to Traditional Sources of Revenue” could be combined into one goal. He stated that the goal of “Facilitate Grant Readiness” was more of a deliverable under the goal of “Pursue New Internal and External Revenue Sources.” Councilor Mays referred to the goal of “Quarterly Meetings to Stay Current on Budget Expectations” and asked if this was an “internal conversation” or if a consultant was needed. City Manager Pro Tem Sheldon replied that he wanted to discuss that issue with the Senior Leadership Team. He explained that he wanted a cultural assessment completed as well as a review of the current structure, operations, and processes. He outlined that much of the work would begin with staff, but an outside consultant would be needed to help guide and facilitate the process since it would be a big lift for staff to complete on their own. He continued that a similar assessment was done years ago when the city was much smaller and explained that the new assessment would need to be forward-looking and referred to Sherwood West. He explained that in addition to assessing staffing levels, it would also review development fee schedules, SDCs, etc. He stated that in his opinion, delivering efficient services meant a variety of things and would require a review of all city departments in order to deliver the services the community needed. Councilor Mays replied that he supported that idea. Councilor Scott suggested that the “Quarterly Meetings to Stay Current on Budget Expectations” be moved to the “ongoing” category of Pillar 5. Council President Young suggested that the quarterly meetings be scheduled at the start of the year so the Budget Committee could plan accordingly. Discussion occurred and

staff replied that they would work to set the quarterly meeting schedule in advance. Mr. Tyne suggested changing the language of “Be Transparent and Proactive to Changes in Economy” to “Be Transparent and Proactive to the City’s Fiscal Condition” with the quarterly meetings as a deliverable and asked for feedback. Councilor Brouse asked if the goals of “Facilitate Grant Readiness” and “Be Transparent and Proactive to Changes in Economy” could be combined into one goal and discussion occurred. Mayor Rosener spoke on the goal of “Pursue New Internal and External Revenue Sources” and the need for grant readiness. Mr. Tyne spoke on combining the goals of “Pursue New Internal and External Revenue Sources,” “Facilitate Grant Readiness,” and “Regularly Evaluate the Risks to Pursue and Position...” He asked for feedback on the goal of “Efficient Service Delivery.” Councilor Giles asked if departmental utilization of technology would help increase the efficiency of staff and referred to recent software upgrades in HR, business licenses, and the city’s website. Discussion occurred and Mr. Sheldon outlined that the cultural assessment, current structure, and current operations review would also include ways in which to implement new technology within departments. He explained that completing these reviews was too large of a task to be done in-house. Discussion regarding how this goal touched multiple pillars occurred and Assistant City Manager Switzer asked if this was the same goal as “Invest in Business Process Improvements” under Pillar 2: Infrastructure and Council replied that it was partially related to that goal. IT Director Crawford spoke on software and the time-intensive nature of reviewing processes and identifying gaps. Mr. Tyne recapped the goals under Pillar 5 as: Pursue, Evaluate, and Position New and Internal/External Revenue Sources and Grant Readiness and Traditional Sources of Revenue; Explore Opportunities in Technology, Staffing Analysis/Organizational Structure to Improve Service Delivery; and Communicate Fiscal Situation Transparently and Regularly. Councilor Giles referred to Old Town and Sherwood Main Street and discussion occurred. Council President Young asked if Council had made it clear to staff that Council wished to explore Old Town and staff would create deliverables under the appropriate pillars. Mr. Sheldon replied that he and the Senior Leadership Team would take today’s discussion and work to create appropriate deliverables and would present their suggestions to Council. He commented that the goals were achievable, but only with appropriate levels of staffing and spoke on potential budget impacts and Sherwood West and asked that Council be forward-looking with the budget. Councilor Mays referred to ROIs and remarked that if Council empowered staff to become more efficient, those investments would pay off in the long term. Mayor Rosener stated he agreed and referred to Council’s policy of retaining 20% of the operating revenues in the city’s ending fund balance and commented that the city could utilize the Community Investment Fund to help bridge the funding gap. Council President Young referred to securing library funding and asked if that fell under the Pillar 5 goal of “Pursue New Internal and External Revenue Sources.” Councilor Scott commented it could also fall under the “Regularly Evaluate the Risks to Traditional Sources of Revenue” goal. Mr. Sheldon replied that he had wanted Council to be aware of the issue and explained that this would also allow library staff, the Library Advisory Board, and SHELF to be involved in creating a solution. Councilor Mays and Mayor Rosener stated that they were in favor of that idea and commented that doing so would encourage the city to work with other Washington County cities and create a strong voice at the county-level. Mr. Sheldon clarified that his goal was to secure ongoing operating funds for the library so the library could continue to provide important services to the community, not to fund an expansion of the library.

Mr. Tyne addressed **Pillar 6: Citizen Engagement** and provided an overview of the six goals of: A Communication Plan that is Comprehensive and Strategic to Modernize City-Wide Communication; A High Level of Customer-Centric Approach to Citizens Engaging with the City; Diversity, Equity, Inclusion, and Accessibility; Engaging with Youth; Efficient Management of Meetings for All Boards and Commissions; and Citizen Academy. He asked for Council feedback and Mayor Rosener commented that he was pleased with what had already been accomplished, but there was still much work to be done. Council discussed social media posts and the city’s website and Council agreed that effective communication was key and included both social media and a website component. Council President Young stated that the city’s current website was difficult to navigate, and she hoped that the new website would be more user-friendly. Council agreed

that important city information should reach residents “where they were at” and spoke on a city app. Mayor Rosener referred to utility bill payments and the goal of “A High Level of Customer-Centric Approach to Citizens Engaging with the City” and stated that he wanted to be mindful of how citizens interacted with the city by creating efficient interfaces. IT Director Crawford provided an update on the status of the creation of a website platform and reported that staff had heard presentations from several vendors and had chosen two vendors to move forward. He stated that staff would meet with Mayor Rosener and Councilor Giles soon to review the available options and would present their recommendations to Council shortly after. He reported that once a vendor was chosen, it would likely take around six months to complete the new website and commented it would include a mobile interface. Mr. Tyne asked if Council wished to retain the goals of “A Communication Plan that is Comprehensive and Strategic to Modernize City-Wide Communication” and “A High Level of Customer-Centric Approach to Citizens Engaging with the City” and Council signaled their approval. He asked for feedback on the goal of “Diversity, Equity, Inclusion, and Accessibility” and Councilor Brouse commented that the city had created a DEIA statement but had not necessarily done anything externally. Councilor Scott asked what a DEIA goal could be, and discussion occurred. Mayor Rosener commented that bringing DEIA awareness to the city’s delivery of services would be a good place to start. Councilor Giles commented that in his opinion, the goal was to ensure that Sherwood residents could access city services and provided the example of the city’s website needing to have screen reader capability or font modifications. Councilor Brouse stated that DEIA should be the lens by which the city provides services to residents. Council discussed the proper phrasing of the goal and decided on “Apply a DEIA Lens When Offering Citizen Access to City Services and Activities.” Mayor Rosener asked that a clear facility use policy be drafted for city-owned facilities. Mr. Tyne asked for Council feedback on the goal of “Engaging with Youth” and Councilor Scott replied that he would add “review existing youth engagement activities” as a goal or deliverable. Council discussed the Youth Advisory Group and expressed that they would like to adjust some aspects of the program. Assistant City Manager Switzer suggested the goal of “Engage Youth in Local Government” and Council signaled their agreement. Councilor Giles asked that Council receive more frequent updates from the Youth Advisory Group. Mr. Tyne suggested adding a review of the Youth Advisory Group as a deliverable under the “Engage Youth in Local Government” goal. Council discussed the goal of “Efficient Management of Meetings for All Boards and Commissions” and determined that the goal could be removed from the list as it was more city policy than a Council goal. Mr. Tyne asked for feedback on the “Citizen Academy” goal and City Manager Pro Tem Sheldon reported that the current plan was to relaunch the program in fall 2024. Discussion occurred and Council voiced that they valued the relaunching of the Citizen Academy, but it was not a high priority for them. Councilor Scott asked that the entire program be overhauled prior to relaunching. Councilor Giles commented that the Citizen Academy could be incorporated into the “Engaging with Youth” goal. Councilor Brouse added that there were also community partners that could be brought in to help facilitate the Citizen Academy program. Ms. Switzer commented that other cities had leadership academies that the city could emulate. Councilor Scott suggested that staff determine the scope and goals of the Citizen Academy program and go from there and discussion occurred. Councilor Scott suggested that the meetings be recorded, edited for time, and posted online as a web series. Councilor Giles suggested that Citizen Academy participants could be given a certificate after a short quiz at the end of the program. Council President Young stated that she agreed that Council should meet to review the Citizen Academy program to determine what they wanted the new program to look like and go from there. Council signaled their agreement. Mr. Tyne recapped Pillar 6 goals as: A Communication Plan that is Comprehensive and Strategic to Modernize City-Wide Communication; A High Level of Customer-Centric Approach to Citizens Engaging with the City; Apply a DEIA Lens When Offering Citizen Access to City Services and Activities; Engage Youth in Local Government; and Citizen Academy.

Mr. Tyne asked for Council feedback on deliverables. Councilor Giles referred to the Old Town Overlay and stated that attracting the right types of businesses while also making it easier for local business owners to operate in Sherwood needed to be determined. He referred to a grant program to attract new businesses

and SDC offsets. Mr. Tyne recapped Councilor Giles' idea as "be aware of what tools you have and best practices to apply to bring out the character of..." and Councilor Giles clarified that he also wanted to know specifics about how other cities were able to attract the right types of businesses. He provided the example of staff determining the appropriate SDC offset amounts to attract a variety of businesses into Sherwood. He spoke on ROIs and commented that some businesses or projects may not have high ROIs, but they would increase local foot traffic which would benefit all local businesses. He stated that Council needed to determine the rubric that addressed the types of businesses they wanted to attract and how much Council was willing to spend to attract said businesses. Mayor Rosener stated that he approved of the strategic plan for Old Town and stated that Council needed to determine what types of businesses they wanted to promote along with identifying other programs that could assist with this goal. He spoke on the Main Street Group and explained that unfortunately, the city did not own many lots in Old Town and asked if a program should be developed to encourage Old Town landlords to think differently about their properties. He stated that he supported partnering with organizations like the Main Street Group to help understand the issues facing small businesses in Old Town and assist in drafting solutions. Councilor Scott stated that it was important to create the vision for Old Town first, which would then inform the strategy and tools used to implement that vision. He referred to a previous Old Town vision and explained that many of the buildings were not optimized for the new Old Town that a previous Council had envisioned. He voiced that the previous report stated that implementing the vision would require some buildings be demolished and new buildings be built, and that had not happened even though the report was over 15 years old. He continued that only a small amount of those buildings had been refurbished since the report was finalized and commented that the new vision needed to be adjusted and discussion occurred. Councilor Mays spoke on the need for the new vision to balance the realities of the situation and referred to property owners choosing to sell while other chose to redevelop their property or some types of businesses only being successful once there was more reliable foot traffic. He spoke on incentives and stated that it needed to be determined if the incentives were tied to the location or to the business. He provided the example of a business receiving the incentive and moving in, failing, moving out, and a new business moving into that location and asked if the new business would receive the same incentive. Councilor Scott stated he supported incentives for the redevelopment of properties to meet the vision/goal. Councilor Giles stated that he supported the creation of incentives for Old Town development, but he also wanted to create incentives throughout Sherwood and referred to retail areas near Sherwood Plaza. Councilor Mays stated that if the city was providing incentives, then development rates needed to be raised in order to recover that money. Mr. Tyne suggested creating two different deliverables to address Council's aspirations, an Old Town Strategic Plan and a small business initiative. Councilor Scott replied that both deliverables addressed Council's goals for Old Town and attracting small businesses to Sherwood. Finance Director Bodway referred to the new Economic Development and Promotion Fund and stated that these deliverables could be a part of that fund. He explained that a vision for the fund had not been developed yet and could be utilized to fund studies. Councilor Scott stated that he wanted staff to create deliverables based on this discussion and provide an estimate of necessary staff time to complete those deliverables and present their findings to Council. He stated that he wanted it to be "right sized" for staff's capacity and it was up to Council to provide staff with direction based off of staff's recommendations. Mayor Rosener asked for Councilor Brouse's thoughts and Councilor Brouse replied that she had no new deliverables to add, and she agreed with Councilor Giles' suggestions. Council President Young spoke on Old Town and the creation of a new Old Town Strategic Plan/vision and stated that she agreed with Councilor Scott's comments about staff providing Council with a report of the estimated staff time for each deliverable. Mayor Rosener spoke on Old Town and the creation of a new Old Town Strategic Plan/vision to bring in new businesses to the area. He stated that he agreed that staff needed to provide the estimated staff time for deliverables so that Council could "right size" their priorities and expectations. Council President Young asked that a deliverables master list be maintained to ensure better tracking and allow staff and Council to take advantage of possible opportunities as they arose. Councilor Giles commented that if Council added something from the master list to the list of items staff was already working on, then something else should

come off the list to help restore balance. Mayor Rosener stated he agreed. City Manager Pro Tem Sheldon referred to Deliverable 6:8 Refine Branding under Pillar 6 and asked for clarification from Council. Mayor Rosener replied that his original intent for refining the city's branding was to help with economic development. He stated that he understood that this was a large undertaking and explained that he did not necessarily expect that deliverable to be completed this year, but it was something that needed to be addressed. Councilor Brouse voiced that creating a clear message first would be helpful in better communicating the city's brand. Mayor Rosener replied that he agreed and discussion regarding Sherwood West occurred. Councilor Brouse stated that being clear and intentional about how to advertise Sherwood as a place for economic development should be decided prior to the rebranding of the city logo.

5. ADJOURN:

Mayor Rosener adjourned the work session at 1:10 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Tim Rosener, Mayor



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
February 6, 2024

WORK SESSION

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 5:45 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Keith Mays, Dan Standke, Taylor Giles, and Renee Brouse. Councilor Doug Scott was absent.
3. **STAFF PRESENT:** City Manager Pro Tem Craig Sheldon, Assistant City Manager Kristen Switzer, IT Director Brad Crawford, Finance Director David Bodway, Economic Development Manager Bruce Coleman, City Attorney Ryan Adams, Community Development Director Eric Rutledge, Police Chief Ty Hanlon, HR Director Lydia McEvoy, Senior Planner Joy Chang, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.

4. TOPICS:

A. Annexation Policy & Agreements

Community Development Director Eric Rutledge presented the “Draft Annexation Policy” PowerPoint presentation (see record, Exhibit A) and explained that the creation of an annexation policy was a Council deliverable under Economic Development. He stated that annexation policies would help manage the city’s growth goals as it related to infrastructure, school capacity, and long-term community needs. He explained that the proposed annexation policy would apply to all unincorporated areas within Sherwood’s UGB, mainly the Brookman Addition, TEA, and Sherwood West, along with several other small infill areas. He stated that City Council would be the approval body for annexations, and appeals would be heard by the Land Use Board of Appeals. He stated that annexation agreements were fairly common in other jurisdictions. He explained that annexation agreements helped guide the annexation process and ensured that public facilities were met along with any stipulated master plans. He outlined that the Sherwood Municipal Code would state that applicants must develop an annexation agreement and include that annexation agreement with their annexation application. He explained that the agreement would primarily be negotiated between city staff and the applicant prior to being presented to Council. He noted that Council had the authority to modify the agreement if there were elements they did not like. Mr. Rutledge outlined that annexation agreements would require applicants to identify transportation facilities that were required to serve the development at full build out of the site; certify that water, sanitary, and storm sewer capacity was available or would be available within 18 months of annexation; and would require that applicants guarantee any needed public improvements to serve the site or limit the development. He added that the policy would also allow the city to waive the annexation agreement if the site was determined to be small enough. He explained that once this policy was passed by Council, any property that was not currently within the city would be subject to the ordinance. He provided an overview of the approval criteria and explained that annexation must be

determined to be in the best interest of the city; applicants must demonstrate that adequate public facilities and services could be provided to the site; public facilities and services must be provided in an orderly, efficient, and timely manner; Metro and State annexation regulations would continue to apply; and clear and objective standards did not apply to annexations. Community Development Director Rutledge stated that HB 1573 would still apply, but the city's policy would help give the city more control over what properties were coming into the city and the annexation policy would be added to the SZCDC. Discussion regarding the city's previous ability to control annexations occurred. Mr. Rutledge explained that the annexation policy would require that applicants provide the city with a traffic impact analysis for staff to review prior to processing the annexation application. He referred to the approval criteria and reported that he had forwarded the draft policy to Metro for comment and explained that if the policy moved forward, the city would also send notice to DLCD for their comments. He referred to zoning and explained that the zoning map would automatically apply once the annexation was approved, unless the applicant received approval of a concurrent zone change and stated that Council was the approval body for such decisions. Community Development Director Rutledge asked Council if the annexation policy should apply within all growth areas of the city's UGB. He stated that he recommended that the annexation policy apply to all growth areas of the city's UGB and explained how having an annexation policy in place could help developers who may be interested in Sherwood. Council President Young referred to Council's ability to waive the annexation agreement requirement and asked if that was equitable. Councilor Mays replied that as long as there was a staff report recommending the waiving of the annexation agreement based on staff's findings, then it was a justifiable argument for the waiving of the annexation agreement. Councilor Giles asked if implementing this policy could slow down development and Mr. Rutledge replied that it was a possibility. Community Development Director Rutledge clarified that implementing an annexation agreement policy would result in more processing and upfront costs. He continued that depending on the developer, having an annexation agreement in place could discourage some developers from being interested in Sherwood. He stated that both he and Economic Development Manager Bruce Coleman would be available to meet with developers early on in the process to help guide prospective developers through the city's annexation policy. He commented that if the city was able to address those difficulties early on in the process, it would be better for the city in the long term. Mr. Rutledge outlined that the Planning Department would likely lead the process and the Engineering Department would be conducting the review of the applications. Mayor Rosener asked Council if they would like staff to move forward with the annexation policy and Council signaled their agreement.

Record note: Prior to the meeting, Community Development Director Eric Rutledge provided Council with the draft Annexation Policy (see record, Exhibit B).

B. Annual Housing Report

Community Development Director Rutledge presented the "Annual Housing Report" PowerPoint presentation (see record, Exhibit C) and stated that developing an annual report on housing was a Council deliverable under Council Pillar 3: Livability and Workability. He recapped previous work session discussion regarding the 2022 Housing Report and explained that Council had asked that a definitions section be added, a section be added explaining the barriers to housing production, and a vacant land inventory map be added to the Annual Housing Report. He referred to the 2023 Annual Housing Report (see record, Exhibit D) and recapped that the 2023 Land Use Applications included a partition of a property on Sunset Boulevard and a zone change in Sherwood Plaza. He outlined that 87% of the residential units permitted in 2023 were single-family detached, 10% were multi-family, and 3% were ADU. He stated that there were 53 residential units constructed in 2023, 98% of which were single-family detached. Mr. Rutledge summarized the five-year history of residential units permitted and residential units constructed and reported that the 2022 and 2023 figures were similar. Discussion regarding interest rate increases occurred and Mr. Rutledge commented

that it would likely be several more years before the impact from interest rate changes could be determined. He outlined that the barriers to housing production included: infrastructure timing and cost; high land costs, especially within the Portland Metro region; high construction materials costs; high construction labor costs; limited skilled labor; and physically constrained land. He stated that the city would send the report to the DLCDC and would publish the report on the city's website and explained that the Annual Housing Report could be used as an informational resource for local policy making, advocacy at the state and regional level, and could be used to pursue funding opportunities.

C. Donation Leave Policy

HR Director Lydia McEvoy presented the "Leave Donation Policy" PowerPoint presentation (see record, Exhibit E) and provided background on the program. She explained that Council had previously approved a temporary policy via Resolution 2018-077, which ran from September 2018-September 2019, and the policy applied to all represented and non-represented probationary and regular status city employees who were eligible to earn PTO and Sick leave. She provided an overview of the new proposed policy on page 3 of the presentation and explained that the policy was: voluntary; eligibility was stricter than the temporary 2018 policy and noted that the updated policy endeavored to mirror FMLA and Paid Leave Oregon guidelines more closely; six months service eligibility timelines for Medical Emergency and 30-day eligibility timelines for death of a spouse, child, or parent. She explained that currently, staff was not permitted to use their sick leave for the first 90 days of employment, and PTO could not be used for the first six months of employment. She explained that the city wanted to provide more flexibility for extreme scenarios that some new employees may experience. She reported that the new policy stipulated that donated leave could only come from PTO banks; employees asking to utilize the program must have exhausted all other Paid Leave alternatives prior to using donated leave; and leave could only be donated on an hour-for-hour basis and had no regard to dollar value. Ms. McEvoy explained that due to IRS stipulations, all donated leave would be placed in a pool administered by the HR Department and the leave could then be allocated out to an individual or individuals. Finally, all requests needed to be approved by the HR Department, Department Director, and City Manager. She asked for Council feedback on the proposed policy and Councilor Standke asked if there were restrictions around when or who could donate their time. Director McEvoy replied that an employee wishing to donate must have a minimum leave bank, the leave could only be taken from the employee's PTO bank, and the minimum donation length was one hour. She noted that the policy used the definitions provided in the Family Medical Leave Act. Councilor Giles asked if it was common to have the 30-day waiting period to be eligible to use this type of program and City Attorney Ryan Adams replied that the City Manager would have the authority to waive the 30-day waiting period. Ms. McEvoy added that that stipulation could be added to the policy and recommended that staff intervene as little as possible in order to minimize risk. Council President Young asked if those donating leave needed to maintain a minimum balance and Ms. McEvoy replied that it was the donating employee's decision to donate as much or as little leave as they wanted with the knowledge that once donated, the hours could not be rescinded. Council President Young asked regarding the stipulation that those asking to receive donated leave could not have more than 40 hours of unused PTO. Ms. McEvoy explained that the stipulation was to provide a buffer period for employees realizing they would need to utilize the program. She reported that the proposed policy had been reviewed by CIS and explained that it would be fairly rare for an employee needing to utilize the program. City Manager Pro Tem Sheldon explained that if approved by Council, this policy would be added to the new employee handbook and could be updated as needed.

Record note: Prior to the meeting, HR Manager Lydia McEvoy provided Council with the draft Leave Donation Policy (see record, Exhibit F).

D. Workback Program

HR Director Lydia McEvoy presented the “PERS Workback Policy Extension” PowerPoint presentation (see record, Exhibit G) and provided background. She stated that the PERS Workback policy was first approved by Council in August 2022, and the policy was intended to help the city address a potential increase in retirements, fill skills gaps, and assist with the unfunded liability in the PERS system in the Police Department. She reported that SB 1049 had been extended and would now be sunset in 2035. She explained that a PERS retiree was eligible to work for any private employer in Oregon or any public or private employer outside of Oregon without limitation. She commented that skills built inside the public sector could be lost if eligible employees went to the private sector. She explained that the Workback program would allow an employee who had served their time in PERS to retire and receive their benefits and then return to work for a PERS-eligible employer. Mayor Rosener stated that the Workback program would be a benefit to the employee and the city because the city would not need to pay the 6% employer contribution. Councilor Mays commented that he was only in favor of using this program in extreme situations as he felt there was not a big enough benefit. Ms. McEvoy replied that the Workback program provided both a recruitment benefit and a retention benefit. She reported that at the end of 2024, 18 employees would have 20+ years of service and commented that this presented a risk to the level of skills and experience that the city could lose if those employees retired. She reported that 19% of the city’s workforce was over 55 years of age, 15 employees would be eligible to retire between now and December 2026, and 11 employees were currently eligible for early retirement. She outlined the benefits of the PERS Workback program within the Sherwood Police Department and explained that the program allowed for successful Career Cycle Planning (CCP) as well as the successful external recruitment of a highly experienced Police Captain. She stated that she proposed opening the program for citywide use. She explained that because the PERS Workback program was not offered citywide, the city had lost a highly skilled specialist employee who upon retirement began working for another public employer and Sherwood had been openly recruiting to fill the position for 18 months. Director McEvoy recapped the benefits of the program and explained that the city would not have to pay the 6% PERS contribution pickup, the program would encourage employees to proactively discuss their retirement plans, and it provided better CCP and time to mentor and transfer institutional knowledge. She stated that she recommended the citywide Workback program remain discretionary, it would only apply for situations where there was a specific need, and the policy would be extended for five years. Councilor Standke asked if someone coming back under the Workback program would be hired back at the base salary or their previous wages. Ms. McEvoy replied that that would likely depend on the situation and role the person was fulfilling. Councilor Giles asked if the city would be able to stipulate that someone utilizing the program would only be needed for a certain number of hours or timeframe. Ms. McEvoy replied that was an option because the program was discretionary, allowing the city to be able to negotiate terms that were beneficial to the city and discussion occurred. Councilor Standke asked if those coming back under the program were at-will employees and Ms. McEvoy replied that was correct. Mayor Rosener asked if Council wished to bring forward a resolution for a citywide PERS Workback program at a future Council meeting and Council indicated their approval. City Manager Pro Tem Sheldon stated that the PERS Workback program and the Leave Donation Policy would be brought to the next Council meeting.

Record note: Prior to the meeting, HR Director Lydia McEvoy provided Council with the draft PERS Retiree Workback policy (see record, Exhibit G).

5. ADJOURN:

Mayor Rosener adjourned the work session at 6:46 pm and convened a regular session.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 7:00 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Keith Mays, Dan Standke, Taylor Giles, and Renee Brouse. Councilor Doug Scott was absent.
3. **STAFF PRESENT:** City Manager Pro Tem Craig Sheldon, Assistant City Manager Kristen Switzer, IT Director Brad Crawford, Finance Director David Bodway, City Attorney Ryan Adams, Community Development Director Eric Rutledge, Police Captain Dan O'Loughlin, HR Director Lydia McEvoy, City Engineer Jason Waters, and City Recorder Sylvia Murphy.

4. **APPROVAL OF AGENDA:**

MOTION: FROM COUNCILOR BROUSE TO APPROVE THE AGENDA. SECONDED BY COUNCILOR MAYS. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Rosener addressed the next agenda item.

5. **CONSENT AGENDA:**

- A. **Approval of January 16, 2024 City Council Meeting Minutes**
- B. **Resolution 2024-004, Authorizing an Interfund Loan from the Community Investment Fund to the Sanitary Fund**

MOTION: FROM COUNCILOR YOUNG TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Rosener addressed the next agenda item.

6. **CITIZEN COMMENT:**

There were no citizen comments and Mayor Rosener addressed the next agenda item.

7. **NEW BUSINESS:**

- A. **Resolution 2024-005 Declaring support for the Washington County Justice System; a commitment to partner with the state and county in securing funding and build support; requesting the state fully fund court system**

Mayor Rosener explained that the purpose of the resolution was to provide a statement of support for the county and a message to Salem explaining that municipalities were in dire need of a well-funded justice system within Washington County. He reported that Washington County prosecuted more cases than Multnomah County but had 45% less judicial staff. He explained that Washington County was asking the state for more funding for more judicial officers as well as more facilities. Councilor Mays asked who built county courthouses and Mayor Rosener replied that county courthouses were built by the county and the state, and counties needed to apply for funding from the state to help cover construction costs. Councilor Standke asked what else the city was doing to help show support for the county. Mayor Rosener explained that this resolution would be forwarded to the county and the state's consideration at the short legislative

session. With no further discussion the following motion was made.

MOTION: FROM COUNCILOR MAYS TO APPROVE RESOLUTION 2024-005 DECLARING SUPPORT FOR THE WASHINGTON COUNTY JUSTICE SYSTEM; A COMMITMENT TO PARTNER WITH THE STATE AND COUNTY IN SECURING FUNDING AND BUILD SUPPORT; REQUESTING THE STATE FULLY FUND COURT SYSTEM. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Rosener addressed the next agenda item.

8. CITY MANAGER REPORT:

City Manager Pro Tem Craig Sheldon reported that a Budget Committee meeting would be held on February 7th where they would discuss the five-year forecast and funding for the construction of the Highway 99W pedestrian bridge. He reported that a pre-construction meeting for the pedestrian bridge would be held on February 15th. He spoke on the recent Council goal setting work session and reported that staff had begun drafting measurables and timelines, which would be presented in a March work session.

Mayor Rosener addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS:

Councilor Standke reported that he attended the most recent Planning Commission meeting where they discussed unbundled parking and commercial parking lots as a part of the state's Creating Climate-Friendly and Equitable Communities program. He reported that CASH Oregon offered free tax filing for Oregon residents who made under \$64,000 annually and urged residents to visit their website.

Councilor Mays reported that he had volunteered at the Sherwood Lunar New Year Festival and spoke on the event.

Councilor Giles reported that he attended the most recent Library Advisory Board meeting where they reviewed usage reports. He reported that SHELF had added an additional member to the board. He urged those interested in donating to SHELF to reach out for more information.

Councilor Brouse reported that the Senior Advisory Board would meet on February 14th where they would continue their work on making Sherwood an age-friendly city. She reported that she would attend the Water Consortium meeting. She reported she attended the Housing Advisory Committee meeting and spoke on affordable housing in Washington County.

Council President Young reported she attended the most recent CDBG meeting where they heard presentations from two applicants. She reported that she attended the most recent Commission on Transportation meeting where they heard a presentation on the STIP (State Transportation Improvement Program). She reported that she and several other Councilors attended the WEA legislative session. She reported on her attendance at the Sherwood Lunar New Year Festival.

Councilor Mays reported that a large section of SW Roy Rogers Road would be closed February 16th-18th for construction.

Mayor Rosener reported he attended the WEA legislative session. He reported he would moderate an

upcoming Metro Mayors' Consortium event. He reported that he was featured on KOIN's Mayor Monday segment. He reported that the police awards ceremony was held recently, and Police Captain O'Loughlin spoke on the event. Mayor Rosener reported that the legislative short session had begun on February 5th and spoke on state legislative sessions. He reported he would visit Washington D.C. in March to advocate for federal funding for Sherwood.

Council President Young reported she attended the police awards ceremony and spoke on the event.

Councilor Giles commented that he would like a larger venue for Sherwood's next Lunar New Year Festival event so more people could attend.

10. ADJOURN:

Mayor Rosener adjourned the regular session at 7:30 pm and convened an executive session.

EXECUTIVE SESSION

- 1. CALL TO ORDER:** The meeting was called to order at 8:06 pm.
- 2. COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Keith Mays, Dan Standke, Taylor Giles, and Renee Brouse. Councilor Doug Scott was absent.
- 3. STAFF PRESENT:** City Attorney Ryan Adams, City Manager Pro Tem Craig Sheldon, Assistant City Manager Kristen Switzer, Finance Director David Bodway, and HR Director Lydia McEvoy.
- 4. TOPICS:**
 - A. ORS 192.660(2)(d), Labor Negotiator Consultations and ORS 192.660(2)(i), Performance Evaluation**

5. ADJOURN:

The executive session was adjourned at 8:36 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Tim Rosener, Mayor

TO: Sherwood City Council

FROM: Lydia McEvoy, Human Resources Director
Through: Craig Sheldon, City Manager Pro Tem and Ryan Adams, City Attorney

SUBJECT: Resolution 2024-006, Authorizing Workback Policy for the City of Sherwood

Issue:

Should the City Council approve a Workback Policy for City of Sherwood employees?

Background:

Senate Bill 1049 (2019) simplifies the rules for “Work After Retirement.” Starting in 2020, there are no limitations on the number of hours most retirees can work for a PERS-participating employer and still receive their PERS pension benefit. These rules will now continue through December 31, 2034, based on House Bill (HB) 2296 (2023). This bill allows for employers to hire personnel who have retired in PERS to workback up to full time without PERS penalty.

In 2022, the City Council adopted Resolution 2022-068, authorizing the Workback Policy for the Sherwood Police Department. The program has been successful in the Police Department and staff recommends that the program be extended City-wide.

Hiring and retention are a high priority for the City of Sherwood. This program helps the City recruit and retain qualified and experienced personnel for a limited duration. Allowing City personnel to participate in the program will help keep adequate staffing levels while we continue to hire and fill open and expected vacancies.

The Workback Policy will be extended for a 5-year period and expanded to all city staff for difficult-to-fill positions, as determined and authorized by the City Manager.

The Workback Policy was presented and discussed at the February 6, 2024 City Council work session.

Financial Impact:

The City will save the employee’s 6% PERS contribution that is currently paid by the City.

Recommendation:

Staff respectfully recommends adoption of Resolution 2024-006, Authorizing Workback Policy for City of Sherwood.



RESOLUTION 2024-006

AUTHORIZING WORKBACK POLICY FOR THE CITY OF SHERWOOD

WHEREAS, Senate Bill 1049 and House Bill 2296 allow most employees to retire from the PERS system and work after retirement with no limitations on the number of hours worked and without penalty; and

WHEREAS, House Bill 2296 extended the program through December 31, 2034; and

WHEREAS, in 2022 the City Council adopted Resolution 2022-068 adopting a Workback Policy for the Sherwood Police Department thru December 31, 2024; and

WHEREAS, the Workback Policy has been successful in the Police Department and staff recommends that the program be extended City-wide; and

WHEREAS, the Workback Policy will help the City to retain and attract experienced employees and/or candidates in difficult-to-fill, highly specialized, key positions within the City; and

WHEREAS, the Workback Policy is further intended to help the City address the unfunded liability in the PERS system by redirecting PERS contributions as described in SB 1049 (2019); and

WHEREAS, the Workback Policy will be extended for a 5 year period and expanded to all city staff for, difficult-to-fill positions, as determined and authorized by the City Manager.

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

Section 1. The City Council approves the Workback Policy attached hereto as Exhibit A.

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

Duly passed by the City Council this 20th of February, 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder



Administrative Policy

Originating Department: Office of the City Manager and Human Resources

Policy Title: PERS Retiree Workback

Effective Date: February 20, 2024

Policy Statement: The purpose of this policy is to assist the City in addressing an anticipated increase in retirements by helping the City retain and attract experienced employees and candidates. This policy is further intended to help the City address the unfunded liability in the PERS system by redirecting PERS contributions as described in SB 1049 (2019) and HB 2296 (2023).

Eligibility: The policy applies to all employees of the City of Sherwood, including employees represented employees subject to mutually agreeable memorandums of understanding entered into between the City and their respective unions, as well as any other PERS Retiree who is receiving a service retirement benefit under Tier One/Tier Two or the Oregon Public Service Retirement Plan (OPSRP), or who has elected to retire without a PERS service retirement benefit may be employed by the City subject to the provisions outlined below.

Guidelines - Scope:

1. PERS Retirees may be employed in a regular, temporary, seasonal or on-call employment assignment.
2. PERS Retirees employed in a represented position will be subject to mutually agreeable memorandums of understanding, entered into between the City and their respective union, setting forth the terms and conditions of their employment.
3. The terms and conditions of the employment of a PERS retiree must be approved by the City Manager after consulting with Human Resources prior to the employment of the retiree. The City Manager shall determine whether it is in the public interest to employ the PERS Retiree because of the person's knowledge, skills and abilities.
4. The employment assignment of a PERS Retiree may be to a classification which they previously held in career status or to another classification provided the Retiree is qualified for the classification. PERS Retirees who have never worked for the City previously, must participate in a competitive recruitment process.
5. Oregon statutes may impose certain restrictions on the employment of a person receiving PERS and/or OPSRP retirement benefits. The employee is responsible for complying with any statutory and taxation requirements. The City of Sherwood is not responsible for the impact upon the retirement benefits of a PERS or OPSRP Retiree resulting from their employment with the City.
6. PERS Retirees may continue their employment, subject to any statutory limitations, for as long as the City determines their services are needed or until the sunset date of SB 1049. PERS Retirees are at-will employees whose length of employment is at the sole discretion of the City.
7. PERS Retirees may be appointed into their position or classification they most recently held provided the break in service is no longer than thirty (30) Days. If the break in service is longer than thirty (30) days then the City Manager may determine whether it is in the public interest to still employ the PERS Retiree in their most recently held position or classification, but that decision is solely at the discretion of the City.
8. PERS Retirees who have never been employed by the City or were previously employed by the City, but are requesting consideration for employment in positions other than the position or classification they most recently held, may apply and compete for those positions through a competitive recruitment process.

9. PERS Retirees who retire from PERS and return to work at the City of Sherwood, without having to apply through a regular hiring process do not have recall, seniority, bumping rights, or any rights derived through any previous employment contract or applicable collective bargaining agreement, except as required by state and federal law.
10. PERS Retirees are entitled to receive health insurance in accordance with state and federal law.
11. PERS Retirees are entitled to receive medical leave, sick leave, family leave and other leave in accordance with state and federal law.

Periodic Review:

This policy shall sunset on December 31, 2029 or be reviewed by the City Council, should provisions extend by SB 1049 as needed, and updated as necessary. The City Council may modify or revoke this policy at its discretion

Review and Authorization:

City Manager

Date

Revision #	City Manager Signature	Date	Nature of Revision
1			
2			
3			

TO: Sherwood City Council

FROM: Lydia McEvoy, Human Resources Director

Through: Craig Sheldon, City Manager Pro Tem and Ryan Adams, City Attorney

SUBJECT: Resolution 2024-007, Authorizing Leave Donation Policy for the City of Sherwood

Issue:

Should the City of Sherwood establish a Leave Donation Policy?

Background:

The City of Sherwood does not currently have a policy allowing employees to donate leave to other staff members who have exhausted their Paid Leave options and are experiencing a medical emergency under the definitions of OFLA/FMLA or the Bereavement of a qualifying family member.

This resolution would establish a voluntary program and policy that would allow employees with qualifying circumstances to request leave donations. On a voluntary basis, employees would be able to donate PTO hours to a leave donation bank, administered by the Human Resources Department. The donated PTO hours will be converted to Sick leave hours for recipient employees. This policy helps avoid financial hardship to our employees when they are in a time of need.

The leave donation program was presented and discussed at the February 6, 2024 City Council work session.

Financial Impact:

This policy proposes to only allow donation of PTO hours without regard to the dollar value of the donated or used leave. These are hours that the donating employee would have been paid if they had taken them as PTO. Given the exceptional nature of the circumstances a recipient employee must be experiencing, the expected number of recipient employees is anticipated to be low. Due to this the financial impacts of the policy to the City is minimal and no budgetary changes are recommended.

Recommendation:

Staff respectfully recommends adoption of Resolution 2024-007, Authorizing a Leave Donation Policy for the City of Sherwood.



RESOLUTION 2024-007

AUTHORIZING LEAVE DONATION POLICY FOR THE CITY OF SHERWOOD

WHEREAS, Resolution 2018-077 established a one-year trial Leave Donation Program; and

WHEREAS, the City desires to reinstate the program to benefit employees in the event they or their family members experience a medical emergency and/or serious health issue; and

WHEREAS, the program will allow employees with qualifying circumstances, who may have exhausted all paid leave options to request leave donations; and

WHEREAS, employees, on a voluntary basis, may donate leave from their accrued PTO.

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

Section 1. The City Council hereby authorizes the City Manager Pro Tem to sign and implement the City of Sherwood Leave Donation Policy attached hereto as Exhibit A.

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

Duly passed by the City Council this 20th of February, 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder



LEAVE DONATION POLICY

The City of Sherwood recognizes that employees or an employee's eligible family member (Parent, Spouse or child) may experience a Medical Emergency resulting in the need for additional time off in excess of their available accrued paid leave.

A "Medical Emergency" is defined as a medical condition that requires the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available.

To address this need, eligible employees may donate accrued PTO hours from their unused balance to their co-workers in need of additional paid time off, in accordance with the policy outlined below. This policy is strictly voluntary.

Donated leave shall not be used to extend employment beyond the point that would otherwise end by operation of any law, rule, policy or regulation.

Guidelines

Eligibility

Employees may request to receive donated leave from their co-workers if the employee, or an immediate family member, experiences a medical condition that requires the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined as a spouse, child, or parent. Employees who have experienced the death of a spouse, child or parent, may also request donated leave.

To qualify for donated leave, the employee must:

- (1) Have worked for City of Sherwood for not less than six months prior to the Medical Emergency, or have been employed by the City of Sherwood for no less than 30 days prior to the death of a spouse, child, or parent, in a benefit-eligible position;
- (2) Meet the eligibility requirements of the Family Medical Leave Act (FMLA) and/or the Oregon Family Leave Act (OFLA) for a medical emergency;
- (3) Have no more than 40 hours of unused PTO, Sick, Admin or Comp time accumulated;

- (4) Have exhausted Paid Leave Oregon (PLO) benefits;
- (5) Reasonably demonstrate that all accrued leave will be exhausted;
- (6) Not be receiving, or eligible to receive, long-term/short-term disability benefits or any other supplemental income*

** If eligible, an employee must apply for the City of Sherwood's short-term and/or long-term disability benefits.*

Employees may receive no more than 240 hours of donated leave within a 12 -month period. Donated leave will not be granted or used to extend employment beyond the point that it would otherwise end by operation of law, rule, policy, or regulation.

Leave Requests

Employees requesting donated leave must complete a Donated Leave Request Form and submit it to Human Resources.

Employees seeking donated leave may be required to provide the City of Sherwood with medical certification that reasonably substantiates the request.

A request for donated leave is not approved until it is reviewed and a recommendation has been provided to the City Manager by Human Resources, and the employee's Department Director. The City Manager or their designee shall, in their discretion, provide final approval.

Leave Donations

Employees may voluntarily donate hours of PTO for contribution to a Donated Leave Bank administered by the HR Department. No other type of leave may be donated:

- The donor may not donate more than 40 hours of leave per in a 12-month period, unless permission for larger donated amounts is granted by the City Manager or their designee;
- Donations must be in increments of whole hours;
- The donation of leave is on an hourly basis, without regard to the dollar value of the donated or used leave;
- Employees cannot borrow against future leave to donate;
- Donors must complete and sign a Leave Donation Form containing a declaration that the donation is intended as a gift and has been given freely and voluntarily without coercion, compensation or for other consideration;
- The donation must be made irrevocably, with the understanding that the donated leave is lost to the donor forever for all purposes including, but not limited to, use for paid time off, payoff upon termination, and retirement credit.

TO: Sherwood City Council

FROM: Jason Waters, P.E., City Engineer
Through: Craig Sheldon, City Manager Pro Tem and Ryan Adams, City Attorney

SUBJECT: **Resolution 2024-008, Authorizing the City Manager Pro Tem to Sign a Contract Amendment with WSP USA Environmental & Infrastructure, Inc. for the Tannery Site Cleanup Project**

Issue:

Should the City Council authorize the City Manager Pro Tem to sign a contract amendment with WSP USA Environmental and Infrastructure, Inc. for the Tannery Site Cleanup Project.

Background:

In August 2023, City staff issued a formal Request for Proposal (RFP) in the Oregon Daily Journal of Commercer (DJC) seeking a consultant to perform Qualified Environmental Professional (QEP) services and effectively manage the entire Tannery Site Cleanup project from start to finish through monitoring periods to final closeout and turnover, specifically to apply for cleanup grants & other special funding opportunities to fill the remaining fund gap required to move the Tannery Site Cleanup project forward in a manner envisioned by the City Council, which includes a concurrent effort to obtain land- use approval for a future public works facility, and assuming the initial site plan is approved, to incorporate w/ the site cleanup efforts the public improvements, stormwater management facilities (or payment of in-lieu-fees to the planned regional facility project), environmental enhancement & mitigation, and other infrastructure required in the conditions-of-approval for the initial site plan and leave the site as pre-developed as possible, preferably only needing to pull building permits, obtain an industrial discharge permit, and pay associated development fees associated with a new Public Works Facility building and yard.

On September 12th, 2023, the City received proposals from two (2) very qualified consultants, Stantec and WSP USA Environmental & Infrastructure, Inc. (WSP) and after independent review & evaluation of the proposals by the City's selection committee, the proposal submitted by WSP was ranked the highest and recommended for award. Concurrently with the RFP process, the City was acquiring ownership of the properties and beginning the application process for a \$5M EPA Brownfields Cleanup Grant, which is very involved and EPA highly recommends bringing on a QEP consultant to help with the process.

With time being of the essence and the grant application due on November 13th, 2023, the City executed a Direct Appointment contract with WSP for the first phase of the project. City staff and WSP then worked diligently to apply through the grants.gov portal for the \$5M EPA grant, and City staff was notified by EPA staff that the City's application was accepted, deemed complete, and is currently under review by the EPA's selection committee with awards set to be announced in May 2024.

With the first phase of the project completed and the EPA grant applied for, City staff recommends continuing forward with the remaining work outlined in the RFP, since the project will require substantial efforts to obtain the environmental permits, revise floodplain maps, obtain DEQ cleanup permits, and more and take approximately 2 years to obtain the necessary permits and produce bid documents plus another 1-1.5 years to complete the cleanup project; it's in the public's best interest to begin this work now including evaluation of alternative funding sources (other grants, forgivable loans, etc.) that can be evaluated during the City budgeting process should the City not be awarded the \$5M EPA cleanup grant in May. WSP has developed a Scope of Work and associated remaining Fee of \$680,900.00 to complete the remaining services requested in the original RFP and staff recommends pre-authorizing an additional \$100,000 contingency fund for unforeseen conditions & issues encountered over the anticipate 3.5+ year project duration. This is a time-and-materials contract with a not-to-exceed fee amount that can be terminated at any during the project should funding become an issue for the cleanup project.

Due to the complexity of this project, specifically with the EPA grant, pending environmental permits and future development intentions, the Tannery Site Cleanup project is being delivered by the City of Sherwood with significant contribution from Sherwood Urban Renewal Agency (URA) funds and other funding sources outlined in the adopted City and URA budgets as supplemented in current and subsequent years. This project will span the current and pending three fiscal years with additional support likely from Business Oregon in the form of Technical Assistance grants up to \$65,000 and other sources. Note: the City of Sherwood is the named fee simple owner of the three (3) properties of interest.

Financial Impact:

FY 23-24 (expended to-date, phase 1 work, completed) = \$100,000 in URA funds through January 31, 2024

FY 23-24 (grant writing, portion of prelim. design) = \$100,900 from February 1, 2024 to June 30, 2025

FY 24-25 (preliminary design, land-use planning, final design) = \$240,000 from July 1, 2024 to June 30, 2025

FY 25-26 (final design, obtain permits, bid, start construction) = \$225,000 from July 1, 2025 to June 30, 2026

FY 26-27 (complete construction, start site monitoring) = \$160,000 from July 1, 2026 to June 30, 2027

FY 27-28 (complete site monitoring; closeout report) = \$55,000 from July 1, 2027 to June 30, 2028

Total authorized budgeted expenditures = \$780,900.00 (includes \$100,000 contingency amount) from February 1, 2024 to June 30, 2028.

There are no other financial impacts known at this time and all expenditures will be accounted for in the adopted City and Agency budgets over the aforementioned time-period.

Recommendation:

Staff respectfully recommends adoption of Resolution 2024-008, authorizing the City Manager Pro Tem to sign a contract amendment with WSP USA Environmental & Infrastructure, Inc. for the Tannery Site Cleanup Project.



RESOLUTION 2024-008

AUTHORIZING THE CITY MANAGER PRO TEM TO SIGN A CONTRACT AMENDMENT WITH WSP USA ENVIRONMENTAL & INFRASTRUCTURE, INC. FOR THE TANNERY SITE CLEANUP PROJECT

WHEREAS, the Tannery Site Cleanup Project is a top priority for the City with the City recently submitting a \$5M EPA Brownfields Cleanup Grant Application with awards to be announced in May 2024; and

WHEREAS, a formal Request for Proposals (RFP) was advertised in the Oregon DJC on August 18th and August 21st of 2023 seeking a firm to perform Qualified Environmental Professional (QEP) services required to deliver bid documents, construction permits, and environmental permits to complete the cleanup project; and

WHEREAS, two (2) proposals were received from Stantec and WSP USA Environmental & Infrastructure, Inc. (WSP) and WSP's proposal scored highest after independent review & evaluation of the proposals by the City's evaluation committee; and

WHEREAS, the City entered into a Direct Appointment (<\$100k) contract with WSP in October 2023 for the first phase of the project which included assisting City staff with the \$5M EPA grant application, preparing preliminary design plans, and pursuing alternate funding sources to the EPA grant; and

WHEREAS, the first phase of the project has been completed and the City would like to continue with the remaining work in preparation for potential EPA funds and refine cost estimates for the FY 24-25 CIP Plan set to be adopted in May; and

WHEREAS, WSP has developed a Scope of Work and associated remaining Fee of \$680,900.00 to complete the remaining services requested in the original RFP; and

WHEREAS, staff recommends a Contingency Amount of \$100,000.00 (14.7% of the Professional Services Contract amount) to handle unforeseen conditions and issues encountered over the next 3.5 years; and

WHEREAS, the total amount authorized by this resolution is \$780,900.00 to be expended over the current and subsequent three fiscal years and beyond for site monitoring.

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

Section 1. The City Manager Pro Tem is hereby authorized to sign a Contract Amendment with WSP USA Environmental & Infrastructure, Inc. for the Tannery Site Cleanup Project with a Scope of Work in a form substantially similar to the attached Exhibit A.

Section 2. The Contract Amendment shall be in the amount of \$680,900.00, in conformance with a Fee Schedule in a form substantially similar to the attached Exhibit B.

Section 3. The City's Contract Administrator is authorized to amend the contract amount by up to \$100,000.00 for unforeseen conditions needed to complete the design, obtain necessary permits, and prepare bid documents for the cleanup project.

Section 4. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 20th of February 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

February 9, 2024
361m130823

Mr. Jason Waters
City of Sherwood
22580 SW Pine Street
Sherwood, Oregon 97140

Subject: Proposal for Continued Environmental Consulting Services to Support Cleanup of Former Frontier Leather Tannery Property, Oregon Street, Sherwood, Oregon

Dear Mr. Waters:

WSP USA Environment & Infrastructure Inc. (WSP) is pleased to provide this proposal to the City of Sherwood, Oregon (City) for professional services at the former Frontier Leather Tannery Property. The property consists of three vacant tax lots located along Oregon Street (Tax Lots 2S129D000600, 2S129D000602, and 2S128C000400), hereinafter referred to as the "Site." Our proposed services generally follow the proposed approach presented in our response to the City's RFP #23-05, dated September 21, 2023.

BACKGROUND

The Site consists of the former Frontier Leather Tannery Property which is currently owned by Washington County, Oregon. It is approximately 32 acres in size and is in an industrially zoned area of Sherwood, Oregon. The Site was historically part of a large tannery operation that existed from the late 1940s through the early 1990s. Portions of the Site previously were used for landfilling of hide-splits (the non-valued part of the hide) and for processing various tannery wastes. The Site is currently receiving oversight by the Oregon Department of Environmental Quality (DEQ), with Mark Pugh serving as the DEQ project manager (PM). The Site contains wetland areas and is identified as part of the Rock Creek Unit of the Tualatin River National Wildlife Refuge. Rock Creek flows northerly through Tax Lot 2S128C000400 and the northeast tip of Tax Lot 2S129D000600.

WSP recently updated the wetland boundary map, and Division of State Lands (DSL) has provided concurrence. WSP also is currently providing grant-writing assistance and has initiated preliminary design.

SCOPE OF WORK

Our proposed Scope of Work (SOW) is in accordance with our original proposal dated September 21, 2023, and existing contract. A summary of the main tasks is described below.

TASK 1 – GRANT WRITING AND TECHNICAL ASSISTANCE; PLAN DEVELOPMENT

WSP and our supporting team member Haley & Aldrich [H&A] will continue to provide grant writing and technical assistance as needed. WSP will set up a pre-application meeting with DSL and United States Army Corps of Engineers (USACE) to discuss upcoming remediation and restoration activities. WSP will correspond with DEQ and the United States Environmental Protection Agency (EPA) and prepare memoranda, as appropriate.

TASK 2 - PRELIMINARY DESIGN; STAKEHOLDER ENGAGEMENT; DEQ CORRESPONDENCE

WSP will complete a 30% design remediation and cleanup plan based on the Analysis of Brownfields Alternatives (ABCA) and discussions with DSL, USACE, and DEQ (Task 1 above). WSP will prepare a Project Permitting Plan identifying all project permits, including City permits, land use review, and expected timelines. WSP will confirm with each agency on the requirements through pre-application meetings and consultations. WSP will provide a geotechnical memorandum based on existing geotechnical data regarding the feasibility of the proposed development. The memorandum will discuss likely foundation types and methods for subgrade preparation and identify any data gaps requiring further subsurface investigation in support of final design (to be completed as part of Task 4 below).

WSP will support the City in public engagement. This will include preparing materials for and attending public meetings to be held at appropriate milestones of the cleanup project. WSP also will prepare a presentation/work session for City elected officials where overall project and grant strategy will be discussed.

TASK 3 - LAND USE PLANNING FOR PROPERTY LINE ADJUSTMENT; SURVEYING

WSP and the project team will refine the planning documents (from Task 2 above) to address City and agency comments, including permit related feedback. Plan documents will be advanced to 60% design. Plan documents will include:

- Site Plan
- Lot Consolidation Plan for the three taxlots
- Cleanup Plan & Details (Remedial Action Plan)
- Mass Grading Plan
- Erosion Control Plans
- Site Utility Plans to serve the proposed Public Works Facility
- Public roadway
- Storm Drainage
- Restoration Plans

TASK 4 - FINAL DESIGN; REMEDIAL ACTION PLAN; PERMITS; BID DOCUMENTS

WSP and the project team will prepare final stamped construction drawings for both the remedial design cleanup and the mass grading, which will include site utility stub outs for future Public Works Facility development. 1200-C and CWS ESCP permit plans and project permit drawings will be prepared for the application submittals. The project team will also prepare project bid documents, specifications, and final cost estimates.

TASK 5 - CONSTRUCTION MANAGEMENT; REMEDIATION PLAN MANAGEMENT

WSP and the project team will act as the owner's representative during all phases of construction. Our anticipated SOW includes assisting the selected contractor in general management and environmental documentation, closure/confirmation (leave surface) sampling, remediation construction management and field documentation, 1200-C inspections, archaeological monitoring, subgrade excavation monitoring and special inspection as required, and communications with DEQ and other regulatory agencies.

TASK 6 - SITE MONITORING; CLOSEOUT REPORT

WSP will monitor all aspects of the Site, as appropriate, through the completion of the project. This includes preparing progress reports to DEQ and preparing a request for a no-further-action (NFA) finding after cleanup requirements have been fulfilled.

BUDGET AND SCHEDULE

The SOW will be completed for an estimated fee (time and materials) pursuant to our original proposal of September 21, 2023, and estimated fee of \$780,900. Of the original proposed amount, \$100,000 was previously authorized and appropriated to Tasks 1 and 2 (effective date of October 18, 2023). WSP's budget request herein is therefore for the remaining estimated balance of **\$680,900**, as detailed below. Amounts in the table below are based on the detailed cost breakdown spreadsheet (attached). Individual task amounts are expected to vary, but the total authorized amount will not be exceeded.

A description of the scope and associated estimated costs is provided in the table below.

Task	Description	Amount
Task 1	Follow-on Grant Writing and Technical Assistance; Plan Development	\$ 43,538.00
Task 2	Preliminary Design; Ongoing Stakeholder Engagement; DEQ Correspondence	\$171,871.00
Task 3	Land Use Planning for Property Line Adjustment; Surveying	\$ 63,915.00
Task 4	Final Design; Remedial Action Plan; Permits; Bid Documents	\$189,710.00
Task 5	Construction Management; Remediation Plan Management	\$158,224.00
Task 6	Site Monitoring; Closeout Report	\$ 53,642.00
Total (Tasks 1 through 6)		\$680,900.00

WSP anticipates the SOW covered by this proposal to extend through October 2027. No work will be performed outside this SOW without written authorization. If special circumstances or delays (not attributed to WSP or its subcontractors) are encountered, the City will be notified immediately; any perceived change orders will be communicated as quickly as practicable.

The estimated average monthly expenditures over the next 26 months (through April 2026 and prior to initiation of construction) are expected to be on the order of about \$10,000 to \$30,000 per month (higher expenditure months will be when subcontractor PACE is performing survey work).

ASSUMPTIONS

- The City will obtain/authorize required property access.
- City will provide a venue (i.e., City Hall) for in-person public outreach events.
- Permitting fees will be paid directly by the City.
- Staff identified on the attached spreadsheet are for tentative planning purposes, and subject to change. If a key staff member becomes unavailable to work on a particular task, WSP will consult with the City regarding a mutually acceptable replacement.
- Per the City's RFP #23-05, the proposed labor rates in the attached spreadsheet are valid for a period of two years and may be renegotiated (i.e. to reflect changes to the CPI) after that time.

LIMITATIONS

1. This proposal was prepared exclusively for the City by WSP. The quality of information, conclusions, and estimates contained herein is consistent with the level of effort involved in WSP services and based on: i) information available at the time of preparation, ii) data supplied by outside sources, and iii) the assumptions, conditions, and qualifications set forth in this proposal.

2. Our reports will be prepared for the exclusive use of the City and will be intended to document conditions at the Site at the time(s) of the Site visit(s). Any use which a third party might make of the reports, or any reliance on or decisions that may be made based on it, will be the responsibility of the third party. Should additional parties require reliance on our reports, written authorization from WSP will be required. With respect to third parties, WSP will have no liability or responsibility for losses of any kind whatsoever, including direct or consequential financial effects on transactions or property values, or requirements for follow-up actions and costs.
3. In evaluating and preparing documents pertaining to the Site, WSP will be relying in good faith on information provided by other individuals. WSP will assume that the information provided is factual and accurate. In addition, the findings in our reports will be based, to a large degree, upon information provided by the current owner/occupant. WSP accepts no responsibility for any deficiency, misstatement, or inaccuracy contained in reports as a result of omissions, misinterpretations, or fraudulent acts of persons interviewed or contacted.

WSP will make no other representations whatsoever, including those concerning the legal significance of its findings. With respect to regulatory compliance issues, regulatory statutes are subject to interpretation and change. Such interpretations and regulatory changes should be reviewed with legal counsel.

This proposal is intended to be used by the City for the former Frontier Leather Tannery property, located in Sherwood, Oregon, only, subject to the terms and conditions of its contract with WSP. Any other use of, or reliance on, this report by any third party is at that party's sole risk.

CLOSING

We appreciate the opportunity to work with you on this project. Please feel free to contact John Kuiper at 503-704-7793 if you have any questions or require additional information.

WSP USA Environment & Infrastructure Inc.



John Kuiper, RG
Principal Geologist; Vice president

Reviewed by:



Christy Duitman, RG
Vice President

Attachment: Estimated Fee Table

Estimated Cost - Sherwood Tannery Site				Task 1 - Follow-on Grant Writing and Technical Assistance; Plan Development		Task 2 - Preliminary Design; Ongoing Stakeholder Engagement; DEQ Correspondence		Task 3 - Land Use Planning for Property Line Adjustment; Surveying.		Task 4 - Final Design; Remedial Action Plan; Permits; Bid Documents		Task 5 - Construction Management; Remediation Plan Management.		Task 6 - Site Monitoring; Closeout Report	
DIRECT LABOR		CODE	RATE	HOURS	TOTAL \$	HOURS	TOTAL \$	HOURS	TOTAL \$	HOURS	TOTAL \$	HOURS	TOTAL \$	HOURS	TOTAL \$
Principal Geologist	Christy Duitman	626	\$195.00		\$0.00	2.00	\$390.00		\$0.00	5.00	\$975.00	5.00	\$975.00	2.00	\$390.00
CIH	Mike Smith	627	\$195.00		\$0.00		\$0.00		\$0.00	4.00	\$780.00	5.00	\$975.00		\$0.00
Sr. Geotechnical Engineer	Jason Cox	627	\$195.00		\$0.00	10.00	\$1,950.00		\$0.00	12.00	\$2,340.00	20.00	\$3,900.00		\$0.00
Sr. Associate - Stormwater Engineer	Dan Schall	626	\$195.00	5.00	\$975.00	50.00	\$9,750.00	40.00	\$7,800.00	150.00	\$29,250.00	100.00	\$19,500.00	40.00	\$7,800.00
Principal - Engineer & Water Rights Examiner	Seth Jelen	625	\$195.00		\$0.00		\$0.00		\$0.00	20.00	\$3,900.00		\$0.00		\$0.00
Sr. Wetland Scientist (PWS)	Dan Gunderson (PWS)	625	\$195.00		\$0.00	20.00	\$3,900.00	20.00	\$3,900.00	20.00	\$3,900.00	25.00	\$4,875.00		\$0.00
Principal Geologist & Project Manager	John Kuiper	626	\$195.00	35.00	\$6,825.00	30.00	\$5,850.00	30.00	\$5,850.00	80.00	\$15,600.00	40.00	\$7,800.00	120.00	\$23,400.00
Grant Specialist	Alfonzo Hernandez	629	\$195.00	5.00	\$975.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
Associate - GIS Analyst	Patrick McCarthy	619	\$167.19		\$0.00	35.00	\$5,851.65	20.00	\$3,343.80	75.00	\$12,539.25		\$0.00	10.00	\$1,671.90
Industrial Hygienist	Lynda Winter	618	\$167.19		\$0.00		\$0.00		\$0.00	5.00	\$835.95		\$0.00		\$0.00
Senior 1 - Civil Engineer	Tyler Marley	619	\$186.26		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
Senior 1 - Wetland Scientist	Ingrid Larsson	616	\$167.19		\$0.00	30.00	\$5,015.70	15.00	\$2,507.85	100.00	\$16,719.00	75.00	\$12,539.25	25.00	\$4,179.75
Senior 2 - Analyst	Brian Johnson	617	\$167.19		\$0.00		\$0.00		\$0.00	10.00	\$1,671.90		\$0.00		\$0.00
Senior 1 - Chemist	Marie Bevier	617	\$133.14		\$0.00	10.00	\$1,331.40		\$0.00	20.00	\$2,662.80		\$0.00		\$0.00
Technical Professional 3 - GIS & Drafting	Stephane Descombes	616	\$167.00	5.00	\$835.00	5.00	\$835.00	20.00	\$3,340.00	30.00	\$5,010.00	10.00	\$1,670.00	10.00	\$1,670.00
Technical Professional 3 - Civil	Matthew Brown	616	\$122.70		\$0.00		\$0.00	30.00	\$3,681.00	50.00	\$6,135.00	100.00	\$12,270.00	10.00	\$1,227.00
Senior Scientist	Heather Grosak	622	\$167.19		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
Technical Professional 2 - Civil	Joanne Chen	614	\$97.76		\$0.00	40.00	\$3,910.40		\$0.00	40.00	\$3,910.40		\$0.00		\$0.00
Technical Professional 2 - Environmental	Grace Graner	612	\$97.94		\$0.00		\$0.00		\$0.00		\$0.00	150.00	\$14,691.00		\$0.00
Technical Professional 1 - Environmental	Dan Duran	612	\$85.12		\$0.00		\$0.00		\$0.00		\$0.00	180.00	\$15,321.60		\$0.00
Technical Professional 1 - Environmental	Bryar Jensen	614	\$97.76		\$0.00		\$0.00	15.00	\$1,466.40		\$0.00	100.00	\$9,776.00		\$0.00
Technician - Environmental	Jason Gardner	519	\$103.21		\$0.00		\$0.00		\$0.00		\$0.00	65.00	\$6,708.65		\$0.00
Administration - Procurement	Rosalinda Gonzales	809	\$95.64	5.00	\$478.20	5.00	\$478.20	3.00	\$286.92	5.00	\$478.20	5.00	\$478.20		\$0.00
Administration - Word Processor	Alanna Yellowbear	809	\$95.64	4.00	\$382.56	5.00	\$478.20	3.00	\$286.92	30.00	\$2,869.20	5.00	\$478.20	20.00	\$1,912.80
Subtotal Labor				59.00	\$10,470.76	242.00	\$39,740.55	196.00	\$32,462.89	656.00	\$109,576.70	885.00	\$111,957.90	237.00	\$42,251.45
Office Overhead Charge (included in above rates)		0% of Labor													
Labor Total					\$10,470.76		\$39,740.55		\$32,462.89		\$109,576.70		\$111,957.90		\$42,251.45

EXPENSES		UNITS	UNIT COST	QUAN.	TOTAL \$	QUAN.	TOTAL \$	QUAN.	TOTAL \$	QUAN.	TOTAL \$	QUAN.	TOTAL \$	QUAN.	TOTAL \$
Car rental		day rental	\$60.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
Mileage		each	\$0.625	50.00	\$31.25	150.00	\$93.75	100.00	\$62.50	198.00	\$123.75	800.00	\$500.00	200.00	\$125.00
EDR		Per Copy	\$400.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
Photocopies		Per Copy	\$1.50	20.00	\$30.00	50.00	\$75.00	20.00	\$30.00	100.00	\$150.00	20.00	\$30.00	20.00	\$30.00
Driller / Excavator		Cost Plus	\$15,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	1.00	\$15,000.00	0.00	\$0.00	0.00	\$0.00
Utility Locate Contractor		Cost Plus	\$4,000.00	0.00	\$0.00	1.00	\$4,000.00	0.00	\$0.00	1.00	\$4,000.00	0.00	\$0.00	0.00	\$0.00
Analytical Laboratory		Cost Plus			\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
VOCs (groundwater)		Cost Plus	\$160.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	5.00	\$800.00	8.00	\$1,280.00	0.00	\$0.00
TPH-Dx (soil and groundwater)		Cost Plus	\$70.00	0.00	\$0.00	20.00	\$1,400.00	0.00	\$0.00	5.00	\$350.00	8.00	\$560.00	0.00	\$0.00
TPH-Gx (soil and groundwater)		Cost Plus	\$55.00	0.00	\$0.00	20.00	\$1,100.00	0.00	\$0.00	5.00	\$275.00	8.00	\$440.00	0.00	\$0.00
Metals (RCRA 8) (soil and groundwater)		Cost Plus	\$95.00	0.00	\$0.00	100.00	\$9,500.00	0.00	\$0.00	5.00	\$475.00	100.00	\$9,500.00	0.00	\$0.00
Subconsultant (Haley & Aldrich)		Cost Plus	\$1.00	30000.00	\$30,000.00	29500.00	\$29,500.00	0.00	\$0.00	4000.00	\$4,000.00	0.00	\$0.00	5000.00	\$5,000.00
Subconsultant (Kittelson & Associates)		Cost Plus	\$1.00	0.00	\$0.00	20000.00	\$20,000.00	2500.00	\$2,500.00	5000.00	\$5,000.00	2500.00	\$2,500.00	0.00	\$0.00
Subconsultant (PACE)		Cost Plus	\$1.00	0.00	\$0.00	54300.00	\$54,300.00	26000.00	\$26,000.00	42000.00	\$42,000.00	23000.00	\$23,000.00	5000.00	\$5,000.00
Equipment Purchase & Rentals		Cost Plus	\$100.00	0.00	\$0.00	1.00	\$100.00	0.00	\$0.00	5.00	\$500.00	30.00	\$3,000.00	0.00	\$0.00
Environmental Supplies (Misc.)		Cost Plus	\$25.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	5.00	\$125.00	30.00	\$750.00	0.00	\$0.00
Investigation Derived Waste (IDW) disposal		Cost Plus	\$250.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
Postage / UPS/Courier		Cost Plus	\$50.00	0.00	\$0.00	1.00	\$50.00	0.00	\$0.00	1.00	\$50.00	10.00	\$500.00	4.00	\$200.00
Subtotal Expenses					\$30,061.25		\$120,118.75		\$28,592.50		\$72,848.75		\$42,060.00		\$10,355.00
Mark up - subcontractors, vendors, supplies			10%		\$3,006.13		\$12,011.88		\$2,859.25		\$7,284.88		\$4,206.00		\$1,035.50
Expenses Total					\$33,067.38		\$132,130.63		\$31,451.75		\$80,133.63		\$46,266.00		\$11,390.50

Task Total	\$43,538.14	Task Total	\$171,871.18	Task Total	\$63,914.64	Task Total	\$189,710.33	Task Total	\$158,223.90	Task Total	\$53,641.95
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Totals

	Task 1 - Follow-on Grant Writing and Technical Assistance; Plan Development
\$43,538	
\$171,871	Task 2 - Preliminary Design; Ongoing Stakeholder Engagement; DEQ Correspondence
\$63,915	Task 3 - Land Use Planning for Property Line Adjustment; Surveying.
\$0	Task 4 - Final Design; Remedial Action Plan; Permits; Bid Documents
\$0	Task 5 - Construction Management; Remediation Plan Management.
\$53,642	Task 6 - Site Monitoring; Closeout Report

Total Estimate:

\$680,900.13

TO: Sherwood City Council

FROM: Craig Sheldon, City Manager Pro Tem

Through: Tim Rosener, Mayor and Ryan Adams, City Attorney

SUBJECT: **Resolution 2024-009, Declaring support for a Comprehensive Approach to Addressing Oregon's Addiction and Community Livability Crisis**

Issue:

Should the city adopt a resolution declaring support for a Comprehensive Approach to Addressing Oregon's Addiction and Community Livability Crisis?

Background:

Mayor Rosener along with leadership of other Oregon communities received the attached defining policy proposals to a comprehensive approach to addressing addiction and the community livability crisis centered around Ballot Measure 110. See attached document from the Oregon League of Oregon Cities (LOC), with support from the Oregon District Attorneys Association, Oregon Association of Chiefs of Police and Oregon State Sheriffs' Association. The comprehensive approach outlines eleven (11) Policy Proposals.

Financial Impacts:

There are no currently known financial impacts with the adoption of this resolution.

Recommendation:

Staff respectfully recommends City Council adoption of Resolution 2024-009, Declaring support for a Comprehensive Approach to Addressing Oregon's Addiction and Community Livability Crisis.



RESOLUTION 2024-009

DECLARING SUPPORT FOR A COMPREHENSIVE APPROACH TO ADDRESSING OREGON'S ADDICTION AND COMMUNITY LIVABILITY CRISIS

WHEREAS, our Public Safety Partners believe that Oregon Ballot Measure 110 failed to recognize that drug addiction is both a public health and public safety crisis; and

WHEREAS, the crisis requires solutions in both areas and requires new tools and a significant allocation of resources along with an adaptable approach that recognizes the diverse needs and challenges of Oregon communities; and

WHEREAS, the attached Comprehensive Approach to addressing Oregon's Addiction and Community Livability Crisis is supported by the League of Oregon Cities, the Oregon Association of Chiefs of Police, the Oregon State Sheriffs' Association, and the Oregon District Attorneys Association; and

WHEREAS, the attached Comprehensive Approach outlines eleven (11), Policy Proposals supported by our partners.

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

Section 1. The Sherwood City Council hereby supports all eleven (11) Policy Proposals outlined in the attached Exhibit A to this resolution.

Section 2. The Sherwood City Council calls upon our Oregon State Legislators to consider these policy proposals and take immediate action to remedy the current crisis.

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

Duly passed by the City Council this 20th day of February, 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Resolution 2024-009

February 20, 2024

Page 1 of 1, with Exhibit A (4 pgs)



A Comprehensive Approach to Addressing Oregon's Addiction and Community Livability Crisis

The following policy recommendations are designed to address Oregon's severe addiction crisis, the alarming rise in fentanyl overdose-related deaths, and the detrimental effects the crisis is having on community safety and quality of life across our state. While some of these solutions are specific to addressing certain provisions of Ballot Measure 110, the approach below is meant to be comprehensive.

As your partners in public safety, we believe that Ballot Measure 110 failed to recognize that drug addiction is both a public health and public safety crisis and requires solutions on both sides of the ledger. Success will require new tools and a significant allocation of resources along with an adaptable approach that recognizes the diverse needs and challenges of each Oregon community.

RESTORING PUBLIC SAFETY SOLUTIONS:

Policy Proposal #1: Reclassify Possession of a Controlled Substance (PCS) from an E-Violation to an A-Misdemeanor

We can restore Possession of a Controlled Substance (PCS) to an A-Misdemeanor and present new post-BM 110 modifications that reflect the desire for treatment intervention. This should include diversion eligibility and dismissal of a charge upon successful completion of the one-year diversion and any required treatment (DUI approach). In addition, unlike DUI diversion, drug PCS related cases should be eligible for multiple diversion entrances. The current E-violation for possession of a controlled substance is ineffective and fails to connect persons struggling with severe addiction to the treatment they need. An A-Misdemeanor with diversion will compel those

struggling with addiction to enter treatment without turning to an approach that focuses on incarceration.

Policy Proposal #2: “Boyd/Hubbell Fix” - Modify the statutory definition of controlled substance “delivery” to include the “transfer” of drugs and the “possession with intent to transfer” drugs:

This fix focuses the policy solutions on the supply side of the equation with the dealer – not user – end of the drug crisis in Oregon. By restoring 34-years of state law that allowed the State to charge dealers when there is substantial evidence of the intent to deliver, like significant quantities of drugs, lists of sales, and cash. The proposed fix simply and clearly modifies the definition of “delivery” to include the “transfer” of drugs and the “possession with intent to transfer” drugs.

Policy Proposal #3: Modify the statutory pretrial hold language from SB 48 (2021 Legislative Session) to ensure that jails and judges have the flexibility to hold drug dealers charged with Distributing a Controlled Substance (DCS) and repeat offenders.

Senate Bill 48 (2021) required the Presiding Judge of each judicial district, following guidance from the Chief Justice and her Criminal Justice Advisory Council (CJAC), to enter a standing pretrial order specifying to the sheriff (or any other supervising entity) those persons and/or offenses that are subject to “Release on Own Recognizance” (ROR), subject to conditional release, or that are not eligible for release until arraignment. A modification in this law could make it clear that a pre-trial hold for dealers is a community priority.

Policy Proposal #4: Fund county probation departments to supervise misdemeanor theft and property crime cases where defendants are dealing with an addiction/substance abuse disorder.

Overall studies indicate that between 50% and 80% of property crimes committed in a community are committed by those suffering from severe addiction who steal to support that addiction. Currently county probation departments don’t supervise misdemeanor theft or property cases which means there is no opportunity for a drug/alcohol addiction screening and no requirement for drug treatment as part of their supervision package. This makes mitigating future harm almost impossible and fails to capture a population where there is significant overlap between persons committing property crimes and those possessing controlled substances. This solution doesn’t put additional pressure on the defense bar, as these individuals are already involved in the criminal justice system – and simply ensures they are screened and connected to mandatory treatment when needed.

Policy Proposal #5: Create a new A-Misdemeanor for “Public Use of a Controlled Substance” to align with current law prohibiting public use of alcohol and marijuana

Create a Class A Misdemeanor for public use of a controlled substance. Public use includes use in public and private buildings. The offense should be identified in statute as a “designated drug related misdemeanor” for the purposes of ORS 423.478(4)(b), which will allow for state funding of both treatment and supervision costs related to violations of the prohibition. This must be a

statewide law and not simply remove local preemption which will not allow for consistent application across local jurisdictions or the access to local county jails.

Policy Proposal #6: Create a new Class A Misdemeanor for “Use of a Controlled Substance in an Enclosed Public Space that Endangers another Person.” (Escalates to Class C Felony for Repeat Offenses)

Establishing a penalty for public use of a controlled substance must be accompanied with a penalty for use in an enclosed public space that endangers another person. The language would provide that “A person commits the crime of recklessly endangering another person if the person, while in an enclosed area, knowingly ingests, inhales, ignites, combusts or consumes a controlled substance in a manner that creates an immediate risk of ingestion, inhalation, or consumption by another person. For this purposes of this section, “enclosed area” is defined as a building or public transit vehicle or facility. It is an affirmative defense to this charge if all other persons placed at risk by the defendant’s conduct knowingly consent to the exposure. This crime would be punishable as a Class A Misdemeanor, escalating to a Class C Felony for repeat violations. This crime would be considered a “designated drug-related misdemeanor” for the purposes of ORS 423.478(4)(b).

TREATMENT & COMMUNITY FOCUSED SOLUTIONS:

Policy Proposal #7: Prioritize adequate and sustainable funding for Oregon’s Specialty Courts:

Inadequate state funding of Oregon’s specialty courts is the biggest threat to their long-term effectiveness and stability. In fact, Specialty Courts in several jurisdictions (including Multnomah, Deschutes and Benton County) are at risk of discontinuing their operations.

Specialty Courts combine accountability and supervision with a treatment-oriented approach that effectively addresses addiction and reduces recidivism rates among participants. Specialty Courts are designed to tailor treatment plans and support services to address the specific needs and challenges faced by participants. The approach has an established track record of success that addresses addiction and equips participants with the tools and support necessary to reintegrate into community life as productive citizens.

Policy Proposal #8: Establish authority to utilize welfare holds of up to 72 hours for intoxicated persons who pose a danger to self or others:

In many western states, law enforcement, EMTs and other first responders are able to utilize welfare holds of up to 72 hours where a person who is acutely intoxicated to a degree where they pose a danger to themselves or others can be held in a custodial environment and given supervised medical care. After 72 hours, the person is given the option to either leave on their own or stay and receive additional services. The states that have implemented these policies have seen a high level of engagement with aftercare and wrap-around services. This also gives

officers options other than jail or the emergency room for a person suffering from a severe substance use disorder (SUD).

Policy Proposal #9: Create adequate stabilization, detoxification and treatment capacity in jurisdictions throughout Oregon by making sustainable investments in sobering center/stabilization and treatment bed capacity for adults and juveniles.

Oregon's absence of dedicated sobering centers and stabilization facilities leaves communities helpless when dealing with severely addicted individuals who require detoxification and stabilization before they can successfully enter treatment. Detoxification is often the first step in the journey to recovery, as it helps individuals safely manage withdrawal symptoms and become physically stable before they can fully engage in addiction treatment programs. The lack of this capacity is a limiting factor in efforts to create an addiction to treatment pipeline. In addition, the Legislature should explore immediate grant funding for the expansion of existing juvenile and adult substance use disorder in-patient and outpatient treatment facilities.

Policy Proposal #10: Support the establishment of Opioid Overdose Quick Response Teams:

In response to increased opioid-related deaths, Ohio has created “Naloxone Plus” teams, also called Quick Response Teams (QRTs) that respond after a reported overdose and use of Narcan. In this model, a small team reaches out to an individual who is recovering from an overdose event and offers person-centered services. In Colerain Township, north of Cincinnati, the team has a police officer, firefighter/EMT, peer recovery mentor, or treatment professional. Between 2015 and 2019, the team responded to over 400 overdose follow ups and of the individuals contacted, 80% did an assessment and engaged in treatment. The goal of QRTs is to reach an individual in the time immediately after an overdose event, within 72 hours as best practice (but ideally much sooner than that) and to offer connections when the person may be ready to change due to the overdose event. The proposal would create grant funding for Quick Response Teams (QRT's).

Policy Proposal #11: Support aligning the siting of residential and secure residential facilities with the requirements in the Fair Housing Act:

There is a significant need in our communities for residential – and secure residential – facilities for those experiencing mental health and substance abuse challenges across our State. This has become even more urgent given the recent federal court decision and the ongoing crisis taking place in our Oregon State Hospital. This is an urban and rural problem that is impacting communities throughout Oregon. Ensuring our land-use policies for siting secure facilities comply with federal requirements will expedite the desperately needed expansion of Oregon's behavioral health residential treatment and supported housing capacity. All such facilities must meet the safety and security requirements currently existing in statute but would otherwise be treated and similarly situated housing.

Kevin Campbell, Oregon Association of Chiefs of Police
Jason Myers, Oregon State Sheriffs' Association
Amanda Dalton, Oregon District Attorneys Association
Scott Winkels, League of Oregon Cities