



TUALATIN CITY COUNCIL MEETING

Tuesday, November 12, 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

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 Tuesday, November 12. 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>

Work Session

- 1. 5:00 p.m. (45 min) – Purchasing Thresholds and Contracting Authority.** Staff will provide an overview of the City's Public Contracting Rules; discuss staff's recommendation to amend the City's purchasing rules by increasing procurement thresholds and the City Manager's authority to award contracts.
- 2. 5:45 p.m. (45 min) – FEMA New Floodplain Requirements.** Staff will present Federal Emergency Management Agency (FEMA) Pre-Implementation Compliance Measures to Address Changes to the National Flood Insurance Program (NFIP)- Endangered Species Act (ESA) Integration in Oregon.

3. **6:30 p.m. (30 min) – Council Meeting Agenda Review, Communications & Roundtable.** Council will review the agenda for the October 28 City Council meeting and brief the Council on issues of mutual interest.
-

7:00 P.M. CITY COUNCIL MEETING

Call to Order

Pledge of Allegiance

Announcements

1. Proclamation Declaring November 30, 2024 as Small Business Saturday in the City of Tualatin
2. American Public Works Association (APWA) Oregon Project of the Year Award – Tualatin Moving Forward Program

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 Work Session and Regular Meeting Minutes of October 28, 2024
2. Consideration of **Resolution No. 5819-24** Awarding and Authorizing The City Manager to Execute a Professional Services Agreement with Jensen Hughes for Plan Review and Inspection Services
3. Consideration of **Resolution No. 5820-24** Authorizing the City Manager to Execute a Collective Bargaining Agreement with Tualatin Police Officers Association – Sergeants

Special Reports

1. Tualatin Arts Advisory Committee Community Enhancement Award

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.](#) Republic Services 2023 Annual Report
- [2.](#) Consideration of **Ordinance No. 1495-24** Amending Tualatin Municipal Code 8-1-252 to Add an Additional Street (SW 96th Drive)

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

Meeting materials, including agendas, packets, public hearing and public comment guidelines, and Mayor and Councilor bios are available at 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.

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

Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Kevin R. McConnell, City Attorney
Richard Contreras, Contracts and Procurement Analyst

DATE: November 12, 2024

SUBJECT:

Overview of the City's Public Contracting Rules; discuss staff's recommendation to amend the City's purchasing rules by increasing procurement thresholds and the City Manager's authority to award contracts.

EXECUTIVE SUMMARY:

The City's Public Contracting Rules (TMC 1-21) contain the City's purchasing rules. The purchasing rules set out thresholds that specify when: i) the City can select any vendor (direct appointment); ii) the City must informally seek quotes from three vendors (intermediate procurement); or iii) the City must formally advertise a procurement in a trade newspaper (formal procurement).

The City's procurement thresholds have remained unchanged since 2009. In general, City staff can only award City contracts by direct appointment if the contract price is \$5,000 or under and may award City contracts by way of an intermediate procurement process if the contract price does not exceed \$150,000. Any City contract exceeding a contract price of \$150,000 requires a formal procurement process such as an Invitation to Bid or Request for Proposals and must be forwarded to Council for approval.

In 2009, the City procurement thresholds approved by Council generally aligned with state thresholds pertaining to public contracts for goods and services. In 2023, the Oregon Legislature enacted significant increases to state agency procurement thresholds. However, the City's stricter local thresholds would have to be amended by ordinance for City staff to apply those increased limits.

In an effort to account for 15 years' worth of inflation, increase efficiency and comply with the Council's stated intent in adopting the City's Public Contracting Rules, staff recommends the following amendments to the City's procurement thresholds:

Direct appointment:	City contracts up to \$25,000
Intermediate procurement:	City contracts over \$25,000 and up to \$250,000
Formal procurement:	City contracts over \$250,000

In addition, staff is recommending an increase to the procurement threshold limits for professional service consultants within the City's qualified pool. "Professional services" are a subset of personal services and encompass architectural, engineering, photogrammetric mapping, transportation planning, and land surveying services, along with related services. These can generally be thought of as personal services that pertain to the construction, maintenance, or planning of public improvements. Every two years, the City establishes a qualified pool of professional consultants through a formal Request for Qualifications (RFQ) process, admitting those who meet the City's established standards into the pool.

Currently, the City has the authority to award professional service contracts up to \$100,000 by direct appointment to consultants who are not part of the Qualified Pool, in accordance with ORS 279C.110(10) and TMC 1-21-200(1)(b). The resulting difference between the \$150,000 threshold for selecting professional consultants from the Qualified Pool and the \$100,000 threshold for those who are not members is relatively small. To maximize the advantages of conducting a formal RFQ process, an option for the Council's consideration is to increase the direct appointment threshold for consultants in the Qualified Pool to \$250,000, while keeping the direct appointment threshold for any consultant unchanged at \$100,000.

Finally, City staff recommend increasing the City Manager's authority to award City contracts. Currently, the Manager may award a City contract in an amount not exceeding \$150,000, which has remained unchanged since 2009. Increasing the Manager's authority will streamline the procurement process, reduce administrative delays, and enable the City to respond more efficiently to community needs.

ATTACHMENTS:

- PowerPoint Presentation



Procurement Thresholds & Contracting Authority

2024

Procurement Authority

- **Governments Can Only Make Purchases as Authorized by Law.**
- **The City Council is the Contracting Agency for the City:** The State has delegated procurement authority to the City Council by way of the Oregon Public Contracting Code. In turn, the Council has delegated procurement authority to City Staff, subject to conditions in our local contracting rules (TMC Chapter 1-21).
- **Contracting Rules Establish Purchasing Thresholds and Processes:** One of the conditions in the State and local contracting rules is that certain procurement methods must be followed for various purchasing thresholds. The rules also establish processes such as advertising and time requirements.
- **As more public funds are spent on a purchase, more process is required.**



CITY of
TUALATIN

What is a Procurement Threshold?

A contract's anticipated dollar value drives what procurement method is used

Procurement methods and State of Oregon thresholds prior to 2023:

Direct Appointment (\$10,000 and under)

Allows for a non-competitively bid contract to be issued. Agencies can quickly secure goods and services they need.



Intermediate Procurement (\$10,001 - \$150,000)

Requires more process & competition. At minimum, agencies must post 7-days publicly, and take active steps to include small & diverse firms. Takes 30-days.



Formal Procurement (over \$150,000)

Rigorous process of formal solicitation documents (usually with DOJ review), 30-day public posting, formal process steps & evaluations & complex contract negotiation. Takes 4-6 months.



Current City Thresholds

The City's local contracting rules were last updated in 2009 and they matched the State of Oregon thresholds in effect at the time:

Direct Appointment (\$5,000 and under)

Allows for a non-competitively bid contract to be issued. City staff can quickly secure goods and services they need.



Intermediate Procurement (\$5,001 - \$150,000)

Requires more process and competition. City staff must seek three quotes and may do so informally via phone or e-mail. Takes 30-days.



Formal Procurement (over \$150,000)

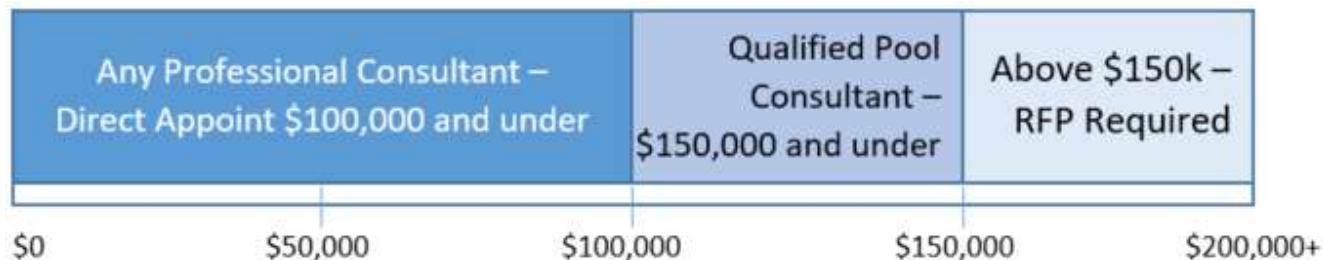
A formal Invitation to Bid or Request for Proposals is required, posted in the Daily Journal of Commerce, with formal evaluations and complex contract negotiation. Takes 4-6 months.



CITY of
TUALATIN

Professional Services- Qualified Pool

- Professional Services are a special type of Personal Service (architectural, engineering, and related consulting services for the design or management of a public improvement).
- Every two years, the City establishes a Qualified Pool of Professional Services Consultants, and City staff can direct appoint any consultant within the Qualified Pool up to \$150,000.
- The Qualified Pool is the result of a publicly advertised Request for Qualifications that takes over 200 hours of staff time to conduct (we received applications from 59 for multiple categories of services)
- *Outside the Pool:* City Staff are authorized to award Professional Services Agreements via direct appointment up to \$100,000 per state and local contracting rules for a consultant *outside* of the Qualified Pool.



CITY of
TUALATIN

City Manager's Contracting Authority



- The City Manager is currently authorized to award and sign contracts that do not exceed \$150,000. This threshold was set by the Council in 2009, and matched the State of Oregon intermediate procurement threshold in effect at the time.
- The City Manager's contracting authority applies regardless of the procurement method used.
- The City Manager's contracting authority only applies if it is within budgeted amounts as approved by the City Council.



CITY of
TUALATIN

New State Thresholds



Oregon Senate Bill 1047, passed in 2023, increased the state procurement thresholds as follows:

<p>Direct Appointment (\$25,000 and under)</p> <p>Allows for a non-competitively bid contract to be issued. City staff can quickly secure goods and services they need.</p> 	<p>Intermediate Procurement (\$25,001 - \$250,000)</p> <p>Requires more process and competition. City staff must seek three quotes and may do so informally via phone or e-mail. Takes 30-days.</p> 	<p>Formal Procurement (over \$250,000)</p> <p>A formal Invitation to Bid or Request for Proposals is required, posted in the Daily Journal of Commerce, with formal evaluations and complex contract negotiation. Takes 4-6 months.</p> 
--	---	--

These increased state limits do not currently apply to Tualatin.



CITY of
TUALATIN

Why Update the Thresholds?



- The City's current local purchasing rules were last updated 15 years ago (2009).
- Inflation and newly updated State purchasing limits have made these thresholds outdated.
- Updating the local procurement thresholds would streamline workflow while maintaining accountability and transparency.
- The stated intent of the City's public contracting rules is to authorize the full use of all contracting powers and authorities described the Oregon Public Contracting Code (TMC 1-21-030 - Interpretation).
- Significant Staff Time Savings.



CITY of
TUALATIN

Proposed Changes



Direct Appointment
(\$25,000 and under)

Allows for a non-competitively bid contract to be issued. Agencies can quickly secure goods and services they need.



Intermediate Procurement
(\$25,001 - \$250,000)

Requires more process & competition. At minimum, agencies must post 7-days publicly, and take active steps to include small & diverse firms. Takes 30-days.

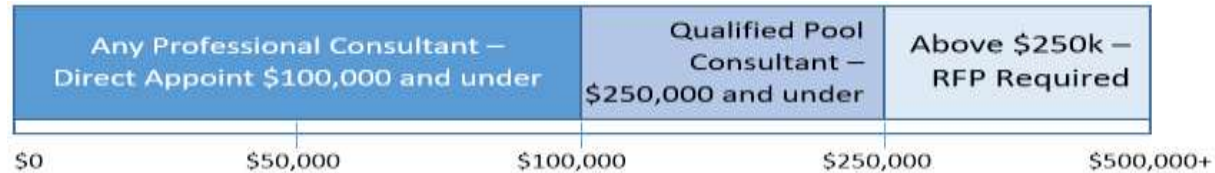


Formal Procurement
(over \$250,000)

Rigorous process of formal solicitation documents (usually with DOJ review), 30-day public posting, formal process steps & evaluations & complex contract negotiation. Takes 4-6 months.



- **Professional Services:** Increase to \$250,000 for Direct Appointment from the Qualified Pool:



- **City Manager’s Authority:** Increase to \$250,000 to align with the Intermediate Procurement threshold if increased to \$250,000.



CITY of TUALATIN

Conclusion

- The Council can approve any combination of these proposed changes. This would require an ordinance amending the City's local contracting rules.
- City Staff recommends approving all proposed revisions, as having a consistent \$250,000 limit across multiple thresholds would enhance staff understanding and implementation.
- By streamlining the procurement process, these recommendations will optimize staff resources, allowing for more effective delivery of services to the community.





CITY OF TUALATIN *Staff Report*

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Mike McCarthy, City Engineer
Steve Koper, Assistant Community Development Director
Kevin R. McConnell, City Attorney

DATE: November 12, 2024

SUBJECT:

Selection of Federal Emergency Management Agency (FEMA) Pre-Implementation Compliance Measures to Address Changes to the National Flood Insurance Program (NFIP)- Endangered Species Act (ESA) Integration in Oregon.

EXECUTIVE SUMMARY:

The City of Tualatin participates in the NFIP, administered by FEMA. A lawsuit filed by environmental groups over a decade ago required FEMA to consider the impacts of allowing development in the floodplain on species listed in the ESA. FEMA consulted with the National Marine Fisheries Service (NMFS) to prepare a Biological Opinion (BiOp), and in 2016, a "jeopardy" opinion was issued, stating that parts of the NFIP could have a negative impact on the habitat of endangered salmon species. The BiOp concluded that in order for FEMA to obtain interim compliance with the ESA, it must require communities to either prohibit development in the floodplain or mitigate the impacts of development within its designated Special Flood Hazard Area. FEMA has distributed documents explaining these requirements, which are attached hereto as Exhibit A.

In response to the impacts identified by the BiOp, local governments that participate in the NFIP are now being asking to put in place "Pre-Implementation Compliance Measures" (PICMs) by December 1st, 2024. FEMA's initial notification to the City informing it of these requirements is attached to this staff report as Exhibit B. According to FEMA, PICMs are interim measures that communities must adopt to comply with ESA requirements under the NFIP. PICM standards and requirements will only apply to areas of the City located within its Special Flood Hazard Area. The City must select one of the following "PICM pathways" laid out by FEMA:

1. Adopt a model ordinance that considers impacts to species and their habitat and requires mitigation to a no net loss standard.
2. Choose to require a habitat assessment and mitigation plan for development on a permit by permit basis.
3. Put in place a prohibition on floodplain development in the Special Flood Hazard area.

The City is required to pick a PICM pathway and notify FEMA by December 1, 2024. If the City fails to notify FEMA of its selection, the City will default to the permit-by-permit pathway and may be subject to a compliance visit.

Since receiving the FEMA notification, staff has diligently worked to understand the requirements mandated by FEMA as well as the potential benefits and drawbacks of each PICM pathway. After review, staff is recommending that the City notify FEMA of its intention to adopt the model ordinance.

Since FEMA's notification, City staff have attended multiple workshops and coordination calls regarding FEMA's PICM's- and note that numerous local governments have raised concerns over the necessity of FEMA action, lack of public process, ambiguous requirements and how to effectively implement each respective PICM. In a letter to FEMA, Governor Kotek recently forwarded many of these concerns to FEMA's Administrator, which is attached to this staff report as Exhibit C.

If there is general consensus to select the adoption of model ordinance PICM pathway, staff will notify FEMA of the City's selection by December 1. Afterwards, Staff will ensure it is meeting all mandatory reporting requirements and collaborate with FEMA to implement the model ordinance consistent with state law and City policy.

Selection of a PICM by December 1 and making diligent progress on FEMA compliance measures will forestall a FEMA compliance visit and any additional enforcement measures.

ATTACHMENTS:

- PICM Fact Sheet (Exhibit A)
- FEMA PICM Notification to City of Tualatin (Exhibit B)
- Governor Kotek Letter to FEMA (Exhibit C)

Oregon National Flood Insurance Program Endangered Species Act Integration

Pre-Implementation Compliance Measures Basics

What are PICMs?

Pre-Implementation Compliance Measures, also known as PICMS, are short-term measures that communities must adopt to comply with Endangered Species Act (ESA) requirements under the NFIP. FEMA has developed these measures to address Reasonable and Prudent Alternative (RPA) Element 2 (Interim Measures) in the 2016 National Fisheries and Marine Services (NMFS) Biological Opinion (BiOp). These interim measures are intended to occur as the agency undertakes a National Environmental Policy Act (NEPA) review to assess the effects of FEMA's proposed NFIP-ESA integration efforts.

Under PICM, communities may select one of three compliance measures:

1. Prohibit all new development in the floodplain;
2. Incorporate the ESA performance standards into local floodplain ordinances through a model ordinance; or
3. Require permit applications to develop a Floodplain Habitat Assessment documenting that their proposed development in the Special Flood Hazard Area (SFHA) will achieve no net loss.

Which communities in Oregon are subject to PICM?

PICM, and future Oregon NFIP-ESA integration performance standards, apply to communities that are:

1. Located in the Oregon implementation area, as specified by the 2016 NMFS BiOp;
2. Participating in the NFIP; and
3. Have a mapped SFHA

PICM standards and requirements only apply to areas located within the SFHA.



What is no net loss?

Any development action resulting in negative impacts to one or more key floodplain functions that are then mitigated or avoided to offset said impacts.

In other words: when developing in the SFHA, all development actions must be adequately avoided or mitigated to ensure that floodplain functions can operate at the same capacity as before the development action occurred.

No Net Loss focuses on the floodplain functions of:

- Floodplain Storage
- Water Quality
- Vegetation

The NFIP is a national program, why is only Oregon subject to PICM?

NFIP-ESA integration is occurring in areas where FEMA has consulted with the US Fish and Wildlife Service (USFWS) and NMFS. FEMA consulted with NMFS to address changes needed to the NFIP program within Oregon's Columbia River drainage basin and Coast to better protect ESA-listed species of salmonoids and southern resident killer whales within the area.

Other areas where consultations have occurred are in the Puget Sound of Washington, California, New Mexico, and Florida. Other ESA-listed species may have their needs addressed in the future in other parts of the country.

What authority allows FEMA to apply additional performance standards for No Net Loss?

Under 44 CFR 60.3(a)(2) a community must ensure that all other Federal, State and Local permits have been obtained when they are permitting a project in the SFHA. As such a local community must ensure that a "take permit" under section 10 of the ESA is not required. The NMFS Biological Opinion on the implementation of the NFIP in Oregon has determined that developing a floodplain may affect the three key floodplain functions and potentially cause take.

Therefore, a community must ensure that any project that has an adverse effect on those three functions mitigates for the effect to a no net loss standard. FEMA has been authorized take under the RPAs in the NMFS BiOp on the implementation of the NFIP in Oregon. A community participating in the NFIP can use the NFIP take authorization for coverage as long as they are abiding by the NFIP-ESA performance standards.

A community also has the option of seeking their own take coverage for a project through another federal nexus. They may also choose to develop a Habitat Conservation Plan for their floodplain development program under section 10 of the ESA and obtain their own take permit.

How long is PICM supposed to last?

PICM is intended to address ESA compliance as interim measures while the agency undertakes a NEPA review of FEMA's proposed NFIP-ESA integration efforts. PICM will be required for communities through the remainder of the Environmental Impact Statement (EIS) process. Once the Record of Decision (ROD) for the EIS is issued, and thus marking the end of the EIS process, PICM will no longer be required. The ROD is expected to be issued in 2026.

When will PICM go into effect?

Communities must adopt and implement a PICM by **December 1st, 2024**. If communities do not select a PICM by this deadline, they will be defaulted to the Permit-by-Permit approach. Communities adopting the model ordinance, must ensure the ordinance is adopted by their community by July 31st, 2025. As communities work to adopt the ordinance, they will still be required to implement another PICM option between December 1st, 2024 and July 31st, 2025.

Learn more and participate

Visit www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration to access the model ordinance, habitat assessment guide, and read the latest information about NFIP-ESA Integration in Oregon.

You can also contact us at FEMA-R10-MIT-PICM@fema.dhs.gov

Pre-Implementation Compliance Measure Selection

Understanding your community's needs is essential to selecting a Pre-Implementation Compliance Measure (PICM) suited to you.

Under PICM, communities may select one of three measures to ensure Endangered Species Act (ESA) compliance:

- Prohibit all new development in the floodplain;
- Incorporate the ESA performance standards into local floodplain ordinances through the PICM Model Ordinance; or
- Require permit applications to develop a Floodplain Habitat Assessment documenting that their proposed development in the Special Flood Hazard Area (SFHA) will achieve no net loss.

PICM, and future Oregon NFIP-ESA integration performance standards apply to the following communities:

- Located within the NFIP-ESA implementation area;
- Participating in the NFIP; and
- Have a mapped Special Flood Hazard Area (SFHA)

Furthermore, portions of the community that do not fit the above criteria are not subject to PICM. **PICM standards and requirements do not extend beyond the SFHA.**

Understanding the PICM Options

The 2016 National Marine Fisheries Service (NMFS) Biological Opinion (BiOp) identifies that FEMA's interim compliance with the ESA must require communities to:

- Prohibit all NFIP-related actions in the SFHA; **or**
- Determine the presence of fish or critical habitat, assess permit applications for potential impacts to species and habitat, and require that any action with potential adverse effects be fully mitigated with no net loss of floodplain functions.

The PICM Model Ordinance and Permit-by-Permit approaches attempt to mitigate impacts of development and ensure no net loss of floodplain functions.

Adoption of the PICM model floodplain ordinance by a community would ensure that development meets ESA compliance as performance standards are built into the code.

A Permit-by-Permit approach would require development applications to analyze potential loss to floodplain functions and propose mitigation that abides by the mitigation requirements outlined in the habitat assessment guide and ensures no net loss of the impacted functions.

What is the main difference between the PICM Model Ordinance and Permit-by-Permit approaches?

Both the PICM Model Ordinance and Permit-by-Permit approaches require a community to analyze and determine the potential loss to three key floodplain functions (floodplain storage, water quality, and vegetation) and required mitigation for any loss to those functions by using pre-determined ratios. Mitigation ratios are provided to ensure that permitted development meets the No Net Loss standards without having to do further analysis of mitigation options to comply with the ESA. For instance, the intrinsic habitat value of a single tree at 6" diameter breast height (dbh) in the Riparian Buffer Zone (RBZ) has already been factored into the ratios and requires a minimum of 3 trees to be planted to make up for the loss of habitat value at the development site.

Under the PICM Model Ordinance approach, compliance with NFIP-ESA integration standards for PICM are built into the code and therefore, no separate process is needed to ensure compliance. The Permit-by-Permit approach requires all new floodplain development analyze any negative impact to the floodplain functions and identify and implement appropriate mitigation measures to ensure NFIP-ESA compliance.

Is it possible to adopt the PICM Model Ordinance but also allow for a Permit-by-Permit approach for more complicated projects that do not necessarily fit into typical site development type of processes?

Both approaches require new development to analyze and determine the potential loss to the floodplain functions and mitigate for any loss to those functions at the required ratios specified in the PICM Model Ordinance and Habitat Assessment Guide. As development would require the same mitigation, a Permit-by-Permit approach and habitat assessment for a project would not be needed if a community has already adopted the Model Ordinance.

Would prohibiting all new development in the SFHA prevent habitat or floodplain restoration projects from being implemented?

The 2016 NMFS BiOp did not carve out exceptions under Element 2 of the RPA when proposing to prohibit all NFIP-related actions in the SFHA. However, FEMA would agree that restoration projects and a few other activities could be exempt from this PICM option if the community is careful in how they word the prohibition and exceptions.

How are communities expected to adopt a PICM?

Communities must use their locally adopted and required processes to ensure that they are able to legally implement the chosen PICM option.

What is the Habitat Assessment Guide and when is it used?

The Habitat Assessment Guide is used under the Permit-by-Permit approach. The guide provides a methodology to review and analyze potential loss to floodplain functions that a development might incur as well as guidance surrounding mitigation required to ensure NFIP-ESA requirements under PICM. A community may use this guide to review a submitted assessment for new development to ensure that the methodology for evaluating impacts and proper mitigation to achieve no net loss is being met.

Can a community change PICMs during this process?

Communities can change PICMs throughout the process but are required to implement their current PICM until their new measure is ready to be fully implemented.

How do communities make their selection known to FEMA?

Communities can notify FEMA of their PICM selection through an email to the FEMA-R10-MIT-PICM inbox.

Learn more and participate

Visit www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration to access the model ordinance, habitat assessment guide, and read the latest information about NFIP-ESA Integration in Oregon.

You can also contact us at FEMA-R10-MIT-PICM@fema.dhs.gov

Pre-Implementation Compliance Measure Timeline

What is the timeline for implementing PICM?

Under PICM, communities may select one of three measures to ensure ESA compliance:

1. Prohibit all new development in the floodplain;
2. Incorporate the ESA performance standards into local floodplain ordinances through the PICM Model Ordinance; or
3. Require permit applications to develop a Floodplain Habitat Assessment documenting that their proposed development in the Special Flood Hazard Area (SFHA) will achieve no net loss.

Communities must adopt and implement a PICM by December 1st, 2024, ensuring any changes needed to implement this option have already been made.

Communities that do not select a PICM by December 1st, 2024, will be defaulted to the Permit-by-Permit approach.

Communities seeking to adopt performance standards into local floodplain ordinances through the PICM Model Ordinance will have until July 31st, 2025, to adopt ordinances and make necessary changes. However, the community must still implement another PICM between December 1st and July 31st to ensure ESA compliance in the interim.

Can communities request extensions?

No, communities must meet the established December 1st, 2024 deadline or default to a Permit-by-Permit approach. FEMA will work with communities to assess the status of the adoption and implementation of PICMs leading up to the deadline.

Are projects that obtained a development permit before December 1st required to meet PICM?

Existing projects with permits obtained before December 1st will not be subject to PICM.



PICM Reporting Requirements

Beginning January 31st, 2025, communities will be required to collect data elements related to the Reasonable and Prudent Alternative (RPA) 5 in the National Marine Fisheries Service (NMFS) 2016 Biological Opinion (BiOp). Collection of these data elements is required on all new floodplain development permits.

Required data elements for reporting include, but are not limited to:

- Applicant, project title, project description;
- Project location and size of project in SFHA, Riparian Buffer Zone (RBZ), and Floodway;
- Amount of fill added and compensatory storage created;
- Area of clearing and grading that occurred;
- Acres disconnected and reconnected to/from the floodplain;
- Amount of new impervious surface added;
- Type and amount of water quality mitigation provided;
- Number of trees removed and their size;
- Number of trees planted.

Communities will report this data back to FEMA via reporting toolkit on an annual basis, beginning January 31, 2026.

The reporting toolkit, when available, will be downloadable from FEMA's website.

Are projects permitted before PICM implementation, but where construction occurs after PICM begins, subject to PICM?

FEMA encourages communities to follow local vesting laws. The agency's focus is on new permits and applications after December 1st. Construction of projects that were permitted before this deadline can continue as normal.

What if a community's adoption process timeline does not allow us to meet the December 1st deadline of implementing a PICM?

While FEMA recognizes that the time it takes to implement a PICM varies by community, there is still an obligation to abide by ESA requirements. If a community cannot implement a PICM by the December 1st deadline, FEMA will work with the community to consider alternative options to remain compliant with ESA requirements in the interim.

How do communities make their selection known to FEMA?

Communities can notify FEMA of their PICM selection through an email to the FEMA-R10-MIT-PICM inbox. (FEMA-r10-mit-picm@fema.dhs.gov).

What penalties are communities looking at if they cannot meet the December deadline?

Communities will default to the permit-by-permit option if no selection was given to FEMA by December 1st. If FEMA does not hear from a community, the agency will contact them to identify what technical assistance is needed to implement PICM. If a community has no PICM implemented by July 31st, 2025, FEMA will prioritize an audit of floodplain development activities that occurred in the community, specifically focused on the PICM time-period to assess what has occurred and any mitigation that would have been required for development that occurred.

Learn more and participate

Visit www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration to access the reporting tool, model ordinance, habitat assessment guide, and read the latest information about NFIP-ESA Integration in Oregon.

You can also contact us at FEMA-R10-MIT-PICM@fema.dhs.gov

Pre-Implementation Compliance Measure Mitigation

Why is mitigation required?

Unlike ESA implementation in the Puget Sound of Washington, the 2016 National Marine Fisheries Service (NMFS) Biological Opinion (BiOp) for Oregon allows for adverse effects to occur in the Special Flood Hazard Area (SFHA), as long as they result in a no net loss of floodplain functions. No Net Loss allows for mitigation and minimization of development and development-related impacts to occur in the SFHA, instead of just avoidance.

Under No Net Loss, development actions can occur as long as adverse actions are mitigated so floodplain functions can still operate at the same capacity as before the development action happened. Compliance of No Net Loss standards is most commonly achieved through the use of mitigation ratios.

What are the floodplain functions?

NMFS, in the 2016 BiOp, has identified three floodplain functions that must be mitigated when developing in the SFHA to ensure ESA compliance:

- Floodplain Storage
- Water Quality
- Vegetation

To make mitigating for these three functions measurable, FEMA has identified proxies for each of the functions that translate to potential development actions occurring in the floodplain. These proxies include:

- Undeveloped Space (Floodplain Storage)
- Pervious Surface (Water Quality)
- Trees (Vegetation)

PICM mitigation requirements include compensation for the loss of undeveloped space, pervious surface, and the removal of trees on a development site.

Floodplain Function	Proxy (No Net loss of ...)	Mitigates Against
Floodplain Storage	Undeveloped Space	Developed Space
Water Quality	Pervious Surfaces	Impervious Surface
Vegetation	Trees	Trees Removed

Floodplain functions, proxies, and actions mitigated against

Undeveloped Space

Undeveloped space is defined as the volume of flood capacity and fish-accessible (the ability of a fish to access a space) and fish-egress-able (the ability of a fish to exit a space) habitat from the existing ground to the Base Flood Elevation (BFE) that is undeveloped.

Any form of development that reduces this flood storage volume and fish accessible/egress-able habitat must be mitigated to achieve no net loss. Examples of this development include, but are not limited to:

- Addition of fill
- Structures
- Concrete structures (vaults or tanks)
- Pilings

Mitigation is required for the volumetric space that occupies the area between the existing ground and BFE. Proper mitigation includes creating an acceptable amount of undeveloped space between the existing ground and BFE as determined by the mitigation ratios.

Fish accessibility and egress-ability is a key component of floodplain storage, as it ensures we are maintaining habitat dynamics for ESA-listed species. Mitigating with ratios for undeveloped space will ensure you are also accounting for fish accessibility and egress-ability.

Pervious and Impervious Surfaces

Pervious surfaces are surfaces that can be penetrated by water and help regulate the rate of surface water runoff. Impervious surfaces are the opposite. They are surfaces that cannot be penetrated by water and thereby increase surface water runoff, leading to erosion of stream banks, degradation of habitat, and increased sediment loads in streams. Impervious surfaces also heat up water as it travels to the waterbody and increase the overall temperature of the waterway. Additionally, impervious surfaces carry pollutants into the waterbody that would have otherwise been filtered out by pervious surfaces.

In PICM, there are three options to mitigate against the addition of impervious surfaces:

- A replacement of the equivalent amount of area where impervious surfaces were added with pervious surfaces;
- Development actions use documented low impact development or green infrastructure practices to infiltrate and treat stormwater produced by the new impervious surface; or
- When the above two methods are not feasible, require professional stormwater retention to ensure no increase in peak volume or flow and proper treatment to minimize pollutant loading.

Trees

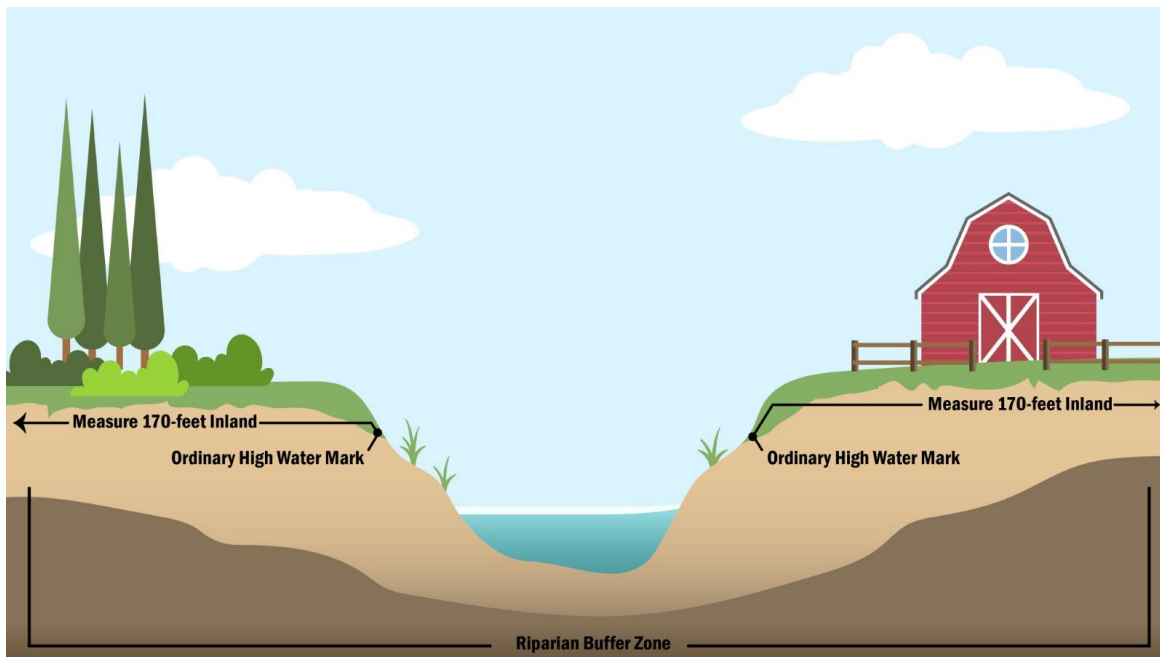
Trees play a vital role in the ecosystem and habitat of salmon. They stabilize banks against erosion, provide shade which regulates temperature for the waterbody, and creates habitat that attracts insects and other vital food sources. Under PICM, each tree over 6" diameter breast height (dbh) that is removed in the SFHA, must be replaced as identified by ratios. As larger trees provide a greater role in ecosystem services, more trees are required to replace them.

Replacement trees must be native species that would occur naturally in the Level III ecoregion of the impact area. Replacement trees are assumed to be saplings and younger trees.

The RBZ and Me

The Riparian Buffer Zone (RBZ) is an area of land bordering rivers, streams, and other water bodies that provides an outsized role in supporting floodplain functions that affect ESA-listed species and essential fish habitat (EFH). The RBZ serves as important habitat to fish during flooding events, providing refuge from high velocity flows in the floodway. Vegetation attracts insects and other vital food sources, filters sediment and pollutants from runoff, and moderates water temperature through the shade it provides, and stabilizes eroding banks.

Under PICM, FEMA has established a 170-foot RBZ for use in the NFIP-ESA integration area. This 170-foot standard is measured from the ordinary high-water mark of a fresh waterbody, or from the mean higher-high water line of a marine shoreline or tidally influenced river reach. This distance generally equates to 80% of the maximum potential tree height of common tree species in the implementation area. The RBZ does not extend beyond the SFHA, meaning that the RBZ ends where the SFHA ends, if it is less than 170 feet. Communities, otherwise, cannot reduce the 170-foot RBZ boundary during PICM.



Measuring the Riparian Buffer Zone

The RBZ has additional requirements on top of achieving No Net Loss standards due to its outsized role in the floodplain functions. **The RBZ does not ban development.** When developing, the RBZ requires a beneficial gain standard in addition to No Net Loss to provide additional benefits with no negative components to ESA-listed species and essential fish habitats. The beneficial gain standard is as follows:

- An area within the same reach of the project and equivalent to 5% of the total project area within the RBZ shall be planted with native herbaceous and shrub vegetation.

Beneficial gain is required for development in the RBZ, with the following exceptions:

- Habitat restoration activities,
- Activities considered exempt from No Net Loss,
- Functionally dependent uses: A use which cannot perform its intended purpose unless it is located or carried out in proximity to water. The term includes:
 - Docking and port facilities that are necessary for the loading and unloading of cargo or passengers; and
 - Ship building and ship repair facilities.
 - Functionally dependent uses do not include long-term storage, related manufacturing facilities, or ancillary facilities such as restrooms.

Understanding the Mitigation Ratio Table

Mitigation ratios are provided in PICM to ensure that permitted development meets the No Net Loss standards without having to do further analysis of mitigation options to comply with the ESA. For instance, the intrinsic habitat value of a single tree at 6" diameter breast height (dbh) in the Riparian Buffer Zone (RBZ) has already been factored into the ratios and requires a minimum of 3 trees to be planted to make up for the loss of habitat value at the development site.

Mitigation ratios to ensure ESA compliance vary based off location in the SFHA. The RBZ and Floodway play an outsized role in supporting floodplain functions, therefore higher ratios for mitigation are required to negate the impact of development. Development actions in the RBZ-fringe (the area outside of the RBZ but within the rest of the SFHA) have a lesser impact on floodplain functions and therefore lower ratios can negate any adverse impact.

Mitigation is preferred to occur within the same site as where the development impacts occur, but offsite mitigation is possible at the same ratios if mitigation is happening in the same reach (the section of waterway where similar hydrologic conditions exist). If mitigation needs to occur outside of the reach where development is happening, ratio requirements are essentially doubled.

Mitigation ratio requirements are only necessary when development impacts are occurring in the SFHA. If development is happening partially inside the SFHA, ratios and mitigation is only required for impacts within the area.

Proposed Mitigation Ratios to Achieve No Net Loss Standards

Basic Mitigate Ratios	Undeveloped Space (ft³)	Pervious Surface (ft²)	Trees (6”<dbh≤20”)	Trees (20”<dbh≤39”)	Trees (39”<dbh)
RBZ and Floodway	2:1	1:1	3:1	5:1	6:1
RBZ-Fringe	1.5:1	1:1	2:1	4:1	5:1
Mitigation multipliers					
Mitigation onsite to Mitigation offsite, same reach	100%	100%	100%	100%	100%
Mitigation onsite to Mitigation offsite, different reach, same watershed (5th)	200%	200%	200%	200%	200%

Do communities have to mitigate for each floodplain function, or do they choose only one of the functions to mitigate?

Communities must mitigate for each impact to the floodplain function.

Can a community use one action to mitigate for multiple functions?

Communities would need to ensure that each floodplain function is properly mitigated. In some instances, one mitigation action can count towards mitigation of more than one floodplain function. For example, removing a 200 ft² structure could count towards both flood storage and water quality mitigation if the action is creating both undeveloped space and pervious surface.

Who is responsible for measuring the RBZ?

Communities are responsible for identifying the RBZ. FEMA will not identify them on Flood Insurance Rate Maps (FIRM).

Why do communities have to ensure ESA compliance in SFHAs that provide no fish-accessibility?

Even though there may not be essential fish habitat in an SFHA, development can still create indirect or cumulative impacts that have an adverse effect on ESA-listed species and habitat downstream.

Learn more and participate

Visit www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration to access the model ordinance, habitat assessment guide, and read the latest information about NFIP-ESA Integration in Oregon.

You can also contact us at FEMA-R10-MIT-PICM@fema.dhs.gov

EXHIBIT B

U.S. Department of Homeland Security
FEMA Region 10
130 228th Street, SW
Bothell, WA 98021-8627



FEMA

July 15, 2024

Frank Bubenik
City Hall
10699 SW Herman Rd
TUALATIN, Oregon 97062

Dear Frank Bubenik:

The purpose of this letter is to announce the start of the United States Department of Homeland Security's Federal Emergency Management Agency's (FEMA) Pre-Implementation Compliance Measures (PICM) for National Flood Insurance Program (NFIP) participating communities in Oregon. The intent of PICM is to ensure the continued existence of threatened or endangered species in compliance with the Endangered Species Act (ESA). These measures include coordination with communities to provide appropriate technical assistance, help identify available resources, deliver trainings, and facilitate workshops to ensure on-going community participation in the NFIP. These pre-implementation compliance measures will assist communities in preparing for the Final NFIP-ESA Implementation Plan by helping them develop short and long-term solutions to ensure their on-going participation in the NFIP.

FEMA is currently conducting a National Environmental Policy Act (NEPA) evaluation of impacts associated with the Oregon NFIP-ESA Implementation Plan. FEMA developed this plan, in part, due to a Biological Opinion in 2016 from National Marine Fisheries Services. The Biological Opinion recommended specific measures for FEMA to take to avoid jeopardizing endangered species, including interim compliance measures. The release of the Final Implementation Plan (Plan) is anticipated by 2026, following the Record of Decision in the Environmental Impact Statement (EIS) process, then FEMA will fully implement the Plan in 2027.

FEMA has heard concerns from several communities regarding challenges they are facing to meet the expectations of this Plan. To provide communities with the support needed to incorporate ESA considerations to their permitting of development in the floodplain, FEMA will inform, educate, and support our Oregon NFIP participating communities through the PICM before the Final Implementation Plan is released.

NFIP participating communities in Oregon must select one of the PICM pathways which include the following: (1) adopt a model ordinance that considers impacts to species and their habitat and requires mitigation to a no net loss standard; (2) choose to require a habitat assessment and mitigation plan for development on a permit-by-permit basis; or (3) putting in place a prohibition on floodplain development in the Special Flood Hazard Area (SFHA). Communities must pick a PICM pathway by December 1, 2024. If a community fails to inform FEMA of its selection, they will default to the permit-by-permit PICM pathway. Communities will be required to report their floodplain development activities to FEMA beginning in January of 2025. Failure to report may result in a

compliance visit.

As a part of the PICM, FEMA will implement a delay in the processing of two types of Letters of Map Changes in the Oregon NFIP-ESA Implementation Plan area, specifically Letters of Map Changes associated with the placement of fill in the floodplain: Conditional Letter of Map Revision Based on Fill (CLOMR-F) and Letter of Map Revision Based on Fill (LOMR-F) requests. This action was specifically requested by NMFS in their 2016 Biological Opinion and serves to remove any perceived programmatic incentive of using fill in the floodplain. This delay in processing will begin on August 1, 2024, and will be in place until the Final Implementation Plan is released.

Your community's ongoing participation in the NFIP is critical, as it provides access to flood insurance for property owners, renters, and businesses. In City Of Tualatin there are currently 309 of NFIP policies in force representing \$98405000 in coverage for your community.

FEMA will be conducting informational virtual webinars this summer to provide an overview and status update for the Oregon NFIP-ESA integration, introduce the Pre-Implementation Compliance Measures, and provide an opportunity for Oregon NFIP floodplain managers to ask questions of FEMA staff. In the fall, FEMA will hold workshops to provide in-depth opportunities for local technical staff to work with FEMA technical staff, to understand and discuss issues relating to the PICM.

The webinars will be held virtually over Zoom. The information at each webinar is the same so your jurisdiction only needs to attend one. You can register for a webinar using the links below.

- Wednesday, July 31 at 3-5pm PT: <https://kearnswest.zoom.us/meeting/register/tZEkc-murjstGdPJiFioethjRk-id8N-k0hj>
- Tuesday, August 13 at 9:30-11:30am PT: <https://kearnswest.zoom.us/meeting/register/tZAod-isrTsqGN0KqckRLPPeaZuu4rv96lcR>
- Thursday, August 15 at 2-4pm PT: https://kearnswest.zoom.us/meeting/register/tZlqcOGpqDojHtTXaa946aI9dMpCTcJIH_zt
- Wednesday, August 21 at 12:30-2:30pm PT: <https://kearnswest.zoom.us/meeting/register/tZYqcuGsrD8rH9DZO22vG0v9KrNzVeUZA9gY>

FEMA will also develop a questionnaire to allow communities to identify how they currently incorporate or plan to incorporate ESA considerations, both in the short-term and long-term. To assist communities in making this determination, FEMA will be offering guidance on the potential pathways that help ensure current compliance. Communities will also be asked to help identify what technical assistance and training would be most beneficial. Feedback from this questionnaire will drive FEMA's engagement and outreach.

Upon completion of the Environmental Impact Statement review and determination, the Final Implementation Plan will be distributed along with several guidance documents and a series of Frequently Asked Questions. FEMA will also be starting NFIP Compliance Audits, in which we will be reviewing permits issued by communities for development in the floodplain and will expect the community to be able to demonstrate what actions are being taken to address ESA considerations.

If you have any questions, please contact us through our project email address fema-r10-mit-

Bubenik
July 15 2024
Page 3

PICM@fema.dhs.gov. Thank you for your community's on-going efforts to reduce flood risk in your community and for your support as we worked toward these milestones.

Sincerely,

A handwritten signature in blue ink, appearing to read "Willie G. Nunn", with a horizontal flourish extending to the right.

Willie G. Nunn
Regional Administrator
FEMA Region 10

cc: Jeff Fuchs, City Of Tualatin
John Graves, Floodplain Management and Insurance Branch Chief
Deanna Wright, Oregon State National Flood Insurance Program Coordinator

Enclosure: Pre-Implementation Compliance Measures Fact Sheet

Pre-Implementation Compliance Measures Overview

Beginning this summer, FEMA will assist communities with coming changes to the National Flood Insurance Program (NFIP) in Oregon.

Why are the changes needed?

As the result of a Biological Opinion issued by the National Marine Fisheries Service, communities are required to demonstrate how floodplain development is compliant with the Endangered Species Act in Special Flood Hazard Areas. Changes are needed to protect the habitat of several species of fish and the Southern Resident killer whales to comply with the Endangered Species Act (ESA). FEMA outlined these changes in the [draft Oregon NFIP-ESA Implementation Plan](#).

Current status

FEMA is evaluating proposed changes to the NFIP outlined in the Implementation Plan through an environmental impact statement (EIS), in compliance with the National Environmental Policy Act (NEPA).



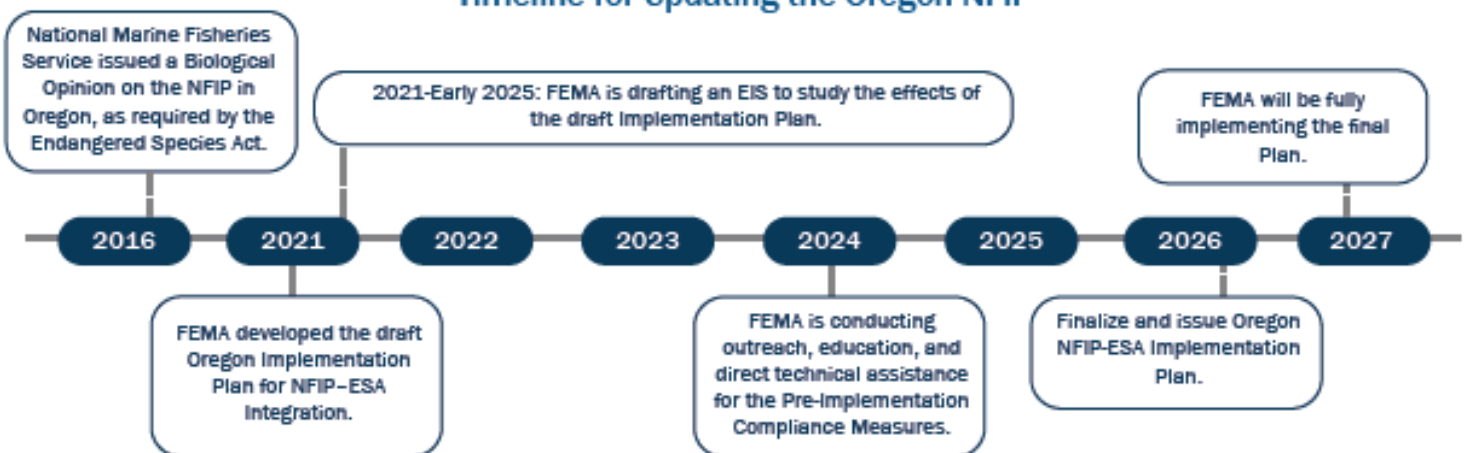
The National Flood Insurance Program serves to protect lives and property, while reducing costs to taxpayers due to flooding loss.

What is “no net loss”?

Any development action resulting in negative impacts to one or more key floodplain functions that are then mitigated or avoided to offset said impacts.

The Final Implementation Plan is anticipated by 2026 following the Record of Decision in the EIS process, then FEMA will fully implement the plan in 2027. Until then, communities need to begin taking action to protect habitat and achieve “no net loss.” FEMA is offering several resources for communities to learn more and implement interim measures, called Pre-Implementation Compliance Measures (PICMs).

Timeline for Updating the Oregon NFIP



What can communities do to comply with these changes?

Oregon communities participating in the NFIP can take short-term measures to comply with ESA requirements, known as PICMs. FEMA developed these measures in response to concerns from communities about the time and resources needed to meet requirements and ensure their future good standing in the NFIP. By implementing these measures now, communities will be better prepared for compliance audits, which will begin when the Final Implementation Plan is in place.

Communities can select one of the following three PICMs:

- Prohibit all new development in the floodplain.
- Incorporate the ESA into local floodplain ordinances.
- Require permit applicants to develop a Floodplain Habitat Assessment documenting that their proposed development in the Special Flood Hazard Area will achieve “no net loss.”

Communities must report to FEMA on their implementation of interim measures.

In addition to the above measures, as of August 1, 2024, FEMA is temporarily suspending processing applications for Letters of Map Revision based on Fill (LOMR-Fs) and Conditional Letters of Map Revision based on Fill (CLOMR-Fs) in NFIP communities to avoid potentially negative effects on ESA-listed species.

FEMA is here to support your community.

FEMA is offering several resources to assist communities in preparing for the Oregon NFIP-ESA Implementation Plan.

- **Informational Webinars (Summer 2024):** Learn about what FEMA is doing to revise the Implementation Plan and receive an introduction to the PICMs.
- **Questionnaire (Summer 2024):** Share what floodplain management measures your community is currently implementing to comply with the ESA, which PICMs you’re most interested in, and what support you need. Your feedback will help us plan the fall workshops and identify needs for technical assistance.
- **Workshops (Fall 2024):** Get an in-depth look at PICMs and talk through questions and concerns with FEMA staff.
- **Technical Assistance (Begins in Fall 2024):** Get support from FEMA to begin implementing PICMs.

Learn more and participate

Visit www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration to read the latest information about NFIP-ESA Integration in Oregon.

You can also contact us at FEMA-R10-MIT-PICM@fema.dhs.gov

Exhibit C



TINA KOTEK
GOVERNOR

September 26, 2024

The Honorable Deanne Criswell, Administrator
Federal Emergency Management Agency
500 C Street SW
Washington, D.C. 20024

Dear Administrator Criswell:

I am writing to convey the State of Oregon's concerns related to FEMA's National Flood Insurance Program (NFIP) and Biological Opinion (BiOp) efforts in the State of Oregon. The BiOp has a long and storied history in our state, and we share FEMA's perspective on the importance of protecting public safety and threatened species. However, FEMA's lack of public process in the development and implementation of the current set of interim measures will cause more harm than benefit to our communities, in particular many coastal and rural communities. I have asked my natural resources agencies to identify possible pathways forward, and the State offers three recommendations:

First, FEMA's imposed deadline of December 1, 2024, for local decision-making is impractical because Oregon cities and counties engage their elected officials and constituents in transparent and fact-based decision-making processes. Those processes are impossible to align with a deadline of just a few months. **I respectfully request that FEMA pause its work on pre-implementation compliance measures (PICM) that it abruptly announced on July 15, 2024, and return to the work of crafting long-term measures to modernize the National Flood Insurance Program.**

Second, the State stands ready to assist our local partners in their compliance work and reiterates its May 5, 2023, offer to deploy already-existing state programs such as land use planning, stormwater permits, habitat restoration, wetlands mitigation programs, and technical assistance grants for these purposes. I recognize that federal partners, including FEMA, the National Marine Fisheries Service (NMFS), and the National Oceanic and Atmospheric Administration (NOAA) may view these State programs as helpful but not yet complete in their depth or coverage for purposes of the BiOp. **I invite FEMA to join our agencies for a discussion on how best to continue efforts that started in the implementation planning process to identify gaps in existing State programs and pathways for moving forward to address how the State of Oregon can effectively address those within a collaborative framework.**

254 STATE CAPITOL, SALEM OR 97301-4047 (503) 378-3111 FAX (503) 378-8970

WWW.GOVERNOR.OREGON.GOV

Administrator Criswell
September 26, 2024
Page 2

In Oregon, we place a premium on community engagement and collaborative design that is too often overlooked as an effective vehicle to support and assist with the implementation of federal program objectives if given the opportunity and time to contribute. **I respectfully ask that FEMA engage more fully in deliberative dialogue with my agencies in order to craft the best solutions possible for public safety and species protection. With your agreement, I will support the convening of such a process with the appropriate representatives of different interests so that together we can chart a durable and implementable path forward.**

Given the current timing of proposed implementation, my staff will be reaching out to discuss this approach with you next week. Thank you for your consideration of these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Tina Kotek". The signature is fluid and cursive, with the first name "Tina" being more prominent than the last name "Kotek".

Governor Tina Kotek

cc: The Honorable Rick Spinrad, Administrator, NOAA
Members of the Oregon Congressional Delegation



NEW FEDERAL FLOODPLAIN REQUIREMENTS





- What is the National Flood Insurance Program?
- What areas are affected?
- Why these requirements?
- What are these requirements?
- What options do we have?
- How might this affect development in Tualatin?
- What timelines are required?



CITY of
TUALATIN

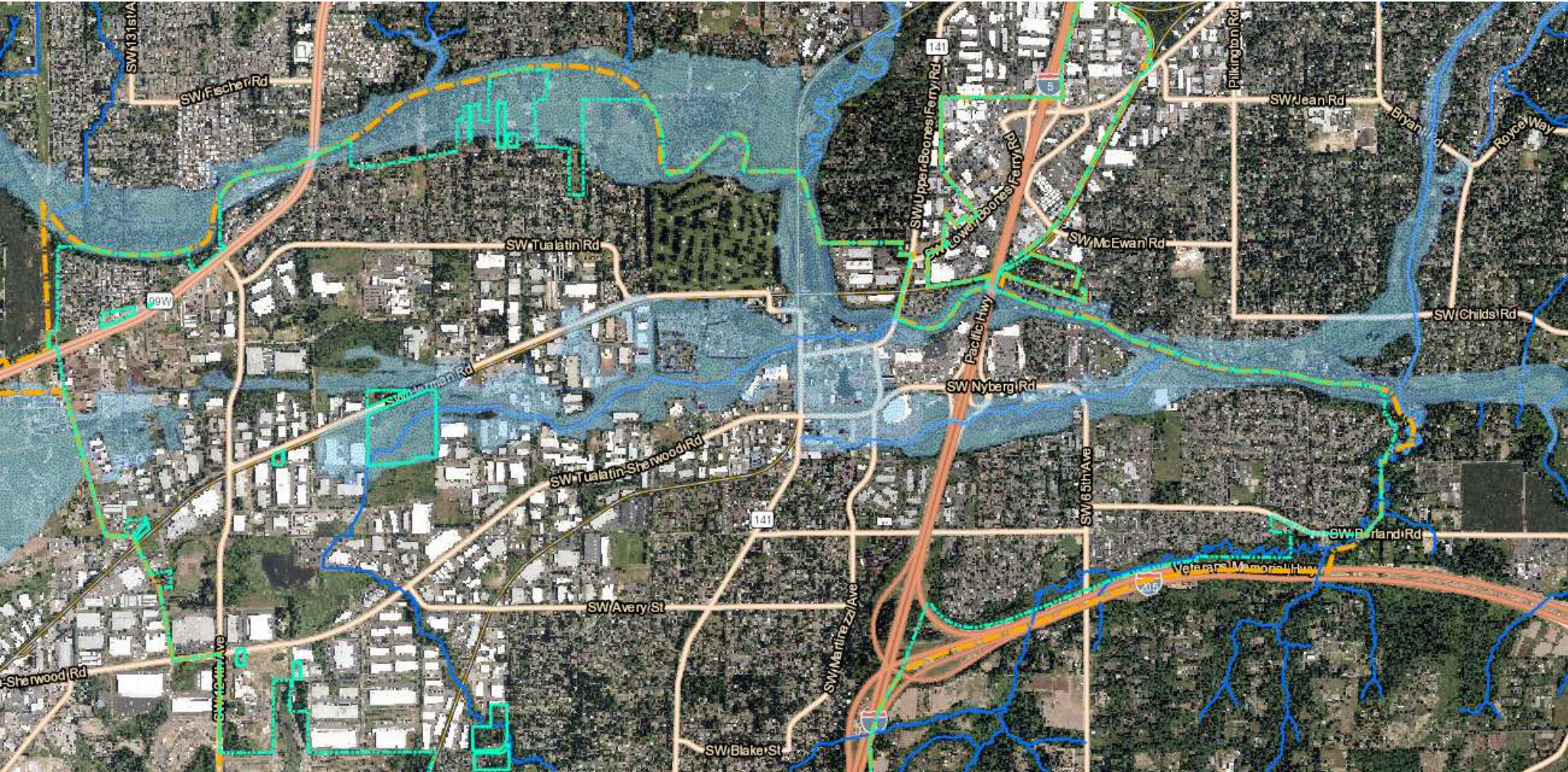
National Flood Insurance Program



- Through the National Flood Insurance Program (NFIP) property owners, renters, and businesses can receive flood insurance backed by the Federal Government. NFIP insurance is often more available and/or significantly cheaper than private insurance.
- The NFIP is managed by the Federal Emergency Management Agency (FEMA)
- Participation in the NFIP (and compliance with FEMA regulations) is required for community members to receive federal flood insurance, federal loans, and execute federal leases in the floodplain, and to receive response and recovery funding for federally declared disasters.



Special Flood Hazard Area (Floodplain) in Tualatin



Background



- 2009- Oregon environmental groups sued FEMA- alleging that FEMA was required to consult with the National Marine Fisheries Service (NMFS) as to whether the NFIP could jeopardize endangered species (salmon, sturgeon, candlefish, orcas).
- 2010- FEMA settled; agreed to take measures to protect these endangered species and consult with NMFS regarding impacts of NFIP
- 2016- NFMS issued its Biological Opinion (BiOp); which concluded implementation of the NFIP in Oregon jeopardized endangered species and adversely impacts their existing habitat.
- The BiOp contained measures FEMA could take to avoid jeopardizing endangered species.
- 2021/2023- FEMA subsequently issued a draft plan intended to reduce impacts of NFIP on endangered species; decided to implement the plan using a National Environmental Policy Act (NEPA) process- which is still underway (long-term measures).
- 2023- Oregon environmental groups sued again; FEMA taking too long to implement BiOp.
- 2024- **FEMA responded with new, separate, interim program of pre-implementation compliance measures (PICM) in an effort to comply** (short-term measures).



Pre-Implementation Compliance Measure (PICM) Options



1. **Moratorium** – Prohibit all new development (anything that would raise ground surface or increase impervious area or remove trees) in the Special Flood Hazard Area
2. **Case by Case Analysis** – For each case the developer must provide a professional Floodplain Habitat Assessment demonstrating that the proposed development would achieve ‘No Net Loss’ of floodplain storage, water quality, and vegetation in the Special Flood Hazard Area
3. **Model Ordinance** – Incorporate the Endangered Species Act performance standards into local floodplain ordinances.



Model Ordinance Parameters

- Maintain existing level or mitigate for reduction of:
 - Floodplain storage – available space for floodwater between existing ground surface and predicted flood elevation
 - Water Quality – pervious surface through which water can infiltrate into the ground
 - Vegetation – trees 6” or greater in diameter
- Mitigation can be provided onsite, or within same ‘reach’
 - Or at higher ratios elsewhere in watershed
- Planting mitigation for development within Riparian Buffer Zone
- Developers could still achieve compliance by providing ‘no net loss’ habitat analysis
- Maintenance, environmental projects exempt



NFIP Oregon Implementation Program Guidance

Model Floodplain Management Ordinance

For Participating Communities in the
Implementation Plan Area



FEMA

Federal Emergency Management Agency
Region 10
Department of Homeland Security
130 – 228th Street SW
Bothell, WA 98021

How would development in Tualatin be affected?

- Biggest impact: The volume of any new structure in the floodplain area would need to be offset or mitigated (such as by lowering the ground surface onsite or nearby)
- Any new impervious area would need to be offset by newly-pervious area or stormwater quality/quantity treatment (similar to CWS requirements)
- Replanting required to offset any trees (>6" diameter) removed at ratios from 2:1 to 6:1 – new trees are assumed to be small at first



NFIP Oregon Implementation Program Guidance

Model Floodplain Management Ordinance

For Participating Communities in the
Implementation Plan Area



FEMA

Federal Emergency Management Agency
Region 10
Department of Homeland Security
130 - 228th Street SW
Bothell, WA 98021

Endangered Species Act Compliance Timeline



1. **Choose PICM** – E-mail to FEMA by December 1, 2024
2. **Begin Implementation**– Agencies are required to implement a PICM starting December 1. If the ordinance is not adopted, case-by-case analysis or a moratorium is required.
3. **Begin Reporting** – Starting January 1, 2025, Agencies must start collecting data to be reported yearly on applications in the floodplain and compliance
4. **Adopt Ordinance** – by July 31, 2025

Subject to change based on ongoing Federal/State conversations



Questions?



NFIP Oregon Implementation Program Guidance

Model Floodplain Management Ordinance

For Participating Communities in the
Implementation Plan Area



FEMA

Federal Emergency Management Agency
Region 10
Department of Homeland Security
130 - 228th Street SW
Bothell, WA 98021





CITY *of*
TUALATIN



Proclamation

WHEREAS, the City of Tualatin, Oregon, celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, according to the United States Small Business Administration, there are 255,574 small businesses in the Portland-Vancouver-Hillsboro Metropolitan Statistical Area, representing 99.2 percent of all firms with paid employees, and 50.2 percent of all employees; and

WHEREAS, 97% of consumers who shopped on Small Business Saturday® agree that small businesses are essential to their community; and

WHEREAS, according to the 2022 Small Business Economic Impact Study, \$0.68 of every dollar spent at a small business in the United States stays in the local community and that every dollar spent at small businesses creates an additional \$0.48 in local business activity as a result of employees and local businesses purchasing local goods and services, and

WHEREAS, the American Express 2023 Saturday Consumer Insights Survey reported that 59% of U.S. consumers aware of Small Business Saturday shopped or ate at a small independently owned retailer or restaurant on Small Business Saturday and 61% strongly agree that they found a small business or independently owned restaurant on Small Business Saturday where they are likely to return and become a regular customer; and

WHEREAS, Tualatin, Oregon strongly supports our local businesses that create jobs, boost our local economy and preserve our communities.

NOW THEREFORE BE IT RESOLVED, that the City of Tualatin does hereby proclaim November 30, 2024 as Small Business Saturday and urge the residents of our community to support small businesses and merchants on Small Business Saturday and throughout the year.

INTRODUCED AND ADOPTED this 12th day of November, 2024.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



AMERICAN PUBLIC WORKS ASSOCIATION



**OREGON CHAPTER
2024
PROJECT OF THE
YEAR AWARDS**



2024 Project of the Year

Transportation

\$25 Million to Under \$75 Million



2024 Project of the Year – Transportation
\$25 Million to Under \$75 Million

Tualatin Moving Forward Program

AGENCY:

City of Tualatin

CONTRACTOR:

Brown Contracting, Inc.

CONSULTANT:

Conсор



2024 Project of the Year – Transportation

\$25 Million to Under \$75 Million



Before Construction

Tualatin Moving Forward Program

2024 Project of the Year – Transportation

\$25 Million to Under \$75 Million



During Construction

Tualatin Moving Forward Program

2024 Project of the Year – Transportation

\$25 Million to Under \$75 Million



After Construction

Tualatin Moving Forward Program

**Congratulations
to all award
winners**





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: November 12, 2024

SUBJECT:
Consideration of Approval of the Work Session and Regular Meeting Minutes of October 28, 2024

RECOMMENDATION:
Staff respectfully recommends the Council adopt the attached minutes.

ATTACHMENTS:

- City Council Work Session Meeting Minutes of October 28, 2024
- City Council Regular Meeting Minutes of October 28, 2024



TUALATIN CITY COUNCIL

OFFICIAL WORK SESSION MEETING MINUTES

FOR OCTOBER 28, 2024

PRESENT: Council President Valerie Pratt, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Cyndy Hillier, Councilor Christen Sacco, Councilor Octavio Gonzalez

ABSENT: Mayor Frank Bubenik

Council President Pratt called the meeting to order at 5:32 p.m.

1. *SW 96th Drive Permit Parking Zone Request.*

Police Chief Greg Pickering presented the parking permit survey results for SW 96th Drive. He provided a summary of the relevant municipal code section that establishes the process for requesting a permit parking zone and shared a map of the proposed area. Chief Pickering outlined issues reported by residents, which included non-residents parking on public streets during school hours, illegal parking, blocked driveways, litter, and obstruction of street sweeping services. A survey was distributed to residents to gauge support for the permit parking zone, with 12 out of 18 responding and those who responded were in favor. Chief Pickering stated that based on the results, staff is recommending approval of the permit parking zone.

Councilor Hillier asked if outreach had been conducted with the school district. Chief Pickering stated that a consultant has been hired to evaluate permit parking zones, including coordination with the school district to find the best solution. Councilor Hillier emphasized the importance of ensuring students have places to park when school permits are not available.

Councilor Sacco expressed concern that approving the permit parking zone could displace vehicles to other areas, potentially causing new issues. She questioned how many of the reported issues were citation-worthy and expressed concerns about limiting access to public streets. Chief Pickering acknowledged that while some offenses were citable, others were safety concerns. He noted that the consultant would work with the school district to address parking flow and alleviate issues.

Councilor Brooks inquired about other permit zones in the vicinity. Chief Pickering identified Alabama Street as the only other permit zone on the west side of Boones Ferry Road. Councilor Brooks supported working with the school district to address the root of the problem and expressed support for the proposed zone.

Councilor Reyes expressed her support for safety measures and emphasized the importance of emergency vehicle access. She stated her support for establishing a permit parking zone in the area.

Councilor Gonzalez asked about additional parking arrangements the school has with local churches. He noted this as a good solution and encouraged students to utilize the available church parking.

Councilor Hillier inquired about the timeline for the consultant's evaluation. Chief Pickering responded that results were expected around the beginning of the year.

Councilor Sacco asked about the impact on existing permit zones if new solutions were proposed by the consultant. Chief Pickering explained that changes would require updates to the ordinance.

Council President Pratt inquired about the adequacy of overflow parking at the churches. Chief Pickering confirmed that the church lots provided ample parking, but students were reluctant to walk the additional blocks. Council President Pratt expressed her support for the permit parking zone.

Council consensus was reached to move forward with a permit parking zone during school hours for SW 96th Drive.

2. *Website Redesign Update and Homepage Wireframe Review.*

Deputy City Manager Megan George, Creative Communications and Marketing Manager Heidi Stanley, and Consultant Dale Bentlage presented an update on the website redesign. Manager George stated that the project is currently in phase two: site layout and design. She provided a brief recap of key takeaways from a community survey, as well as feedback from the Council and staff. Manager George highlighted information from focus groups, including priorities, community pride, and aspirations for the future.

Consultant Bentlage presented wireframes for the new webpage, explaining that these wireframes serve as blueprints, showing the relative size of elements on the page but not including textures or colors. He displayed the wireframes to the Council and invited their feedback.

Manager George requested clarification on why the wireframe is presented in black and white and why the page design is lengthy. Consultant Bentlage explained that removing color helps people focus on the page elements themselves. He added that the longer page format encourages users to spend more time exploring the site, enhancing their understanding and perception of the city's brand.

Council President Pratt asked if there will be a place for a banner to display in emergencies. Consultant Bentlage confirmed that a section at the top of the site will be available for alerts.

Councilor Brooks inquired about how often the website should be updated. Consultant Bentlage recommended updates every 4-6 years. Manager George added that the city's website was last redesigned in 2012 and refreshed in 2016.

Councilor Brooks asked how the redesign aligns with the city's communication plan. Manager George noted that the city does not currently have a strategic communications plan. Councilor Brooks expressed her desire to see one established and shared feedback on making city policies and plans easily accessible. She emphasized the importance of having topics readily available and a section that highlights the city's progress over time.

Councilor Reyes asked about search functionality and whether popular searches will update based on usage. Manager George explained that there are options to populate the popular search section using search insights.

Councilor Reyes also inquired about the use of AI on the site. Consultant Bentlage mentioned that AI could be utilized in various ways, but those features would be determined later.

Council President Pratt asked about monitoring the webpages to ensure they remain up-to-date. Consultant Bentlage discussed content governance and assigning timeframes for regular content reviews.

Councilor Sacco asked questions about accessibility and multilingual features. Consultant Bentlage described the translation tools available, and the site's scanning tools for users who rely on assisted devices.

Councilor Brooks asked if there would be a webpage dedicated to research related to policy and whether there would be a section for the city's art collection. Consultant Bentlage explained that the site will allow the city to feature specific content in different sections.

Councilor Sacco asked if there would be a resource page linking to other important pages, emphasizing the need for easy access to these resources.

3. Council Meeting Agenda Review, Communications & Roundtable.

Councilor Brooks stated she attended the League of Oregon City's Conference, the Policy Advisory Board meeting, and the Pumpkin Regatta.

Councilor Sacco stated she attended the Pumpkin Regatta and the IDEA Committee meeting.

Councilor Hillier stated she attended the Pumpkin Regatta.

Councilor Reyes stated she attended the Pumpkin Regatta and the Council Committee on Advisory Appointments meeting.

Council President Pratt stated she attended the Council Committee on Advisory Appointments meeting, the C4 Metro Committee meeting, the League of Oregon Cities Conference, the Pumpkin Regatta, and the League of Oregon Cities work group on transportation.

Councilor Sacco asked how the Council could advocate for more community outreach regarding transportation. Council President Pratt stated she would work with the City Manager on drafting a letter to be sent.

Councilor Reyes stated she attended the Core Area Parking District Board meeting.

Adjournment

Council President Pratt adjourned the meeting at 6:56 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor



TUALATIN CITY COUNCIL

OFFICIAL MEETING MINUTES

FOR OCTOBER 28, 2024

PRESENT: Council President Valerie Pratt, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Cyndy Hillier, Councilor Christen Sacco, Councilor Octavio Gonzalez

ABSENT: Mayor Frank Bubenik

Call to Order

Council President Pratt called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Announcements

1. Proclamation Declaring November 2024 as Native American Heritage Month in the City of Tualatin

Councilor Brooks read the proclamation declaring November 2024 as Native American Heritage Month in the City of Tualatin.

Public Comment

Tualatin Parks Advisory Committee Chair Emma Gray expressed gratitude towards departing Parks and Recreation Director Ross Hoover highlighting his contributions in improving the quality and maintenance of the parks system.

Council President Pratt shared thanks for Director Hoover's time with the city.

Consent Agenda

Motion to adopt the consent agenda made by Councilor Sacco, Seconded by Councilor Brooks.

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

MOTION PASSED

1. Consideration of Approval of the Special Meeting Minutes of September 30, 2024 and the Work Session and Regular Meeting Minutes of October 14, 2024
2. Consideration of Resolutions No. 5814-24, 5815-24, 5816-24 Accepting Grant Funds for Traffic Safety Enforcement through Oregon Department of Transportation
3. Consideration of Resolution No. 5817-24 Adopting the City of Tualatin Investment Policy

4. Consideration of **Resolution No. 5818-24** Authorizing the First Amendment to the Agreement Between The City of Tualatin and Randall and Karen Alvstad For Management and Operations of Basalt Creek Parkland.

Special Reports

1. Quarterly Financial Report – 1st Quarter of Fiscal Year 2024/2025

Assistant City Manager/Finance Director Don Hudson presented the quarterly financial report for the first quarter of fiscal year 2024/25. He shared a budget-to-actual comparison, noting that overall spending trends are consistent with previous years. He provided details on revenues and expenditures for the general fund, building fund, road utility fee fund, road operating fund, and utility funds. Director Hudson then presented the investment report for the first quarter, stating that all investments are in compliance with the city's investment policy and noting a total book yield of 4.197% over the last quarter. He added that the fiscal year 2023-24 audit is currently underway and that the Annual Comprehensive Financial Report will be issued by the end of the year.

Director Hudson also provided updates on American Rescue Plan Act (ARPA) projects. He reported that completed or in-progress projects include the waterline servicing line, trail-adjacent projects at Plambeck Gardens, and additional ADA improvements throughout the city. He noted that upcoming projects include park renovations at Las Casitas Park. Director Hudson discussed the Utility Bill Assistance Program, mentioning qualifying accounts that extend beyond the standard program's eligibility criteria.

Director Hudson elaborated on the city's agreement with Community Action for processing utility bill assistance applications and outlined the communication efforts for the program. He explained that accounts may receive up to \$300 in assistance per year. In fiscal year 2024, 34 accounts were assisted, totaling \$23,506.18. To date, 21 accounts have qualified this fiscal year, with a total of \$7,083.40 in assistance.

Councilor Sacco asked how someone qualifies for the Utility Bill Assistance Program. Director Hudson explained that before service shut-offs occur, staff contacts customers to discuss their needs and provides information about the program if necessary.

Councilor Brooks inquired about sales and the maturity segregation of park bond investments. Director Hudson clarified the investment strategy, emphasizing the use of shorter-term investments to align with timing needs and noted the city's ongoing efforts to secure grant opportunities. Councilor Brooks asked if any matching grants had been received, expressing interest in more detailed information on park bond funds. Director Hudson offered to send that information to the Council and confirmed that, to date, no bond projects have utilized grants or matching funds.

Council President Pratt asked about the remaining ARPA funds and their future allocation. Director Hudson stated that the ARPA fund will remain open until all funds are fully allocated.

Council President Pratt inquired about the long-term funding of the Utility Bill Assistance Program once ARPA funds are depleted. Director Hudson assured her that the city's budget includes allocations for the program.

Council President Pratt asked about the permissible duration for investment funds. Director Hudson replied that state statute dictates the maximum length of time investments can be made.

General Business

1. Consideration of Recommendations from the Council Committee on Advisory Appointments

Councilor Reyes and Sacco shared names of recommended candidates.

Motion to adopt recommendations as presented made by Councilor Sacco, Seconded by Councilor Reyes.

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

MOTION PASSED

Council Communications

Councilor Hillier acknowledged today as First Responder's Day.

Adjournment

Council President Pratt adjourned the meeting at 7:44 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor



CITY OF TUALATIN

Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Kim McMillan, Community Development Director
Samantha Vandagriff, Building Official

DATE: November 12, 2024

SUBJECT:

Consideration of Resolution No. 5819-24 Awarding and Authorizing the City Manager to Execute a Professional Services Agreement with Jensen Hughes for Plan Review and Inspection Services.

RECOMMENDATION:

Staff recommends that Council approve the resolution awarding and allowing the City Manager to execute the above-referenced contract with Jensen Hughes in the amount of \$978,300.

EXECUTIVE SUMMARY:

This agreement with Jensen Hughes is to provide third-party plan review and inspection services for the expansion of LAM Research's semiconductor lab and support buildings at their Tualatin campus. Due to the size and complexity of this project, City staff does not have the capacity to handle it solely with internal resources. Jensen Hughes will assist with reviewing twelve design packages and performing construction inspections to ensure compliance with state and city regulations, including life safety and code adherence. Their services will cover architectural, mechanical, electrical, plumbing, fire safety, and hazardous materials systems, with a not-to-exceed fee of \$978,300. This contract will ensure that the project progresses efficiently while meeting all required safety and regulatory standards.

The City plans to award this contract through a cooperative procurement process, which was competitively solicited via a Request for Proposals (RFP) by the Commonwealth of Virginia. In accordance with ORS 279A.220, the City published a notice of intent to use this interstate cooperative contract in the Daily Journal of Commerce on October 25, 2024. No objections or comments were received from other parties during the required seven-day public notice period. This process ensures a fair, competitive selection and allows the City to benefit from the efficiencies of cooperative procurement.

OUTCOMES OF DECISION:

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

FINANCIAL IMPLICATIONS:

Funds for this project will be available from permit and fee revenue in the Building Fund.

ATTACHMENTS:

- Resolution No. 5819-24 Awarding and Authorizing Agreement

RESOLUTION NO. 5819-24

A RESOLUTION AWARDING AND AUTHORIZING THE CITY MANAGER TO EXECUTE
A PROFESSIONAL SERVICES AGREEMENT WITH JENSEN HUGHES FOR PLAN
REVIEW AND INSPECTION SERVICES

WHEREAS, the Commonwealth of Virginia issued a competitive Request for Proposals for plan review and inspection services, which included cooperative procurement provisions, resulting in the award of a contract to Jensen Hughes;

WHEREAS, pursuant to ORS 279A.220, on October 25, 2024, the City of Tualatin published a notice in the Daily Journal of Commerce of its intent to use the cooperative contract for plan review and inspection services related to the expansion of LAM Research’s semiconductor lab and support buildings at their Tualatin campus;

WHEREAS, the City received no objections or comments during the seven-day statutory notice period; and

WHEREAS, funds for this project will be available from permit and fee revenue in the Building Fund.

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

Section 1. Jensen Hughes is hereby awarded a contract for plan review and inspection services related to the expansion of LAM Research’s semiconductor lab and support buildings at their Tualatin campus.

Section 2. The City Manager is authorized to execute a professional services agreement with Jensen Hughes in the amount of \$978,300.

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 12th day of November, 2024.

ATTEST:

CITY OF TUALATIN, OREGON

BY _____
City Recorder

BY _____
Mayor



CITY OF TUALATIN

Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Stacy Ruthrauff, Human Resources Director

DATE: November 12, 2024

SUBJECT:

Consideration of Resolution No. 5820-24 Authorizing the City Manager to execute a Collective Bargaining Agreement with Tualatin Police Officers Association – Sergeants.

RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution

EXECUTIVE SUMMARY:

In April of 2024 the formerly non-represented classification of Sergeant certified into a new union, Tualatin Police Officers Association – Sergeants (TPOA-S). Upon receipt of the union certification, the City entered into bargaining with TPOA-S. Over the course of the past 6 months, the City and TPOA-S have reached a tentative agreement on the new Collective Bargaining Agreement. The cost of living adjustment (COLA) was agreed upon for the duration of the contract, which is through June 20, 2026. COLA consists of a 4% increase retroactive to July 1, 2024 and a 3% COLA effective on July 1, 2025. Additionally, the medical and dental plans and premiums were negotiated and will be provided from City/County Insurance Services (CIS).

FINANCIAL IMPLICATIONS:

Provisions for adjustments to the economic terms of the Collective Bargaining Agreement between the City of Tualatin and TPOA-S for the first year of the bargaining agreement are incorporated in the FY 2024-25 budget. The costs associated with the second year of the agreement will be allocated to next fiscal year's budget.

ATTACHMENTS:

- RESOLUTION NO. 5820-24

RESOLUTION NO. 5820-24

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT WITH THE TUALATIN POLICE OFFICERS ASSOCIATION- SERGEANTS.

WHEREAS, the City Council is the authority in authorizing the execution of collective bargaining agreements (CBA) between the City of Tualatin and the Tualatin Police Officers Association - Sergeants (TPOA-S); and

WHEREAS, the City and TPOA-S negotiated a new CBA, which agreement terms begin July 1, 2024 and ends June 30, 2026; and

WHEREAS, the City Council believes that it is in the best interest of the City to approve the new CBA with TPOA-S.

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

Section 1. The Council approves the CBA between the City and the Tualatin Police Officers Association - Sergeants for the term July 1, 2024 through June 30, 2026.

Section 2. The Council authorizes the City Manager to execute the CBA.

Section 3. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 12th day of November, 2024

CITY OF TUALATIN OREGON

BY _____
Mayor

APPROVED AS TO LEGAL FORM

BY _____
City Attorney

ATTEST

BY _____
City Recorder

COMMUNITY ENHANCEMENT AWARD



CITY of
TUALATIN

**Tualatin Arts Advisory Committee
Parks & Recreation Department**

THE COMMUNITY ENHANCEMENT AWARD

Created to recognize individuals and organizations for their contributions to significant art endeavors and experiences within the Tualatin community.

The Tualatin Arts Advisory Committee identifies award candidates and makes recommendations to the City Council.

PAST RECIPIENTS

- Angela Wrahtz (2023)
- S&A Irish Entertainment (2019)
- TriMet “Coho Commute” (2019)
- The Community at Marquis, Marquis Café (2018)
- Mask & Mirror Community Theatre production of “Singin’ in the Rain” (2016)
- CenterCal Properties (2015)
- Jeannine Miller, Tualatin High School (2014)
- The Lewis & Floetta Ide Healing Garden, Meridian Park Hospital (2013)
- Don Armstrong, McDonald’s Restaurants (2011)
- Althea Pratt-Broome, Willowbrook Arts Camp (2011)
- Lumiere Players Theatre (2010)

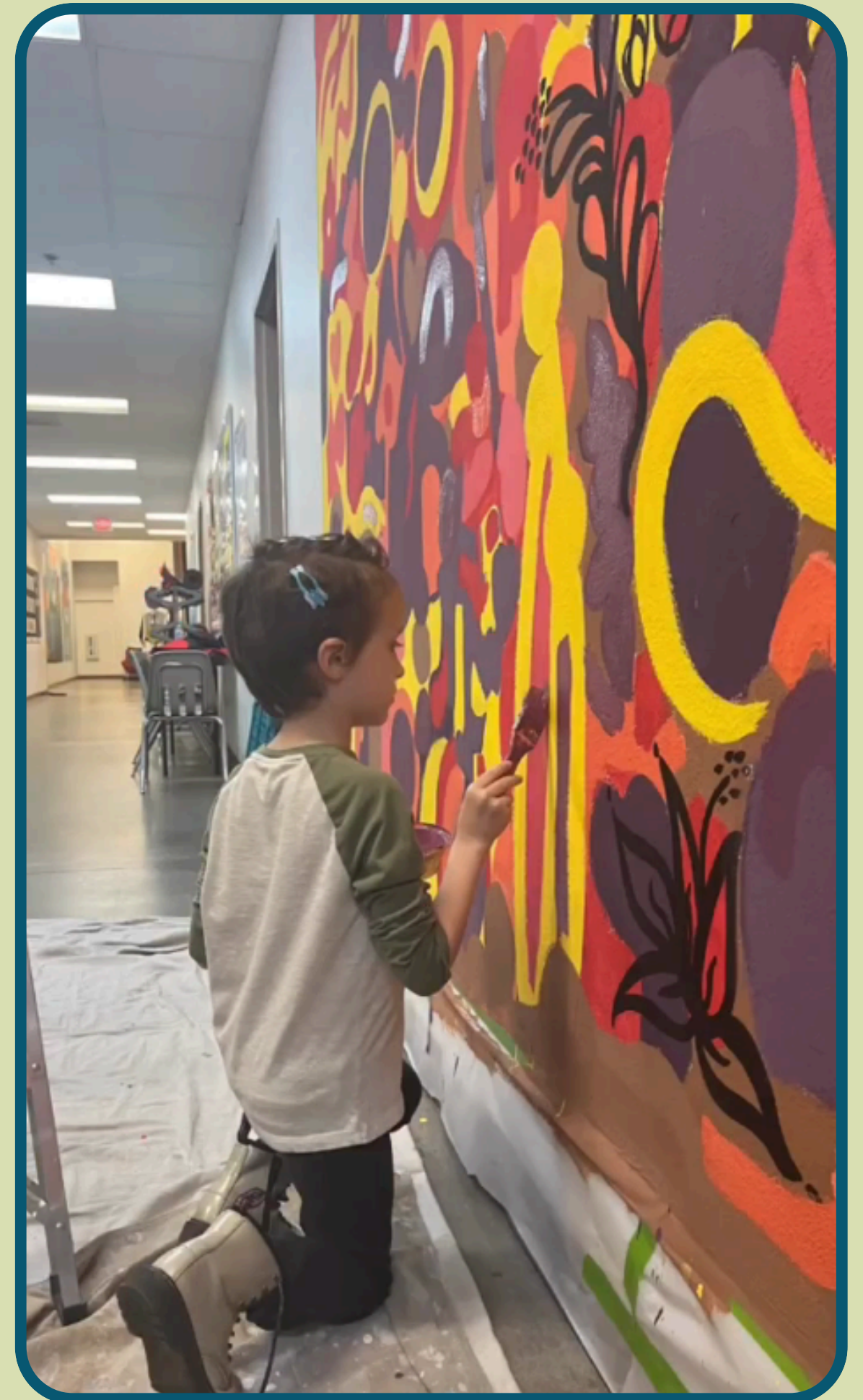
2024 AWARD RECIPIENT

MITCH Charter School

For the inclusion of students in the creation of permanent and temporary art installations, and the integration of art into core curriculum areas

MITCH strives “to offer an inclusive and culturally responsive environment where all our families and students feel seen, heard, and supported.”

MITCH Charter School



MITCH Charter School





CITY OF TUALATIN

Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Lindsay Marshall, Management Analyst II, Public Works

DATE: November 12, 2024

SUBJECT:
Republic Services 2023 Annual Report

EXECUTIVE SUMMARY:

Republic Services, the City's solid waste and recycling provider, will present their annual report. The report covers business and activities during the 2023 calendar year. Highlights include both residential and commercial service information, financial information, and upcoming opportunities.

Republic Services will not be requesting a rate adjustment for the 2025 calendar year.

ATTACHMENTS:

- Presentation – Republic Services 2023 Annual Report
- Republic Services 2023 Annual Report

City of Tualatin

2023 Annual Report

Presented by

Cindy Rogers

Municipal Relationship Manager

Travis Comfort

Municipal Contract Administrator

November 12, 2024



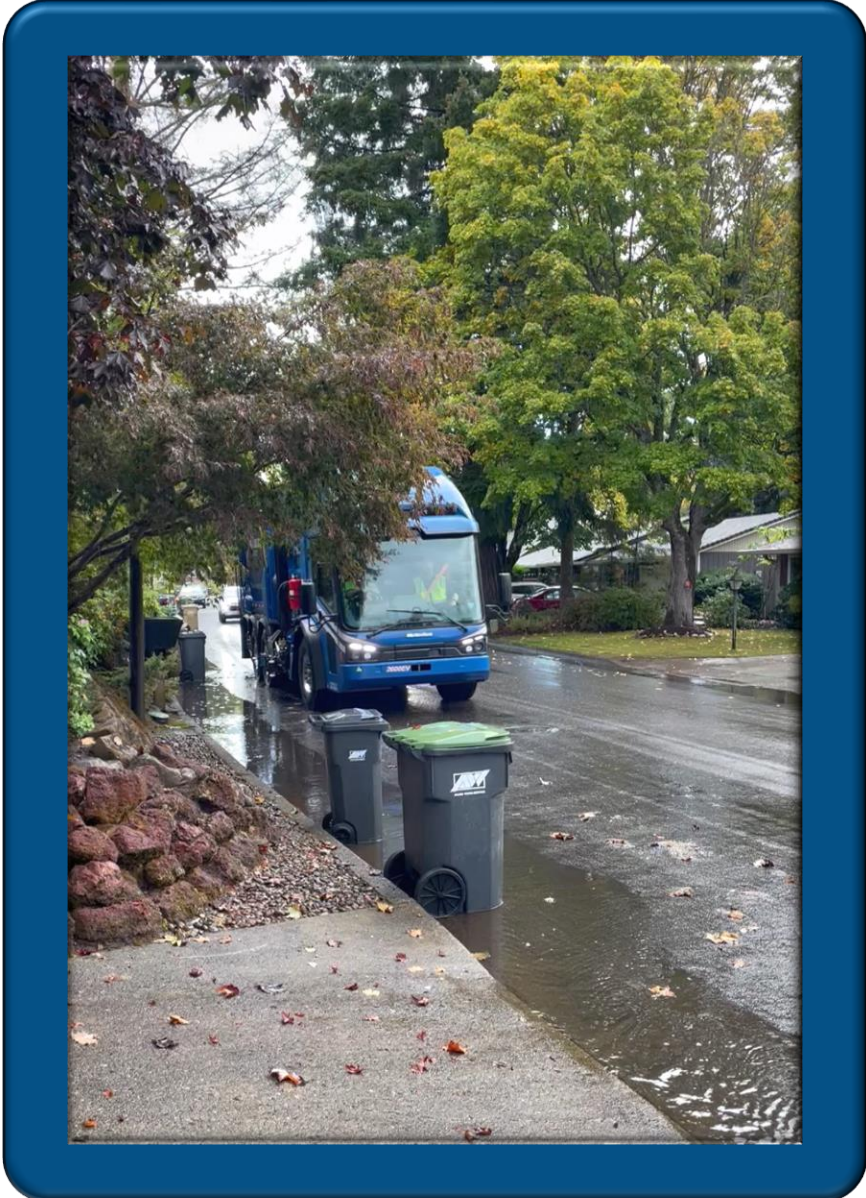
Sustainability in Action

2023 Tualatin Service Facts

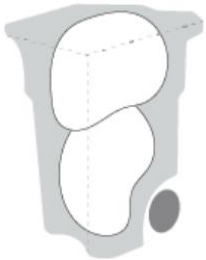
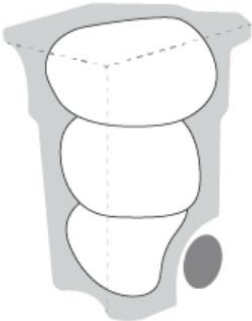
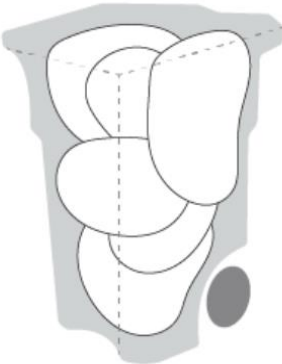
- ✳ Republic Services has 20 drivers servicing your Tualatin.
- ✳ Drivers are at the curbs of 5,904 homes 12x each month
(Garbage, Recycling, & Yard Debris with Food Waste).
- ✳ Approximately 850,176 carts were picked up last year.
- ✳ We hauled 43,211 tons of material from Tualatin



EV Trucks



Residential Overview

			
Size	20 gal.	35 gal.	65 gal.
Weight Limit	60 lbs.	85 lbs.	135 lbs.
# of Tall Kitchen Bags	2 bags	3 bags	6 bags
Customer Counts	518	3,041	2,345

Garbage
4,417 tons

Recycling
1,565 tons
Includes glass

Organics
2,825 tons
Includes food waste and yard debris

All Tualatin Residential service levels include a **65-gallon tan cart** for commingled recycling, a **65-gallon green cart** for yard debris, and an **18-gallon blue tote** for glass and battery recycling.

Commercial Overview

Customer Counts	Multifamily
35G Cart	15
65G Cart	4
95G Cart	3
Front Load Container	43

Customer Counts	Commercial
35G Cart	15
65G Cart	28
95G Cart	93
Front Load Container	579



Industrial Overview

Drop Box Hauls	
10 Yard	132
20 Yard	2,582
30 Yard	4,019
40 Yard	1,837



Recycle+

- Optional and opt-in
- Monthly base rate: \$2.50
- Pickup rate: \$9.25
- Quarterly *Reuse* Collection Events



20-gallon tote

Include:

- String lights with LED or other small bulbs
- Strings without bulbs*

Do not include:

- Rope lights
- String lights with novelty and larger bulbs that cannot be removed
- Yard figures or other decor

*Remove novelty and larger bulbs, identified as C6, C7 or C9, before recycling string.



Residential and Commercial Food Waste

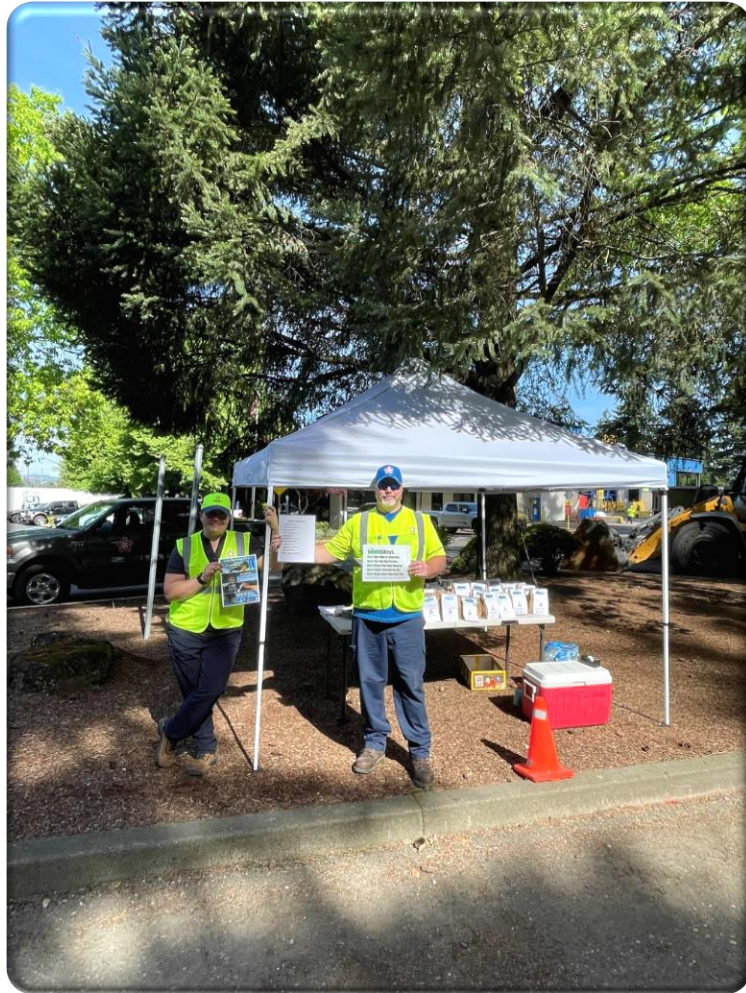
- ✿ Reduce Waste to Landfills
- ✿ Reduce **Methane** Generation at Landfills
- ✿ **County Enforcement** is ramping up on Commercial Generators in **Tualatin**.
- ✿ We are working with each **Tualatin** business to help them with the logistics of handling Commercial volumes of **Food Waste**



Residential and Commercial Food Waste



Safety First Check-ins with Drivers



Battery Recycling



Battery Recycling



Batteries
Pilas Батарейки Bin 电池

1. Tape ends of all batteries, except alkaline use clear tape, household batteries only

2. Bag all batteries in a 1 qt. zip-seal bag

3. Set on top of glass in the glass bin

Single-family residential customers only.

The graphic illustrates the recycling process. It shows various types of batteries (AA, AAA, C, D, and a car battery) being prepared by taping their ends. These are then placed into a clear zip-seal bag. The bagged batteries are then placed on top of a glass container, which is then placed inside a blue recycling bin labeled 'Glass'.





Customer Feedback

“Wanted to thank our driver and Republic Services for the speedy delivery and how helpful everyone was!” -Carolyn

“My service is always on schedule and my driver does a good job!” -David

“Eddie did a great job placing the drop-box and wanted to make sure everyone knew how much we appreciated it.” -Jennifer

“Customer service was so nice and explained everything to well! Much appreciated!” -Claudia

“Our driver is awesome and wanted you all to know!” -Wendy



Stoneridge (Las Casitas) Clean Up

September 23, 2023
_____, 2024

5 Hauls & 12,060 lbs. (6.03 tons)



1 Refrigerator + 1 gallon of oil



Stoneridge (Las Casitas) Clean Up

August 10, 2024

4 Hauls & 12,060 lbs. (6.03 tons)

1 Refrigerator, 1 gallon of oil



2023 Bulky Waste Days

April 8, 2023

196 Cars: 25.63 tons



2024 Bulky Waste Days

April 13, 2024



240 Cars: 28.96 tons



2023 US Marines' Toys for Tots Fundraiser

October 21, 2023



Birthday Stops and Parades



Financial Statements

Statement of Income

Line Items	2023
Revenue	\$ 12,310,526
Franchise Fees	\$ 312,381
Cost of Operations	\$ 9,310,091
Gross Profit	\$ 2,688,054
Sales, General and Administrative	\$ 887,481
Operating Income	\$ 1,800,573
Income Taxes	\$ 561,779
Net Income	\$ 1,238,794

Schedule of Expenses

Line items	2023
<i>Pass Through Expenses</i>	
Franchise Fees	\$ 312,381
Franchise Fees	\$ 312,381
<i>Cost of Operations</i>	
Disposal & Recycling	\$ 5,151,266
Labor	\$ 2,427,773
Truck & Equipment Expense	\$ 1,461,532
Other Direct Expense	\$ 269,520
Cost of Operations	\$ 9,310,091
<i>Sales, General and Administrative</i>	
Management & Administrative Expense	\$ 690,548
Other Overhead Expenses	\$ 196,933
Sales, General, and Administrative	\$ 887,481

2023 Tualatin & Oregon's Opportunity to Recycle Mandates

✳ We work with City and County Staff to meet recycling and waste reduction program requirements.

✳ We coordinate customer connection with County and City Staff, via digital and in-person engagement.

✳ New e-Waste Event will count for waste reduction outreach.

State of Oregon Department of Environmental Quality
Opportunity to Recycle Report
 City of Tualatin

GENERAL REQUIREMENTS AND LOCAL GOVERNMENT PROGRAM ELEMENTS
 Please check the boxes that describe the recycling activities that are occurring in your jurisdiction. You must also include examples and documentation of all education and promotional activities that are being implemented. If possible, please submit report and documentation electronically. (Note: This form is merely a summary of DEQ's requirements. The complete Opportunity to Recycle rules can be found in Oregon Administrative Rules OAR 340 090 0030, OAR 340 090 0040 and OAR 340 090 0042.

Collection Programs Providing the Opportunity to Recycle
 Please fill out the following table to indicate all the recycling collection programs that are providing required components of the Opportunity to Recycle in your jurisdiction. Check off which materials are included in each collection program. For residential curbside programs, please also indicate the frequency of collection and whether a free roll cart (C) or bin (B) is provided, or if no container (N) is provided. If the local government has selected Program Element (g) Expanded Recycling Drop-Off Depots to collect recyclable materials, please list the drop-off depots in the blue section below.

	Container: C=Cart, B=Bin, N=None	Frequency: W=Weekly, M=Monthly, E=Every other week.	Paper		Metal		Plastic			Other									
			Cardboard & brown paper (Occ)	Newspaper (Onp)	Hi-grade (office) paper (Hi)	Mixed scrap paper (junk mail, etc) (Mwp)	Steel (tinne) cans (Ti)	Aluminum containers, foil (Al)	Other scrap metal	Plastic bottles (minimum PET, HDPE)	Plastic tubs (minimum HDPE, PP)	Other rigid plastic - not containers (Mp)	Plastic film (polyethylene)	Container glass (Gl)	Used motor oil (Uo)	Yard debris (Yd)	Wood waste (Ww)	Food waste (Fw)	Other
Residential commingled	C	W	X	X	X	X	X	X	X										
Residential yard debris	C	W													X				
Residential materials not collected in the commingled container above	B	W											X						
	N	W											X						
Multifamily collection			X	X	X	X	X	X	X			X		X					
Commercial collection			X	X	X	X	X	X	X			X		X		X			
Expanded Recycling Depot: NA (list of "Element g" depots)																			



Senate Bill 582

The Plastic Pollution and Recycling Modernization Act (RMA)

Opportunity to Recycle

State Mandated Recycling Requirements

Thank You



Cindy Rogers – Municipal Relationship Manager

email: crogers2@republicservices.com

Travis Comfort – Municipal Contract Administrator

email: tcomfort@RepublicServices.com

City of Tualatin

2023 Annual Report



Republic Services of Clackamas and Washington Counties



Material Hauled	3
Material Destinations	6
Financials	7
Customer Counts	9
Customer Service Summary	10
Safety First	11
Recycling Depot	12
Community Outreach	13
Recycling Simplified	18
Celebrating Diversity	20



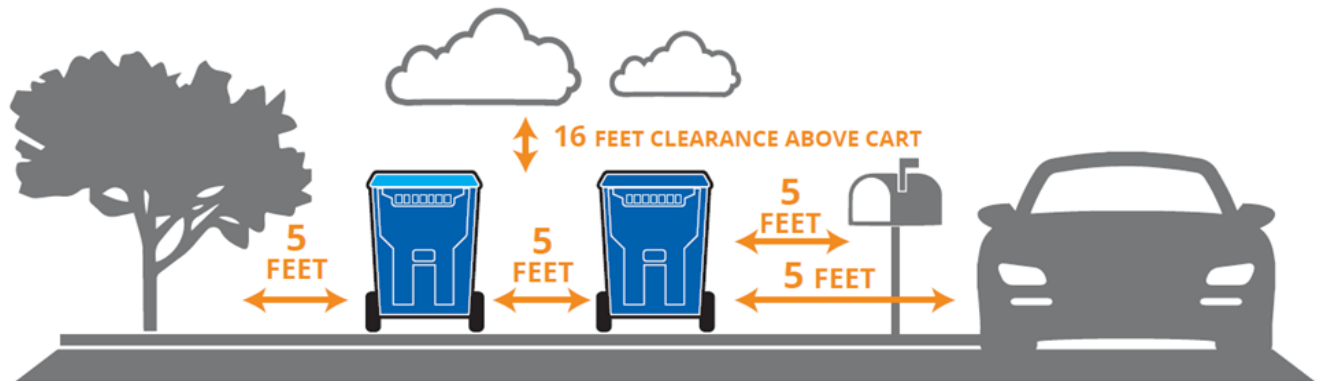
Residential Material Hauled

January through December 2023

Material	Destination	Q1	Q2	Q3	Q4	2023
Commingle	Willamette Resources Inc.	326.5	326.7	314.3	346.5	1,314.0
Glass	Willamette Resources Inc.	65.5	61.1	59.4	64.5	250.5
Garbage	Willamette Resources Inc.	1,062.6	1,131.3	1,111.6	1,111.3	4,416.8
Organics	Willamette Resources Inc.	454.9	892.7	551.2	926.0	2,824.7
Totals:		1,909.5	2,411.8	2,036.5	2,448.3	8,806.1

Page Note: All material is reported out in tons.

Residential Container Placement Reminder



Proper placement improves operational efficiencies and decreases service hazards.

Commercial Material Hauled

January through December 2023

Material	Destination	Q1	Q2	Q3	Q4	2023
Cardboard	Willamette Resources Inc.	760.3	726.8	659.0	743.7	2,889.7
Commingle	Willamette Resources Inc.	51.1	47.0	42.5	46.7	187.30
Glass	Willamette Resources Inc.	32.1	31.5	30.4	29.4	123.4
Garbage	Willamette Resources Inc.	2,514.2	2,508.6	2,421.2	2,616.0	10,060.0
Totals:		3,357.6	3,313.9	3,153.0	3,435.8	13,260.4

Page Note: All material is reported out in tons.



Drop Box & Compactor Material Hauled

January through December 2023

Material	Destination	Q1	Q2	Q3	Q4	2023
Cardboard	Willamette Resources Inc.	198.1	174.4	173.9	262.1	808.5
Commingle	Willamette Resources Inc.	12.3	13.6	9.9	11.7	47.4
Concrete	S&H Logging	136.0	105.0	137.5	92.5	471.0
	Brian Clopton	22.5	60.0	22.5	22.5	127.5
Dirt and Stone	S&H Logging	11.3	33.0	22.5	7.5	74.3
Dry Waste	Pride Disposal	-	0.7	-	-	0.7
	Willamette Resources Inc.	2,956.1	3,323.2	3,197.3	3,193.2	12,669.7
Glass	Glass to Glass	25.2	41.2	34.1	27.0	127.5
	Potters Glass	22.4	125.7	129.0	63.7	340.8
	Willamette Resources Inc.	218.0	111.2	131.1	135.1	595.4
Metal	Willamette Resources Inc.	8.7	22.2	22.5	2.1	55.5
Garbage	Coffin Butte	76.8	103.9	65.3	70.8	316.9
	Hillsboro	12.5	21.4	18.5	25.3	77.8
	Marion County Burner	11.5	8.8	9.5	10.9	40.6
	Metro South	27.8	27.6	21.7	1.9	79.0
	Willamette Resources Inc.	1,096.7	1,058.1	958.5	998.8	4,112.0
Plastics	NW Polymers Plastics	94.6	100.8	114.1	118.5	428.0
Organics	Willamette Resources Inc.	42.9	35.6	17.4	-	95.9
Wood	S&H Logging	-	5.0	-	-	5.0
	Willamette Resources Inc.	154.7	165.9	171.2	106.4	598.2
Yard Debris	S&H Logging	12.3	5.0	25.8	30.0	73.0
	Willamette Resources Inc.	-	-	0.3	-	0.3
Totals:		5,140.1	5,542.3	5,282.5	5,180.1	21,145.0

Page Note: All material is reported out in tons.



Material Destinations

Name	Location	Total Tons
Brian Clopton Excavating	Sherwood, OR 97140	127.5
Coffin Butte	Corvallis, Oregon 97330	316.9
Glass to Glass	Portland, OR 97217	127.5
Hillsboro (Rose City)	Hillsboro, OR 97123	77.8
Marion County Burner	Salem, Oregon 97305	40.6
Metro South	Oregon City, OR 97045	79.0
NW Polymer	Mollala, Oregon 97038	428.0
Potter's Industries	Canby, OR 97013	340.8
Pride Disposal	Sherwood, Oregon 97140	0.7
S&H Recycling	Tualatin, Oregon 97062	623.3
Willamette Resources Inc. (WRI)	Wilsonville, Oregon 97070	41,049.4



Statement of Income

For Year Ending December 31, 2023

Line Items	2023
Revenue	\$ 12,310,526
Franchise Fees	\$ 312,381
Cost of Operations	\$ 9,407,190
Gross Profit	\$ 2,590,956
Sales, General and Administrative	\$ 833,878
Operating Income	\$ 1,757,078
<i>Op Income as a % of Revenue</i>	<i>14.3%</i>
Income Taxes	\$ 494,090
Net Income	\$ 1,262,987
<i>Net Income as a % of Revenue</i>	<i>10.3%</i>

Page note: 2023 financials are not final until Washington County completes their annual audit (*Direct Cost Report or DCR*). Financials will be updated during our next rate review.



Schedule of Expenses

For Year Ending December 31, 2023

Line items	2023
<i>Pass Through Expenses</i>	
Franchise Fees	\$ 312,381
Franchise Fees	\$ 312,381
<i>Cost of Operations</i>	
Disposal & Recycle	\$ 5,208,651
Labor	\$ 2,424,456
Truck & Equipment Expense	\$ 1,504,427
Other Direct Expense	\$ 269,656
Cost of Operations	\$ 9,407,190
<i>Sales, General and Administrative</i>	
Management & Administrative Expense	\$ 691,399
Other Overhead Expenses	\$ 142,479
Sales, General, and Administrative	\$ 833,878

Page note: 2023 financials are not final until Washington County completes their annual audit (*Direct Cost Report or DCR*). Financials will be updated during our next rate review.



Customer Counts

Customer Counts

Residential

20G Can	518
35G Cart	3,041
65G Cart	2,345



Customer Counts

Multifamily

35G Cart	15
65G Cart	4
95G Cart	3
Front Load Container Customers	43

Customer Counts

Commercial

35G Cart	15
65G Cart	28
95G Cart	93
Front Load Container Customers	579



Drop Box Hauls

10 Yard	132
20 Yard	2,582
30 Yard	4,019
40 Yard	1,837



Tualatin Customer Service

"Wanted to thank our driver and Republic Services for the speedy delivery and how helpful everyone was!" -Carolyn

"My service is always on schedule and my driver does a good job!" -David

"Eddie did a great job placing the drop-box and wanted to make sure everyone knew how much we appreciated it." -Jennifer

"Customer service was so nice and explained everything to well! Much appreciated!" -Claudia

"Our driver is awesome and wanted you all to know!" -Wendy

Customer Service Summary



13 customer complaints in 2023; all were resolved within 24hours










9 customer compliments (five listed above)

Safety First Check-ins with Drivers



Recycling Depot

Tualatin Residents can drop-off the following materials, without charge, at our Ridder Road Recycling Depot.

-  Cardboard
-  Electronic Waste (e-Waste)
-  Glass Bottles
-  Metal
-  Metal Cans
-  Paper
-  Plastic Jugs
-  Plastic Tubs



REPUBLIC[®]
SERVICES

Sustainability in Action



Located just off Interstate 5 at 10295 SW Ridder Road, Wilsonville, Oregon.



Tualatin Bulky Waste Day



Tualatin High School Career Day



Youth Birthday Celebrations



Stoneridge Cleanup Event



Toys for Tots Bulky Waste Drive



WRI Site Tours



Recycling *Simplified*

Republic Services collaborated with professional educators to develop a free Pre-K through High School academic resource for educators. This project turned into *Recycling Simplified* (<https://recyclingsimplified.com/for-educators>). Available resources include lesson prep for teachers, grade level presentations and lesson plans, children’s stories, activity worksheets, student certificates, and take home materials for parents. Visual examples below and on pages 18-20. All of this is provided to all Tualatin Schools **free** of charge.

Accessible Value



Engaging activities for learning at home



Developed by teachers, vetted by parents



Empowers entire family to make a difference by recycling



Flexible and easy - complete any time, in any order



Easily access on any device



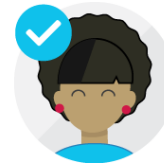
Printer optional



Carefully aligned to grade-level curriculum standards



Provided to you 100% free of charge



Written and vetted by real teachers



Lessons designed to fit within a typical class period



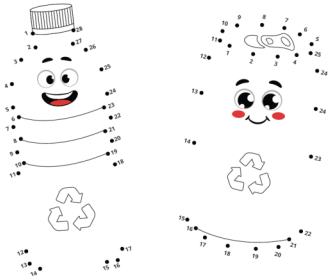
Lessons can be used individually or as a unit



Easy for teachers to implement, engaging for students

Connect the dots to complete these recyclables!

Once you're finished, these can be tossed in the recycling bin. Make sure all recyclables are empty, clean and dry!

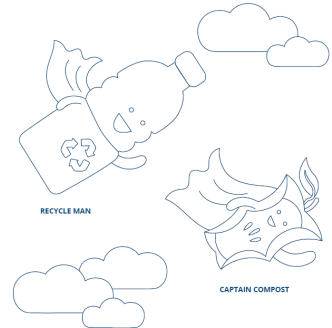


Caring for the Earth Takes Owl of Us

Visit [RecyclingSimplified.com](https://www.RecyclingSimplified.com) for more fun Earth Day activities!



Sustainability in Action!



Recycling *Simplified*

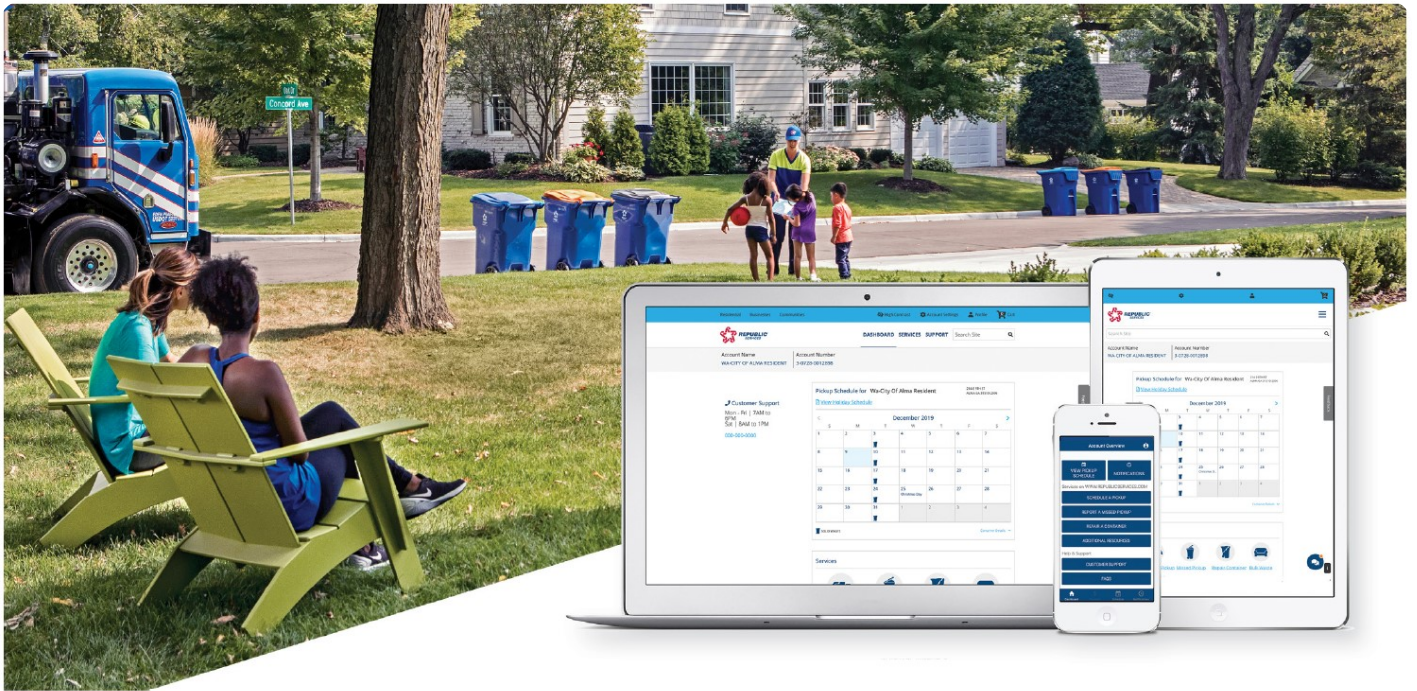


REPUBLIC
SERVICES

Visit [RepublicServices.com/EarthDay](https://www.RepublicServices.com/EarthDay) to learn more.

Celebrating Diversity





New! Manage your service from anywhere.

Now it's easier than ever to quickly request services and access resources you need in minutes.

The Republic Services® app is a convenient way to:

- Manage your personal info and communication preferences.
- Get exclusive access to LiveChat agents for questions and help.
- Set reminders to never forget trash day again.
- Gain access to resources including recycling tips.
- Get updates on holidays schedules, tree removal, etc.

Download the app or visit [RepublicServices.com/Account](https://www.RepublicServices.com/Account) to create your online account.



Sustainability in Action



Republic Services of Clackamas and Washington Counties

Annual Report assembled by
Travis Comfort, Municipal Administrator

10295 SW Ridder Road
Wilsonville, Oregon 97070



Sustainability in Action



CITY OF TUALATIN

Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Greg Pickering, Chief of Police

DATE: November 12, 2024

SUBJECT:

Consideration of **Ordinance No. 1495-24** Amending Tualatin Municipal Code 8-1-252 to Add an Additional Street (SW 96th Drive)

EXECUTIVE SUMMARY:

At the October 28th City Council Meeting the Council received information on the addition of a Parking Permit Zone on SW 96th Drive at the request of the residents. The Council directed staff to draft an ordinance for consideration.

Tualatin Municipal Code Ordinance Number 8-1-252 related to Residential Parking Zones would be modified to include the following, if adopted tonight:

The addition of SW 96th Drive as a street with school day zones.

ATTACHMENTS:

TMC 8-1-252 Residential Parking Zones (with changes)

ORDINANCE NO. 1495-24

AN ORDINANCE RELATING TO PARKING; AMENDING TUALATIN MUNICIPAL CODE 8-1-252 TO ADD AN ADDITIONAL STREET.

WHEREAS, the City Council has authority to adopt parking regulations for City rights-of-way;

WHEREAS, Residential Parking Zones reduce or prevent congestion and hazardous traffic conditions in certain residential areas, and protects residents from unreasonable burdens in gaining access to property;

WHEREAS, there is a need is to establish Residential Parking Zones on SW 96th Drive, north of SW Iowa Street,

WHEREAS, the City of Tualatin wishes to adopt the Ordinance to amend Residential Parking Zones.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Municipal Code Chapter 8-1-252 Residential Parking Zones is amended as follows:

TMC 8-1-252 Residential Parking Zones.

- (1) The City Council establishes the following residential parking zones for the purpose of prohibiting parking on public streets except by residential permit:
 - (a) School Day Zones. On scheduled school days between 8:00 a.m. and 4:00 p.m. in the following locations:
 - (i) Waterford Subdivision, which includes the following streets within the zone: SW 94th Terrace, SW 93rd Terrace, SW Palouse Lane, and SW Skokomish Lane; and
 - (ii) Moccasin Run Subdivision, which includes the following streets within the zone: SW Ibach Court.
 - (iii) SW Alabama Street, east of SW Chilkat Terrace and west of SW Boones Ferry Road.
 - (iv) SW Blackfoot Drive, west of SW Martinazzi to SW Osage Street.
 - (v) SW Osage Street, west of SW Martinazzi to the east of Byrom Elementary School property.
 - (vi) SW 96th Drive, north of SW Iowa Street.

- (b) General Residential Zones. During all hours of every day, the area bounded on the north by SW Hazelbrook Road, on the south by Tualatin Road, on the east by SW 112th Avenue, and on the west by SW 115th Avenue, which includes the following streets within the zone:
- (i) SW 115th Avenue, between Tualatin Road and Hazelbrook Road;
 - (ii) the south side of SW Hazelbrook Road, east of SW 115th Avenue and west of Hazelbrook Middle School Property;
 - (iii) SW Elmers Court, east of SW 115th Avenue;
 - (iv) SW Roberts Court, east of SW 115th Avenue; and
 - (v) SW Kalispell Street, east of SW 115th Avenue and west of SW 112th Avenue.
- (2) Only those vehicles displaying a valid parking permit may park within the particular zone established in subsection (1) of this section. Persons who reside within the parking zone may obtain a permit for that zone from the City Manager under subsection (3) of this section.
- (3) The City Manager shall establish procedures and standards for the issuance of permanent and temporary permits that will allow residents and their guests to park their vehicles within residential parking zones during the restricted hours. At a minimum, the City Manager shall establish rules that establish the criteria for issuance, surrender and revocation of permits, evidence of proof of residence and vehicle ownership, terms of the permit, standards for display of the permit, and allow for the issuance of temporary permits to residents for the parking of nonresident vehicles for temporary periods upon a showing of reasonable need for such permits.
- (4) The City Manager shall cause official signs for residential parking zones to be installed and maintained. The signs shall clearly identify the parking restrictions for nonresidents and the exception to those restrictions for permit holders within the residential parking zones.
- (5) It is unlawful and a violation for any person to sell, transfer, purchase, or otherwise acquire for value any permit issued by the City of Tualatin. Notwithstanding TMC 8-1-360 and in addition to any criminal penalties that may apply, A violation of this subsection is punishable by a fine of not less than \$500.00.

ADOPTED by the City Council this 12th day of November, 2024.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

BY _____
City Attorney

ATTEST:

BY _____
City Recorder