



## TUALATIN CITY COUNCIL MEETING

MONDAY, AUGUST 26, 2024

TUALATIN CITY SERVICES  
10699 SW HERMAN ROAD  
TUALATIN, OR 97062

Mayor Frank Bubenik  
Council President Valerie Pratt  
Councilor Maria Reyes                      Councilor Bridget Brooks  
Councilor Christen Sacco                  Councilor Cyndy Hillier  
Councilor Octavio Gonzalez

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To the extent possible, the public is encouraged to watch the meeting live on local cable channel 28, or on the City's website.

For those wishing to provide comment during the meeting, there is one opportunity on the agenda: Public Comment. Written statements may be sent in advance of the meeting to Deputy City Recorder Nicole Morris up until 4:30 pm on Monday, August 8. These statements will be included in the official meeting record, but not read during the meeting.

For those who would prefer to make verbal comment, there are two ways to do so: either by speaking in person or entering the meeting using the zoom link and writing your name in chat. As always, public comment is limited to three minutes per person.

Phone: +1 669 900 6833

Meeting ID: 861 2129 3664

Password: 18880

Link : <https://us02web.zoom.us/j/86121293664?pwd=SS9XZUZyT3FnMk5rbDVKN2pWbnZ6UT09>

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### Work Session

- 1. 5:30 p.m. (30 min) – Update on the Community Involvement Organization (CIO) Program.** The Community Involvement Organization Program was established in 2011 and includes six residential groups and one dedicated to businesses. Each CIO is governed by an elected board of directors and adopted set of bylaws. There are currently 37 volunteers across all seven CIOs and each CIO has a minimum of five board members. This evening, representatives from that group will report their current activities and priorities to the City Council.
- 2. 6:00 p.m. (30 min) – Review of Council Rules.** On February 26, 2024, Council appointed a Council Rules Subcommittee to review the Rules and report back with proposed changes. On June 24, 2024, Council reviewed the proposed revisions to the Council Rules forwarded by the Council Rules Subcommittee, and after that review directed the City Attorney to make some further proposed revisions. All of the proposed revisions are

included in the attached Draft- Council Rules (new language in red). Once there is general consensus to consider approval of the revisions, staff will prepare a resolution amending the rules for Council review at an upcoming Council meeting.

3. **6:30 p.m. (30 min) – Council Meeting Agenda Review, Communications & Roundtable.** Council will review the agenda for the August 26 City Council meeting and brief the Council on issues of mutual interest.

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## **7:00 P.M. CITY COUNCIL MEETING**

### **Call to Order**

### **Pledge of Allegiance**

### **Announcements**

1. Vine2Wine Announcement
2. Proclamation Declaring September 17-23, 2024 as Constitution Week in the City of Tualatin

### **Public Comment**

*This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.*

### **Consent Agenda**

*The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda.*

1. Consideration of Approval of the Special Work Session Meeting Minutes of July 29, 2024 and Work Session and Regular Meeting Minutes of August 12, 2024
2. Consideration of **Resolution No. 5803-24** Awarding the Contract for Conceptual and Preliminary Design of the 65th / Borland / Sagert Improvements Project

### **Public Hearings - Legislative**

1. Consideration of **Resolution No. 5804-24** Authorizing the Increase of the Not-to-Exceed Price of the SCADA Upgrade Project with Control Systems NW, LLC and Adopting Findings, Approving an Exemption From Competitive Bidding for the Public Improvement Portion of This Project.

### **General Business**

*If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is*

*limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.*

- [1.](#) Consideration of 2025 Legislative Priorities for the League of Oregon Cities
- [2.](#) Consideration of **Resolution No. 5805-24** Adopting the City of Tualatin's 2025 Legislative Agenda
- [3.](#) Consideration of Recommendations from the Council Committee on Advisory Appointments

### **Items Removed from Consent Agenda**

*Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.*

### **Council Communications**

### **Adjournment**

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Meeting materials, including agendas, packets, public hearing and public comment guidelines, and Mayor and Councilor bios are available at <http://www.tualatinoregon.gov/citycouncil>.

Tualatin City Council meets are broadcast live, and recorded, by Tualatin Valley Community Television (TVCTV) Government Access Programming. For more information, contact TVCTV at 503.629.8534 or visit [www.tvctv.org/tualatin](http://www.tvctv.org/tualatin).

In compliance with the Americans with Disabilities Act, this meeting location is accessible to persons with disabilities. To request accommodations, please contact the City Manager's Office at 503.691.3011 36 hours in advance of the meeting.



City of Tualatin

## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Sherilyn Lombos, City Manager  
**FROM:** Megan George, Deputy City Manager  
**DATE:** August 26, 2024

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**SUBJECT:**  
Community Involvement Organizations (CIOs) Update

### **EXECUTIVE SUMMARY:**

The Community Involvement Organization Program was established in 2011 and includes six residential groups (Byrom, East, Ibach, Martinazzi Woods, Midwest, and Riverpark) and one dedicated to businesses (Commercial). Each CIO is governed by an elected board of directors and adopted set of bylaws.

In 2021, in recognition of the ten-year anniversary of the program and recent challenges related to the pandemic, current CIO volunteers participated in a survey and focus group discussion about opportunities to revitalize the program. Later that year, the CIOs met with the City Council to discuss the results of those engagements.

The City Council identified neighborhood engagement as one of their 2024 priorities. Action 1.2 states "Host a joint work session with the CIOs and provide information to the Council on background of the program structure, map, number of people engaged, and value to the community."

There are currently 37 volunteers across all seven CIOs and each CIO has a minimum of five board members. Leaders from each group gather periodically throughout the year to report out and coordinate joint initiatives. This evening, representatives from that group will report their current activities and priorities to the City Council.

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### **ATTACHMENTS:**

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## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Sherilyn Lombos, City Manager  
**FROM:** Kevin R. McConnell, City Attorney  
**DATE:** August 26, 2024

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**SUBJECT:**

Review of proposed revisions to Council Rules.

**EXECUTIVE SUMMARY:**

On February 26, 2024, Council appointed a Council Rules Subcommittee to review the Rules and report back with proposed changes, if any. On June 24, 2024, Council reviewed the proposed revisions to the Council Rules forwarded by the Council Rules Subcommittee. The revisions focused on: 1) Council decorum (interactions among Members of Council and Public Comment), 2) Council Travel Policy (airfare); 3) Mandatory Oregon Government Ethics and Council Rules training and 4) Virtual Council Meeting attendance.

After review, the Council directed the City Attorney to make further proposed revisions to the Rules as follows:

- Rule 1G(2)(j): Clarify what announcements and information may properly be presented during this agenda item;
- Rules 8A(4) and (5): Requiring members of Council to attend or view Oregon Government Ethics and Council Rules training: i) within one year of assuming office and ii) within one year of reelection; and
- Rule 8B(1): Clarifying Council's commitment to maintain decorum and work together to advance the community's interests

During this process, the City Attorney also made minor revisions to Rule 1B (Council) to reference the current Council Position term end dates and reference the correct citations to the Oregon Public Meeting and Records Laws throughout the Rules.

All of the proposed revisions are included in the attached Draft- Council Rules (new language in red)

If there is general consensus to consider the approval of these revisions, staff will prepare a resolution amending the City of Tualatin Council Rules for Council review at an upcoming Council Business Meeting. The City Council may also choose to not move forward with the proposed revisions or direct staff to draft additional revisions to the Rules.

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**ATTACHMENTS:**

- Draft- Council Rules



# **CITY OF TUALATIN COUNCIL RULES**

**Adopted by Resolution No. 5355-18, February 12, 2018**

**As Amended by Resolution No. 5486-20, March 23, 2020**

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**RULE 1**  
**General Governance**

**A. Rules of Procedure.**

1. Chapter IV of the Charter authorizes the Council to adopt rules of procedure for Council meetings.<sup>1</sup> Unless otherwise provided by the Charter, an ordinance, or these rules, the procedure for all Council meetings, and any subcommittee of the Council, will be guided by Robert’s Rules of Order, 11th Edition.
2. To maintain orderly procedures, members of Council should be recognized by the chair before commenting and should maintain decorum with courteous interactions during debate. Members of Council are encouraged to avoid invoking the finer points of parliamentary procedure found in Robert’s Rules of Order when such points could obscure the issues before Council and confuse the public.
3. Whenever these rules and Robert’s Rules of Order conflict, these rules govern.

**B. Council.** The members of Council are the Mayor and the Councilors.<sup>2</sup> There are six Councilor positions:<sup>3</sup>

1. Council Position 1 – the term ends December 31, 2018~~26~~ and every four years thereafter.
2. Council Position 2 – the term ends December 31, 2020~~24~~ and every four years thereafter.
3. Council Position 3 – the term ends December 31, 2018~~26~~ and every four years thereafter.
4. Council Position 4 – the term ends December 31, 2020~~24~~ and every four years thereafter.
5. Council Position 5 – the term ends December 31, 2018~~26~~ and every four years thereafter.
6. Council Position 6 – the term ends December 31, 2020~~24~~ and every four years thereafter.

**C. Quorum.**

1. A quorum is required to conduct official City business. A quorum consists of three (3) Councilors plus the Mayor or Mayor pro tem.<sup>4</sup>

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<sup>1</sup> Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings”).

<sup>2</sup> Charter Sections 7 (Council); 8 (Councilors); 8a (Assignment of Council Positions); 9 (Mayor) (describing Council, Mayor, and powers).

<sup>3</sup> Charter Section 8a (Assignment of Council positions).

<sup>4</sup> Charter Section 14, (“Three Councilors and the Mayor or Mayor pro tem shall constitute a quorum for its business, but a small number may meet and compel the attendance of absent members in a manner provided by ordinance.”).



2. In the event a quorum is not present, the members of Council present may choose to hear comments from the public and receive reports, provided however no votes or official Council actions will be taken.

**D. Presiding Officer.**

1. The Mayor is the Presiding Officer and presides over all meetings.<sup>5</sup>
2. In the Mayor’s absence the President of the Council, as Mayor Pro-Tem, serves as the Presiding Officer and presides over the meeting.<sup>6</sup>
3. If both the Mayor and the President of the Council are absent from the meeting, the following procedure may be utilized to determine the Presiding Officer for the meeting:<sup>7</sup>
  - a. Any member of Council present at a meeting may call the Council to order.
  - b. Those members of Council present must elect a temporary Presiding Officer, as Mayor Pro Tem, for the meeting. A Councilor must receive the majority vote of the incumbent members on the Council to become the Presiding Officer for the meeting.
4. Should either the Mayor or the President of the Council arrive at the meeting after it begins, the temporary Presiding Officer must relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

**E. Other Officers.**

1. **City Recorder.** The City Recorder, or designee, must keep the official minutes of the Council in compliance with Oregon Public Meetings laws.
2. **City Manager.** The City Manager, or designee, is required to attend all meetings of the Council and to assist in answering questions. The City Manager may participate in any discussion, when recognized by the presiding officer. However, the City Manager has no authority to vote on any decision rendered by the Council.<sup>8</sup>

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<sup>5</sup> Charter Section 17 (Mayor’s Functions at Council Meetings) (“The Mayor shall be chair of the Council and preside over its deliberations.”).

<sup>6</sup> Charter Section 18 (President of the Council) (“In the Mayor’s absence from a Council meeting, the president shall preside over it as Mayor pro tem.”).

<sup>7</sup> Charter Section 33 (Filling of Vacancies) (authorizes the Council to fill temporary vacancies by majority vote of the “incumbent members.”) The term “incumbent members” in the Charter means the entire Council minus any permanently vacant seats (e.g., resignation, death, permanent incapacity). For instance, if the Mayor and Council President are absent, but 5 Councilors are present at the meeting, a Councilor must receive at least 4 votes to become the Presiding Officer because there are 7 “incumbent members” of the Council. However, if two seats on Council are permanently vacant seats, then in the same scenario above, the Councilor must receive 3 votes to be the Presiding Officer because there are 5 “incumbent members.” The term “incumbent members” does not mean a majority of those Councilors actually attending the meeting.

<sup>8</sup> Charter Sections 20a (City Manager) (“attend all meetings of the Council, unless excused therefrom”); Section 22 (Recorder). The person appointed as City Manager is also the same person appointed as the Recorder.

3. **City Attorney.** The City Attorney serves as the parliamentarian of the Council and will advise the Council on any questions of order. The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

#### **F. Agendas.<sup>9</sup>**

1. The City Manager must prepare an agenda for every meeting, including regular, special, and executive session meetings.
2. Agendas and informational material for meetings will generally be distributed to the Council at least seven (7) days preceding the meeting. However, in certain circumstances less time may be provided.
3. The agenda for a meeting does not require Council approval.
4. The City Manager may place routine items and items referred by staff on the agenda without Council approval or action.
5. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The Presiding Officer must announce such removal under announcements.
6. A member of Council who wishes to have an item placed on the agenda must bring the matter before the Council for consideration of adding the matter to the agenda and to determine the meeting date on which the agenda item is to be placed, if at all. Adding a matter to the agenda requires a majority vote of the member of Council present at the meeting.
7. As a guiding matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. The exception to this general rule is for emergency purposes and only with the unanimous consent of all members of Council present.

#### **G. Order of Business.**

1. The Mayor, or Mayor pro tem, as the presiding officer has the authority to determine the order of business at any meeting of the Council.
2. The order of business for all regular meetings will generally be as follows:<sup>10</sup>

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<sup>9</sup> An agenda is required by ORS 192.640 (Oregon Public Meetings Law) (public notice of a meeting must include “[a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.]”)

<sup>10</sup> Charter Section 17 (Mayor’s Functions at Council Meetings) (the Mayor is to “determine the order of business under the rules of the Council.”)

- a. **Call to Order.** The Presiding Officer announces the opening of the meeting and designates the person to lead the pledge of allegiance;
- b. **Announcements.** Brief announcements relating to the community, including upcoming events and proclamations;
- c. **Citizen Comments.** Public comments received concerning matters not on the agenda for the meeting;
- d. **Consent Agenda.** Routine items to be adopted by one motion of the Council;
- e. **Special Reports.** Reports of City Boards and Commissions, proclamations, special presentations, or reports;
- f. **Public Hearings (Legislative and Other).** Public hearings on legislative land use matters;
- g. **Public Hearings (Quasi-Judicial).** Public hearings on quasi-judicial land use matters;
- h. **General Business.** Consideration of ordinances, resolutions, contracts, policy statements, and other items. General Business items may also include public hearings on those matters;
- i. **Items Removed from Consent Agenda.** Any item removed from the Consent Agenda will be discussed and voted on at this time;
- j. **Communications from Councilors.** Announcements and information provided by members of Council **related to matters such as City, regional and state committees and boards as well as City or community events. Members of Council may also request information regarding public comment received during Citizen Comments and raise matters generally concerning the Council or City. This opportunity to speak shall not be used to advance a member of Council's personal political agenda or private interest;** and
- k. **Adjournment.** The conclusion of the meeting. Adjournment of the meeting is by majority vote of the members of Council present at the meeting.

**H. Reports of Boards, Commissions, Committees, Elected Officials and City Employees.**

- 1. When necessary, reports can be given to the Council by boards, commissions committees, elected officials and/or City employees.
- 2. When appropriate, reports to the Council should include written materials which are provided to the Council at least seven (7) days in advance of the meeting.
- 3. Oral reports to the Council should generally not exceed five (5) minutes in length.
- 4. The Council may ask questions of the presenter upon conclusion of the report being given.

**I. Public Comment.**

- 1. One (1) period for public comment will be reserved for every regular meeting of the Council.

2. Persons wishing to speak during public comment should sign the “Speaker Request Form” and provide the person’s name and place of residence, as well as the topic upon which the person wishes to speak. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
3. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker must wait until that public hearing portion of the meeting. Public comment must not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
4. Speakers are limited to three (3) minutes. At the discretion of the Presiding Officer, spokespersons for a group of people may be given additional time beyond three (3) minutes to speak on the matter.
5. Before providing any public comment, speakers must announce the person’s name and place of residence to the Council.
6. Members of Council may, after obtaining the floor, ask questions of speakers during public comment. In general, members of Council should not respond to comments made during the public comment agenda time, except to ask clarifying questions. Any public requests for Council action will be referred to staff for review before placing it on a future agenda. Any member of Council may intervene if the Mayor or a Councilor is violating the spirit of this guideline.
7. Speakers may play electronic audio or visual material during the time permitted for comment and may use available City-provided audio or visual equipment located in the Council chambers.

**J. Consent Agenda.**

1. In order to expedite the Council’s business, the approval of minutes and other routine agenda items will be placed on the consent agenda.
2. All items on the consent agenda must be approved by a single motion, unless an item is removed for separate consideration.
3. Any item on the consent agenda may be removed for separate consideration by any member of Council by stating which item is to be removed.
4. Appointments to committees must not be placed on the consent agenda.

**K. Ordinances and Resolutions – See RULE 3**

**L. Public Hearings Generally.**

1. Public hearings may be held to consider legislative, quasi-judicial, or administrative matters.

2. Persons wishing to speak should sign the “Speaker Request Form” with the person’s name and place of residence prior to the commencement of the public hearing at which the person wishes to speak.
3. The Presiding Officer will announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The Presiding Officer will then declare the hearing open.
4. Prior to giving testimony, each person must state the person’s name and their place of residence. All remarks must be addressed to the Council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three (3) minutes.
6. Members of Council may, after recognition by the Presiding Officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed testifying. Questions posed by members of Council should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Members of Council should use restraint and be considerate of the meeting time of the Council when exercising this option. Any member of Council may intervene if another member of Council is violating the spirit of this guideline.
7. Members of Council may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by a member of Council should be to provide clarification or additional information on testimony provided.
8. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matters. The Presiding Officer may order the testimony by having all speaking in favor testify, followed by all those in opposition. The Presiding Officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that the Presiding Officer should announce any such restrictions prior to the commencement of the testimony.
9. At the end of public testimony and questions of staff, the Council must do one of the following:
  - a. Initiate deliberations by introducing a motion on the matter;
  - b. Continue the hearing; or
  - c. Keep the record open for additional written testimony.
10. During deliberations, each member of Council must have the opportunity to comment on or discuss testimony given during the public hearing.
11. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, must be submitted to the City Recorder, or designee, prior to the conclusion of the hearing, unless the record is held open.

12. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed, unless exempt under Oregon law, if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Recorder, or designee, pursuant to ORS 192.455(1).

**M. Conduct of Hearings on Land Use Matters – See RULE 4**

**RULE 2**  
**Meeting Time, Location, and Frequency**

**A. Regular Meetings.** The Council will generally hold regular meetings at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday in December. If a second or fourth Monday falls on a City-recognized holiday, the meeting will be held on the following business day. <sup>11</sup>

**B. Special Meetings.** Special meetings may be called by the Mayor, three members of Council, or by the City Manager. <sup>12</sup>

1. The City Manager will provide notice of the special meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of special meetings.
2. The notice of the special meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Special meetings must be noticed in accordance with Oregon’s public meetings law, and, at a minimum, must be noticed at least 24 hours prior to the meeting taking place.

**C. Emergency Meetings.** Emergency meetings may be called by the Mayor, three members of Council, or by the City Manager. <sup>13</sup>

1. The City Manager will provide notice of the emergency meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of emergency meetings.
2. The notice of the emergency meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Emergency meetings are those meetings called with less than 24 hours’ notice and the Council must identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.

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<sup>11</sup> Charter Section 13 (Meetings) (“The Council shall hold a regular meeting at least once a month in the City at a time and a place which is designated.”); Tualatin Municipal Code 1-04 (setting forth specific times of meetings); see also ORS 192.610 to 192.690~~705~~ (Oregon Public Meetings Law).

<sup>12</sup> Charter Section 13 (Meetings) (“The Mayor upon his or her own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council in accordance with procedures prescribed by the state law and general ordinance. Special meetings of the Council may also be held by the common consent of all the members of the Council in accordance with procedures prescribed by state law and general ordinance.”); ORS 192.610 to 192.690~~705~~ (Oregon Public Meetings Law).

<sup>13</sup> Charter Section 13 (Meetings); see also ORS 192.610 to 192.690~~705~~ (Oregon Public Meetings Law).

4. The minutes for any emergency meeting must specifically identify why the meeting constituted an emergency and was necessary.

**D. Executive Sessions.** Executive sessions may be called by the Presiding Officer, by the request of three members of Council, by the City Manager, or by the City Attorney.<sup>14</sup>

1. Executive Sessions may be called for any purpose authorized by ORS 192.660, including but not limited to the following reasons:
  - a. Consider employment of a public officer, employee, or agent pursuant to regularized procedures for hiring adopted by the public body in meetings open to the public in which there has been opportunity for public comment. (ORS 192.660(2)(a)).
  - b. Consider discipline of a public officer, employee, or agent. (ORS 192.660(2)(b)).
  - c. Conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d)). Conduct deliberations with persons designated to negotiate real estate transactions (ORS 192.660(2)(e)).
  - d. Consider information or records exempt by law from public inspection. (ORS 192.660(2)(f)).
  - e. Consult with legal counsel concerning litigation or litigation likely to be filed. (ORS 192.660(2)(h)).
  - f. Review and evaluate the employment-related performance of the chief executive officer pursuant to standards, criteria, and policy directives adopted by the governing body. (ORS 192.660(2)(i)).
2. Only members of Council, the City Manager, and persons specifically invited by the City Manager or the Council are allowed to attend executive sessions.
3. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation. Members of the media are not to report on the issues discussed in executive session.
4. No final decision can be made in executive session. All final decisions must be made in open session at a regular meeting.

**E. Work Sessions.** Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.<sup>15</sup>

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<sup>14</sup> Charter Section 13 (Meetings); see also ORS 192.610 to 192.690~~705~~ (Oregon Public Meetings Law).

<sup>15</sup> Charter Section 13 (Meetings); TMC 1-4-020 (“A work session of the City Council will be held from 5:00 p.m. to 7:00 p.m., as needed, before each regular meeting.”); see also ORS 192.610 to 192.690~~705~~ (Oregon Public Meetings Law).



1. Work sessions are generally scheduled, as needed, between 5:00 and 7:00 p.m., immediately preceding each regular meeting.
2. All work sessions are subject to Oregon’s public meetings law and must be noticed accordingly.
3. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
4. Work sessions are to be scheduled by the City Manager.
5. The City Manager may invite any relevant staff to work sessions so that the sessions are as productive as possible.
6. At any work session or regular meeting, a member of Council may request an item be placed on a work session agenda. A majority vote of the Council members present is required to place the item on a future work session agenda.

**F. Location of Meetings.**<sup>16</sup>

1. Council meetings must be held at City Hall.
2. In the event City hall is not available for a meeting, the Council must meet at a venue open to the public and which is located within the jurisdictional limits of the City.
3. Training sessions may be held outside of the City’s jurisdictional limits, provided no deliberations toward a decision are made.
4. Interjurisdictional meetings may be held outside of the City’s jurisdictional limits, but should be held as close as practical to the City, and such meetings must be located within the jurisdictional boundaries of the other government entity.
5. No Council meeting must be held at any place where discrimination on the basis of an individuals’ race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, gender, sexual orientation, source of income, or disability is practiced.

**G. Notice of Meetings.** The City Recorder, or designee, must provide notice of all meetings in accordance with Oregon’s public meeting law and City codes.<sup>17</sup>

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<sup>16</sup> This section sets forth the requirements for public meetings locations as contained in ORS 192.610 to 192.690~~705~~ (Oregon Public Meetings Law).

<sup>17</sup> Tualatin Municipal Code Chapter 1-04; ORS 192.610 to 192.690~~705~~ (Oregon Public Meetings Law).

## H. Attendance at Meetings.

1. Under the charter, a Council position becomes vacant if the member of Council is absent from the City for more than 30 days without Council permission or absent from all meetings of the Council within a 60-day period.<sup>18</sup>
2. It is the responsibility of each members of Council to advise the City Manager if the member of Council will be unable to attend any regular, special, emergency, or work session meetings, or any assigned committees. The member of Council should communicate the absence to the City Manager as soon as reasonably practicable under the circumstances.
3. ~~Attendance at meetings must be in person, by telephone, or other electronic means where the persons voice may be heard. The preference of the Council is for all members of Council to attend in person.~~ **While members of Council are expected to attend in-person whenever possible, members may participate and vote in City Council meetings via telephone, electronically or by other virtual means consistent with the Oregon Public Meetings Law if personal circumstances require such attendance. Whenever possible, members of Council shall notify the Presiding Officer, Manager, and Deputy City Recorder the week before a scheduled Council meeting before electing to attend virtually.**
4. ~~A member of Council should not attend by telephone, or other electronic means where the person's voice may be heard, more than two consecutive meetings. A member of Council appearing by telephone, or other electronic means where the person's voice may be heard, should remain present for the entire meeting, unless it is the result of a malfunction or technical issue out of the control of the Councilor.~~ **Members of Council attending virtually are expected to remain present for the entire meeting unless an absence is due to a malfunction or technical issue out of the control of the Councilor. If attending virtually with video capabilities, members of Council are expected to have their video turned on.**

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<sup>18</sup> Charter Section 32 (What Creates Vacancy) (vacancy created “upon absence from the City for 30 days without the consent of the Council or upon absence from meetings of the Council for 60 days without like consent, and upon a declaration by the Council of the vacancy.”)

<sup>19</sup> ORS 192.610 to 192.690 **705** (Oregon Public Meetings Law) requires the public to have the opportunity to ~~hear the proceedings of a meeting~~ **access and attend the meeting by telephone, video or other electronic or virtual means.**

**RULE 3**  
**Ordinances and Resolutions**

**A. Ordinances.** An ordinance is a law passed by the Council in its legislative capacity.

**1. Introduction.**

- a. An ordinance is introduced for consideration by the Presiding Officer for presentation for first reading.
- b. After introduction, the Council may direct by majority vote of the members present any of the following:<sup>20</sup>
  - 1. A public hearing on the ordinance be held;
  - 2. Refer the ordinance to committee for review and recommendation;
  - 3. Refer the ordinance to the City Manager for further revision;
  - 4. Pass the ordinance to a second reading; or
  - 5. Reject the ordinance in whole or in part.

**2. Readings and Final Action.**

- a. Every ordinance of the Council must, before final passage, be read fully and distinctly in an open Council meeting on two different days.<sup>21</sup>
- b. However, an ordinance may be enacted at a single meeting, if the Council approves the ordinance by the unanimous vote of all Council members present. In such cases, the ordinance must be read first in full and then by title.<sup>22</sup>
- c. Any of the readings may be by title only, instead of a full reading, if:<sup>23</sup>
  - 1. No Council member present at the meeting requests to have the ordinance read in full; or

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<sup>20</sup> Charter Section 19 (Vote Required) Charter Section 35 (Mode of Enactment).

<sup>21</sup> Charter Section 35 (Mode of Enactment).

<sup>22</sup> Charter Section 35 (Mode of Enactment).

<sup>23</sup> Charter Section 35 (Mode of Enactment).

2. A copy of the ordinance is provided for each Council member, and a copy is available for public inspection in the office of the City Recorder, or designee, not later than five days before the first reading of the ordinance and notice of its availability is given forthwith upon the filing, by: (i) written notice posted at the City Center; or (ii) advertisement in a newspaper of general circulation in the City.
- d. An ordinance enacted after being read by title alone has no legal effect if it differs substantially from its original terms, unless, prior to being approved by the Council, each substantial difference is read fully and distinctly at the meeting as finally amended.<sup>24</sup>
- e. The City Recorder, or designee, must take a “roll call” vote of each Councilor upon the final vote on an ordinance and the ayes and nays and abstentions of the members of Council must be recorded in the meeting minutes.<sup>25</sup>

**B. Resolutions.** A resolution is an action by the Council to adopt a policy, order, rule, or expression of opinion. All resolutions considered and voted upon by the Council must adhere to the rules outlined herein.

**1. Introduction.**

- a. Resolutions should be introduced by the Presiding Officer.
- b. After introduction of the resolution, the Council may direct that:
  1. A public hearing be held on the resolution;
  2. Pass the resolution; or
  3. Reject the resolution in whole or in part.

**2. Readings and Final Action.**

- a. Resolutions do not need to be read in full or by title at a Council meeting prior to adoption.
- b. An affirmative vote of a majority of the Council members present is necessary to pass a resolution.<sup>26</sup>

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<sup>24</sup> Charter Section 35 (Mode of Enactment).

<sup>25</sup> Charter Section 35 (Mode of Enactment) (“Upon the final vote of an ordinance, the ayes and nays of the member shall be taken and recorded in the journal); Charter Section 15 (Journal); ORS 192.650(1)(c)(Oregon Public Meetings Law) (require the meeting minutes to include “[t]he results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name”).

<sup>26</sup> Charter Section 19 (Vote Required) (“ Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

- c. Resolutions may be placed on the Consent Agenda and may be considered as a group under the Consent Agenda.
- d. Resolutions may also be placed on the agenda as a General Business item.
- e. For resolutions placed on General Business, the City Recorder, or designee, must take a “roll call” vote of each Councilor upon the final vote on the resolution and the ayes and nays and abstentions of the members must recorded in the meeting minutes.<sup>27</sup>

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<sup>27</sup> Charter Section 15 (Journal) (“Upon request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal.”); ORS 192.650(1)(c)(Oregon Public Meetings Law) (require the meeting minutes to include “[t]he results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name”).

**RULE 4**  
**Land Use Hearings**

**A. General Conduct of Hearings.**<sup>28</sup>

1. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized Citizen Involvement Organization (CIO) present the party's case.
2. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing must be submitted to the City Recorder, or designee, at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the City Recorder, or designee, it must not be included in the record for the proceeding.
3. Except as otherwise provided by these rules, no person may speak more than once without obtaining permission from the Presiding Officer.
4. Upon being recognized by the Presiding Officer, any member of Council, may question any person who testifies.
5. Testimony must be directed towards the applicable standards and criteria which apply to the proposal before the Council.
6. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the Presiding Officer may call for those in favor and those in opposition to rise, and the City Recorder, or designee, must note the numbers of such persons for the record in the minutes.

**B. Quasi-Judicial Land Use Matters.**

1. **Scope of Review.** All appeals and Council-initiated review in quasi-judicial land use proceedings are new (de novo) and must be held on the record.
2. **Conflicts of Interest.**
  - a. A member of Council must not participate in a discussion or vote in a quasi-judicial land use proceeding if:
    1. The member of Council has an actual conflict of interest as defined by the Oregon Revised Statutes or the City charter; or
    2. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.

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<sup>28</sup> State law governs this process. ORS Chapter 197 (Comprehensive Land Use Planning; ORS Chapter 227 (City Planning and Zoning).

### 3. Ex Parte Contact.

- a. Ex parte contacts are any contacts with any party outside of the hearing process. Specific questions about whether a contact is considered ex parte should be discussed with the City Attorney before the meeting begins.
- b. Members of the Council must reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding. See, ORS 227.180. If such contact impairs the member's impartiality, the member must state this fact and abstain from participation on the matter.

### 4. Burden of Proof.

- a. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
- b. The decision of the Council must be based on the applicable standards and criteria set forth in the Tualatin Development Code, the City's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
- c. The proponent, any opponents, and/or City staff may submit to the Council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

### 5. Hearing Procedures. The order of hearings in quasi-judicial land use matters is:

- a. **Land Use Hearing Disclosure Statement.** The Presiding Officer must read the land use hearing disclosure statement, which must include:
  - 1. A list of the applicable criteria;
  - 2. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
  - 3. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
  - 4. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
- b. **Call for Ex Parte Contacts.** The Presiding Officer must inquire whether any member of Council had ex parte contacts. Any member of Council announcing an ex parte contact must state for the record the nature and content of the contact.

- c. **Call for Abstentions.** The Presiding Officer must inquire whether any member of Council must abstain from participating in the hearing due to a conflict of interest or bias. Any member of Council announcing a conflict of interest must or bias must state the nature of the conflict or bias, and must not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member must not participate in any discussion or debate on the issue of which the conflict arises.
  - d. **Staff Summary.** Planning staff will present a summary and recommendation concerning the proposal.
  - e. **Presentation of the Case.** The presentation of the case will be as follows:
    - 1. Proponent's case.
    - 2. Persons in favor.
    - 3. Persons opposed.
    - 4. Other interested persons.
    - 5. Rebuttal. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
  - f. **Close of Hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however Council may ask specific questions of staff. If the response by staff to any such questions requires the introduction of additional factual evidence, all parties must be afforded an opportunity for rebuttal.
  - g. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
6. **Findings and Order.** The Council may approve or reject the proposal. The Council must adopt a resolution or order containing findings to support its decision. The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.
7. **Continuances.** Only one continuance is available by right. However, nothing in this section restricts the Council, in its discretion, from granting additional continuances. Any continuance must result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

### **C. Legislative Land Use Matters.**

- 1. **Hearings Procedures.** The order of procedures for hearings on legislative land use matters must be:
  - 1. **Call for Abstentions.** Inquire whether any member of Council wishes to abstain from participation in the hearing. Any member announcing an abstention must identify the reason therefore and must not participate in the proceedings.



2. **Staff Summary.** Staff must present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
3. **Presentation of the Case.** The presentation of the case will be as follows:
  - a. Proponent's case.
  - b. Persons in favor.
  - c. Persons opposed.
  - d. Other interested persons.
4. **Close of Hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however, Council may ask questions of staff.
5. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
6. **Reopening Hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements must be met for the reopened hearing as were required for the original hearing.

**RULE 5**  
**Motions, Debate, Public Comment, and Voting**

**A. Motions.** The following rules apply to motions:

1. ~~All motions must be distinctly worded.~~ **The Presiding Officer shall ensure that the wording of motions are clear.**
2. The Presiding Officer must repeat the motion prior to a vote.
3. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. If a motion does not receive a second, it dies.
5. A motion that receives a tie vote fails.<sup>29</sup>
6. A motion to amend can be made to a motion that is on the floor and has been seconded.
7. Amendments are voted on first, then the main motion is voted on, as amended.
8. A member of Council may have a motion which contains several elements divided, but the mover has the right to designate which element will be voted on first.
9. A motion may be withdrawn by the mover at any time without the consent of the Council.
10. No motion will be received when a question is under debate except for the following:
  - a. To lay the matter on the table;
  - b. To call for the previous question;
  - c. To postpone;
  - d. To refer; or
  - e. To amend.
11. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
12. A call for the question fails without a majority vote.
13. Debate on the main subject resumes if the motion to call for the question fails.
14. A motion to adjourn cannot be amended.

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<sup>29</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

**B. Motion to Reconsider.**

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. A motion to reconsider can be made only once and must be made before the final adjournment of the meeting when the item goes out of possession of the Council.

**C. Debate.** The following rules govern the debate of any item being discussed by the Council:

1. Every member of Council wishing to speak on the matter must address the Presiding Officer, and, upon recognition by the Presiding Officer, confine remarks to the question under debate, at all times acting and speaking in a respectful manner.
2. Once the member of Council is recognized by the Presiding Officer, the other members of Council must not interrupt, unless it is a call to order.
3. The member of Council moving the adoption of any ordinance or resolution will have the privilege of closing the debate.

**D. Public Comment.**

1. The public is entitled to comment on all matters before the Council that require a vote.
2. Public comment will occur after the matter up for vote has been presented by City staff and before the Council takes any formal action on the matter.
3. Each member of the public is entitled to comment on the matter before the Council for three (3) minutes.
4. Public comment is a time for comment; it is not a time for debate. Any questions from members of the public to Council or City staff will be referred to City staff for a response to be provided a later time.
5. Prior to giving comment, each person must state the person's name and their place of residence. This information will be used to insure the minutes of the meeting properly reflect those persons who provided public comment.
6. ~~All remarks must be addressed to the Council as a whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be requested to leave the meeting. Applause, boos or other public demonstrations by those attending the Council meeting are considered inappropriate behavior.~~ **All remarks must be addressed to the Council as a whole. Any person engaging in behavior causing an actual disruption of the meeting may be requested to leave the meeting.**

**E. Voting.** The following rules apply to voting on matters before the Council, unless amended in the manner outlined in Rule 3 of these Rules.

1. **Reports.** A majority of a quorum is required to approve or accept a report. However, no vote is required if the report is only for informational purposes.<sup>30</sup>

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<sup>30</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

2. **Consent Agenda.** The unanimous vote of all members of Council present is required to approve the matters on a consent agenda.
3. **Ordinances.** An ordinance requires a majority of a quorum to pass.<sup>31</sup>
4. **Emergency Clause in Ordinances.** An emergency ordinance requires the unanimous vote of all Council members present.<sup>32</sup>
5. **Resolutions.** A majority of a quorum is required to pass a resolution.<sup>33</sup>
6. **Budget.** The budget requires a majority of a quorum to pass.<sup>34</sup>
7. **Franchise Agreements.** A majority of a quorum is required to pass an ordinance granting a franchise.<sup>35</sup>
8. **Suspension of Rules.** A majority vote of all members of Council present is required to suspend or rescind a rule contained in these rules of procedure, however, rules which also appear in the Charter may not be suspended or rescinded.<sup>36</sup>

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<sup>31</sup> Charter Section 35 (Mode of Enactment); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>32</sup> Charter Section 35 (Mode of Enactment) (“an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council member present...”); Charter Section 36 (When Ordinances Shall Take Effect) (“An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.”)

<sup>33</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>34</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>35</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>36</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

9. **Votes.** All votes must be recorded in the minutes.<sup>37</sup>

10. **Tie Votes.** Tie votes indicate a denial of the motion or proposal.<sup>38</sup>

**F. Effective Date.**

1. Ordinances take effect 30 days from the date of passage, unless a later date is indicated in the ordinance, in which case it takes effect on that date. However, the following ordinances take effect immediately upon passage:<sup>39</sup>
  - a. Ordinances making appropriations and the annual tax levy;
  - b. Ordinances relative to local improvements and assessments; and
  - c. Emergency ordinances.
2. A resolution becomes effective upon adoption unless otherwise stated in the resolution.
3. The filing of a referendum petition suspends the effective date of an ordinance.

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<sup>37</sup> Charter Section 15 (Journal); Charter Section 35 (Mode of Enactment) (“Upon the final vote of an ordinance, the ayes and nays of the member shall be taken and recorded in the journal); ORS 192.650(1)(c)(Oregon Public Meetings Law) (require the meeting minutes to include “[t]he results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name”).

<sup>38</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>39</sup> Charter Section 36 (When Ordinances Shall Take Effect) (“An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.”)

**RULE 6**  
**Minutes**

**A. Generally.**<sup>40</sup>

1. All minutes must be in written form, with an electronic copy of the meeting maintained by the City Recorder, or designee, in accordance with the appropriate record retention schedule.
2. The minutes must contain the following information:
  - a. The date, time and place of the meeting;
  - b. The members of the Council present;
  - c. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  - d. The results of all votes and the vote of each member by name;
  - e. The substance of any discussion on any matter; and
  - f. A reference to any document discussed at the meeting.

**B. Approval.** The Council must approve all minutes of any meeting.

1. All minutes must be approved within ninety days of the meeting having occurred.
2. The draft minutes must be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
3. Any member of Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

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<sup>40</sup> Charter Section 15 (Journal) (“The Council shall cause a journal of its proceedings to be kept. Upon request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal.”); Charter Section 13 (Meetings); Charter Section 22 (Recorder); see also, ORS 192.610 to 192.690~~705~~ (Oregon Public Meetings Law).

**RULE 7**  
**Appointments**

**A. Appointments of City Staff.** The Council appoints and can remove those positions identified in the City’s charter. All appointments require a majority vote of the members of Council present at a meeting.<sup>41 42</sup>

**B. City Manager/Recorder.** The City Manager (who also serves the role of Recorder under the Charter) is appointed by the Council.<sup>43</sup>

1. **Reviews.** The City Manager is subject to a review by the Council to be generally conducted during the first quarter of the year, in even numbered years.

2. **Removals.** The City Manager may be removed by a majority vote of the entire Council.<sup>44</sup>

**C. Municipal Judge.**

1. **Appointment and Removal.** The Mayor, with the consent of the Council, appoints and may remove the Municipal Judge, including pro tem judges.<sup>45</sup>

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<sup>41</sup> Charter Section 20a (City Manager); Charter Section 21 (Municipal Judge); Charter Section 22 (Recorder); Charter Section 10 (Other Officers) (“Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.”)

<sup>42</sup> The City Manager has the power to appoint and remove all other City officers under Charter Section 20a (City Manager) (City Manager’s power to “appoint and may remove appointive City officers and employees except as this Charter otherwise provides, and shall have general supervision and control over them....”)

<sup>43</sup> Charter Section 20a (City Manager) (“The Manager shall be chosen by the Council....”); Charter Section 22 (Recorder); Charter Section 10 (Other Officers) (“Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.”)

<sup>44</sup> Charter Section 20a (City Manager) (“The Manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council.”); Charter Section 22 (Recorder); Charter Section 10 (Other Officers) (“Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.”)

<sup>45</sup> Charter Section 21 (Municipal Judge) (“The Council may, in addition to appointing the Municipal Judge, appoint such pro tem judges as it considers necessary, to hold office at the pleasure of the Council.”); Charter Section 10 (Other Officers) (“Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.”).

2. **Interference.** If the Council appoints a municipal judge, the Council may meet with the judge, but in no instance may the Council interfere with the judge’s exercise of judicial authority or discretion.<sup>46</sup>

**D. Council Subcommittees.** Council subcommittees may be created, and dissolved, by a majority vote of the members of Council present at a meeting.<sup>47</sup>

1. Under Section 20 of the Charter, the Mayor appoints Councilors to all Council subcommittees.<sup>48</sup>
2. Council subcommittees may be standing committees or other committees created under the rules of the Council.
3. The following are current Council subcommittees that have been previously created or are created by these rules. These may be dissolved by majority vote of the members of Council present at a meeting:
  - a. *Council Committee on Advisory Appointments.* The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees.

**E. Appointments of Citizen Members to Boards, Commissions and/or Committees.**

1. **Council Committee on Advisory Appointments.** The Council Committee on Advisory Appointments (CCAA) is a standing subcommittee of the Council. The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees through the following general process:
  - a. The CCAA will conduct interviews of all candidates for appointment, including candidates wishing to renew their appointments.
  - b. After reviewing the candidates, the CCAA will vote on all recommendations and forward those recommendations to the full Council for consideration.

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<sup>46</sup> Charter Section 21(Municipal Judge); Charter Section 10 (Other Officers).

<sup>47</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”).

<sup>48</sup> Charter Section 20 (Mayor) (“The Mayor shall appoint the committees provided by the rules of the Council and sign all approved records of proceedings of the Council.”)



- c. Upon receiving the recommendation from the CCAA, the Council will place the names for consideration on the regular meeting agenda as a General Business item.
- d. The Council may consider the candidates submitted as a group or may consider each candidate individually.
- e. The Council may accept, reject, or appoint any candidate, including those not considered by the CCAA.
- f. All appointments must be by majority vote of the members of Council present.

**RULE 8**  
**Ethics, Decorum, Outside Statements, and Social Media**

**A. Ethics.** <sup>49</sup>

1. All members of Council must review and observe the requirements of state ethics laws.
2. In addition to complying with state ethics law, all members of Council must refrain from:
  - a. Disclosing confidential information.
  - b. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
  - c. Expressing an opinion contrary to the official position of the Council without so saying.
  - d. Conducting themselves in a manner so as to bring discredit upon the government of the City.
  - e. Not profiting from their position on Council in violation of state law.
3. All ethics complaints received about a Councilor will be forwarded to the Oregon Government Ethics Commission (OGEC).
4. **In addition to any training required by state law, every member of Council shall attend or view an Oregon Government Ethics training prepared by the Oregon Government and Ethics Commission or the City Attorney within one year of assuming office. Members of Council reelected to office shall attend the training required by this rule within one year of their reelection.**
5. **Every member of Council shall attend or view a Council Rules training prepared by the City Manager or City Attorney within one year of assuming office. Members of Council reelected to office shall attend the training required by this rule within one year of their reelection**

**B. Decorum.**

1. ~~The Presiding Officer will preserve decorum during meetings and decide all points of order, subject to appeal of the Council. These rules are intended to ensure that Council meetings are conducted in an orderly, respectful and disciplined manner; provide clarity on expectations to effectively govern the City; and demonstrate each member of Council's commitment to work together in a spirit of partnership.~~
2. ~~Members of the Council will preserve decorum during meetings, and must not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules. The Presiding Officer will preserve decorum during meetings and decide all points of order, subject to appeal of the Council. An appeal shall substantially conform to the following procedure:~~

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<sup>49</sup> ORS Chapter 244 (Government Ethics).

- a. **A member of Council desiring to appeal a decision of the Presiding Officer shall state “I appeal from the decision of the Presiding Officer.” The appeal must be seconded to move forward.**
  - b. **If the appeal is seconded, the Presiding Officer shall state the exact question at issue and explain the reason for the decision.**
  - c. **Members of Council shall then debate the matter.**
  - d. **After debate has concluded, the Council will vote to decide whether the decision of the Presiding Officer shall be sustained. The Presiding Officer shall have a vote on the matter.**
  - e. **After the result of the vote is announced, business shall resume in accordance with the decision.**
3. ~~City staff and all other persons attending meetings must observe the Council’s rules of proceedings and adhere to the same standards of decorum as members of Council.~~ **Members of the Council will preserve decorum during meetings, and must not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules. Members of Council shall not engage in personal attacks of any kind or otherwise belittle or intimidate other members or any speaker.**
4. ~~All audience members must abide by the rules of decorum contained in these Rules. No audience member may disrupt the conduct of the meeting, clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. Any audience member who does so will be deemed out of order and the Presiding Officer may have the person removed from the Council chambers immediately, and the person will not be permitted to attend the remainder of that Council meeting.~~**In the event a member of Council is personally offended by the actions or remarks of another member, the member of Council should note the action or actual words used and call for a “point of personal privilege” that challenges the other member to justify the action or the language used. A point of personal privilege shall substantially conform to the following procedure:**
  - a. **A member of Council desiring to raise a personal point of privilege shall state “I rise to a question of personal privilege.”**

- b. The Presiding Officer shall request the member of Council to state their question of privilege.**
- c. The member of Council shall describe issue and request the issue be remedied.**
- d. The Presiding Officer shall review the matter and act in accordance with these rules.**

**5. City staff must observe the Council's rules of proceedings and adhere to the same standards of decorum as members of Council.**

**6. No audience member may engage in behavior that results in an actual disruption of the Council meeting. Any audience member who does so will be deemed out of order and the Presiding Officer may have the person removed from the Council chambers immediately, and the person will not be permitted to attend the remainder of that Council meeting. The Presiding Officer may request that the audience member be arrested for disorderly conduct if the disruption threatens the safety and security of the public.**

### C. Statements to the Media and Other Organizations

1. Representing City. If a member of Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member of Council may only state the official position of the City, as approved by a majority of the Council.
2. Personal Opinions. If a member of Council, to include the Mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member of Council must state they are expressing their own opinion and not that of the City or of any other Councilor, unless they receive the express permission of that Councilor, before giving their statement.

### D. Use of Social Media.

1. Members of Council are encouraged to exercise caution when commenting on municipal affairs on social media platforms. While using social media, members of Council are subject to applicable Oregon Laws as they pertain to public meetings and public records retention schedules.
2. Under ORS 192.610, a public meeting occurs when a quorum is required in order to make a decision or to deliberate toward a decision on a matter. Under Oregon Law, certain telephone and electronic communications may be considered a public meeting. Certain uses of social media may constitute a public meeting, and accordingly, Councilors should use appropriate caution to avoid public meeting violations.<sup>50</sup>
3. A public record created through a member of Council's social media footprint must be retained by the elected official in accordance with any state laws and local retention schedules. A "public record" encompasses any information that is prepared, owned, used or retained by the city; relates to an activity, transaction or function of the city; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the city. Councilors should forward social media posts to the City Manager or seek other assistance from the City for retention if the member of Council does not wish to be individually responsible for retaining the public record.<sup>51</sup>
4. The digital decorum of elected and appointed officials will be governed by Council Rules. Consistent with these Rules, members of Council must conduct themselves so as to bring credit upon the City government. Councilors must abide by Rule 8 (C)(Statements to the Media and Other Organizations) above in all social medial activities.
5. City Council members will refrain from posting comments that:
  - a. Express a Council or Committee position prior to a Council or Committee determination of a position or on a matter that would otherwise require Council or Committee authorization prior to the conveyance of a position; or
  - b. Express an opinion in a manner contrary to Rule 8 (C) (Statements to the Media and Other Organizations) above.

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<sup>50</sup> ORS 192.610 to 192.690 **705** (Oregon Public Meetings Law).

<sup>51</sup> ORS 192.410 **311** to 192.505 **478** (Oregon Public Records Law).

**RULE 9**  
**Interactions with City Staff**

**A. City Staff.** All members of Council must respect the separation between the Council's role and the City's Manager's responsibility by:

1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.<sup>52</sup>
2. Refraining from actions that would undermine the authority of the City Manager or a Department Head.
3. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature must be directed to the City Manager. Questions sent to staff must be copied to the City Manager. Councilors may not directly interfere with staff or the City Manager's management of staff.
4. Members of the Council must normally share any information obtained from staff with the entire Council when it involves an action item on a Council agenda. This section is not intended to apply to questions by members of Council acting in their individual capacities rather than as members of Council, nor to questions regarding conflict of interest or similar issues particular to a member of Council.

**B. City Attorney.** Members of the Council may contact the City Attorney directly without contacting the City Manager in the following circumstances:

1. When the issue involves allegations of misconduct by the City Manager; or
2. To discuss parliamentary procedures of these Rules.

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<sup>52</sup> Charter Section 20a (City Manager) (“(c) Powers and Duties. The Manager shall: (1) Devote his or her entire time to the discharge of official duties, attend all meetings of the Council unless excused therefrom by the Council or the Mayor, keep Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the City. (2) See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the City are observed. (3) Appoint and may remove appointive City officers and employees except as this Charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The Manager shall supervise the departments to the end of obtaining the utmost efficiency in each of them but shall have no control over the judicial activities of the Municipal Judge. (4) Be responsible for preparing and submitting to the Budget Committee the annual budget estimates and such reports as the body requests. (5) Supervise the operation of all public utilities owned and operated by the City and shall have general supervision over all City property.”).

**RULE 10**  
**Enforcement and Consequences**

**A. Enforcement.** The Council may ensure compliance with City ordinances, charter, and state laws applicable to governing bodies.<sup>53</sup> If a member of Council violates these rules, City ordinances, the City charter, or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand or removal as provided for in the City charter.<sup>54</sup> A majority of the entire Council is required to issue a reprimand.

**B. Investigations and Hearings.**

1. A majority of the Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the City charter, or state laws applicable to governing bodies has occurred.<sup>55</sup>
2. Before the Council may publicly reprimand or remove a member of Council, the Council must provide the member of Council notice of the alleged violations and an opportunity to be heard on, and rebut, the allegations. Sufficient notice must be given to the affected member of Council to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).<sup>56</sup>
3. No final action or decision can be made in executive session, as provided by ORS 192.660(6).<sup>57</sup>

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<sup>53</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”).

<sup>54</sup> Other than for the reasons stated in Charter Section 32 (What Creates Vacancy), an elected official cannot be removed from office absent a recall vote by the electorate in accordance with the Oregon Constitution Article II, section 18, and ORS 249.865.

<sup>55</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”).

<sup>56</sup> ORS 192.610 to 192.690~~705~~ (Oregon Public Meetings Law) (process for executive session).

<sup>57</sup> ORS 192.610 to 192.690~~705~~ (Oregon Public Meetings Law) (process for executive session).

**RULE 11**  
**Amendment and Repeal of Council Rules**

**A. Amendment.** These Rules are subject to amendment by the Council.<sup>58</sup>

1. Any proposed amendment to these rules must be listed on an agenda for a regular meeting and the agenda posted prior to the meeting, wherein the same will be discussed, and open for comment by the public, except in cases of an emergency.
2. All amendments to these rules require approval by a majority of a quorum of Council.
3. Amended rules do not go into effect until the meeting after the rule was approved.

**B. Repeal.** These Rules are subject to repeal and replacement by the Council. <sup>59</sup>

1. Any proposed repeal of these rules must be accompanied by a proposed replacement rule.
2. Any proposed repeal and replacement of these rules must be noted on an agenda for a regular meeting and the agenda posted prior to the meeting, wherein the same will be discussed, and open for comment by the public.
3. Any repeal and replacement of these rules requires approval by a majority of a quorum of Council.
4. Any repeal and replacement of these rules does not go into effect until 30 days after the replacement rule was approved.

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<sup>58</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”); Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings.”).

<sup>59</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”); Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings.”).



**RULE 12**  
**Finances and Travel Policy**

**A. Financial Statements.** Pursuant to ORS 244.050, members of Council are required to file annual Statements of Economic Interest (SEI) by April 15 of each year. For more information, see the Oregon Government Ethics Commission (OGEC) website on how to file.<sup>60</sup>

**B. Health Insurance.** Pursuant to Resolution No. 3837-01, members of Council are entitled to receive the following health insurance benefits:

1. The Mayor may receive City health insurance benefits at the family level.
2. Councilors may each receive City health insurance benefits at the single employee level, not to exceed the level offered to City department managers. In lieu of health insurance benefits, Councilors may receive a stipend in an amount determined by the City's health insurance provider (currently CIS), consistent with all plans and requirements of the health insurance provider. Councilors may obtain family level coverage by paying the difference in the cost of the family policy and the single employee policy.
3. The health insurance benefits provided are subject to the rules for enrollment and contractual conditions of the health insurance provider.

**C. Technology Stipend.** Pursuant to Resolution No. 5128-13, each member of Council is entitled to a technology stipend of \$750.00 to be received at the beginning of their terms of office.

**D. Water Bill.** Pursuant to Resolution No. 3216-96, each member of Council receives a \$20.00 monthly credit on their water bill.

**E. Travel Policy.**

1. **Adoption of Reimbursement Rates.** Members of Council may be reimbursed, or may seek an advancement of funds, for normal expenses incurred while carrying out their official duties at the usual and customary rates. Councilors are required to submit receipts and appropriate documentation to the City Manager. Councilors should use prudence in the expenditure of City funds.
2. **Registration Fees for Conferences and Trainings.** Members of Council are encouraged to take advantage of early registration to obtain discounted rates.
3. **Transportation.**
  - a. **Airfare.** ~~The City will pay for roundtrip, coach airfare. Members of Council are expected to look for the least expensive fare available within the appropriate arrival/ departure times. If the member of Council makes first-class or business-class travel reservations, the member of Council must pay the difference between those rates and the coach rate.~~ **The City will pay for roundtrip, coach airfare. Members of Council are expected to look for the least expensive fare available within the appropriate arrival/departure times. However, members may choose to book a premium economy class seat if personal circumstances require or for any flight over two hours long. If the member of Council makes first-class or business-class travel reservations, the member must pay the difference between those rates and the City-paid airfare.**
  - b. **Vehicle Rental.** Vehicle rental is a reimbursable expense at the midsize rate.

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<sup>60</sup> ORS Chapter 244 (Government Ethics).

- c. **Ground Transportation.** Ground transportation (e.g., taxis, buses, mass transit, and shuttles) is a reimbursable expense.
- d. **Individual Vehicles.** Members of Council will be reimbursed for City-related travel in their individual vehicles for the actual miles traveled at the GSA rate.

**4. Parking.**

- a. Parking fees are reimbursable for business purposes or attending training.
- b. Long-term economy parking at airports is expected to be used for airport travel of more than one day in duration.

**5. Lodging.**

- a. Reimbursement for lodging is authorized when the member of Council's travel requires an overnight accommodation.
- b. Reimbursement will be at the reasonable and customary cost of a single standard room, or at the conference/training rate.
- c. The final itemized lodging bill is required when submitting for reimbursement of the expenditure.
- d. Any additional room charges room service, movies, personal phone calls, laundry service, etc. are the responsibility of the member of Council. If cell phone coverage is unavailable, business calls and reasonable personal calls will be reimbursed. In- room internet is reimbursable.

**6. Meals.**

- a. The City will pay reasonable and customary meal expenses.
- b. Members of Council have the choice of an advance or a reimbursement for the total authorized per diem amount.
- c. When meals are provided as part of the conference or training, reimbursement will generally not be given for that meal without proper cause. Conference "continental" is not considered a meal.
- d. A member of Council may meet with and purchase a meal for others, including persons of other government jurisdictions and professional institutions from which an exchange of information is obtained that may aide the City in improving its efficiency, service, or governance.

**7. Travel Advances and Reimbursements.**

- a. Members of Council may choose to be reimbursed for expenses or receive an advance.

- b. For travel and training cash/check advances, members of Council should submit a check request to the City Manager one week in advance of the expected travel or training date, when possible.
- c. If a member of Council chooses to be reimbursed instead of an advance, the member of Council must submit the following:
  - 1. A receipt is provided; or
  - 2. The expense report states the amount spent, who was present, and the specific topic or project of discussion.
- d. Personal items and expenses of family members traveling with the member of Council are not authorized expenses.

**F. Council Report for Certain Expenses.** Any member of Council requesting reimbursement or advancement for a conference or event is required to give an oral or written report about the conference or event to the Council.

# Vine2 Wine

Tualatin Library  
Foundation Fundraiser

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Saturday, October 12, 2024  
7:00-10:00 PM | \$50 Ticket  
Tualatin Public Library

- Wine tastings provided by premium Northwest wineries
- Gourmet food samplings
- Music by the Katie Jane Band
- Silent auction

Purchase tickets at  
[TualatinLibraryFoundation.org](https://TualatinLibraryFoundation.org)  
or at the Tualatin Library  
Information Desk.



Funds raised benefit the Tualatin Library Foundation endowment, which supports the work of the Tualatin Public Library.



# Tualatin Library Foundation

## Activities Sponsored:

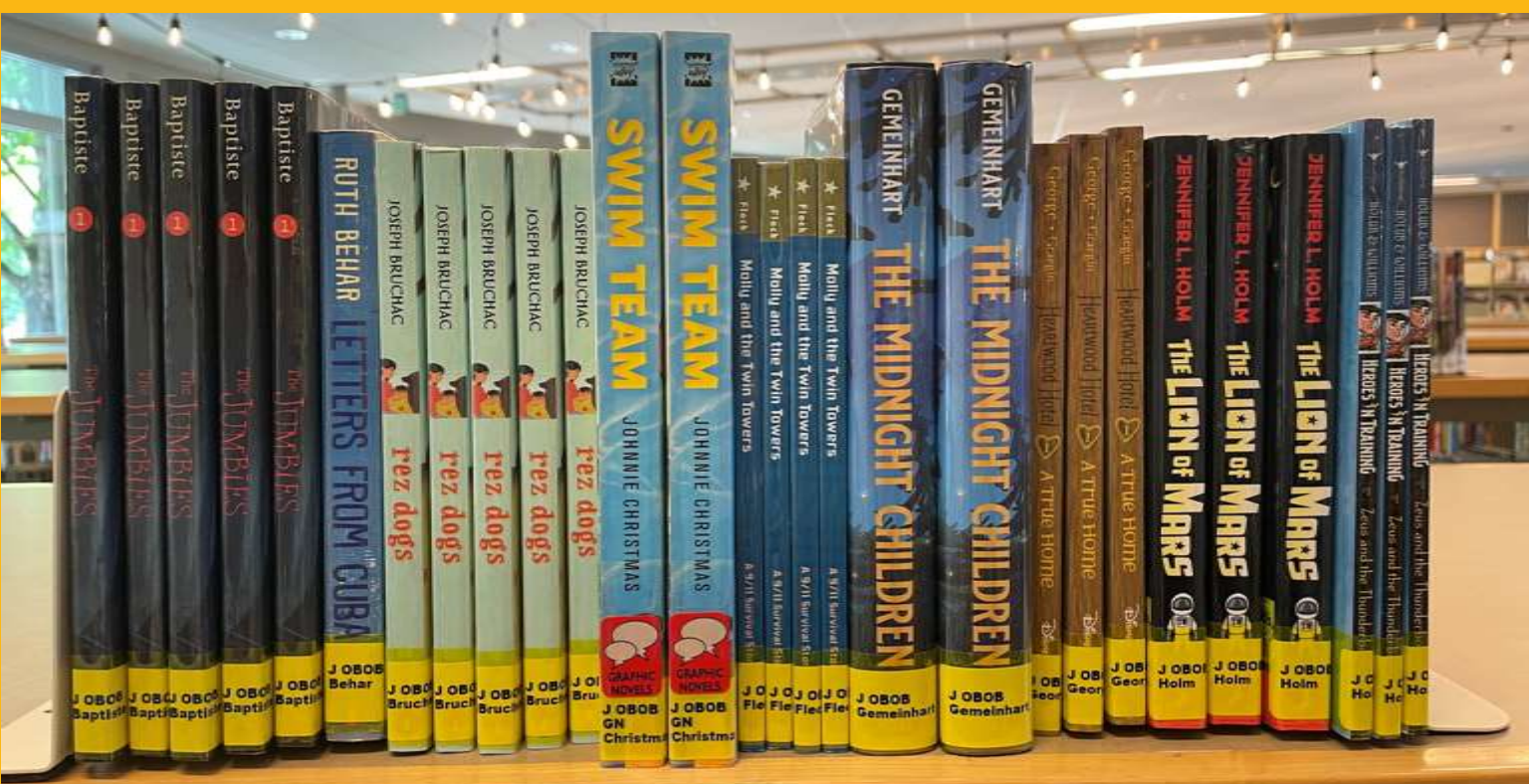
- 2024 donations: \$3,900
  - OBOB book program
- 2023 donations: \$5,800
  - OBOB book program
  - Makers in Residence
- 2022 donations: \$2,850
  - OBOB book program

Since 2012...  
3,300 books given to Tualatin-area children  
5,270 books donated to Tualatin school libraries

- 2021 donations: \$107,285
  - OBOB book program
  - Makerspace construction

## Prior projects include:

- 1000 Books Before Kindergarten
- Library After Dark / field trips



# **Tualatin Library Foundation**

## **Looking Forward**

2025 goal: Full funding of the Dolly Parton Imagination Library program for Tualatin residents.

This program would provide free books every month for all children aged 0-5 in Tualatin.

We are currently in close communication with the Imagination Library leadership team to determine the best way to manage this program in Tualatin.

Tualatin Library Foundation Fundraiser

# Vine2Wine

Saturday, October 12, 2024

7:00-10:00 PM

Tualatin Public Library

- Wine tastings provided by premium Northwest wineries
- Gourmet food samplings
- Music by the Katie Jane Band
- Silent auction



***Supporting Lifelong Learning***



Purchase tickets at  
**TualatinLibraryFoundation.org** or at  
**the Tualatin Library Information Desk**

Funds raised benefit the Tualatin Library Foundation endowment, which supports the work of the Tualatin Public Library.

**Participating Wineries**



**Sponsors**





# Proclamation

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**WHEREAS**, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

**WHEREAS**, September 17, 2024, marks the two hundred and thirty-seventh anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS**, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

**WHEREAS**, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

**NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN**, Oregon that Tualatin recognizes the week of September 17 through 23 as

## Constitution Week

We encourage community members to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

INTRODUCED AND ADOPTED this 26<sup>th</sup> day of August, 2024.

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
Mayor

ATTEST:

BY \_\_\_\_\_  
City Recorder







*City of Tualatin*

**CITY OF TUALATIN**  
**Staff Report**

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Sherilyn Lombos, City Manager  
**FROM:** Nicole Morris, Deputy City Recorder  
**DATE:** August 26, 2024

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**SUBJECT:**

Consideration of Approval of the Special Work Session Meeting Minutes of July 29, 2024 and Work Session and Regular Meeting Minutes of August 12, 2024

**RECOMMENDATION:**

Staff respectfully recommends the Council adopt the attached minutes.

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**ATTACHMENTS:**

- City Council Special Work Session Meeting Minutes of July 29, 2024
- City Council Work Session Meeting Minutes of August 12, 2024
- City Council Regular Meeting Minutes of August 12, 2024



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL SPECIAL WORK SESSION MEETING FOR JULY 29, 2024

Present: Mayor Frank Bubenik, Council President Valerie Pratt, Councilor Bridget Brooks (virtual), Councilor Maria Reyes, Councilor Cyndy Hillier, Councilor Christen Sacco

Absent: Councilor Octavio Gonzalez

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Mayor Bubenik called the meeting to order at 5:03 p.m.

Deputy City Megan George and Management Analyst Cody Field, along with Dan Bates and Leah Navarro from Thorn Run Partners presented information in preparation of creating a legislative agenda.

Mr. Bates introduced Thorn Run Partners, emphasizing their history and expertise in representing local governments. He highlighted the bipartisan nature of the firm and provided background on key team members who would be assisting the City of Tualatin.

Mr. Bates presented an overview of the federal legislative process, explaining the two-year sessions, the importance of appropriations, fiscal years, and how city projects fit within potential federal funding streams. He explained how policy issues and funding opportunities are influenced by Congress's cyclical sessions, which are split into biennial periods marked by elections. Mr. Bates highlighted that successful federal funding often comes down to good preparation well ahead of actual grant submissions, stating that oftentimes the groundwork for successful funding happens months, if not over a year, in advance of the actual submission.

Mr. Bates provided an outline of the state legislative process, noting the importance of coordinating state and federal efforts. He highlighted the biennial budgeting process in Oregon and the need to prepare projects well in advance to align with session timelines and deadlines. He also underlined the importance of collaboration and coalition-building for successful advocacy.

Council President Pratt asked how they could assist with items such as the urban growth boundary expansion causing traffic issues in Tualatin. Mr. Bates stated by advocating for Tualatin's transportation projects, coordinating regional support, and leveraging state and federal platforms to address infrastructure needs aligned with urban growth impacts they can help Tualatin to advocate for funds to ease traffic congestion.

Councilor Brooks asked how the cities priorities are managed within their organization. Ms. Navarro stated Thorn Runs role is to assist the city with its legislative agenda through an achievable and advocacy approach. She stated it is a three-prong approach that looks at funding requests from the city in regards to city priorities, how to support advocacy groups that align with the city's priorities, and monitoring policy efforts that align with the city's goals.

Manager George stated a series of "deep dive" meetings with City staff were held where the goal was for Thorn Run's team to get to know the organization and the community. She stated from

those meetings items were grouped into the following focus areas based on council's vision, priorities, and other direction throughout the year:

- Transportation
- Housing
- Social Services
- Resiliency and Emergency Preparedness
- Environment
- Downtown Revitalization
- Local Control and Unfunded Mandates
- Capital Projects

Manager George asked the Council for feedback on the focus areas.

Council President Pratt stated that transportation, particularly ODOT funding and regional transit projects, should be given priority.

Councilor Reyes stated that while transportation is a priority, housing is also critical due to the need for affordable living spaces. She suggested a holistic approach where housing and transportation are considered together, recognizing their interdependence.

Councilor Brooks expressed interest in prioritizing resilience and emergency preparedness, particularly investments in water systems' seismic resiliency. She also stressed the importance of having educational briefings on current legislative policies and their impact on city planning and development.

Councilor Sacco agreed on the importance of transportation but emphasized that housing should be the second priority.

Councilor Hillier stated that transportation and housing are paramount but also highlighted the interconnectedness of downtown revitalization, social services, and environmental sustainability. She advocated for thoughtful integration of these themes to best serve residents and ensure flexibility in funding pursuits that align with emerging priorities.

Mayor Bubenik highlighted the importance of a study on 99W, noting the projects impact for the community as it has been forgotten by the legislature after initial support regarding new funding opportunities.

Manager George shared the emerging issue prioritization, stating that seeking funding for capital projects was identified as a top priority during initial discussions with the Council. She stated that staff now is proposing that Tualatin's 2025 Legislative Agenda focus on capital project requests. Manager George stated that while no specific policy priorities have been identified that aren't already covered by other advocacy efforts, the city may still take positions or advocate on relevant issues.

Manager George stated staff held several discussions and identified a long list of potential capital projects. She stated they were selected based on three criteria: projects within a specific budget range, projects that are "shovel-ready," and those that align with previously discussed themes and the council's vision and priorities. Manager George stated four state-level capital requests and at least one federal-level request were identified for the upcoming year, with additional projects

considered for future years as planning and design progress. Projects suggested at the state level include:

- Seismic valving at water reservoirs for retrofitting six storage points to ensure resource security after seismic events
- Veterans Plaza shade structure
- Electric Vehicle Chargers
- Badge access program to enhancing city-wide security installations

Council President Pratt emphasized the critical importance of seismic valving in ensuring the integrity of water reservoirs during an earthquake. She highlighted the need to prioritize infrastructure that ensures the city's resilience during crises.

Councilor Reyes and Sacco concurred that reinforcing essential utilities is important.

Mr. Bates provided strategic insights into the badge access program stating it aligns with public safety, and that successful funding might require linking it to broader state priorities, such as infrastructure resilience.

Councilor Hillier stated the city needs to ensure critical buildings are both secure and efficiently used by authorized personnel. She added that safety and identification measures during emergencies would come from this project. Councilor Reyes agreed and suggested a need to explore state programs that could support this initiative.

Councilor Brooks emphasized the need for clear, justified implementations that align with public safety goals.

Mayor Bubenik supported the idea of strategic, long-term planning for these projects.

Manager George shared projects identified on the federal side including:

- Electric Vehicle Chargers
- Railroad Crossing Feasibility study

Manager George stated staff are still reviewing options to determine an appropriate request for congressionally directed spending and will return to the city council to finalize that piece of things in subsequent months.

Mayor Bubenik stated the importance of the railroad crossing project, noting the complexity of the application process and substantial city match required. Manager George agreed that tackling this project was crucial but noted that the city is currently unprepared to complete the extensive application. She suggested a feasibility study and coordination with other cities would strengthen future applications.

Councilor Brooks asked for additional information on what types of funding are available to the city. She would like to be further educated on how the funding works.

Councilor Sacco asked what the cost to go after these types of grand funds is and what the returns tend to be. Mr. Bates stated a well prepared funding package collectively produces significant returns.

Councilor Sacco asked if the presented package is reasonable for the upcoming year. Mr. Bates stated the projects that were presented are compelling and are a good list.

Council President Pratt asked how often the Council will be informed on the work of the partners. Ms. Navarro outlined their communication processes during both interim periods and legislative sessions, ensuring council members' receive continuous updates. She added that regular updates would be sent to Manager George and Analyst Field, with broader updates available upon request.

Manager George stated the final draft of the legislative agenda would be presented at the end of August to Council.

**Adjournment**

Mayor Bubenik adjourned the meeting at 7:07 p.m.

Sherilyn Lombos, City Manager

\_\_\_\_\_ / Nicole Morris, Recording Secretary

\_\_\_\_\_ / Frank Bubenik, Mayor



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL WORK SESSION MEETING FOR AUGUST 12, 2024

Present: Mayor Frank Bubenik, Council President Valerie Pratt, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Christen Sacco, Councilor Octavio Gonzalez

Absent: Councilor Cyndy Hillier

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Mayor Bubenik called the meeting to order at 6:01 p.m.

### **1. Ride Connection Tualatin Shuttle Update.**

Lead Service Planner Tangerine Behere, along with Debbie Waalkes, presented Ride Connection's Shuttle Update. They covered Ride Connection's role as a non-profit providing free transportation for seniors and underserved communities in Tualatin, Beaverton, Hillsboro, and Forest Grove, and outlined the services offered, including volunteer driver programs and RideWise.

Ms. Behere highlighted the benefits of Ride Connection, such as increased senior mobility, expanded transit, reduced emissions, and stronger community ties. The 2023 Rider Survey results were discussed, followed by details on Tualatin's Green, Blue, and Red Line routes, with a note on rising Green Line ridership.

Ms. Behere then discussed the proposed expansion of TriMet Line 76, which would replace the Green Line, and addressed concerns about rider safety and service coverage.

Councilor Brooks asked about the new Oregon City stop's location and trip times to Trader Joe's. Ms. Behere noted the need to confirm these details.

Councilor Gonzalez asked if TriMet Line 76 would bypass a church stop. Ms. Behere responded that they are working on getting permission for buses to enter the parking lot. Both expressed concern about the change, noting the church's importance to the community.

Councilor Reyes inquired about survey participation and route intersections on the map. Ride Connection staff clarified that the routes converge at Hedges Green and WES Station. They also confirmed that Ride Connection's services are open to all, with door-to-door services limited to seniors and those with disabilities.

Council President Pratt asked for confirmation that Line 76 would replace the Green Line route and noted residents' concerns about the loop route. She also asked if door-to-door service included non-medical trips. Ms. Waalkes confirmed.

Mayor Bubenik inquired about the start date for TriMet's changes. Ms. Behere stated August 25th, and discussed fare assistance for low-income riders, which is available through a collaboration with TriMet.

## **2. Proclamation Requests.**

Two proclamation requests were discussed: one for Affordable Housing and Quality Child Day Care, and another for Dystonia Awareness Month.

Councilor Brooks expressed gratitude for the efforts made by the IDEA Committee in proposing these proclamations.

Councilor Octavio Gonzalez voiced uncertainty about supporting disease-specific proclamations, suggesting that a more general health proclamation might be preferable. He acknowledged the committee's hard work but raised questions about the necessity of specifics.

Council President Pratt spoke in support of both proclamations.

Councilor Sacco and Councilor Brooks opposed imposing strict limitations and emphasized the importance of promoting inclusiveness and community engagement. They agreed that it is essential to allow the community to bring various issues to the council's attention through proclamations.

Councilor Reyes contributed by highlighting the need to balance inclusiveness and policy structure. She would like to see preventive measures in place to manage the growing number of proclamations thoughtfully rather than reacting to an overflow. Councilor Reyes would like to have at least basic guidelines to create manageable processes and ensure that proclamations genuinely benefit the community of Tualatin.

City Manager Lombos explained the current policy and suggested revisiting and accommodating current practices while still maintaining control.

Council consensus was reached to move forward with placing both proclamation requests on the appropriate agendas.

City Manager Lombos stated staff will work on updates to the policy and return to Council to formalize the process.

## **3. Council Meeting Agenda Review, Communications & Roundtable.**

Councilor Sacco praised applicants who interviewed for open advisory committee seats at the Council Committee on Advisory Appointments meeting. She urged those who didn't get selected to continue seeking volunteer opportunities with the city.

Councilor Reyes stated she attended the Core Area Parking Board meeting and the Council Committee on Advisory Appointments meeting.

Councilor Brooks stated she attended the Bull Run Watershed and the Tualatin River Greenway Trail ribbon cutting. She stated the Community Development Block Grant's 50th anniversary is coming up and invited fellow Councilors to join the tour.

Council President Pratt stated she attended the Transportation Citizens Advisory Committee, the QPO Energy plant tour, the Tualatin River Greenway Trail ribbon cutting, the Clackamas County Coordinating Committee meeting, and the Council Committee on Advisory Appointments meeting.

Mayor Bubenik stated he attended the Greater Portland Inc. meeting, the Tualatin River Greenway Trail ribbon cutting, Senator Merkley and Congresswoman's Salinas Town Hall meeting, and the Tualatin Aging Task Force meeting.

**Adjournment**

Mayor Bubenik adjourned the meeting at 6:59 p.m.

Sherilyn Lombos, City Manager

\_\_\_\_\_ / Nicole Morris, Recording Secretary

\_\_\_\_\_ / Frank Bubenik, Mayor





## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR AUGUST 12, 2024

Present: Mayor Frank Bubenik, Council President Valerie Pratt, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Christen Sacco, Councilor Octavio Gonzalez

Absent: Councilor Cyndy Hillier

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### Call to Order

Mayor Bubenik Called the meeting to order at 7:06pm

### Pledge of Allegiance

### Announcements

#### 1. Tualatin Science & Technology Scholarship

Library Director Jerianne Thompson announced the Tualatin Science and Technology Scholarship winners had been chosen. Councilor Sacco announced the winners: Karys Noelle Gates and Miguel Angel-Aguilar.

#### 2. Proclamation Declaring August 17, 2024 as Tonga Day in the City of Tualatin

Councilor Brooks read the proclamation declaring August 17, 2024 as Tonga Day in the City of Tualatin.

Kolini Fishitu'a announced a celebration will be held on August 17<sup>th</sup> at Gateway Discovery Park in Portland. Mr. Fishitu'a extended a warm invite to all.

#### 3. New Employee Introduction - City Manager's Office Management Intern Wyatt Bean

Deputy City Manager Megan George introduced Management Intern Wyatt Bean. The Council welcomed him.

#### 4. New Employee Introduction - Public Works Management Intern Jake Hush

Management Analyst Lindsay Marshall introduced Management Intern Jake Hush. The Council welcomed him.

### Public Comment

Steve Titus spoke regarding the LAM Research Tux expansion. He stated as a resident of the Riverpark neighborhood he would like the city to extend the required notification of this proposed project to all of the residences in the Riverpark CIO.

Sandra Wiszneaukas a USMC reserve veteran and member of the Women Marines Association requested that Council approve Joe Galloway and Ben Richardson's request for the placement of

the Wings of Freedom Statue and include a plaque honoring the service of women veterans in Tualatin.

David Wiszneauckas spoke in support of the request for the placement of the Wings of Freedom statue. Mr. Wiszneauckas feels it would be a great honor for the city to approve the plaque honoring women who served in the military.

Danielle Schneider, Tualatin Food Pantry, discussed the potential various negative impacts of replacing the Ride Connection bus stop with a Tri-Met bus stop. Ms. Schneider described the population the food pantry serves as being low-income families, many with small children and the needs they have for a safe and well-lit area. Ms. Schneider requested to discuss a more appropriate location for the ride service.

Bruce Bohman spoke to high school students parking in his neighborhood before, during and after school hours. Mr. Bohman voiced several complaints regarding unfavorable behavior by the students and gave various solutions that don't involve using his neighborhood streets.

Linda Hackenbruck spoke to the congested parking situation created by high school students parking on her street. Ms. Hackenbruck shared her personal experience and mentioned various negative impacts it has had on her and her family. She also requested that her street be changed to parking by permit only.

Chris Gillett expressed his concerns regarding high school students parking their cars in his neighborhood. He stated residents have verbally agreed to parking regulations and would like quick action to be taken prior to the upcoming school year.

Mayor Bubenik and City Manager Lombos discussed the plans for managing parking in the area noting a study is being conducted on permitted parking and won't be ready until later this year. Mayor Bubenik committed to speaking with the City Manager to come up with a solution.

Gary Brannen spoke in support of the Wings of Freedom artwork in the Veteran's Plaza. Mr. Brannen strongly emphasized the need for a placing the military medallions in the correct order at the plaza.

Lt Col Jessica Bradley (USMC Retired) spoke in support of the Wings of Freedom artwork at the plaza. Lt Col Retired Bradley offered her deepest gratitude to the women veterans.

Len Shaber spoke to the Tri-Met plans for changing bus service on the 76 route. He expressed concerns and would like to further discuss the planned stops with Council and Tri-Met. Mayor Bubenik replied that the Council is aware of these concerns and working on a solution.

## **Consent Agenda**

Motion to adopt the consent agenda made by Council President Pratt, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Sacco, Councilor Gonzalez

**MOTION PASSED**

1. Consideration of Approval of the Work Session and Regular Meeting Minutes of July 8, 2024

2. Consideration of Approval of a Change in Liquor License Application for Hana Sushi and Izakaya
3. Consideration of **Resolution No. 5794-24** Increasing the Construction Contract Amount for the Martinazzi Sanitary Sewer Trunk Line Upsizing Project to Replace and Upsize the Adjacent Water Pipe
4. Consideration of **Resolution No. 5795-24** Authorizing the City Manager to Execute an Amendment to the Professional Services Contract with Wallis Engineering for Professional Engineering and Related Services for the Martinazzi Sanitary Sewer Trunk Line Upsizing Project
5. Consideration of **Resolution No. 5796-24** Authorizing the City Manager to Execute a Grant Agreement for an Oregon Department of Emergency Management, State and Local Cybersecurity Grant
6. Consideration of **Resolution 5797-24** Authorizing the City Manager to Execute a Grant Agreement with the Oregon Department of Energy for Acceptance of Energy Efficiency Community Block Grant Funding for the Design and Installation of a Micro-Hydro Turbine

#### **Public Hearings - Quasi-Judicial**

1. Consideration of **Ordinance No. 1488-24** a Plan Map Amendment to Rezone a Portion of the Willow Glen Mobile Home Park Located at 9700 SW Tualatin Road from the Light Manufacturing Zoning District to the Medium Low Density Residential Zoning District

Mayor Bubenik opened the hearing in accordance with state law.

Assistant Community Development Director Steve Koper and Associate Planner Keith Leonard presented a Plan Map Amendment (PMA) for rezoning a portion of the Willow Glen Mobile Home Park. Director Koper introduced the ordinance, explaining that the configuration was designed to address a property line adjustment issue caused by encroachment. He noted that the applicant worked to achieve a mutually agreeable adjustment, facilitating a zoning map amendment essential for regulatory compliance.

Planner Leonard stated that the applicant had previously gained approval for a property line adjustment that aligns with the area proposed for the zoning map adjustment. The applicant is now requesting approval for a zoning map change from Light Manufacturing (ML) to Medium-Low Density Residential (RML). He shared a map of the adjustment area and emphasized that the proposed change from ML to RML is consistent with the current mobile home park use. Planner Leonard outlined the applicable state criteria, comprehensive plan criteria, Metro Function Plan criteria, and the Tualatin Development Code criteria for the application, noting that all criteria have been met. He stated staff recommends approval of the Plan Map Amendment.

Planning Commission Vice-Chair Janelle Thompson stated the Planning Commission voted unanimously to approve the application.

Miller Nash applicant representative Blake Lee Vogel stated this application is administrative and to clean-up the lot lines and meet current use.

#### **PUBLIC COMMENT**

None.

## COUNCIL QUESTIONS

Councilor Brooks stated she appreciates the two parties working together.

Mayor Bubenik closed the hearing.

## COUNCIL DELIBERATIONS

Council President Pratt stated since both parties are in agreement she is in favor of approval.

Mayor Bubenik stated this is a great example of people working together and is in favor of approval.

Motion for first reading by title only made by Councilor Brooks, Seconded by Council President Pratt.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Sacco, Councilor Gonzalez

## MOTION PASSED

Motion for second reading by title only made by Council President Pratt, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Sacco, Councilor Gonzalez

## MOTION PASSED

Motion to adopt Ordinance No. 1488-24 a plan map amendment to rezone a portion of the Willow Glen Mobile Home Park located at 9700 SW Tualatin Road from the Light Manufacturing Zoning District to the Medium Low Density Residential zoning district made by Council President Pratt, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Sacco, Councilor Gonzalez

## MOTION PASSED

### **Public Hearings - Legislative or Other**

1. Consideration of **Ordinance Nos. 1489-24 and 1490-24**, City-Initiated Updates to the Tualatin Comprehensive Plan, Municipal Code, and Development Code

Mayor Bubenik opened the hearing in accordance with state law.

Community Development Director Steve Koper and Senior Planner Erin Engman presented the Stormwater Master Plan (Ordinance #1489-24) and the Basalt Creek Parks & Recreation Master Plan (Ordinance #1490-24). Planner Engman stated the Stormwater Master Plan provides an assessment of existing conditions and assets, identifies Capital Improvement Plan projects, and highlights areas requiring a “sub-basin strategy” to address unique needs. She noted this plan replaces the previous one adopted in 1972. Since that time, only minor updates had been made to the plan, and in 2022, work began to address the Basalt Creek Area specifically. An addendum was created to enforce more stringent stormwater standards in the Basalt Creek area.

Planner Engman then spoke about the Basalt Creek Parks and Recreation Plan. She explained the planning effort in the Basalt Creek area was centered on community engagement, identified parks and recreation investments and estimated costs, and outlined steps toward implementation. In 2022, significant public involvement led to the creation of the Basalt Creek Parks and Recreation Plan, which was accepted by the Council under Resolution No. 5593-22.

Planner Engman stated adoption of these plans will add them as supporting technical documents to the Tualatin Comprehensive Plan, update Chapter 9 policies specific to stormwater management practices, add Map 9-3 Stormwater Plan, amend Map 8-4 and 72-2 consistent with the Basalt Creek Parks and Recreation Plan, and update corresponding references in the Municipal and Development Codes. She shared text and map amendments and noted that the project supports several Climate Action Plan strategies.

Planner Engman confirmed that all applicable criteria from statewide planning goals, Oregon Administrative Rules, Metro Code, and the Tualatin Development Code have been met. She stated staff received public comments and addressed concerns related to outdated public outreach, noting that the claims do not address the approval criteria or legal merits. Planner Engman stated materials in the packet also addressed additional comments, stating that claims about Maps 8-4 and 72-2 involving conflicting information do not meet the approval criteria and issues related to alignments and are not location specific. She reiterated that these claims do not address the approval criteria.

Planning Commission Vice Chair Janelle Thompson stated they recommend approval of the PTA/PMA 24-003.

## PUBLIC COMMENT

Tualatin Parks and Recreation Advisory Committee Chair Emma Gray presented testimony in support of the ordinance. She stated the committee believes the plan successfully facilitates a positive result for the community. The plan was unanimously recommended by the committee.

## COUNCIL QUESTIONS

Councilor Brooks expressed concerns about the higher EPA standards applied to this area. She inquired whether additional water quality features, such as sediment counts, organic matter, and mineral matter limits, were included in the master plan. Director Koper clarified that the master plan itself does not regulate water quality specifics. He stated they are handled through development application processes and Clean Water Services' (CWS) standards. Engineer Hayden Ausland added that specific water quality standards, hydro-modification standards, and other FEMA-required floodplain standards would be addressed in detailed design and construction standards administered by CWS.

Councilor Brooks also questioned if the master plan offers developers best practices for permeability and other environmental considerations. Engineer Ausland replied that while the master plan itself does not go into those specifics, the CWS design and construction standards promote sustainable building practices, including low-impact development approaches and stringent sediment controls. Director Koper mentioned that although these specifics are captured in the development review process, they emanate from the general principles set forth in the master plan.

Councilor Gonzales asked about the revised policy regarding beaver dam activity. He sought to understand why the language was changed to "implement beaver management techniques" from specifically restricting beaver dam activity. Engineer Ausland explained that the change reflects updates by the Oregon Department of Fish and Wildlife (ODFW), requiring cities to follow new standards related to beaver activity. Director Koper added that the city is aligning its policies with state regulatory updates to ensure compliance with the latest environmental guidelines.

Council President Pratt inquired about the provision concerning industrial areas requiring on-site stormwater detention. She sought clarity on whether those areas are predefined or determined on a site-by-site basis. Director Koper explained those details are managed at the development review stage. The focus is on site-specific conditions such as the porosity of the soil, the extent of anticipated impervious surfaces, and infrastructural capabilities. Engineer Ausland added that CWS regulations would govern those standards stringently, depending on site-specific geotechnical analysis and feasibility.

Mayor Bubenik asked if the stormwater system would have to be pumped offsite in coordination with the City of Wilsonville. Engineer Ausland clarified that stormwater handling remains the responsibility of Clean Water Services, with no operational coordination involving Wilsonville. Director Koper added that system alignment facilitates streamlined service operations, ensuring both jurisdictions' codes and services merge at the operational level without invoking systemic disconnects.

Mayor Bubenik closed the hearing.

## COUNCIL DELIBERATIONS

Councilor Brooks stated she would like the stormwater master plan to be more specific. She expressed concerns with naming the streams and the features in the area so that it is meeting community desires.

Motion for first reading by title only for Ordinance No. 1489-24 made by Council President Pratt, Seconded by Councilor Sacco.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Sacco, Councilor Gonzalez

## MOTION PASSED

Motion for second reading by title only for Ordinance No. 1489-24 made by Council President Pratt, Seconded by Councilor Sacco.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Sacco, Councilor Gonzalez

## MOTION PASSED

Motion to adopt Ordinance No. 1489-24 an ordinance related to land use; amending the Tualatin Comprehensive Plan, municipal code, and development code; PTA/PMA 24-0003 made by Council President Pratt, Seconded by Councilor Sacco.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Sacco, Councilor Gonzalez

## MOTION PASSED

Motion for first reading by title only of Ordinance No.1490-24 made by Council President Pratt, Seconded by Councilor Sacco.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Sacco, Councilor Gonzalez

MOTION PASSED

Motion for second reading by title only of Ordinance No. 1490-24 made by Council President Pratt, Seconded by Councilor Sacco.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Sacco, Councilor Gonzalez

MOTION PASSED

Motion to adopt Ordinance No. 1490-24 an ordinance related to land use; amending the Tualatin Comprehensive Plan and development code; PTA/PMA 24-0003 made by Council President Pratt, Seconded by Councilor Sacco.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Sacco, Councilor Gonzalez

MOTION PASSED

2. Consideration of **Ordinance No.1494-24** Vacating a Portion of Right-of-Way located East of SW Boones Ferry Road, South of SW Norwood Road, and North of SW Greenhill Lane

Mayor Bubenik opened the hearing in accordance with state laws.

Assistant Community Development Director Steve Koper and Assistant Planner Madeline Nelson presented the consideration of vacating a portion of right-of-way located east of SW Boones Ferry Road, south of SW Norwood Road, and north of SW Greenhill Lane. Director Koper explained that the area was inadvertently dedicated as a right-of-way because it is contiguous to Boones Ferry Road, which created complications for establishing a community park. He stated the purpose of this Ordinance is to correct the designation, allowing the park to be located on the site.

Assistant Planner Nelson provided a brief presentation and overview, detailing the background information. She stated on March 20, 2023, the right-of-way was dedicated to the city with an access and utility easement over it for the benefit of Plambeck Gardens. Planner Nelson shared that the Washington County surveyor determined that for the area to be used as a park site, the right-of-way would need to be vacated and re-conveyed to the city. She stated vacating the right-of-way is necessary to construct a city park, and the existing access and utility easement for the benefit of Plambeck Gardens will be maintained. Planner Nelson confirmed the city has met the standards outlined in the statute and staff recommends adopting the ordinance as presented.

PUBLIC COMMENT

None

Mayor Bubenik closed the hearing.

Motion first reading by title only made by Councilor Brooks, Seconded by Councilor Sacco. Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Sacco, Councilor Gonzalez

MOTION PASSED

Motion second reading by title only made by Councilor Brooks, Seconded by Councilor Sacco. Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Sacco, Councilor Gonzalez

MOTION PASSED

Motion to adopt Ordinance No.1494-24 vacating a portion of right-of-way located east of SW Boones Ferry Road, south of SW Norwood Road, and north of SW Greenhill Lane made by Council President Pratt, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Sacco, Councilor Gonzalez

MOTION PASSED

## **General Business**

1. Consideration of **Resolution No. 5798-24** Authorizing the City Manager to Execute an Intergovernmental Agreement with Metro for Trail and Parkland Acquisition Using 2019 Parks and Nature Bond Measure Acquisition Program Funds

Parks and Recreation Director Ross Hoover and Parks Planning Manager Rich Mueller presented the park acquisition for a future riverfront park. Manager Mueller stated the Council is considering the purchase of 2.79 acres of riverfront property, which will create approximately six total assembled acres in the area. The property will provide a signaled intersection at Martinazzi and Boones Ferry Road and will enhance trail connectivity. The access will link the Tualatin River to the downtown core area. Director Hoover mentioned the purchase aligns with several city plans, including the Parks System Plan, the Transportation System Plan, the Metro Regional Trails Plan, and the Climate Action Plan. He stated the property purchase price is \$1.5 million, with \$1.1 million coming from the Tualatin Parks and Trails Bond and \$400,000 from the Metro Parks Bond. Director Hoover also noted that tonight there are five action items on the agenda related to the property purchase: a Metro Intergovernmental Agreement, the purchase and sale agreement, two maintenance and operation agreements, and an access agreement. He added that if the site is acquired, future work will include concept development and site plan design.

Councilor Sacco expressed excitement to see the vision come to fruition for the community.

Council President Pratt expressed enthusiasm for the project and the river access it will provide to the community.

Councilor Reyes shared excitement to see the area come to life.

Mayor Bubenik thanked city staff for their work on the property negotiations.

Motion to adopt Resolution No. 5798-24 authorizing the City Manager to execute an intergovernmental agreement with Metro for trail and parkland acquisition using 2019 Parks and Nature Bond Measure Acquisition program funds made by Council President Pratt, Seconded by



Councilor Sacco.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Sacco, Councilor Gonzalez

MOTION PASSED

2. Consideration of **Resolution No. 5799-24** Authorizing the Purchase of Real Property and Execution of a Deed Acquiring Property for Riverfront Parkland

Motion to adopt Resolution No. 5799-24 authorizing the purchase of real property and execution of a deed acquiring property for riverfront parkland made by Council President Pratt, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Sacco, Councilor Gonzalez

MOTION PASSED

3. Consideration of **Resolution No. 5800-24** Authorizing an Agreement Between the City of Tualatin and Marguerite Robb for Maintenance and Operations of Parkland

Motion to adopt Resolution No. 5800-24 authorizing an agreement between the City of Tualatin and Marguerite Robb for maintenance and operations of parkland made by Councilor Sacco, Seconded by Councilor Reyes.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Sacco, Councilor Gonzalez

MOTION PASSED

4. Consideration of **Resolution No. 5801-24** Authorizing an Agreement Between the City of Tualatin and Dan Cash and Marsha Riley for Maintenance and Operations of Parkland

Motion to adopt Resolution No. 5801-24 authorizing an agreement between the City of Tualatin and Dan Cash and Marsha Riley for maintenance and operations of parkland made by Councilor Brooks, Seconded by Councilor Sacco.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Sacco, Councilor Gonzalez

MOTION PASSED

5. Consideration of **Resolution No. 5802-24** Authorizing the City Manager to Execute a License Agreement with Marguerite Robb for Property Access

Motion to adopt Resolution No. 5802-24 authorizing the City Manager to execute a license agreement with Marguerite Robb for property access made by Councilor Brooks, Seconded by Councilor Sacco.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Sacco, Councilor Gonzalez

MOTION PASSED

## **Council Communications**

Councilor Brooks acknowledged the people of Greece who are dealing with wildfires.

## **Adjournment**

Mayor Bubenik adjourned the meeting at 9:47 p.m.

Sherilyn Lombos, City Manager

\_\_\_\_\_ / Nicole Morris, Recording Secretary

\_\_\_\_\_ / Frank Bubenik, Mayor



*City of Tualatin*

## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Mike McCarthy, City Engineer  
Abby McFetridge, Engineering Associate

**DATE:** August 26, 2024

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### **SUBJECT:**

Consideration of **Resolution No. 5803-24** Awarding the Contract for Conceptual and Preliminary Design of the 65th / Borland / Sagert Improvements Project

### **RECOMMENDATION:**

Staff recommends that Council approve the resolution awarding and authorizing the City Manager to execute a contract with Otak, Inc. for conceptual and preliminary design of the 65th / Borland / Sagert Improvements project in the amount of \$217,984.04.

### **EXECUTIVE SUMMARY:**

This project is included in the City's Transportation System Plan and its purpose is to improve traffic flow and provide other transportation facility improvements to the intersections of SW 65th Avenue with SW Borland Road and SW Sagert Street. The City will collect data and analyze the intersections to assess the existing conditions. Using this information, an alternative analysis will be conducted. To successfully carry out this project, the City must first retain a professional engineering firm to provide project management, design, engineering, public outreach, permitting, and construction management services.

The qualifications-based solicitation was advertised in the Daily Journal of Commerce on May 15, 2024. Five proposals were received before the June 7, 2024 submission deadline. Otak, Inc. submitted the highest-ranked proposal for the project, and submitted a pricing proposal in the amount of \$217,984.04. This figure consists of the Conceptual Design and Preliminary Design phases of the project, and does not include subsequent project phases, which include Environmental Permitting Preliminary Analysis, Detailed Design, Right-of-Way Acquisition, Environmental Permitting, Final Design and Bid Support, and Construction Management and Inspection, which will be the subject of a separate contract that staff will submit for Council approval at a later date.

**OUTCOMES OF DECISION:**

Adopting the resolution and authorizing contract execution would allow design for this project to proceed.

**FINANCIAL IMPLICATIONS:**

Funds for this project are available in the Transportation Development Tax Fund.

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**ATTACHMENTS:**

Resolution No. 5803-24 Awarding Contract

RESOLUTION NO. 5803-24

A RESOLUTION AWARDING A CONTRACT FOR 65TH / BORLAND / SAGERT IMPROVEMENTS - ENGINEERING, PERMITTING, PUBLIC ENGAGEMENT, AND CONSTRUCTION MANAGEMENT.

WHEREAS, the above-referenced project was posted on May 15, 2024 in the *Daily Journal of Commerce* and the City requested qualifications-based proposals for consultants in support of its capital improvement program;

WHEREAS, five proposals were received prior to the June 7, 2024 submission deadline;

WHEREAS, Otak, Inc. submitted the highest-ranked proposal for the project, and submitted a pricing proposal in the amount of \$217,984.04 for the Conceptual Design and Preliminary Design phases of the project; and

WHEREAS, there are funds budgeted for this project in the Transportation Development Tax Fund.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

**Section 1.** Otak, Inc. is hereby awarded a contract for the 65th / Borland / Sagert Improvements - Engineering, Permitting, Public Engagement, and Construction Management;

**Section 2.** The City Manager is authorized to execute a contract with Otak, Inc. in the amount of \$217,984.04. This figure does not include subsequent project phases, which include Environmental Permitting Preliminary Analysis, Detailed Design, Right-of-Way Acquisition, Environmental Permitting, Final Design and Bid Support, and Construction Management and Inspection, which will be the subject of a subsequent contract which will be submitted for Council approval.

**Section 3.** The City Manager, or the City Manager’s designee, is authorized to execute Change Orders totaling up to 10% of the original contract amount.

**Section 4.** This resolution is effective upon adoption.

Adopted by the City Council this 26<sup>th</sup> day of August, 2024.

ATTEST:

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
City Recorder

BY \_\_\_\_\_  
Mayor



*City of Tualatin*

## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Sherilyn Lombos, City Manager  
**FROM:** Nic Westendorf, Deputy Public Works Director  
**DATE:** August 26, 2024

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### **SUBJECT:**

Consideration of **Resolution No. 5804-24** requesting Council authorization to increase the not-to-exceed price of the SCADA Upgrade project with Control Systems NW, LLC and adopting findings approving an exemption from competitive bidding for the public improvement portion of this project.

### **RECOMMENDATION:**

Staff recommends that Council approve the resolution allowing the City Manager to increase the not-to-exceed price of this project by \$1,454,944 by awarding a public improvement contract to Control Systems NW, LLC.

### **EXECUTIVE SUMMARY:**

The City is currently in the process of updating its Supervisory Control and Data Acquisition (SCADA) system. This project began in 2021 and is now ready for construction. Staff is requesting approval from Council to increase the contract value to include construction costs. This will allow the project to be completed. The request includes approval for an exemption from competitive bidding for needed electrical metering work. This exemption will allow the City's current consultant, who developed the master plan and designed the project, to complete construction, ensuring a successful project.

### **Project Overview**

The Supervisory Control and Data Acquisition (SCADA) system is the software and hardware used to control the City's water distribution system. The SCADA system includes automated controls, and remote access for water staff to make changes to things like water flows, storage volumes, and pump operations. It also allows for remote monitoring of water quality and demand information and provides alarms for water staff. The SCADA system consists of 22 sites located throughout the City, including the City Services facility.

The current system was installed in 2004 and is running software from 2014. The system is nearing end of life and is becoming difficult to support as software becomes obsolete and parts hard to source. The new SCADA system will ensure the City can continue to maintain a functional and resilient water system for many years. The new SCADA system upgrade will also greatly increase security of the water system.

## **Project Update**

In 2021, the City issued a Request for Qualifications seeking consultant support for upgrading the City's SCADA system. The City selected Control Systems NW to develop a SCADA System Master Plan, and then using the plan to make upgrades to the system's hardware and software.

The SCADA System Master Plan was completed in early 2023. Shortly after, the City selected a new software vendor, Ignition. Final design of the new system including electrical and communications components was completed in early 2024. Since that time, the City and Control Systems NW have been working to obtain construction quotes, purchase and fabricate the new equipment, and prepare for construction this winter.

During final design, it was discovered that eight of the City's remote SCADA sites needed improvements to their electrical service connections. Currently these sites are directly powered and fed by adjacent facilities, such as streetlights. Portland General Electric's (PGE) current standards require all sites to have dedicated meters. In addition to meeting PGE requirements, these improvements will make the sites more resilient and safer to work on. Dedicated electrical services allow sites to have their power turned off and monitored to ensure the City and PGE can quickly troubleshoot and resolve issues. The lack of dedicated services and meters for these remote SCADA sites has been a challenge in the past during power outages. Final plans include metered electrical services for all eight sites, which comes with additional costs for design and construction work.

## **Exemption from Competitive Bidding for the Public Improvement Portion of this Work**

Due to PGE's metering requirements, the scope has expanded from a design and installation project of SCADA equipment, to a construction project that includes underground electrical and concrete work. This increase in scope means that the project is now considered a public improvement. Public improvement contracts must be awarded through competitive bidding (i.e., through an Invitation to Bid rather than a Request for Qualifications) unless the Council grants an exemption under TMC 1-21-090. Staff believes it is in the City's best interest to award the public improvement portion of this work to Control Systems NW, LLC, who was awarded a contract for the design and installation of the SCADA system via a competitive Request for Qualifications issued in 2021.

Approving an award to Control Systems NW, LLC would result in substantial cost savings because it would be impractical to issue a separate Invitation to Bid for the underground electrical and concrete work, as doing so would turn one project into two and require additional project oversight costs, likely resulting in costly time delays. There would also be an enhancement in quality since Control Systems NW, LLC originally designed the SCADA upgrade and would be the most knowledgeable contractor to carry out the public improvement portion of this work. Approving the proposed resolution is unlikely to encourage favoritism, as the City has researched the availability of contractors and found that most are already engaged on jobs funded by the CHIPS and Science Act. In addition, PGE requires that public improvement work relating to their system be carried out by a contractor on their approved list. This results in a very limited pool of available contractors for this specific type of work. Notice of this public hearing was advertised in the Daily Journal of Commerce and any interested contractors will have the opportunity to provide commentary at the hearing.

**Next Steps**

If Resolution No. 5804-24 is approved, construction will begin in October. The new system will be installed and operational by Spring 2025.

**OUTCOMES OF DECISION:**

Adopting the resolution and authorizing contract execution would allow for this project to be completed.

**FINANCIAL IMPLICATIONS:**

Approval of **Resolution No. 5804-24** will result in an increase the not-to-exceed price of this project by \$1,454,944. The total project cost is \$3,435,316. Funding for this project is budgeted in the Water Operating and Water Development Funds.

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**ATTACHMENTS:**

- Resolution No. 5804-24 requesting Council authorization
- PowerPoint presentation





# SCADA System Upgrade

## Project Update and Construction Contract

August 26, 2024

# Overview

- SCADA overview
- Project Overview
- Project Update
- Next Steps
- Resolution No. 5804-24



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TUALATIN

# SCADA System Overview



## Supervisory Control and Data Acquisition (SCADA) System

- Used to manage water distribution system
- Automated system controls
- Remote system changes
- Alarms and notifications

## Current system is 20 years old, running 10-year-old software

- End of life, difficult to maintain
- Lacks modern security
- Lacks functions and features

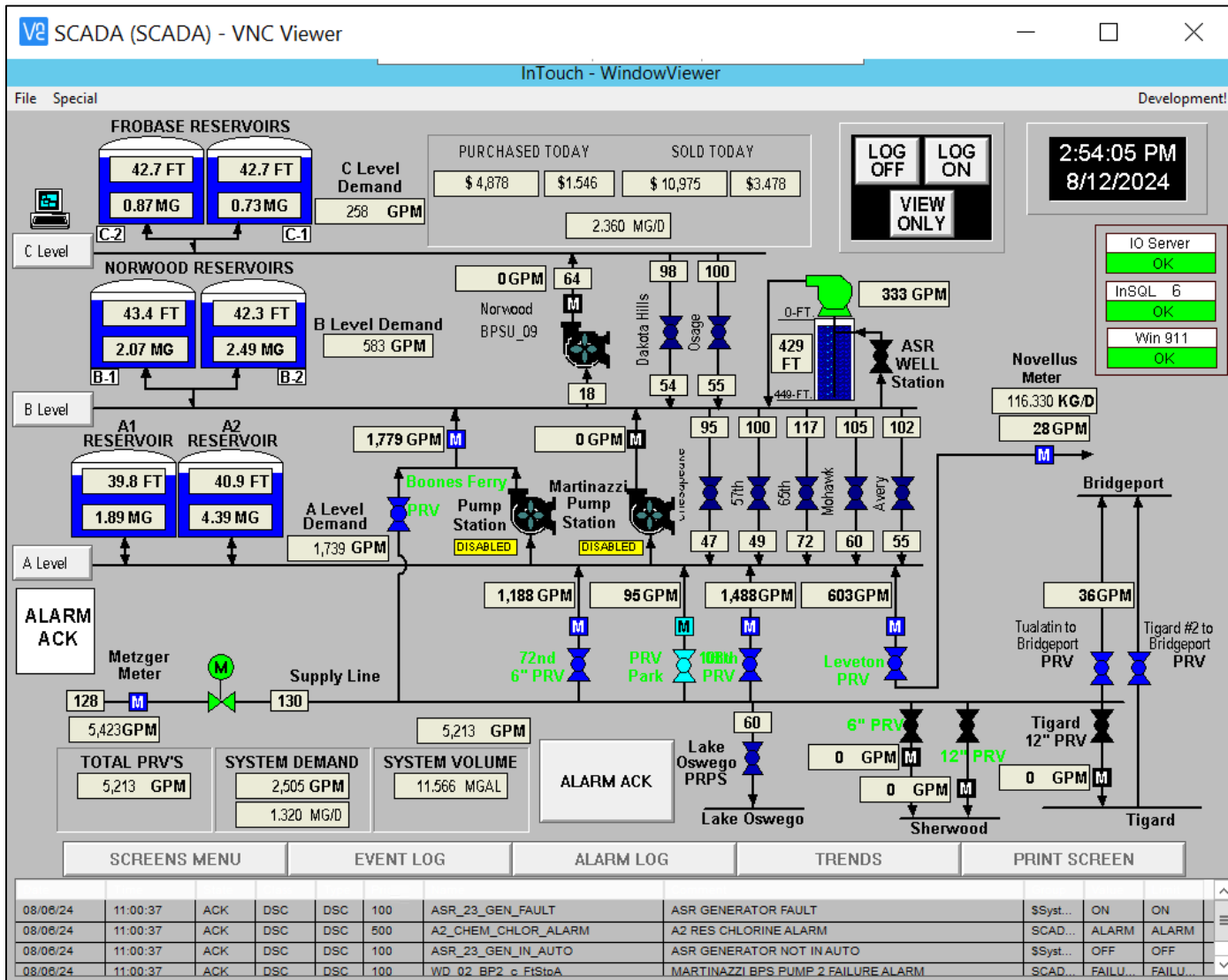
## System includes 22 sites including City Services Center

Equipment includes control panels, radio and cellular equipment, and water quality instrumentation



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# SCADA System Overview



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# Project Overview



Project scope includes:

- Develop SCADA System Upgrade Master Plan
- Identify software and hardware upgrades needed
- Program/ design upgrades
- Install/ construct system improvements
- Commission and support new system



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# Project Overview



This project will:

- Improve water system operations and security
- Replace equipment at 21 of 22 sites
- Improve communications between sites
- Move most sites above ground
- Install dedicated electric meters at 8 sites\*  
*\*Scope change requiring tonight's exemption request*
- Implement new SCADA software
- Train staff on new system and software



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# *Project Update*



First 3 phases complete

1. Master plan
2. Design (electrical and communications)
3. Procurement, fabrication, and testing

Ready for construction

Finalizing software design



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# Project Timeline

- March 2021 – City issues Request for Qualifications
- June 2021 – Control Systems NW selected, master plan work begins
- April 2022 – New software selected
- February 2023 – SCADA Master Plan complete
- February 2024 – Final design plans complete
- August 2024 (tonight) – Staff seek approval for construction funding
- *\*October 2024 – construction begins*
- *\*March 2025 – construction complete, new system live*
- *\*March – June 2025 – System testing*
- *\*March 2025 - March 2027 – Support period, system live. CSNW supports, changes made as needed.*

*\*Funding dependent*



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# *Next steps*



Finish software design

Construction, including PGE metering work

Turn on and test new system

Monitor and make adjustments over a couple seasons



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# Action Item



Consideration of **Resolution No. 5804-24** requesting Council authorization to increase the not-to-exceed price of the SCADA Upgrade project with Control Systems NW, LLC and adopting findings approving an exemption from competitive bidding for the public improvement portion of this project.

**Staff recommend approval of Resolution No. 5804-24**



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**CITY** *of*  
**TUALATIN**

RESOLUTION NO. 5804-24

A RESOLUTION AUTHORIZING AN INCREASE OF THE NOT-TO-EXCEED PRICE OF THE SCADA UPGRADE PROJECT WITH CONTROL SYSTEMS NW, LLC AND ADOPTING FINDINGS APPROVING AN EXEMPTION FROM COMPETITIVE BIDDING FOR THE PUBLIC IMPROVEMENT PORTION OF THIS PROJECT.

WHEREAS, in January of 2021, the City formally advertised a Request for Qualifications for design and installation of Supervisory Control and Data Acquisition (SCADA) System Improvements;

WHEREAS, eleven (11) proposals were received and reviewed in February of 2021;

WHEREAS, Control Systems NW, LLC, submitted the highest-ranked proposal for the project, and the City approved the award of a contract in the amount of \$1,980,372 on September 12, 2022 per Resolution #5643-22;

WHEREAS, during the design phase of the project, Portland General Electric required metering work that included underground electrical and concrete construction in the nature of a public improvement;

WHEREAS, per TMC 1-21-090(2), the Council has considered the following findings in support of an exemption from competitive bidding to award Control Systems NW, LLC a contract for the public improvement portion of this work:

- a) The nature of the contract is design and installation of a SCADA system, with additional underground electrical and concrete work.
- b) The estimated cost of the public improvement portion of this work is \$1,881,603.
- c) Approving an award to Control Systems NW, LLC is both cost-effective and practical. Issuing a separate Invitation to Bid for the underground electrical and concrete work would be impractical, as it would effectively split a single project into two, thereby increasing project oversight costs and likely causing time delays. Moreover, Control Systems NW, LLC, as the original designer of the SCADA upgrade, possesses specialized knowledge and expertise that would enhance the quality of the public improvement work.
- d) Approval of the proposed resolution is unlikely to result in favoritism. The City has conducted research on the availability of contractors and found that most are currently engaged in projects funded by the CHIPS and Science Act. Additionally, PGE mandates that public improvement work must be performed by a contractor from its approved list, thereby limiting the pool of available contractors for this specific type of work. Notice of this public hearing was duly advertised in the Daily Journal of Commerce, providing any interested contractors the opportunity to submit their comments at the hearing.
- e) The City proposes awarding a contract for the public improvement portion of

this work to Control Systems NW, LLC on the basis of the Request for Qualifications previously issued in 2021.

f) The City will enter in the contract promptly upon Council approval; and

WHEREAS, there are funds budgeted for this project in the Water Operating and Water Development Funds.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

**Section 1.** The Council adopts the findings presented above in support of an exemption from competitive bidding.

**Section 2.** Control Systems NW, LLC, is hereby awarded a contract for the public improvement portion of the above-referenced SCADA project.

**Section 3.** The City Manager is authorized to execute a contract with Control Systems NW, LLC in the amount of \$3,435,316, which includes the \$1,980,372 previously authorized by Resolution #5643-22.

**Section 4.** The City Manager, or the City Manager's designee, is authorized to execute Change Orders totaling up to 10% of the original contract amount.

**Section 5.** This resolution is effective upon adoption.

Adopted by the City Council this 26<sup>th</sup> day of August, 2024.

ATTEST:

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
City Recorder

BY \_\_\_\_\_  
Mayor



*City of Tualatin*

## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Sherilyn Lombos, City Manager  
**FROM:** Megan George, Deputy City Manager  
**DATE:** August 26, 2024

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**SUBJECT:**  
2025 Legislative Priorities for the League of Oregon Cities

### **EXECUTIVE SUMMARY:**

The League of Oregon Cities (LOC) is soliciting input from cities on their top legislative priorities for the 2025 Legislative Session. Over the last few months, policy committees comprised of city staff and elected officials from across the state met to review issues and develop policy priorities for the upcoming legislative session. The complete list of priorities is included in the attachments. Each city has the opportunity to return a ballot by September 27, 2024, indicating their top five priorities and any additional comments for the LOC Board of Directors to consider in shaping their legislative agenda.

### **OUTCOMES OF DECISION:**

Tualatin's ballot will be considered along with all other ballots submitted by cities in Oregon by the LOC Intergovernmental Relations Department and LOC Board of Directors. The LOC Board of Directors will formally adopt a set of priorities based on the ranking process and their evaluation during their October meeting.

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### **ATTACHMENTS:**

- 2024 LOC Member Voter Guide



# League of Oregon Cities

## **2024 LOC Member Voter Guide**

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## 2024 Member Voter Guide

**Background:** Each even-numbered year, the LOC appoints members to serve on seven policy committees, which are the foundation of the League's policy development process. Composed of city officials, these committees analyze policy and technical issues and recommend positions and strategies for the upcoming two-year legislative cycle. This year, seven committees identified 23 legislative policy priorities to advance to the full membership and LOC Board of Directors. It's important to understand that the issues that ultimately do not rise to the top based on member ranking are not diminished with respect to their value to the policy committee or the LOC's advocacy. These issues will still be key component of the LOC's overall legislative portfolio for the next two years.

**Ballot/Voting Process:** Each city is asked to review the recommendations from the seven policy committees and provide input to the LOC Board of Directors, which will formally adopt the LOC's 2025-26 legislative agenda. While each city may have a different process when evaluating the issues, it's important for cities to engage with your mayor and entire council to ensure the issues are evaluated and become a shared set of priorities from your city. During its October meeting, the LOC Board will formally adopt a set of priorities based on the ranking process and their evaluation.

Each city is permitted one ballot submission. **Once your city has reviewed the proposed legislative priorities, please complete the electronic ballot to indicate the top 5 issues that your city would like the LOC to focus on during the 2025-26 legislative cycle.** The lead administrative staff member (city manager, city recorder, etc.) will be provided with a link to the electronic ballot. If your city did not receive a ballot or needs a paper option, please reach out to Meghyn Fahndrich at [mfahndrich@orcities.org](mailto:mfahndrich@orcities.org) or Jim McCauley at [jmccauley@orcities.org](mailto:jmccauley@orcities.org).

**Important Deadline:** The deadline for submitting your city's vote is **5 p.m. on September 27, 2024.**

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## Community and Economic Development Committee

Contact: Jim McCauley, [jmccauley@orcities.org](mailto:jmccauley@orcities.org)

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### INFRASTRUCTURE FUNDING (CO-SPONSORED BY WATER AND WASTEWATER COMMITTEE)

**RECOMMENDATION:** *The LOC will advocate for a comprehensive infrastructure package to support increased investments in water, sewer, stormwater and roads. This includes: funding for system upgrades to meet increasingly complex regulatory compliance requirements; capacity to serve needed housing and economic development; deferred maintenance costs; seismic and wildfire resiliency improvements; and clarity and funding to address moratoriums. The LOC will also champion both direct and programmatic infrastructure investments to support a range of needed housing development types and affordability.*

**Background:** Cities continue to face the challenge of how to fund infrastructure improvements – to maintain current, build new, and improve resiliency. Increasing state resources in programs that provide access to lower rate loans and grants will assist cities in investing in vital infrastructure. Infrastructure development impacts economic development, housing, and livability. The level of funding for these programs has been inadequate compared to the needs over the last few biennia, and the funds are depleting and unsustainable without significant program modifications and reinvestments. This priority will focus on maximizing both the amount of funding and the flexibility of the funds to meet the needs of more cities across the state to ensure long-term infrastructure investment. The 2024 LOC Infrastructure Survey revealed the increasing need for water and road infrastructure funding. The results show \$11.9 billion of infrastructure funds needed (\$6.4 billion for water and \$5.5 billion for roads).

Combined with the federal-cost share decline on water infrastructure projects – despite the recent bi-partisan infrastructure law investment – cities face enormous pressure to upgrade and maintain water infrastructure. At the same time, cities across the state are working urgently to address Oregon’s housing crisis. To unlock needed housing development and increase affordability, the most powerful tool the Legislature can deploy is targeted investments in infrastructure to support needed housing development.

## SHELTER AND HOMELESS RESPONSE

**RECOMMENDATION:** *The LOC will support a comprehensive homeless response package to fund the needs of homeless shelter and homeless response efforts statewide. Funding should include baseline operational support to continue and strengthen coordinated regional homeless response and include a range of shelter types and services, including alternative shelter models, safe parking programs, rapid rehousing, outreach, case management, staffing and administrative support, and other related services. The LOC will also support capital funding for additional shelter infrastructure and site preparation. Oregon's homeless response system must recognize the critical role of cities in homeless response and meaningfully include cities in regional funding and decision-making, in partnership with counties, community action agencies, continuums of care, housing authorities, and other service provider partners.*

**Background:** The LOC recognizes that to end homelessness, a cross-sector coordinated approach to delivering services, housing, and programs is needed. Despite historic legislative investments in recent years, Oregon still lacks a coordinated, statewide shelter and homeless response system with stable funding. Communities across the state have developed regional homeless response collaboratives, beginning with the HB 4123 pilot communities funded by the Legislature in 2022 and the more recently established Multi-Agency Collaboratives and Local Planning Groups created by Governor Kotek's [Executive Order on Affordable Housing and Homelessness](#). As Oregon continues to face increasing rates of unsheltered homelessness, the LOC is committed to strengthening a regionally based, intersectional state homeless response system to ensure all Oregonians can equitably access stable housing and maintain secure, thriving communities.

## EMPLOYMENT LANDS READINESS AND AVAILABILITY

**Legislative Recommendation:** *The LOC will support incentives, programs and increased investment to help cities with the costs of making employment lands market-ready, including continued investment in the state brownfields programs. The LOC also recognizes the deficit of industrial land capacity in strategic locations and will support efforts to build a more comprehensive industrial lands program by strengthening the connection between the DLCDC Goal 9 Program and Business Oregon IL programs and resources.*

**Background:** Infrastructure cost is a significant barrier for cities that are looking to increase the supply of market-ready industrial land. Cities require a supply of industrial land that is ready for development to recruit and retain business operations. For sites to be attractive to site selectors, the basic infrastructure must be built out first. For example, the Regionally Significant Industrial Site (RSIS) program within Business Oregon is designed to help cities with the cost of readiness activities

through a reimbursement program, but many cities are not able to take advantage of this program due to a lack of staff capacity and up-front capital for investments.

## FULL FUNDING AND ALIGNMENT FOR HOUSING PRODUCTION

**RECOMMENDATION:** *The LOC will advocate to maintain and increase state investments to support the development and preservation of a range of needed housing types and affordability, including: publicly supported affordable housing and related services; affordable homeownership; permanent supportive housing; affordable modular and manufactured housing; middle housing types; and moderate-income workforce housing development. In addition, the LOC will seek opportunities to address structural barriers to production of different housing options at the regional and state level. This includes: streamlining state agency programs, directives, funding metrics, and grant timelines that impact development; aligning state programs with local capital improvement and budget timelines; and increasing connections between affordable housing resources at Oregon Housing and Community Services (OHCS) with the land use directives in the Oregon Housing Needs Analysis (OHNA) and Climate Friendly and Equitable Communities (CFEC) programs at the Department of Land Conservation and Development (DLCD).*

**Background:** Recent legislation and executive orders have made significant changes to the state’s land use planning process, including new housing production directives for cities and counties. These updates have resulted in extensive, continuous, and sometimes conflicting efforts that are not supported by adequate state funding. Cities do not have the staff capacity or resources needed to implement existing requirements. Additional state support is needed to assist local implementation, including technical assistance and education for local staff and decision makers, and workforce development. The state should prioritize implementation and coordination of existing programs in the 2025-2026 legislative sessions before considering any new policies.

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### General Government Committee

Contact: Scott Winkels, [swinkels@orcities.org](mailto:swinkels@orcities.org)

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## RESTORATION OF RECREATIONAL IMMUNITY

**RECOMMENDATION:** *The LOC will introduce legislation to protect cities and other landowners who open their property for recreational purposes from tort liability claims.*

**Background:** An adverse court ruling stemming from a recreational injury sustained on a city owned trail opened cities and other public and private landowners to tort claims for injuries sustained by people who are recreating. The Legislature enacted a temporary restoration of the immunity in 2024 that will expire

on July 1, 2025. Legislation to make the immunity permanent will be needed for cities to offer recreational amenities without fear of tort liability lawsuits or excessive risk premiums.

## **BEHAVIORAL HEALTH ENHANCEMENTS**

**RECOMMENDATION:** *The LOC will introduce and support legislation to expand access to behavioral health treatment beds and allow courts greater ability to direct persons unable to care for themselves into treatment through the civil commitment process.*

**Background:** While Oregon has historically ranked at or near the bottom nationally for access to behavioral healthcare, the state has made significant investments over the past four years. It will take time for investments in workforce development and substance abuse treatment to be realized, and areas for improvement remain. The standard for civilly committing a person into treatment remains very high in Oregon, and as a result, individuals who present a danger to themselves or others remain untreated, often producing tragic results. Additionally, the number of treatment beds for residential care does not meet demand, with services unavailable in multiple areas of the state.

## **CONTINUED ADDICTION POLICY REFORM**

**RECOMMENDATION:** *The LOC will Introduce and support legislation to allow drug related misdemeanors to be cited into municipal court; provide stable funding for services created in HB 4002 in 2024; allow more service providers to transport impaired persons to treatment; establish the flow of resources to cities to support addiction response; and monitor and adjust the implementation of HB 4002.*

**Background:** The Legislature passed significant changes to Oregon’s approach to the current addiction crisis with the creation of a new misdemeanor charge designed to vector defendants away from the criminal justice system and into treatment. Changes also included: sentencing enhancements for drug dealers; investments in treatment capacity; and expanded access to medical assisted addiction treatment. HB 4002 did not include stable funding for the services created or provide cities with direct access to resources, or the ability to cite the new offense into municipal courts. Additionally, the new law will likely require adjustments as the more complicated elements get implemented.

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## Energy and Environment Committee

Contact: Nolan Pleše, nplese@orcities.org

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### BUILDING DECARBONIZATION, EFFICIENCY, AND MODERNIZATION

**RECOMMENDATION:** *The LOC will support legislation to protect against any rollback and preemptions to allow local governments to reduce greenhouse gas emissions from new and existing buildings while ensuring reliability and affordability. In addition, the LOC will lead and back efforts that support local governments, including statewide capacity, expertise, and resources to allow local governments to pursue state and federal funding and continue to support off-ramps for local governments unable to meet the state's new building performance standards.*

**Background:** Homes and commercial buildings consume nearly one-half of all the energy used in Oregon, according to the Oregon Department of Energy. Existing buildings can be retrofitted and modernized to become more resilient and efficient, while new buildings can be built with energy efficiency and energy capacity in mind.

Oregon cities, especially small to mid-sized and rural communities, require technical assistance and financial support to meet the state's goals. Without additional support, some communities will be unable to meet the state's building performance standards. Off-ramps are necessary to protect cities unable to meet the state's goals to ensure they are not burdened by mandates they can't meet.

Some initiatives may include local exceptions for building energy codes and performance standards, statewide home energy scoring, or financial incentives from the Infrastructure Investment and Jobs Act (IIJA), the Inflation Reduction Act (IRA), state incentives, and other financial incentives like CPACE (Commercial property-assessed clean energy).

For cities to meet their climate resilience and carbon reduction goals while maintaining home rule authority, their flexibility must be preserved to allow for a successful transition from fossil fuels. State pre-emptions should not prohibit cities from exceeding state goals and achieving standards that align with their values.

### INVESTMENT IN COMMUNITY RESILIENCY AND CLIMATE PLANNING RESOURCES

**RECOMMENDATION:** *The LOC will support investments that bring resiliency and climate services (for mitigation and adaptation) together in coordination with public and private entities, and work to fill the existing gaps to help communities get high-quality assistance. These resources are needed for local governments to effectively capture the myriad of available state and federal funding opportunities that cannot be accessed due to capacity and resource challenges. The LOC will work with partners to identify barriers and potential*

*solutions towards resiliency opportunities, such as local energy generation and battery storage, and to support actions that recognize local control.*

**Background:** Oregon communities have unique resources and challenges, and increasingly need help to plan for climate and human-caused impacts and implement programs to reduce greenhouse gases. Oregon should focus on maintaining the reliability of the grid while supporting safe, healthy, cost-effective energy production that includes external costs.

Although many opportunities for building resiliency exist, not all will not be built or managed by cities. Cities support efforts to build resiliency hubs in coordination with public, private, and non-profit interests and will seek more investments in programs that support resiliency hubs.

Cities also have a broad range of perspectives on how to address the impacts of the climate crisis. Concerns about costs and reliability during this energy transition have surfaced in many cities. At the same time, others who share those concerns also aim to have stronger requirements that meet their cities' climate goals. To meet these challenges, cities oppose additional mandates but support exceptions and additional support that recognize each city's unique perspectives, resources, and experience while preserving local authority.

Oregon's small to mid-sized communities and rural communities are particularly in need of technical assistance, matching funds, and additional capacity to address climate impacts. Without assistance, these communities face unfunded mandates due to low resources and capacity challenges to go after many available opportunities.

## **ADDRESS ENERGY AFFORDABILITY CHALLENGES FROM RISING UTILITY COSTS**

**RECOMMENDATION:** *The LOC will: support actions to maintain affordable and reliable energy resources; invest in programs and new technology that support energy efficiency, renewable energy, and battery storage to help reduce overall energy costs and demands; and address grid challenges during peak energy demand and the associated rising costs, while balancing the pace of energy production and power supply that impact rates.*

**Background:** In recent years, rising utility costs have increased the energy burden on Oregonians, particularly low-income Oregonians, those with fixed incomes, and those who are unable to work. Costs contributing to these increases include, infrastructure upgrades, maintenance, and modernization, climate impacts from increased extreme weather events (wildfires, ice storms, snowstorms, flooding, etc.) and mitigation costs associated with them, fuel costs, inflation, legislative and gubernatorial actions, and investments in new energy-producing technology, and battery storage, are some of many reasons that are impacting utility rates.

While many investment opportunities exist, more cooperation and collaboration

needed to find a path forward that reduces the need for large rate increases that impact Oregonians. Rate increases should balance and prioritize vital labor, infrastructure, and mitigations necessary to sustain present and future energy demands with compensation.

In addition, the LOC would advocate for new tools and utilizing existing tools to modernize rate structures to provide flexibility and account for the time of year of rate increases (phasing in of rate increases) and recognize the higher burden for low and moderate-income and fixed-income Oregonians.

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### **Finance and Taxation Committee**

Contact: Lindsay Tenes, ltenes@orcities.org

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#### **LODGING TAX FLEXIBILITY**

**RECOMMENDATION:** *The LOC will advocate for legislation to increase flexibility to use locally administered and collected lodging tax revenue to support tourism-impacted services.*

**Background:** In 2003, the Legislature passed the state lodging tax and restricted local transient lodging tax (TLT) by requiring that revenue from any new or increased local lodging tax be spent according to a 70/30 split: 70% of local TLT must be spent on “tourism promotion” or “tourism related facilities” and up to 30% is discretionary funds.

Tourism has created an increased demand on municipal service provision. Some of the clearest impacts are on roads, infrastructure, public safety, parks, and public restrooms. Short term rentals and vacation homes also reduce the housing supply and exacerbate housing affordability issues.

Cities often play an active role in tourism promotion and economic development efforts, but requiring that 70% of lodging tax revenue be used to further promote tourism is a one-size fits all approach that does not meet the needs of every tourism community. Cities must be allowed to strike the balance between tourism promotion and meeting the needs for increased service delivery for tourists and residents.

#### **MARIJUANA TAX**

**Legislative Recommendation:** *The LOC will advocate for legislation that increases revenue from marijuana sales in cities. This may include proposals to restore state marijuana tax losses related to Measure 110 (2020), and to increase the 3% cap on local marijuana taxes.*

**Background:** The state imposes a 17% tax on recreational marijuana products. Until



the end of 2020, cities received 10% of the state's total tax revenues (minus expenses) on recreational marijuana products. Measure 110 largely shifted the allocation of state marijuana revenue by capping the amount that is distributed to the recipients that previously shared the total amount (the State School Fund, the Oregon Health Authority, the Oregon State Police, cities and counties) and diverted the rest to drug treatment and recovery services. Starting in March of 2021, quarterly revenue to cities from state marijuana taxes saw a decrease of roughly 74%. Marijuana revenue has also been on a downward trend because the market is oversaturated, which has continually reduced sale prices (high supply, steady demand). Marijuana is taxed on the price of the sale and not on volume.

## ALCOHOL TAX

**RECOMMENDATION:** *The LOC will advocate for increased revenue from alcohol taxes. This includes support for any recommendation by the HB 3610 Task Force on Alcohol Pricing to increase the beer and wine tax that maintains 34% shared distribution to cities. This may also include legislation to lift the pre-emption on local alcohol taxes.*

**Background:** Cities have significant public safety costs related to alcohol consumption and must receive revenue commensurate to the cost of providing services related to alcohol.

Oregon is a control state and the Oregon Liquor and Cannabis Commission (OLCC, formerly known as the Oregon Liquor Control Commission) acts as the sole importer and distributor of liquor. Cities and other local governments are preempted from imposing alcohol taxes. In exchange, cities receive approximately 34% share of net state alcohol revenues. The OLCC has also imposed a 50-cent surcharge per bottle of liquor since the 2009-2011 biennium, which is directed towards the state's general fund. Oregon's beer tax has not been increased since 1978 and is \$2.60 per barrel, which equates to about 8.4 cents per gallon, or less than 5 cents on a six-pack. Oregon's wine tax is 67 cents per gallon and 77 cents per gallon on dessert wines. Oregon has the lowest beer tax in the country and the second lowest wine tax.

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### **Broadband, Cybersecurity, Artificial Intelligence (AI), and Telecommunications Committee**

Contact: Nolan Plese, [nplese@orcities.org](mailto:nplese@orcities.org)

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## DIGITAL EQUITY AND INCLUSION

**RECOMMENDATION:** *The LOC will support legislation and policies that help all individuals and communities have the information technology capacity needed for full participation in our society, democracy, and economy through programs such as digital*

*navigators, devices, digital skills, and affordability programs like the Affordable Connectivity Program (ACP) and the Oregon Telephone Assistance Program (OTAP – also known as Lifeline) that meet and support community members where they are.*

**Background:** Connectivity is increasingly relied on for conducting business, learning, and receiving important services like healthcare. As technology has evolved, the digital divide has become more complex and nuanced. Now, the discussion of the digital divide is framed in terms of whether a population has access to hardware, to the Internet, to viable connection speeds, and to the skills they need to effectively use it. Recognizing individual knowledge and capacity, abilities, and lived experience is now vital, and programs that offer devices, digital literacy skills, cybersecurity, and support for internet affordability, are critical to closing the digital divide.

## **CYBERSECURITY & PRIVACY**

**RECOMMENDATION:** *The LOC will support legislation that addresses privacy, data protection, information security, and cybersecurity resources for all that use existing and emerging technology like artificial intelligence (AI) and synthetic intelligence (SI), including, but not limited to: funding for local and state government cyber and information security initiatives; interagency and government coordination and cooperative arrangements for communities that lack capacity; statewide resources for cyber and AI professionals and workforce development; vendor and third-party vendor accountability; regulations of data privacy; or standards for software/hardware developers to meet that will make their products more secure while ensuring continued economic growth. The LOC will oppose any unfunded cybersecurity and/or AI mandates and support funding opportunities to meet any unfunded insurance requirements.*

**Background:** Society's continued reliance on technology will only increase with the emergence of artificial intelligence (AI) and synthetic intelligence (SI). This will mean an increased risk for cybercrimes. Cybersecurity encompasses everything that pertains to protecting our sensitive and privileged data, protected health information, personal information, intellectual property, data, and governmental and industry information systems from theft and damage attempted by criminals and adversaries.

Cybersecurity risk is increasing, not only because of global connectivity but also because of the reliance on cloud services to store sensitive data and personal information. As AI and SI technology and adoption accelerate, the ability to guard against cyber threats and threats created through AI will increase. Strengthening coordination between the public and private sectors at all levels is essential for decreasing risks and quickly responding to emerging threats. This ensures resilience is considered to reduce the damage caused by cyber threats.

## RESILIENT, FUTUREPROOF BROADBAND INFRASTRUCTURE AND PLANNING INVESTMENT

**RECOMMENDATION:** *The LOC will support legislation to ensure broadband systems are built resiliently and futureproofed, while also advocating for resources to help cities with broadband planning and technical assistance through direct grants and staff resources at the state level. The LOC will oppose any preemptions that impede local government's ability to maintain infrastructure standards in the local rights-of-way. Municipalities' have a right to own and manage access to poles and conduit and to become broadband service providers.*

### **Background:**

#### Broadband Planning and Technical Assistance

Most state and federal broadband infrastructure funding requires communities to have a broadband strategic plan in place in order to qualify. Many cities do not have the resources or staff capacity to meet this requirement. Cities will need to rely on outside sources or work with the state for assistance and support the state setting up an office to aid local governments.

#### Resilient and Long-Term Systems

As broadband continues to be prioritized, building resilient long-term networks will help Oregonians avoid a new digital divide as greater speeds are needed with emerging technologies like artificial intelligence (AI). Important actions that will ensure resilient broadband include: dig once policies; investing in robust middle-mile connections; ensuring redundancy and multiple providers in all areas' sharing current and future infrastructure to manage overcrowding in the right-of-way (ROW); and undergrounding fiber instead of hanging it on poles. Additionally, infrastructure should be built for increased future capacity to avoid a new digital divide by allowing Oregon to determine speeds that reflect current and future technology.

#### Optional Local Incentives to Increase Broadband Deployment

Cities need flexibility to adequately manage public rights-of-ways (ROW). Instead of mandates, the state should allow cities the option to adopt incentives that could help streamline broadband deployment. Flexibility for cities to fund conduit as an eligible expense for other state infrastructure (most likely water or transportation projects) would reduce ROW activity. Additionally, local governments can work with state and federal partners to streamline federal and state permitting to reduce delays in broadband deployment.

#### Regulatory Consistency Amidst Convergence

With rapid changes in communication, standards and policy should keep pace. When a converged technology utilizes differing communications technologies, it may be

required to adhere to multiple standards and regulations, or providers may argue that some parts of their service is not subject to regulations. The LOC will support legislation that addresses the inconsistency of regulations applied to traditional and nontraditional telecommunications services as more entities move to a network-based approach.

## **ARTIFICIAL INTELLIGENCE (AI)**

**RECOMMENDATION:** *The LOC will support legislation that promotes secure, responsible and purposeful use of artificial intelligence (AI) and synthetic intelligence (SI) in the public and private sectors while ensuring local control and opposing any unfunded mandates. Cities support using AI for social good, ensuring secure, ethical, non-discriminatory, and responsible AI governance through transparent and accountable measures that promotes vendor and third-party vendor accountability, improving government services while protecting sensitive data from use for AI model learning, and fostering cross-agency, business, academic, and community collaboration and knowledge sharing.*

**Background:** While artificial intelligence (AI) and synthetic intelligence (SI) are not new, the recent advancements in machine learning and the exponential growth of artificial and synthetic intelligence require governments and providers to be responsible and purposeful in the use of this technology. The opportunities and risks that AI and SI present demand responsible values and governance regarding how AI systems are purchased, configured, developed, operated, or maintained in addition to ethical policies that are transparent and accountable. Policies should also consider the implication of AI on public records and retention of information on how AI is being used. Additionally, governments need to consider how procurements are using AI, how they are securing their systems, and any additional parties being used in the process.

AI systems and policies should:

- Be Human-Centered Design - AI systems are developed and deployed with a human-centered approach that evaluates AI-powered services for their impact on the public.
- Be Secure & Safe - AI systems should maintain safety and reliability, confidentiality, integrity, and availability through safeguards that prevent unauthorized access and use to minimize risk.
- Protect Privacy - Privacy is preserved in all AI systems by safeguarding personally identifiable information (PII) and sensitive data from unauthorized access, disclosure, and manipulation.
- Be Transparent - The purpose and use of AI systems should be proactively communicated and disclosed to the public. An AI system, its data sources,

operational model, and policies that govern its use should be understandable, documented, and properly disclosed publicly.

- Be Equitable - AI systems support equitable outcomes for everyone; urban, rural, suburban, frontier, and historically underrepresented communities. Bias in AI systems should be effectively managed to reduce harm to anyone impacted by its use.
- Provide Accountability - Roles and responsibilities govern the deployment and maintenance of AI systems. Human oversight ensures adherence to relevant laws and regulations and ensures the product's creator is ultimately responsible for reviewing the product prior to release and held accountable.
- Be Effective - AI systems should be reliable, meet their objectives, and deliver precise and dependable outcomes for the utility and contexts in which they are deployed.
- Provide Workforce Empowerment - Staff are empowered to use AI in their roles through education, training, and collaborations that promote participation and opportunity.

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### **Transportation Committee**

Contact: Jim McCauley, [jmccauley@orcities.org](mailto:jmccauley@orcities.org)

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## **2025 TRANSPORTATION PACKAGE**

**RECOMMENDATION:** *The LOC supports a robust, long-term, multimodal transportation package focused on: stabilizing funding for operations and maintenance for local governments and ODOT; continued investment in transit and bike/ped programs, safety, congestion management, and completion of projects from HB 2017. As part of a 2025 package, the funding level must maintain the current State Highway Fund (SHF) distribution formula and increase investments in local programs such as Great Streets, Safe Routes to Schools, and the Small City Allotment Program. In addition, the package should find a long-term solution for the weight-mile tax that stabilizes the program with fees that match heavier vehicles' impact on the transportation system. The funding sources for this package should be diverse and innovative. Additionally, the package should maintain existing choices and reduce barriers for local governments to use available funding tools for transportation investments.*

**Background:** Oregon has one of the country's most transportation-dependent economies, with 400,000 jobs (1 in 5) related directly to transportation via rail, road, and ports. The State Highway Fund (SHF) is the primary revenue source for the state's transportation infrastructure, and comes from various sources, including gas

and diesel tax, weight mile tax, vehicle registration fees, vehicle title fees, and driver's license fees. These funds are distributed using a 50-30-20 formula, with 50% to the state, 30% to counties, and 20% to cities. Continued investment in transportation infrastructure is critical for public safety objectives such as "[Safe Routes to Schools](#)" and the "[Great Streets](#)" program. The Legislature must develop a plan to match inflationary costs and a plan to transition from a gas tax to an impact fee based on miles traveled to stabilize transportation investment.

## FUNDING AND EXPANDING PUBLIC AND INTER-COMMUNITY TRANSIT

**RECOMMENDATION:** *The LOC supports expanding funding for public transit operations statewide, focusing on inter-community service, service expansion, and a change in policy to allow for the use of funds for local operations and maintenance.*

**Background:** During the 2017 session, HB 2017 established Oregon's first statewide comprehensive transit funding by implementing a "transit tax," a state payroll tax equal to one-tenth of 1%. This revenue source has provided stable funding of more than \$100 million annually.

These funds are distributed utilizing a formula. Investments made since the 2017 session helped many communities expand and start transit and shuttle services to connect communities and provide transportation options. Many communities, however, still lack a viable public transit or shuttle program and would benefit greatly from expanded services.

## SHIFT FROM A GAS TAX TO A ROAD USER FEE

**RECOMMENDATION:** *The LOC supports replacing Oregon's gas tax with a Road User Fee (RUF) while protecting local government's authority to collect local gas tax fees. An RUF will better measure a vehicle's impact on roads and provide a more stable revenue stream.*

**Background:** Oregon's current gas tax is 40 cents per gallon. Depending on the pump price, the gas tax represents a small portion of the overall cost of gas. Due to the improved mileage of new vehicles and the emergence and expected growth of electric vehicles, Oregon will continue to face a declining revenue source without a change in the fee structure. Capturing the true impact of vehicles on the transportation system requires a fee structure that aligns with use of roads. The federal tax has remained at 18 cents per gallon since 1993, effectively losing buying power or the ability to keep up with inflation.

## COMMUNITY SAFETY AND NEIGHBORHOOD LIVABILITY

**RECOMMENDATION:** *The LOC supports a strong focus on funding safety improvements on large roads, such as highways and arterials, that run through all communities. This includes directing federal and state dollars toward safety improvements on streets that meet the Great Streets criteria but are not owned by ODOT, and increasing funding for the*

*Great Streets program. For those cities that don't qualify for existing programs, ODOT should explore funding opportunities for cities with similar safety needs. Additionally, more funding should be directed to the Highway Safety Improvement Program (HSIP) and All Roads Transportation Safety (ARTS) programs.*

**Background:** Community safety investment remains a critical challenge for local governments, reducing their ability to maintain a transportation system that supports the safe and efficient movement of people and goods. Traffic fatalities and serious injuries continue to grow to record levels in many communities. The lack of stable funding for these basic operations and maintenance functions prevents local governments from meeting core community expectations. Without increases in funding for transportation, this problem is expected to get even worse, as costs for labor and materials continue to increase.

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### **Water and Wastewater Committee**

Contact: Michael Martin, mmartin@orcities.org

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### **INFRASTRUCTURE FUNDING (CO-SPONSORED BY COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE)**

**RECOMMENDATION:** *The LOC will advocate for a comprehensive infrastructure package to support increased investments in water, sewer, stormwater and roads. This includes: funding for system upgrades to meet increasingly complex regulatory compliance requirements; capacity to serve needed housing and economic development; deferred maintenance costs; seismic and wildfire resiliency improvements; and clarity and funding to address moratoriums. The LOC will also champion both direct and programmatic infrastructure investments to support a range of needed housing development types and affordability.*

**Background:** Cities continue to face the challenge of how to fund infrastructure improvements – to maintain current, build new, and improve resiliency. Increasing state resources in programs that provide access to lower rate loans and grants will assist cities in investing in vital infrastructure. Infrastructure development impacts economic development, housing, and livability. The level of funding for these programs has been inadequate compared to the needs over the last few biennia, and the funds are depleting and unsustainable without significant program modifications and reinvestments. This priority will focus on maximizing both the amount of funding and the flexibility of the funds to meet the needs of more cities across the state to ensure long-term infrastructure investment. The 2024 LOC Infrastructure Survey revealed the increasing need for water and road infrastructure funding. The results show \$11.9 Billion of infrastructure funds needed (\$6.4 billion for water and \$5.5

billion for roads).

Combined with federal-cost share decline on water infrastructure projects – despite the recent bi-partisan infrastructure law investment – cities face enormous pressure to upgrade and maintain water infrastructure. At the same time, cities across the state are working urgently to address Oregon’s housing crisis. To unlock needed housing development and increase affordability, the most powerful tool the Legislature can deploy is targeted investments in infrastructure to support needed housing development.

## PLACE-BASED PLANNING

**RECOMMENDATION:** *The LOC will advocate for funding needed to complete existing place-based planning efforts across the state and identify funding to continue the program for communities that face unique water supply challenges.*

**Background:** Oregon’s water supply management issues are complex. In 2015, the Legislature created a place-based planning pilot program in Oregon administered through the Oregon Water Resources Department that provides a framework and funding for local stakeholders to collaborate and develop solutions to address water needs within a watershed, basin, surface water, or groundwater. In 2023, the Legislature passed a significant bipartisan Drought Resilience and Water Security package (BiDRAWS), which included \$2 million into a place-based planning water fund to continue efforts to address a basin-by-basin approach.

## OPERATOR-IN-TRAINING APPRENTICESHIPS

**RECOMMENDATION:** *The LOC will advocate for funding for apprenticeship training programs and the expansion of bilingual training opportunities to promote workforce development of qualified wastewater and drinking water operators due to the significant lack of qualified operators.*

**Background:** Water utilities must resolve a human-infrastructure issue in order to keep our water and wastewater systems running. Currently, water utilities face challenges in recruiting, training, and retaining certified operations employees. In addition, retirements of qualified staff over the next decade will exacerbate the problem.

In 2023, the Legislature approved one-time funding for the development of a training facility for certified operators and technical assistance staff in partnership with the Oregon Association of Water Utilities. Sustained funding for regional training facilities and direct funding for utilities hosting training programs is needed to train the next generation of water and wastewater operators.





City of Tualatin

## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Sherilyn Lombos, City Manager  
**FROM:** Megan George, Deputy City Manager  
**DATE:** August 26, 2024

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**SUBJECT:**

Resolution No. 5805-24 Adopting the City of Tualatin's 2025 Legislative Agenda

**RECOMMENDATION:**

Staff recommends the City Council approve Resolution No. 5805-24 Adopting the City of Tualatin's 2025 Legislative Agenda.

**EXECUTIVE SUMMARY:**

On May 13, 2024, the City Council authorized the City Manager to execute a contract with Thorn Run Partners, LLC ("Thorn Run") to provide government affairs and lobbying services for the City. Their scope of work includes activities at the State and Federal level including building relationships with legislators, facilitating development of project funding asks, and communicating progress with City staff and the City Council.

On July 29, 2024, the City Council meet with Thorn Run to learn more about their team, receive an overview of the legislative process at the State and Federal Level, discuss policy themes and priorities, and review an initial draft of the legislative agenda.

Tonight's presentation will provide time for the City Council to continue discussing policy themes and priorities, and provide additional background information on capital project requests.

**OUTCOMES OF DECISION:**

Thorn Run's team will share the Legislative Agenda with Tualatin's representatives at the State and Federal levels. In addition, they will provide regular communication on State and Federal policy discussions and funding opportunities. Finally, their team will identify opportunities for the City Council to engage on the Legislative Agenda and other relevant policy discussions.

**ALTERNATIVES TO RECOMMENDATION:**

The City Council may direct staff to make changes to the Legislative Agenda prior to adoption on August 26, 2024, or at a future date.

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**ATTACHMENTS:**

- Resolution No. 5805-24
- Exhibit A: City of Tualatin 2025 Legislative Agenda
- Presentation

RESOLUTION NO. 5805-24

A RESOLUTION ADOPTING THE CITY OF TUALATIN'S 2025 LEGISLATIVE AGENDA

WHEREAS, policy determined at the State and Federal level affects local governments and communities;

WHEREAS, funding opportunities exist at the State and Federal level for local governments and communities;

WHEREAS, the City Council identified a need to increase the organization's capacity to advocate for the City of Tualatin at the State and Federal level and signed a contract with Thorn Run Partners, LLC, on May 13, 2024, to advocate on the City's behalf;

WHEREAS, the City Council identified transportation, housing, social services, resiliency and emergency preparedness, environment, downtown revitalization, local control and unfunded mandates, and capital projects as important themes to the Tualatin community; and

WHEREAS, the City Council desires to identify specific asks for the upcoming 2025 State and Federal legislative cycles.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, THAT:

**Section 1.** The City of Tualatin's 2025 Legislative Agenda is attached in Exhibit A.

**Section 2.** This resolution is effective upon adoption.

Adopted by the City Council this 26<sup>th</sup> day of August, 2024.

ATTEST:

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
City Recorder

BY \_\_\_\_\_  
Mayor



## 2025 Legislative Agenda

### State

#### Seismic Valving at Six Water Reservoirs - \$1.75 Million

The City seeks funding to retrofit all six of Tualatin's water reservoirs to include seismic valving. In the event of an earthquake, seismic valves capture the stored water and prevent it from leaking into the distribution system. Each retrofit is estimated to cost \$291,666. The City identified this project in the Water Master Plan, adopted in 2023.

#### Veteran's Plaza Shade Structure - \$250,000

The City seeks funding to install a shade structure at the new Veterans Plaza, located at the Lake of the Commons in Downtown Tualatin. Extensive community engagement led to the design of the new community-gathering place. Construction of the plaza began in spring of 2024 and is expected to be complete in fall of 2024. Due to inflation, a planned shade structure was removed from the project. If funding is secured, the shade structure could be installed at any time.

#### Electric Vehicle Chargers – \$4.7 Million

The City seeks funding to install 119 charging ports for electric vehicles on public property. Tualatin currently has limited charging infrastructure with only eight publicly accessible locations, clustered in the NE part of the community. The City's Climate Action Plan identified that passenger vehicles are responsible for 74% of all local transportation emissions and indicated that widespread EV adoption was necessary to achieve the emissions reduction goal of net zero by 2050. Each charger is estimated to cost \$39,000.



## Federal



### Electric Vehicle Chargers - \$15 Million

The City and 17 neighboring jurisdictions request funding to install 1,000 charging ports for electric vehicles across Oregon's North Willamette Valley. The goal is to increase the number of electric vehicle drivers by providing chargers for people who have limited access to at-home charging. Siting will prioritize affordable housing and public facilities, with approximately half of chargers to be installed in publicly accessible parking lots at affordable multifamily housing locations.



City of Tualatin

## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Nicole Morris, Deputy City Recorder

**DATE:** 8/26/24

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**SUBJECT:**

Consideration of Recommendations from the Council Committee on Advisory Appointments

**RECOMMENDATION:**

Staff recommends the City Council approve the recommendations from the Council Committee on Advisory Appointments (CCAA)

**EXECUTIVE SUMMARY:**

In accordance with Council Rule 7E(1), the CCAA met and interviewed community members interested in participating on City advisory committees. The Committee recommends appointment of the following individuals:

<b>Individuals</b>	<b>Board</b>	<b>Term</b>
Kalli Savage	Tualatin Arts Advisory Committee- Student	Term Expiring 3/31/25
Taylor Sarman	Core Area Parking District Board	Term Expiring 12/31/25
Monica Galeana	IDEA Advisory Committee	Term Expiring 11/1/26
Rebecca Ryan	Tualatin Parks Advisory Committee	Term Expiring 2/28/25
Allan Parachini	Tualatin Planning Commission	Term Expiring 8/31/25
Randall Hledik	Tualatin Planning Commission	Term Expiring 8/31/27
Janelle Thompson	Tualatin Planning Commission	Term Expiring 8/31/27
Zach Wimer	Tualatin Planning Commission	Term Expiring 8/31/27