CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

CITY COUNCIL – REGULAR MEETING

Troutdale City Hall - Council Chambers
219 E. Historic Columbia River Hwy. (Lower Level, Rear Entrance)
Troutdale, OR 97060-2078

REVISED

Tuesday, June 23, 2015 – 7:00PM

Mayor
Doug Daoust

City Council
David Ripma
Eric Anderson
Larry Morgan
Glenn White
Rich Allen
John Wilson

City Manager
Craig Ward

1. **PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.**

2. **CONSENT AGENDA:**
   - **2.1 MINUTES:** May 5, 2015, Work Session and May 12, 2015, Regular Meeting.
   - **2.2 MOTION:** A motion adopting the 2015-2016 City Council Goals.
   - **2.3 RESOLUTION:** A resolution continuing Workers' Compensation Coverage of Volunteers to the City of Troutdale for Fiscal Year 2015-2016.

3. **PUBLIC COMMENT:** Public comment is limited to comments on non-agenda items. *Remarks shall be limited to 5 minutes for each speaker unless a different time is allowed by the Mayor. The Mayor and Council should avoid immediate and protracted response to citizen comments.*

4. **MOTION:** A motion to approve the Mt. Hood Cable Regulatory Commission's 2015-16 Budget. ***Norm Thomas, MHCRC Troutdale Representative***

5. **MOTION:** A motion to consider the Parks Advisory Committee's recommendation on the location of the Trout sculpture purchased by the City.
   Steve Gaschler, Public Works Director &
   Marilee Thompson, Parks Advisory Committee Chair

6. **PUBLIC HEARING / ORDINANCE (Introduction):** An ordinance amending Chapter 5.04 of the Troutdale Municipal Code relating to business licenses. ***Ed Trompke, City Attorney***

7. **RESOLUTION:** A resolution providing for current FY 2014-15 Budget Transfers and Appropriation Changes. ***Erich Mueller, Finance Director***

8. **MOTION:** Council nomination of a Charter Review Subcommittee. ***Mayor Daoust***

9. **STAFF COMMUNICATIONS**

10. **COUNCIL COMMUNICATIONS**

11. **ADJOURNMENT**

Doug Daoust

Doug Daoust, Mayor

Dated: 6/19/15

City Council Regular Meetings will be replayed on Comcast Cable Channel 30 and Frontier Communications Channel 38 on the weekend following the meeting - Saturday at 2:30pm and Sunday at 9:00pm.

Further information and copies of agenda packets are available at: Troutdale City Hall, 219 E. Historic Columbia River Hwy. Monday through Friday, 8:00 a.m. - 5:00 p.m.; on our Web Page www.troutdaleoregon.gov or call Debbie Stickney, City Recorder at 503-674-7237.

The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to: Debbie Stickney, City Recorder 503-674-7237.

DRAFT

MINUTES
Troutdale City Council – Work Session
Troutdale City Hall – Council Chambers
219 E. Historic Columbia River Hwy.
Troutdale, OR 97060-2078

Tuesday, May 5, 2015

1. Roll Call

Mayor Daoust called the meeting to order at 6:34pm.

PRESENT: Mayor Daoust, Councilor Ripma, Councilor Morgan, Councilor White, Councilor Allen and Councilor Wilson.

ABSENT: Councilor Anderson (excused).

STAFF: Craig Ward, City Manager; Ed Trompke, City Attorney; Debbie Stickney, City Recorder; Erich Mueller, Finance Director; Steve Gaschler, Public Works Director and John Morgan, Planning Director.

GUESTS: See Attached.

2. Strategic Plan / Council Goals

Mayor Daoust stated in your packet is a copy of our current goals (attached as Exhibit A) with notations from staff as to what has been accomplished. I have also provided you with a copy of my strategic plan (attached as Exhibit B) which lists items I think we can be working on in the next few years. It is not a comprehensive all inclusive list, but it is some things that I have been thinking about.

Council had a discussion on what process they should use for reviewing and revising the goals. Some members of the City Council voiced concerns about past goals being misinterpreted by staff as direction to proceed. There was a desire to have the goals be more specific with timelines and objectives.

Council had a discussion regarding Item #1 on the Mayor's Strategic Plan – Keep the URA development moving forward. Continue the partnership with Eastwinds, LLC and the eventual developer. Seek a right-of-way through Simon's Premium Outlet property for better access.

Council discussed whether a goal should identify a specific entity or if it should be left neutral. There was a suggestion to just keep the same goal as we currently have for urban renewal (Measure 1 of Goal 1-A).

Council agreed to keep the current goal - Measure 1 of Goal 1-A, which is: Demonstrate Clear Progress on Troutdale Riverfront Development – Cooperate with prospective developers who pursue desirable development plans consistent with feasible public financial constraints.

Mayor Daoust stated lets continue reviewing our current goals. The next one is: Continue to support development in the Enterprise Zone (EZ) and at the Troutdale Airport.

Council discussed the following regarding this goal: When the EZ is due to expire; should the goal address considering an extension of the EZ; should the goal include support "desirable" or "compatible" development; whether or not to include language to support continued air operations at the Airport and/or use the language on Mayor Daoust's list that states, "in coordination with Port of Portland's plan for the future role of the airport".

Craig Ward asked for clarification. We know there is a conflict between the small plane pilots and the Troutdale Energy Center (TEC). Is this statement meant to say that we support the TEC unless it negatively impacts air operations? Are we prioritizing air operations or are they just meant to operate in parallel and we will figure it out as we go along? The problem is we are joining two different issues – supporting the development of the EZ and at the Troutdale Airport and there is a conflict between those two. It may be better to separate the two.

Council agreed the two issues need to be separate.

Council agreed to re-word Objective B under Goal 1 to: *Continue to support desirable development in the EZ, and consider the extension of the EZ prior to the June 2018 expiration.*

Mayor Daoust stated the next goal on our current list is – Encourage a collaborative approach with East County cities for economic growth.

Council discussed the following regarding this goal: whether or not one city would be able to afford an economic development position on their own; whether joining together would serve the best interest of the three cities; and whether or not this needs to be a goal.

Council agreed to eliminate Objective D under Goal 1.

Mayor Daoust stated the next goal is #2 – Improve and support the livability of Troutdale (includes Objectives A-E and measures).

Council indicated that there may be some measures included in this goal that could be stand-alone goals. There was concern voiced that parking still remains the number one priority for our businesses in downtown. There was interest in keeping Measure 7 under Goal 2 regarding the FEMA mapping. Council discussed whether or not to strike Measures 2-6 or make some of them stand-alone goal statements.

Council agreed that Measure 5 is similar to #14 on the Mayor's Strategic Plan list and they will discuss it when they review that list.

Council agreed to keep Measure 1 under Goal 2-B – Identify and provide additional parking opportunities in the downtown.

Council discussed whether or not Measure 8 under Goal 2, Objective B (Review Troutdale Development Code to look at the potential of removing barriers to development) should still be a goal since it has not yet been completed. It was suggested that Troutdale might want to do something similar to what Oregon City is doing which is holding seminars with developers to help make the process more user friendly. It was mentioned that there are still concerns over our permitting process and developers prefer to do business in Gresham. A question was raised as to whether or not Troutdale should reduce and/or remove some development fees to stay in competition with Gresham. An argument was made that we cannot compete with Gresham because we don't have the population to off-set it. Council agreed to discuss business incentives separately.

Council agreed to re-word Measure 8 under Goal 2-B to: Continue to remove barriers to development and permitting.

Mayor Daoust stated we still need to address Measure 7 – Be proactive and inform the public and property owners about the floodplain mapping changes that result from FEMA's RISK Map project now in progress. Is there some suggested language for this goal?

Ed Trompke and Craig Ward discussed the Presidential Executive Order that changed how FEMA is interpreting its code in relation to climate change and raising the base flood elevation by 2'; the City hasn't seen any work from FEMA on this yet. Some members of the Council were concerned that Troutdale was enforcing an unofficial floodplain map. John Morgan, Planning Director, informed the Council that the City is compelled to use the best available information.

Council agreed to keep Measure 7 under Goal 2-B as is, which reads: Be proactive and inform the public and property owners about the floodplain mapping changes that result from FEMA's RISK MAP project now in progress.

Council agreed that the remaining measures (2, 3, 4, 6 and 9) under Goal 2-B can be deleted.

Council agreed to delete Objective C under Goal 2, "Reconsider the prioritization of undergrounding utilities" because it has been completed.

Council discussed Goal 2, Objective D – Recognize social media as a communications tool for our residents. There was concern voiced about this becoming political, and that the Budget Committee cut the funds from the proposed budget. There is a desire by some

members of the Council to do more to inform and involve the public besides just using the City's webpage and newsletter.

Council agreed that they need to have a work session on the topic of social media and not include it as goal at this time.

Council raised a question as to whether or not they had reviewed each committee's work plans (Objective E of Goal 2). Craig Ward responded that the primary focus was on the Planning Commission and the Citizens Advisory Committee work plans. Once those plans were completed they were emailed to the Council, but they were not being reviewed quarterly.

Council agreed to delete Goal 2, Objective E – review quarterly work plans for each citizen committee.

Mayor Daoust stated we are now on Goal 3, Objective A, Measure 1 – Establish expectations for more accurate capital facility construction estimates accountability for large projects. There was no discussion on this, but council agreed it could be removed because there is now a new way of doing this.

Council agreed to remove the language under Goal 3 – Fiscal Prioritization and Budget Accountability, along with Objective A – Ensure Appropriate Financial Oversight by City Council, and Measure 1 – Establish expectations for more accurate capital facility construction estimates accountability for large projects.

Council discussed Objective B, Measure 2 of Goal 3 – Advocate fair shared revenue arrangements (e.g. Multnomah county Business Income Tax). It was mentioned that there are discussions going on in Multnomah County regarding the Business Income Tax and the long-term funding which could have a negative impact on the City if they eliminate that funding. Craig Ward stated that he would follow-up on that with the County. Council didn't believe this needed to be a Council goal but that it is important and staff should stay on top of this.

Council agreed to remove Measure 2 under Objective B of Goal 3 as a goal, which was – Advocate fair shared revenue arrangements (e.g. Multnomah County Business Income Tax).

Council agreed to discuss the topic of Fire/Life Safety (Measure 3 under Objective B of Goal 3) when they review the Mayor's list.

Mayor Daoust stated the next item is Objective B, Measure 4 of Goal 3 – Strive to maintain or grow reserve funds throughout the budget process. ***Council agreed to keep this as a goal.***

Mayor Daoust stated Objective C, of Goal 3 – Maintain stability in public works funds. Measure 1 – Develop options to stabilize public works funds.

Council discussed whether or not we should add dates to the goals so they can be tracked as to when they were added and/or modified. It was suggested that instead maybe the status of the goal should be reported more frequently and in more detail.

Council discussed whether the goal should indicate that we will maintain the rates so that they are sustainable for the rate payers as well, such as selling the effluent water.

Steve Gaschler (Public Works Director) said that there two ways the City can turn these funds around. One is to cut the cost in delivering the service by cannibalizing our assets, basically not service the system and just let it deteriorate. The second option is to raise the rates. Our rates are the lowest in the area and Troutdale is the 7th wealthiest city in the state based on the median income. Nationally 2.5% is consider affordable, we are at 1.18%.

Council agreed to keep this as a goal: Develop options to stabilize public works funds.

It was suggested and agreed upon that all of Goal 3 Objective D should be deleted.

Mayor Daoust stated the next goal is Objective E of Goal 3 – Prepare annual report on status of City-owned facilities.

Council discussed wanting to continue to receive a status report on the condition of all city buildings and a list of what repairs are needed. Council also indicated a desire to have the same information reported on the parks. Craig Ward said he would update the list.

Council agreed to keep Objective E of Goal 3, but to revise it to read: Prepare an annual report on the status of city-owned facilities, and parks.

Mayor Daoust stated the next goal is Objective F under Goal 3 – Review Troutdale Municipal Code Chapter 3.08 (transient lodging tax) to ensure that tourism needs are being met now and in the immediate future.

Council agreed to discuss this goal when they review chamber specific items on the Mayor's list.

Mayor Daoust asked do we need to still address Measure 1 under Goal 2-B? Is there a goal statement that we want to turn that into, or do we just want to leave it as is?

A suggestion was made to include that with Objective E under Goal 3 because the idea of getting the inventory of city-owned property was originally to look at parking opportunities and to get some of the vacant city owned land back on the tax rolls; it was not specific to just parking, but a report of all city owned property and facilities. Council discussed whether they should revise Objective E under Goal 3 to read – prepare annual

report on status of city-owned facilities, parking, parks or surplus property. After further discussion ***Council decided to not further revise Objective E of Goal 3, but to instead revise the wording of Measure 1, of Goal 2-B to read: Review and decide future of city-owned properties.***

Mayor Daoust called for a break at 8:45pm and reconvened at 9:00pm.

Mayor Daoust stated before we move on I think we missed Goal 2, Objective A – Develop a long-term plan to repair or replace city hall. I believe we need to keep this as a goal.

Council agreed to keep Objective A of Goal 2 as a goal – Develop a long-term plan to repair or replace city hall.

Strategic Plan – Item #1: Mayor Daoust stated we already decided to drop this item and instead we are keeping our current goal regarding the Riverfront Development.

Strategic Plan - Item #2: Pursue the connection of the 40-Mile Loop Trail, tying into the new trail connection at the I-84 bridge, going south through the Urban Renewal area, continuing south along Beaver Creek.

Council discussed how the wording of the Mayor's Strategic Plan Item #2 might be modified, and the status of the 40-Mile Loop Trail and how it ties into our Urban Renewal area.

Council agreed to revise the wording to: Pursue the connection of the 40-Mile Loop Trail.

Strategic Plan – Item #3: Support a more robust Troutdale Airport in coordination with Port of Portland's plan for the future role of the airport.

The Council was not in agreement on whether or not the Port of Portland plan for the future actually supported continued air operations at the Troutdale Airport. It was suggested that the language for this item be modified to drop the reference to the Port of Portland's plan.

Council agreed to revise Item #3 to read: Support a more robust Troutdale Airport.

Strategic Plan – Item #4: Promote the idea of a Technical Workforce Training Center at the Troutdale Airport property as part of the Airport Master Plan to provide the trained workforce for TRIP Industries and other local employers.

An opinion was voiced that the goal should not identify where the training center should be located, the goal should be to support having a training center anywhere in Troutdale. Another opinion was that if we are going to support a more robust Troutdale Airport putting this training center at the Airport would show the support of a more robust airport by giving it more purpose.

Council agreed to revise Item #4 to read: Promote the idea of a Technical Workforce Training Center to provide the trained workforce for TRIP Industries and other local employers.

Strategic Plan – Item #5: Establish a partnership with Mt. Hood Community College Economic Development Department, tied to our local business hiring needs.

There was a question about what was meant by "establishing" a partnership, would we be hiring Mt. Hood Community College to help with economic development. It was explained that since we don't have an economic development position, having a partnership with the college will allow developers to work with the City and the college and supplement the needs that we will have regionally for jobs and the City would help facilitate this. It was agreed that this would need to be further discussed in a work session.

Council discussed and agreed to revise the goal to read: Explore a partnership with Mt. Hood Community College Economic Development Department, tied to our local business hiring needs. Council also agreed that a work session would be needed on this topic.

Strategic Plan – Item #6: Explore Troutdale implementing a "Drop the Box" initiative, like Portland has, to get rid of the box to check on a job application whether you have been arrested for a crime. The goal is to allow more people to initially compete for job openings rather than having an automatic negative bias to overcome.

Council discussed this goal and whether or not the City should impose this on our businesses, or leave it up to the state to decide.

Council agreed to have a work session on this topic and not have it as a goal at this time.

Strategic Plan – Item #7: Partner with Multnomah County's CSEC program and Service providers in the "Enhanced collaborative model to combat Human Trafficking" grant application. The commercial sexual exploitation of children (CSEC) encompasses several different crimes, all of them serious. We'll take a collaborative approach to addressing this complex issue that is occurring in our community.

Council briefly discussed and agreed to add this as a goal.

Strategic Plan – Item #8: Develop a viable option for fire and life safety services, in comparison to a modified contract with Gresham; collaborating with Wood Village and Fairview in evaluating and developing a Three Cities Fire Department.

It was pointed out that Measure 3 under Goal 3-B in our current goals addresses the same issue.

Council agreed to drop Item #8 on the Strategic Plan list and keep Measure 3 under Goal 3-B: Consider other options for providing fire/life safety services.

Strategic Plan – Item #9: Partner with Wood Village and Fairview in the Halsey Corridor development plan, and other economic development opportunities that benefit the three cities.

Craig Ward stated the grant application has already been submitted. Fairview submitted it on behalf of the three cities. There was discussion regarding the cost share and Craig Ward informed the Council that our portion of the cost share is in-kind services only.

Council discussed and there was general support for coordinating on the design, but there would be concern if Troutdale was going to have to contribute large sums of money because this project would have less effect or impact on Troutdale than it would in the other cities.

Council agreed to revise the goal to read: Coordinate with Wood Village and Fairview in the Halsey Corridor development plan, and other economic development opportunities that benefit the three cities.

Strategic Plan – Item #10: Consider a Troutdale Marketplace storefront initiative to fill empty storefronts.

Council discussed the following regarding this goal: our prior program, Open for Business, was costly to the general fund; this initiative did not need to duplicate our Open for Business program; we could discuss options for incentivizing filling empty storefronts in a way that the City doesn't lose money; we were informed by our prior attorney that we couldn't pick a certain area, that we needed to go with a designation like the Town Center Area; and whether or not we should include the entire city.

Council agreed to revise the wording of this goal to: Consider a storefront initiative to fill empty storefronts. A work session will be needed to consider options on how to incentivize filling empty storefronts.

Strategic Plan – Item #11: Form a Charter Review Subcommittee to update our City Council Charter.

Council discussed and agreed to revise goal to read: City Council to take up charter review.

Strategic Plan – Item #12: Continue the Mayor's Art Initiative to support and bring resources to local artists.

Council agreed to the goal of: Continue the Mayor's Art Initiative to support and bring resources to local artists.

Strategic Plan – Item #13: Troutdale should be part of Oregon's front line discussions of an East County Bridge over the Columbia River, by bringing the future "third bridge" discussion into transportation planning circles.

Council discussed the following pertaining to this goal: this should not be a council goal; we don't know what affect this would have on traffic in Troutdale; too many unknowns to support it at this time; the idea is to just enter into discussions regarding a third bridge; it will take a long time to talk, plan and implement and by the time it gets done, if it gets done, it will already be too late; it is a slam dunk for Troutdale to be the first City in Oregon to put on a regional transportation discussion; impact of FedEx on Troutdale with their 200 extra trips per day on our roads; this is Troutdale taking on a leadership role; there is concern that a bridge is a huge impact on sprawl and traffic; and the effect it would have on Troutdale's livability.

Council moved on to the next item without a clear consensus on either keeping or removing this goal.

Strategic Plan – Item #14: Partner with the West Columbia Gorge Chamber on Bicycle Tourism and the Bike Hub development. Strengthen the relationship between the City and the Chamber regarding event planning and tourism goals. Make it more of a win-win model.

Council agreed to this goal but revised it to read: Support the West Columbia Gorge Chamber on Bicycle Tourism and the Bike Hub development. Strengthen the relationship between the City and the Chamber regarding event planning and tourism goals.

Council discussed whether or not they wanted to add the language from Measure 5 under Goal 2-B (support development of a scenic byway kiosk in downtown with restrooms) to the end of the above new goal.

Craig Ward informed the Council that the kiosk notion has been incorporated into the Bike Hub design and restrooms are in the form of porta-potties for that design.

Council agreed not to add the additional language for the kiosk and restrooms to the goal.

Strategic Plan – Item #15: Put concerted effort into Visionary Park being done before June 2016, in time for the 100-Year Celebration of the Historic Columbia River Highway. Add it to Parks Master Plan and CIP list. Support other community, Chamber, and Troutdale Historical Society events related to this once-in-a-lifetime event.

Council discussed the following regarding this goal: Senator Laurie Monnes Anderson indicated that there is grant money available for cities for historical projects like this that would not require matching funds; the City's ability to assist in raising money; and Council expressed there was interest in pursuing a grant and/or fund raising;

Council agreed to this goal: Put concerted effort into finishing Visionary Park before June 2016, in time for the 100-Year Celebration of the Historic Columbia River Highway. Add it to Parks Master Plan and CIP list. Support other community, Chamber, and Troutdale Historical Society events related to this once-in-a-lifetime event

Councilor Morgan stated it would be nice to receive a laundry list of the things that are going to be expiring in the coming calendar year and a few years out.

Mayor Daoust asked does anyone else have any goals you would like to discuss?

Councilor White stated we have been talking about acquiring the 100 acres to the south. Should that be a goal?

Council discussed this and agreed to add the following goal: Study Urban Growth Boundary expansion options and coordinate with local Metro and State Officials.

Councilor White stated the business community and our staff do not feel safe having court in this room. I would like to have us look at options to move court into the Police Community Room and possibly council meetings as well and avoid the expense of this room.

Mayor Daoust stated we already addressed that topic and we received feedback from staff on the pros and cons. I'm not sure a work session will bring forward anything new.

Craig Ward stated there is another issue out there and that is that there is a longer term plan for municipal court services through the County. That was an early item brought up in the Sheriff contract discussions and it was decided it would be dealt with down the road.

Council discussed and agreed that this should not be a goal, but did agree to have another work session on the topic.

Councilor White stated we have also discussed needing to save money for a city hall and police so we are not a sitting duck in ten years when the negotiations for a new contract comes up.

Council agreed to have a work session on this topic.

Councilor White stated we need to have better negotiation tactics. It was frustrating for Councilor Morgan and myself to be on the fire negotiation team and then have an open meeting. I think there is a better way we could have handled it and gotten better results for the citizens. I think we need a work session on how to handle negotiations.

There was no discussion or objection by the Council to holding a work session on this topic.

Councilor White stated a personal goal of mine is to keep Troutdale parks Troutdale parks. There has been an effort to regionalize our parks and I think this Council needs to make a statement that we want to keep our parks in Troutdale as Troutdale parks.

Council discussed the following regarding this issue: The need for better funding options for our parks and the maintenance of the parks; if parks are a priority the Council and Budget Committee should commit to supporting our parks; there was also interest in doing a better job of supporting our recreation program; some Councilors voiced that they want to keep Troutdale parks and recreation as Troutdale and they were concerned that having a goal about funding options would be interpreted as wanting to consider a parks district; there was a desire by some to have a seat at the table with the group that is looking at a parks district to hear and participate in the discussions to gather information about funding options; and there was a concern that if we were part of this regional approach Troutdale, who has done a great job with our parks, would be subsidizing other cities.

Council did not agree on adding this as a goal.

Councilor White stated I would like to have an update of meetings that the Mayor is attending and I would like to see an effort to divvy up the work more. I also feel like the Champion articles, the Mayor's Corner, has gotten political as of late.

Council discussed the Champion articles by the Mayor and it was agreed that the Mayor would circulate his draft articles to all members of the Council to review and edit before they are published.

Councilor Morgan asked could this be viewed as a serial meeting?

Ed Trompke replied if it is after the decision is made it is not a deliberation. The rule applies only to deliberations towards a decision.

3. Adjourn:

Meeting adjourned at 10:50pm.

DRAFT

Doug Daoust, Mayor

Dated: _____

ATTEST:

_____

Debbie Stickney, City Recorder

CITY OF TROUTDALE
CITY COUNCIL – Work Session
Tuesday, May 5, 2015

PLEASE SIGN IN

Name – Please Print	Address	Phone #
PAUL MILLER	TROUTDALE	
Pam Wetmore	Troutdale	
Dian Castillo-White	Troutdale	503-888-1405
Rob Canfield	Troutdale	
Carol Allen	Troutdale	
Kelli Bruce	" "	

CITY OF TROUTDALE 2013-14 COUNCIL GOALS

SERVE-MANAGE-PROTECT

GOAL 1: ENCOURAGE ECONOMIC DEVELOPMENT	STATUS
A. OBJECTIVE: DEMONSTRATE CLEAR PROGRESS ON TROUTDALE RIVERFRONT DEVELOPMENT	
Measure 1: Cooperate with prospective developers who pursue desirable development plans consistent with feasible public financial constraints	**Staff cooperates while balancing our duties to enforce our codes and procedures. New staff and department heads have been so trained, and compliments for improved customer service confirm our improvement.**
B. OBJECTIVE: CONTINUE TO SUPPORT DEVELOPMENT IN THE ENTERPRISE ZONE AND AT THE TROUTDALE AIRPORT	**Staff has worked very closely with the Port of Portland, FedEx, and other owners and developers in the industrial area to help scope out and lay out projects, facilitate the application processes, and manage applications effectively and efficiently through the decision making process.**
D. OBJECTIVE: ENCOURAGE A COLLABORATIVE APPROACH WITH EAST COUNTY CITIES FOR ECONOMIC GROWTH	**Staff is meeting on a regular basis with the planning and ED staffs from Fairview and Wood Village to inform and coordinate on issues of mutual interest. An example is the recent submission of a grant application to Metro for a Halsey Corridor study.**
GOAL 2: IMPROVE AND SUPPORT THE LIVABILITY OF TROUTDALE	
A. OBJECTIVE: DEVELOP A LONG TERM PLAN TO REPAIR OR REPLACE CITY HALL	**Following adopted process, as revised.**
B. OBJECTIVE: UPDATE CITY CODES TO ENHANCE ECONOMIC VITALITY AND PROTECT COMMUNITY SAFETY	
Measure 1: Identify and provide additional parking opportunities in the downtown	**Supporting Planning Commission-led process.**

Exhibit A
May 5, 2015 Council Work Session Minutes

Measure 2: Increase development downtown through residential housing incentives	**Supporting Planning Commission-led process.**
Measure 3: Continue dialog with Tri-Met to improve bus service	**Accomplished when opportunities permit.**
Measure 4: Review the parks master plan	**Ongoing pending budget approval.**
Measure 5: Support development of a scenic byway kiosk in downtown with restrooms	**Supporting the Gorge Hubs project.**
Measure 6: Establish and maintain high standards of natural resource stewardship	
• Supporting educational programs	**Ongoing.**
• Supporting voluntary projects	**Ongoing.**
Measure 7: Be proactive and inform the public and property owners about the floodplain mapping changes that result from FEMA's RISK MAP project now in progress.	**Staff continues to monitor the FEMA process to finalize and release new FEMA flood maps. When those are finally released, staff is prepared to manage the process to update local Codes as required.**
Measure 8: Review Troutdale Development Code to look at the potential of removing barriers to development.	**Staff and the Planning Commission are nearing completion of a major draft update of the Development Code which specifically in intended to remove unneeded processes and standards, clarify other standards, and streamline all elements of Code administration and decision making.**
Measure 9: Interview owners of remaining property to determine development barriers.	**Ongoing.**
C. OBJECTIVE: RECONSIDER THE PRIORITIZATION OF UNDERGROUNDING UTILITIES	**Completed.**
D. OBJECTIVE: RECOGNIZE SOCIAL MEDIA AS A COMMUNICATIONS TOOL FOR OUR RESIDENTS.	**Ongoing. Website and Facebook updates have markedly increased.**
E. OBJECTIVE: REVIEW QUARTERLY WORK PLANS FOR EACH CITIZEN COMMITTEE	**Workplans submitted by all committees.**

GOAL 3: FISCAL PRIORITIZATION AND BUDGET ACCOUNTABILITY	
A. OBJECTIVE: ENSURE APPROPRIATE FINANCIAL OVERSIGHT BY CITY COUNCIL	
Measure 1: Establish expectations for more accurate capital facility construction estimates accountability for large projects.	**Ongoing. The successful fiscal model for the Police building will be applied elsewhere as opportunities arise.**
B. OBJECTIVE: PROMOTE FISCAL SOLVENCY	
Measure 1: Promote pooling of resources with neighboring jurisdictions.	**Ongoing.**
Measure 2: Advocate fair shared revenue arrangements (e.g. Multnomah County Business Income Tax)	**Ongoing.**
Measure 3: Consider other options for providing fire/life safety services	**District 10 and Mult. County were approached without success. Funds were proposed to be budgeted for a three-city study.**
Measure 4: Strive to maintain or grow reserve funds throughout the budget process	**Ongoing.**
C. OBJECTIVE: MAINTAIN STABILITY IN PUBLIC WORKS FUNDS	
Measure 1: Develop options to stabilize public works funds	**Master plans updated and financial strategies being considered.**
D. OBJECTIVE: MANAGE COUNCIL RELATIONS IN ACCORDANCE WITH THE CHARTER AND BEST PRACTICES FOR ELECTED OFFICIALS	
Measure 1: Always be aware of where our job as elected officials stop and where staff jobs begin	**Ongoing.**
Measure 2: Keep meetings focused, efficient and short	**Ongoing.**
Measure 3: Treat each other with civility and respect in meetings and outside of sessions	**Ongoing.**
Measure 4: Clarify questions from staff prior to meetings.	**Ongoing.**

E. OBJECTIVE: PREPARE ANNUAL REPORT ON STATUS OF CITY-OWNED FACILITIES	Inventory and map of city properties provided 6/18/14. Updates on specific facilities regularly provided in weekly updates.
F. OBJECTIVE: REVIEW TROUTDALE MUNICIPAL CODE CHAPTER 3.08 (TRANSIENT LODGING TAX) TO ENSURE THAT TOURISM NEEDS ARE BEING MET NOW AND IN THE IMMEDIATE FUTURE.	Ongoing.

Mayor's Strategic Plan for Troutdale's Future
Positive steps towards a more robust community
April 28, 2015

1. Keep the URA development moving forward. Continue the partnership with Eastwinds, LLC. and the eventual developer. Seek a ROW through Simon's Premium Outlet property for better access.

2. Pursue the connection of the 40-mile loop trail, tying into the new trail connection at the I-84 bridge, going south through the URA, continuing south along Beaver Creek

3. Support a more robust Troutdale Airport, in coordination with Port of Portland's plan for the future role of the airport.

4. Promote the idea of a Technical Workforce Training Center at the Troutdale Airport property as part of the Airport Master Plan, to provide the trained workforce for TRIP Industries and other local employers.

5. Establish a partnership with Mt. Hood Community College Economic Development department, tied to our local business hiring needs.

6. Explore Troutdale implementing a "Drop the Box" initiative, like Portland has, to get rid of the box to check on a job application whether you have been arrested for a crime. The Goal is to allow more people to initially compete for job openings rather than having an automatic negative bias to overcome.

7. Partner with Multnomah County's CSEC program and Service providers in the "Enhanced collaborative model to combat Human Trafficking" grant application. The commercial sexual exploitation of children (CSEC) encompasses several different crimes, all of them serious. We'll take a collaborative approach to addressing this complex issue that is occurring in our community.

8. Develop a viable option for fire and life safety services, in comparison to a modified contract with Gresham; collaborating with Wood Village and Fairview in evaluating and developing a Three Cities Fire Department.

9. Partner with Wood Village and Fairview in the Halsey Corridor development plan, and other economic development opportunities that benefit the three cities.

10. Consider a Troutdale Marketplace storefront initiative to fill empty storefronts

11. Form a Charter Review Subcommittee to update our City Council Charter.

12. Continue the Mayor's Art Initiative to support and bring resources to local artists

13. Troutdale should be part of Oregon's front line discussions of an East County Bridge over the Columbia River, by bringing the future "third bridge" discussion into Transportation planning circles.

14. Partner with the West Columbia Gorge Chamber on Bicycle Tourism and the Bike Hub development. Strengthen the relationship between the City and the Chamber regarding event planning and Tourism goals. Make it more of a win-win model.

15. Put concerted effort into Visionary Park being done before June, 2016, in time for the 100-year Celebration of the Historic Columbia River Highway. Add it to Parks Master Plan and CIP list. Support other community, Chamber, and Troutdale Historical Society events related to this once-in-a-lifetime event.

Doug Daoust
Mayor of Troutdale

DRAFT

MINUTES
Troutdale City Council – Regular Meeting
Troutdale City Hall – Council Chambers
219 E. Historic Columbia River Hwy.
Troutdale, OR 97060-2078

Tuesday, May 12, 2015

1. ROLL CALL, AGENDA UPDATE

Mayor Daoust called the meeting to order at 7:00pm.

PRESENT: Mayor Daoust, Councilor Ripma, Councilor White, Councilor Allen, and Councilor Wilson.

ABSENT: Councilor Anderson (excused) and Councilor Morgan (excused).

STAFF: Craig Ward, City Manager; Debbie Stickney, City Recorder; Ed Trompke, City Attorney.

GUESTS: See Attached.

2. CONSENT AGENDA:

2.1 ACCEPT MINUTES: March 17, 2015 Work Session, March 24, 2015 Regular Meeting, April 7, 2015 Work Session and April 14, 2015 Regular Meeting.

2.2 ~~RESOLUTION: A resolution authorizing an Intergovernmental Agreement for Regional Disaster Preparedness within the Greater Portland Metropolitan Region.~~
This item was pulled from the Consent Agenda and will be considered after Item #6.

Councilor Allen asked that Item #2.2 be pulled off of the consent agenda to discuss.

Mayor Daoust stated we will consider Item #2.2 after Agenda Item #6.

MOTION: Councilor White moved to approve Consent Agenda Item #2.1. Seconded by Councilor Allen. Motion Passed Unanimously.

3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.

Rob Canfield, resident, stated I listened to the March 11, 2015 meeting of the Ad Hoc Arts Selection Committee. There was an interesting comment made that they want to get a commitment from the City for a money match for the sculpture of Sam Hill and Samuel Lancaster. I want to urge the City Council to not even go there. There are priorities. You had a work session on Council Goals and it was apparent that the City Council is so fractured

that you couldn't even decide on how to define a goal. I can tell you what our goals are. In my opinion they are public safety, roads, and parks. You had to get rid of the police department because we couldn't afford it. There is talk of getting rid of the parks; a lot of people say no we are not, but as a matter of fact there are people working on that. Those are the priorities you should be working on. You shouldn't be working on investing money on art; we should be concentrating on giving money to the basics, the priorities. There are a lot of people who are upset about the idea of spending any more money on public art. I don't have a problem with the Visionary Committee putting a park together and I have no problem with the City doing some right-of-way work with the County. But if the City should pay one penny for public art when you are still paying for the Arch, if the City should pay one penny for art when there are all of these higher priority items that need to be done; I am not talking for anybody but myself but I think a lot of people agree with me, your priority should not be art. Your priority should be public safety and that sort of thing. I urge the City Council if and when this committee comes to you and asks for matching funds for the sculpture you say why don't you go to the people who can afford to make the donations like FedEx, Tube Specialties, and Toyo Tanso. They wouldn't even miss $150,000, but this City would miss that money. We can't afford to spend that kind of money on frivolous art projects when there are much more important things to do. If you can't agree on your goals, maybe you can agree on one thing and that is prioritizing expenditures. Please do not spend any more public money on art.

4. REPORT: An update by Metro Councilor Shirley Craddick.

Shirley Craddick, Metro Councilor, showed a PowerPoint Presentation (attached as Exhibit A). The presentation included the following topics: transportation funding; transportation crisis; Federal gas tax; an Oregon solution for transportation infrastructure; East Metro Connections Plan, the Powell-Division Transit project; 2015 Growth Management decision; investing in downtowns and main streets; Climate Smart; Brownfields legislation – HB 2734 and HB 2289; Willamette Falls; parks and natural areas system plan; trails update and the International Trails Symposium on May 17-20, 2015; solid waste road map; and Oregon Zoo.

Councilor Wilson asked on the $0.01 gas tax you are proposing for the orphan roads, is it guaranteed that those funds will be used on those roads?

Councilor Shirley Craddick replied yes. Those funds would be available for ten years and will help get some of these orphan roads reconstructed and built and then that fund will go away.

Councilor Wilson stated I saw some presentations on the Willamette Falls area and it is amazing what it looks like now and what it could look like in the future with the proper funding. It looks like it will be a gorgeous area when they get it off the ground. On the waste management portion of your presentation, the foam boards from the retailers who buy in bulk that are going into the landfill, I would hope that Metro could get the waste companies to try and figure out how to recycle that product.

Councilor White stated regarding the smarter gas tax it says ties a gas tax to fuel efficiency. How does that work?

Councilor Shirley Craddick replied right now if you go to the gas pump you pay a gas tax and that is what is supporting our roads. There are now a lot of hybrids and electric vehicles that are not paying the gas tax. We need to look at having a gas tax that is based on the vehicle miles traveled as opposed to how much gas is used.

Councilor White asked on the Willamette Falls access plan, is there going to be an opportunity for fishing platforms associated with that access?

Councilor Shirley Craddick replied that is a good point. We will need to get the public engaged. I know the Tribes would like that. We are just in the design phase. I will pass that on.

Mayor Daoust stated a lot of the Mayors are getting involved in the Urban Growth Boundary discussion. It is a hot topic right now.

5. REPORT: Annual Financial Report from the West Columbia Gorge Chamber of Commerce.

Claude Cruz, Executive Director of the West Columbia Gorge Chamber of Commerce (WCGCC), presented their Annual Financial Report (attached as Exhibit B).

Mayor Daoust stated for both SummerFest and the Tree Lighting Ceremony it looks like you were able to cover those costs and even come out a little ahead on SummerFest. Am I reading that correct?

Claude Cruz replied yes.

Councilor Wilson asked have you reached out to the hospitality program at Mt. Hood Community College for staffing for the Visitors Center?

Claude Cruz replied yes, that is where we get our interns.

Councilor Wilson asked can you reach out and find interns for the weekends during the summer?

Claude Cruz replied conceivably, but they can't operate unsupervised. I would need to think about that.

Mayor Daoust stated there are six things that I want to commend the WCGCC on: 1) better relationship with the City; 2) the relationship with the Gresham Area Chamber of Commerce is getting better; 3) membership growth; 4) level of detail and financial accountability in the budget; 5) Karen Schaaf's tourism work; and 6) congratulations on the three grants received this last year. There are three things I think we need to work on: 1) re-look at the MOU between the City and the WCGCC; 2) look at other events in addition to SummerFest and

the Tree Lighting Ceremony; and 3) reinvigorate the discussion regarding the freeway signs that were removed by ODOT.

Mayor Daoust called for a break at 8:33pm and reconvened the meeting at 8:45pm.

6. PUBLIC HEARING / ORDINANCE (Introduction): An ordinance amending Chapter 9.48 of the Troutdale Municipal Code to address wildlife hazards at the Troutdale Airport.

Ed Trompke, City Attorney, stated the Port has been under federal mandate to manage the wildlife better both for commercial aviation and general aviation so they have taken steps especially to start managing the geese and ducks. They are taking a pro-active approach. They have looked at the City's codes that might cause problems with their noise management for the birds. Nick Atwell from the Port of Portland will discuss the four pillars of their program. They are doing this in Troutdale and at the Hillsboro Airport, as well as the current management regime that they have at Portland International Airport.

Nick Atwell stated what you have in front of you is a proposed amendment to your code. This is all about public safety. We are trying to provide safer airfield environments for all of our tenants at Troutdale. This recognizes that there is an issue out there that we need to address. Typically the way that we do that is through noise; we haze birds. Birds and aircraft are not a good mix. We rank the birds by level of concern; probability of occurrence and severity of impact. How often are those birds struck and how often do they cause damage.

Nick Atwell reviewed the four pillars, which are outlined in the staff report (copy in the packet).

Nick Atwell showed the Council some photos (copies included in the packet).The first photo is of a red-tailed hawk perched on one of our noise cannons. There is no projectile that comes out of that noise cannon; it is compressed propane gas that is ignited by a car battery that is charged by a solar panel. Those are all radio controlled from my fleet of vehicles. What you are seeing is that it really isn't working; the hawk is perched on it. So it is species specific.

We are an adaptive management program. We know that each part of our program has to adapt to the need. Cannons are going to be used for geese and waterfowl. The red-tailed hawks use the cannon as an elevated perch to hunt from. We have a different management strategy for the red-tailed hawk and other raptors. We trap and translocate about 200 to 300 raptors per year in this area. We are very aggressive on this and that keeps us out of the lethal management strategy. Our biggest push is to be as non-lethal as we can by using long-term management strategies and alternative short-term strategies.

The code change has fire arms that produce noise like pyrotechnics, but also has the lethal take piece as well. That is only done by my staff or contracted employees that have received the training and authorization from US Fish and Wildlife or the FAA. The second photo shows a wetland area with waterfowl. Waterfowl, both ducks and geese, are the highest ranked birds of concern for aviation. The third photo shows the hazing tools.

Ed Trompke stated the Port read the City's code and decided they needed to have an exception to our code. We have provided a redlined copy of the proposed changes to the code that addresses the sound cannons, hazing tools and lethal tools necessary.

Councilor White asked do we receive noise complaints from the cannons?

Nick Atwell replied on occasion we have in Hillsboro. We are able to put them on the Port's network so they can be shut down remotely from my vehicle or my home. On occasion they will malfunction, they should never be going off in the middle of the night. They are only to be discharged when my staff has it in their sight. If they are going off without one of my crew around then there is a mechanical issue. That does not happen very often.

Councilor White asked has the Port been mitigating the wetland, moving it to a different area?

Nick Atwell replied we have. That is part of our long-term pillar. The idea is to keep moving that wetland or that habitat attractant that is on the airfield, further away. That is what we are doing in the Troutdale Reynolds Industrial Property (TRIP) development.

Mayor Daoust asked where do you relocate the red-tailed hawks?

Nick Atwell replied I have recently received approval to send them across state lines. The spring migration moves north and fall migration moves south. For us right on the border we know they need to go north so I fly them up to Seattle on Alaska Airlines and Seattle's biologist drives them up to Bow, Washington. That is only a handful. We mover the majority of them into their flight path. We are on the Pacific migratory flight path so we need to move them to an appropriate spot. We are trans-locating between 200 and 300 a year.

Councilor Wilson asked does that create another problem with rodents?

Nick Atwell replied I wish that hawks actually had a successful mortality on the moles but they do not. There are not enough predators to bring that species down. We monitor our mole population and we are seeing no effect; they are so prolific that it is incredibly difficult to keep up on.

Mayor Daoust asked if the Port actually does shoot Canadian Goose what do you do with it?

Nick Atwell replied we incinerate it. We are not taking enough animals to set up a donation mechanism. We are not a big shooting organization. There is another mechanism that I didn't talk about that I would like to do at Troutdale that we are currently doing at PDX and that is running dogs. We are going to expand our dog program to Troutdale.

Mayor Daoust asked what percent of time do you spend at the Troutdale Airport?

Nick Atwell replied less than one-quarter of our time, but we are looking to increase that.

Mayor Daoust opened the Public Hearing at 9:02pm and asked is there anyone here that would like to speak to us on this issue?

Paul Wilcox, resident, stated in the staff report under background (first pillar) it says, "A basic premise of the lethal action strategy is that it will target an individual animal and its problematic behavior, rather than targeting a population." I can see that with a coyote or a deer, but how do you single out a single goose? That seems unrealistic to me. The gentleman that just spoke talked about trapping the hawks, but shooting individual geese, I can't see a lot of benefit in that. On the bottom of page 2 of the staff report there is a reference to excluding the species permanently from the area where possible to habitat modifications such as wetland removal. I heard from Port of Portland representatives that they are actually developing wetland in the TRIP property, so that seems counterproductive because they are going to be attracting more waterfowl by doing that. Regarding the amendment language under finding 5 it reads, "Pyrotechnics are sometimes ignited or launched from devices which the user shoulders like a firearm, but the Troutdale Municipal Code bars use of firearms including such devices." In the Municipal Code language there is no specification for separation of whether you are launching flash-bangs or using an AR-15 to take down geese out of the air; it is broadly written in that regard. Section 1-B of the ordinance reads, "The provisions of this section shall not be construed to prohibit the firing or discharging of a weapon by any person." I want to stress the words, discharging of a weapon by any person, then the new language specifies where that any person can discharge a firearm. The gentleman that just spoke referenced my question about including the TRIP property, and I also question who is going to be authorized. My first impression in reading this was that just anyone could go out there with a rifle or shotgun and start taking down geese to protect the air traffic. I still question the language as to who is authorized and what it means to be authorized and what sort of firearms are they actually talking about. I don't think the language is all that great.

Mayor Daoust stated that last portion of the Section B-2 says in accordance with U.S. Fish and Wildlife Service and Federal Aviation Administration authorizations. I think that is what speaks to who is authorized, not just anybody.

Mayor Daoust closed the Public Hearing at 9:08pm.

Councilor Ripma asked does Portland have the same sort of ordinance and exception?

Nick Atwell replied absolutely. We just had this adopted at Hillsboro as well.

Councilor Ripma asked they adopted this exact language?

Nick Atwell replied it is not. Some of it could actually be more specific to address Mr. Wilcox's concerns about airport personnel or contracted employees by the airport.

Councilor Ripma asked how recently did Portland and Hillsboro adopt this kind of exception?

Nick Atwell replied Hillsboro was fairly recent and Portland was many years ago.

Councilor Ripma asked up until now it just wasn't necessary in Troutdale or nobody knew that it was prohibited?

Nick Atwell replied it has been necessary and we have been operating under a variance from Chief Anderson.

Mayor Daoust asked can you address the question about wetlands being developed on the TRIP property verses moving wetlands?

Nick Atwell replied I am solely responsible for aviation wildlife management at these three airports. Being a certified airport biologist I have to sign off and approve that this would meet a standard that would be less likely to cause issues to aviation safety. We are filling and developing wetlands that are closer to the airport and mitigating them further out from the airport and actually changing the structure and composition of those wetlands to be less desirable. The current strategy is filling it in with dense woody vegetation that is not open water. You are not going to have the open water features like this (second photo). There would be a lot of structure in there so there wouldn't be the easy access for water-foul. That has been done all over the world to decrease aviation wildlife issues. The location of this is as far out on the TRIP property as we can possibly get from the airport. There was also a question about individuals that I would like to address. The reason we target individuals is we go through great lengths to identify problem birds. For red-tail hawks we tag them and we trans-locate them and if they come back we have a lot of information on those particular birds. As far as geese in a big flock, it is hard to tell individuals. Herons, we are working on individuals also. We are identifying those, we are marking birds with permanent markers so we can identify if they are problematic and we need to go to the next step as far as some sort of removal. We do have a hierarchy that goes from hazing to trapping to the end result being lethal take. That is always our last resort. We understand that shooting a bird out of a flock, there is a flock mentality. There is a lot of science that would support the fact that if you remove one bird out of that flock that flock does understand that the area is not as safe as it normally would be if there was nothing around. We don't take large populations of birds.

Councilor White asked does the location of the Sandy River create an increased hazard?

Nick Atwell replied it could. We know that we have osprey in that area. We haven't seen them towering over the east end of the runways. We are not really seeing them over the Troutdale Airport. But the Columbia Corridor is a conduit so we actually have a lot of gulls coming and going through the area. It is not just geese, we have a whole ranking of birds. Geese get a lot of attention because they are big and they fly, but we have other issues as well.

Councilor Allen stated based on the caliber of people I don't think I need to ask this question, but I feel compelled to ask. What are your considerations for public safety while you are managing the wildlife?

Nick Atwell replied public safety is why we are here. Everything we do is for public safety. We are not going to shoot off pyrotechnics near someone. If someone is in the area there

will be notification and if we are unable to notify we will use horns and sirens instead. My guys are highly trained to make sure they are not impacting safety in a negative way.

Councilor Allen asked do you have a clean record so far?

Nick Atwell replied yes.

Councilor Allen stated Section B(1) of the ordinance reads, "In the lawful defense of the person or the person's family." I have had two incidents in my life where I have had to defend people who were not family members. I would prefer to have this language read, in the lawful defense of the person or of another person, not just limiting it to family members.

Ed Trompke stated that shouldn't present any problems.

Councilor White stated being a rural community we have people who harvest livestock which they are allowed to do but they have to contact the police. Could we make this easier or less burdensome for staff or police? I also have a question on the pellet gun or BB gun aspect, is that really a problem?

Ed Trompke stated I wasn't able to ask Chief Anderson about this so I don't have the information on that. I can get that for you before the second hearing.

Mayor Daoust asked Councilor White, on your first issue, do you have a recommendation to add some language so harvesting livestock isn't prohibited?

Councilor White stated I have heard complaints from people that do harvest cattle that it is a cumbersome process. This would be a good opportunity to simplify that.

Ed Trompke stated I will look into that.

Councilor Ripma asked Ed, can you also look at Portland's language about who is authorized to see if there is a different definition used.

Mayor Daoust stated I think Mr. Atwell mentioned airport personnel or contract employees.

2.2 RESOLUTION: A resolution authorizing an Intergovernmental Agreement for Regional Disaster Preparedness within the Greater Portland Metropolitan Region.

Mayor Daoust asked Councilor Allen to state his reason for pulling this item from the consent agenda.

Councilor Allen stated I pulled this item because I would like us to consider being a contributing member rather than a non-contributing member.

Craig Ward stated if you are a contributing member you have the right to vote on all organizational activities including financial issues. Non-contributing members can vote on anything but financial activities. The estimated cost is based on how many members there

are. I was told that based on our population and their current expenses that our cost would be $3,171 in the next fiscal year. Multnomah County Emergency Management is one of the key members of this five county-wide organization and has effectively been serving as our representative. They do keep us informed.

Councilor Ripma asked is the Regional Emergency Management Group (REMG) being dismantled and replaced by this?

Craig Ward stated Rachel Novick from Multnomah County Emergency Management is here and can speak to that.

Rachel Novick, Multnomah County Emergency Management, stated I think over the past few years there has been a transition towards that. I think this IGA is solidifying the membership components.

Councilor Ripma asked there is a Regional Disaster Preparedness Organization (RDPO) now, it is not being setup by jurisdictions joining. If we didn't act on this would we still come under the County's participation?

Rachel Novick replied yes. We would always brief you anything that we learn or anything relevant to you.

Councilor Ripma asked is there a reason for us to join it as a separate city?

Rachel Novick replied there are two options. One is to join as a non-contributing member and the other is to join as a contributing member. I think even if you join as a non-contributing member it would be great if you wanted to send representatives to some of the committee meetings to join some of the discipline work groups. There is a lot of discussion and coordination that happens. Multnomah County Emergency Management is always happy to brief you but if there is an interest on your part in attending any of the meetings and taking part in the discussions you are more than welcome to have a seat at the table whether or not you contribute.

Councilor Ripma stated I just wonder if it is necessary for us to individually join as a city one way or the other.

Councilor Wilson stated I think I would just like to see how it goes and see if we are missing out on having a voting voice.

Councilor Allen asked can you explain the UASI?

Rachel Novice replied the UASI, Urban Area Security Initiative, is a funding stream that is provided to thirty-one urban areas across the United States. In Oregon the Portland Metro Area is the only UASI area in the state. UASI funding goes to the areas that are determined to be at the highest risk for, among other things, terrorism related threats. Based on several factors Homeland Security comes out with this list and the list is the top 25 or 50, or whatever they decide they are going to fund that year with UASI money. They use that ranking list to

determine how much money and who gets the money. This year our area is ranked 21. The top 25 or so are typically guaranteed funding. The way that the RDPO is linked to UASI is that the RDPO sort of manages the funds as they come in and figures out where they go. The work of the RDPO in large part is identifying and prioritizing projects within our region that the funds can be used on. If you are a contributing member you get to vote on financial matters, which projects are funded. If you are not a contributing member you are still part of the discussion.

Councilor Allen asked are there any safeguards that emergency management is not used against certain portions of the population that aren't actual terrorists?

Rachel Novick replied that is something that the RDPO committee has talked about frequently. I think in large part people have been fairly happy with the projects that have been funded, even populations that otherwise might be concerned about how Homeland Security money is being spent. The Portland Bureau of Emergency Management takes that quite seriously as they get a lot of questions about that. I am not aware of any complaints or concerns about any specific projects. While there is a law enforcement component, I think a lot more of it is community preparedness and resiliency on a non-law enforcement level.

Councilor Allen stated one of the reason why I want to be a contributing member is because one of our highest priorities is safety, infrastructure, and services that we provide to our population. In my military service one of the things I had to do was respond to natural disasters. The thing I discovered is that you are never prepared enough; it is always reactionary no matter how much advance planning you do. I would rather be as prepared as we can than not prepared at all and that is why I want to contribute.

Mayor Daoust asked is the Multnomah County Sheriff's Office (MCSO) a contributing member?

Rachel Novick replied Multnomah County as an organization is a contributing member so that includes the MCSO, as well as other departments.

Craig Ward stated on page 7 of the IGA it lists all of the discipline work groups. The opportunity exists for elected officials to participate in the policy committee and staff would participate at other levels. There is an endless opportunity for us to become involved and engaged and participate. On page 11, Section IIV, lists the obligations. We have already adopted and implemented the National Incident Management System (NIMS). Pursue development and maintenance of an effective disaster preparedness programs and there are seven items listed. We do all of those but one. The one item that we have not done is the Continuity of Operations Plan (Item IIV-A-2-c). I just want you to be aware that there are expectations of work that we would need to do, some of which we would be obligated to do anyways.

Mayor Daoust stated I understand what you are saying Councilor Allen, but I am still trying to get a handle on the real benefits of being a contributing member if we can have a seat at the table and the MCSO is involved.

Craig Ward stated there will be the allocation decisions of how they spend the money. If you want a say in how the money is spent then you need to be a contributing member. I think the County has done a very good job. We have received UASI grants through our Police Department in the past. I don't think that we have suffered by having the County represent us in that interest. My recommendation is that we participate as a non-contributing member and sit at the table and see how it goes and we can decide later on if we want to invest $3,000 a year to have a vote.

Councilor Wilson stated we can sit at the table, we just wouldn't get to vote. I don't think we should pay. I think we should wait and see what work comes out of this and see what benefit it is to us.

Craig Ward stated there is no point in having a voting role in this if we do not have a councilmember on the Policy Committee because that is where the vote will occur.

Councilor Allen stated I am willing to participate.

MOTION: Councilor Ripma moved to adopt a resolution authorizing the City Manager to enroll the City of Troutdale in the All-Hazards Regional Disaster Preparedness Organization (RDPO) with a change to Section 1, which would read, "The City Manager shall enroll the City of Troutdale in the RDPO as a contributing member by signing an IGA substantially similar to the agreement within Exhibit A to this resolution (change was from a non-contributing member to a contributing member). Seconded by Councilor Allen.

Mayor Daoust asked is that the only correction needed?

Ed Trompke replied yes.

Craig Ward stated we don't have any money budgeted for this fiscal year or next fiscal year so I would propose that we bring forward a 2014-15 budget amendment.

VOTE: Councilor Wilson - No; Councilor Ripma - Yes; Mayor Daoust – Yes; Councilor White – Yes; Councilor Allen – Yes.

Motion Passed 4-1.

Councilor White stated if an alternate is needed for the Policy Committee I would volunteer.

7. STAFF COMMUNICATIONS

Craig Ward stated I will be on vacation this Thursday and Friday, and June 22 through July 3rd.

8. COUNCIL COMMUNICATIONS

Councilor Wilson stated at our budget meetings Erich Mueller talked about the money from the lease of the Police Facility and that this Council wants the lease revenue to go towards paying down the bond on the facility. Future councils may decide to use that money for something else. I would like to have a resolution that ensures that a minimum of $150,000 of the lease revenue goes towards the bond payment, as well as any funds that the City gets reimbursed by the lease, i.e. the utilities, also go towards paying off the police facility bond.

Councilor Allen stated I would support that.

Councilor Ripma stated you realize future councils can pass a resolution.

Mayor Daoust stated we could add that to an agenda.

Craig Ward stated we would be happy to prepare a resolution to that affect.

Councilor Wilson stated the reason for the utility part of it is because we pay it out of the maintenance budget but then it just falls back into the general fund, which we could have put back to either pay off the bond or put back into the maintenance budget. I would rather not have to worry about it and have any of those funds go towards reducing the bond debt.

There was consensus by the Council to bring forward a resolution to address this.

Councilor Wilson stated I didn't realize that we had formed an Arts Ad-Hoc Committee. My understanding was that we were going to let the Parks Department decide where that statute was going to go. I don't even know who is on this Ad-Hoc Committee. I would like to have a copy of the minutes from the March meeting. I don't remember the Council being involved in putting this Ad-Hoc Committee together.

Mayor Daoust stated the way I understand it is that the Parks Advisory Committee set up this Ad-Hoc Committee to handle art questions. When they set it up I don't think they were aware of all of the rules that they had to follow for their meetings.

Councilor White stated I am looking for clarification on the hiring of a full-time planner. I saw the article in the Gresham Outlook and I am confused because we had a discussion during the Budget Committee (BC) meetings to not fund the full-time position.

Craig Ward stated we had already advertised the position which is now closed. We are going to inform the applicants that we are not prepared to fill that position and we won't invest any time in conducting interviews. The BC did make a recommendation but that has not yet been adopted as part of next years budget. But we did hear you and we are not proceeding with any action to hire a planning director until the budget is adopted. I am proceeding down the path to hire a consultant to fill the position that John Morgan's firm is now filling.

Councilor White thanked the Troutdale Lions Club for another successful Troutdale Trot event.

Mayor Daoust stated the East County Mayors met with Shirley Craddick on the urban growth boundary discussion regarding changes Metro could make to the urban growth boundary process. In that conversation Mayor Shane Bemis noted that Gresham has a 2,000 acre Springwater Area that is within the urban growth boundary but they have no money for infrastructure. I think that would be the same case for us if we were to expand to the south.

Councilor White stated I believe there is a well and a sewer line out there.

Councilor Allen stated part of it already exists in anticipation.

Mayor Daoust stated I have made a change to the Urban Renewal Area negotiating team. I took Councilor White and myself off of this negotiating team and appointed Councilor Morgan and Councilor Anderson to this negotiating team.

Councilor Ripma stated when you told me about this change I told you that I didn't think it was a good idea. You asked for my blessing on this and I objected to it. The process we are following is not public, it is very private and it looks bad. Councilor White was asking tough questions from what I can tell and to remove him when he didn't want to be removed and replace him with two other councilors makes it look even worse.

Mayor Daoust stated I understood that I had the authority to inform the council of the change and not seek your approval.

Councilor Ripma stated that is true.

Councilor Allen stated I do have similar sentiments as Councilor Ripma.

Councilor Wilson stated I don't.

Mayor Daoust informed the Council of the following:

- Thursday there is a JPACT meeting at 7:30am at Metro.
- There is an EMEA Board Meeting at 10am on Thursday at Fairview City Hall. And at 11:30 there will be speakers on the Chalkboard Project.
- Wednesday, May 20th is the Public Works Appreciation picnic at Glenn Otto Park at 12pm.
- On May 22nd there is a Human Trafficking Steering Committee Meeting at Multnomah County at 8:30am.
- I wrote an article on the TRIP property for the League of Oregon Cities Local Focus Magazine which will appear in the June issue.
- I wrote a 150 word paragraph for the Gresham Outlook on what makes Troutdale a great city.

Mayor Daoust stated I previously asked for permission to conduct some neighborhood meetings. I have now scheduled them for May 27th and June 3rd at Sweetbriar Elementary School, and June 11th and June 18th at Walt Morey Middle School. All of these will start at 7pm. A mailer will go out to all residents this week. The intent is to answer questions from

the public. Chief Anderson, Deputy Sheriff Jason Gates and Steve Gaschler will be attending all of these meetings. We want to take advantage of these meetings to answer questions about the Sheriff contract and to do some polling on a possible gas tax and road maintenance. There is a question of how many councilors can attend the meetings and whether it is a public meeting or not. Does staff have any recommendation on how to handle that?

Ed Trompke stated the entire council can be there as long as there is no deliberation, that means discussing policy issues or the facts. If you are just listening everybody can be there.

9. ADJOURNMENT:

MOTION: Councilor Wilson moved to adjourn. Seconded by Councilor Ripma. Motion passed unanimously.

Meeting adjourned at 10:15pm.

Doug Daoust, Mayor

Dated:

DRAFT

ATTEST:

Debbie Stickney, City Recorder

CITY OF TROUTDALE
CITY COUNCIL – Regular Meeting
Tuesday, May 12, 2015

PLEASE SIGN IN

Name – Please Print	Address	Phone #
LISE GLANCY	Port	
Claudia Cruz	WCCCC	503 799 9667
Carol Allen	Troutdale	503-701-8979
David Becker	Troutdale	
Karen Schaer	Corbett	503-705-6982
Rachel Novick	Mult-Co. EM	503-988-8603
PAUL WILCOX	TROUTDALE	
Diane C White	Trout D	503-888-1405
JOSH MORIARTY	TROUTDALE	
DANA K. GREENE	PORT OF PORTLAND	503-415-6677
Nick Hawes	Port of Portland	503-460-4179

MAKING A GREAT PLACE

Metro

Metro update

Troutdale City Council

Councilor Craddick
May 12, 2015

Exhibit A
May 12, 2015 Council Minutes

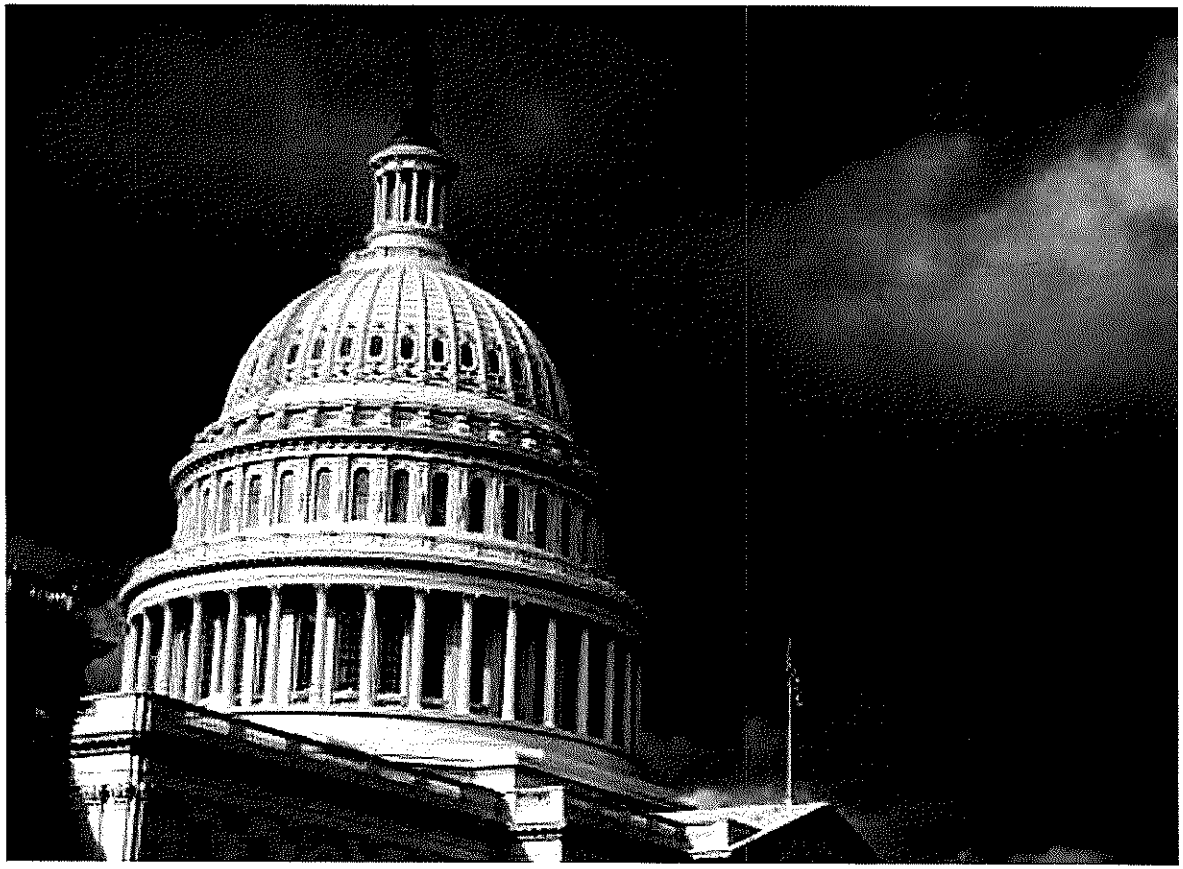
Transportation funding

- Making sure we have the resources we need to help keep our region moving

Our transportation crisis

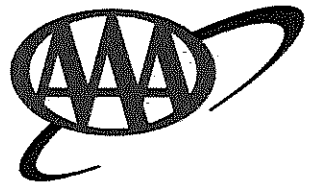
- A simple formula:
  - ➢ Not enough money for new ways to get around
  - ➢ Barely enough to maintain what we have
- There are costs to doing nothing

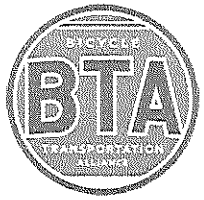
Washington can't help



- Federal gas tax has lost nearly half its purchasing power to inflation
- Congress taking money from income taxes to pay for highway construction

An Oregon solution



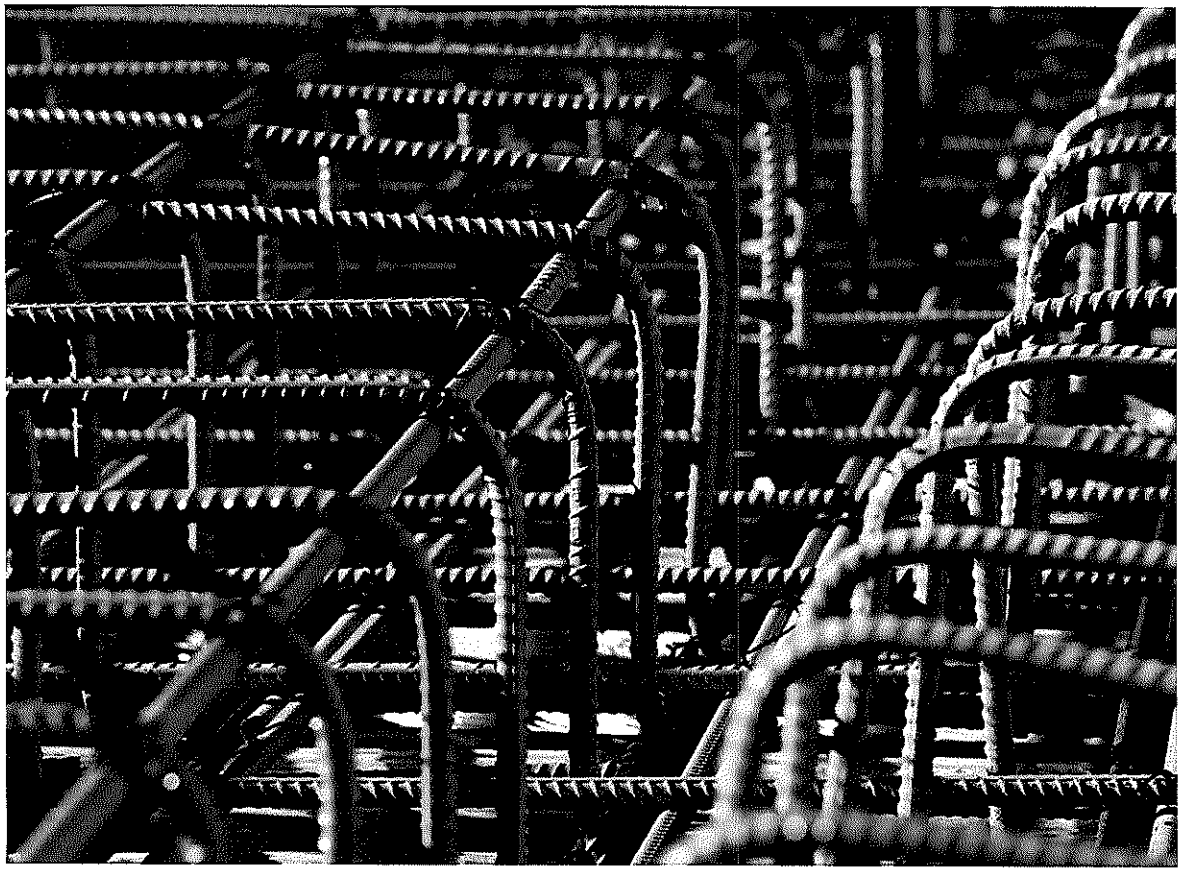


- Oregon Transportation Forum: A diverse coalition
- Forum agreed on a proposal in late 2014
- A solution that meets the expectations and values of Oregonians

A smarter gas tax

- Ties gas tax to fuel efficiency
- Increase funding for road maintenance
- Supports transit for Oregon's elderly and disabled residents

New construction

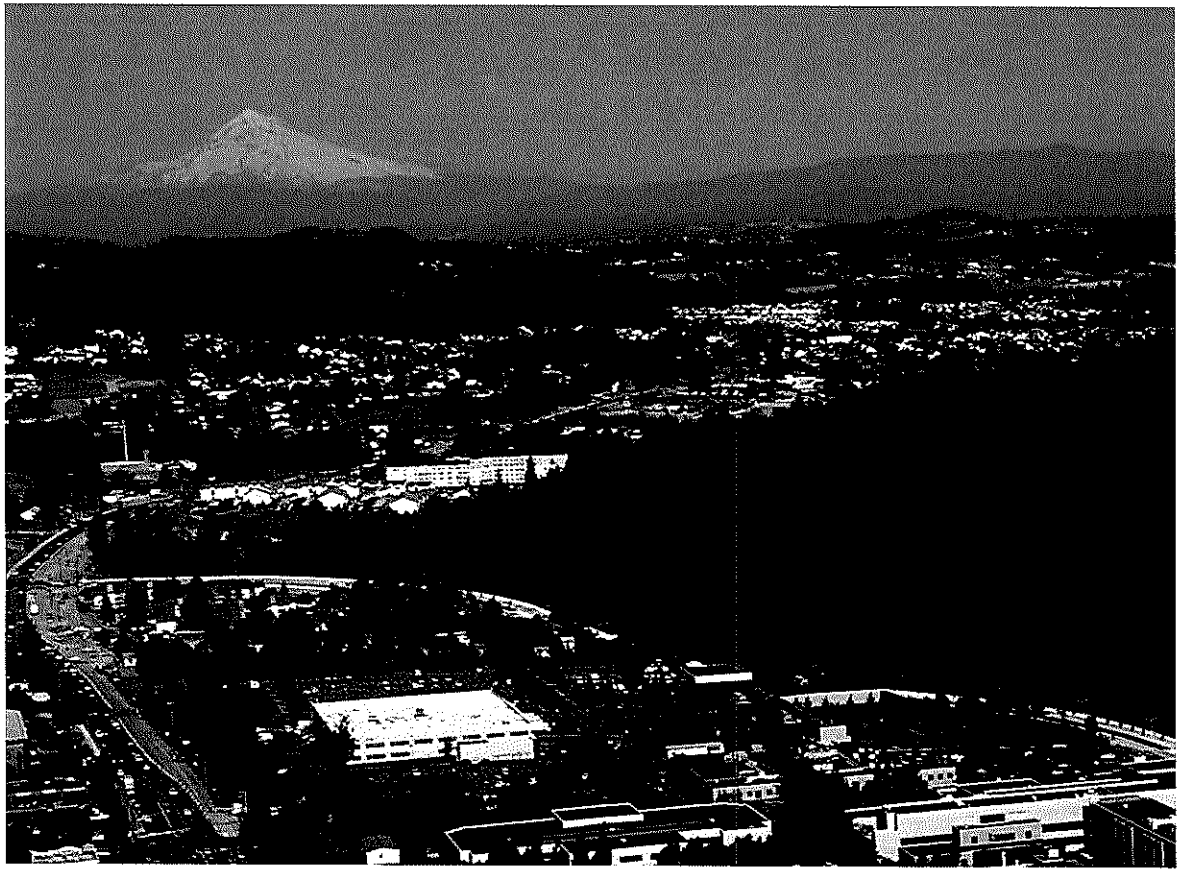


- Gas tax increase for multi-modal "enhance" program for new projects
- Restore Connect Oregon funding to $50 million a year

"Orphan" highways

- State highways that function more like local arterials
- Neglected by ODOT
- A one-cent, 10 year gas tax to ensure needed improvements can happen for safety and convenience of all users

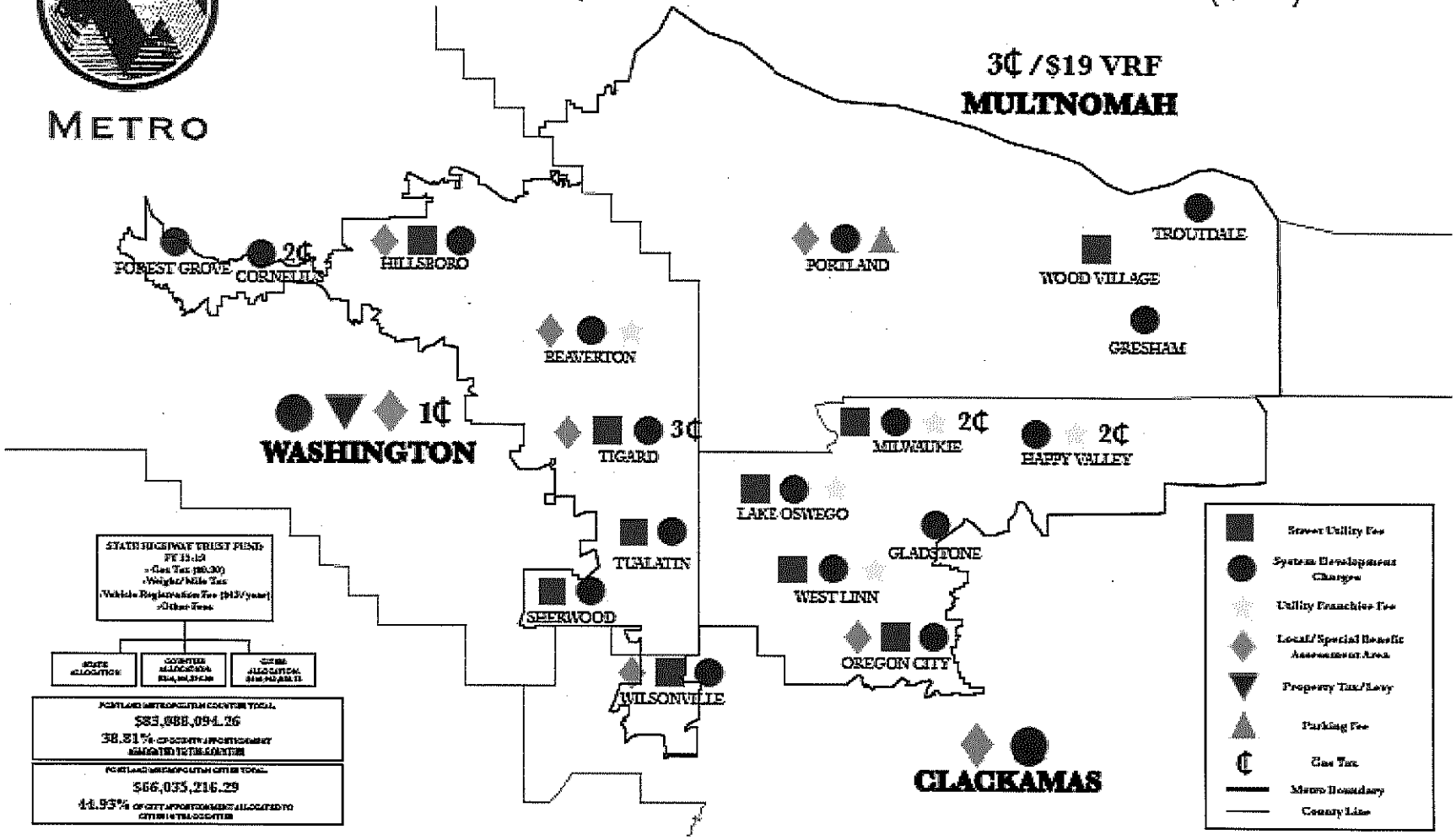
Support for a solution



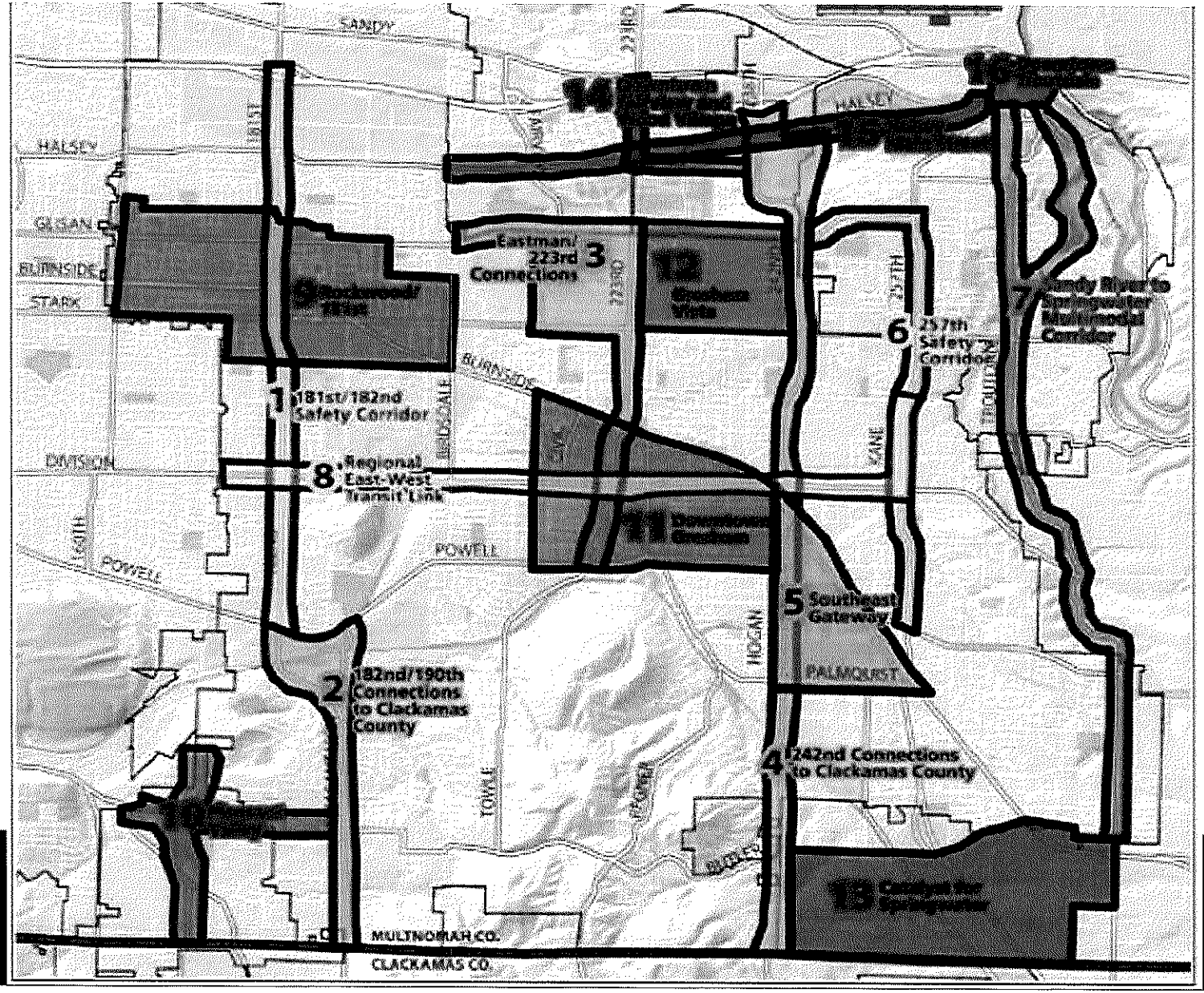
- JPACT, Metro Council have endorsed this proposal
- State representatives need to hear that this is a priority

METRO

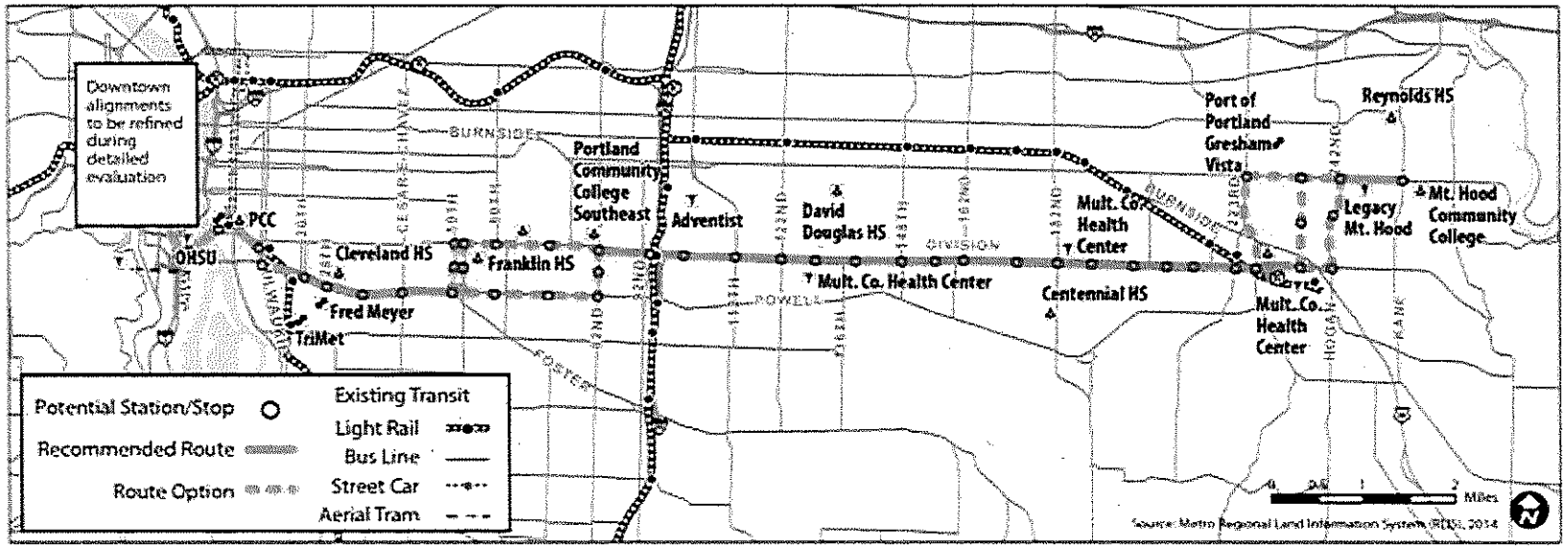
STATE AND LOCAL TRANSPORTATION REVENUE FUNDING SOURCES IN PORTLAND, OREGON METROPOLITAN REGION (2013)



East Metro Connections Plan



Powell-Division

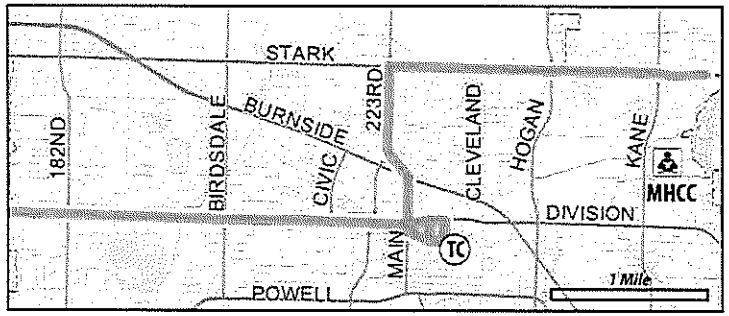


Gresham routes for consideration

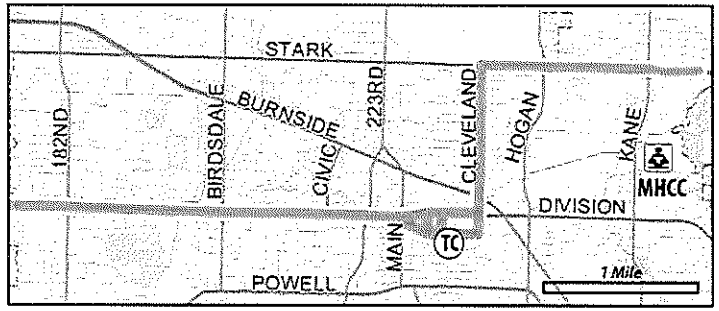
Gresham route options

between Gresham Transit Center and Mt Hood Community College

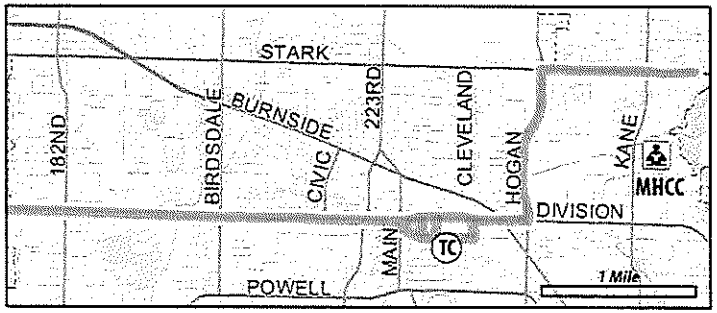
Main/223rd option



Cleveland option



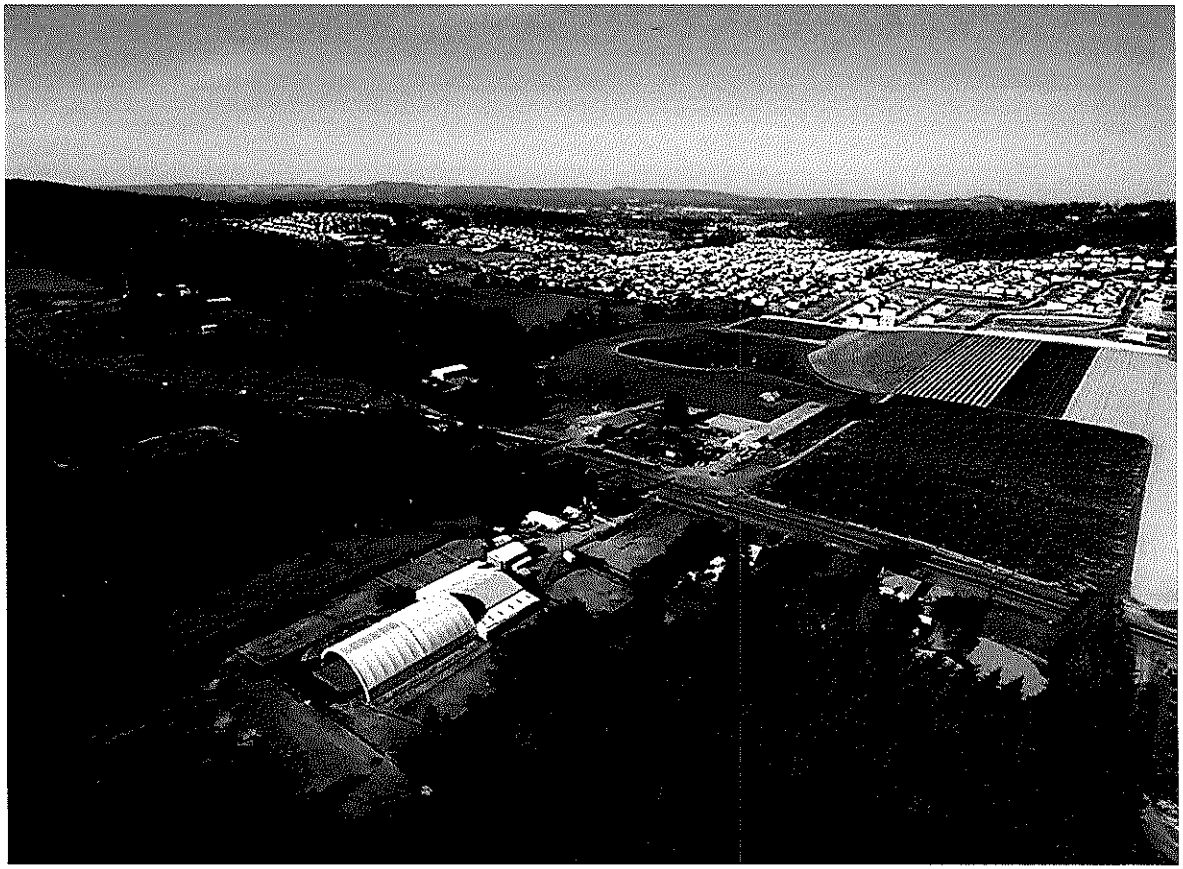
Hogan option



- For more information about the project, go to http://www.oregonmetro.gov/public-projects/powell-division-transit-and-development-project

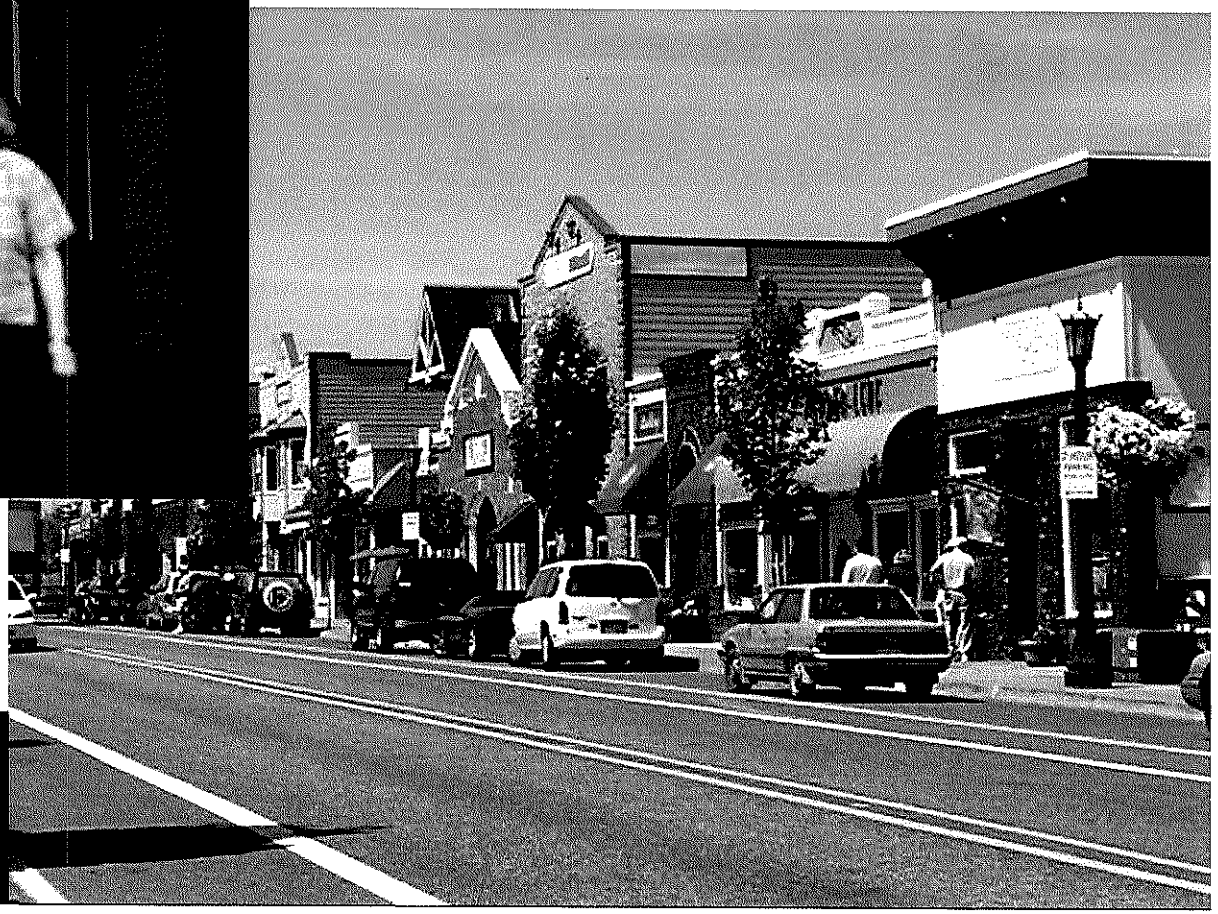
- To take the survey, go to this link, https://www.surveymonkey.com/s/T5QGZF6

2015 Growth Mgmt Decision

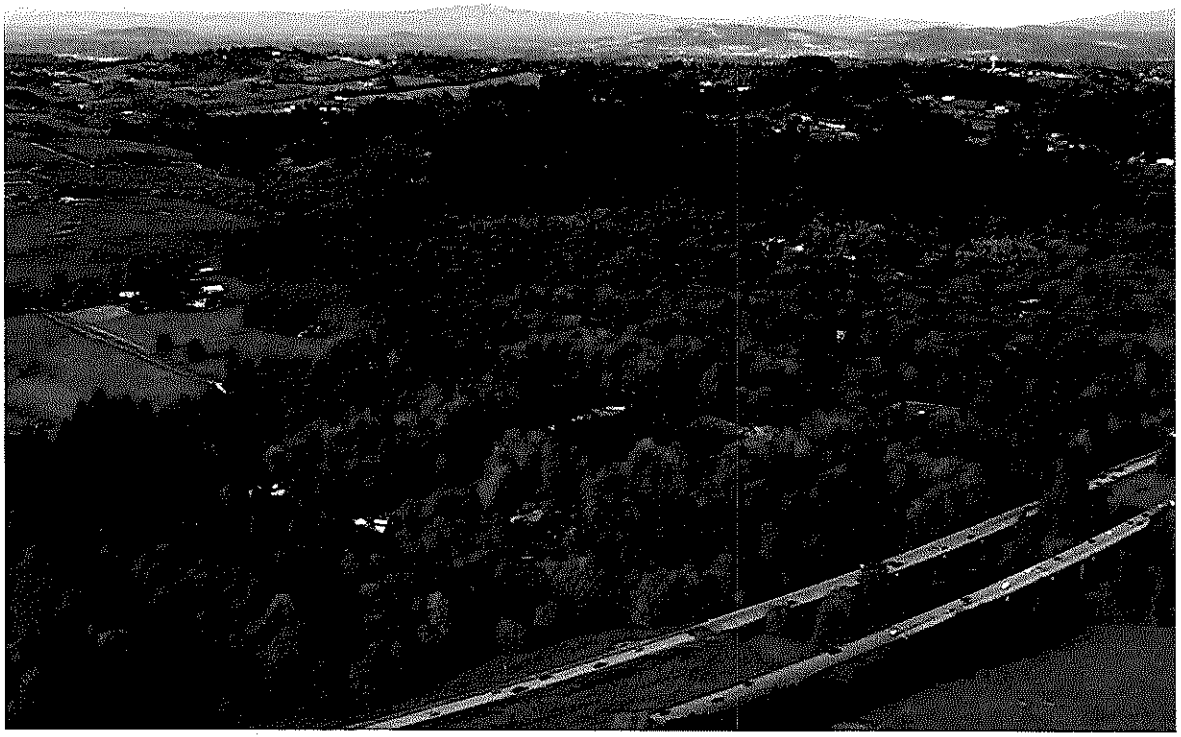


- Discussions with MPAC during first half of the year
- Affordability
- Housing preference
- Infrastructure costs
- Jobs/housing balance
- Other topics

Investing in downtowns and main streets

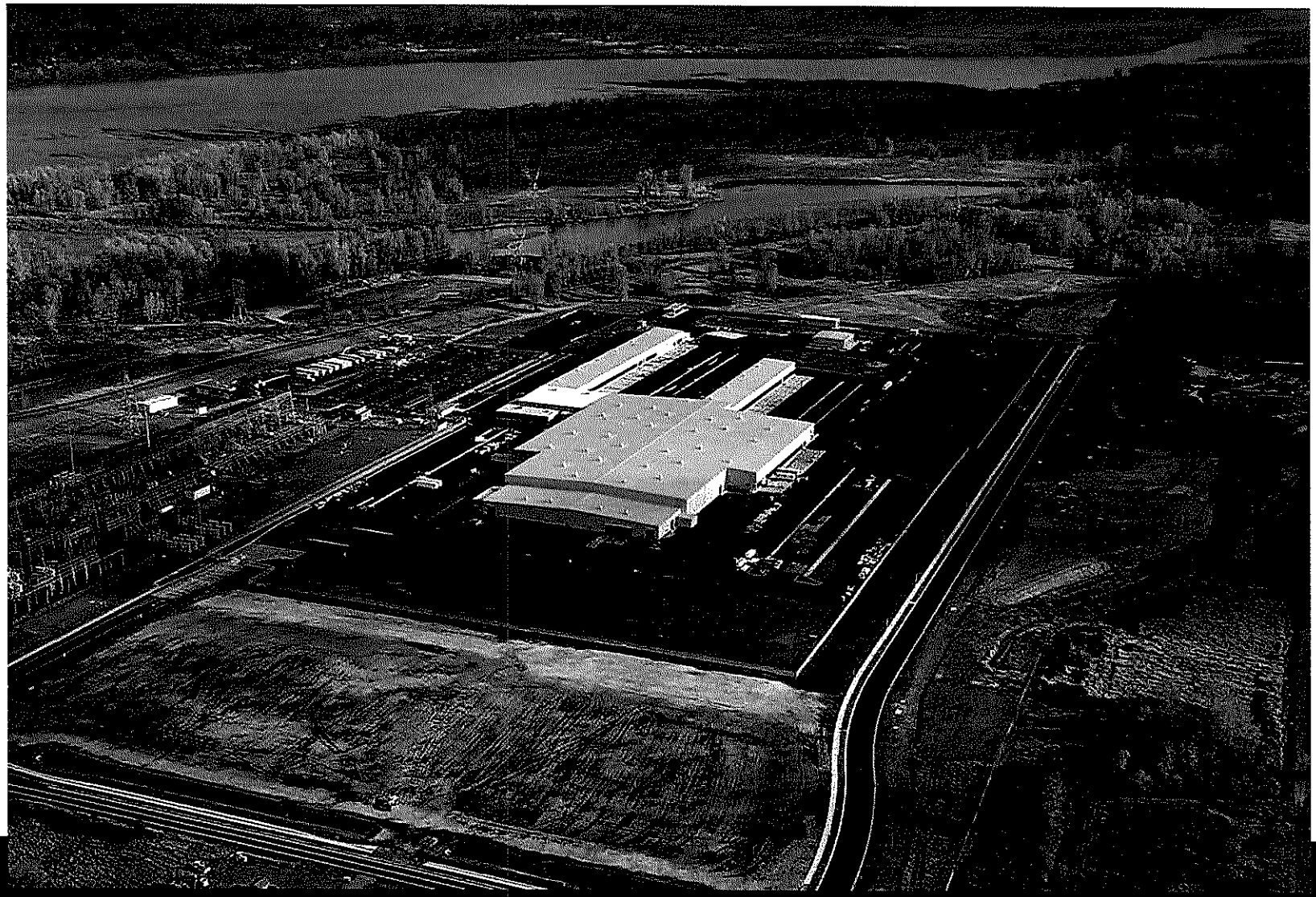


Climate Smart



- Metro Council approved this groundbreaking plan as per recommendation from JPACT and MPAC
- Based on implementing locally-adopted plans

Brownfields legislation



Willamette Falls

- Metro, partners, property owners reached easement agreement on Dec. 11
- Public access to the falls is secured
- A key for spurring private development

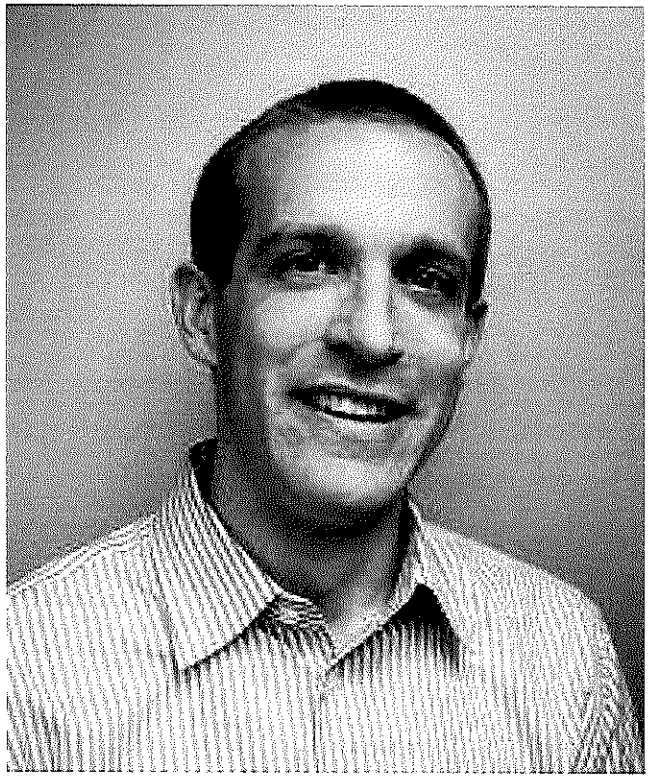
Parks and natural areas system plan

Trails update

- International trails symposium—May 17-May 20 at OCC
- Trail grant opportunity this summer

Solid Waste Road Map

Brian Evans – new Metro Auditor



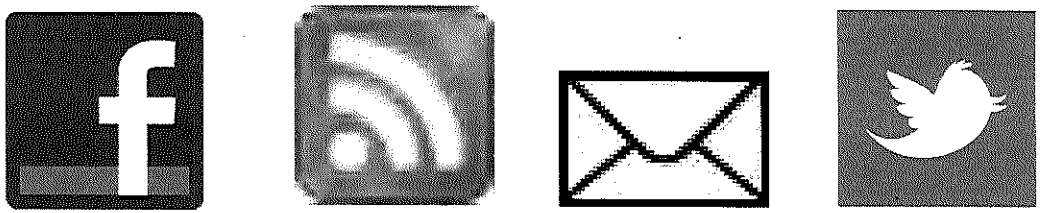
Oregon Zoo

- New space for our elephants
- Open to the elephants in May, open to the public in fall 2015

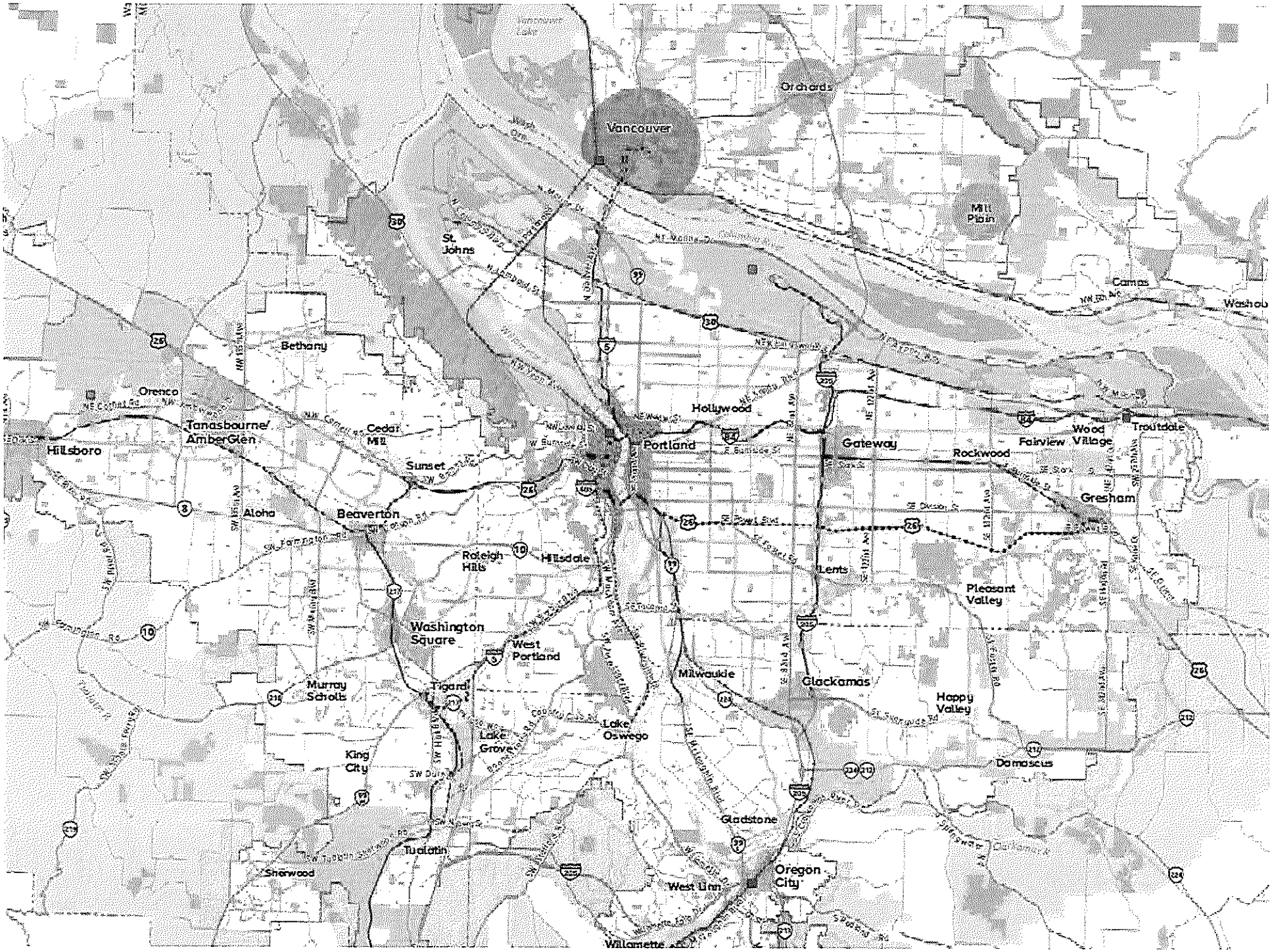
Your questions…

Shirley Craddick
Metro Councilor, District 1
503-797-1547
shirley.craddick@oregonmetro.gov

optin
PORTLAND-VANCOUVER AREA ONLINE PANEL



www.oregonmetro.gov/connect


Orchards
Vancouver
Mill Plain
St. Johns
Camas
Washou
Bethany
Orenco
Hollywood
Tanasbourne/
AmberGlen
Cedar
Mill
Portland
Gateway
Wood
Village
Fairview
Troutdale
Hillsboro
Sunset
Rockwood
Gresham
Aloha
Beaverton
Raleigh
Hills
Hillsdale
Lents
Pleasant
Valley
Washington
Square
West
Portland
Milwaukie
Glackamas
Murray
Scholls
Tigard
Happy
Valley
Lake
Oswego
Lake
Grove
King
City
Damascus
Gladstone
Tualatin
Sherwood
West Linn
Oregon
City
Willamette

Report to Troutdale City Council

WCGCC Annual Report

May 12, 2015

Claude A. Cruz
Executive Director, WCGCC

W·E·S·T COLUMBIA G·O·R·G·E
CHAMBER·OF COMMERCE & VISITOR CENTER

Exhibit B
May 12, 2015 Council Minutes

Contents

- State of the Chamber
- Financials
- Strategic relationships
- Membership
- Operations
- Tourism
- Events
- Challenges
- Future Directions

W·E·S·T COLUMBIA G·O·R·G·E

CHAMBER·OF COMMERCE & VISITOR CENTER

State of the Chamber

- The Chamber has experienced a year of slow but stable growth and change
  - Membership has increased
  - Team has changed and expanded
  - Financial strength has increased
  - Continued leadership in Tourism
- Key partnerships have improved
  - Connection with Troutdale remains strong
  - GACC relationship is on the mend
  - Engagement with Fairview, WV, CL is strong

We're positioned for an even better year

Financials- Assumptions & Process

- Chamber financial year is 7/1 thru 6/30.
- Reporting is accrual-based.
- Separate MoU/TLT financials from Chamber financials.
- Report is based on figures for 7/1/13 thru YTD (2/28/14).
- Several allocations are made:
  - Overhead divided 65% TLT-funded/35% Chamber-funded (per square-footage)
  - Marcia time divided 90% TLT-funded/10% Chamber-funded (per time usage)
  - ED time divided 85% TLT-funded/15% Chamber-funded (per time usage)
- Full-year projection done based on time proration of specific budget items

Financials- Overview

- Financials remain healthy- in spite of funding Exec Director (half-time)
- Modest excess in TLT-funded activities (~$16k) can be applied to tourism mktg plus reserves
- Small deficit on Chamber-funded activities (~$900) is within time-reporting inaccuracy
- Financials do not show up-side: new membership-recruiting pro (Melissa Wright), profit-making Fall Festival of the Arts currently under development

Financials- Apportioned PROJ Full Year- TLT

July 1, 2014 - June 30, 2015 PROJECTED

Annualizing Factor: 1.5 (=12/8)

	Complete P&L FULL YR PROJ		Marcia Time @ 90% of TTL	ED Time @ 85% of TTL	TLT-Funded: Visitor Center	TLT-Funded: Tourism Promotion	Community Events: SummerFest 2013 COMPLETED	SummerFest 2014	SummerFest 2015 PROJ*	Tree Lighting 2013 COMPLETED	Tree Lighting 2014	Tree Lighting 2015
Ordinary Income/Expense												
Income												
Direct Public Support	$611.33				$611.33							
Government Contracts	$71,539.53				$71,539.53							
Special Events Income	$26,975.75							$4,610.50	$21,700.00		$665.25	
Membership Dues	$0.00											
Program Service Fees	$0.00	1.5										
Other Types of Income	$0.00											
Total Income	$99,126.61				$72,150.86			$4,610.50	$21,700.00		$665.25	
Gross Profit	$99,126.61				$72,150.86			$4,610.50	$21,700.00		$665.25	
Expense												
Business Expenses	$0.00											
Bank Fees												
Merchant Services	$398.80	1.5			$398.80							
Bank Penalties/Surcharges	$24.38	1.5			$24.38							
Event Expenses	$17,033.66						$684.75	$6,120.92	$9,800.00		$427.99	
Accounting/Bookkeeping Fees	$2,072.84	1.5			$2,072.84							
Other Contract Services		1.5				$1,050.00						
Equip Rental and Maintenance	$243.57				$243.57							
Rent, Parking, Utilities	$7,800.00	1.5			$7,800.00							
Marketing & Advertising	$1,437.00				$960.00	$217.50			$67.50		$124.50	$67.50
Telephone, Telecommunications	$1,577.48	1.5			$1,577.48							
Other Operations		1.5			$769.47			$60.26	$138.84		$106.88	
Insurance - Liability, D and O	$659.17				$659.17							
Staff Development	$0.00	1.5										
Other Types of Expenses	$414.79				$364.79				$50.00			
Employee Salary & Pyrl Taxes			$25,781.40						$3,510.00			
Exec Director Salary & Pyrl Taxes				$17,495.95					$1,498.50			
Employee Commissions & Pyrl Taxes												
Worker's Comp & Payroll Service			$261.38									
Personnel Travel and Meetings	$744.83				$716.63	$37.44		($7.98)		($1.26)		
Total Expense	$83,079.18		$26,042.78	$17,495.95	$15,587.13	$1,304.94	$684.75	$6,173.20	$15,064.84	($1.26)	$659.37	$67.50
Net Ordinary Income	$16,047.42		($26,042.78)	($17,495.95)	$56,563.72	($1,304.94)	($684.75)	($1,562.70)	$6,635.16	$1.26	$5.88	($67.50)
Net Income	$16,047.42		($26,042.78)	($17,495.95)	$56,563.72	($1,304.94)	($684.75)	($1,562.70)	$6,635.16	$1.26	$5.88	($67.50)

$16,047.42

Apportioned Overhead: TLT 65%, Chamber 35% (based on square footage)

Apportioned ED time: 85% TLT, 15% Chamber (based on ED time-use analysis)

Apportioned Marcia time: 90% TLT, 10% Chamber (based on time-use analysis)

**** Assume 20% membership growth in last 4 months of fiscal year.***

**** Based on SummerFest analysis, about 25% of Event income is received before 2/28 of a given year, with remaining 75% rcvd between 2/28 and 7/1.***

Financials- Apportioned PROJ Full Year- WCGCC

July 1, 2014 - June 30, 2015 PROJECTED

Annualizing Factor: 1.5 (=12/8)

	Complete P&L FULL YR PROJ		Marcia Time @ 10% of TTL	ED Time @ 15% of TTL	Chamber Funded: Operations & Membership	Chamber Funded: Chamber Events: Fall Arts Festival: 2013 COMPLETED	Chamber Funded: Chamber Events: Fall Arts Festival: 2014	Chamber Funded: Chamber Events: Fall Arts Festival: 2015	Chamber Funded: Christmas Dinner
Ordinary Income/Expense									
Income									
Direct Public Support	$0.00								
Government Contracts	$0.00								
Special Events Income	$70.00				$70.00				
Membership Dues	$22,676.78				$22,676.78				
Program Service Fees	$75.00	1.5			$75.00				
Other Types of Income	$90.00				$90.00				
Total Income	$22,911.78				$22,911.78				
Gross Profit	$22,911.78				$22,911.78				
Expense									
Business Expenses	$50.00				$50.00				
Bank Fees									
Merchant Services	$214.74	1.5			$214.74				
Bank Penalties/Surcharges	$13.13	1.5			$13.13				
Event Expenses	$273.57								$273.57
Accounting/Bookkeeping Fees	$1,116.14	1.5			$1,116.14				
Other Contract Services		1.5			$279.00				
Equip Rental and Maintenance	$131.16				$131.16				
Rent, Parking, Utilities	$4,200.00	1.5			$4,200.00				
Marketing & Advertising	$1,150.64				$1,083.14			$67.50	
Telephone, Telecommunications	$849.41	1.5			$849.41				
Other Operations		1.5			$1,255.44				
Insurance - Liability, D and O	$354.94				$354.94				
Staff Development	$847.50	1.5			$847.50				
Other Types of Expenses	$1,597.39				$1,597.39				
Employee Salary & Pyrl Taxes			$2,864.60						
Exec Director Salary & Pyrl Taxes				$3,087.52					
Employee Commissions & Pyrl Taxes					$4,713.98				
Worker's Comp & Payroll Service					$287.25				
Personnel Travel and Meetings	$533.64				$536.16	($2.52)			
Total Expense	$23,820.04		$2,864.60	$3,087.52	$17,529.37	($2.52)	$0.00	$67.50	$273.57
Net Ordinary Income	($908.26)		($2,864.60)	($3,087.52)	$5,382.41	$2.52		($67.50)	($273.57)
Net Income	($908.26)		($2,864.60)	($3,087.52)	$5,382.41	$2.52		($67.50)	($273.57)
						($908.26)			

Apportioned Overhead: TLT 65%, Chamber 35% (based on square footage)

Apportioned ED time: 85% TLT, 15% Chamber (based on ED time-use analysis)

Apportioned Marcia time: 90% TLT, 10% Chamber (based on time-use analysis)

Financials- SummerFest 2014 COMPLETE

	7/1/13-6/30/14	7/1/14-2/28/15	2014- FULL EVENT
Ordinary Income/Expense			
Income			
Special Events Income			
Special Events Contributions	$10,200.00	$3,200.00	$13,400.00
Event Booth Space Rentals	$2,840.00	$390.00	$3,230.00
Ticket Sales	$0.00	$740.50	$740.50
Parade Entry Fee	$360.00	$280.00	$640.00
Total Special Events Income	$13,400.00	$4,610.50	$18,010.50
Total Income	$13,400.00	$4,610.50	$18,010.50
Gross Profit	$13,400.00	$4,610.50	$18,010.50
Expense			
Event Expenses			
Event Entertainment	$0.00	$2,920.00	$2,920.00
Equipment Rental	$1,799.00		1799
Event Advertising	$702.54	$889.05	$1,591.59
Catering-Breakfasts, Luncheons	$0.00	$428.00	$428.00
Event Expenses - Other	$529.96	$1,883.87	$2,413.83
Total · Event Expenses	$3,031.50	$6,120.92	$9,152.42
Operations			
Postage, Mailing Service	$98.00		98
Printing and Copying		$12.00	$12.00
Supplies	$0.67	$28.17	$28.84
Total Operations	$98.67	$40.17	$138.84
Other Costs	$18.18		18.18
Payroll Expenses			
Employee Salaries & Wages	$2,883.55	$906.98	$3,790.53
Pyrl Taxes - Salary & Wages	$320.57	$109.12	$429.69
Total Payroll Expenses	$3,204.12	$1,016.10	$4,220.22
Travel	$49.87	($7.98)	$41.89
Total Expense	$6,402.34	$7,169.21	$13,571.55
Net Ordinary Income	$6,997.66	($2,558.71)	$4,438.95
Net Income	**$6,997.66**	**($2,558.71)**	**$4,438.95**

Financials- SummerFest 2015 PROJECTED

July 1, 2014 - June 30, 2015

	ACTUAL SF 2014 FULL EVENT	TARGET SF 2015 FULL EVENT	% Recognized 7/1/14-6/30/15	PROJ SF 2015 Recognized In 7/1/14-6/30/15
Ordinary Income/Expense				
Income				
49000 · Special Events Income				
49010 · Special Events Contributions	$13,400.00	$18,000.00	90%	$16,200.00
49030 · Event Booth Space Rentals	$3,230.00	$4,000.00		$4,000.00
49050 · Ticket Sales	$740.50	$750.00		$750.00
49060 · Parade Entry Fee	$640.00	$750.00		$750.00
Total 49000 · Special Events Income	$18,010.50	$23,500.00		$21,700.00
Total Income	$18,010.50	$23,500.00		$21,700.00
Gross Profit	$18,010.50	$23,500.00		$21,700.00
Expense				
Event Expenses				
Event Entertainment	$2,920.00	$4,000.00	90%	$3,600.00
Equipment Rental	1799	2000	90%	$1,800.00
Event Advertising	$1,591.59	$2,000.00		$2,000.00
Catering-Breakfasts, Luncheons	$428.00	$450.00		$150.00
Event Expenses - Other	$2,413.83	$2,500.00	90%	$2,250.00
Total Event Expenses	$9,152.42	$10,950.00		$9,800.00
Total Operations	$138.84	$138.84		$138.84
Total Other Types of Expenses	18.18	50		$50.00
Payroll Expenses				
Employee Salaries & Wages	$3,790.53	$3,500.00	90%	$3,150.00
Exec Dir Salary		$1,500.00	90%	$1,350.00
Pyrl Taxes - Salary & Wages	$429.69	$400.00	90%	$360.00
Pyrl Taxes - Exec Dir		$165.00	90%	$148.50
Total Payroll Expenses	$4,220.22	$5,565.00		$5,008.50
Total Personnel Travel and Meetings	$41.89	$50.00		$50.00
Total Expense	$13,571.55	$16,753.84		$15,047.34
Net Ordinary Income	$4,438.95	$6,746.16		$6,652.66
Net Income	**$4,438.95**	**$6,746.16**		**$6,652.66**

Strategic Relationships

- Relationship with Troutdale is healthy
  - Continue to deliver good events, biz support
  - New Council liaison: John Wilson *(thanks, Eric!)*
- Excellent working relationship w/other Cities
  - Good connection with Fairview (Mayor Tostrud), Wood Village (Mayor Smith)
  - Deeper connections with Cascade Locks (Tourism Committee, Port of CL)
- Renewed collaboration with GACC
  - Resignation of prior CEO
  - Presidents, CEO/ED now in alignment--- joint projects, rebuilding trust

W·E·S·T COLUMBIA G·O·R·G·E

CHAMBER·OF COMMERCE & VISITOR CENTER

Membership

- Membership has grown modestly
  - Was ~100 at end of last year, now ~125
- Membership strength is our #1 goal
  - Essential to chamber's health
  - Deliver member value
  - Stabilize Membership staff: Sylvia Maly & Melinda Rimel helped, but have pulled back; (*big thanks to both!*); Just hired Melissa Wright as full-time pro
  - Progress is already perceptible

Operations

- Staffing is still adequate but marginal
  - Marcia covers VC and admin--- health challenges
  - Claude became Exec Director in 8/14, with Chris Holden now as President
  - Marcia needs help: (paid) interns, back-up
  - Staff compensation remains inadequate
- Major change: hired Membership pro
  - Investing more time & energy in Membership
  - Improved commission structure
  - Eventually add another Membership pro
- IT gaps have been filled

W·E·S·T COLUMBIA G·O·R·G·E

CHAMBER·OF COMMERCE & VISITOR CENTER

Tourism

- Continued *huge* progress on Tourism promo
  - Brought Fairview into our Travel Oregon "DMO"
  - Landed multiple grants for Bike Tourism: 2 @ $10k from Travel Oregon, $50k RTO grant (METRO), $10k Keep America Beautiful (WM)
  - Helped produce 5 compelling Gorge videos
  - Collaborating with GACC on Bike Tourism
  - Working with Cascade Locks (Tourism Committee & Port) for Gorge Hubs, events
- Most of this was delivered by Karen Schaaf!

Events

- Chamber continues to deliver high-quality Community Events
  - Successful SummerFest: well-attended; driven by Citizens' Committee under Chamber direction; netted $4400. 2015 projected to net $6600.
- Took a bye on 2014 Fall Foliage Studio Tour
  - Improve/increase marketing for this year's event
  - Re-energize through strong artist engagement
  - Will become a strong tourist draw, money-maker
- Chartered Chamber Events Committee to propose & plan new member-focused events
  - Multi-day, potential fund-raisers

W·E·S·T COLUMBIA G·O·R·G·E CHAMBER·OF COMMERCE & VISITOR CENTER

Internal Challenges

- Grow membership to improve stability
  - More member-oriented events
- Increase member engagement
  - Volunteers to populate Committees
  - Build member value thru B2B support, offers
- Increase staffing & compensation
  - Board & Staff succession planning
  - Still unable to staff VC on peak-season weekends
  - Fund merit pay-raises
- Longer-term, will need larger quarters
  - Room for bigger VC, Interns, Membership, ED

External Challenges

- Solidify GACC collaboration
  - Cross-Chamber support, shared value
- Need to increase capacity
  - Pursue more grants
  - Bigger allocation for tourism promotion- TLT?
  - Build administration capacity- requires further improvement of policies & procedures
  - Broaden base of funding

Future Directions

- Board developed 2 & 5-yr Strategies
- Major 2yr focus: Build Membership
  - Key to financial stability, ability to serve members
- Balance aspirations with Board capacity
- Consolidated working Committees
  - Membership, Events & Volunteers; Finances; Economic Development & Gov't Relations; Marketing & Publicity
- Better structure: revise By-Laws, MoU, policies
- Broader funding (e.g. from other Cities)

Maintain Course, Accelerate!

Agenda Item #2.2
6/23/15 Council Meeting

DRAFT

2015-16 Council Goals

From May 5, 2015 Work Session

1. Demonstrate clear progress on Troutdale Riverfront Development – Cooperate with prospective developers who pursue desirable development plans consistent with feasible public financial constraints. (was Objective A, Measure 1 of Goal 1A)
2. Continue to support desirable development in the Enterprise Zone (EZ), and consider the extension of the EZ prior to the June 2018 expiration. *(was* Objective B of Goal 1)
3. ~~Identify and provide additional parking opportunities in the downtown~~ (was Measure 1 of Goal 2-B)
    a. This was later re-worded to read: Review and decide future of city-owned properties.
4. Continue to remove barriers to development and permitting (was Measure 8 of Goal 2-B)
5. Be proactive and inform the public and property owners about the floodplain mapping changes that result from FEMA's RISK MAP project now in progress. (was Measure 7 of Goal 2-B)
6. Strive to maintain or grow reserve funds throughout the budget process (was Measure 4 of Goal 3-B)
7. Develop options to stabilize public works funds (was Measure 1 of Goal 3-C)
8. Prepare an annual report on the status of city-owned facilities and parks. (was Objective E of Goal 3)
9. Develop a long-term plan to repair or replace city hall (was Objective A of Goal 2)
10. Pursue the connection of the 40-Mile Loop Trail. (Item 2 on Strategic Plan list)
11. Support a more robust Troutdale Airport. (Item #3 on Strategic Plan list)
12. Promote the idea of a Technical Workforce Training Center to provide the trained workforce for TRIP Industries and other local employers (Item #4 on Strategic Plan list)
13. Explore a partnership with Mt. Hood Community College Economic Development Department, tied to our local business hiring needs. (Item #5 on Strategic Plan list)
14. Partner with Multnomah County's CSEC program and Service providers in the "Enhanced collaborative model to combat Human Trafficking" grant application. The commercial sexual exploitation of children (CSEC) encompasses several different crimes, all of them serious. We'll take a collaborative approach to addressing this complex issue that is occurring in our community. (Item #7 on Strategic Plan list)
15. Consider other options for providing fire/life safety services. (was Measure 3 of Goal 3-B)
16. Coordinate with Wood Village and Fairview in the Halsey Corridor development plan, and other economic development opportunities that benefit the three cities. (Item 9 on Strategic Plan list)
17. Consider a storefront initiative to fill empty storefronts. (Item 10 on Strategic Plan list)
18. City Council to take up charter review. (Item 11 on Strategic Plan list)
19. Continue the Mayor's Art Initiative to support and bring resources to local artists. (Item 12 on Strategic Plan list)
20. Support the West Columbia Gorge Chamber on Bicycle Tourism and the Bike Hub development. Strengthen the relationship between the City and the Chamber regarding event planning and tourism goals. (Item 14 on Strategic Plan list)
21. Put concerted effort into finishing Visionary Park before June 2016, in time for the 100-year Celebration of the Historic Columbia River Highway. Add it to Parks Master Plan and CIP list. Support other community, Chamber, and Troutdale Historical Society events related to this once-in-a-lifetime event. (Item 15 on Strategic Plan list)
22. Study Urban Growth Boundary expansion options and coordinate with local Metro and State Officials. (new goal)

** There was no clear direction on whether or not Item #13 on the Mayor Strategic Plan list should be a council goal – *"Troutdale should be part of Oregon's front line discussions of an East County Bridge over the Columbia River, by bringing the future "third bridge" discussion into transportation planning circles."*

CITY OF TROUTDALE

STAFF REPORT

SUBJECT / ISSUE: A resolution continuing Workers' Compensation coverage of volunteers to the City of Troutdale for fiscal year 2015-2016.

MEETING TYPE: City Council Regular Mtg.	**MEETING DATE:** June 23, 2015 **STAFF MEMBER:** Erich Mueller **DEPARTMENT:** Finance & Risk Mgt
ACTION REQUIRED Consent Agenda Item **PUBLIC HEARING** No	**ADVISORY BOARD/COMMISSION RECOMMENDATION:** Not Applicable

STAFF RECOMMENDATION: *Adopt the Resolution as drafted by staff.*

Subject / Issue Relates To:

☐ Council Goals ☐ Legislative ☒ Other (describe)

Issue / Council Decision & Discussion Points:

- Continued insurance coverage through City County Insurance Services (CIS)
- Workers' compensation coverage to be continued for the classes of volunteer workers, (such as Troutdale elected officials), is necessary.

BACKGROUND:

Insurance coverage provided through City County Insurance Services (CIS) Trust membership is governed by the CIS Trust Agreement, Bylaws and Rules. The City's membership in CIS dates from resolution 1581 in September 2001 and our Membership was amended and renewed in June 2009 with resolution 2015 and resolution 2169 in July 2012.

Reviewed and Approved by City Manager:

The City has continued to receive various risk management services, including risk financing, loss prevention and loss control programs, claims management and legal representation, risk management consulting, data gathering, information sharing, training and related services.

The coverage is provided through the CIS Trust for Workers' Compensation, which is considered a self-insured employer group under ORS 656.430. The resolution continues coverage and membership in the employer group. The resolution, pursuant to ORS 656.031, revises the volunteer codes covered and continues workers' compensation coverage to the classes of volunteer workers, including elected officials.

Assumed minimum wages are used to calculate premiums. Coverage is for elected officials, volunteer boards, commission, and committees for the performance of administrative duties, reserve officers, and court-mandated community service workers/inmates on work release

PROS & CONS:

Approve the resolution to continue to provide workers' compensation coverage of volunteers to the City.

Not approve the resolution, creating employer liability exposure for the City, risk associated with volunteers and create unknown liability exposures by placing the City's insurance coverage in doubt.

RESOLUTION NO.

A RESOLUTION CONTINUING WORKERS' COMPENSATION COVERAGE OF VOLUNTEERS TO THE CITY OF TROUTDALE FOR FISCAL YEAR 2015-2016.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City of Troutdale elects pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteer workers as reported on the periodic payroll schedules, and subject to CityCounty Insurance Services (CIS) policy terms and conditions.

2. An aggregate assumed annual wage of $2,500 will be used per volunteer board, commission and/or council for the performance of administrative duties;

3. An assumed monthly wage of $800 per month will be used for public officials for the performance of manual labor above and beyond the administrative duties covered by finding 2 above;

4. Non-public safety volunteers will keep track of their hours and have their assumed payroll reported in the correct class code listed on the CIS Payroll Schedule for the type of work being performed using Oregon minimum wage;

5. Court-mandated community service workers/inmates on work release who are sentenced by the City of Troutdale's Municipal Court will keep track of their hours and have their assumed payroll reported in Class Code 7720V using Oregon minimum wage;

6. A roster of active volunteers will be kept monthly for reporting purposes. It is acknowledged that CIS may request copies of these rosters during year-end audit; and

7. Unanticipated volunteer projects or exposure not addressed herein will be added onto City of Troutdale's coverage agreement (1) by endorsement, (2) with advance notice to CIS, and (3) allowing two weeks for processing. It is hereby acknowledged that coverage of this type cannot be backdated.

8. The City of Troutdale elects to provide workers' compensation coverage to the following classes of volunteers: Public officials on unpaid boards, commissions, committees and councils (Code 8742V), Public officials performing manual labor (Code 8742V), Court–Mandated Community Service Workers/Inmates (Code 7720V), and All other volunteers (Codes: 5506V, 7520V, 7580V, 8810V, 9015V, 9061V, 9063V, 9079V, 9102V, 9402V, & 9403V).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. The City of Troutdale does hereby provide for workers' compensation insurance coverage as indicated above.

Section 2. The signature dates below notwithstanding, the effective date of coverage shall be July 1, 2015 and shall remain in effect until coverage is canceled or otherwise rescinded.

Section 3. City Manager, Craig Ward, and or the City Risk Manager and Finance Director, Erich Mueller, are each hereby authorized to execute on behalf of the City any further documents that may be needed as necessary, or appropriate to give full force and effect to the terms and intent of this resolution, and the execution thereof by either shall be conclusive as to such determination.

Section 4. Resolution No. 2169 which provided for workers' compensation insurance coverage with CIS effective July 1, 2012, is hereby rescinded effective July 1, 2015.

Section 5. Upon adoption, this Resolution shall be effective as of July 1, 2015.

YEAS:
NAYS:
ABSTAINED:

_____
Doug Daoust, Mayor

Date_____

_____
Debbie Stickney, City Recorder
Adopted:

Agenda Item #4
6/23/15 Council Meeting

MT. HOOD CABLE REGULATORY COMMISSION

Serving Multnomah County and the Cities of Fairview, Gresham, Portland, Troutdale and Wood Village

May 20, 2015

RECEIVED
MAY 26 2015
CITY RECORDER'S OFFICE
CITY OF TROUTDALE

Debbie Stickney
City Recorder
City of Troutdale
104 SE Kibling Avenue
Troutdale, OR 97060

Dear Ms. Stickney,

The Mt. Hood Cable Regulatory Commission (MHCRC) presents the enclosed FY2015-16 budget request for Council consideration on Tuesday, June 23 and recommends approval. The budget has been extensively reviewed by the MHCRC and by a budget subcommittee of the MHCRC. The MHCRC unanimously approved the budget recommendation on May 18 for submission to each jurisdiction.

Troutdale Council appointed MHCRC Commissioner, Norm Thomas, and a member of MHCRC staff will attend the meeting to answer any questions the Council may have.

Should you need additional information, please do not hesitate to contact me.

Sincerely,

Mary Beth Henry
MHCRC Director

MT. HOOD CABLE REGULATORY COMMISSION

Serving Multnomah County and the Cities of Fairview, Gresham, Portland, Troutdale and Wood Village

PROPOSED BUDGET
FISCAL YEAR 2015-16

Commission Approved: May 18, 2015

Commission Members

Carol Studenmund, Chair
Mike Bennett
Sue Diciple
Toya Fick
Rich Goheen
Leif Hansen
Scott Harden
Norman Thomas

Staff
Mary Beth Henry, Staff Director
Julie S. Omelchuck, Program Manager
503-823-5385
www.mhcrc.org

MT. HOOD CABLE REGULATORY COMMISSION

OVERVIEW

The Mt. Hood Cable Regulatory Commission (MHCRC or Commission) was created by Multnomah County and the cities of Fairview, Gresham, Portland, Troutdale and Wood Village for the purposes of:

- **Advocating for and protecting the public interest in the regulation and development of cable communication systems;**
- **Monitoring and helping resolve cable subscribers' concerns; and,**
- **Facilitating the planning and implementation of community uses of cable communication technologies.**

Each Jurisdiction appoints citizen representatives to the MHCRC. Over the past year, these appointees, with staff support, have committed hundreds of hours to deeply understand the issues and local impacts of an ever-evolving technology, regulatory and business model landscape. They attended numerous MHCRC meetings, committee meetings and work sessions, kept abreast of issues of concern to their Jurisdictions, presented information at city council and county commission meetings, and served as ex officio Board members for Portland Community Media (PCM) and MetroEast Community Media (MetroEast), all in service to the Jurisdictions and their communities.

The MHCRC regulates and oversees cable service franchises with four companies, serving the following areas:

Comcast: Portland, Gresham, Troutdale, Fairview, Wood Village and Multnomah County
Frontier: Gresham, Troutdale, Fairview and Wood Village
Century Link: Portland
Reliance Connects: unincorporated east Multnomah County

The MHCRC contracts for staff and other support services through a services agreement with the City of Portland. The MHCRC funds an equivalent of four full-time (4 FTE) staff positions plus related materials, services, financial and administrative costs. Each member Jurisdiction annually contributes to the MHCRC's Operations Budget. The Jurisdictions' fund about half the Operations Budget and other MHCRC resources fund the remaining portion.

The MHCRC consistently focuses on community needs as it keeps on foot firmly planted in today's legal and public policy landscape in order to steward existing public benefits, while stepping out to explore possibilities and opportunities to help ensure a sound and vital digital future for our communities.

Please refer to the MHCRC's FY14-15 Annual Report and website (www.mhcrc.org) for more detail about activities and accomplishments.

MHCRC FY2015-16 FUND BUDGET

BUDGET PROCESS OVERVIEW

According to the Intergovernmental Agreement (IGA) among the Jurisdictions that created the MHCRC, the MHCRC must gain approval of its Fund Budget by every member Jurisdiction. The MHCRC's Finance Committee developed a detailed FY2015-16 budget in consultation with MHCRC staff. On May 18, 2015, the MHCRC approved the proposed budget to forward to the Jurisdictions for consideration. The MHCRC provides the proposed Fund Budget to city and County staff in advance of the city councils' and the County Commission's consideration of the budget.

BUDGET NARRATIVE

The MHCRC's FY 2015-16 Fund Budget is presented on page 5.

Nearly all of the MHCRC's resources are funds collected from the cable companies and the expenditures are the disbursement of those funds to the member Jurisdictions, the community media providers (MetroEast Community Media (MetroEast) and Portland Community Media (PCM)), and the Community Grants recipients. These disbursements are governed by the IGA and by the cable services franchise agreements.

Fund Resources

The amount of MHCRC resources from year to year is largely dependent on the gross revenues of the cable companies since franchise fees and the PEG/I-Net Capital Fee (community grants, I-Net and community media capital) are based on a percentage of the companies' gross revenues.

FY15-16 Fund resources are projected to slightly increase over FY14-15. The budget also includes a beginning fund balance of little more than $9.4 million. Detail on each Fund resource follows:

Franchise Fees: The Commission collects all cable services franchise fees for Gresham, Troutdale, Fairview, Wood Village and Multnomah County from Comcast, Frontier and Reliance Connects cable franchises. The MHCRC has conservatively projected a slight increase in franchise fee revenues growth based on the rapidly changing video marketplace, even though the cable companies have continued to remain financially healthy. The MHCRC uses both historical franchise fee data and industry documentation to project franchise fee revenues.

Operating Budget Appropriation - Portland: The MHCRC collects funds from the City of Portland for its share of the MHCRC's operating budget. The other MHCRC jurisdictions' appropriations are allocated from the cable services franchise fees collected by the MHCRC.

Interest Earned: The MHCRC collects interest on its Fund. Interest revenue is projected to increase over the previous couple of years' earnings.

PEG/I-Net Capital Fee: All franchised cable companies pay 3% of their gross revenues related to video services to the MHCRC as dedicated funding for the community media providers' capital funding, I-Net infrastructure and community grants (see specific disbursements under Fund Expenditures below). A small portion also funds the MHCRC's compliance program costs to administer, oversee and disburse the capital funds.

Beginning Fund Balance: The beginning balance is primarily capital funds projected to be unspent in FY14-15, which the MHCRC plans to expend or retain as contingencies in FY15-16.

The FY 15-16 Beginning Fund Balance projection is attributable to the following:
Interest cumulative balance: $246,881
Compliance Program carry over: $499,620
Access Corporation Capital Fund contingency: $229,240
I-Net Fund contingency: $400,000
Community Grants carryover/encumbrances: $7,268,468
Community Grants contingency: $800,000
FY13-14 budget remaining for credit to Jurisdictions: $31,831

Fund Expenditures

Nearly all of the MHCRC's expenditures are the disbursement of franchise fees and PEG/I-Net Capital Fees governed by the IGA and by the cable services franchises. The significant increase in the Community Grants line item is due to the MHCRC's launch of the TechSmart Initiative in Fall 2014 (see below under Community Grants).

Franchise Fee Balance to the Jurisdictions: This line item expenditure is calculated based on the total amount of franchise fees the MHCRC collects and subtracting the amount each Jurisdiction appropriates to the Commission's Operating Budget and the amount of community access payments to MetroEast and PCM in accordance with the IGA (detail contained in Appendix 1, page 7).

Community Access Payments: In accordance with the IGA, the MHCRC distributes 60% of the East County Jurisdictions' franchise fees to MetroEast and 60% of West Multnomah County franchise fees to PCM. These dedicated funds are used to provide media and technology services to the community (detail contained in Appendix 2, page 10).

MHCRC Operating Budget: This expenditure represents the total MHCRC operating budget (line item detail contained in Appendix 1, page 8).

Access Corporation Capital: The MHCRC distributes funds from the cable companies dedicated to support the capital needs of MetroEast and PCM. These payments are made in accordance with the IGA and the cable services franchise agreements (detail contained in Appendix 2, page 10).

I-Net Grants: Schools, libraries and local governments use the I-Net for their broadband network connectivity. The MHCRC reimburses these public agencies and Comcast for capital costs related to I-Net connections, equipment for use of the I-Net, and network infrastructure and electronics upgrades. The reimbursements are made in accordance with the cable franchise agreements.

Community Grants: The MHCRC is the grant-making body for the Community Grants program. The Community Grants program has two funding opportunities: Community Technology Grants and the TechSmart Initiative for Student Success. The budget amount includes both funds to be awarded in FY15-16 and encumbrance amounts for current grants. The grants are made in accordance with the IGA and the cable services franchise agreements.

Community Grants Contingency: The MHCRC annually budgets about 10% of the funds allocated for community grants as a contingency to cover unanticipated community needs and opportunities.

BUDGET HIGHLIGHTS

Jurisdictions' FY15-16 Appropriations Reduced
The MHCRC underspent its operations budget by nearly $32,000 in FY13-14, which will be credited to the jurisdictions' budget appropriations in FY15-16 (detail contained on page 7).

Community Grants Program
With the launch of the TechSmart Initiative for Student Success in Fall 2014, the MHCRC has continued its partnership with the public school districts in Multnomah County to determine strategic grant investments focused on improving academic outcomes for all students. The TechSmart Initiative investments are made on a rolling basis largely determined by the district's readiness and capacity to implement the grant-funded project. Thus, the MHCRC has completed the first round of funding with two Districts (David Douglas and Parkrose) with the remaining Districts expected to have completed grant agreements in FY15-16.

MHCRC's Operating Budget – Line Item Detail
The proposed operating budget largely represents status quo from the current year budget. The MHCRC anticipates that FY15-16 will be a "future focus" and planning year. Considering a break between cable franchise renewals, the rapidly evolving technology and related public policy landscape, and the TechSmart Initiative now in the implementation phase, the MHCRC is turning its sights on the future. MHCRC intends to work with its jurisdictions, stakeholders and communities to identify needs and opportunities for our broadband future. The budget includes professional services funds to assist the MHCRC in this endeavor.

MHCRC FUND BUDGET
FISCAL YEAR 2015-16

	2013-14 Actual	2014-15 Revised	2015-16 Proposed
RESOURCES			
E. County Franch. Fees, Comcast	1,345,581	1,384,440	1,385,875
E. County Franch. Fees Mult West, Comcast	102,020	103,720	105,101
E. County Franch. Fees, Frontier & Reliance	237,458	234,225	252,458
Operating Budget Appropriation-Portland	277,299	288,791	296,435
Interest Earned	43,567	30,000	50,000
PEG / I-Net Capital Fee	5,042,539	5,132,946	5,291,280
Total Resources	**7,048,464**	**7,174,122**	**7,381,149**
Beginning Fund Balance	7,100,259	9,464,778	9,476,040
Total	**$14,148,723**	**$16,638,900**	**$16,857,189**
EXPENDITURES			
Franchise Fee Balance to Jurisdictions	524,706	533,450	548,895
Community Access Pmt, E. County (MetroEast)	949,825	970,632	983,000
Community Access Pmts, Mult. West (PCM)	61,213	62,800	63,061
MHCRC Operating Budget	597,561	837,399	923,587
Access Corporation Capital	1,735,530	1,539,883	1,587,551
I-Net Grants	313,081	208,569 *	751,350
Community Grants	1,115,944	3,010,127 *	9,100,000
Community Grants Contingency	0	0	800,000
Total Expenditures	**$4,683,945**	**$7,162,860**	**$14,757,444**
Ending Fund Balance	9,464,778	9,476,040	2,099,745
Total	**$14,148,723**	**$16,638,900**	**$16,857,189**

Projected *

APPENDIX ONE

FRANCHISE FEE REVENUE AND DISPURSEMENT DETAIL

MHCRC OPERATING BUDGET-LINE ITEM DETAIL

BUDGET ALLOCATION BY JURISDICTION

FRANCHISE FEE REVENUES AND DISBURSEMENTS
FISCAL YEAR 2015-16

Jurisdictions	Franchise Fees	MetroEast	PCM	Budget Appropriation	FY 2013-14 Admin Balance	Payments to Jurisdictions
Portland	$7,076,292 *		$865,957 *	$296,435	(20,690)	NA
MULTNOMAH CO., EAST	70,823	42,494		13,536	(945)	15,738
MULTNOMAH CO., WEST	105,101	N/A	63,061	N/A	N/A	42,040
GRESHAM	1,226,105	735,663		114,319	(7,979)	384,102
TROUTDALE	194,249	116,549		17,255	(1,204)	61,649
FAIRVIEW	116,088	69,653		11,493	(802)	35,744
WOOD VILLAGE	31,068	18,641		3,016	(211)	9,622
Total, East County	$1,743,434	$983,000	$63,061	$159,619	($11,141)	$548,895
Total				$456,054	($31,831)	

* For information purposes only: The MHCRC does not collect franchise fee revenues for the City of Portland or disburse PCM operational funds.

FRANCHISE FEE BALANCE TO EAST COUNTY JURISDICTIONS-Prior Years:

Jurisdictions	FY 2011-12 Actual	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Adopted
MULTNOMAH CO., EAST	8,870	17,502	13,430	14,749
MULTNOMAH CO., WEST	36,444	39,478	40,807	41,866
GRESHAM	310,504	401,195	365,348	371,605
TROUTDALE	56,214	65,886	60,671	60,219
FAIRVIEW	32,438	38,573	35,330	35,877
WOOD VILLAGE	8,038	10,119	9,120	9,134
TOTAL	$452,508	$572,753	$524,706	$533,450

COMMISSION OPERATING BUDGET - Line Item Detail
(Includes Capital Compliance Program)

Acct.	Title	FY2013-14 Actual	FY2014-15 Revised	FY2015-16 Proposed
51xxxx	Personnel - MHCRC Admin	414,137	471,242	500,054
619010	Indirect Personnel - Bureau Suppo	30,850	28,590	29,907
	Personnel Services	$444,987	$499,832	$529,961
521000	External Fund Audit	12,020	12,000	13,000
521000	Professional Services	19,250	106,350	134,700
529000	Miscellaneous Services	5,595	1,800	3,100
531000	Office Supplies	2,368	2,500	2,575
532000	Operating Supplies	4,017	1,960	700
541000	Education	5,769	8,375	10,725
542200	Local Travel	621	1,800	1,600
542400	Out-of-Town Travel	612	4,000	3,800
548000	Rent Columbia Square	28,985	29,925	38,760
549000	Miscellaneous	2,509	1,400	1,400
	External Materials and Services	$81,746	$170,110	$210,360
6512xx	Print/Distribution	3,799	6,936	5,258
651302	Facilities Services	833	359	302
6514xx	EBS Services	27,012	22,777	15,237
6515xx	Information Technology (IT)	14,241	11,353	17,812
6516xx	Insurance/Workers Comp	5,257	4,821	6,846
652200	Technical Accounting IA	4,122	12,000	12,000
652233	Legal Services IA	15,564	15,661	16,811
652253	Mgmt Services (Bus Ops) IA		15,000	15,000
	Internal Services	70,828	88,907	89,266
572101	GF Overhead (charged direct to fund)		25,000	25,000
54900	Contingency - General		53,550	69,000
	Fund Level Expenditures	$ -	$ 78,550	$ 94,000
	Total	$ 597,561	$ 837,399	$ 923,587
	Appropriation from Jurisdictions	426,614	444,294	456,054
	Appropriation from Fund Complian	202,778	393,105	438,513
	Fund Level Appropriations	$ 629,392	$ 837,399	$ 894,567
	Interest Revenue Allocation	$ -		$ 29,020
	Reimbursement to Jurisdictions	$ (31,831)		

BUDGET ALLOCATION BY JURISDICTION
COMMISSION OPERATING BUDGET
FY 2015-16

City of Portland Appropriations	$296,435
East County Appropriations	$159,619
Operating Budget Total:	$456,054

JURISDICTION	Subscriber Distribution		FY 2015-16 Proposed	FY 2015-16 % Allocation
Portland			$296,435	65.0%
East County	No. Of Subs	Perc. Distr.		
Gresham	21,264	71.62%	$114,319	25.1%
Multnomah Co.	2,518	8.48%	$13,536	3.0%
Troutdale	3,209	10.81%	$17,255	3.8%
Fairview	2,137	7.20%	$11,493	2.5%
Wood Village	562	1.89%	$3,016	0.7%
East County Total	29,690	100.00%	$159,619	35.0%
Total			$456,054	100.0%

Budget Allocation Comparison

JURISDICTION	FY 2013-14 Actual	FY 2014-15 Adopted	FY 2015-16 Proposed
Portland	$231,021	$288,791	$296,435
East County			
Gresham	$107,025	$112,677	$114,319
Multnomah Co.	$13,540	$12,720	$13,536
Troutdale	$15,498	$16,499	$17,255
Fairview	$10,191	$10,590	$11,493
Wood Village	$3,061	$3,017	$3,016
East County Total	149,315	155,503	159,619
Total	380,336	444,294	456,054

APPENDIX TWO

COMMUNITY MEDIA DISBURSEMENT DETAIL (MetroEast and PCM)

The MHCRC administers two contracts with the community media providers that serve the Jurisdictions. Attachment 1 presents the FY 2015-16 budget for MetroEast Community Media (MetroEast), as adopted by the MetroEast Board of Directors. MetroEast serves the East Multnomah County area. Attachment 2 presents the FY 2015-16 budget for Portland Community Media (PCM), as adopted by the PCM Board of Directors. PCM serves the City of Portland area.

The community media providers receive funding for both operations and capital expenditures. Most of PCM's operational resources come from a grant agreement between PCM and the City of Portland and are not included in the MHCRC's fund budget. MetroEast receives operational resources, in accordance with the IGA that created the MHCRC, based on 60 percent of the cable franchise fees for the East County area. Both organizations receive capital funding from PEG/I-Net Capital Fees dedicated for this use.

A summary of resources provided to the community media centers is included below.

1. MetroEast Community Media:

Community Access Funding: East County	$ 983,000
Community Access Capital Funding: MHCRC	$ 635,020
Total	$ 1,618,020

2. Portland Community Media:

Access Funding: Portland General Fund	$ 865,957
Community Access Funding: West Mult. County	$ 63,061
Community Access Capital Funding: MHCRC	$ 952,531
Total	$ 1,881,549

MetroEast Community Media

FY 2015-16 BUDGET NARRATIVE

nurturing democracy, inspiring creativity

MetroEast Community Media, East Metro's truly local electronic media, pursues its mission of building community through media by promoting broad participation in civic and cultural life through the effective use and understanding of community media. A non-profit organization, MetroEast provides East Metro residents, community organizations, local governments, and schools free and low cost access to the medium of television and other means of distribution, media literacy training, and video production.

MetroEast and citizen-produced programming is distributed to over 65% of East Metro households and over 400,000 households in the Portland metropolitan region. MetroEast produces city council meetings and work sessions and other government and community meetings as well as programming used as educational and informational tools at meetings, community forums and in classroom settings.

WHAT WE DO

MetroEast produces and facilitates programming with many diverse partners and on wide-ranging topics. MetroEast partnered with over 275 community organizations and will facilitate about 6,000 hours of local and locally-sponsored programming in FY 2014-15, including:

- Live and taped coverage of East Metro local governments, including city council and planning commission meetings and budget and special hearings as well as the Rockwood Water PUD, and Metro.
- Working with educational partners in East Multnomah County to produce programs on academic and extracurricular activities in local schools, coverage of school board meetings and programs on school safety.
- Working with students from elementary through secondary schools to develop student-produced programming for students of differing abilities and backgrounds.
- The only regular electronic media coverage of East Metro area events and public affairs.
- Fostering citizen involvement through programs such as *Candidate Speak Out*, a live call-in for local candidates, *Community Hotline*, and its Spanish language companion program, *Comunidad*, live programs where community organizations provide information and answer questions about their services.
- Coverage of local community events such as the Gresham Area Chamber of Commerce's public affairs forums, Troutdale's *Summerfest*, Wood Village's *Night Out*, Gresham's *Teddy Bear Parade*, *Senior Showcase*, *Music on the Air* and *Holiday Showcase*.

HOW WE DO IT

MetroEast provides these services by creating access to technology, training to effectively use that technology and transmission of the programs created over cable channels and on the web. For the past several years, use of MetroEast facilities and hours of programming has continued at high levels. In FY 2014-15, MetroEast anticipates that it will:

- Offer training to 400 people in 100 classes
- Produce and facilitate 6,000 hours of programming by, for and about East Metro, its residents and their concerns and issues

- Have 300 volunteers give 10,000 hours of their time and talents to MetroEast and the community
- Loan equipment to community members who are creating programming for and about the East Metro area for more than 30,000 hours.
- Provide more than 75 hours of staff assistance and support to the public each week, an annual total of more than 3,900 hours.

PREPARING FOR THE FUTURE

Working with the results of the MHCRC's needs ascertainment and its own survey of East Metro nonprofit public benefit organizations and a scientific survey of community needs, MetroEast continues to pursue the strategic plan it updated in FY 2012-13. The plan continues MetroEast's high standards of service to the community by adopting new production and transmission technologies and providing training on how to use them. Implementation is ongoing, with new undertakings being initiated almost monthly.

MetroEast pursues its strategic directions through new activities such as providing training and access to new methods of program distribution and production and producing new programs designed to increase public knowledge about the activities of East Metro local governments and our communities.

In response to rapid technological changes and to a rapidly changing community, MetroEast will initiate a new strategic planning process by conducting a new community needs assessment in FY 15-16.

THE NUMBERS

Overall, the FY 2015-16 budget looks similar to previous years. While MetroEast's financial situation remains sound and has improved markedly from the crisis year of FY 2009-10, the impact of the cuts made then continue, including decreased personnel.

Due to changes in the health insurance market, personnel costs are uncertain but overall personnel costs will increase only moderately in FY 2015-16. MetroEast employees will receive small raises. Despite rapidly increasing benefits costs, personnel expenses for the years from FY 2010-11 through FY 2015-16 will have increased less than 3% per year.

MetroEast operating expenses will be flat without any major changes in any line items.

Following the completion of the upgrade to high definition, capital expenditures for production and maintenance equipment (8060 will decrease significantly in FY 2015-16. The annual contribution to the building maintenance fund (8016) increases slightly to account for rising costs and the repayment of non-capital funds used for building construction (8090) will be completed in FY 2015-16. Office equipment costs, including computers and software, will increase as video technology becomes increasingly computerized. After allocating significant funds for the transition to HD in the current fiscal year, MetroEast will resume pre-paying its building loans (8013 and 8015). MetroEast's short- and long-term building loans were consolidated in FY 13-14 to a single long-term loan.

MetroEast continues to be financially strong and this budget maintains its history of financial responsibility and stability.

		ACTUAL 2013-14	BUDGET 2014-15	PROPOSED BUDGET 2015-16
	INCOME:			
4130	Franchise Fees, Multnomah	$ 947,569	$ 963,477	$ 983,000
4090	Interest	1,506	150	150
4270	Activity Fees/Fees for Service	14,505	18,000	18,000
4200	Other	35,327	16,000	16,000
4172	Capital Funds	712,666	619,047	635,020
4905	Building Loan Reimbursement	266,638	144,840	128,000
4162	Investment Fund Withdrawal	15,000	22,500	33,197
	TOTAL OPERATING INCOME	**$ 1,993,211**	**$ 1,784,014**	**$ 1,813,367**

	EXPENSES:	ACTUAL 2013-14	BUDGET 2014-15	PROPOSED BUDGET 2015-16
	Personnel			
7020	Full-Time Salaries	$ 606,055	$ 586,667	$ 599,334
7030	Part-Time Salaries	78,598	111,746	116,539
7050	Taxes & Fringe Benefits	235,008	232,804	238,624
	Total Personal Services	$ 919,661	$ 931,217	$ 954,497

	Operations	ACTUAL 2013-14	BUDGET 2014-15	PROPOSED BUDGET 2015-16
6020	Accounting	$ 19,010	$ 20,000	$ 19,000
6041	Consulting	17,866	25,000	25,000
6051	Dues & Subscriptions	6,963	10,000	8,000
6060	Educational Program Acquisition	0	400	0
6061	Education & Training	6,491	4,500	3,750
6062	Business Meals/Related	1,005	1,500	1,000
6064	Events	0	1,500	0
6070	Food	9,780	13,500	14,000
6100	Insurance	44,662	54,000	50,000
6110	Janitorial	5,340	6,500	6,000
6130	Legal	15,005	4,000	4,000
6131	Local Travel & Mileage	1,826	3,000	1,250
6140	Maintenance Supplies	1,032	2,000	2,000
6160	Office Supplies	3,982	4,500	5,000
6161	Operation Supplies	14,899	14,000	15,000
6170	Personnel Recruitment	464	350	350
6171	Phones	10,018	12,500	9,000
6172	Postage	2,966	2,500	2,000
6173	Printing	1,391	1,500	2,500
6174	Marketing/Promotion	8,356	3,500	5,000
6190	Repairs & Maintenance	9,885	9,000	10,000
6211	Travel	2,091	2,250	1,500
6220	Utilities and Maintenance	36,608	37,000	39,000
6230	Vehicle Maintenance	162	750	500
	Total Materials & Services	$ 219,802	$ 233,750	$ 223,850

	Capital	ACTUAL 2013-14	BUDGET 2014-15	PROPOSED BUDGET 2015-16
8002	Books	$ 85	$ 150	$ 150
8003	Maintenance Supplies	13,510	10,000	500
8004	Office Supplies	419	4,000	4,000
8005	Operation Supplies	523	2,500	2,000
8006	Repairs & Maintenance	56,139	6,000	25,000
8007	Media	1,454	4,000	2,000
8011	Interest Short Term Loans	2,739	0	0
8013	Interest Long Term Loan	28,405	56,854	56,772
8014	Debt Reduction - Short Term Loans	46	0	0
8015	Debt Reduction - Long Term Loan	137,182	26,949	126,675
8091	Capital Consulting	14,139	0	0
8092	Capitalized Wages and Benefits	18,739	15,476	0
8030	Leasehold Improvements	7,700	10,000	15,000
8016	Building Maintenance Fund	13,500	14,000	14,500
8040	Office Equipment	158,380	75,000	100,000
8050	Office Furnishings	2,828	2,500	5,000
8060	Production & Maintenance Equip.	208,554	246,778	283,423
8090	Building Loan Transfer	266,638	144,840	0
	Total Capital	$ 930,980	$ 619,047	$ 635,020
	TOTAL OPERATING EXPENSES	**$ 2,070,443**	**$ 1,784,014**	**$ 1,813,367**

Portland Community Media
2766 NE MLK, Jr. Blvd.
Portland, OR 97212

Portland Community Media: Fiscal Year 2015-16 Budget Narrative

Mission: At PCM we connect people to media technologies and ensure equitable access for communities to share their stories, viewpoints and culture for the purpose of promoting broad participation in our civic and cultural life.

Portland Community Media (PCM) is a nonprofit, public benefit organization dedicated to promoting local, non-commercial media developed and produced in the community, by the community and for the community.

PCM channels reach over 400,000 households in the Portland metro region with gavel-to-gavel coverage of Portland City Council meetings, a variety of local and regional municipal programs and meeting coverage, locally produced talk shows, cultural and arts programs, spiritual programs, and alternative news and information programs.

Since 1981, we have provided equipment and training courses for individuals and organizations to utilize cablecast and other forms of media distribution as a means of communication, civic involvement, artistic and cultural expression and community development.

Since 2009 we have actively sought out and engaged underrepresented and marginalized groups, bringing training and resources to them and to the community centers and non-profits that serve them.

Our curriculum and services have grown to include a variety of cable television and Internet based technologies with a focus on educating and empowering the community to understand and utilize these tools effectively.

Our Program Areas

Public Access
PCM provides the Portland community with access to creation tools. These tools include professional quality cameras, editing systems, laptops, and two live studios. Tools are available for community members to create content for distribution on PCM channels and over the Internet.

in Fiscal Year 2014-15 PCM community producers will have reserved PCM equipment for thousands of hours of production:

- Approximately 57,500 hours of field camera use,
- Approximately 2,000 hours of studio use,
- Approximately 90,000 hours of laptop editing use.

Distribution
In Fiscal Year 2014-15 PCM will have cablecast approximately 7,300 hours of new programs from all sources, which is approximately 20 hours of new programs containing locally relevant content each day.

Approximately 620 hours of these new programs are coverage of municipal meetings, hearings and events produced by PCM staff. Of the remaining 6,680 hours, approximately 50% of those programs are produced by PCM community producers, 25% are produced by community producers within the

Portland metro region, and 25% are locally sponsored programs.

PCM manages 6 channels in the Portland metro region. PCM maintains 2 interconnected channels between Portland and East Multnomah County, and manages a large, interconnected channel between 4 counties (Multnomah, Clackamas, Clark and Washington) in the Portland metro region allowing greater coverage and visibility for content of regional interest.

Education and Engagement
PCM provides media and Internet education to individuals and groups. In Fiscal Year 2014-15 PCM will have provided video production, content creation and Internet training to approximately 360 individuals, one third of those will be engaged through partnerships with non-profits and community groups serving marginalized populations and at-risk youth communities.

PCM workshops include: studio production, field camera, editing, lighting, audio, animation, Internet basics, and web-based content creation and distribution training.

Government Productions
PCM Multimedia Services staff produce approximately 620 hours of new programs each year. Of these programs, approximately 260 hours are gavel-to-gavel coverage of Portland City Council meetings cablecast and streamed live throughout the Portland metro region. The remaining hours include coverage of City of Portland and regional municipal meetings and events.

Fiscal Year 2015-16 Planning

Developing Strategy
PCM future program and fund development will focus on the creation of our Digital Inclusion program. This program will utilize existing, successful methodologies for community engagement and will tailor training and support to the needs of the community.

PCM Board and Staff will establish and implement a new strategic plan. The plan will support PCM in creating programs that meet the needs of the community, that ensure we are establishing and achieving measurable goals, that support our Digital Inclusion efforts, and that develop new, sustainable funding sources.

Capital Improvements
PCM will focus on building infrastructure improvements to minimize facility repairs and to ensure the facility serves the needs of the community. Two major projects in this fiscal year include a new roof, and upgrade of internal network wiring.

Fiscal Year 2015-16 Budget Notes

Overall, PCM's Fiscal Year 2015-16 proposed budget is very similar to the current year budget with some minor changes identified below:

Portland Community Media
2766 NE MLK, Jr. Blvd.
Portland, OR 97212

Income

We anticipate a small increase in funds from the City of Portland.

We are challenging ourselves to raise more funds through our fund development activities in Fiscal Year 2015-16. We will achieve this goal by increasing our outreach efforts to individual and corporate sponsors, and granting organizations. The focus of our fundraising efforts will be on the development of Digital Inclusion community engagement projects.

Personnel Expenses

Expenses include a 3% cost of living increase for all staff.

Operating Expenses

There is an increase in the Board of Directors' Expense line item to support recruitment and training of new Board members.

Our continued improvements in our tracking systems have allowed us to reduce our operating expenses and better plan for future expenses.

In FY 2015-16 we will have the added expense of a transfer from operations to capital. We are able to accommodate this expense by improved tracking and management of our personnel and operating expenses.

Capital Projects

PCM recently upgraded major systems including field production cameras, tripods, lights, desktop computers and laptops for editing. These systems were upgraded in all program areas: Public Access, Media Education, Community Engagement, Multimedia Services and Youth Media.

In fiscal year 2015-16 PCM will undertake needed improvements to the building and infrastructure to ensure the facility remains useful and functional for our community and staff.

Portland Community Media Proposed FY 15-16 Budget
Operating and Capital Budget Summary
4/9/2015

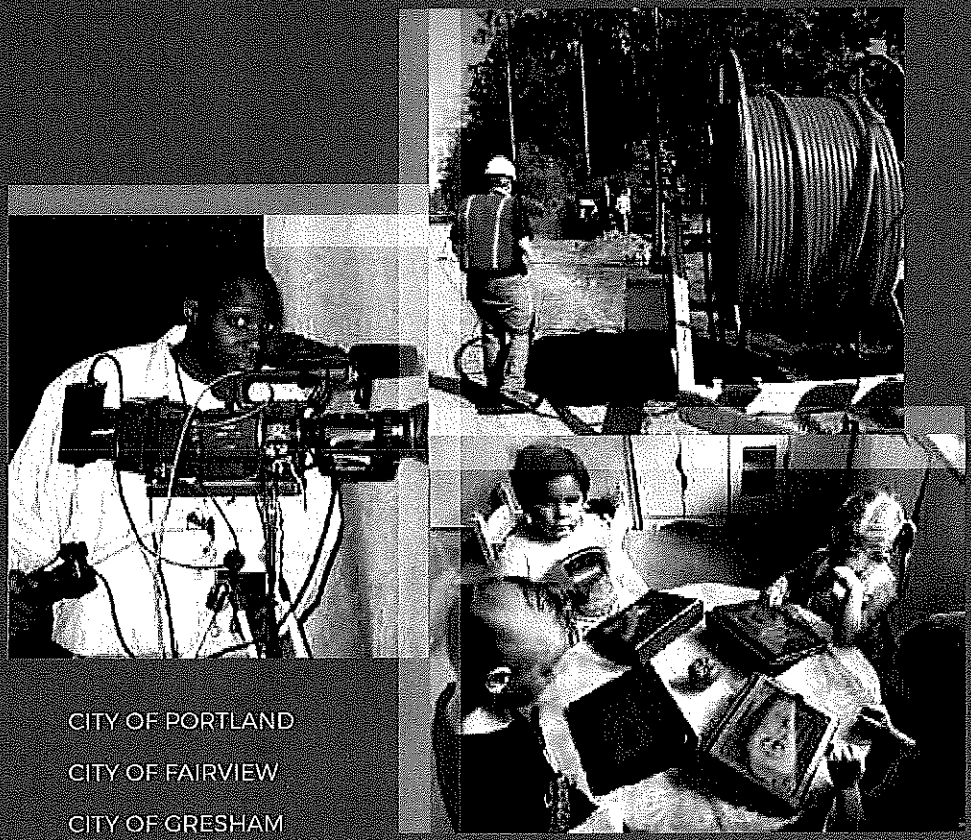
	Actuals FY 13-14	FY 14-15 Budget	Proposed Operating Budget for FY 15-16
Income			
Grants - Government	$ 861,892	$ 908,460	$ 930,709
Contributions	11,933	45,000	70,000
Earned Icome - All	145,259	125,000	160,373
Indirect Capital Management Fee	75,686	95,230	104,000
Miscellaneous Income	24,062	20,000	5,000
Total Revenue	1,118,832	1,193,690	1,270,082
EXPENSES			
Personnel Expenses			
Salaries,Wages and Taxes	873,028	860,147	892,340
Fringe Benefits	91,817	97,353	95,298
Capitalized PR, Taxes and Bene	(6,004)	(15,000)	(15,000)
Total Payroll, Tax & Fringes	958,841	942,500	972,639
Operating Expense			
Bank Charges	5,630	5,550	5,755
Board of Directors' Expense	915	500	2,000
Copier Lease & Maintenance	4,859	4,827	2,680
Crew Food	1,019	978	2,660
Dues & Subscriptions	3,987	4,017	3,230
Equipment Lease & Rental	3,729	3,675	1,500
Fees	87	100	380
Hospitality	6,305	5,628	5,307
Insurance	34,511	44,000	38,000
Interest Expense	-	-	-
Internet & Telephone	28,510	22,980	23,869
Maintenance	18,921	18,359	27,371
Miscellaneous Expense	2,705	2,705	680
Parking	2,398	2,600	3,030
Postage & Shipping	363	1,180	978
Printing	1,305	1,397	1,950
Professional Services Accounting & HR	34,054	38,343	11,010
Prof. Svcs: Auditing & Tax Prep.	17,100	10,450	20,000
Prof. Svcs: Legal Services	5,284	1,900	10,800
Prof. Svcs Other	-	-	2,300
Recruitment	308	125	0
Repairs	11,523	8,056	8,260
Security Services	412	287	420
Software Expense	4,945	4,950	4,800
Small Tools & Equipments	-	525	120
Supplies	13,848	12,052	7,680
Training & Education	5,029	5,400	3,650
Travel & Mileage	6,372	7,500	600
Utilities	33,443	32,560	38,816
Vehicle Fuel & Maintenance	6,843	6,705	5,048
Total Operating Expense	254,405	247,349	232,894
TOTAL EXPENSE	1,213,246	1,189,849	1,205,533
Net Operating Income (Loss)	(94,414)	3,841	64,549
Other Expenses			
Transfer to Capital Account	-	-	61,480
Net Operating Surplus (Loss)	(94,414)	3,841	3,069

Portland Community Media Proposed FY 15-16 Budget
Operating and Capital Budget Summary
4/9/2015

	Actuals FY 13-14	FY 14-15 Budget	Proposed Capitaal Budget for FY 15-16
Capital Projects Budget			
Revenue	980,830	903,201	952,531
Balance of Capital Fund -Carryover	446,399	586,917	8,000
Transfer from Operation	-		61,480
Total Capital Revenue	1,427,229	1,490,118	1,022,010
Captial Expenses			
Land & Land Improvement	-		92,110
Building & Building Improvement	14,210	80,000	309,400
Production Equipments	186,851	580,372	284,900
Computers	419,751	318,726	44,000
Vehicles	151	-	15,600
Office Equipment & Funitures	20,717	59,500	64,000
Software & Other Intangibles	110,596	296,000	60,500
Capitalized Wages	6,965	15,000	47,500
Capital Overhead	81,072	132,520	104,000
Total Capital Expenses	840,312	1,482,118	1,022,010
Net Capital Surplus (Deficit)	586,917	8,000	0

MT. HOOD CABLE REGULATORY COMMISSION

Annual Report
2014-15



CITY OF PORTLAND

CITY OF FAIRVIEW

CITY OF GRESHAM

CITY OF TROUTDALE

CITY OF WOOD VILLAGE

MULTNOMAH COUNTY

For the past 21 years, the **MT. HOOD CABLE REGULATORY COMMISSION (MHCRC)** has ensured that communities in Multnomah County and the cities of Fairview, Gresham, Portland, Troutdale and Wood Village are fairly compensated for use of the public rights-of-way by cable companies. These jurisdictions recognize the efficiencies – both for the companies and for taxpayers – of having a single commission regulate companies county-wide as the network infrastructure and services transcend jurisdictional boundaries. In addition, the MHCRC manages and negotiates many public benefits that support schools, public libraries and non-profit organizations, whose services and constituencies crisscross the cities and County. Each City Council and the County Commission appoints representatives to the MHCRC. These eight commissioners, with staff support, commit hundreds of hours annually to deeply understand complex issues in an ever-evolving technology, regulatory and business-model landscape. Although this evolving landscape is disruptive in some respects, many community needs remain unchanged – Needs for local authority over rights-of-way and compensation; a consumer watchdog; platforms for community voices; affordable broadband networks for schools, libraries and local governments; and local solutions for addressing digital equity issues. The MHCRC consistently focuses on community needs as it keeps one foot firmly planted in today's legal landscape to steward existing public benefits, while stepping out to explore possibilities and opportunities on behalf of the cities, County and communities it serves.

COMMISSION MEMBERS

Carol Studenmund
Commission Chair

Mike Bennett

Sue Diciple

Toya Eick

Rich Goheen

Leif Hansen

Scott Harden

Norman Thomas

STAFF

Mary Beth Henry
Staff Director

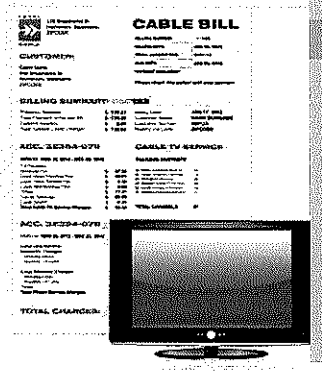
Julie S. Omelchuck
Program Manager

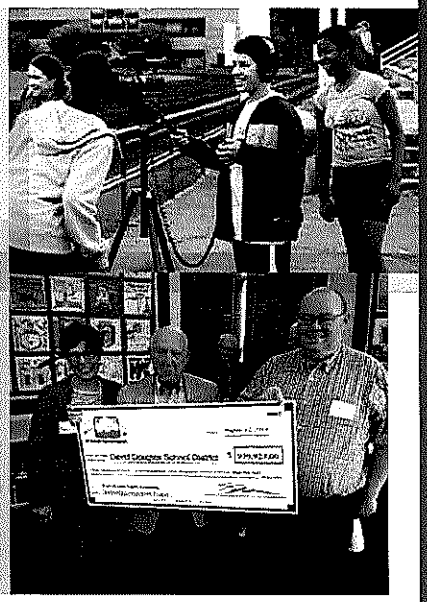
Rebecca Gibbons
Program Coordinator

Joshua Eddings
Compliance Assistant

Kim Whelan
Assistant Program Specialist

Through MetroEast's Get Reel youth program, Gresham High School students learned media and digital literacy skills by producing an anti-bullying video (right).





What We Do

- Advocate for and protect local authority and public benefits in the regulation of cable communications systems.
- Ensure communities are compensated for cable companies' use of the public rights-of-way.
- Help resolve cable subscriber complaints and provide consumer protection.
- Provide technology grants and broadband connectivity for community institutions and non-profits.
- Ensure a local voice through community media.

THE MHCRC REGULATES AND NEGOTIATES CABLE FRANCHISES WITH FOUR COMPANIES:

Frontier *Franchise expiration 2018*

Reliance Connects *Franchise expiration 2018*

Comcast *Franchise expiration 2021*

Century Link *Franchise expiration 2021*

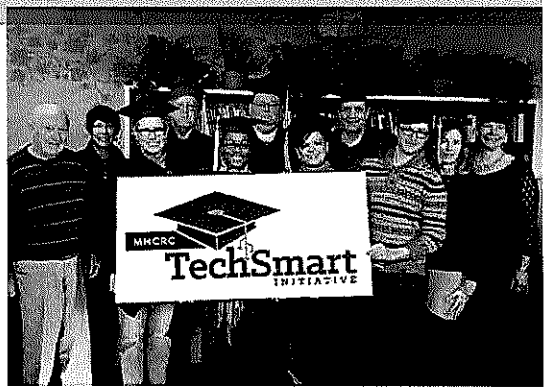
By the numbers

$5.1 MILLION
Amount collected to support community grants, I-Net and community media

218
Number of subscriber complaints resolved by MHCRC

local residents trained in media and digital literacy by PCM and MetroEast

2014-15 ACCOMPLISHMENTS



MHCRC commissioners and staff celebrated the launch of the TechSmart Initiative for Student Success in Fall 2015.

MHCRC Keeps Focus on Local Needs

"OUR COMMUNITIES HAVE WITNESSED A TREMENDOUS TRANSFORMATION IN THE WAYS TECHNOLOGY IMPACTS ALL FACETS OF OUR LIVES - FROM EDUCATION AND HEALTH CARE TO ECONOMIC DEVELOPMENT AND PERSONAL PRIVACY. AS APPOINTED COMMISSIONERS, WE STRIVE TO SERVE OUR COMMUNITIES BY LEVERAGING THE CHANGING ENVIRONMENT TO BENEFIT OUR LOCAL COMMUNITIES. FOLLOWING ARE HIGHLIGHTS OF THE MHCRC'S WORK OVER FISCAL YEAR 2014-15."

Carol Studenmund
Chair

Efficient Operations The MHCRC contracts with the City of Portland for staff and other support services through the Office for Community Technology. About 4% of total cable franchise fee revenue collected was spent for MHCRC operations. The MHCRC funded an equivalent of four staff positions plus related materials, services, financial and administrative costs. About half the MHCRC's operations funding was provided by the member Jurisdictions and half was funded by other MHCRC resources. The MHCRC underspent its operations budget by nearly $32,000 in FY13-14, which will be credited to the Jurisdictions' budget appropriations in FY15-16.

"Clean" Audit of the MHCRC Fund
Moss Adams, the MHCRC's auditor, found that the MHCRC's FY13-14 financial statements presented fairly, in all material respects, the respective financial position of the MHCRC's fund. In accordance with GAAP, both MetroEast Community Media and Portland Community Media are considered "component units" in the MHCRC's financial statements. The MHCRC filed its annual audit with the Oregon Secretary of State on time.

Consumer Protection The MHCRC enforces consumer protection and customer service standards under the cable franchises. Regulatory issues included phone answering standards, information on subscriber bills, service installation, line extensions, notice to subscribers of programming changes, use of electronic messaging to subscribers, service rates and fees (i.e. broadcast TV fee, HD technology fee), and other consumer protection issues. In 2014, the MHCRC assisted in the resolution of 218 complaints.

Cable Competition for Portland Residents
While the cities surrounding Portland have had cable TV competition since 2008, no cable competition existed for Portland residents. However, in March 2015, the MHCRC concluded negotiations with CenturyLink, a primary phone provider in Portland, for a renewal cable franchise, with a promise of cable TV service launch in 2015. The MHCRC was vigilant in ensuring that the public benefits of the CenturyLink agreement were commensurate to those in Comcast's franchise.

Protect Local Authority and Compensation
As the regulatory and public policy landscape changes, the MHCRC continued its strategic focus on advocacy in the public interest. The MHCRC kept abreast of the uptick in public policy activity on both local and federal levels. The MHCRC tracked or participated in FCC proceedings including the Comcast-Time Warner merger, Net Neutrality, Multi-Channel Video Program Distributors (aka Over the Top video providers that use the broadband connection to the home to deliver video) and Municipal Broadband Authority. The MHCRC has also continued its advocacy for the protection of local community media resources in federal legislation. Locally, the MHCRC worked to protect local authority for use of public right-of-way and taxing authority with Oregon's Congressional delegation as well as State Legislators.

Affordable Broadband for Schools, Libraries and Local Governments
The MHCRC facilitates partnerships and network planning, and distributes funds to provide affordable broadband connections for 293 schools, libraries and public agencies throughout Multnomah County over the Institutional Network (I-Net). In 2014, the I-Net stakeholder group consisted of: the cities of Portland, Gresham, Troutdale and Wood Village, Multnomah County, State of Oregon, Metro, Housing Authority of Portland, Multnomah County Libraries, Multnomah Educational Service District (including 7 school districts), Portland Public Schools, and Mt Hood Community College.

The MHCRC led two meetings of these pubic stakeholders during FY14-15. The stakeholder group identified their infrastructure and service needs for use of I-Net funds. More importantly, the group began discussing a planning framework to collectively provide for their bandwidth and connectivity needs in the future. The group recognized that long-term planning is essential to ensure our public institutions, and the people who rely on them, can continue to access affordable bandwidth and technology tools.

Local Voices and Content through MetroEast & PCM The MHCRC manages contracts with MetroEast Community Media and Portland Community Media, non-profit organizations that facilitate use of technology and communications resources by the community in order to promote broad participation in civic and cultural life. These non-profits provide direct services to a diverse group of individuals, non-profits, community organizations and government agencies. The MHCRC ensured that public dollars and dedicated capital funds provided to the centers were spent in accordance with the contracts and with restrictions placed on certain funds in cable franchise agreements. The MHCRC also facilitated provision of franchise-required obligations by cable companies that support local programming, such as listings in program guides and free video-on-demand programs.

By the numbers

$8.6 MILLION
Amount collected in cable franchise fees for MHCRC member jurisdictions

4%
Percentage of cable franchise fees spent for MHCRC operations

Number of public agency sites served by the I-Net

MHCRC COMMUNITY GRANTS

Projects to Advance Education and Community-Based Technology

Teachers at Earl Boyles Elementary School use iPad technology, purchased by a MHCRC grant, to individualize learning to meet each student's needs.

THE MHCRC DIRECTS THE COMMUNITY GRANTS PROGRAM, WHICH PROVIDES FUNDS FOR TECHNOLOGY PROJECTS TO COMMUNITY ORGANIZATIONS, LIBRARIES, SCHOOLS AND LOCAL GOVERNMENTS THROUGHOUT MULTNOMAH COUNTY. THE MHCRC OVERSAW IMPLEMENTATION AND COMPLIANCE FOR ABOUT 28 GRANT-FUNDED PROJECTS DURING THE YEAR. IN 2014, THE PROGRAM GRANTED OVER $2 MILLION FOR 10 NEW COMMUNITY-BASED PROJECTS THAT WILL LEVERAGE OVER $4.1 MILLION IN MATCHING RESOURCES. FUNDING OPPORTUNITIES WITHIN THE COMMUNITY GRANTS PROGRAM INCLUDE THE TECHSMART INITIATIVE AND COMMUNITY TECHNOLOGY GRANTS. ▮ FUNDS FOR COMMUNITY GRANTS DERIVE FROM THE CABLE FRANCHISES NEGOTIATED BY THE MHCRC. CURRENTLY COMCAST, FRONTIER AND RELIANCE CONNECTS CONTRIBUTE TO THE COMMUNITY GRANTS FUND.

MHCRC Community Grants

Community Technology | TechSmart

2014 Community Technology Grant Awards

Community Technology Grants are available to non-profit organizations, libraries, higher education and public agencies through an annual competitive grant round.

Rockwood Library Innovation Station: $300,404

Albertina Kerr Centers Transforming Service Delivery: $110,863

Film Action Oregon Hollywood Theatre Studio at Open Meadow: $100,000

Southwest Neighborhoods Engage, Involve, Inform Southwest Neighbors Project: $9,500

Friends of the Children Media Literacy Project: $49,540

NW Documentary DIY Documentary Project: $51,743

Portland YouthBuilders (PYB) Youth Media Project: $51,753

International Foundation for Alternative Research in AIDS (IFARA) Health Challenge Project: $77,945

TechSmart Initiative for Student Success — $19 million over 10 Years

In Fall 2014, the MHCRC was pleased to launch the TechSmart Initiative for Student Success with plans to strategically invest about $19 million over the next 10 years in local public schools to positively impact academic outcomes for all students in Multnomah County.

The MHCRC TechSmart Initiative provides grants and evaluation resources for Multnomah County school districts to identify effective classroom instruction that uses technology to foster improvement in academic outcomes for all students and to share the successful strategies across the Districts. The TechSmart Initiative is aligned with the collective effort of the broader community engaged in the All Hands Raised Partnership. The MHCRC is partnering with the Districts to close the achievement gap and make progress on the following academic outcomes key to student success:

- Kindergarten Readiness
- Third Grade Reading
- Eighth Grade Math
- Ninth Grade Credit Attainment
- High School Graduation
- English Language Learners' Annual Progress

The MHCRC has focused about two-thirds of its annual Community Grants fund revenues for the TechSmart Initiative with plans to invest $8 million in the first three years of the initiative.

DAVID DOUGLAS SCHOOL DISTRICT AND PARKROSE SCHOOL DISTRICT WERE THE FIRST DISTRICTS TO RECEIVE TECHSMART INITIATIVE FUNDING THIS FALL.

▒ Earl Boyles Early Learning Technology Integration Project

David Douglas School District: $939,923

Focused on Kindergarten Readiness and Third Grade Reading, the TechSmart grant provides critical teacher supports towards creating a technology-rich early learning program at Earl Boyles Elementary School. Earl Boyles has one of the highest child poverty rates in the County. The project serves as a learning lab for identifying effective PreK-3rd grade learning and teaching strategies that take full advantage of interactivity and media-rich opportunities.

▒ 1 to 1 iPads at Parkrose High School

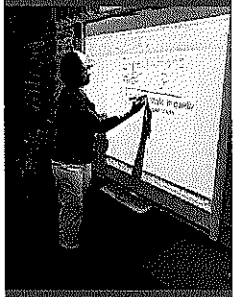
Parkrose School District: $363,796

The TechSmart grant investment supports Parkrose School District efforts to improve 9th Grade credit attainment, English Language Learners' progress and High School graduation rates. Parkrose High School began providing iPads to all students this Fall, along with providing extensive teacher training to take advantage of technology to create effective learning environments for all students. A robust wireless network will provide access to the Internet throughout the outside areas of the High School campus so that students without access at home can remain connected after school buildings officially close.

By the numbers

$2 MILLION
Granted to support new community-based projects

Amount leveraged by MHCRC grants in matching resources



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Cover photo, left: Christopher Harley

AGENDA ITEM #5

CITY OF TROUTDALE

STAFF REPORT

SUBJECT / ISSUE: Recommendation From the Parks Advisory Committee to approve the purchase of a Trout Sculpture and locate it near the Harlow House Gazebo

MEETING TYPE: City Council Regular Mtg.	**MEETING DATE:** June 23, 2015 **STAFF MEMBER:** Tim Seery - Parks & Facilities Superintendent, Marilee Thompson – Chair, Parks Advisory Committee. **DEPARTMENT:** Public Works
ACTION REQUIRED Consent Agenda/Motion **PUBLIC HEARING** No	**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:** Ad Hoc Arts Advisory Committee through the Parks Advisory Committee: Approval **Comments**
STAFF RECOMMENDATION: None	

EXHIBITS:
A. Letter of approval from Troutdale Historical Society

Subject / Issue Relates To:

☐ Council Goals ☐ Legislative ☒ Other (describe) Committee Recommendation

Issue / Council Decision & Discussion Points:

- To approve the purchase and placement of a Trout Sculpture as recommended by the Ad Hoc Art Selection Committee.
- Troutdale Historical Society has reviewed the proposed location and has granted their approval.

Reviewed and Approved by City Manager:

BACKGROUND:

Resolution 1559, A Resolution Establishing a Public Art Acquisition Policy was adopted by the City Council on June 12, 2001. The City of Troutdale wishes to acquire art works through a selection process which involves the participation of local citizens, represents the City cultural diversity and is appropriate to specific public sites. The City of Troutdale recognizes the need to establish a consistent policy for the selection and acquisition for art works which may be donated or purchased through external or special funding. In accordance with the resolution the Parks Advisory Committee was asked by Council to recommend a location for a trout sculpture in one of our parks. The committee looked at several different locations and chose the Harlow House Gazebo in appreciation of the historic trout ponds formerly in this area. The Troutdale Historic Society has approved the placement at Harlow house Gazebo.

PROS & CONS:

Pros:

- The recommended statue location will serve to inform future visitors about the history of the area and illustrate the appreciation the community has for its past.

Cons:

-

Current Year Budget Impacts ☐ Yes *(describe)* ☒ N/A

Future Fiscal Impacts: ☐ Yes *(describe)* ☐ N/A
Monies will need to be budgeted for the sculpture

City Attorney Approved N/A ☐ Yes

Community Involvement Process: ☒ Yes *(describe)* ☐ N/A
An Ad Hoc Art selection committee was formed by the Parks Advisory Committee to review the sculpture and to determine a recommended location.

TROUTDALE HISTORICAL SOCIETY
Troutdale, OR 97060

May 11, 2015

Dear Tim and Steve,

The location selected for the sculpture of the trout, created by artist Jordan McGee, by the ad hoc sub-committee of the Parks Advisory Committee is acceptable to the entire board of the Troutdale Historical Society. The location next to the gazebo is also adjacent to the trout ponds from which Troutdale got its name. Should a small plaque explaining the connection be placed on the base it would be especially valuable in a historical sense.

Thank you for asking our blessing. You have it.

Sincerely,

Len Otto

Len Otto
President, Troutdale Historical Society

AGENDA ITEM # 6

CITY OF TROUTDALE

STAFF REPORT

SUBJECT / ISSUE: An Ordinance Amending Chapter 5.04 of the Troutdale Municipal Code Relating to Business Licensing.

MEETING TYPE: City Council Regular Mtg.	**MEETING DATE:** June 23, 2015 **STAFF MEMBER:** Ed Trompke **DEPARTMENT:** Legal
ACTION REQUIRED Ordinance - Introduction **PUBLIC HEARING** Yes	**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:** Not Applicable **Comments:**

STAFF RECOMMENDATION: Adopt the ordinance as proposed.

EXHIBITS:

A. Department of Justice Memorandum dated February 14, 2014
B. Exhibit showing new text in context

Subject / Issue Relates To:

☐ Council Goals ☒ Legislative ☐ Other:

Issue / Council Decision & Discussion Points:

- May the city allow business licenses for uses which comply with state law, but which may violate one or more federal laws?
- How can the city satisfy public safety concerns, without assuming undue risk of litigation or without risk of excessive increase to administrative expenses?
- Should the city take steps to conform code provisions to recently-approved contract for law enforcement services?

Reviewed and Approved by City Manager:

BACKGROUND:

Oregon voters have authorized persons to obtain state-issued licenses to operate medical marijuana dispensaries. Moreover, the City of Troutdale has passed legislation under other provisions of Oregon law, allowing persons to establish such dispensaries in limited zones or areas of the city.

This state law authority conflicts with the federal Controlled Substances Act, which prohibits such trade in marijuana because they involve possession and sale of a controlled substance. However, in a February 2014 memorandum the US Department of Justice advised federal law enforcement that in cases involving marijuana, federal officers should devote their time and resources to cases where marijuana-related conduct implicates some other important priority, such as diversion of marijuana from a state where it is legal (under state law), to other states.

Under recently-enacted provisions of the development code, dispensaries that receive land use approval will require a business license to operate. However, this creates a legal dilemma because the possession or use of the product at issue—marijuana—violates federal law, and the city may not approve a business license for illegal activities.

We have identified several potential options:

1. The city council may leave the city code as-is. Strict interpretation of the "federal law": criterion could result in a business obtaining a land use permit but not a business license.

2. The city council could interpret the city code's "federal law" criterion to have a meaning that allows state-approved dispensaries to receive a business license. However, there are no current licenses, prosecutions, or other matters pending to serve as a guide for this interpretation.

3. The city council could pass a code amendment to embody an interpretation that dispensaries licensed by the state of Oregon may have a way forward, in Troutdale, to operate in accordance with the state license.

All options have downsides, and in general state and federal law are in the process of changing, or at least updating, not just in Oregon, but nationwide. Thus, to create as much legal clarity as possible, we recommend adopting a code amendment. This should also translate to administrative efficiency for the city.

The proposed code amendment has been prepared to create business license criteria for medical marijuana dispensaries. The criteria do not grant dispensaries *carte blanche* to ignore federal law. Rather, the criteria acknowledge that dispensary proprietors who certify in writing that they will not create a law enforcement problem for the US Department of Justice, may be regarded as complying with federal law.

Relatedly, the City has recently approved an agreement with Multnomah County, for the sheriff's office to provide law enforcement services within the City. Because police may participate in review of license applications, this ordinance conforms the business license code to the police services that the city will obtain under the agreement.

Staff wish to present other changes to council, but will bring those forward at a later date. The future changes do not relate to the above issues, and staff wish to present them to council to improve other aspects of the business license program.

SUMMARY:

The city lacks authority to reconcile inconsistent state and federal laws, but can use its authority to minimize public and private costs until the state and federal governments straighten things out. In the meantime, the city can also conform part of its code to the new police agreement.

Current Year Budget Impacts	☐ Yes *(describe)* ☒ N/A
Future Fiscal Impacts:	☐ Yes *(describe)* ☒ N/A
Community Involvement Process:	☐ Yes *(describe)* ☒ N/A

U.S. Department of Justice

Office of the Deputy Attorney General

The Deputy Attorney General *Washington, D.C. 20530*

February 14, 2014

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS

FROM: James M. Cole
Deputy Attorney General

SUBJECT: Guidance Regarding Marijuana Related Financial Crimes

On August 29, 2013, the Department issued guidance (August 29 guidance) to federal prosecutors concerning marijuana enforcement under the Controlled Substances Act (CSA). The August 29 guidance reiterated the Department's commitment to enforcing the CSA consistent with Congress' determination that marijuana is a dangerous drug that serves as a significant source of revenue to large-scale criminal enterprises, gangs, and cartels. In furtherance of that commitment, the August 29 guidance instructed Department attorneys and law enforcement to focus on the following eight priorities in enforcing the CSA against marijuana-related conduct:

- Preventing the distribution of marijuana to minors;
- Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
- Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
- Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
- Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- Preventing marijuana possession or use on federal property.

Under the August 29 guidance, whether marijuana-related conduct implicates one or more of these enforcement priorities should be the primary question in considering prosecution

under the CSA. Although the August 29 guidance was issued in response to recent marijuana legalization initiatives in certain states, it applies to all Department marijuana enforcement nationwide. The guidance, however, did not specifically address what, if any, impact it would have on certain financial crimes for which marijuana-related conduct is a predicate.

The provisions of the money laundering statutes, the unlicensed money remitter statute, and the Bank Secrecy Act (BSA) remain in effect with respect to marijuana-related conduct. Financial transactions involving proceeds generated by marijuana-related conduct can form the basis for prosecution under the money laundering statutes (18 U.S.C. §§ 1956 and 1957), the unlicensed money transmitter statute (18 U.S.C. § 1960), and the BSA. Sections 1956 and 1957 of Title 18 make it a criminal offense to engage in certain financial and monetary transactions with the proceeds of a "specified unlawful activity," including proceeds from marijuana-related violations of the CSA. Transactions by or through a money transmitting business involving funds "derived from" marijuana-related conduct can also serve as a predicate for prosecution under 18 U.S.C. § 1960. Additionally, financial institutions that conduct transactions with money generated by marijuana-related conduct could face criminal liability under the BSA for, among other things, failing to identify or report financial transactions that involved the proceeds of marijuana-related violations of the CSA. *See, e.g.,* 31 U.S.C. § 5318(g). Notably for these purposes, prosecution under these offenses based on transactions involving marijuana proceeds does not require an underlying marijuana-related conviction under federal or state law.

As noted in the August 29 guidance, the Department is committed to using its limited investigative and prosecutorial resources to address the most significant marijuana-related cases in an effective and consistent way. Investigations and prosecutions of the offenses enumerated above based upon marijuana-related activity should be subject to the same consideration and prioritization. Therefore, in determining whether to charge individuals or institutions with any of these offenses based on marijuana-related violations of the CSA, prosecutors should apply the eight enforcement priorities described in the August 29 guidance and reiterated above. [1] For example, if a financial institution or individual provides banking services to a marijuana-related business knowing that the business is diverting marijuana from a state where marijuana sales are regulated to ones where such sales are illegal under state law, or is being used by a criminal organization to conduct financial transactions for its criminal goals, such as the concealment of funds derived from other illegal activity or the use of marijuana proceeds to support other illegal activity, prosecution for violations of 18 U.S.C. §§ 1956, 1957, 1960 or the BSA might be appropriate. Similarly, if the financial institution or individual is willfully blind to such activity by, for example, failing to conduct appropriate due diligence of the customers' activities, such prosecution might be appropriate. Conversely, if a financial institution or individual offers

[1] The Department of the Treasury's Financial Crimes Enforcement Network (FinCEN) is issuing concurrent guidance to clarify BSA expectations for financial institutions seeking to provide services to marijuana-related businesses. The FinCEN guidance addresses the filing of Suspicious Activity Reports (SAR) with respect to marijuana-related businesses, and in particular the importance of considering the eight federal enforcement priorities mentioned above, as well as state law. As discussed in FinCEN's guidance, a financial institution providing financial services to a marijuana-related business that it reasonably believes, based on its customer due diligence, does not implicate one of the federal enforcement priorities or violate state law, would file a "Marijuana Limited" SAR, which would include streamlined information. Conversely, a financial institution filing a SAR on a marijuana-related business it reasonably believes, based on its customer due diligence, implicates one of the federal priorities or violates state law, would be label the SAR "Marijuana Priority," and the content of the SAR would include comprehensive details in accordance with existing regulations and guidance.

services to a marijuana-related business whose activities do not implicate any of the eight priority factors, prosecution for these offenses may not be appropriate.

The August 29 guidance rested on the expectation that states that have enacted laws authorizing marijuana-related conduct will implement clear, strong and effective regulatory and enforcement systems in order to minimize the threat posed to federal enforcement priorities. Consequently, financial institutions and individuals choosing to service marijuana-related businesses that are not compliant with such state regulatory and enforcement systems, or that operate in states lacking a clear and robust regulatory scheme, are more likely to risk entanglement with conduct that implicates the eight federal enforcement priorities.[2] In addition, because financial institutions are in a position to facilitate transactions by marijuana-related businesses that could implicate one or more of the priority factors, financial institutions must continue to apply appropriate risk-based anti-money laundering policies, procedures, and controls sufficient to address the risks posed by these customers, including by conducting customer due diligence designed to identify conduct that relates to any of the eight priority factors. Moreover, as the Department's and FinCEN's guidance are designed to complement each other, it is essential that financial institutions adhere to FinCEN's guidance.[3] Prosecutors should continue to review marijuana-related prosecutions on a case-by-case basis and weigh all available information and evidence in determining whether particular conduct falls within the identified priorities.

As with the Department's previous statements on this subject, this memorandum is intended solely as a guide to the exercise of investigative and prosecutorial discretion. This memorandum does not alter in any way the Department's authority to enforce federal law, including federal laws relating to marijuana, regardless of state law. Neither the guidance herein nor any state or local law provides a legal defense to a violation of federal law, including any civil or criminal violation of the CSA, the money laundering and unlicensed money transmitter statutes, or the BSA, including the obligation of financial institutions to conduct customer due diligence. Even in jurisdictions with strong and effective regulatory systems, evidence that particular conduct of a person or entity threatens federal priorities will subject that person or entity to federal enforcement action, based on the circumstances. This memorandum is not intended, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal. It applies prospectively to the exercise of prosecutorial discretion in future cases and does not provide defendants or subjects of enforcement action with a basis for reconsideration of any pending civil action or criminal prosecution. Finally, nothing herein precludes investigation or prosecution, even in the absence of any one of the factors listed above, in particular circumstances where investigation and prosecution otherwise serves an important federal interest.

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[2] For example, financial institutions should recognize that a marijuana-related business operating in a state that has not legalized marijuana would likely result in the proceeds going to a criminal organization.

[3] Under FinCEN's guidance, for instance, a marijuana-related business that is not appropriately licensed or is operating in violation of state law presents red flags that would justify the filing of a Marijuana Priority SAR.

CONTEXT OF CHANGES TO BUSINESS LICENSE PROGRAM TROUTDALE MUNICIPAL CODE

PART 1

CHANGES TO ADDRESS MEDICAL MARIJUANA DISPENSARIES

The Ordinance first adopts new text under which the city may approve business licenses for medical marijuana facilities. The text adds a new paragraph to the approval criteria, set forth below **underlined**.

5.04.060 - License—Criteria for approval.

. . . .

D. All persons operating a medical marijuana dispensary under Oregon law, whether organized or operating on a for-profit or not-for-profit basis, must maintain a business license from the city. For purposes of complying with Section 5.04.060(A)(2) of this code, the business activity conducted at a medical marijuana dispensary will be regarded as consistent with federal law so long as the licensee certifies, in a writing placed on file with the city recorder, that in the conduct of its medical marijuana business the licensee will:

1. Prevent the distribution of marijuana to minors;

2. Prevent revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;

3. Prevent the diversion of marijuana from Oregon to any other state;

4. Prevent state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;

5. Abstain from violence and the use of firearms in the cultivation and distribution of marijuana;

6. Discourage and, if necessary, prevent drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;

7. **Prevent the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands;**

8. **Prevent marijuana possession or use on federal property; and**

9. **Operate its business in accordance with all Oregon laws existing now or in the future that authorize the licensee to operate a medical marijuana dispensary.**

PART 2

CHANGES TO ADDRESS FORTHCOMING POLICE SERVICES AGREEMENT WITH MULTNOMAH COUNTY

The rest of this exhibit illustrates amendments to conform the city code to impending changes in the city's police services. The amendments retain the city's authority over the licensing process, but still obtain law enforcement comment on applications. The above changes appear below as if adopted.

New text is **underlined**, and existing text to delete appears in ~~strikethrough~~.

5.04.010 - Purpose.

The primary purpose of this chapter's licensing requirements is to regulate businesses in order to promote the health, safety and welfare of the public. Licensing helps ensure that all new business activities are conducted in compliance with applicable laws and ordinances. Licensing also allows the city to maintain an inventory of existing businesses operating and doing business within its limits. This inventory allows the city to ensure, through inspection, enforcement and other regulatory measures, that such business activities continue to comply with applicable laws and ordinances. The licensing fee required by this chapter is necessary to finance and provide for the licensing and regulation authorized by this chapter.

5.04.020 - Definitions.

As used in this chapter, unless the context requires otherwise:

"Business" means any occupation, profession or commercial activity engaged in for profit or livelihood in the city. This definition includes, but is not limited to, peddler and home occupation activity.

~~"Chief of police" means the chief of the Troutdale police department or the chief's designee.~~

"City manager" means the city manager of Troutdale, or designee of the city manager.

"Computerized criminal history record" means the record that is available to the Troutdale police department via the Law Enforcement Data System pursuant to OAR 257-015-0060(2).

"Council" means the city council of the city of Troutdale.

"Garage sale" means a commercial activity open to the public, conducted at a private residence where personal property is sold to others provided that no more than four garage sales per residence per year shall occur and that no garage sale shall exceed three days in duration.

"Home occupation" means a business carried on within a dwelling, and which business is incidental to the use of the dwelling for dwelling purposes.

"Law enforcement agency" means a municipal police department, county sheriff's office, or other law enforcement agency established under state law.

"Law enforcement officer" means a sworn peace officer authorized by the city manager to perform the business license review functions within this chapter. The term may include a non-sworn employee of a law enforcement agency authorized by the agency and by the city manager

"License" means the permission granted by the city to engage in a business or activity regulated by this chapter.

"Licensee" means a person who has a valid license issued pursuant to this chapter.

"Peddler" means a person whose business activity consists of traveling to and from residences and businesses and offering for sale, selling, or taking orders for goods or services.

"Person" includes all natural and legal persons, including but not limited to, individuals, corporations, associations, partnerships and societies, whether or not engaged in a profit-making endeavor.

"Principal" means a person who would be directly involved in the management or operation of the business.

"Valid license" means a license issued pursuant to this chapter, and which license's effective period has not expired.

5.04.030 - License—Required.

No person shall conduct any business within the city without a valid license unless an exemption contained in Section 5.04.040 of this code applies.

5.04.040 - Exemptions.

The requirements contained in this chapter shall not apply to:

A. Garage sales;

B. An individual performing babysitting, nursery or child-care activities on a part-time basis;

C. An individual who is employed by a business which has obtained a license;

D. An individual hired or employed on an intermittent or casual basis by a household, business or other employer to supply only services;

E. A person whose primary activity consists of delivering goods inside the city for a business located outside the city;

F. Any conduct which is exempt from licensing by virtue of the constitution or laws of the United States or the state of Oregon;

G. A person who leases two or fewer units of residential real estate within the city;

H. A contractor or landscape contractor (1) who possesses a contractor's license issued by Metro, (2) whose place of business is located outside the city, and (3) who earns less than two hundred fifty thousand dollars in annual gross revenues from business conducted within the city. For purposes of this subsection, "contractor" has the meaning provided in ORS 701.055(2), and "landscape contractor" has the meaning provided in ORS 701.015(6)(c);

I. Federally tax-exempt organizations and nonprofit religious organizations;

J. City-sponsored activities and business operating under a city franchise.

5.04.050 - License—Application.

A. A person shall apply for a license in the following manner:

1. Application for a license shall be made to the **city manager** ~~chief of police~~ on or before January 1st of each year for which a license is required; or

2. If the business goes into operation after January 1st, application shall be made at least thirty days before conducting business in the city.

B. A license shall expire on the last day of the calendar year for which the license was issued.

C. Application for a license shall be on a form provided by the city and signed by the applicant. The application constitutes consent for the city to conduct an investigation of the application, including permission to obtain a computerized criminal record for the applicant and any employees that will be working for the applicant, and to enter the business property. An application shall request:

1. The name and address of the applicant;

2. The name and address of the business;

3. A description of the type of business to be licensed;

4. The number of persons regularly employed by the business;

5. Any other information the **city manager or a law enforcement officer** ~~chief of police~~ deems necessary to evaluate the application. **Questions about the necessity of such other information shall initially be resolved by the official making the request, subject to final resolution by the city manager.**

D. The ~~chief of police~~ **city manager** shall review an application according to Section 5.04.060 of this code. The **city manager** ~~chief of police~~ shall submit the application to appropriate city department heads for evaluation and comment, **including submittal to a law enforcement agency for review by a law enforcement officer.** The **city manager** ~~chief of police~~ may adopt rules to carry out the provisions of this chapter and may prescribe forms for business license applications. **Officials receiving applications to review under this section should review applications expeditiously and should communicate any questions or concerns to the city manager with reasonable timeliness.**

5.04.060 - License—Criteria for approval.

A. The **city manager** ~~chief of police~~ shall either approve, approve with conditions or deny an application. Action on an application shall be based upon the consideration of all available information, including, but not limited to, a computerized criminal history record. An application may be denied on any of the following grounds:

1. Failure to provide requested information or any false, misleading or incomplete material statement made on the application form; however, if the statement is the result of excusable neglect, the applicant may resubmit an application with appropriate corrections;

2. The applicant, a principal or the business activity fails to meet the requirements of this code or is doing business in violation of this code or applicable state or federal law, including the building, health, mechanical, electrical, plumbing, development and fire codes of the city;

3. The applicant, a principal or the business activity would violate, or has violated, any ordinance or the charter of the city, any state or federal criminal statute, or any other law, as shown on a computerized criminal history record, unless the applicant proves that the violation has no bearing on the applicant's fitness or the ability of the business to undertake the licensed activity without endangering persons or property or the public health, safety or welfare. The **city** ~~chief of police~~ may consider a violation that did not result in a conviction;

4. The business activity would endanger, or has endangered, persons or property, such that the business activity is a menace to the health, safety and general welfare of the city.

B. The **city manager** ~~chief of police~~ shall notify the applicant in writing of a decision made under subsection A of this section. The written notice shall state the reason for the decision and explain that the decision is final unless either the applicant or council files a notice of appeal pursuant to Section 5.04.150 of this code. The written notice shall also be provided to the council.

C. ~~If the~~ **When a** license is approved or approved with conditions, the **city manager** ~~chief of police~~ shall issue a license to the applicant.

D. All persons operating a medical marijuana dispensary under Oregon law, whether organized or operating on a for-profit or not-for-profit basis, must maintain a business license from the city. For purposes of complying with Section 5.04.060(A)(2) of this code, the business activity conducted at a medical marijuana dispensary will be regarded as consistent with federal law so long as the licensee certifies, in a writing placed on file with the city recorder, that in the conduct of its medical marijuana business the licensee will:

1. Prevent the distribution of marijuana to minors;

2. Prevent revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;

3. Prevent the diversion of marijuana from Oregon to any other state;

4. Prevent state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;

5. Abstain from violence and the use of firearms in the cultivation and distribution of marijuana;

6. Discourage and, if necessary, prevent drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;

7. Prevent the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands;

8. Prevent marijuana possession or use on federal property; and

9. Operate its business in accordance with all Oregon laws existing now or in the future that authorize the licensee to operate a medical marijuana dispensary.

5.04.070 - License—Fee—Amount.

No license shall be issued under this chapter unless the applicant pays a license fee to the city in the amount set by resolution of the council. If an applicant has conducted business in the city without a license, the license fee shall include the license fee the applicant would have been required to pay if the applicant had been conducting business pursuant to a license, and a late fee.

5.04.080 - License—Fee—Payment—Delinquencies.

All license fees required by this chapter are due on the required application date. All license fees shall be deemed delinquent if not paid on or before thirty days after the due date. Whenever any license fee is not paid within thirty days of the due date, a twenty-five dollar late fee shall be imposed.

5.04.090 - License—Renewal.

An application for renewal of a license shall be made and processed in the same manner as an initial application, pursuant to Sections 5.04.050 to 5.04.080 of this chapter.

5.04.100 - License—Display.

A. Except as provided in subsection B of this section, a license issued under this chapter shall be displayed in a conspicuous place on the business premises at all times during the license's effective period, available for inspection by any interested person.

B. If the licensee does not maintain a place of business within the city, the license or a copy thereof shall be in the possession of the licensee or the licensee's representative while that person is conducting business within the city. Upon the request of any police officer or city official, that person shall show the license or its copy.

5.04.110 - License—Nontransferable.

A license issued pursuant to this chapter is a personal privilege and is not transferable.

5.04.120 - License—Separate business.

If a person conducts more than one business in the city, the person shall obtain a license for each business. A separate license is not necessary for a warehouse used in connection with a licensed business but at a separate location.

5.04.130 - License—Grounds for revocation.

A. If the **city manager** ~~chief of police~~ determines that a licensee is conducting or has conducted an activity, which would provide grounds for denial of an application for a license pursuant to Section 5.04.060 of this code, the **city manager** ~~chief of police~~ shall notify the licensee in writing that the city is revoking its license.

B. Upon making the determination in subsection A of this section, the **city manager** ~~chief of police~~ may include any other related, licensed business conducted by the licensee in the notice of revocation.

C. The notice of revocation shall be sent to the licensee's business or residential address shown on the application form, at least thirty days before the effective date of revocation. The notice of revocation shall state the grounds for revocation and inform the licensee of the provisions for appeal.

D. The council, upon making the determination contained in subsection A of this section, may direct the **city manager**~~chief of police~~ to issue a notice of revocation. The city council may, on its own motion, vacate a notice of revocation issued by the **city manager** ~~chief of police~~. The licensee shall be notified in writing if a notice of revocation is vacated.

5.04.140 - License—Grounds for suspension.

A. If the **city manager** ~~chief of police~~ determines that a licensee or any activity of the licensee presents an immediate danger to persons or property, the **city manager** ~~chief of police~~ may suspend such license by issuing a written notice of suspension.

B. The suspension shall become effective when the licensee receives the notice personally or when the notice is delivered to the licensee's business or residential address as shown on the application. The notice shall contain the grounds for suspension, the effective period of the suspension, and shall inform the licensee of the provisions for appeal.

C. The council, upon making the determination contained in subsection A of this section, may direct the **city manager** ~~chief of police~~ to issue a notice of suspension pursuant to this section. The council may, on its own motion and by resolution, vacate a notice of suspension issued by the **city manager** ~~chief of police~~. The licensee shall be notified in writing if a notice of suspension is vacated.

5.04.150 - Appeal.

A. An applicant whose application has been conditioned or denied, or a licensee whose license has been suspended or who has received a notice of revocation, may ~~file~~ **appeal such matter to the city council by filing** a written notice of appeal with the **city manager** ~~chief of police~~. The notice of appeal must be filed within ten calendar days after the notice of denial, suspension, revocation or approval with conditions is mailed or delivered, whichever is earlier. The notice of appeal shall include:

1. The name and address of the appellant, and the business owner if different than the appellant;

2. The nature of the determination from which an appeal is taken and a copy of the determination;

3. The reason or reasons why the determination is alleged to be incorrect;

4. What the correct determination should be; and

5. An appeal fee of one hundred dollars.

B. The council, on its own motion, may review a decision of denial by the **city manager** ~~chief of police~~ made pursuant to Section 5.04.060 of this code. The council **motion** shall **contain the reason or reasons for review of the city manager's decision, and** direct ~~the filing of a notice of appeal by~~ the city manager **to place an appeal hearing on the city council agenda**. The **motion is out of order on and beyond the fifteenth day after the city manager's** ~~notice shall be filed with the chief of police no later than fourteen days after the chief of police's~~ decision was mailed. The **motion shall also direct the city recorder to create a written** notice of appeal, **including the reasons for review,** and mail it ~~shall be sent in writing~~ to the applicant~~, and~~. **The notice also** shall state the time and place **for city council's review of** ~~which the council will review~~ the **city manager's decision.** ~~chief of police's decision and the reason or reasons for review of the chief of police's decision.~~

C. The council shall designate a time to hear the appeal. The appellant shall be given written notice of the time, date and place of the hearing at least ten days in advance of the hearing.

D. Failure of the applicant or licensee to file a notice of appeal with the **city manager** ~~chief of~~ police within the time allotted, shall constitute a waiver of objections to the notice of suspension, revocation, denial or approval with conditions.

E. Filing a notice of appeal shall stay the effective date of revocation until a final determination is made on the appeal by the council.

F. Filing a notice of appeal does not stay the effective date of suspension.

5.04.160 - Appeal—Hearing.

A. A hearing on appeal to the council pursuant to Section 5.04.150 of this code shall afford the licensee or applicant, **city staff and peace officers, members of the public** ~~the chief of police~~ and other interested parties the opportunity to give oral and written testimony and written materials to the council. The licensee or applicant may exercise the right to cross-examine witnesses who present evidence adverse to that person.

B. The council may affirm, modify, remand or reverse the **city manager's** ~~chief of police's~~ decision. The council shall **direct the city manager to** provide the licensee or applicant with a written notice of **the council's** ~~its~~ decision.

5.04.170 - License—Reissuance.

When a license has been revoked and the licensee or principal of the licensee reapplies for a license, a bond in the penal sum deemed necessary under the circumstances but not to exceed ten thousand dollars shall be filed with the city recorder. This bond shall be required for the term of the license and shall be forfeited to the city if the licensee is convicted of any violation of federal, state or city laws or ordinances for which such license may be revoked.

5.04.180 - Violation—Penalty.

Any person violating any of the provisions of this chapter, shall upon conviction thereof in municipal court, be punished by a fine not to exceed three hundred dollars for each offense or by imprisonment not to exceed ninety days, or both such fine and imprisonment. A separate offense shall be deemed committed for each day a violation occurs.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 5.04 OF THE TROUTDALE MUNICIPAL CODE RELATING TO BUSINESS LICENSES.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Under newly-created development code provisions, the City of Troutdale (City) will accept land use applications to approve permits to develop medical marijuana dispensary businesses in certain locations of the City.

2. Existing business license ordinances, with certain exceptions inapplicable here, require all persons to obtain city business licenses to conduct business in the City.

3. The city may deny business licenses where, among other things, a business operates in violation of federal law, and at present the federal Controlled Substances Act does not allow possession or transfer of marijuana in the way those activities are typically conducted at a medical marijuana dispensary.

4. On February 14, 2014, the United States Department of Justice issued guidance to federal law enforcement which, in cases involving marijuana, encouraged them to devote resources to more serious marijuana-related crimes.

5. The City Council acknowledges the tension between state dispensaries and federal laws, but believes that the least cost, most efficient solution is to amend the City Code in ways that allow state dispensary laws to operate under federal guidance toward cases involving marijuana.

6. The amendment below adds a provision to the municipal code that requires all dispensaries operating in the city to obtain a business license, and for the purpose of issuing a business license, allows the City to regard a medical marijuana dispensary as not violating federal law if the dispensary conducts its affairs in compliance with the standards outlined by the U.S. Justice Department.

7. The City also desires to conform the business license chapter to its new agreement for law enforcement services.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. Chapter 5.04 of the Troutdale Municipal Code is amended to read as follows:

5.04.010 - Purpose.

The primary purpose of this chapter's licensing requirements is to regulate businesses in order to promote the health, safety and welfare of the public. Licensing helps ensure that all new business activities are conducted in compliance with applicable laws and ordinances. Licensing also allows the city to maintain an inventory of existing businesses operating and doing business within its limits. This inventory allows the city to ensure, through inspection, enforcement and other regulatory measures, that such business activities continue to comply with applicable laws and ordinances. The licensing fee required by this chapter is necessary to finance and provide for the licensing and regulation authorized by this chapter.

5.04.020 - Definitions.

As used in this chapter, unless the context requires otherwise:

"Business" means any occupation, profession or commercial activity engaged in for profit or livelihood in the city. This definition includes, but is not limited to, peddler and home occupation activity.

"City manager" means the city manager of Troutdale, or designee of the city manager.

"Computerized criminal history record" means the record that is available to the Troutdale police department via the Law Enforcement Data System pursuant to OAR 257-015-0060(2).

"Council" means the city council of the city of Troutdale.

"Garage sale" means a commercial activity open to the public, conducted at a private residence where personal property is sold to others provided that no more than four garage sales per residence per year shall occur and that no garage sale shall exceed three days in duration.

"Home occupation" means a business carried on within a dwelling, and which business is incidental to the use of the dwelling for dwelling purposes.

"Law enforcement agency" means a municipal police department, county sheriff's office, or other law enforcement agency established under state law.

"Law enforcement officer" means a sworn peace officer authorized by the city manager to perform the business license review functions within this chapter. The term may include a non-sworn employee of a law enforcement agency authorized by the agency and by the city manager

"License" means the permission granted by the city to engage in a business or activity regulated by this chapter.

"Licensee" means a person who has a valid license issued pursuant to this chapter.

"Peddler" means a person whose business activity consists of traveling to and from residences and businesses and offering for sale, selling, or taking orders for goods or services.

"Person" includes all natural and legal persons, including but not limited to, individuals, corporations, associations, partnerships and societies, whether or not engaged in a profit-making endeavor.

"Principal" means a person who would be directly involved in the management or operation of the business.

"Valid license" means a license issued pursuant to this chapter, and which license's effective period has not expired.

5.04.030 - License—Required.

No person shall conduct any business within the city without a valid license unless an exemption contained in Section 5.04.040 of this code applies.

5.04.040 - Exemptions.

The requirements contained in this chapter shall not apply to:

A. Garage sales;

B. An individual performing babysitting, nursery or child-care activities on a part-time basis;

C. An individual who is employed by a business which has obtained a license;

D. An individual hired or employed on an intermittent or casual basis by a household, business or other employer to supply only services;

E. A person whose primary activity consists of delivering goods inside the city for a business located outside the city;

F. Any conduct which is exempt from licensing by virtue of the constitution or laws of the United States or the state of Oregon;

G. A person who leases two or fewer units of residential real estate within the city;

H. A contractor or landscape contractor (1) who possesses a contractor's license issued by Metro, (2) whose place of business is located outside the city, and (3) who earns less than two hundred fifty thousand dollars in annual gross revenues from business conducted within the city. For purposes of this subsection, "contractor" has the meaning provided in ORS 701.055(2), and "landscape contractor" has the meaning provided in ORS 701.015(6)(c);

I. Federally tax-exempt organizations and nonprofit religious organizations;

J. City-sponsored activities and business operating under a city franchise.

5.04.050 - License—Application.

A. A person shall apply for a license in the following manner:

1. Application for a license shall be made to the city manager on or before January 1st of each year for which a license is required; or

2. If the business goes into operation after January 1st, application shall be made at least thirty days before conducting business in the city.

B. A license shall expire on the last day of the calendar year for which the license was issued.

C. Application for a license shall be on a form provided by the city and signed by the applicant. The application constitutes consent for the city to conduct an investigation of the application, including permission to obtain a computerized criminal record for the applicant and any employees that will be working for the applicant, and to enter the business property. An application shall request:

1. The name and address of the applicant;

2. The name and address of the business;

3. A description of the type of business to be licensed;

4. The number of persons regularly employed by the business;

5. Any other information the city manager or a law enforcement officer deems necessary to evaluate the application. Questions about the necessity of such other information shall initially be resolved by the official making the request, subject to final resolution by the city manager.

D. The city manager shall review an application according to Section 5.04.060 of this code. The city manager shall submit the application to appropriate city department heads for evaluation and comment, including submittal to a law enforcement agency for review

by a law enforcement officer. The city manager may adopt rules to carry out the provisions of this chapter and may prescribe forms for business license applications. Officials receiving applications to review under this section should review applications expeditiously and should communicate any questions or concerns to the city manager with reasonable timeliness.

5.04.060 - License—Criteria for approval.

A. The city manager shall either approve, approve with conditions or deny an application. Action on an application shall be based upon the consideration of all available information, including, but not limited to, a computerized criminal history record. An application may be denied on any of the following grounds:

1. Failure to provide requested information or any false, misleading or incomplete material statement made on the application form; however, if the statement is the result of excusable neglect, the applicant may resubmit an application with appropriate corrections;

2. The applicant, a principal or the business activity fails to meet the requirements of this code or is doing business in violation of this code or applicable state or federal law, including the building, health, mechanical, electrical, plumbing, development and fire codes of the city;

3. The applicant, a principal or the business activity would violate, or has violated, any ordinance or the charter of the city, any state or federal criminal statute, or any other law, as shown on a computerized criminal history record, unless the applicant proves that the violation has no bearing on the applicant's fitness or the ability of the business to undertake the licensed activity without endangering persons or property or the public health, safety or welfare. The city may consider a violation that did not result in a conviction;

4. The business activity would endanger, or has endangered, persons or property, such that the business activity is a menace to the health, safety and general welfare of the city.

B. The city manager shall notify the applicant in writing of a decision made under subsection A of this section. The written notice shall state the reason for the decision and explain that the decision is final unless either the applicant or council files a notice of appeal pursuant to Section 5.04.150 of this code. The written notice shall also be provided to the council.

C. When a license is approved or approved with conditions, the city manager shall issue a license to the applicant.

D. All persons operating a medical marijuana dispensary under Oregon law, whether organized or operating on a for-profit or not-for-profit basis, must maintain a business license from the city. For purposes of complying with Section 5.04.060(A)(2) of this code, the business activity conducted at a medical marijuana dispensary will be regarded as consistent with federal law so long as the licensee certifies, in a writing placed on file with the city recorder, that in the conduct of its medical marijuana business the licensee will:

1. Prevent the distribution of marijuana to minors;

2. Prevent revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;

3. Prevent the diversion of marijuana from Oregon to any other state;

4. Prevent state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;

5. Abstain from violence and the use of firearms in the cultivation and distribution of marijuana;

6. Discourage and, if necessary, prevent drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;

7. Prevent the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands;

8. Prevent marijuana possession or use on federal property; and

9. Operate its business in accordance with all Oregon laws existing now or in the future that authorize the licensee to operate a medical marijuana dispensary.

5.04.070 - License—Fee—Amount.

No license shall be issued under this chapter unless the applicant pays a license fee to the city in the amount set by resolution of the council. If an applicant has conducted business in the city without a license, the license fee shall include the license fee the applicant would have been required to pay if the applicant had been conducting business pursuant to a license, and a late fee.

5.04.080 - License—Fee—Payment—Delinquencies.

All license fees required by this chapter are due on the required application date. All license fees shall be deemed delinquent if not paid on or before thirty days after the

due date. Whenever any license fee is not paid within thirty days of the due date, a twenty-five dollar late fee shall be imposed.

5.04.090 - License—Renewal.

An application for renewal of a license shall be made and processed in the same manner as an initial application, pursuant to Sections 5.04.050 to 5.04.080 of this chapter.

5.04.100 - License—Display.

A. Except as provided in subsection B of this section, a license issued under this chapter shall be displayed in a conspicuous place on the business premises at all times during the license's effective period, available for inspection by any interested person.

B. If the licensee does not maintain a place of business within the city, the license or a copy thereof shall be in the possession of the licensee or the licensee's representative while that person is conducting business within the city. Upon the request of any police officer or city official, that person shall show the license or its copy.

5.04.110 - License—Nontransferable.

A license issued pursuant to this chapter is a personal privilege and is not transferable.

5.04.120 - License—Separate business.

If a person conducts more than one business in the city, the person shall obtain a license for each business. A separate license is not necessary for a warehouse used in connection with a licensed business but at a separate location.

5.04.130 - License—Grounds for revocation.

A. If the city manager determines that a licensee is conducting or has conducted an activity, which would provide grounds for denial of an application for a license pursuant to Section 5.04.060 of this code, the city manager shall notify the licensee in writing that the city is revoking its license.

B. Upon making the determination in subsection A of this section, the city manager may include any other related, licensed business conducted by the licensee in the notice of revocation.

C. The notice of revocation shall be sent to the licensee's business or residential address shown on the application form, at least thirty days before the effective date of revocation. The notice of revocation shall state the grounds for revocation and inform the licensee of the provisions for appeal.

D. The council, upon making the determination contained in subsection A of this section, may direct the city manager to issue a notice of revocation. The city council may, on its own motion, vacate a notice of revocation issued by the city manager. The licensee shall be notified in writing if a notice of revocation is vacated.

5.04.140 - License—Grounds for suspension.

A. If the city manager determines that a licensee or any activity of the licensee presents an immediate danger to persons or property, the city manager may suspend such license by issuing a written notice of suspension.

B. The suspension shall become effective when the licensee receives the notice personally or when the notice is delivered to the licensee's business or residential address as shown on the application. The notice shall contain the grounds for suspension, the effective period of the suspension, and shall inform the licensee of the provisions for appeal.

C. The council, upon making the determination contained in subsection A of this section, may direct the city manager to issue a notice of suspension pursuant to this section. The council may, on its own motion and by resolution, vacate a notice of suspension issued by the city manager. The licensee shall be notified in writing if a notice of suspension is vacated.

5.04.150 - Appeal.

A. An applicant whose application has been conditioned or denied, or a licensee whose license has been suspended or who has received a notice of revocation, may appeal such matter to the city council by filing a written notice of appeal with the city manager. The notice of appeal must be filed within ten calendar days after the notice of denial, suspension, revocation or approval with conditions is mailed or delivered, whichever is earlier. The notice of appeal shall include:

1. The name and address of the appellant, and the business owner if different than the appellant;

2. The nature of the determination from which an appeal is taken and a copy of the determination;

3. The reason or reasons why the determination is alleged to be incorrect;

4. What the correct determination should be; and

5. An appeal fee of one hundred dollars.

B. The council, on its own motion, may review a decision of denial by the city manager made pursuant to Section 5.04.060 of this code. The council motion shall contain the

reason or reasons for review of the city manager's decision, and direct the city manager to place an appeal hearing on the city council agenda. The motion is out of order on and beyond the fifteenth day after the city manager's decision was mailed. The motion shall also direct the city recorder to create a written notice of appeal, including the reasons for review, and mail it to the applicant. The notice also shall state the time and place for city council's review of the city manager's decision.

C. The council shall designate a time to hear the appeal. The appellant shall be given written notice of the time, date and place of the hearing at least ten days in advance of the hearing.

D. Failure of the applicant or licensee to file a notice of appeal with the city manager within the time allotted, shall constitute a waiver of objections to the notice of suspension, revocation, denial or approval with conditions.

E. Filing a notice of appeal shall stay the effective date of revocation until a final determination is made on the appeal by the council.

F. Filing a notice of appeal does not stay the effective date of suspension.

5.04.160 - Appeal—Hearing.

A. A hearing on appeal to the council pursuant to Section 5.04.150 of this code shall afford the licensee or applicant, city staff and peace officers, members of the public and other interested parties the opportunity to give oral and written testimony and written materials to the council. The licensee or applicant may exercise the right to cross-examine witnesses who present evidence adverse to that person.

B. The council may affirm, modify, remand or reverse the city manager's decision. The council shall direct the city manager to provide the licensee or applicant with a written notice of the council's decision.

5.04.170 - License—Reissuance.

When a license has been revoked and the licensee or principal of the licensee reapplies for a license, a bond in the penal sum deemed necessary under the circumstances but not to exceed ten thousand dollars shall be filed with the city recorder. This bond shall be required for the term of the license and shall be forfeited to the city if the licensee is convicted of any violation of federal, state or city laws or ordinances for which such license may be revoked.

5.04.180 - Violation—Penalty.

Any person violating any of the provisions of this chapter, shall upon conviction thereof in municipal court, be punished by a fine not to exceed three hundred dollars for each offense or by imprisonment not to exceed ninety days, or both such fine and

imprisonment. A separate offense shall be deemed committed for each day a violation occurs.

YEAS:
NAYS:
ABSTAINED:

Doug Daoust, Mayor

Date

Debbie Stickney, City Recorder
Adopted:

AGENDA ITEM #7

CITY OF TROUTDALE

STAFF REPORT

SUBJECT / ISSUE: A resolution providing for current fiscal year 2014-2015 budget transfers and appropriation changes.

MEETING TYPE: City Council Regular Mtg.	**MEETING DATE:** June 23, 2015 **STAFF MEMBER:** Erich Mueller **DEPARTMENT:** Finance
ACTION REQUIRED Resolution **PUBLIC HEARING** No	**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:** Not Applicable **Comments:**

STAFF RECOMMENDATION: Adopt the Budget Transfers resolution as proposed.

EXHIBITS: none

Subject / Issue Relates To:

☐ Council Goals ☐ Legislative ☒ Other (describe)

Issue / Council Decision & Discussion Points:

- Funding by transfer of available budgeted contingency appropriations
- No appropriations increase, just transfer and reallocations
- Routine year end balancing of available budget appropriations
- Maintains budget compliance and avoids repeat audit findings

Reviewed and Approved by City Manager:

BACKGROUND:

By the end of each fiscal year, many, many changes have occurred in plans, events, and circumstances during the 15 months since the Budget Committee diligently developed the budget. These changes impact actual spending and routinely cause budget variances requiring budget transfers to cover necessary expenditures that were unknown at the time of budget adoption. In aggregate we are under budget, however many individual components are over or under, so we need to shift appropriations around, as expected by the Local Budget Law, to remain in compliance.

Attached is a resolution providing for transfers of existing budget appropriations between departments for the *current* Fiscal Year 2014-2015. The total appropriation level is ***not*** increased with this resolution, simply shifting from Contingency existing budget from one unit to another.

Some of the transfers result from City Council action during the fiscal year, many are for necessary items unknown during budget adoption, and a few the Finance Director is requesting just as precautionary transfers. As part of the annual audit the auditors compare expenditures to budget appropriations by category and or department. In a prior year I missed transferring available appropriations and was cited in the Audit Report for noncompliance with part of the Local Budget Law.

GENERAL FUND

Budget transfer from Contingency to provide for the unanticipated necessary additional expenses of necessary contracted City Attorney expenses for ongoing and expanded legal services; transferring $25,000 from Contingency to the **Legal Department.**

Budget transfer from Contingency to provide for unanticipated and necessary additional expenses associated with the development process of Phase 2 of the Troutdale Reynolds Industrial Park, (TRIP site) for legal counsel on environmental liability; transferring $40,000 from Contingency to **General Government Department.**

Budget transfer from Contingency to provide for the unanticipated necessary additional expenses associated with the replacement and restocking of trout sculptures for recognition of completed City Council service, and for the community outreach neighborhood meeting series mailing and printing costs; transferring $8,900 from Contingency to **Legislative Department**.

A precautionary budget transfer from Contingency to ensure budget compliance for unanticipated and necessary additional expenses by transferring from Contingency $20,000 to **Police Management** and $200,000 to **Police Operations.**

A precautionary budget transfer from Contingency to ensure budget compliance for unanticipated and necessary additional expenses associated for required migration services for equipment replacement of three file servers and firewall replacement and other necessary but un-budgeted expenditures transferring $15,000 from Contingency to **Information Services Department.**

Budget transfer from Contingency to provide for the unanticipated necessary additional expenses associated with the public artwork of the river bend trout bronze approved by the Council and designated for placement at the Harlow House, and the temporary labor coverage expense for employees on Family and Medical Leave (FMLA) status; transferring $12,500 from Contingency to the **Parks Department.**

Budget transfer from Contingency to provide for the unanticipated necessary additional expenses associated with the temporary labor coverage for employees on Family and Medical Leave (FMLA) status; transferring $7,500 from Contingency to the **Facilities Department.**

WATER IMPROVEMENT FUND

A budget appropriation transfer is necessary to correct the adoption and appropriation resolution typographical error overstating and understating offsetting budget categories in the Water Improvement Fund; transferring $7,500 from Contingency to Materials and Services.

CODE SPEALITIES FUND

Budget transfer from Contingency to cover the unanticipated additional overtime, and contracted professional services expenses, and other necessary but un-budgeted expenditures to maintain the building inspection services; transferring $22,294 from fund Contingency, and $30,000 of General Fund Contingency appropriations, allocating $10,000 to **Building Inspections**, $22,294 to **Electrical Inspections**, and $20,000 to **Plumbing Inspections.**

STREET FUND

Budget transfer from Contingency to cover the Council authorized unanticipated and necessary additional expenses associated with the multi-phase street maintenance public engagement and education communications program; transferring $70,000 from Contingency to Materials and Services.

URBAN RENEWAL AGENCY

Budget transfer from Contingency to loan funds to the Urban Renewal Agency to cover expenditures for expenses associated with the ongoing brownfield testing and analysis and professional consulting services, transferring $140,000 from Contingency as a LOAN to the **Urban Renewal Agency**.

The Urban Renewal Agency (URA) has repaid all but $110,000 of the previous loans from the City. Further the URA may not collect tax increment revenue without outstanding debt. While there is some grant money for the ongoing brownfield work, the URA must pay the costs up front, in addition to local match requirements, and then request reimbursement for cost incurred. Funds are necessary to pay costs in advance of reimbursements.

It is also important to recognize that this is a LOAN from the General Fund, not an expenditure, grant or gift. The General Fund will be REPAID from the URA collection of tax increment in the coming two fiscal years.

SUMMARY:

The broad types of adjustments are:

- Use of contingency for un-budgeted items, both unanticipated expenses and programs/projects initiated after budget adoption,

- Transfer of existing appropriations budgeted in one department to another department or fund

PROS & CONS:

A. Approve the Budget Transfers resolution as drafted by staff, to provide funding from Contingency to maintain compliance with the Local Budget Law requirements.

B. Not approve the Budget Transfers resolution drafted by staff, creating potential violation of the Local Budget Law and expose the City to potential penalties from the Department of Revenue.

Current Year Budget Impacts ☒ Yes *(describe)* ☐ N/A
First Year: Makes use of a portion of budgeted Contingency. The budget transfers do ***not*** increase total appropriations for FY 2014-15.

Future Fiscal Impacts: ☐ Yes *(describe)* ☒ N/A
Future Years: This resolution relates to current year appropriations and has no impact on future year appropriations.

Community Involvement Process: ☐ Yes *(describe)* ☒ N/A

RESOLUTION NO.

A RESOLUTION PROVIDING FOR CURRENT FY 2014-2015 BUDGET TRANSFERS AND APPROPRIATION CHANGES

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The budget for FY 2014-2015 was adopted by the City Council on June 10, 2014 by Resolution No. 2258.

2. A budget appropriation transfer is necessary to provide a loan to the Urban Renewal Agency for the additional necessary expenses associated with the ongoing brownfield testing and analysis and professional consulting services.

3. A budget appropriation transfer is necessary to provide for unanticipated necessary expenses associated with the development process of Phase 2 of the Troutdale Reynolds Industrial Park, (TRIP site) for legal counsel on environmental liability.

4. A budget appropriation transfer is necessary to correct the adoption and appropriation resolution typographical error overstating and understating offsetting budget categories in the Water Improvement Fund.

5. Budget transfer to provide for unanticipated and necessary additional expenses associated with the equipment replacement required for three file servers migration and firewall replacement costs.

6. A budget appropriation transfer is necessary to provide for the additional necessary contracted City Attorney expenses for ongoing and expanded legal services.

7. Budget transfer to provide for unanticipated and necessary additional expenses associated with the replacement and restocking of trout sculptures for recognition of completed City Council service.

8. A budget appropriation transfer is necessary to provide for the approved community outreach neighborhood meeting series mailing and printing costs.

9. Budget transfer to provide for unanticipated and necessary additional expenses associated with the temporary labor coverage for employees on Family and Medical Leave (FMLA) status.

10. A budget transfer to and within budget appropriations of the Code Specialties Fund between divisions is necessary to provide for the necessary expenses associated with the staffing and organizational changes necessary to support to maintain the building inspection services and budget compliance.

11. Additional routine transfers to shift budget appropriation in the Police Management, Police Operations, and Information Services departments are necessary to support unanticipated expenditure requirements, and budget compliance.

12. A budget appropriation transfer is necessary to provide for unanticipated and necessary additional expenses associated with the public artwork of the river bend trout bronze approved by the Council and designated for placement at the Harlow House.

13. A budget appropriation transfer is necessary to provide for unanticipated and necessary additional expenses associated with the multi-phase street maintenance public engagement and education communications program approved by the Council.

14. Appropriation authority is available from budgeted Contingency and that ORS 294.463(2) provides for the transfer of Contingency appropriation and that such transfers may be made within a fund when authorized by official resolution of the governing body.

15. Appropriation authority is available that ORS 294.463(1) provides for the transfer of available appropriations and that such transfers may be made between departments and funds when authorized by official resolution of the governing body.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. The following appropriation adjustments to the Fiscal Year 2014-2015 Budget are required to provide for unexpected needs or to expend certain funds not anticipated at the time the budget was adopted, and are hereby authorized in accordance with ORS 294.463(1) & (2).

Section 2. The 2014-2015 Budget is adjusted within the General Fund by transfer of existing Contingency appropriation totaling $493,900 which is allocated to departments as follows: $8,900 to Legislative, $25,000 to Legal, $40,000 to General Government, $15,000 to Information Services, $20,000 to Police Command, $200,000 to Police Operations, $7,500 to Parks, $7,500 to Facilities, and $170,000 to Transfers to Other Funds.

GENERAL FUND	CURRENT BUDGET	INCEASE / (DECREASE)	REVISED BUDGET
Legislative	27,975	8,900	36,875
Legal	204,796	25,000	229,796
General Government	433,436	40,000	473,436
Information Services	264,822	15,000	279,822
Police Command	1,055,363	20,000	1,075,363
Police Operations	3,226,045	200,000	3,426,045

Parks & Greenways	429,610	12,500	442,110
Facilities	363,411	7,500	370,911
Transfers to Other Funds	239,300	170,000	409,300
Contingency	750,000	(498,900)	251,100
All other appropriations	3,441,285	-	3,441,285
Total General Fund Appropriations	10,436,043	-	10,436,043

Such transfers shall cause the appropriation by department within the fund to be increased and appropriated. The net effect of such appropriation transfers are zero.

Section 3. The 2014-2015 Budget is adjusted within the Code Specialties Fund by transfer of existing fund Contingency appropriation and $30,000 of General Fund Contingency appropriation transfer totaling $52,294 which is allocated to departments as follows: $10,000 to Building Inspections, $22,294 to Electrical Inspections, and $20,000 to Plumbing Inspections.

CODE SPECIALITIES	CURRENT BUDGET	INCEASE/ (DECREASE)	REVISED BUDGET
Building Inspections	207,886	10,000	217,886
Electrical Inspections	56,880	22,294	79,174
Plumbing Inspections	47,779	20,000	67,779
Contingency	22,294	(22,294)	-
All other appropriations			
Total Fund Appropriations	334,839	30,000	334,839

Section 4. That the Materials and Services appropriation in the Water Improvement Fund Appropriation line, of Section 2, page 3, of the budget adoption Resolution No. 2258 for Fiscal Year 2014-2015, is increased $7,500 and the Contingency line is decreased $7,500 and Total Appropriations and Total Requirements lines are unchanged.

Section 5. The 2014-2015 Budget is adjusted within the Street Fund by transfer of existing fund Contingency appropriation of $70,000 which is allocated to Material and Services.

STREET FUND	CURRENT BUDGET	INCEASE / (DECREASE)	REVISED BUDGET
MATERIALS & SERVICES	541,200	70,000	611,200
CONTINGENCY	250,000	(70,000)	180,000
All other appropriations	1,165,409	-	1,165,409
Total Fund Appropriations	1,956,609	-	1,956,609

Section 6. Upon adoption, this Resolution shall be effective as of July 1, 2014.

YEAS:
NAYS:
ABSTAINED:

_____
Doug Daoust, Mayor

Date_____

_____
Debbie Stickney, City Recorder
Adopted: