



*Home of the Tualatin River National Wildlife Refuge*

# **CITY COUNCIL MEETING PACKET**

**FOR**

**Tuesday, July 19, 2016**

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

**6:00 pm City Council Work Session**

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



## **6:00 PM WORK SESSION**

- 1. Oregon Property Tax System Discussion**  
(TVFR Chief Mike Duyck)

## **REGULAR SESSION**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF AGENDA**
- 5. CONSENT AGENDA**
  - A. Approval of June 21, 2016 City Council Meeting Minutes**
  - B. Resolution 2016-042 Reappointing David Sorensen to the Parks and Recreation Board**  
(Kristen Switzer, Community Services Director)
  - C. Resolution 2016-043 Amending the City of Sherwood Home Rule Charter as Approved by City Electors at the May 17, 2016 Election** (Josh Soper, City Attorney)
  - D. Resolution 2016-044 Authorizing the City Manager to execute a construction contract for the Sunset Blvd Sanitary Sewer Project** (Bob Galati, City Engineer)
- 6. PRESENTATIONS**
  - A. Recognition of Sherwood High School Students-Academic Performance**
  - B. Employee Spotlight**
- 7. CITIZEN COMMENTS**
- 8. NEW BUSINESS**
  - A. Resolution 2016-045 Adopting Criteria to be Used in the Annual Performance Evaluation of the City Attorney** (Tom Pessemier, Asst. City Manager)
  - B. Resolution 2016-046 Approving Ballot Title and Explanatory Statement and Submitting to the Voters A Proposed Charter Amendment Regarding Ordinance Adoption** (Josh Soper, City Attorney)

## **AGENDA**

**SHERWOOD CITY COUNCIL**  
**July 19, 2016**

**6:00 pm Work Session**

**7:00 pm Regular Meeting**

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

- C. Resolution 2016-047 Approving Ballot Title and Explanatory Statement and Submitting to the Voters A Proposed Charter Amendment Regarding the City Budget** (Josh Soper, City Attorney)
  
- D. Resolution 2016-048 Approving Ballot Title and Explanatory Statement and Submitting to the Voters A Proposed Charter Amendment Regarding the City Recorder Reporting Structure** (Josh Soper, City Attorney)
  
- E. Resolution 2016-049 Approving Ballot Title and Explanatory Statement and Submitting to the Voters A Proposed Charter Amendment Regarding the Mayor's Term Of Office** (Josh Soper, City Attorney)
  
- F. Resolution 2016-050 Approving Ballot Title and Explanatory Statement and Submitting to the Voters A Proposed Charter Amendment Regarding Mayor and Council Compensation** (Josh Soper, City Attorney)

**9. PUBLIC HEARINGS**

- A. Ordinance 2016-011 Renaming a Segment of SW Columbia Street to SW Odge Gribble Lane** (Community Development Director Julia Hajduk) *(First Reading)*

**10. CITY MANAGER REPORT**

**11. COUNCIL ANNOUNCEMENTS**

**12. ADJOURN**

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

City Council meeting materials and agenda are posted to the City web page at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov), by the Thursday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the Sherwood YMCA, the Senior Center, and the Sherwood Post Office. Council meeting materials are available at the Sherwood Public Library. **To Schedule a Presentation before Council:** If you would like to schedule a presentation before 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 [murphys@sherwoodoregon.gov](mailto:murphys@sherwoodoregon.gov)



**SHERWOOD CITY COUNCIL MEETING MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**June 21, 2016**

**WORK SESSION**

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 5:32 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Jennifer Harris, Councilors Dan King, Renee Brouse, Jennifer Kuiper, and Linda Henderson. Councilor Sally Robinson was absent.
3. **STAFF PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.
4. **TOPICS:**

**A. City Property Report**

Assistant City Manager Tom Pessemier provided the Council with a handout regarding the City's property assets (see record, Exhibit A) and a map illustrating the City/URA owned properties (see record, Exhibit B). He said Exhibit A describes the properties that are not fully utilized or have some redevelopment potential in the foreseeable future. He referred to the map which identifies 13 properties and represents the 256 properties the City owns but the vast majority of those are undevelopable and in wetlands and floodplains and are noted in blue on the map. He said the red properties are vacant properties owned by the City. He said the public buildings are in dark blue and the parks are in green. He said after he reviewed the 256 properties owned by the City he determined that only 13 were identified as developable and 7 of those are already fully developed and include: City Hall/Library, Center for the Arts, Cannery Square Plaza, Heritage Center, Senior Center and Police Building (Lot 2). He discussed the 7 remaining properties in detail.

He identified the Public Works Community Garden and said that land was vacant until they added the Community Garden. He said it was purchased along with the Public Works Building and purchased with Utility Funds. He mentioned that if the property is developed the funds have to be paid back with interest first. He said at one time an extension of Foundry connecting to Oregon Street was proposed but limitations of the intersection at Oregon Street makes that unfeasible. He said there is still some right-of-way that could be vacated on the east side of the property. He stated there aren't many current opportunities with the property and now it is a Community Garden. He said it is zoned Institutional Public.

He identified the City Recreation Center (YMCA) and said it is zoned Low Density Residential (PUD) and was purchased with a bond and the source of funds is the General Fund. He referred to the vacant land around the current facility which has been discussed for a skate park or other recreational use. He said potentially they could develop residential properties along Woodhaven Drive based on the zoning. Discussion followed.

He identified the Public Works Building/Fieldhouse and said it was purchased and the existing building was renovated into a public works/fieldhouse. He noted that developers have approached the City in the past for housing development. He said the building is small for a public works building and if they moved it is potentially a developable asset. Discussion followed.

He identified the Police Facility (Lot 1) including vacant property which is being used for a police dog exercise area. He said it is zoned Retail Commercial and the source of funds to purchase the property was the General Fund.

He identified the Kruger-Elwert Property which was purchased with Transportation Funds for the roundabout project which will use about 5 acres and leave 15 acres of undeveloped land. He said it is zoned Exclusive Farm Use. He said if it comes into the UGB there will be a significant development potential. He noted the property is already worth more than the City paid for it. Discussion followed.

He identified the property that contains Well #4 as having the most development potential. He said the well is planned to be capped next fiscal year and the property in .55 acres and zoned Institutional Public. He said it could be residential or parks and recreation and the funds would have to go back to the Water Fund.

He identified the Snyder Park property which is primarily a park with a dog park. He said in 2008 there was a subdivision proposal for the properties along Pine Street which was approved but the subdivision was not recorded and the land use has expired and would now have to go back through the land use process. Discussion followed.

He recapped the discussion and asked for direction from the Council. Council asked for estimated values on some of the properties particularly Well #4. Tom said the .55 acres could potentially be worth \$150,000-\$200,000 which would go back to the Water Fund. Discussion followed regarding a potential park or dog park. Council asked staff to do more research on potential use.

**B. City Attorney Evaluation Criteria**

Mr. Pessemier provided the Council with an example of a City Attorney Evaluation from the City of Klamath Falls and the City of The Dalles (see record, Exhibit C) and said it follows a similar pattern to what Sherwood already has for the City Recorder and City Manager whereby there are criteria from 1 to 5 and questions that go along with it. He said the City Attorney's contract states that the evaluation criteria will be provided to the City Attorney before the evaluation. He asked the Council to determine the criteria they would like to use when evaluating the City Attorney.

Councilor Kuiper said the Klamath Falls evaluation example is good but The Dalles has more description detail.

Mr. Pessemier asked Council if they still wanted to use the scale of 1 to 5.

Council agreed that they preferred the format of the Klamath Falls example and would support including the content from the The Dalles example in the same format.

Mr. Pessemier said he would develop draft criteria which will be part of a resolution adopting the criteria for review and evaluation and potentially the process. He discussed the process and provided the Council with a copy of Resolution 2015-073 which adopted evaluation criteria and process for the City Manager (see record, Exhibit D). He referred to the resolution which discusses the purpose, process and instructions. He commented that the Klamath Falls process is closer to what the Council has done in the past and includes more detail.

City Attorney Josh Soper referred to the recent City Recorder and City Manager evaluations and agreed with Mr. Pessemier that there is need to structure the process where Council can meet with the employee and without the employee which is spelled out in the Klamath Falls example.

City Manager Gall noted that his evaluation included comments from the senior management and asked if that would be the same for the City Attorney for consistency. Mayor Clark asked Mr. Soper if that would be of value. Mr. Josh asked the Council to consider the need for keeping the evaluations anonymous since the senior management does not report directly to him. Councilor Brouse suggested still providing the senior management with the option to remain anonymous. Discussion followed.

Mr. Pessemier said Mr. Soper's evaluation is scheduled to be completed before November according to the contract. Council agreed that the evaluation should be completed sooner to be consistent with the timing of the contract which expires on August 10, 2018.

**5. ADJOURN:**

Mayor Clark adjourned the work session at 6:42 pm and convened to a regular session.

**REGULAR SESSION**

1. **CALL TO ORDER:** Mayor Clark called the meeting to order at 7:03 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Jennifer Harris, Councilors Dan King, Renee Brouse, Jennifer Kuiper, and Linda Henderson. Councilor Sally Robinson was absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Police Captain Ty Hanlon, Interim Finance Director Cathy Brucker, Police Captain Mark Daniel, Public Works Director Craig Sheldon, Community

Development Director Julia Hajduk, Planning Manager Brad Kilby, Community Services Director Kristen Switzer, Center for the Arts Manager Maggie Chapin, Library Manager Adrienne Doman Calkins, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.

Mayor Clark asked for a moment of silence for the Orlando tragedy.

Mayor Clark addressed the next agenda item and asked for a motion.

**4. APPROVAL OF AGENDA:**

**MOTION: FROM COUNCILOR KUIPER TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR KING. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR ROBINSON WAS ABSENT).**

Mayor Clark addressed the next item on the agenda.

**5. CONSENT AGENDA:**

- A. Approval of June 7, 2016 City Council Meeting Minutes**
- B. Resolution 2016-033 Approving the City Recorder's canvassing of the election returns of the May 17, 2016 Washington County election and directing the City Recorder to enter the results into the record**
- C. Resolution 2016-034 Authorizing the City Manager to enter into a contract with Blackline, Inc. for the 2016 Slurry Seal Program**
- D. Resolution 2016-035 Certifying the provision of certain municipal services in order to qualify the City to receive state revenues**
- E. Resolution 2016-036 Authorizing the City Manager to execute a construction contract for the Woodhaven Park construction**

**MOTION: FROM COUNCILOR KUIPER TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR KING. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR ROBINSON WAS ABSENT).**

Mayor Clark addressed the next item on the agenda.

**6. PRESENTATIONS:**

**A. Recognition of Eagle Scout Award Recipient**

Mayor Clark called forward Kyle Davis and asked him to describe his Eagle Scout project. Kyle said he took pictures of over 1000 headstones at Valley View Memorial Park Cemetery and transcribed the images online. He said he had 20 volunteers help with the picture taking and 5 to 10 helping with the transcriptions. Mayor Clark presented Kyle with a certificate of achievement and thanked him for his service.

Mayor Clark stated that she will read the proclamation for the Robin Hood Festival at the Knighting Ceremony and also read the proclamation before the Council. She declared Robin Hood Festival July 15-17, 2016 and encouraged citizens to recognize and participate in the festivities.

Mayor Clark addressed the next agenda item.

**7. CITIZEN COMMENTS:**

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

**8. NEW BUSINESS:**

**A. Resolution 2016-037 Adopting the Capital Improvement Project Plan for Fiscal Year 2016-17**

Interim Finance Director Cathy Brucker recapped the staff report which included the Capital Improvement Plan (CIP) summary. She said the approval of the CIP is necessary for the expenditure of certain funding sources and noted that it is only a plan. She stated the CIP will continue to be scrutinized annually for revisions and updates.

Mayor Clark noted that this is a plan and does not obligate funds. With no other comments received, the following motion was stated.

**MOTION: FROM MAYOR CLARK TO APPROVE RESOLUTION 2016-037 ADOPTING THE CAPITAL IMPROVEMENT PROJECT PLAN FOR FISCAL YEAR 2016-17, SECONDED BY COUNCILOR KING. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR ROBINSON WAS ABSENT).**

Mayor Clark addressed the next agenda item.

**B. Resolution 2016-041 Transferring budget expenditure appropriations between categories for budget year 2015-16**

Interim Finance Director Cathy Brucker recapped the staff report and stated the resolution balances the budget appropriations for FY 2015-16 with actual expenditures with additional activities posted through mid-June. She said there was one last review with a conservative approach towards budget to actual balances and in order to remain in compliance with Oregon Budget Law the staff determined that these two adjustments were prudent for the end of the year. She said this resolution does not increase expenditure authorization within the General Fund, it only moves money from Public Works to Community Development and Community Services. She said additional appropriation is needed in Community Development to help offset personnel costs that were originally budgeted to Capitol Projects but remained in the General Fund due to development schedules. She stated Community Services also exceeded personnel costs due to increased activity. She said they need to move an additional \$10,000 in but it is fully offset by additional revenues earned within events and volunteers. She said the effect of these transfers on beginning fund balance for FY 2016-17 will be minimal.

Mayor Clark clarified that this is a cleanup. Ms. Brucker said yes. With no other comments received, the following motion was stated.

**MOTION: FROM MAYOR CLARK TO APPROVE RESOLUTION 2016-041, SECONDED BY COUNCILOR KING. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR ROBINSON WAS ABSENT).**

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

**9. PUBLIC HEARINGS:**

**A. Ordinance 2016-008 Amendment to Chapter 16.31 (Industrial Uses) of the Sherwood Zoning and Community Development Code**

Community Development Director Julia Hajduk recapped the staff report and provided a presentation (see record, Exhibit E). She noted that this is the second hearing and provided a brief background and said the City adopted the Tonquin Employment Area Concept Plan in 2010 and recently realized that during the code update in 2012 they unintentionally made changes that resulted in very few industrial use types being permitted or conditional in that zone. She noted the intent was to be more general with the type of uses that are allowed and to be more specific with the type of uses that they do not want in the City. She reviewed the criteria that the text amendment needs to comply with and stated that it needs to be based on a need, identified by the Council or Commission, consistent with the Comprehensive Plan and applicable with any State or City statutes or regulations. She noted in the staff report the Planning Commission recommendation outlines the findings that demonstrate compliance with all the applicable criteria including the Comprehensive Plan Chapter 4 as well as the Metro Title 4 standards. She said the Planning Commission recommended approval on April 12, 2016. She stated the Planning Commission did recommend some additional changes which are included in this ordinance and they unanimously recommended approval to the Council.

She added that since the Council initially approved the first reading of this ordinance on May 3, 2016 staff did receive additional written testimony from Ms. Barnard which was provided to the Council (see record, Exhibit F). She stated staff continued to review the proposed code changes and is now recommending that Council consider an additional change. She said as staff continued to look at standards for public and utility structures including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells and public works yards they realized that in the Employment Industrial zone the area is underdeveloped and there are specific types of uses and specific visions for the area that those types of uses being out right permitted may not be compatible in all situations. She stated staff is recommending that Council make an additional amendment to the Planning Commission recommendation of approval to make that a Conditional Use rather than Permitted. She said if the Council chooses to accept this staff recommendation the staff report includes motion language that the Council could consider making.

Council President Harris referred to the testimony from Ms. Barnard and asked if that is a concern. Ms. Hajduk said the issues Ms. Barnard is referring to would be addressed when the area is brought into the City and there is an actual site development proposal. She said at that time they would consider the impacts.

With no further Council questions Mayor Clark opened the public hearing. With no one coming forward to testify Mayor Clark closed the public hearing.

Councilor Kuiper clarified that conditional use gives the City more flexibility. Ms. Hajduk said it provides for more discretion.

Councilor Henderson asked Ms. Hajduk to describe how these changes would be of benefit to development for Sherwood in the future in industrial areas. Ms. Hajduk said this will provide more clarity and more certainty as to what types of uses are allowed. She said the idea is to be more general with what is allowed and more specific with what is not allowed.

With no other comments or questions, the following motion was stated.

**MOTION TO AMEND: MAYOR CLARK MOVED THAT THE PROPOSED CODE CHANGES SHOWN IN EXHIBIT A TO ORDINANCE 2016-008 BE AMENDED TO CHANGE “PUBLIC AND PRIVATE UTILITY STRUCTURES, INCLUDING BUT NOT LIMITED TO TELEPHONE EXCHANGES, ELECTRIC SUBSTATIONS, GAS REGULATOR STATIONS, TREATMENT PLANTS, WATER WELLS AND PUBLIC WORK YARDS” FROM P (PERMITTED) TO C (CONDITIONAL) IN THE EI ZONE, SECONDED BY COUNCIL PRESIDENT HARRIS. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR ROBINSON WAS ABSENT).**

**MOTION AS AMENDED: COUNCIL PRESIDENT HARRIS MOVED TO READ CAPTION AND ADOPT ORDINANCE 2016-008 AMENDMENT TO CHAPTER 16.31 (INDUSTRIAL USES) OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE AS AMENDED, SECONDED BY MAYOR CLARK. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR ROBINSON WAS ABSENT).**

Mayor Clark addressed the next agenda item.

**B. Ordinance 2016-010 Amending Section 16.162.040 to allow public and private parking lots on a residentially zoned lot within the Old Town Overlay**

Planning Manager Brad Kilby stated this is a proposal by the Urban Renewal Agency (URA) to make public and private non-accessory parking a conditional use within the Old Town Overlay on residentially zoned property provided that they are located on an arterial or collector and that the lot was vacant as of May 1, 2016. He noted this only applies to one lot. He reviewed the three criteria that need to be met which includes establishing a need, meeting the transportation and planning rule, and is consistent with the Comprehensive Plan. He said the Planning Commission made a recommendation to the City Council to approve the ordinance. He stated the noticing requirements have been met and there has not been any additional public comments. He said staff recommends the Council have a second hearing and approve the legislation.

With no questions from Council, Mayor Clark opened the public hearing.

Eugene Stewart approached the Council and commented that moving the cars from the Robin Hood lot to this proposed parking lot does not make sense. He asked why the lot is not rezoned commercial. He suggested Council make these changes when they revise the comprehensive plan. He said there has been piecemeal planning for parking for businesses downtown. He commented on the history of parking requirements in Old Town and said the current policy needs to be changed. He said parking is going to be an issue if a new restaurant goes into the Center for the Arts and they will need guaranteed parking. He said Council should put this ordinance on hold to get a comprehensive review of the Old Town area and come up with one good plan.

With no other testimony received Mayor Clark closed the public hearing.

Councilor Henderson referred to Mr. Kilby's comments that this applies to only one lot, meets the two criteria of no buildings existed on May 1, 2016, and frontage on an arterial or collector street. Mr. Kilby said that is correct. He stated there are two adjacent lots owned by the URA that are 50x100 and one lot is zoned residential and the other is zoned retail commercial. He said currently parking is not allowed on the lot that is zoned residential. He stated that it applies to only the lot owned by the URA.

Councilor Kuiper asked if this would apply to the lot adjacent to Symposium Coffee. Mr. Kilby said that is zoned commercial.

With no further questions Mayor Clark asked for a motion.

**MOTION: FROM COUNCILOR HENDERSON TO READ CAPTION AND ADOPT ORDINANCE 2016-010 AMENDING SECTION 16.162.040 TO ALLOW PUBLIC AND PRIVATE PARKING LOTS ON A RESIDENTIALLY ZONED LOT WITHIN THE OLD TOWN OVERLAY, SECONDED BY COUNCILOR KUIPER. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR ROBINSON WAS ABSENT).**

Mayor Clark addressed the next agenda item.

**C. Resolution 2016-038 declaring the City of Sherwood's election to receive State Revenues**

Interim Finance Director Cathy Brucker said the adoption of this resolution is an annual requirement to be eligible to receive State shared revenues. She noted this specific revenue is derived from a portion of the liquor tax and is anticipated to generate \$210,000 into the General Fund.

With no questions from the Council, Mayor Clark opened the public hearing. With no public testimony, Mayor Clark closed the public hearing.

With no questions from the Council, Mayor Clark asked for a motion.

**MOTION: FROM COUNCIL PRESIDENT HARRIS TO ADOPT RESOLUTION 2016-038, SECONDED BY COUNCILOR HENDERSON. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR ROBINSON WAS ABSENT).**

Mayor Clark addressed the next agenda item.

**D. Resolution 2016-039 Adopting a Schedule of Fees as authorized by the City Zoning and Community Development Code, establishing fees for miscellaneous City services and establishing an effective date**

Interim Finance Director Cathy Brucker stated this resolution encompasses the annual update to the City Fee Schedule. She stated there are quite a few changes that have been explained in the staff report and rather than reviewing each change she asked the Council if they had any questions.

Councilor Kuiper asked for an example of a utility operator that does not sell services within the City limits. City Attorney Josh Soper said there is currently not one but this is trend in the telecom industry where telecom companies are putting facilities in the right-of-way and not providing services directly and are reselling. City Manager Gall noted that Sherwood did not have a fee to charge and they are using the public right-of-way.

Councilor Kuiper referred to System Development Charges (SDCs) under Section 7 and commented that CWS (Clean Water Services) is raising the sewer SDCs by 4.3% and asked when the last time CWS had an increase was. Ms. Brucker stated they increase every year.

Councilor Kuiper referred to Section 8 under miscellaneous fees and asked what a suite is. Ms. Hajduk stated those are addresses.

Councilor Henderson said recently there has been a trend that the Sherwood Field House is no longer breaking even and referred to the proposed team fee increase and asked if that was the only Field House fee that was requested to be reviewed. Ms. Brucker said yes.

Community Services Director Kristen Switzer said the team fees will increase by \$50 if approved and said the daytime fees will also increase from \$35 to \$40 and the birthday party fee will increase from \$110 to \$150 and the open play fee will increase from \$4 to \$5. She noted the increase will not make up the difference but will slowly increase in order to stay competitive in the market.

With no further questions from the Council, Mayor Clark opened the public hearing.

Tess Kies, Sherwood resident came forward and asked what arbitrary miscellaneous fees are and who determines them. Ms. Brucker said within certain categories there are miscellaneous fees.

City Manager Gall said there is a master fee schedule that is adopted by Council and they use the word miscellaneous to include numerous types of fees instead of highlighting each fee in the fee

schedule. Mayor Clark clarified that all of the miscellaneous fees are listed out in the fee schedule. Mr. Gall said yes.

Councilor Henderson referred to the staff rates of 200% of the hourly rate and the proposed rate of fully loaded and asked if that was an industry standard. She asked if the new accounting system will track this. Ms. Brucker said this is calculated at the time of the budget preparation so it is easily verified and recalculated if necessary.

Eugene Stewart, Sherwood property owner came forward to testify and said the water level tables are rising and asked why the City can't use some of that water for the citizens to water their yards. He asked if that is a reserve and shouldn't we be using it and improve the landscaping at 6 corners. He said that water should be inexpensive and be blended in so we can help control what people are paying and give them the opportunity to use more and increase water revenues. He commented on the CWS increases and asked why the Mayor's in Washington County don't protest these increases. He said staff and Council should voice an opinion to CWS. Mr. Gall asked Public Works Director Craig Sheldon to answer the question regarding the City wells.

Mr. Sheldon said new pipes would have to be put in the ground for irrigation to use well water for irrigation. He commented on offsetting the cost and said the wells are put into emergency mode with the State of Oregon. He said they received a lot of complaints regarding markings from the wells when they were operating and they don't have those complaints anymore. He said if we use the well water to offset, it will drive the costs at the plant because the supply and demand will not be the same. He said it is something that could be done but noted they do not have the water quality complaints that they used to have when using well water. He said there is a process to put the wells back in line with the State and that would require more sampling.

With no further public testimony Mayor Clark closed the public hearing.

Councilor Henderson referred to the Clean Water Services increases in storm and sewer rates and said just for sanitary, rates have increased over the past 4 years 21.8% for CWS. She noted that is the other half of the water bill and it seems like a lot.

**MOTION: FROM COUNCIL PRESIDENT HARRIS TO ADOPT RESOLUTION 2016-039, SECONDED BY COUNCILOR HENDERSON. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR ROBINSON WAS ABSENT).**

Mayor Clark addressed the next agenda item.

**E. Resolution 2016-040 Adopting the FY2016-17 Budget of the City of Sherwood, making appropriations, imposing and categorizing taxes, and authorizing the City Manager to take such action necessary to carry out the adopted budget**

Councilor Brouse recused herself stating it was based on the recommendation from the Oregon Ethic Commission and pursuant to ORS 244.020 and declared a conflict of interest in regards to the final vote for the 2016-17 City of Sherwood budget due to the reference of the City Recreation Center and the operator YMCA. She stepped down from the dais.

Interim Finance Director Cathy Brucker stated that on May 12 and May 19 the Sherwood Budget Committee received the budget message and heard public comment and on May 26, 2016 the Budget Committee approved the proposed budget with the following changes, resulting in the approved budget for FY2016-17. She noted the changes consisted of: increasing the City Manager Department by \$10,000 for the Robin Hood Festival contribution, add a Code Compliance position (0.50 FTE) to the Planning Department and reallocate the Code Enforcement Officer from 0.50 to 1.00 FTE in the Police Department for a net cost of \$31,352 and reducing water operations by \$75,000 with removal of a duplicated project. She stated notice of the approved budget has been noticed in accordance with Oregon Local Budget Law. She said the final steps of the budget process are for City Council to hold a public hearing per ORS 294.453 and then adopt the FY2016-17 budget.

Mayor Clark opened the public hearing.

Alan Pearson, Sherwood resident came forward and said he is running for City Council on the platform of protecting Sherwood tax dollars from unnecessary and wasteful spending. He said this is relevant with the passing of the ballot measure that passed in May that limits the increase in fees. He said this budget includes a \$60,000 part time police officer and said that is excessive and the City Manager agreed that this position was unnecessary. He noted that Sherwood paid for a rather expensive police survey that said in essence the Police Department is adequately staffed. He referred to the survey which noted that two thirds of our officers' time is proactive which means they are waiting around for something to do. He stated that the problem is not hiring an additional staff person but better management of the staff the department has. He stated if two thirds of the officer's time is spent waiting to do something they should reassign and reorganize the department so they can perform this function. He said taking money from the contingency fund does not solve the problem as the contingency fund is designed to handle an emergency. He stated the City will have to raise fees and taxes to fill this job. He noted the voters sent a clear message in May which was the City is spending too much. He said this is not a necessary position and is wasteful spending. He asked the Council to reconsider this position before approving the budget.

With no further public testimony Mayor Clark closed the public hearing.

Mayor Clark said she voted against the addition of the 0.50 FTE Code Compliance Officer at the Budget Committee for several reasons. She said this is unnecessary spending according to the Police Department Staffing Study which Sherwood paid good money for. She said the study stated that there is proactive time available to patrol officers averaging 69% and that the department is currently fully staffed at an appropriate level and there is no need for additional police staff. She said to add police staff when the study says we do not need it, when the City Manager is recommending against it and when the citizen comments included in the staffing study do not request a Code Compliance Officer is not worth using the contingency fund. She commented that if this is something that citizens do want then it can be considered in the future after the City has received the inquiry request back from Washington County regarding them taking over the night service and perhaps there will be an opportunity to reallocate funds in the Police Department. She said at this juncture the numbers don't add up and we are asking the citizens to pay for something that the study says is unnecessary and that does not seem to be fiscally responsible budgeting.

She stated she will not support a budget that increases the budget in this way and made the following motion.

**MOTION TO AMEND: MAYOR CLARK TO REMOVE THE HALF TIME POSITION DURING THE BUDGET AND RETURN THE \$31,352 TO THE CONTINGENCY FUND, SECONDED BY COUNCIL PRESIDENT HARRIS.**

Prior to a vote, discussion followed.

Councilor Kuiper clarified that this is a half time position in the Planning Department that would do code compliance and it would then become a full time position in the Police Department to do enforcement. She said this was a close voted in the Budget Committee and she has been reconsidering her position and is concerned about adding staff when there is PERS to deal with. She said Sherwood will need about \$250,000 in additional operating costs next year due to PERS. She stated she would like to have a Code Compliance Officer but it is difficult when there is \$250,000 of additional money needed. She said the revenues are flat. She stated she is not in favor of this and commented that it is easier to hire than eliminate someone and she would like to see what happens over the next few years as the City deals with the effects of PERS and determines how to pay for it before adding a half time position.

Councilor King noted that the reason why this position was added is because they wanted to divide the code enforcement and code compliance because the code enforcement will now handle all of the evidence. Captain Hanlon clarified that the position has always done all of the evidence.

Councilor King said yes and stated that now there is so much evidence that the position does not have time for anything else. Captain Hanlon said that since 2008 the evidence portion has continued to increase. Councilor King noted that it will continue to increase with the addition of cameras and that is the reason they wanted to remove the responsibility of code compliance and move that responsibility to the Planning Department which is a better place. He commented on efficiencies and said some livability issues regarding code compliance have been neglected. He referred to the PERS issue and said this is only a half time position and PERS now has different tiers.

Council President Harris said she does not disagree with Councilor King and said she is an advocate for a Code Compliance Officer but this is not her money and the citizens do not want us spending money in fiscally irresponsible ways. She stated the police staffing study said the Police Department does not need any more staff. She noted there is some reorganization that needs to take place to help with evidence. She said the code compliance issues are mainly about signs which is not as important as evidence. She stated the citizens don't want us spending money we don't have and spending must be justified and noted this is not a justified expense. She said she voted against this previously and will vote against it tonight.

Councilor Henderson said this was a motion that she made with Councilor Robinson during the budget process because code and evidence do not belong in the same department. She said evidence is a top priority. She referred to the staffing study and said it was one of the recommendations to create a community services officer and make the code enforcement a full

time position. She said the police staffing study suggested two positions will be needed as the City continues to grow and recommended expanding the volunteer services. She said at the Budget Committee the vote was 8 to 4 in favor of adding the position with Councilor Robinson, Chair McConnell, Amy Kutzkey, Kurt Studer, Councilor King, Councilor Kuiper, Councilor Brouse and herself all voting in favor. She stated she has a hard time rationalizing giving \$10,000 to the Robin Hood Festival which is taxpayer dollars and coming out of the General Fund and potentially the contingency fund. She said this has been an ongoing issue since she has been on Council and it is because there has not been a dedicated effort as far as being proactive on compliance. She referred to the Mayor and Mr. Pearson's comments regarding 69% of proactive or idle time and said she compares that to when she worked as a lifeguard where you are always looking, anticipating, waiting and watching for something to happen. She said that is proactive and it is a disservice and an insult when we categorize that time as an inefficient use of staff. She commented that it is the reason why we have such low crime and why people live here. She said we have the same amount of officers per capita as in 2005 but yet more people living here. She stated she does not necessarily agree that proactive time is wasteful and mismanaged and said having done multiple ride-alongs she considers this to be tenacity and patrolling is why crime goes elsewhere. She noted this is a long time position that should be filled for livability purposes and the City Manager has said for three years that this position should be moved to the Planning Department. She said the budget is still balanced with the addition of this half time position and said there is \$45,000 budgeted for a study to determine if the City could run the recreation facility and commented about PERS liability and said if the City ran that facility every position would be a PERS employee unless they worked 10 hours a week. She noted that PERS will continue to go up and down and she does not like to make decisions based on threat. She said to blame PERS on everything is an excuse and not rational. She stated the \$45,000 will be spent with a consultant and the City will never get that money back.

Mayor Clark asked Councilor Henderson to keep to the topic.

Councilor Henderson said when the City gets that document from the consultant it will go on the shelf. She said this is a livability issue and she would like to see where the City would get money for other projects such as paying the Council in the future.

Mayor Clark noted that we are going off topic.

Councilor Henderson she said she is sorry that Councilor Kuiper voted for this to begin with and thought it was a good idea and said she feels passionate about the issue and so did Councilor Robinson who was unable to attend tonight. She stated this is something that the community needs and it is clear it is not going to happen and it is unfortunate that other members of the Budget Committee agreed with it and now it may be removed.

Councilor Kuiper addressed Councilor Henderson's comments and said this was a topic of great discussion and there were a lot of Budget Committee members on the fence. She said after doing some consultation with other members in her neighborhood and talking with people her decision is that she does not disagree with Councilor Henderson's position and she hopes this is addressed in the future. She stated she has 250,000 reasons to change her mind and they are all in the form of dollars. She said this is not a threat it is reality and \$250,000 of our operating costs next year

will come from the General Fund. She noted that she does not like signs cluttering up the community but just because her opinion has changed regarding adding additional staff to this year's budget does not mean that we cannot revisit this issue later. She said this will happen and it needs to happen but she is not sure it needs to happen in this budget year. She referred to the \$10,000 to the Robin Hood Festival and noted that this is contingent upon the Metro Community Enhancement Grant Fund. She said at the Budget Committee there was a motion to give the Robin Hood Festival Association (RHFA) \$10,000 and Susan Claus suggested that the City budget \$10,000 for the RHFA contingent upon whether or not they get the grant that they have applied for through the Metro Community Enhancement Grant Funding and if they receive the funding the \$10,000 stays in the budget.

Mayor Clark stated the motion is to return the \$31,352 from the contingency to the general budget and it has been seconded and discussed. She said this is a fiscally responsible issue. She commended the Police Department but said this item was not necessary according to multiple sources. She called for a vote.

**VOTE: MOTION PASSED 3:2. (MAYOR CLARK, COUNCIL PRESIDENT HARRIS AND COUNCILOR KUIPER VOTED IN FAVOR. COUNCILOR HENDERSON AND KING VOTED AGAINST. COUNCILOR ROBINSON WAS ABSENT AND COUNCILOR BROUSE WAS RECUSED).**

**MOTION AS AMENDED: COUNCIL PRESIDENT HARRIS MOVED TO APPROVE RESOLUTION 2016-040 AS AMENDED, SECONDED BY MAYOR CLARK. MOTION PASSED 3:2. (MAYOR CLARK, COUNCIL PRESIDENT HARRIS AND COUNCILOR KUIPER VOTED IN FAVOR. COUNCILOR HENDERSON AND KING VOTED AGAINST. COUNCILOR ROBINSON WAS ABSENT AND COUNCILOR BROUSE WAS RECUSED).**

Councilor Brouse returned to the dais and Mayor Clark addressed the next item on the agenda.

#### **10. CITY MANAGER REPORT:**

City Manager Joseph Gall said there was a misunderstanding with scheduling and there will be a presentation from Retired Colonel Herb Hirst with the United States Army who is a Department of Defense ESGR Outreach Representative. Mr. Hirst came forward and said this program was designed to help employers because of the deployment and the training of guards and reservists. He stated 50% of the nation's military is in the National Guard and Reserve. He stated that Sherwood Police Officer and National Guard Reservist Joseph Twigg nominated Police Chief Jeff Groth for a Patriot Award. Mr. Hirst read Officer Twigg's comments regarding the support he has received from Chief Groth and the entire Police Department in terms of his training and combat deployments. Officer Twigg's comments also mentioned that when he was overseas the department sent care packages and since returning from deployment he has had a demanding military schedule as a company level commander. Colonel Hirst commented on the sacrifices that cities, businesses and individuals make when they employ a reservist. He stated the Secretary of Defense provided Chief Jeff Groth and the Sherwood Police Department with a Patriot Award for their services. He presented the award to Mayor Clark.

Mr. Gall reminded the Council that there will not be a Council meeting on July 5 and the next meeting is July 19. He asked Public Works Director Craig Sheldon to come forward and discuss the boil water order that was issued this afternoon.

Mr. Sheldon said there was a pump failure at the Snyder pump station which feeds the southeastern part of the community. He said this is precautionary and nothing to be alarmed about. He stated that tomorrow they will get the results from the 7 samples they took. He said this is mandated by the State and they have no reason to believe there is contamination.

Councilor Kuiper asked how many pump stations does Sherwood have. Mr. Sheldon said there are 3 reservoirs and a couple different pump stations.

Mayor Clark addressed the next item on the agenda.

## **11. COUNCIL ANNOUNCEMENTS:**

Mayor Clark announced that Councilor Robinson is recovering from surgery and thanked her for all of her service and hopes for a quick recovery. She congratulated the Sherwood High School graduates. She announced that Sherwood won the Dick Powers Picture Perfect Award for the small City float in the Portland Rose Festival for the second year in a row. She thanked Councilor Kuiper, Community Development Administrative Assistant Michelle Babcock and all the volunteers for their help. She congratulated the Sherwood High School Mixolydians for their second win as the best chorale group. She said Wednesday, July 6 is the first Music on the Green. She announced the Robin Hood Festival is July 15-17. She stated she will be having lunch on Friday with Senator Jeff Merkley and she will be advocated for federal transportation funding.

Council President Harris discussed the Cultural Arts Commission future which includes focusing on art education and outreach. She announced the summer art walk is Thursday and discussed the event and encouraged people to attend. She reported on Library events and said June 28 at 2 pm there is a free performance of Aztec dancing in Cannery Square. She stated there will be a bilingual story time at Stella Olsen Park next Thursday at 11:30 am and lunch will be served. She announced that the Library will be closed on July 4.

Councilor Kuiper commented on the oak tree at Woodhaven Park and said it is diseased and will need to be removed. She said staff is moving forward with the next phase of Woodhaven Park and construction will begin in August or September. She thanked her team for their help on the mini float and the funding from the City Manager's budget of \$2500. She said the total cost was \$5000 with over 100 hours from volunteers. She thanked Michelle Babcock and Sandy Wallace and many others for all of their help. She thanked Baggenstos family for providing space to construct the float. She commented that it was a community effort. She announced there are 146 volunteer positions that need to be filled for the Robin Hood festival.

Councilor Brouse said there will be a Wine Festival on Saturday at 503 Uncorked. She said she attended the School Board meeting and they honored recent retirees. She said the Sherwood Cruisin' was a success and the next Chamber event is the annual Awards Dinner on June 28. She

recognized Sherwood High School teacher John Niebergall who was honored with a Champion of Change Award at the White House.

Councilor Henderson said My Fair Lady is opening on Wednesday and running through Saturday. She thanked the City for their partnership. She announced that Missoula Children's theatre will take place at the Sherwood Center for the Arts this week with performances on Saturday. She said August 8-13 Missoula Children's Theatre will return with Aladdin. She said the Police Advisory Board met last week and discussed the language concerning recreational marijuana legislation. She asked staff about the status of the retail space in the Center for the Arts.

Assistant City Manager Tom Pessemier said there has been interest from two local restaurants and both have made proposals. He said one proposal is closer than the other and the City will begin negotiations with that party in the new future.

Council President Harris commented on bees and pesticides and said other communities have banned pesticides that are going to hurt bees and asked if Sherwood could do that.

Mr. Gall said staff can look at the pesticides we currently use and what other cities have done. He said staff can bring that information to a work session. Council agreed.

With no further announcements, Mayor Clark adjourned the meeting and convened to an Urban Renewal Agency Board meeting.

**12. ADJOURN:**

Meeting adjourned at 9:03 pm.

Attest:

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Sylvia Murphy, MMC, City Recorder

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Krisanna Clark, Mayor

**TO:** Sherwood City Council

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

**SUBJECT: Resolution 2016-042 Reappointing David Sorensen to the Parks and Recreation Board**

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**Issue:**

Shall the City Council reappoint David Sorensen to the Parks and Recreation Board?

**Background:**

David Sorensen was appointed to the Parks and Recreation Board by Resolution 2014-034. David's two year term has expired and he has requested reappointment. Council Liaison Kuiper, and the Chair of the Parks Board, with assistance of staff, are recommending David for reappointment.

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

**Recommendation:**

Staff respectfully recommends City Council approval of Resolution 2016-042, reappointing David Sorensen to the Parks and Recreation Board.



**RESOLUTION 2016-042**

**REAPPOINTING DAVID SORENSEN TO THE PARKS AND RECREATION BOARD**

**WHEREAS**, David Sorensen was appointed to the Parks and Recreation Board by Resolution 2014-034; and

**WHEREAS**, David Sorensen's two year term has expired and he has requested reappointment; and

**WHEREAS**, Council Liaison Kuiper, and the Chair of the Parks Board, with assistance of staff, are recommending David Sorensen for reappointment; and

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

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

**Section 1.** The Mayor is authorized to reappoint David Sorensen to a two year term, expiring July 2018.

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

**Duly passed by the City Council this 19<sup>th</sup> of July, 2016.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**TO:** Sherwood City Council

**FROM:** Josh Soper, City Attorney  
**Through:** Joseph Gall, ICMA-CM, City Manager

**SUBJECT:** **Resolution 2016-043 Amending the City of Sherwood Home Rule Charter as Approved by City Electors at the May 2016 Election**

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**Issue:**

Should the City Council amend the City of Sherwood Home Rule Charter as approved by City electors at the May 2016 election?

**Background:**

Via Resolution 2016-033, *Approving the City Recorder's canvassing of the election returns of the May 17, 2016 Washington County election and directing the City Recorder to enter the results into the record*, the City Recorder presented the official results of the May 2016 election to the City Council. Ballot measure 34-244, a citizen ballot initiative proposing to amend the City Charter, passed. City Council must now complete the process of amending the Charter by adopting the attached Resolution.

The Charter revisions are attached to this staff report in track changes format and attached in final format as Exhibit 1 to the attached Resolution.

**Financial Impacts:**

While the ballot measure is likely to have significant financial impacts on the City, no direct financial impacts are anticipated as a result of approving the attached Resolution and finalizing the Charter amendment process, other than the minimal costs relating to updating the charter language itself via MuniCode.

**Recommendation:**

Staff respectfully recommends City Council approval of Resolution 2016-043, Amending the City of Sherwood Home Rule Charter as Approved by City Electors at the May 2016 Election.

**Attachment to Staff Report  
Charter Amendment in Track Changes**

Section 16. - Ordinance Adoption.

(a) Except as this provision provides otherwise, adoption of an ordinance requires approval by a majority of the council at two separate meetings separated by at least six days.

(1) The text of the proposed ordinance shall be posted and available to the public at least six days in advance of the meeting at which the ordinance will be considered, and any amendment to the text as posted shall be read in full.

(2) At each meeting that the ordinance is considered, the title of the ordinance shall be read and public comments shall be accepted prior to the vote of the council.

(3) An ordinance may be adopted at a single meeting of the council by unanimous vote of all sitting councilors on the question upon being read by title twice.

(b) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.

(c) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.

(d) After adoption of an ordinance, the city recorder must endorse it with the date of adoption and the recorder's name and title. The city recorder must submit the ordinance to the mayor for approval. If the mayor approves the ordinance, the mayor must sign and date it.

(e) If the mayor vetoes the ordinance, the mayor must return it to the city recorder with written reasons for her veto within 10 days of receipt of the ordinance. If the ordinance is not so returned, it takes effect as if approved.

(f) At the first council meeting after veto by the mayor, the council will consider the reasons of the mayor and again vote on the ordinance. If four councilors vote to adopt the ordinance, it will take effect.

(g) After July 1, 2015, any ordinance, resolution or order approved by a majority of the City Council that imposes a new city tax, charge, or fee and/or increases by more than two percent annually any city utility tax, charge, or fee including but not limited to water charges, sewer and surface water charges, and street utility fees that are imposed on residential properties occupied by owners and/or occupants within the City of Sherwood boundaries, shall not be effective unless ratified by a majority vote of the City's qualified electors voting in an election where at least 50 percent of the registered voters cast a ballot, or the election is a general election in an even-numbered year.



**RESOLUTION 2016-043**

**AMENDING THE CITY OF SHERWOOD HOME RULE CHARTER AS APPROVED BY CITY ELECTORS AT THE MAY 2016 ELECTION**

**WHEREAS**, with its approval of Resolution 2016-033, the City Council accepted the City Recorder’s canvassing of the official results of the May 2016 election as provided by the Washington County Elections Official; and

**WHEREAS**, as documented in the official results of the election, the City’s electors approved Ballot Measure 34-244, amending the City’s Home Rule Charter; and

**WHEREAS**, as such, the City Council now finds it appropriate to amend the City of Sherwood Home Rule Charter to incorporate the voter-approved changes, as set forth in the attached Exhibit 1.

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

**Section 1.** The City Council hereby adopts the amendments to Section 16 of the City Home Rule Charter, as set forth in Exhibit 1, attached to this resolution.

**Section 2.** The City Recorder is hereby directed to enter a copy of this Resolution in the record of the proceedings of this Council and to take such other actions necessary to effectuate the amendment of the Charter.

**Section 3.** This Resolution is and shall be effective upon approval by the City Council.

**Duly passed by the City Council this 19<sup>th</sup> day of July, 2016.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

## Exhibit 1

### Section 16. - Ordinance Adoption.

(a) Except as this provision provides otherwise, adoption of an ordinance requires approval by a majority of the council at two separate meetings separated by at least six days.

(1) The text of the proposed ordinance shall be posted and available to the public at least six days in advance of the meeting at which the ordinance will be considered, and any amendment to the text as posted shall be read in full.

(2) At each meeting that the ordinance is considered, the title of the ordinance shall be read and public comments shall be accepted prior to the vote of the council.

(3) An ordinance may be adopted at a single meeting of the council by unanimous vote of all sitting councilors on the question upon being read by title twice.

(b) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.

(c) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.

(d) After adoption of an ordinance, the city recorder must endorse it with the date of adoption and the recorder's name and title. The city recorder must submit the ordinance to the mayor for approval. If the mayor approves the ordinance, the mayor must sign and date it.

(e) If the mayor vetoes the ordinance, the mayor must return it to the city recorder with written reasons for his veto within 10 days of receipt of the ordinance. If the ordinance is not so returned, it takes effect as if approved.

(f) At the first council meeting after veto by the mayor, the council will consider the reasons of the mayor and again vote on the ordinance. If four councilors vote to adopt the ordinance, it will take effect.

(g) After July 1, 2015, any ordinance, resolution or order approved by a majority of the City Council that imposes a new city tax, charge, or fee and/or increases by more than two percent annually any city utility tax, charge, or fee including but not limited to water charges, sewer and surface water charges, and street utility fees that are imposed on residential properties occupied by owners and/or occupants within the City of Sherwood boundaries, shall not be effective unless ratified by a majority vote of the City's qualified electors voting in an election where at least 50 percent of the registered voters cast a ballot, or the election is a general election in an even-numbered year.

**TO:** Sherwood City Council

**FROM:** Bob Galati P.E., City Engineer  
**Through:** Joseph Gall, ICMA-CM, City Manager  
Josh Soper, City Attorney  
Julia Hajduk, Community Development Director

**SUBJECT: Resolution 2016-044, Authorizing the City Manager to execute a construction contract for the Sunset Boulevard Sanitary Sewer Extension Project**

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**Issue:**

Shall the City Council authorize the City Manager to execute a construction contract with C&M Excavation & Utilities LLC, the lowest responsive bidder to a June 30, 2016 bid opening, for construction of the Sunset Boulevard Sanitary Sewer Extension Project?

**Background:**

In 2015, homeowners who reside on lots adjacent to and south of Sunset Boulevard and east of Pine Street, requested information on their ability to connect into the City sanitary sewer system, as an alternative to repairing or replacing their failing septic tank systems.

Oregon Administrative Rules Chapter 340-071-0160(4)(f)(A)(III) requires connection to a public sewer when the nearest sewerage connection point from the property to be served is within 300 feet. It was determined that the nearest City sanitary mainline was nearly 300-feet west of their property, and estimated to be too costly for a single homeowner to extend to allow connection of a private lateral. Since there were several adjacent lots which also are on septic systems which are aging, a capital improvement project to extend the public sanitary mainline was proposed and approved in the FY2015-16 budget for design and FY2016-17 budget for construction.

During the design process (in FY 2015-16) it was identified that additional properties along Pine Street also have similar conditions and would benefit from extension of the public sanitary sewer system. The Pine Street portion of the project was added to the project plans and a budget estimate was prepared for the FY2016-17 budget which included both sections. The construction budget was estimated at \$239,260.

The Sunset and Pine Street Sanitary Sewer Extension project was advertised for bid submittals in the Daily Journal of Commerce (DJC) on June 8, 2016 and June 10, 2016. The bid requests were for each portion (Sunset portion and Pine portion) to be bid separately. The bid opening was held on June 30, 2016, where the City received two (2) responsible bidders. The responsible low bid came from C&M Construction with a total bid amount of \$315,030, which included \$120,337 for the Sunset Boulevard portion of the project, and \$194,693 for the Pine Street portion of the project. The bid amount for the entire project is \$75,770 over the adopted project budget amount for FY 2016-17. The budgeted project amount is sufficient to cover the construction costs for the Sunset Boulevard portion of the project. The issue is how to cover the construction cost of the Pine Street portion of the project. The sanitary improvements SDC fund does have adequate reserves to

cover the entire cost of the project at this time, however, it would require a supplemental budget amendment at the onset of the current FY operations to enact.

To avoid this action, several options were identified on how to proceed:

**Option 1:** Cancel the entire project for FY2016-17 and rebid it in FY2017-18. The FY2017-18 City budget would take into consideration the additional funds necessary to cover the increased costs of materials and labor, and in rebidding the project. This option delays any opportunity for possible residential sanitary sewer connection by at least one year. The risk is that if there is a septic system failure at any of the lots covered by the project, a public health hazard could result. In addition, it is anticipated that costs will continue to increase.

**Option 2:** Proceed with the contract negotiations and construction for only the Sunset Boulevard portion of the project at this time. Staff has coordinated with the contractor and confirmed that they are amenable to proceeding with the Sunset portion of the project alone. However, because the bid assumed both projects, there was a slight increase (\$744) to the project cost for doing the single project, which is reflected in the attached bid tabulation. The Pine Street portion could be re-evaluated for additional cost savings and either re-bid later this year after a supplemental budget is approved or in FY2017-18. This option provides public sanitary service to those properties where the risk of septic system failure is more probable. Re-bidding the Pine Street portion of the project delays that portion of the project and it is likely that costs to construct will increase, however it is possible more competitive bids will be received if bid at a different time in the construction season.

**Financial Impacts:**

The project was included in the FY2016-17 budget. Because the bids came in higher than the budgeted amount, the project must either be delayed, scaled down or the budget must be amended. Staff is recommending that the project be scaled down to include only the Sunset portion at this time which would allow the most critical portion of the project to move forward within budget.

**Recommendation:**

Staff respectfully recommends City Council provide a directive to proceed a construction contract for the Sunset portion only and approve Resolution 2016-044, authorizing the City Manager to execute a construction contract with C&M Excavation & Utilities LLC, for construction of the Sunset Boulevard Sanitary Sewer Extension Project.



**City of Sherwood**  
**SW Sunset Blvd & SW Pine St Sanitary Sewer Extensions Project**  
**Bid Tabulation - SW Pine St Sanitary Sewer Extension**  
**Bid Closing - June 30, 2016**

**Pine Street Sanitary Sewer Extension**

				Engineer's Estimate		Braun Construction		C&M Construction			
ITEM	Description	Unit	Quantity	Unit Price	Total	Unit Price	Total	Unit Price	Total		
1	Mobilization	LS	1	\$10,000.00	\$10,000.00	\$15,000.00	\$15,000.00	\$25,000.00	\$25,000.00		
2	Temporary Work Zone Traffic Control, Complete	LS	1	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00	\$12,000.00	\$12,000.00		
3	Erosion Control	LS	1	\$750.00	\$750.00	\$2,000.00	\$2,000.00	\$500.00	\$500.00		
4	Construction Survey Work	LS	1	\$1,500.00	\$1,500.00	\$2,500.00	\$2,500.00	\$1,750.00	\$1,750.00		
5	Removal of Structures and Obstructions	LS	1	\$3,000.00	\$3,000.00	\$2,500.00	\$2,500.00	\$3,000.00	\$3,000.00		
6	Trench Foundation	CY	5	\$60.00	\$300.00	\$50.00	\$250.00	\$50.00	\$250.00		
7	Rock Excavation	CY	5	\$115.00	\$575.00	\$200.00	\$1,000.00	\$250.00	\$1,250.00		
8	Boulder Excavation	CY	5	\$105.00	\$525.00	\$200.00	\$1,000.00	\$250.00	\$1,250.00		
9	Mainline Video Inspection	FT	633	\$4.00	\$2,532.00	\$3.00	\$1,899.00	\$3.00	\$1,899.00		
10	Pre-Construction Video Inspection	LS	1	\$2,000.00	\$2,000.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00		
11	8-Inch, PVC, ASTM 3034, SDR 35 Pipe	FT	633	\$80.00	\$50,640.00	\$125.00	\$79,125.00	\$100.00	\$63,300.00		
12	4-Inch, PVC, ASTM 3034, SDR 35 San Lateral, Grn	FT	178	\$75.00	\$13,350.00	\$150.00	\$26,700.00	\$135.00	\$24,030.00		
13	Concrete Sanitary Sewer Manhole	EA	3	\$4,000.00	\$12,000.00	\$3,500.00	\$10,500.00	\$4,000.00	\$12,000.00		
14	Concrete Sanitary Sewer Cleanouts, 4-inch	EA	10	\$600.00	\$6,000.00	\$1,000.00	\$10,000.00	\$335.00	\$3,350.00		
15	Connection to Existing Manhole	EA	1	\$1,500.00	\$1,500.00	\$3,000.00	\$3,000.00	\$2,000.00	\$2,000.00		
16	Connection to Existing Piping	EA	8	\$400.00	\$3,200.00	\$1,000.00	\$8,000.00	\$1,500.00	\$12,000.00		
17	Filling 6" Clay Pipe with CLSM	FT	226	\$2.00	\$452.00	\$25.00	\$5,650.00	\$14.00	\$3,164.00		
18	Trench Resurfacing, temp ACP, 2-inch Depth	SY	325	\$30.00	\$9,750.00	\$22.00	\$7,150.00	\$16.00	\$5,200.00		
19	Trench Resurfacing, ACP, 5-inch Depth	SY	395	\$60.00	\$23,700.00	\$75.00	\$29,625.00	\$50.00	\$19,750.00		
20	Yard Restoration	LS	1	\$1,200.00	\$1,200.00	\$4,500.00	\$4,500.00	\$500.00	\$500.00		
<b>TOTAL</b>					<b>\$147,974.00</b>		<b>\$222,899.00</b>		<b>\$194,693.00</b>		



**City of Sherwood**  
**SW Sunset Blvd & SW Pine St Sanitary Sewer Extensions Project**  
**Bid Tabulation - SW Sunset Blvd Sanitary Sewer Extension**  
**Bid Closing - June 30, 2016**

**Sunset Blvd Sanitary Sewer Extension**

				Engineer's Estimate		Braun Construction		C&M Construction			
ITEM	Description	Unit	Quantity	Unit Price	Total	Unit Price	Total	Unit Price	Total		
1	Mobilization	LS	1	\$10,000.00	\$10,000.00	\$15,000.00	\$15,000.00	\$16,000.00	\$16,000.00		
2	Temporary Work Zone Traffic Control, Complete	LS	1	\$7,000.00	\$7,000.00	\$10,000.00	\$10,000.00	\$8,500.00	\$8,500.00		
3	Erosion Control	LS	1	\$750.00	\$750.00	\$2,000.00	\$2,000.00	\$500.00	\$500.00		
4	Construction Survey Work	LS	1	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,750.00	\$1,750.00		
5	Trench Foundation	CY	5	\$60.00	\$300.00	\$50.00	\$250.00	\$50.00	\$250.00		
6	Rock Excavation	CY	5	\$115.00	\$575.00	\$200.00	\$1,000.00	\$250.00	\$1,250.00		
7	Boulder Excavation	CY	5	\$105.00	\$525.00	\$200.00	\$1,000.00	\$250.00	\$1,250.00		
8	Mainline Video Inspection	FT	181	\$4.00	\$724.00	\$4.00	\$724.00	\$3.00	\$543.00		
9	8-inch, PVC, ASTM 3034, SDR 35 Pipe	FT	181	\$110.00	\$19,910.00	\$175.00	\$31,675.00	\$130.00	\$23,530.00		
10	4-inch, PVD, ASTM 3034, SDR 35 San Lateral, Grn	FT	117	\$100.00	\$11,700.00	\$225.00	\$26,325.00	\$165.00	\$19,305.00		
11	4-inch, Ductile Iron, Sanitary Lateral	FT	83	\$110.00	\$9,130.00	\$250.00	\$20,750.00	\$177.00	\$14,691.00		
12	Concrete Sanitary Sewer Manhole	EA	1	\$4,500.00	\$4,500.00	\$4,000.00	\$4,000.00	\$5,000.00	\$5,000.00		
13	Concrete Sanitary Sewer Cleanouts, 4-inch	EA	5	\$750.00	\$3,750.00	\$1,000.00	\$5,000.00	\$400.00	\$2,000.00		
14	Connection to Existing Manhole	EA	1	\$1,500.00	\$1,500.00	\$5,000.00	\$5,000.00	\$2,000.00	\$2,000.00		
15	Trench Resurfacing, Temp ACP, 2-inch Depth	SY	136	\$30.00	\$4,080.00	\$22.00	\$2,992.00	\$16.00	\$2,176.00		
16	Trench Resurfacing, ACP, 6-inch Depth	SY	186	\$70.00	\$13,020.00	\$80.00	\$14,880.00	\$64.00	\$11,904.00		
17	Trench Resurfacing, Concrete Sidewalk, 4-in. Dpth	SF	464	\$6.00	\$2,784.00	\$10.00	\$4,640.00	\$13.00	\$6,032.00		
18	Trench Resurfacing, Concrete Curb & Gutter	FT	30	\$45.00	\$1,350.00	\$50.00	\$1,500.00	\$25.00	\$750.00		
19	Longitudinal Pavement Markings - Paint	FT	210	\$5.00	\$1,050.00	\$20.00	\$4,200.00	\$15.00	\$3,150.00		
21	Yard Restoration	LS	1	\$700.00	\$700.00	\$1,500.00	\$1,500.00	\$500.00	\$500.00		
<b>TOTAL</b>					<b>\$94,848.00</b>		<b>\$154,436.00</b>		<b>\$121,081.00</b>		



**City of Sherwood**  
**SW Sunset Blvd & SW Pine St Sanitary Sewer Extensions Project**  
**Bid Tabulation - Total Bid**  
**Bid Closing - June 30, 2016**

**COMBINED BID TOTAL**

				Engineer's Estimate		Braun Construction		C&M Construction			
ITEM	Description	Unit	Quantity	Total		Total		Total			
	Pine St Sanitary Sewer Extension	LS	1	\$147,974.00		\$222,899.00		\$194,693.00			
	Sunset Blvd Sanitary Sewer Extension	LS	1	\$94,848.00		\$154,436.00		\$121,081.00			
<b>BID ALTERNATE TOTAL</b>					<b>\$242,822.00</b>		<b>\$377,335.00</b>		<b>\$315,774.00</b>		

Price change after bid opening due to reduction in project scope



**RESOLUTION 2016-044**

**AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT FOR THE SUNSET BOULEVARD SANITARY SEWER EXTENSION PROJECT**

**WHEREAS**, a citizen request for information on decommissioning their on-site septic sewer system and connecting to the public sanitary sewer system, resulted in a finding that the nearest public sanitary sewer mainline is located in Sunset Boulevard nearly 300-feet west of the citizens nearest property line; and

**WHEREAS**, it was determined that the estimated construction cost to extend the public mainline east within Sunset Boulevard was not economically feasible for a single property owner to afford; and

**WHEREAS**, the Oregon Administrative Rules, Chapter 340-071-0160(4)(f)(A)(III), and the supporting City's Municipal Code intent is to remove on-site septic sewer systems within the City limits, thereby reducing or eliminating a public health hazard situation due to a failed on-site septic sewer system; and

**WHEREAS**, the City determined that extension of the public sanitary sewer system would provide public service to several adjacent lots that currently utilize on-site septic sewer systems, which will eventually need to connect to the public sewer system due to the relatively limited operational life span of such systems: and

**WHEREAS**, the City developed bid documents and advertised for bids in the Daily Journal of Commerce (DJC) on June 8 and 10, 2016, for construction of the extension of the public sanitary sewer system within Sunset Boulevard, meeting the requirements of local and state contracting statues and rules (ORS 279C, OAR 137-049); and

**WHEREAS**, on June 30, 2016 the City received and opened two (2) bid submittals, with the lowest responsible bid submittal being from C&M Excavation & Utilities LLC, in the amount of \$121,081; and

**WHEREAS**, the City has issued the Notice of Intent to Award and the mandatory seven (7) day protest period and concluded without protest; and

**WHEREAS**, City staff recommends City Council to authorize the City Manager to execute a construction contract with C&M Excavation & Utilities LLC in an amount equal to their base bid of \$121,081; and

**WHEREAS**, City staff recommends City Council authorize a 15% contingency amount of \$18,162 to mitigate unforeseen issues during the project construction process.

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

**Section 1.** The City Manager is hereby authorized to execute a contract with C&M Excavation & Utilities LLC in an amount not to exceed \$121,081 for the construction of the Sunset Boulevard Sanitary Sewer Extension Project

**Section 2.** Subject to the limitations of the local and state contracting rules, the City Manager is hereby authorized to execute change orders for a total amount not to exceed 15% (\$18,162) of the original contract award amount of \$121,081.

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

**Duly passed by the City Council this 19th of July, 2016.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**Council Meeting Date:** July 19, 2016

**Agenda Item:** New Business

**TO:** Sherwood City Council

**FROM:** Tom Pessemier, Assistant City Manager

**Through:** Joseph Gall, City Manager, ICMA-CM

**SUBJECT: Resolution 2016-045, adopting criteria to be used in the annual performance evaluation of the City Attorney**

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**Issue:**

Shall the City Council approve a resolution adopting the protocol and an evaluation document containing criteria for the review and evaluation of the City Attorney's job performance and describing the process for obtaining staff assessment of the City Attorney's performance?

**Background:**

The attached resolution will adopt the protocol and an evaluation document containing criteria for the review and evaluation of the City Attorney's job performance, and describes the process for obtaining staff assessment of the City Attorney's performance.

The City Council held a work session on June 7, 2016, at which these changes were discussed. Staff has made the requested changes and now presents these documents for approval by the City Council.

**Financial Implications:**

No direct financial implications.

**Recommendation:**

Staff respectfully recommends that the City Council approve Resolution 2016-045, adopting criteria to be used in the annual performance evaluation of the City Attorney.



**RESOLUTION 2016-045**

**ADOPTING CRITERIA TO BE USED IN THE ANNUAL PERFORMANCE EVALUATION OF THE CITY ATTORNEY**

**WHEREAS**, the Sherwood City Council wishes to adopt a set of criteria to assist it and the City Attorney in evaluating the City Attorney’s job performance;

**WHEREAS**, Exhibit “A” attached to this Resolution is a document which contains the criteria the Council wishes to use in performing its evaluation; and

**WHEREAS**, Council believes it necessary and appropriate for review and evaluation of the City Attorney to obtain input from senior staff concerning their perceptions of the City Attorney’s performance.

**NOW THEREFORE BASED ON THE FOREGOING**, the City of Sherwood hereby resolves as follows:

**Section 1.** Exhibit “A” is hereby established as the City’s evaluative device for assessing the City Attorney’s job performance. The Mayor and Council President may, if they choose, delegate their duties described in Exhibit “A” to the Human Resources Department.

**Section 2.** Senior Staff will be offered the chance, utilizing criteria described in Exhibit “A”, to provide Council with their collective and individualized observations/perceptions on the City Attorney’s performance.

**Section 3.** The observations described in Section 2 will be provided to the Human Resources Department for compilation, summarization and transmittal to Council.

**Section 4.** The terms of this resolution shall be and are effective as of the date of the adoption of this resolution by City Council.

**Duly passed by the City Council this 19<sup>th</sup> day of July, 2016.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder



## **CITY OF SHERWOOD PERFORMANCE EVALUATION CITY ATTORNEY**

### **PURPOSE**

The purpose of the City Attorney's employee performance evaluation is to ensure communication between the City Council and City Attorney concerning the City Attorney's performance relative to his/her assigned duties and responsibilities as well as establishment of specific work-related goals and objectives.

### **PROCESS**

The Sherwood City Council will conduct a review and evaluation of the City Attorney's work performance at least annually.

1. The City Attorney prepares a memorandum to Council including his/her self-evaluation using the same performance evaluation form given to Council
2. A confidential copy of the memorandum and self-evaluation will be distributed to Council members.
3. Electronic Evaluation forms to be used by Council members will be distributed by Human Resources.
4. Each Council member will complete the online or paper form, if requested, and return it to the Mayor and Council President. The Mayor and Council President will tabulate and summarize the results of the evaluation forms as submitted and create a compiled evaluation. The Mayor and Council President can elect to have the Human Resources department complete this task.
5. Prior to the executive session the composite evaluation, memorandum and self-evaluation will be distributed to Council in confidential documents.
6. The Mayor and Council members will meet in executive session with the City Attorney to discuss his/her compiled evaluation.
7. After the City Attorney is dismissed the Mayor and Council will discuss the performance of the City Attorney in executive session.
8. The City Council will meet with the City Attorney in executive session to review the evaluation and performance, unless the City Attorney requests an open meeting.
9. The Mayor will schedule a City Council meeting to adopt a resolution approving final performance evaluation.
10. The Mayor will schedule a work session or Council agenda item if compensation or contract changes are desired by Council.

## **INSTRUCTIONS**

Review the Attorney's work performance for the entire period under review; refrain from basing the evaluation solely on recent events or isolated incidents. Disregard your general impressions concentrating instead on each factor, one at a time. Evaluate based on standards you expect to be met for the position giving due consideration for the length of time he/she has held it. Check the number which most accurately reflects the level of performance for the factor being appraised using the rating scale described below. If you did not have an opportunity to observe a factor during the evaluation period, indicate so in the N/O column next to the factor.

## **CITY ATTORNEY PERFORMANCE EVALUATION**

**DATE:** \_\_\_\_\_

### **RATING SCALE DEFINITIONS (1-5)**

#### **Unsatisfactory (1)**

The employee's work performance is inadequate and definitely inferior to the standards of performance required for the job. Performance at this level cannot be allowed to continue.

#### **Improvement Needed (2)**

The employee's work performance does not consistently meet the standards of the position. Serious effort is needed to improve performance.

#### **Meets Job Standards (3)**

The employee's work performance consistently meets the standards of the position.

#### **Exceeds Job Standards (4)**

The employee's work performance is frequently or consistently above the level of a satisfactory employee, but has not achieved an overall level of outstanding performance.

#### **Outstanding (5)**

The employee's work performance is consistently excellent when compared to the standards of the job.

#### **N/O**

No Opinion.

# I. PERFORMANCE EVALUATION AND ACHIEVEMENTS

## 1. City Council Boards/Comm. Relationships

- A. Provides sound legal advice to the City Council, Boards, Commissions, and City staff. 1  2  3  4  5  N/O
- B. Reporting to City Council, Boards, Commissions, and City staff is timely, clear, concise and thorough 1  2  3  4  5  N/O
- C. Accepts direction/instructions in a positive manner 1  2  3  4  5  N/O
- D. Staff reports are thorough and timely. 1  2  3  4  5  N/O
- E. Keeps City Council, Boards, Commissions, and City staff informed of current legal trends and new developments in case law and legislation, ect. 1  2  3  4  5  N/O
- F. Participates in Council discussions and makes recommendations where appropriate, but allows the Council to make policy decisions without exerting undue pressure. 1  2  3  4  5  N/O

Comments:

## 2. Legal Research and Review

- A. Effectively identifies legal issues and performs research and investigation 1  2  3  4  5  N/O
- B. Effectively reviews and interprets legal instruments, reports and documents prepared by departments. 1  2  3  4  5  N/O
- C. Provides effective and efficient legal assistance to City Council, Boards and Commission. 1  2  3  4  5  N/O
- D. Review of ordinances and contracts are accurate and timely. 1  2  3  4  5  N/O
- E. Attempts to obtain all facts prior to making a decision. 1  2  3  4  5  N/O

Comments:

## 3. Employee/Public Relations

- A. Provides clear concise and thorough advice and reports to City Staff and employees on legal matters. 1  2  3  4  5  N/O
- B. Works well with other employees. 1  2  3  4  5  N/O
- C. Represents the City with a positive outlook. 1  2  3  4  5  N/O
- D. Keeps commitments to the public. 1  2  3  4  5  N/O
- E. Resolves citizen complaints consistent with Council policy in a timely manner. 1  2  3  4  5  N/O

Comments:

**4. Communication**

- A. Responds to inquiries from Council and or Council members in a timely and understandable manner. 1  2  3  4  5  N/O
- B. Oral Communication is clear, concise and articulate 1  2  3  4  5  N/O
- C. Written communications (e.g.) contracts, deeds, and other legal documents are clear, concise and accurate. 1  2  3  4  5  N/O
- D. Notifies all affected parties prior to implementing decisions. 1  2  3  4  5  N/O

Comments:

**5. Quantity/Quality**

- A. Amount of work performed 1  2  3  4  5  N/O
- B. Completion of work on time. 1  2  3  4  5  N/O
- C. Accuracy 1  2  3  4  5  N/O
- D. Thoroughness 1  2  3  4  5  N/O

Comments:

**6. Personal Traits**

- A. Controls emotions effectively in difficult situations 1  2  3  4  5  N/O
  
- B. Exercises good judgement and common sense 1  2  3  4  5  N/O
  
- C. Demonstrates personal honesty and frankness in day-to-day relationships 1  2  3  4  5  N/O
  
- D. Is creative in developing practical solutions to problems faced in the course of work 1  2  3  4  5  N/O

Comments:

**7. Litigation/Administrative Proceedings**

- A. Provides timely and effective representation of the City’s interest in litigation. 1  2  3  4  5  N/O
  
- B. Provides timely and effective representation of the City’s interest in administrative hearings. 1  2  3  4  5  N/O
  
- C. Avoids unnecessary litigation through tactful and professional handling of potential claims against the City. 1  2  3  4  5  N/O

Comments:

Achievements relative to objectives for this evaluation period:

**II. What have been the finest accomplishments of the City Attorney this past year?**

**III. What areas need the most improvement? Why? What constructive, positive ideas can you offer the City Attorney to improve these areas?**

**IV. SUMMARY RATING**

Overall Performance Rating - Considering the results obtained against established performance standards as well as overall job performance, the following rating is provided:

- 1 Unsatisfactory
- 2 Improvement Needed
- 3 Meets Job Standards
- 4 Exceeds Job Standards
- 5 Outstanding

Comments:

**V. FUTURE GOALS AND OBJECTIVES**

Specific goals and objectives to be achieved in the next evaluation period:

A large, empty rectangular box with a thin black border, intended for the user to enter specific goals and objectives for the next evaluation period.

**TO:** Sherwood City Council

**FROM:** Josh Soper, City Attorney  
**Through:** Joseph Gall, ICMA-CM, City Manager

**SUBJECT: Resolution 2016-046, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment regarding Ordinance Adoption**

---

**Issue:**

Shall the City Council approve the ballot title and explanatory statement for, and submit to the voters at the November 2016 election, a proposed charter amendment regarding ordinance adoption?

**Background:**

The Sherwood City Council met in public work sessions on February 16, 2016 and June 7, 2016 to discuss a number of possible amendments to the City Charter. Staff subsequently prepared resolutions, ballot titles, and explanatory statements for each of five proposed amendments, for further consideration and possible approval by Council.

The attached resolution, ballot title, and explanatory statement pertain to a proposed charter amendment regarding ordinance adoption. If it is approved by Council, the amendment would be submitted to the voters at the November 2016 election. If it is then approved by voters, this measure would amend Section 16(a) of the City Charter to provide that proposed ordinances shall be posted to the City's website and that, generally, adopting an ordinance requires readings at two separate meetings, but a single vote. It would also remove language from Section 16(a) that is redundant with Section 16(b).

**Financial Impacts:**

The direct financial impact of approving this resolution is the cost relating to publishing the ballot title and explanatory statement in a newspaper as required by City Code, estimated at approximately \$1,000 per ballot measure.

**Recommendation:**

Staff respectfully recommends Council review and consider adopting Resolution 2016-046, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment regarding Ordinance Adoption.



**RESOLUTION 2016-046**

**APPROVING BALLOT TITLE AND EXPLANATORY STATEMENT AND SUBMITTING TO THE VOTERS A PROPOSED CHARTER AMENDMENT REGARDING ORDINANCE ADOPTION**

**WHEREAS**, the Sherwood City Council met in public work sessions on February 16, 2016 and June 7, 2016 to discuss a number of possible amendments to the City Charter; and

**WHEREAS**, the Council further considered said amendments during a public meeting on July 19, 2016 and has determined to submit to the voters of Sherwood a ballot measure proposing to amend the charter with regard to ordinance adoption;

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

**Section 1.** An election is called for the City of Sherwood, Washington County, Oregon for the purpose of submitting to City voters an amendment to the City’s home rule charter regarding ordinance adoption.

**Section 2.** Tuesday, November 8, 2016 is designated as the date for holding the election for voting on the measure.

**Section 3.** The election will be conducted by the Washington County Elections Department.

**Section 4.** The precincts for this election will include all of the territory within the corporate limits of the City of Sherwood.

**Section 5.** The Ballot Title and Explanatory Statement attached as Exhibits 1 and 2, respectively, are hereby approved and certified.

**Section 6.** The City Recorder will publish the Ballot Title as required by state law. The City of Sherwood authorizes the City Recorder or her designee to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

**Section 7.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 19<sup>th</sup> day of July, 2016.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**Exhibit 1**  
**Ballot Title**

**CAPTION:** Revision to Sherwood Charter Regarding Ordinance Adoption

**QUESTION:** Shall the charter section governing the process of ordinance adoption be revised?

**SUMMARY:** Referred by City Council. Effective January 1, 2017, amends Section 16(a) to read:

*(a) Except as this provision provides otherwise, adoption of an ordinance requires reading of the proposed ordinance by title at two separate meetings separated by at least six days, and approval by a majority of council, which approval may occur at the meeting at which the second reading is conducted or a subsequent meeting.*

*(1) The text of the proposed ordinance shall be posted and available to the public on the City's website at least six days in advance of each meeting at which the ordinance will be read or considered pursuant to this section.*

*(2) At each meeting that the ordinance is read or considered pursuant to this section, the title of the ordinance shall be read and public comments shall be accepted, prior to any vote of the council on adoption.*

*(3) An ordinance may be adopted at a single meeting of the council by unanimous vote of all sitting councilors on the question upon being read by title twice.*

## Exhibit 2 Explanatory Statement

The Oregon Constitution gives city voters the right to adopt, amend, and revise the City Charter. The Sherwood City Council met several times in open public meetings to discuss a number of possible amendments to the City Charter, and determined to refer this measure proposing a charter amendment to the voters.

This measure would amend Section 16(a) of the City Charter to provide that proposed ordinances shall be posted to the City's website and that, generally, adopting an ordinance requires readings at two separate meetings, but a single vote. It would also remove language from Section 16(a) that Council determined is redundant with Section 16(b).

Section 16(a) would read in its entirety (with added language shown in underline and removed language shown in ~~striketrough~~):

- (a) Except as this provision provides otherwise, adoption of an ordinance requires ~~approval by a majority of the council~~ reading of the proposed ordinance by title at two separate meetings separated by at least six days, and approval by a majority of council, which approval may occur at the meeting at which the second reading is conducted or a subsequent meeting.
- (1) The text of the proposed ordinance shall be posted and available to the public on the City's website at least six days in advance of ~~the each~~ meeting at which the ordinance will be read or considered pursuant to this section, ~~and any amendment to the text as posted shall be read in full.~~
- (2) At each meeting that the ordinance is read or considered pursuant to this section, the title of the ordinance shall be read and public comments shall be accepted, prior to ~~the any~~ vote of the council on adoption.
- (3) An ordinance may be adopted at a single meeting of the council by unanimous vote of all sitting councilors on the question upon being read by title twice.

For context, Section 16(b), which is not affected by this measure, reads:

- (b) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.

If approved by voters, this measure would take effect January 1, 2017.

**TO:** Sherwood City Council

**FROM:** Josh Soper, City Attorney  
**Through:** Joseph Gall, ICMA-CM, City Manager

**SUBJECT: Resolution 2016-047, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment regarding the City Budget**

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**Issue:**

Shall the City Council approve the ballot title and explanatory statement for, and submit to the voters at the November 2016 election, a proposed charter amendment regarding the City budget?

**Background:**

The Sherwood City Council met in public work sessions on February 16, 2016 and June 7, 2016 to discuss a number of possible amendments to the City Charter. Staff subsequently prepared resolutions, ballot titles, and explanatory statements for each of five proposed amendments, for further consideration and possible approval by Council.

The attached resolution, ballot title, and explanatory statement pertain to a proposed charter amendment regarding the City's budget. If it is approved by Council, the amendment would be submitted to the voters at the November 2016 election. If it is then approved by voters, this measure would amend Sections 33 and 37 of the City Charter by removing the word "annual" in reference to the City budget, in order to allow the City additional flexibility in the future such as moving to a biannual budget process.

**Financial Impacts:**

The direct financial impact of approving this resolution is the cost relating to publishing the ballot title and explanatory statement in a newspaper as required by City Code, estimated at approximately \$1,000 per ballot measure.

**Recommendation:**

Staff respectfully recommends Council review and consider adopting Resolution 2016-047, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment regarding the City Budget.



**RESOLUTION 2016-047**

**APPROVING BALLOT TITLE AND EXPLANATORY STATEMENT AND SUBMITTING TO THE VOTERS A PROPOSED CHARTER AMENDMENT REGARDING THE CITY BUDGET**

**WHEREAS**, the Sherwood City Council met in public work sessions on February 16, 2016 and June 7, 2016 to discuss a number of possible amendments to the City Charter; and

**WHEREAS**, the Council further considered said amendments during a public meeting on July 19, 2016 and has determined to submit to the voters of Sherwood a ballot measure proposing to amend the charter with regard to the City budget;

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

**Section 1.** An election is called for the City of Sherwood, Washington County, Oregon for the purpose of submitting to City voters an amendment to the City’s home rule charter regarding the City’s budget.

**Section 2.** Tuesday, November 8, 2016 is designated as the date for holding the election for voting on the measure.

**Section 3.** The election will be conducted by the Washington County Elections Department.

**Section 4.** The precincts for this election will include all of the territory within the corporate limits of the City of Sherwood.

**Section 5.** The Ballot Title and Explanatory Statement attached as Exhibits 1 and 2, respectively, are hereby approved and certified.

**Section 6.** The City Recorder will publish the Ballot Title as required by state law. The City of Sherwood authorizes the City Recorder or her designee to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

**Section 7.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 19<sup>th</sup> day of July, 2016.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**Exhibit 1**  
**Ballot Title**

**CAPTION:** Revision to Sherwood Charter Regarding City Budget

**QUESTION:** Shall the charter be amended to remove the word “annual” in reference to the City budget?

**SUMMARY:** This measure was referred to the voters by the City Council. It amends Sections 33(e)(6) and 37 of the charter by removing the word “annual” in reference to the City budget, in order to allow the City additional flexibility in the future such as moving to a biannual budget process. If approved, it would take effect January 1, 2017.

Section 33(e)(6) would read as follows:

*Prepare and administer the city budget;*

The first sentence of Section 37 would read as follows:

*The council must authorize the compensation of City appointive officers and employees as part of its approval of the city budget.*

**Exhibit 2**  
**Explanatory Statement**

The Oregon Constitution gives city voters the right to adopt, amend, and revise the City Charter. The Sherwood City Council met several times in open public meetings to discuss a number of possible amendments to the City Charter, and determined to refer this measure proposing a charter amendment to the voters.

This measure would amend Sections 33(e)(6) and 37 of the City Charter by removing the word “annual” in reference to the City budget, in order to allow the City additional flexibility in the future such as moving to a biannual budget process.

Section 33(e) would read in its entirety (with removed language shown in ~~strike~~through):

(e) The manager must:

- (1) Attend all council meetings unless excused by the mayor or council;
- (2) Make reports and recommendations to the mayor and council about the needs of the city;
- (3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
- (4) Appoint, supervise and remove city employees;
- (5) Organize city departments and administrative structure;
- (6) Prepare and administer the ~~annual~~ city budget;
- (7) Administer city utilities and property;
- (8) Encourage and support regional and intergovernmental cooperation;
- (9) Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community;
- (10) Perform other duties as directed by the council;
- (11) Delegate duties, but remain responsible for acts of all subordinates.

The first sentence of Section 37 would read (with removed language shown in ~~strike~~through):

The council must authorize the compensation of City appointive officers and employees as part of its approval of the ~~annual~~ city budget.

If approved by voters, this measure would take effect January 1, 2017.

**TO:** Sherwood City Council

**FROM:** Josh Soper, City Attorney  
**Through:** Joseph Gall, ICMA-CM, City Manager

**SUBJECT:** Resolution 2016-048, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment regarding the City Recorder Reporting Structure.

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**Issue:**

Shall the City Council approve the ballot title and explanatory statement for, and submit to the voters at the November 2016 election, a proposed charter amendment regarding the City Recorder reporting structure?

**Background:**

The Sherwood City Council met in public work sessions on February 16, 2016 and June 7, 2016 to discuss a number of possible amendments to the City Charter. Staff subsequently prepared resolutions, ballot titles, and explanatory statements for each of five proposed amendments, for further consideration and possible approval by Council.

The attached resolution, ballot title, and explanatory statement pertain to a proposed charter amendment regarding the City Recorder reporting structure. If it is approved by Council, the amendment would be submitted to the voters at the November 2016 election. If it is then approved by voters, this measure would amend Section 34 of the charter such that the City Recorder would report to the City Manager, rather than the City Council.

**Financial Impacts:**

The direct financial impact of approving this resolution is the cost relating to publishing the ballot title and explanatory statement in a newspaper as required by City Code, estimated at approximately \$1,000 per ballot measure.

**Recommendation:**

Staff respectfully recommends Council review and consider adopting Resolution 2016-048, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment regarding the City Recorder Reporting Structure.



**RESOLUTION 2016-048**

**APPROVING BALLOT TITLE AND EXPLANATORY STATEMENT AND SUBMITTING TO THE VOTERS A PROPOSED CHARTER AMENDMENT REGARDING THE CITY RECORDER REPORTING STRUCTURE**

**WHEREAS**, the Sherwood City Council met in public work sessions on February 16, 2016 and June 7, 2016 to discuss a number of possible amendments to the City Charter; and

**WHEREAS**, the Council further considered said amendments during a public meeting on July 19, 2016 and has determined to submit to the voters of Sherwood a ballot measure proposing to amend the charter with regard to the City Recorder reporting structure;

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

**Section 1.** An election is called for the City of Sherwood, Washington County, Oregon for the purpose of submitting to City voters an amendment to the City’s home rule charter regarding the City Recorder reporting structure.

**Section 2.** Tuesday, November 8, 2016 is designated as the date for holding the election for voting on the measure.

**Section 3.** The election will be conducted by the Washington County Elections Department.

**Section 4.** The precincts for this election will include all of the territory within the corporate limits of the City of Sherwood.

**Section 5.** The Ballot Title and Explanatory Statement attached as Exhibits 1 and 2, respectively, are hereby approved and certified.

**Section 6.** The City Recorder will publish the Ballot Title as required by state law. The City of Sherwood authorizes the City Recorder or her designee to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

**Section 7.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 19<sup>th</sup> day of July, 2016.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**Exhibit 1**  
**Ballot Title**

**CAPTION:** Revision to Sherwood Charter Regarding City Recorder Reporting Structure

**QUESTION:** Shall the charter be amended such that the City Recorder reports to the City Manager?

**SUMMARY:** This measure was referred to the voters by the City Council. It amends Section 34 of the charter such that the City Recorder would report to the City Manager, rather than reporting to the City Council as is the case with the current charter language. If approved, it would take effect January 1, 2017.

Section 34 would read as follows:

*(a) The office of city recorder is established as the council clerk, city custodian of records and city elections official. The recorder must attend all council meetings unless excused by the City Manager.*

*(b) The City Manager must appoint and may remove the recorder. The appointment must be made without regard to political considerations and solely on the basis of education and experience.*

*(c) When the recorder is temporarily disabled from acting as recorder or when the office becomes vacant, the City Manager must appoint a recorder pro tem. The recorder pro tem has the authority and duties of the recorder.*

**Exhibit 2**  
**Explanatory Statement**

The Oregon Constitution gives city voters the right to adopt, amend, and revise the City Charter. The Sherwood City Council met several times in open public meetings to discuss a number of possible amendments to the City Charter, and determined to refer this measure proposing a charter amendment to the voters.

This measure would amend Section 34 of the City Charter such that the City Recorder would report to the City Manager, rather than reporting to the City Council as is the case with the current charter language. In considering this amendment, the City Council reviewed the City Recorder reporting structure in other area cities and found that, in most cases, the City Recorder reports to the City Manager.

Section 34 would read in its entirety (with added language shown in underline and removed language shown in ~~strikethrough~~):

- (a) The office of city recorder is established as the council clerk, city custodian of records and city elections official. The recorder must attend all council meetings unless excused by the ~~mayor or council~~City Manager.
- (b) ~~A majority of the council~~The City Manager must appoint and may remove the recorder. The appointment must be made without regard to political considerations and solely on the basis of education and experience.
- (c) When the recorder is temporarily disabled from acting as recorder or when the office becomes vacant, the ~~council~~City Manager must appoint a recorder pro tem. The recorder pro tem has the authority and duties of the recorder.

If approved by voters, this measure would take effect January 1, 2017.

**TO:** Sherwood City Council

**FROM:** Josh Soper, City Attorney  
**Through:** Joseph Gall, ICMA-CM, City Manager

**SUBJECT:** Resolution 2016-049, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment regarding the Mayor's Term of Office.

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**Issue:**

Shall the City Council approve the ballot title and explanatory statement for, and submit to the voters at the November 2016 election, a proposed charter amendment regarding the Mayor's term of office?

**Background:**

The Sherwood City Council met in public work sessions on February 16, 2016 and June 7, 2016 to discuss a number of possible amendments to the City Charter. Staff subsequently prepared resolutions, ballot titles, and explanatory statements for each of five proposed amendments, for further consideration and possible approval by Council.

The attached resolution, ballot title, and explanatory statement pertain to a proposed charter amendment regarding the Mayor's term of office. If it is approved by Council, the amendment would be submitted to the voters at the November 2016 election. If it is then approved by voters, this measure would amend Section 25 of the charter such that the Mayor's term of office would be changed from two years to four. If approved, it would take effect January 1, 2017, which means that the person elected Mayor in the November 2016 elections would serve a four-year term commencing in January 2017.

**Financial Impacts:**

The direct financial impact of approving this resolution is the cost relating to publishing the ballot title and explanatory statement in a newspaper as required by City Code, estimated at approximately \$1,000 per ballot measure.

**Recommendation:**

Staff respectfully recommends Council review and consider adopting Resolution 2016-049, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment regarding the Mayor's Term of Office.



**RESOLUTION 2016-049**

**APPROVING BALLOT TITLE AND EXPLANATORY STATEMENT AND SUBMITTING TO THE VOTERS A PROPOSED CHARTER AMENDMENT REGARDING THE MAYOR'S TERM OF OFFICE**

**WHEREAS**, the Sherwood City Council met in public work sessions on February 16, 2016 and June 7, 2016 to discuss a number of possible amendments to the City Charter; and

**WHEREAS**, the Council further considered said amendments during a public meeting on July 19, 2016 and has determined to submit to the voters of Sherwood a ballot measure proposing to amend the charter with regard to the Mayor's term of office;

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

**Section 1.** An election is called for the City of Sherwood, Washington County, Oregon for the purpose of submitting to City voters an amendment to the City's home rule charter regarding the Mayor's term of office.

**Section 2.** Tuesday, November 8, 2016 is designated as the date for holding the election for voting on the measure.

**Section 3.** The election will be conducted by the Washington County Elections Department.

**Section 4.** The precincts for this election will include all of the territory within the corporate limits of the City of Sherwood.

**Section 5.** The Ballot Title and Explanatory Statement attached as Exhibits 1 and 2, respectively, are hereby approved and certified.

**Section 6.** The City Recorder will publish the Ballot Title as required by state law. The City of Sherwood authorizes the City Recorder or her designee to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

**Section 7.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 19<sup>th</sup> day of July, 2016.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**Exhibit 1**  
**Ballot Title**

**CAPTION:** Revision to Sherwood Charter Regarding Mayor's Term of Office

**QUESTION:** Shall the charter be amended to change the Mayor's term of office from two years to four?

**SUMMARY:** This measure was referred to the voters by the City Council. It amends Section 25 of the charter such that the Mayor's term of office would be changed from two years to four. If approved, it would take effect January 1, 2017, which means that the person elected Mayor in the November 2016 elections would serve a four-year term commencing in January 2017.

Section 25 would read in its entirety as follows:

*At every other general election, beginning with the 2016 general election, a mayor will be elected for a four-year term. The mayor elected in the 2016 general election shall serve a four-year term commencing in accordance with Section 29 of this charter.*

**Exhibit 2**  
**Explanatory Statement**

The Oregon Constitution gives city voters the right to adopt, amend, and revise the City Charter. The Sherwood City Council met several times in open public meetings to discuss a number of possible amendments to the City Charter, and determined to refer this measure proposing a charter amendment to the voters.

This measure would amend Section 25 of the City Charter such that the Mayor's term of office would be changed from two years to four. In considering this amendment, the City Council reviewed the mayor's term of office in other area cities and found that, in most cases, the term was four years.

Section 25 would read in its entirety (with added language shown in underline and removed language shown in ~~striketrough~~):

At ~~each~~every other general election, beginning with the 2016 general election, a mayor will be elected for a ~~two~~four-year term. The mayor elected in the 2016 general election shall serve a four-year term commencing in accordance with Section 29 of this charter.

If approved by voters, this measure would take effect January 1, 2017, which means that the person elected Mayor in the November 2016 elections would serve a four-year term commencing in January 2017.

**TO:** Sherwood City Council

**FROM:** Josh Soper, City Attorney  
**Through:** Joseph Gall, ICMA-CM, City Manager

**SUBJECT:** Resolution 2016-050, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment regarding Mayor and Council Compensation.

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**Issue:**

Shall the City Council approve the ballot title and explanatory statement for, and submit to the voters at the November 2016 election, a proposed charter amendment regarding Mayor and Council compensation?

**Background:**

The Sherwood City Council met in public work sessions on February 16, 2016 and June 7, 2016 to discuss a number of possible amendments to the City Charter. Staff subsequently prepared resolutions, ballot titles, and explanatory statements for each of five proposed amendments, for further consideration and possible approval by Council.

The attached resolution, ballot title, and explanatory statement pertain to a proposed charter amendment regarding Mayor and Council compensation. If it is approved by Council, the amendment would be submitted to the voters at the November 2016 election. If it is then approved by voters, this measure would amend Section 37 of the City Charter to allow specified compensation to be paid to the Mayor (\$500/month) and City Council (\$250/month), and those amounts would be indexed to inflation. The Mayor and those City Council positions elected in the November 2016 elections would be eligible to receive the compensation beginning in January 2017, and the remaining City Council positions would become eligible in January 2019, after being elected at the November 2018 elections.

**Financial Impacts:**

The direct financial impact of approving this resolution is the cost relating to publishing the ballot title and explanatory statement in a newspaper as required by City Code, estimated at approximately \$1,000 per ballot measure.

**Recommendation:**

Staff respectfully recommends Council review and consider adopting Resolution 2016-050, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment regarding Mayor and Council Compensation.



**RESOLUTION 2016-050**

**APPROVING BALLOT TITLE AND EXPLANATORY STATEMENT AND SUBMITTING TO THE VOTERS A PROPOSED CHARTER AMENDMENT REGARDING MAYOR AND COUNCIL COMPENSATION**

**WHEREAS**, the Sherwood City Council met in public work sessions on February 16, 2016 and June 7, 2016 to discuss a number of possible amendments to the City Charter; and

**WHEREAS**, the Council further considered said amendments during a public meeting on July 19, 2016 and has determined to submit to the voters of Sherwood a ballot measure proposing to amend the charter with regard to Mayor and Council compensation;

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

**Section 1.** An election is called for the City of Sherwood, Washington County, Oregon for the purpose of submitting to City voters an amendment to the City’s home rule charter regarding Mayor and Council compensation.

**Section 2.** Tuesday, November 8, 2016 is designated as the date for holding the election for voting on the measure.

**Section 3.** The election will be conducted by the Washington County Elections Department.

**Section 4.** The precincts for this election will include all of the territory within the corporate limits of the City of Sherwood.

**Section 5.** The Ballot Title and Explanatory Statement attached as Exhibits 1 and 2, respectively, are hereby approved and certified.

**Section 6.** The City Recorder will publish the Ballot Title as required by state law. The City of Sherwood authorizes the City Recorder or her designee to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

**Section 7.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 19<sup>th</sup> day of July, 2016.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**Exhibit 1**  
**Ballot Title**

**CAPTION:** Revision to Sherwood Charter Regarding Mayor and City Council Compensation

**QUESTION:** Shall the charter be amended to allow specified compensation for the Mayor and City Council?

**SUMMARY:** Referred to voters by City Council. Effective January 1, 2017, amends charter to allow specified compensation for Mayor and Council.

Section 37, excluding the first sentence of that section, which is the subject of a separate ballot measure and is not affected by this measure, would read:

*The mayor and councilors may be reimbursed for actual and reasonable expenses, and additionally the mayor may be compensated in the amount of five-hundred dollars ~~(\$500)~~ per month and the members of the council may each be compensated in the amount of two-hundred fifty dollars ~~(\$250)~~ per month, beginning January 2017, such amounts to thereafter be automatically adjusted annually effective January of each year, beginning January 2018, by the same percentage as the U.S. Bureau of Labor Statistics CPI-W West Index percentage figure for the prior calendar year. Notwithstanding the foregoing, the position of mayor and the council positions elected in November 2016 shall be eligible to receive compensation under this section beginning January 2017, and the remaining council positions shall be eligible beginning January 2019.*

**Exhibit 2**  
**Explanatory Statement**

The Oregon Constitution gives city voters the right to adopt, amend, and revise the City Charter. The Sherwood City Council met several times in open public meetings to discuss a number of possible amendments to the City Charter, and determined to refer this measure proposing a charter amendment to the voters.

This measure would amend part of Section 37 of the City Charter to allow specified compensation to be paid to the Mayor and City Council. The compensation amounts would be indexed to inflation. The Mayor and those City Council positions elected in the November 2016 elections would be eligible to receive the compensation beginning in January 2017, and the remaining City Council positions would become eligible in January 2019, after being elected at the November 2018 elections.

In considering this amendment, the City Council reviewed the issue of compensation for the mayor and city council in other area cities and found that, in most cases, some level of compensation was made available. In those cities where compensation was available, the amounts reviewed by the City Council varied widely, ranging from fifty dollars ~~(\$50)~~ per month for councilors up to over one-hundred seventy-five thousand dollars ~~(\$175,000)~~ per year for a full-time mayor. In many cases, the mayor received a higher level of compensation than councilors, which the Sherwood City Council determined was appropriate based on the additional duties of the mayor's position.

Section 37, excluding the first sentence of that section, which is the subject of a separate ballot measure and is not affected by this measure, would read (with added language shown in underline and removed language shown in ~~striketrough~~):

The mayor and councilors ~~shall not be compensated but~~ may be reimbursed for actual and reasonable expenses, and additionally the mayor may be compensated in the amount of five-hundred dollars (\$500) per month and the members of the council may each be compensated in the amount of two-hundred fifty dollars (\$250) per month, beginning January 2017, such amounts to thereafter be automatically adjusted annually effective January of each year, beginning January 2018, by the same percentage as the U.S. Bureau of Labor Statistics CPI-W West Index percentage figure for the prior calendar year. Notwithstanding the foregoing, the position of mayor and the council positions elected in November 2016 shall be eligible to receive compensation under this section beginning January 2017, and the remaining council positions shall be eligible beginning January 2019.

If approved by voters, this measure would take effect January 1, 2017.

**TO:** Sherwood City Council

**FROM:** Michelle Miller, AICP, Senior Planner  
**Through:** Julia Hajduk, Community Development Director, Joseph Gall, ICMA-CM, City Manager  
and Josh Soper, City Attorney

**SUBJECT:** Ordinance 2016-011, Renaming a segment of SW Columbia Street to SW Odge Gribble Lane

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**Issue:**

Shall the City Council rename a segment of SW Columbia Street to SW Odge Gribble Lane?

**Background:**

At the June 7, 2016 Council meeting, the Council voted to initiate the process of renaming the segment of SW Columbia Street, located between SW Pine and SW Washington Street, to SW Odge Gribble Lane. In support of this process, Mayor Clark noted that Odge Gribble should be recognized and honored for her dedication and support of many of the philanthropic and civic organizations in the Sherwood including Helping Hands, the Sherwood Chamber of Commerce, Friends of Old Town, Sherwood Robin Hood Festival and Cruisin'. According to Mayor Clark, she is an "icon and local historian" within the Sherwood community.

City staff informed the abutting property owners of the street renaming, posted notice on the street and published notice in a newspaper as per SMC § 12.06.040.

SMC Chapter 12.06 also requires that Council conduct a public hearing to determine whether the criteria in the chapter are met and whether the name change is in the public interest, prior to adopting an ordinance changing the name of a street.

The criteria to change a street name include: maintaining a common name for the entire alignment, historical or local names shall be used and long names and similar names shall be avoided. In this case, SW Columbia Street jogs at this point between SW Pine and SW Washington and is not directly aligned with the other segments of SW Columbia Street. Additional criteria include that, "No Street shall be given a name that is the same as, similar to or pronounced the same as any other street in the City, unless it is an extension of an already-named street." There are no streets already similarly named.

Classifications for naming the suffix of the street are considered to ensure region-wide consistency for emergency responders so they can quickly navigate to the emergency. Because the roadway is a "short east/west local streets under 1,000 feet in length," "Lane" is considered an appropriate designation for this segment.

There are no addresses that would require an address change based on the new street name as no properties use this segment for their address.

**Financial Impacts:**

New street signs will be required at each end of the street segment. It is estimated to cost \$500 to make and install the two new signs. This estimate is based on the fee of \$250 for each street sign and installation by the Public Works Department staff charged for development projects.

**Recommendation:**

Staff respectfully recommends City Council approval of Ordinance 2016-011, renaming a segment of SW Columbia Street to SW Odge Gribble Lane at a first reading on July 19, 2016 with an anticipated second reading on August 16, 2016.

**Attachments:**

1 – Map of the Street Renaming Segment

# Vicinity Map for Proposed Street Rename



City Hall

Center for the Arts

Proposed SW Edge Gribble Lane

0 50 100 200 Feet

N



## ORDINANCE 2016-011

### RENAMING A SEGMENT OF SW COLUMBIA STREET TO SW OEDGE GRIBBLE LANE

**WHEREAS**, the City Council on its own motion initiated the process to rename a segment of SW Columbia Street, located between SW Pine and SW Washington Streets, near the Sherwood Center for the Arts, to SW Oedge Gribble Lane; and

**WHEREAS**, the Council proposed the change to recognize and honor Oedge Gribble as a long-time resident of Sherwood and steadfast supporter and volunteer of many organizations in the community; and

**WHEREAS**, Sherwood Municipal Code (SMC) Section 12.06.010 provides that street names, whenever practicable, shall be based on historical factors including naming streets after long-time (50 or more years) residents of Sherwood; and

**WHEREAS**, the Council recognizes that Oedge Gribble has been a resident of Sherwood for over 50 years and this road segment is an appropriate tribute and representation of her commitment and contribution to Old Town and the arts community in Sherwood; and

**WHEREAS**, SMC 12.06.020 provides the classifications (suffixes) that shall be used in the assignment of all street names and “Lane” is listed as a “short east/west local street under 1,000 feet in length”; and

**WHEREAS**, the street segment proposed to be renamed is oriented east/west and is less than 1,000 feet in length; and

**WHEREAS**, the proposed name change was subject to full and proper notice in accordance with SMC 12.06.040 by posting on the street and in a local newspaper; and

**WHEREAS**, the City Council held public hearings on July 19, 2016 and August 16, 2016 and determined that the proposed name change met the above criteria and all other criteria in SMC Chapter 12.06, continued to be consistent with regional and state standards, and was in the public interest.

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

**Section 1. Findings.** After full and due consideration of the record, findings, and evidence presented at the public hearings, the Council finds that the proposed name change meets the criteria of SMC Chapter 12.06 and is in the public interest.

**Section 2. Approval.** The proposed street renaming of the segment of SW Columbia Street between SW Pine Street and SW Washington Street to SW Odge Gribble Lane is hereby **APPROVED**.

**Section 3 - Manager Authorized.** The Planning Department is hereby authorized and directed to provide notification of this name change to Washington County Assessment and Taxation and to any other necessary entities, and to take such other action as is necessary to effectuate this street name change.

**Section 4 - Effective Date.** This ordinance shall become effective the 30<sup>th</sup> day after its enactment by the City Council and approval by the Mayor.

**Duly passed by the City Council this 16<sup>th</sup> day of August 2016.**

\_\_\_\_\_  
Krisanna Clark, Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Brouse	_____	_____
Robinson	_____	_____
Kuiper	_____	_____
King	_____	_____
Henderson	_____	_____
Harris	_____	_____
Clark	_____	_____

**Sherwood Field House Monthly Report June 2016**

<u>June-16</u>	<u>Jun-16</u>		<u>YTD</u>		<u>Jun-15</u>
<b>Usage</b>		People		People	People
	<u>Count</u>	<u>Served*</u>	<u>Count</u>	<u>Served*</u>	<u>Served*</u>
Leagues	3	360	23	5067	392
Rentals	26	390	833	12465	1215
Other (Classes)					
[1] Day Use	4	38	105	1163	30
<b>Total Usage</b>		<b>788</b>		<b>18695</b>	<b>1637</b>
<b>Income FY 15 16</b>	<u>Jun-16</u>	<u>YTD</u>			
Rentals	\$1,720	\$58,062			
League fees (indoor)	\$4,957	\$77,046			
Card fees (indoor)	\$260	\$3,763			
Day Use	\$100	\$3,288			
Advertising					
Snacks	\$571	\$5,919			
Classes					
<b>Total</b>	<b>\$7,608</b>	<b>\$148,078</b>			
<b>FY 14 15</b>					
<b>Income</b>	<u>Jun-15</u>	<u>YTD</u>			
Rentals	\$5,050	\$56,859			
League fees (indoor)	\$4,620	\$77,354			
Card fees (indoor)	\$70	\$3,580			
Day Use	\$110	\$2,125			
Advertising					
Snacks	\$115	\$5,471			
Classes					
<b>Total</b>	<b>\$9,965</b>	<b>\$145,389</b>			

\*Estimated number of people served.

This ends FY 15/16



### **Fields and Gyms**

- Youth Lacrosse held 6 games in the month of June and held their season ending tournament on the weekend of June 4<sup>th</sup>.
- Youth soccer is practicing at Snyder Park every week night.
- Youth baseball
  - 74 league games
  - Federal Invite tournament on June 4<sup>th</sup> and 5<sup>th</sup> with 24 teams for all over the Portland Metro area and as far away as Redland; totaling approximately 48 games.
  - American Invite tournament on June 18<sup>th</sup> and 19<sup>th</sup> with 24 teams for all over the Portland Metro area and as far away as Redland; totaling approximately 48 games.
  - Hosted the West Side District tournament on the 24<sup>th</sup> -26th for the Midget American level.
- Youth softball finished up their season with 7 league games and tournaments on the weekends of the 4<sup>th</sup> and 11<sup>th</sup>. Each tournament had 12 teams from the Portland metro area.
- The Greater Portland Soccer District rented 6 hours of time at Snyder Park for adult games.
- Three adult co-ed soccer games were held at the high school during the month.
- A couple of basketball teams in the gyms during the month as well as a basketball camp at SMS.

### **Field House**

- Running 3 adult leagues.
- The new beverage cooler is working out well.
- Rentals have slowed way down, which typical for this time of year.

Respectfully Submitted.

Lance Gilgan

June 30, 2016