CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

CITY COUNCIL – REGULAR MEETING

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

Tuesday, June 14, 2016 – 7:00PM

Mayor
Doug Daoust

City Council
David Ripma
Corey Brooks
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:** November 24, 2015 Regular Meeting, March 8, 2016 Regular Meeting and March 15, 2016 Special Meeting.
   - **2.2 RESOLUTION:** A resolution approving an Intergovernmental Agreement with Metro to continue receiving solid waste clean-up services at unlawful camping sites in Troutdale.
   - **2.3 RESOLUTION:** A resolution accepting the May 17, 2016 Primary Election results from the Director of Elections, Multnomah County, Oregon.
   - **2.4 RESOLUTION**: A resolution authorizing the City to enter into a Stipulated Supplemental Judgment with DEQ for the public improvements including public right-of-way, easements, infrastructure and utilities located at or adjacent to the Troutdale Reynolds Industrial Park (TRIP) property.

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. **REQUEST:** A request for the City to provide sponsorship for the Cruise In. ***John Leamy, Troutdale Kiwanis***

5. **MOTION:** A motion to approve the Mt. Hood Cable Regulatory Commission's 2016-17 Annual Budget. ***Norm Thomas, MHCRC Troutdale Representative & Julie Omelchuck, MHCRC Staff***

6. **PUBLIC HEARING / RESOLUTIONS:** A public hearing on the following resolutions:
   6.1 A resolution certifying the City of Troutdale's *eligibility* to receive Fiscal Year 2016-17 State Shared Revenues.
   6.2 A resolution declaring the City of Troutdale's *election* to receive State Shared Revenues for Fiscal Year 2016-17. ***Erich Mueller, Finance Director***

7. **PUBLIC HEARING / RESOLUTIONS:** A public hearing on the following resolutions:
   7.1 A resolution adopting the City of Troutdale's Fiscal Year 2016-17 Annual Budget and making appropriations.
   7.2 A resolution imposing and categorizing Ad Valorem Taxes for Fiscal Year 2016-17.
   Erich Mueller, Finance Director

8. **STAFF COMMUNICATIONS**

9. **COUNCIL COMMUNICATIONS**

10. **ADJOURNMENT**

Doug Daoust

Doug Daoust, Mayor

Dated: 6/8/16

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 Sarah Skroch, City Recorder at 503-674-7258.

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: Sarah Skroch, City Recorder 503-674-7258.

DRAFT

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

Tuesday, November 24, 2015

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

Mayor Daoust called the meeting to order at 7:00 pm. He announced that the room was overcapacity, according to the building inspector, and asked that those wanting to speak on a specific agenda item be present for that agenda item.

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

ABSENT: None.

STAFF: Craig Ward, City Manager; Ed Trompke, City Attorney; Steve Gaschler, Public Works Director; Steve Winstead, Building Official & Planning Director; Amy Pepper, Civil Engineer; Sarah Skroch, City Recorder.

GUESTS: See Attached List.

Mayor Daoust asked are there any agenda updates?

Craig Ward replied Item #4 was added yesterday and is a discussion of the complaint process for the Sheriff's Department and allegations in the Northwest Connection newspaper.

2. CONSENT AGENDA:

2.1 MINUTES: September 22, 2015 Regular Meeting.

2.2 ~~RESOLUTION: A Resolution Accepting the November 3, 2015 Special Election Results from the Director of Elections, Multnomah County, Oregon.~~
Pulled from the Consent Agenda and moved to the Regular Agenda after Item #2

MOTION: Councilor White moved to approve Consent Agenda Item 2.1. Seconded by Councilor Morgan. The motion passed unanimously.

2.2. RESOLUTION: A resolution accepting the November 3, 2015 Special Election Results from the Director of Elections, Multnomah County, Oregon.

Councilor Allen asked about the legality of the flyers that went out and if that affects this particular agenda item at all.

Ed Trompke, City Attorney, stated I responded to the email received by Council this afternoon and Councilor Allen may not have had an opportunity to see that response yet.

Councilor Allen replied I read my email this afternoon but maybe there is something on the timing.

Ed Trompke stated occasionally one of mine will kick back out, so you may not have gotten it. With respect to the wording of these matters, Sarah Skroch and Steve Gaschler sent the documents to the Secretary of State's Office (SOS) prior to them being disseminated for an impartiality review. The Secretary of State said one of them is probably irrelevant, it had to do with another city, so don't use it. They made one change to one that was put into the publicity materials, they inserted the word "proposed"; the proposed ordinance or proposed tax. I've forgotten the exact phrase. Otherwise, it passed the SOS test. The third item was the explanatory statement for the Voter's Pamphlet, which also passed the test. With that change of the word proposed, it passed their test, so that was the article that went into *The Champion.* I told Mr. Wilcox, who sent in the question to the Council, that I had not reviewed this document to know if this was substantially the same wording as the questions and answers to the Frequently Answered Questions FAQ piece submitted to the SOS, but my response said if they are substantially the same, then it would be an appropriate document and the City is limited, after submitting the proposed language to the County Elections Officer, to a certain dollar amount. I don't recall how much it can spend, but before that, it's not limited in how much it can spend in postage for informational flyers. With the reservation that I'm making an assumption that this language is substantially similar to what was submitted to the SOS, it would be an approved and appropriate use of public monies for the communication of information to the public.

Councilor Allen asked does this particular agenda item have anything to do with what your decision is going to be after reading that?

Ed Trompke replied it wouldn't be my decision. I know of no court in Oregon that has ever set aside an election based on an issue like this. What could happen is the City could be fined or disciplined or censured by the State for inappropriately spending money, if that did happen in fact, and I'm not sure that it did. Although I don't have it in front of me, this looks to me like it was very similar to the language that was submitted. Accepting the vote would not have anything to do with it. If a court were to set aside an election, the City's action here on accepting the vote would be viewed as an administrative matter and could also be set aside by a court if a court were ever to do that. But, as I said, it's never happened to my knowledge in the State of Oregon, and I've looked. I will look at this, if you like, and report back to you by email.

MOTION: Councilor Allen moved to approve (a resolution accepting the November 3, 2015 Special Election Results from the Director of Elections, Multnomah County, Oregon). Seconded by Councilor Morgan. The motion passed unanimously.

3. PUBLIC COMMENT: Public comment is limited to comments on non-agenda items.

Claude Cruz, resident, stated I have a quick update at the suggestion of Councilor Wilson. The tree lighting, which is set for the 4th, is coming together nicely. We are going to have something new this year. The Grinch is going to visit us in the form of Donna Erwin, one of our local artists; that will be fun. Maybe in the future, we'll talk about Whoville. The Summerfest Committee went through the yearly deliberation about whether we keep the same date and their strong conclusion was to avoid conflicts by moving one week later to the 23rd rather than the 16th of July. That would avoid the collisions we always have with other events. It's also more convenient and has the unanimous support of the artisans who would like to participate as vendors. I put that to you for your consideration and approval. Can we push it back one week? From my perspective, I think it's innocuous. I basically need the Council's yea or nay on the recommendations of the Committee for this year.

Councilor Wilson stated the Highland Games used to be on the week you're suggesting that Summerfest move to, and they moved off that weekend to our weekend because it was not a popular weekend for people because they are on vacation. When the Arts Festival in Gresham started, they put it on that weekend because they didn't feel the 23rd would be a good weekend for them, either. When I was the Committee Chair, it always came to the conclusion that we needed to stay there because we are not going to pick up the people from the Highland Games, and we're probably not going to pick up the artists from downtown Gresham. If you want to, try it and then move it back, but I think a lot of people are here on that third Saturday because of that event, and then they go take their vacations afterward. You have a lot of vendors, and you may end up with new vendors because some of the vendors are planning for the 16th and if you move it to the 23rd, they may be somewhere else.

Claude Cruz replied I certainly appreciate that guidance, and you're right. In the three years that I've been at the helm, it has always been a discussion and, to date, we had decided to keep it on the same date. Frankly, after this last year, I think that we need some reinvention, I think it's a reasonable gamble. We did poll around to see who is doing what on which weekend, and it looks like the 23rd is as free as one can be at that time of year.

Mayor Daoust stated let's continue this discussion. You've raised the question, and we'll talk about it.

Claude Cruz asked my request is can we converge on yes or no? We're setting a dangerous precedent this year, so we'll need that guidance.

Sam Barnett, resident, stated as a citizen, I'm real disappointed with the majority of this Council. Nothing has changed since the last time I spoke with you. I'm guessing that team building experience over the summer didn't go so well. It's not evident in the news that I read or the results of the votes that I see. It seems that you are all eternally divided. The majority, the four of you and you the Mayor; I'm all ears out there and I'm hearing you called the Emperor and other things. The other three of you, as far as I'm concerned,

you're just yes men to the Mayor. It doesn't seem to me that the voices of reason, which are the minority, Councilors Ripma, White, and Allen; that their experience or thoughts, are considered in any of these votes. It's always 4 to 3. It's never close. How does this happen in the time that you've had together? There is a lot of experience that you're overlooking. I don't expect this to change; it's getting kind of late. I don't think it's fair. I think Councilor Morgan has been a huge disappointment to us. He has gotten more ink than any of the six of you together in the past five months. I would ask Councilor Morgan to define to the community what sex trafficking is. I understand what it is but most of the community doesn't. It would be very helpful if you defined it and let us know how that task force is coming along with the Sheriff's Department, and whether or not that is really a prevalent problem here. You campaigned on that. It's kind of gone by the wayside. If it is a problem out here, address it for us, and define it for those who don't know exactly what that is. Mayor, I think your Council is a mess. Again, I think it's you and three yes men not giving any consideration to the three other Councilors that have a world of experience and knowledge, and they have their opinions and I think they are just falling by the wayside. It shouldn't be 4-3all the time. I will also say in closing, and I say this every time, there are a lot of you behind me and a lot of you that I talk with, that come to every Council meeting and encourage me to come and to speak. I would encourage you to come to every meeting and take a shot and come up here and tell the Council and the City how you feel. I don't want to be speaking for you. I'm speaking for myself and I have the pulse of the city. Don't any of you have something else to say? I hope that you do. I'm just encouraging the city to take part, that's all I'm doing.

Mayor Daoust stated you have to be careful when you make false allegations. I think you should try and steer away from that. It's not a good thing to do.

Sam Barnett replied would you please use an example of a false allegation that I made?

4. DISCUSSION: A Discussion on the Complaint Process for the Sheriff's Department, and Allegations in the Northwest Connection newspaper.

Councilor White stated I have a point of order question. Typically, we give a seven-day notice for an agenda item and I'm wondering how much notice was given for this agenda item. This is the first I've heard of this, coming into this meeting.

Craig Ward, City Manager, stated 24 hours, plus a couple hours in there somewhere. Sarah, do you know, specifically, when the notice went out for this? It was yesterday.

Sarah Skroch, City Recorder replied it was yesterday. I can't exactly remember what time. I believe it was around 4:00 pm. We put the notice on the website and posted it on the board, sent it out to the press and then distributed it this evening.

Councilor White stated not even a courtesy call went out to any of the Councilors.

Sarah Skroch replied I didn't.

Councilor Morgan stated I think there was an email, but...

Councilor White responded I don't think so.

Mayor Daoust stated it was added according to the protocol that we always follow.

Councilor White stated I would suggest rescheduling this item so the public can be properly noticed.

Mayor Daoust replied we are not going to reschedule it. This was a discussion that was requested to be added.

Councilor White asked by whom?

Councilor Morgan asked Councilor White, as related to Section 4, giving the public more notice to participate in the discussion or ....?

Councilor White replied just following our own rules. I've been told several times that I can't put something on the agenda because it needs to have a seven-day notice. I'm trying to have some consistency here in how we follow the rules.

Councilor Morgan stated I would agree with that and I think the same thing was brought up last week, or even this week, and I could be wrong here, as it relates to the notification for the Planning Commission. I think there has been a lot of inconsistencies that should be addressed as it relates to procedure and protocol to do the same thing all the time.

Councilor White stated let's start here.

Ed Trompke, City Attorney, stated the statute is ORS 192, and I can't remember the exact section. It requires reasonable notice for agenda items of the regular session, minimum 24 hours for an emergency meeting, if I remember right, so, giving 24-hours' notice plus a few hours is probably reasonable, but reasonable minds can argue what the word reasonable means. It's my feeling that 27 hours is probably reasonable, but again, Council can disagree.

Councilor Allen stated Mayor, sorry, just a few minutes before this meeting is the first time that I've seen this and I don't understand how a discussion on the complaint process for the Sheriff's Department and allegations in the *Northwest Connection* paper belong on the same agenda item. They seem to be two totally different subjects. One is an article and the other is a process.

Mayor Daoust replied good question. I think if we allow the discussion to occur then that will be answered.

Councilor Allen asked then which one would they be discussing? They're two different items.

Mayor Daoust stated I think I'd like to have that discussion and you'll get your question answered. This is a discussion on the complaint process for the Sheriff's Department, which the Sheriff will address, and allegations in the *Northwest Connections* newspaper, and, I'm going to do my best to facilitate this discussion. The complaint process was brought up at the October 13th Council meeting, and the *Northwest Connection* newspaper article was written by Rich Allen. There are some people who came here explicitly to talk about this topic tonight. I would like to have the Multnomah County Sheriff start off the discussion so people know what we are talking about. Ed Trompke has some additional information on this agenda item. Then, I'll have to see about citizens' comment, because this mainly is a discussion item for the Council. We'll have to see how many people want to talk but, if there are a lot of people, you will be limited to just a short period of time. We'll see how that goes, and then the Council will have discussion.

Councilor Allen stated you just said that this is about me, but I have not had any prior warning or time to prepare for it.

Councilor Morgan asked prepare for what?

Councilor Allen replied you say the allegations in the *Northwest Connection* newspaper are specifically about an article that I wrote, but I have not been forewarned prior to this meeting that this discussion was going to happen, which gives me absolutely no time to prepare.

Councilor Ripma asked do we have the article?

Mayor Daoust replied yes, it looks like we do. It looks like Councilor White brought one and some of the audience have it. I got a copy of it. It's been floated around.

Councilor Allen said I suppose as long as this doesn't turn into a public trial without prior discovery or knowledge given to me, then it can continue.

Councilor Morgan stated I just have a point of order because I wasn't sure this discussion for Item 4 and Item 5 both updated as of 24 hours ago because they seem a bit redundant, to begin with, because they are virtually the same thing. Sarah, was it just Item 4 or was it Item 4 and Item 5 that were added?

Mayor Daoust replied Item 4 got added and Item 5 just got moved. It was on there before.

Councilor Morgan asked but they're the same thing essentially, right?

Councilor Ripma replied no, that's about *The Champion*.

Councilor White asked who requested this agenda item.

Mayor Daoust replied Councilor Wilson, the Sheriff, numerous people wanted to talk about it because of the allegations.

Councilor White stated my request to you gentlemen would be that we give proper notice for this meeting and wait the seven days.

Mayor Daoust replied we followed the rules.

Councilor White stated I think it is highly unfair to Rich Allen that not even a courtesy call went out.

Dan Staton, Multnomah County Sheriff, stated with me is Commander Scott Anderson and Commander Jason Gates. The reason we are here is at the Council's request. We have some concerns because of some of the issues that were mentioned in a previous article and also a Council meeting earlier in October. Some of the allegations were directed towards the Sheriff's Office, and since there was no specific complaint, it was brought here to be addressed by Council. The allegations were sufficient enough to meet our criteria and our policies and directives for me to initiate formal complaints through our Internal Affairs Unit. Based on the allegations against the Sheriff's Office, we had to determine whether or not the Sheriff's Office, any member of the Sheriff's Office, or any command team member was at fault, or if we had violated any conditions of the contract that was approved by this Council. There were interviews that were conducted. One of the main complaints was against a member of the agency, which I have to specifically address since it was brought up publically. We do not take complaints publically. We have to protect the anonymity of the complainant. We have to protect the anonymity of the member that is accused. If that is not done in a proper fashion, it opens up both parties for liability. I believe the attorney that represents the City can explain to this Council that if you publically accuse a member, the allegations and those accusations must be addressed with the member and the complainant, it cannot be addressed by the public. This is to protect both parties and in this case, the liability that will fall on this City Council, the Sheriff's Office, and Multnomah County. That is what I am here to address tonight. When these complaints came in, we received no notification from this Council; however, the allegations were made publically. If a complaint arises, it is the responsibility of each Councilor, and a requirement, to make the specific notifications. According to the contract, as I and our County Attorney have reviewed it, those complaints are supposed to go through your City Manager. However, this is something that needs to be readdressed. If you had a complaint, it is my understanding that you are required to make a response to the citizen that made a formal complaint with you. If I am incorrect in that assumption, you need to tell me now as well as the public sitting behind me. The way I see it, this particular complaint was not addressed. The public was formally notified; however, the complainant in this issue had already filed the complaint through the Sheriff's Office, and you violated their confidentiality. The complaint has already been addressed. It is three quarters of the way through our internal affairs process, and we're at the point now where we are going to be administering punishment. That consideration is being made currently by the Chief Deputy. I need to get a response from both the City Manager and the City Attorney, but my understanding, after looking at some of the interviews conducted in this process, is that if a complaint comes in, a Councilor cannot address that complaint with their public safety officials or the Commander that has been assigned to represent you, this agency, and the County. You have to go through your City Manager, and we have to receive the complaint from them and respond directly back to them, before you and the public can

receive an adequate response to a complaint against the Sheriff's Office. Is that correct and is that in your Charter?

Ed Trompke replied I'm not sure it is in the Charter, but I believe that is the process that is contemplated in the intergovernmental agreement (IGA) between your office, the County and the City; that the City Manager will be the chief person to handle complaints. However, there are certain other duties delegated to Commander Anderson through you to manage the operations here. I'd have to look at the actual IGA.

Sheriff Staton stated I'd like to get a response on this from you and from this Council. If any one of you receives a formal complaint, whether it's civil or criminal against the Sheriff's Office, or the integrity of the Sheriff's Office, a member of the Sheriff's Office, or a command member, I need to know whether or not they can specifically address it. If this Council cannot address it, then we need to have a different approach established as an amendment to the contract. If a citizen of Troutdale forwards a complaint through this Council, you have an obligation to make sure that complaint reaches my ears and the ears of our Internal Affairs Unit. Part of the process of our sitting up here is to explain it, and each of you have been invited to come down, go through, and ask any questions about the process. To date, only four Councilors have made that approach to me. I would assume that since we are representing you on the public safety side, and we answer directly to you on the public safety affairs of Troutdale, that you would have the obligation to at least understand the complaint process, because that is your first line of address with the agency, and what we are responsible for to the citizens in Troutdale. The Sheriff's Office is responsible for answering to the citizens and as the elected Sheriff, I am responsible to address the citizens' issues. My understanding is that since you represent individual districts in the City of Troutdale, you have a responsibility when a complaint comes in to assure that it gets addressed.

Craig Ward stated I have a couple of comments for the record. In the situation we are discussing, a Council member approached me noting that they had received a complaint from a resident of Troutdale and wanted to know how to proceed. I conveyed the information to Commander Anderson and it was made clear to me that the name of the complainant as well as the officer involved were both anonymous. Those names were never shared with me. No confidentiality was ever breached because that was actually a problem. As I spoke to Commander Anderson about that, it was clear to me that we did not have adequate information for a formal complaint to be filed. I then conveyed to the Council member that we needed the name of the complainant in order to file a formal complaint and that was the only way the process could continue. I also gave specific permission to the Council member to speak to Commander Anderson to share whatever information they had with him regarding the complaint. I can't validate whether that happened or not, but to me, that was entirely consistent with what you've said as long as nobody's names were used.

Sheriff Staton stated I disagree with you. This comment was made in an open Council meeting and I saw it televised. It was enough of a complaint, even though specific names were not mentioned, the complaint existed and was made public, which required a response publically, or I wouldn't be sitting here tonight any more than I would be sitting

here responding to the article that was printed and the allegations that have been made about the organization and about the contract. The fact that the recognition of awards, monies and projects and promises and everything else have been made—these are all in the article.

Craig Ward stated we are speaking to the complaint itself, and I can appreciate how you would have a different perspective. Even though your concern is that the complaint was aired in public, and I think that's a legitimate point, beyond that point it was, I think, handled entirely appropriately, leaving the article itself out entirely.

Sheriff Staton stated let's leave the article out for the time being. Let's talk about the obligation of the gentlemen sitting here in front of me. If there is something that is in your Charter that prohibits them from initiating a complaint directly with their law enforcement representatives, we need to find that out. It's clear in the interviews, with at least one Councilor, that it exists and the explanation of the process exists. If the Councilor is wrong, then you need to correct him, or we need to address the issue and make those corrections. I believe if a complaint exists, they have every obligation to address the complaint and they should be able to respond to the citizen directly. It shouldn't be a complaint that needs to be addressed publically. With that being said, I brought at least two people here that will explain the process to this Council, if necessary. What I do know, and what I can tell this Council now, is the allegations exist no matter how minor. We've completed one investigation and have three other investigations open. What needs to happen, and what needs to be realized by the Council, is that when these allegations come in, if it's a direct allegation against the actions, policies, or practices of the Sheriff's Office, that complaint will not be handled by this agency. It will be forwarded to one of two other agencies, or it will be forwarded to the State to investigate. That, potentially, may happen with at least two of those three remaining complaints that we are looking at. I don't know whether it's worth the time and effort to go to this extent. I think it would be up to this City Council to determine whether or not these complaints exist, but because of the way they have come out, and the information that has been obtained through interviews, it has extended beyond that.

Councilor Allen stated I'm pretty sure I'm the Councilor you are talking about. We do not talk about individual cases in a public meeting. I was asked by another Councilor to reveal details of a particular case and I refused, as I appropriately should. The question about service level was directed to our City Manager. My understanding is, and I could be corrected by our attorney if I'm wrong, I am not allowed to talk to our City Manager, in private about staffing issues or contract issues. I would be in trouble if I did so. It is my understanding that the only time I can address him is in public about those particular issues. I would be happy if a process is developed. There will be, from time to time, citizens that have complaints. I encourage them to go through proper channels. If it brings up a service issue, then that goes to our City Manager who is responsible for the service of the contract.

Sheriff Staton stated that I understand, Councilor. I agree with that, but I believe what needs to be addressed here are complaints against public safety officials and the public here in Troutdale.

Councilor Allen stated there are times when people feel frightened, and they want to know if it's safe. I don't know why. I'm just telling you it happens. My advice to them is to go through proper channels and, yes, it's safe. I was prodded by a number of people in law enforcement to talk about individual cases. I got permission from my City Manager to do so if it's an email. I got permission from Commander Anderson to do so. I made it very clear that what I'm concerned about is service level to the City and not individual cases.

Councilor Morgan stated Councilor Allen, I completely agree. I guess I am confused because you're saying interviews were conducted, and I can't ask about an ongoing investigation, or whatever it is, but when you've done whatever you are going to do, hopefully maybe tomorrow morning, could you share what you have found with our attorney, so we can rectify that? I agree with Councilor Allen on the point that we have the responsibility to be able to address concerns that are being addressed to the public without going through arduous tasks. But I have to be honest with you, I had no idea about this procedure or this process. I can only speak for myself, but I had no idea we needed to go through that. If there is a provision or Charter amendment that needs to be changed to make it not only better for citizens to give their input to us, but also a way for Councilors to be able to advocate for their constituents in a more effective or transparent way, we should be executing that. It's important. But I would hope that whatever the findings are, that should be not only given to our lawyer to look at so we can mitigate the issue, but also to the public. I just want to be sure we're on point with this and addressing it the same way.

Sheriff Staton stated according to the IGA, we assumed all liabilities for any wrongdoings the Sheriff's Office or any member of the Sheriff's Office may commit publically, which is rightfully so. It alleviates any obligation by this City Council or the City should there be any wrongdoing on the part of the Sheriff's Office. When it comes to the involvement and what we would tell this Council, we're very limited. We will tell you when a complaint has come in; we have no problem telling you if a complaint exists. We are not going to disclose the content of the complaint and the individuals involved. The only one who will learn about the findings of a complaint will be the complainant themselves. In this particular issue, we saw a couple of the complaints I initiated on behalf of this Council. You're going to receive a letter in writing on the outcome of those complaints.

Councilor Morgan stated the other point you talked about was not exposure, but I think you said assuming liability, by stating, insinuating or incurring things in public due to not having a process established, does the City like Roseburg or other cities that have experienced a situation where....
Sheriff Staton interjected Roseburg is a prime example. The City made the mistake of disclosing too much information on a sustained internal affairs investigation costing the City approximately $2 million.

Councilor Morgan stated so the Sheriff's Office would not assume liability in the event that a Council member, the Council or the City Manager did something beyond the scope of that framework?

Sheriff Staton replied that's correct. The liability would then fall back on the City if they disclosed any information that they have privy to in an internal affairs investigation.

Ed Trompke stated Sheriff, thank you for bringing to my attention this Charter provision that was adopted in 2010 during some struggles here within the City. This has apparently come up several times as creating confusion rather than clarity with the Council. Let me read a sentence or two so everybody knows exactly what it says, then I will talk about it. This is Section 21(i), "No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business." The key piece, though, is the first of the three sentences. It says City Council members can't attempt to coerce the manager with respect to employment decisions, hiring and firing decisions of City employees, or in how contracts are administered or entered into. On any other topic, you may talk to the City Manager at any time. You just can't twist his arm and try to coerce him into making a decision about something, other than saying you don't think this or that is a good idea. There's a line there. Because of the problems the City had before my time, there were apparently issues with an elected official coercing the City employees, or allegedly coercing City employees, so this was added by the people. It is a little bit vague and it causes consternation among Councilors and sometimes even the City Manager comes to me and asks for clarification. To the extent that it's clear now, you may at all times report things that aren't right with the Sheriff's contract to the City Manager immediately. Don't go through me, don't go through anyone else. He's the appropriate person to address it with the Sheriff's Office.

Sheriff Staton stated I would also like to add with regard to what you read, the Sheriff's Office is independent of the City. You contract with the Sheriff's Office for public safety. That means you have every right as Councilors to direct any complaint to the Sheriff's Office and to the Internal Affairs Unit. Our internal affairs unit represents you when it comes to complaints filed against our members. The key word here is that it's not an employee of the City anymore; it's an employee of the Sheriff's Office that you're talking about, whom I am responsible for and I answer to the citizens here. The complaints need to come in through a different channel than strictly through the City Manager. I agree with the contract aspects, but with regard to citizens' complaints directed to you, complaints against your public safety, that needs to come to the Sheriff's Office. It needs to come through you without going necessarily through the City Manager to get approval.

Ed Trompke stated I agree with the Sheriff entirely. Your first response to the complainant should be to have them contact the Sheriff's Office immediately. I will tell Craig to make sure the information is passed through, to the extent he has any as it will probably have to go, because of the confidentiality nature, through Commander Anderson who would then be covered by that confidentiality requirement and be an appropriate person to know all the names.

Mayor Daoust stated I think I can safely say as Mayor that I probably get most of the complaints, or most of the ideas coming from the public if it's related to the police. I just use common sense. I forward it to Scott Anderson. I don't make a public comment out of it. I just let the police know that there is something going on that they need to address and, typically, they address it. They get right on it. It is pretty clear to me that type of approach would follow the process that you came here to clarify.

Sheriff Staton responded yes.

Mayor Daoust said I think we're just trying to clarify the process. Thanks for doing that.

Councilor Allen stated I just want to point out that there are multiple people that will come to us about a number of different things. I can speak for myself that I have always told them to go through the proper process. I do not like to get dragged into individual cases, and it was not of my choosing that I would do that. What I want to say is, the wording in the Charter is vague regarding at what point is it coercion, when is it not. I know that I'm a popular target, and so I was playing it safe by talking to our City Manager about service level in a public meeting. If I'm being told today that he's not going to come back at me, I will follow the process as long as it's agreed upon and I know what it is.

Councilor Morgan stated I second what Rich said tonight. I would like to give direction to Ed to look into language that maybe is not so ambiguous, so there is not this constant feeling of not wanting to act out in a way because you are afraid of retaliation and/or repercussions from the public or Council. I don't think we're in the situation that we were; I don't think we're talking about a shed, we're talking about public safety. I think it important to clarify that so Councilors can really advocate for citizen constituents without feeling fear of repercussion or retaliation.

Councilor Wilson stated one of the things the Subcommittee has been discussing is a Charter amendment allowing us to go to the City Manager, but the City Manager would not have to act on that. We are trying to address that right now.

Councilor Morgan said I agree. I think it would be good if we were all on the same page here and could give direction to Ed to pursue this specific clause in the Charter with some more oversight from all seven members. I'm sure it will eventually come to all seven members. Speaking to Rich's point, I think this is an issue that obviously creates concern.

Councilor Allen stated I think it is in there because, in the past, it has been abused. It's a kind of safety net, but it gets dicey as to when you are crossing that line or not. If there is an established procedure, I'll follow it.

Sheriff Staton stated if the Council hasn't any objections, what I'd like to do is provide our policies and directives to the Council and also our disciplinary standards and the type of discipline that we impose against members when complaints are sustained, which go anywhere from letters of reprimand to immediate termination.

Councilor Allen said you do realize that we are public representatives, elected officials, and people need to feel free to talk to us, but we should not be getting involved in individual cases.

Sheriff Staton replied that's not the intent, but I think that your knowledge of what the process is would help you along when you are trying to explain it to a citizen that wants to initiate a complaint and are unwilling to approach law enforcement.

Councilor Allen stated yes, that is much better than saying, find out what the process is and follow it. It is safe to talk to our officers. It would help us to be more knowledgeable; I would agree.

Sheriff Staton stated one last comment, if I may. The other piece that I need to make this Council aware of is that when allegations do come out, no matter how minor and there is any indication of impropriety or that a crime may have been committed, an investigation will be initiated. We have done it in the past and we will do it in the future. We don't need to have specifics, we just need to know enough to indicate that there is some wrongdoing that needs some kind of public safety action whether it is through the Sheriff's Office, Oregon State Police, the Department of Justice or the Attorney General.

Mayor Daoust stated very good. We've talked about the complaint process well enough. With regard to the *Northwest Connection* newspaper article, do you have any points to make while you're sitting up here before I turn it over to Ed Trompke?

Sheriff Staton replied as I've stated previously, we now have at least three pending investigations. One is complete. The complainants in those issues will receive a letter stating what the outcome of that complaint was, and the three that we are looking at as well.

Councilor Morgan asked three investigations in the City of Troutdale?

Sheriff Staton replied yes, based on the information that has come out both through the City Council meeting and the news articles. In some cases, the news articles are not necessarily directed at the Sheriff's Office members, but there's an indication of impropriety.

Councilor Morgan stated you said one of your investigations is final.

Sheriff Staton replied yes.

Councilor Morgan asked can that be made available to our lawyer?

Sheriff Staton replied yes, the lawyer and the complainant will be receiving the outcome of the investigation.

Councilor Morgan asked will that include the subsequent interviews that have been conducted?

Sheriff Staton replied the interviews will not be released. That is not public record.

Councilor Morgan asked even if it includes Council members or the public?

Sheriff Staton replied even if includes a Council member. That is confidential and it remains confidential.

Mayor Daoust asked are there any further comments?

Sheriff Staton replied no.

Mayor Daoust asked before we go to Mr. Trompke, do you have any other comments?

Councilor Allen stated when I wrote the article, we'd had a public meeting and nobody said anything about it. Then, just before I got here, somebody said that there was an article in the newspaper that's got people fired up. Can somebody clarify for me what newspaper are we talking about? What article?

Councilor Wilson replied it was not a printed article as of yet. It was supposed to be in *The Outlook* online website.

Councilor Allen asked who was it written by?

Councilor Wilson replied by one of the reporters.

Councilor Ripma asked what's it about?

Councilor Wilson replied it basically said that there was going to be a meeting here tonight and made some additional comments.

Councilor Morgan responded I'm assuming that word did get out, based on your 24-hour notice, it must have gone to *The Outlook* because somebody did something. Would that be safe to say? Okay, Katy Sword is nodding. Maybe it wasn't an article and just a notification.

Mayor Daoust stated Katy Sword wrote it.

Councilor Allen said I'm hearing people are fired up about it and I haven't had a chance to read it yet. Since nobody responded at the last public meeting about what I wrote, I think it's a factor.

Councilor Morgan replied it was not an article. Katy Sword is saying that it's just notification that Council is going to be taking up, apparently an updated agenda as it relates to comments or allegations about the *Northwest Connection*.

Councilor Morgan stated point of order. I was just trying to clarify that there's not an article that's been written from *The Outlook*. *The Outlook* notified the public that there was an update to tonight's agenda specifically related to allegations about an article. That might have people fired up. But there was not an article, based on what Katy Sword is saying.

Katy Sword stated I have the article if you want to see it.

Mayor Daoust stated I don't think that's the article people are all fired up about.

Councilor Allen replied that's just what I was told before I got here.

Mayor Daoust stated the article people are fired up about is the one Councilor Allen wrote about a month ago in the *Northwest Connection*.

Multiple audience members responded no.

Mayor Daoust stated the *Northwest Connection* article is what's on the agenda.

Councilor Allen said on the article I wrote, so far, the only thing that's been out there has been a positive message to the public about this whole process. On our City website and in the information that went out, no counter opinion has been allowed. So, I wrote a counter-opinion. It's my opinion. Rather than argue the finer details of that, because I was very careful about details in there because I know I'm a popular target, I think it would be best if we release the information on the negotiations, the emails, the back-and-forth, what we requested, and what the response was. I'd like to see that. Do we have those? Do we have, in the negotiations, whenever we sent a negotiated item to the Sheriff's Department, and they send their response back to us, do we have those emails and those letters?

Craig Ward replied we retain all emails in the file server of the City. I presume that if anybody were to submit a public record's request, unless they were deemed confidential.....

Councilor Allen asked was it all in email?, the negotiations back and forth? I'm talking about the written items. Were the written items all in email or were they separate documents?

Craig Ward replied I'm sure there were separate written documents that were not in emails.

Councilor Allen asked can we make those released to the public?

Craig Ward replied I presume we can. All they have to do is submit a record's request and we would have to submit everything that is disclosable.

Councilor Allen asked can the Council here release the Executive Sessions on the subject? Rather than us argue about details, let's just get the information out there to the public and let them decide for themselves.

Councilor Morgan stated I agree. I don't know what precedent is, but we went through the same thing with AFSCME negotiations and fire, as well. But I'm not going to call it allegations and I know that we all have our opinions, but as it relates to the negotiations, you were on the negotiation team. I think all of that information should be brought to the public's eyes. I wasn't here when the negotiations started, I believe in July 2013, that's when the negotiation discussions happened and there's been a lot of information that had changed…
Councilor Allen asked what are you saying?

Councilor Morgan replied didn't the Council give direction in July of 2013 to begin this discussion with the Sheriff's Office?

Councilor Allen stated let's release all that information to the public so that they can make up their own minds.

Councilor Morgan replied I agree. I've been trying to get the website to be brought up to speed so we can do all that for a long time now.

Councilor Allen stated I'd like to see that. I'd like to see the meeting minutes, the prior budget meeting minutes. I'd like to see the Executive Session audios released, so that people know what happened and then they can make up their own mind, rather than us having to be vague about things.

Councilor Morgan replied I don't think it was vague. I think it's pretty pointed. There's some stuff there.

Councilor Allen stated considering all that happened, that's very true, and I would have brought my notes if I had some kind of warning this meeting was going to happen.

Mayor Daoust stated Ed Trompke went through the *Northwest Connections* article and has some points that he wants to clarify.

Ed Trompke stated I took the *Northwest Connection*s article and was asked to review its accuracy and to determine if there was a factual basis to support non-criminal charges out of this. I'm not a police agency and don't pretend to be. There are about eight phrases or sentences that I picked out of the article that were important. The first one referred to the dissolution of the Troutdale Police because I'm not sure it was dissolved. I've heard it described many ways and there are different ways to characterize it. You can say that the City merely contracted police services out. I'm sure there are other ways to characterize what happened. In any event, there is a Police Department still; I see a patch here on Commander Anderson's arm and a section of the personnel of the Multnomah County Sheriff's Office (MCSO). MCSO is the Troutdale Police Department at this point and vice versa, the Troutdale Police Department is MCSO. It wasn't dissolved. It is different.

Councilor Ripma asked Mr. Trompke, are you saying that saying something like that is actionable.

Ed Trompke replied no, what I said was it's a characterization. There are lots of ways to characterize it.

Councilor Ripma replied but that's strictly an opinion.

Ed Trompke replied exactly, that's what I say. It was an opinion. It was a characterization and I don't see anything wrong with it as a characterization. Then, the next one, issue two is, and I left out a few words, but it said "it's part of a well-planned organizational takeover, part of a regional discussion for nearly a decade." I have no idea about that. I did not interview the Sheriff to find out if there was such a decade-long plan because the reason that I was looking at this was whether there was impropriety in the City's action. The standard is, was it a reasonably prudent decision for the City to enter into the agreement. It could be that the Sheriff had a well-calculated plan to take over every department in the State, and that would be irrelevant because the question is, does it make sense for the City, from our side, so I didn't look into that. Jumping ahead here, there are pros and cons in doing everything. There are policy reasons that weigh against entering into the agreement. They were discussed in City Council meetings, but financially, there are reasons to do it, and so that seemed to be what carried the day, and to me is objectively, a reasonable decision for the City to have made. The next issue was checks and balances are being removed. Yes and no, because it's partially true because checks and balances are changed. The City Council is changing its position and now, it's responsible for the oversight of which police services are going to be contracted for and paid for each year. It's like going to a Chinese restaurant and ordering one from Column A, one from Column B, and one from Column C. How many patrol officers do you want on shift A, B and C? How many supervisors do you want? The City gets to choose every year how many services it's going to pay for. So, in that respect, there is a check and a balance to the Sheriff's ability to control what services are delivered, and how the services are delivered is still partly under the City Council's control. The City Council doesn't negotiate for the services of officers with the union, but it does negotiate how many officers will be provided and the County takes care of the rest, so there's a shared responsibility. There is a loss of control over negotiating the union contract. However, that's a burden as well as a benefit in negotiating. Checks and balances were changed more than removed, I would say, although some were removed. The next one was that Multnomah County did not negotiate in good faith, I had some trouble with that one. I talked to people who were doing the negotiations and didn't find any basis for it. I did find that the County was slow in responding to proposals from the City. The specific one that comes to mind was, I believe it was in September, that didn't really get a response until almost three months later. That was explained because the County is a large organization with many layers and different departments and the different layers and departments had to each analyze it, how it worked for them and then, get back together and come up with a unified response. That's the way it was explained and I found that to be perfectly reasonable. I found no evidence of lack of good faith on the County's part. The next one was that negotiations were occurring outside the negotiating team. Again, I found no factual basis

for that. While people talked in coffee shops, on sidewalks, and all over the place, there were allegations of Councilors talking to police officers, I found nothing at the time. In fact, when this was being negotiated, I was asked to look into a couple of those kinds of incidents and found nothing wrong with the conversations that took place. I didn't find anything now that was specifically in negotiation outside the team. If anyone knows of anything that took place, please get back to me after the meeting and I'll report to the City in the future. Next one was recognition awards and money from other projects were promised. Recognition and awards, I found that there were no recognitions or awards for any of this, but I've since learned that the Mayor did receive a certificate from a police agency, or a group of police officers, but I found that it was an ordinary certificate of appreciation of service. I didn't see anything that was in any way financially beneficial or out of the ordinary that any Mayor might receive in a public setting.

Craig Ward added so did I and so did Erich Mueller. For the record, I'm acknowledging that the three of us received a certificate of appreciation or a plaque. There was certainly no quid pro quo about, "Gee, if you do this, we'll recognize you and appreciate the role you played in advance."

Ed Trompke stated as you can see, I didn't ask every person every question that was in this. I had a conversation with people about it. The statement about money for other projects. That's the one that was troublesome to me. I interpreted it, based on the way it was in the article, as being inartfully stated and I interpreted it as meaning public projects; money for other projects, money for other public projects. I couldn't imagine that there was an allegation of bribery in a letter to the editor of the paper and I didn't take it that way. One of the primary reasons for the negotiations of this contract was to limit the growth of costs for City police services. The notion was that any savings could free up money for several different things. Other projects? Yes. Allow taxes to be just stable? Yes. Reduce taxes? Yes. All of the above could have happened, but the exact action is a policy choice that has to be made by future City Councils in consultation with the Budget Committees, making the decision as to how to spend money each year with a finite set of property taxes that can be assessed. I didn't find anything particularly wrong with that statement, but it was inartful and could have been confusing because you could read it as being an accusation of wrongdoing. The next issue was once four City Council members were on board, it was impossible to negotiate a good deal for Troutdale. That question presented a question for me. I had to determine when four Councilors were onboard. I didn't go to all the Councilors and say when did you decide what you were going to decide. But the ones that I did ask said that they didn't make a final decision until at the public hearing, which is an appropriate thing to do. Some Councilors did, in earlier discussions of the matter, seem inclined to vote in favor or against or have questions or concerns that needed to be addressed and that is common. That's the way the human brain works and you're never going to stop people from having an inclination to vote in favor or against something prior to making the decision. But there was a February 26th quotation from the Mayor in *The Oregonian* newspaper which said that the Mayor thought the Council saw the vote as a win-win and that would indicate that he knew that there was going to be approval of it. I asked the Mayor specifically about that, and what he said was that he remembered being much more equivocal in what he said to the press and the press strengthened the quote and made it a "yes, we're going to do this" kind of quote.

That's typical for some reporters, present company excepted. So, quotations in the newspaper often get things a little bit wrong, so I fully believe that the Mayor was right in that. The same issue comes up, though, with respect to Councilor Allen's quotation that he thought, as soon as there were four on board. How did he know? The same sort of thing. Was there a serial meeting? Or were people just counting heads and inclination? I did not ask Councilor Allen about that. I'm assuming that he did exactly what I did, what Mr. Ward did and what the Mayor did, which was kind of interpret body language and comments and questions from people to say, "Yeah, this is probably going to pass. It looks like it probably will", but nobody knew what the final vote was going to be until the last second. So, I don't think that either Councilor Allen or the Mayor engaged in an improper serial meeting. Just as an aside, two weeks ago, the Court of Appeals in Oregon decided that a case against the County Commissioners in Lane County, that there was a serial meeting as a result of some emails and phone conversations, and I'll probably be doing a little memo to everybody to talk about what that case said and means, I've already drafted it; it's not ready to send as to what it means, so that we don't engage in serial meetings, which we've spoken about in the past and I think everybody gets the gist of what those are, so we're going to try to avoid those. As to whether those public statements on February 26th in the newspaper affected the outcome, my own recollection and the file indicates that the terms of the transaction were pretty well finalized by that point in time. They weren't complete, but they weren't substantially up in the air by that point in time, from my conversations and my notes with people who called me about it. Mr. Ward talked to me about it around then, and my recollection was that they probably didn't have a huge impact on the negotiations at that point in time. But I saw Councilor Allen shaking his head, and people can disagree about those things. Again, the County's responses didn't come in quickly, but there was a public hearing on it on March 3rd and then, another one on March 15th, I think, and the virtually final numbers at both of those hearings were all available for discussion. This comment was a week before that, so it probably didn't have much impact on the final negotiations. That was my take on it and that's my conclusion. If a criminal investigation finds otherwise, I could be corrected. The final issue I was looking at was that taxpayers are unfairly subsidizing a Multnomah County Sheriff's station through a bond meant for a community police facility. I'm not sure quite what a community police facility is intended to mean, but the building didn't change and all of the City's police functions are still operating out of that same facility. In addition, other Sheriff's activities are operating out of the facility. I don't think that has changed the nature of it substantially. There are probably more Sheriff's deputy cars going in and out of there than there were before, so the City gets some community benefit out of that by having a greater police presence in the area and probably, in some way, helps to reduce the amount of crime in the neighborhoods because of the additional police presence. I didn't see that it changed the community police facility significantly. But the next line was about the subsidy. There are bond payments for the police building that are greater than the rent and the difference is over $200,000 a year, which does result in a net cost to the City and its taxpayers. It can be viewed as a subsidy, a separate cost, or if you add the cost of the police services back in and view the package as a whole, it can be netted with the Sheriff's services agreement and the cost savings for the personnel services. We're not through a whole year yet, but the estimate, based on what the expected increase costs would have been are over $700,000, which still does result in a net benefit to the City of about $500,000 per year. I didn't see that as being a subsidy, if you look at it as a package as

opposed to breaking it out into two pieces. You can look at it either way. It's a characterization and I would characterize it as one way and Councilor Allen characterizes it the other way. That's an honest disagreement on how to characterize something. My final thought on this is that in terms of estimating the final results to the City, whether it's a good deal or a bad deal or anything else, financially, we'll know at the end of the year. We've got estimates along the way, but financially, the estimated benefit was $700,000 in the first year and a million in subsequent years because of some start-up costs buying time or vacation time. There were some other personnel and equipment issues in there, so I didn't see a subsidy, but again, it's a characterization. I wouldn't say that the City Council should take any action against Councilor Allen based on calling it a subsidy. You will get an opportunity to review all of the financial and performance aspects of this at the end of the year in next year's budget review, and you'll be choosing what services to purchase and which ones not to, or to decide to do something else. At that point in time, I'm sure Sheriff Staton will be here again, as will Commander Anderson, and you'll get to talk about it some more. I misread the article the first time I read it. I thought it did actually accuse somebody of bribery when I first read it. I said, "Holy mackerel, that's a terrible thing to say" but when I reread it, it was properly written characterizations and while I disagree with some of its conclusions, those are matters that can be discussed and debated, so that's my report to the Council on all this.

Councilor Allen stated thank you, Mr. Trompke, I sure appreciate it. We just heard your opinions about my opinions. I see that I agree with some of your opinions, but not all of them. I would like to get away from opinions and actually start getting into facts. Facts are better. I would like to see us release the information on the documents that were back and forth in this negotiation. Maybe if we can do a timeline with when these articles came out and with other meetings, I think it would be beneficial to the public, also, if the Executive Sessions went out. That way, they can take a look at the facts and decide for themselves whether that article has substantial meaning or not. I'd like to see that on our website, just like all this other stuff has been on the website. So far, the only thing that's been allowed are pro opinions, no opposing opinion has been allowed or promoted, and that's what drives me to write these articles because I'm saying, "Hey, there's more to this." We should be taking a look at what is more to it and let's get out of opinion mode, get into factual mode. Will this Council agree to release the audio tapes of the Executive Sessions, because that's the only one that I actually need Council action for?

Mayor Daoust replied I don't think we can.

Councilor Allen asked how come we can't, the TPOA (Troutdale Police Officers Association) doesn't exist anymore.

Ed Trompke replied I don't want to answer off the top of my head, but it's complicated.

Councilor Allen responded the City police are not a municipal police, they are contracted police from the Sheriff's office. How do you interpret that? Based upon your final okay as to whether these sessions can be released or not, will the Councilors here be agreeable to releasing the Executive Session. I'm going to ask Councilor Wilson, would you be willing to...

Councilor Wilson replied not at this time.

Councilor Allen asked not even if Mr. Trompke tells you it's okay?

Councilor Wilson restated not at this time.

Councilor Allen asked Councilor White?

Councilor White stated after tonight's meeting, we have no choice but to release all of the information. I think it'd be the proper way to do this. The merger has occurred. It's resolved and that's why we have a recorder, so the public can make up their own mind after hearing the facts.

Councilor Allen asked Councilor Morgan?

Councilor Morgan replied yes. It's kind of a loaded question, but of course. I'd like to finish the rest of what I have to say as it relates to that.

Councilor Allen asked Councilor Anderson?

Councilor Anderson stated I'm not against it, but I want to hear what Mr. Trompke has to say.

Councilor Allen asked Councilor Ripma?

Councilor Ripma replied yes, if they could be released. Let's find out if it can be released.

Councilor Allen asked Mayor Daoust?

Mayor Daoust replied I don't think there's anything to hide. I'm waiting on Mr. Trompke's interpretation of the statement that I made, that I don't think we can release Executive Session, but I'm willing to take his opinion on that.

Councilor Allen stated we look forward to our attorney, Mr. Trompke's analysis.

Ed Trompke stated I'm not sure there is a clear answer on it, but I'll find out.

Councilor Morgan added I agree with Councilor Allen's point as it relates to that, but again, I think the really important thing here is releasing the audio tapes or whatever subsequent discussions were going on…

Councilor Allen interjected all the material, actually.

Councilor Morgan stated okay, we can get that. My whole point is we have a very arcane, inartful and clumsy way of communicating to the public that gives off, whether directly or indirectly, covertly or overtly, a message of tone deafness and insular processes. I've

been saying this for a long time. I've yet to get the Council to support a modern communications package because currently, and the record will show in February of this last year, we extended urban renewal by 10 years, in one single decision, removing the public engagement that they voted for a 10-year contract, not a 20-year contract, and that was conditional on the Council reaching out to the public and discussing the reasons for doing that and the implications if it meant tax increases or not, so I don't think it's fair to hijack one issue. I'm not saying that you're doing that, because this is the issue that is at-hand currently, but we can't continue to operate, in my opinion, in this consistent, reactionary process where we have meetings and things are kind of clumsily handled and then we always have to react to that. The public entrusts us with a lot of responsibility and when we give off an attitude of indifference or insular processes, there's only a reason when things like this and Katy (Sword) posts stuff for this visceral reaction. It's natural, but I'll pose the same question to you, Councilor Allen. Are you going to support a way that we can actually get these documents to the public, not just situationally, but consistently, so that they can advocate and make up their own minds on all matters of citizen business?

Councilor Allen replied I support getting factual information out there. My experience so far and why I'm concerned is that the information being distributed to the public has been fraught with opinions and typically, of course, they're the opinions of the majority. Therefore, it starts looking more like propaganda than information.

Councilor Morgan stated I agree, but you gave me a yes or no. Are you saying that you're going to advocate for a modern communication package for the City of Troutdale or not?

Councilor Allen replied it depends on the details. All I'm saying is I want it fact based. I'm not trying to tell our citizens how to think.

Councilor Morgan replied I agree, that's my conditional approach to the audio. There's nothing to hide, but it's important that it's not conditional.

Mayor Daoust stated we're going to try and speed this up just to have some final Council comments. Councilor Anderson has to leave so we'll deal with the next agenda item, then take a break after that, which will come up quickly, I think.

Councilor Ripma stated I think all the information that's being talked about could be presented in our current website and available email system. My main worry is the big brouhaha over an opinion piece. This was so clearly an opinion piece, I just read it. I haven't studied it and picked it apart, but everything Mr. Trompke said supports that this is an opinion of Councilor Allen and a lot of what was said that was laudatory about before we passed the merger with the Sheriff and afterwards, was opinion. I hope that we're not going to find, just because we disagree with something that was done, we can't express our opinion. I wouldn't maybe have done it just the way Councilor Allen did. I want to go forward and make the Sheriff merger work for Troutdale. I think we all do, but the process by how we got there is a matter of differing opinion among us and as long as we're expressing our opinion, I do hope we're not going to get in trouble for it. We shouldn't. We should never get in trouble for that.

Councilor Wilson stated when I came in here tonight, I had a whole speech written out here to address what I felt were inaccuracies to the article you wrote. I felt very offended by what you wrote. Even though our attorney has said some of the things are not the way they are, it's the way that I took them, but I'm going to withdraw that right now until we get the final report in from the Sheriff's Department. But I would say that if you have an issue, instead of writing it in the paper, you need to bring it to us. None of this stuff, during any of the negotiations did you bring up in any of the meetings that we had. Neither did you bring them up in private. It just amazes me that these things get written. You don't discuss them here, but you put them in print so that you can look better. I'm going to say that you need to bring it to the City Council instead of putting it in the press and you dropped out of the negotiation team by a letter to all of us saying that you were quitting the negotiation team. So, you weren't there for the whole process.

Councilor Allen replied since it was directed toward me, naturally I disagree, and I think when we get the facts out, people will be able to make up their own mind.

Craig Ward stated Councilor Allen made a specific point regarding the release of audio records from Executive Sessions, and we'll wait to hear from our legal counsel about that. Then, you made another statement that you wanted all records that related to the police merger to be posted on our website, and I need direction from the Council. If that were to come in as a public records request, we would sort through exactly what that means and how many records are we talking about and the like; do you want every email that relates to this subject; every document created that relates to that subject? Having stated that, do I understand that correctly and if I do, then I need direction from a majority of the Council. If I'm being directed to invest the Staff time to do that, I need a majority of the Council to give me that direction.

Councilor Allen replied what I don't know how extensive those emails are.

Craig Ward replied nor do I.

Councilor Allen stated I would like to give enough to the public so that they can make an informed opinion of their own about it. The primary important things are going to be the documents of the discussions back and forth; the documents on what was requested and what was the response.

Craig Ward stated I can assure you that form of a request would never survive a public records request, it's too vague.

Councilor Allen stated we're talking about negotiations here and how they went and how they got interrupted. Isn't that important to have that?

Craig Ward stated I'm not arguing the importance. I'm not arguing whether we should do it. I'm fine with doing it. I need to understand what we're doing. You mentioned in your article that negotiations had proceeded for 10 years and there's been no doubt, back and

forth, it preceded my time. I've only been here five-and-a-half years. If the Sheriff and the Chief were talking about it, that's what I don't understand.

Councilor Allen asked if you want to get into personal testimony, we can do that, but I'm mainly interested in the documents that we sent—this is our offer to you, their counter-offer, back and forth—the timeline of that. Do you want me to get together with you about the things that are relevant?

Craig Ward replied I don't object to that. But that does not necessarily mean that that's what the Council wants. I just want to be clear that we're on the same page so I satisfy the Council.

Mayor Daoust replied I know you do. To put things in perspective, I think we're missing a big point here and that's the Council has already made a decision on this. It's like Councilor Allen is trying to open up the discussion again. That is not proper. The Council has already made the decision on the Sheriff contract, period. When I was on the Council with former Mayor Paul Thalhofer for 12 years, if I disagreed with a decision that the Council made, I never brought it up after a decision was made by the Council, even if I disagreed. I think this is just getting totally out of hand here. If Councilor Allen expects the whole discussion to be put out for the public to regurgitate the whole decision-making process. I think the best way to handle it is for him to talk to you and describe exactly what he wants put out to the public. We've already made the decision, but if he insists that the public be made aware of everything, I need to know exactly what he wants, just like you do and then, we can make a decision from the Council as a whole whether to spend all the Staff time that would be required to pull all that stuff together and put it on our website. It may be substantial, I'm guessing. I'm trying to put things in context here. I want to wrap this subject up and not get onto everybody's comments.

Councilor Allen stated I will be able to point them to the relevant items if you're concerned about Staff time. I would be able to do that.

Mayor Daoust replied okay, very good.

Councilor Morgan stated I respect what Councilor Allen was just saying. I went back to what I said before is that whatever is not amicable as it relates to what you're asking for is not satisfied, then that will be viewed as suppressing information. As I said before, we have arcane processes that make every negotiation and discussion look insular and clumsy. That's the issue and this is just another symptom. It was the same thing with the fire discussion that Councilor White and I were on. When we made a recommendation, there was a lot of negotiations outside of that. Everything that we do, at least in my experience so far, has been clumsy, bastardized, and in many ways, gives off a perception that we're tone deaf, we're indifferent, let them eat cake. That's not what I signed up for. I think that that's not what the citizens want. We can't just rotate deck chairs on the Titanic. It has to be systematic. It can't just be this one process. It has to be all of our processes.

Mayor Daoust stated one final comment and then we're done with this agenda item.

Councilor White stated I have two comments. One, you said at the beginning of this agenda item that you would allow public comment.

Mayor Daoust stated I'm not going to right now.

Councilor White stated I would like that to occur and for you to keep your word on that.

Mayor Daoust replied no, I'm not going to do that because we've gone on way too long on this agenda item. We're going to go to the next one and move on. I'm running the meeting, and that's the way it's going to be. One final comment.

Councilor White restated I had two, Mayor. I'm not finished. I went to the County Commissioners' Courthouse and was at the award's ceremony for the County Sheriff. People were getting awards for things like delivering a baby in a prison cell. These guys have a really tough job. I just want you to know that the public here in Troutdale supports what you guys do. We appreciate you very much. Councilor Allen has been one of the biggest supporters of the police in our City. He's always at the toy drive. He's always at the awards' ceremonies. He's at the TIP (Trauma Intervention Program) dinners. He contributes quite a bit. I'd hate for the police to lose that kind of support from a good man like Councilor Allen. Councilor Wilson, I'd like to know where your outrage was when Mayor Daoust went to *The Oregonian* and you said the majority of the Council was in favor of this merger before we even voted on it. That would have been a proper time to get outraged.

Mayor Daoust stated Ed Trompke already addressed that.

Councilor Allen stated Mayor, if I could just suggest that I agree with some of Councilor Morgan's comments there; that I point our City Manager to the relevant documents and that the Council and the attorney review it for completeness so that if they don't feel that I'm being fair and inclusive enough, then they can add more to it.

5 MOTION: A Motion Giving Staff Direction Regarding Elected Officials Submitting Articles to be Published in the *Troutdale Champion* Newsletter.

Sarah Skroch, City Recorder, stated I'm here tonight to ask for direction regarding elected officials submitting articles to be published in the *Troutdale Champion*. In 2009, Staff created a Standard Operating Policy (SOP) No. 1063 to formalize our internal process for producing the *Troutdale Champion* based on practices that were in effect at that time. The language included in the SOP regarding elected officials submitting articles was as follows. "The Mayor and/or City Councilors may submit an article for inclusion in the *Champion*. The article will be reviewed by the City Recorder and City Administrator for compliance with the goals and requirements before being approved for inclusion in the *Champion*. No article will be allowed if it includes text that appears to be campaigning for an upcoming election." Since this SOP went into effect, the Council has amended the process that we follow on more than one occasion. However, the SOP has remained unchanged. At the March 13, 2012 City Council meeting under Council Communications,

Councilor Ripma recommended that Staff be directed to stop publishing articles in the *Champion* that were written by elected officials and the Council agreed, so Staff stopped publishing those articles in the *Champion*. At the February 25, 2015, City Council meeting under Council Communications, Councilor Wilson proposed reinstating the Mayor and Council's ability to submit articles to be published in the *Troutdale Champion* with the exception that no elected official could publish an article during the year for which their position was up for reelection. This was endorsed by a majority of the City Council and this is the most recent direction that the Council has given and that is the process that Staff is currently following. At the last Regular City Council meeting on November 10th, under Council Communications, Councilor Wilson recommended removing the exemption of not allowing elected officials to submit articles during the year that their position is up for reelection. A discussion followed and the Council directed Staff to bring this back as a published agenda item for discussion and public input. Staff is currently soliciting articles for the January-February edition of the *Champion* and the deadline to submit those articles is Wednesday, December 9th. As it stands now, Mayor Daoust, Councilors Anderson, White and Wilson would not be allowed to submit articles for any 2016 edition of the *Troutdale Champion*. If the Council is desiring to change that, then we would need direction this evening. With that, I open this up for discussion and I'm happy to answer any questions.

Mayor Daoust stated Ed, we need your input on this before we start.

Ed Trompke stated I was asked last meeting to do some research on this and due to other matters, I didn't get a full written report to you, for which I apologize. In debating this question, I raised it with several other attorneys who are quite bright and got one dissenting opinion, which was a very, very strong dissenting opinion. The general consensus was that the direction that's been given probably violates different provisions of the First Amendment and the Article 1, Section 8, of the State Constitution, for a variety of different reasons, from being overbroad, not directed to the least-restricted means to when it's speech. The First Amendment is free speech and the State Constitution is free expression, which is a little broader. Rather than get into somebody litigating this, the City having to defend it, it seems to me that it would be the prudent matter to allow the communications of all the Councilors and the Mayor, so long as they are not directed to the campaign discussions and to the extent that the Secretary of State's office will review all these articles for publication to make sure they're not campaign statements, we will ask the Secretary of State's office to do that. That ought to be the direction that's given to the Staff on it.

Councilor Ripma asked is there anything wrong with going back to the old rule that elected officials don't publish in the City newsletters because that was Councilor Wilson's suggestion, that we were like unique in prohibiting it. I've gone through and I have copies from Ashland, Bend, Medford, Philomath, Corvallis, all of these newsletters don't have any elected official articles in there and whether it's by rule or not, it's a good rule. I've never agreed with us getting a publically paid for voice to the citizens when we did it for several years without having a publically paid for voice and frankly, the idea that Councilor Wilson brings it up when it's self-serving for him next year to have the rule come up to the year when his election is and then, remove it. It's just for you, Councilor Wilson.

Councilor Wilson stated Councilor Ripma, how many articles have I written. None. I did not write one article and I object to your insinuation that I'm going to do that.

Councilor Ripma interjected you brought it up.

Councilor Wilson continued you don't even know if there is a rule against the Mayor writing a letter and they may just not do it. You're so full of it, Councilor Ripma.

Councilor Ripma stated it never was fair to have the Mayor's picture appear on the front of every issue. It never was right. I disagreed when Paul Thalhofer did it. I've always disagreed with it on principle and, Councilor Wilson, you proposed it for Mayor Daoust. You said you did. I'm not saying you colluded on it, but you proposed it for Mayor Daoust just like you proposed changing the rule so that Mayor Daoust could do an article. I don't know why and I don't care, really. I'm saying it's wrong. It never was right to do it. It isn't right now, and we shouldn't do it.

Councilor Wilson replied I didn't do it for Mayor Daoust. I did it for Mayor Daoust and the City Council.

Councilor Ripma stated it has never been right. We should go back to the rule in 2012 that we don't have articles by elected officials. That's straight across the board. I assume that would pass muster because many cities do. I went to the League of Oregon Cities and Hillsboro and Beaverton both had Mayor's Columns. They were the only cities I saw that had Mayor's Columns like Troutdale does. We don't have to do it their way. Let's do the right thing.

Mayor Daoust replied almost every city in Oregon has a Mayor's Column.

Councilor Ripma stated I'm passing these around, go ahead and take a look (copies can be found in the meeting packet).

Mayor Daoust replied those are probably the only ones that you found that may not.

Councilor Ripma stated I just took the latest issue of each city straight off the League of Oregon City's website. It wasn't hard.

Mayor Daoust replied I can come up with just as many and more cities that have a Mayor's Column.

Councilor Ripma stated we can do it either way. I'm not arguing that it's illegal.

Mayor Daoust replied your main point, Councilor Ripma, was using public money. That's what you said before.

Councilor Ripma replied I think it's wrong.

Mayor Daoust stated you just made a political statement in front of a publically-funded television. You're doing the same thing, right?

Councilor Ripma replied I am expressing my strong opinion and urging this Council to consider that it isn't fair if somebody else wants to put an article in the paper, they can't, just elected officials, so it's self-serving to us. I've never favored doing that. I wish I could get four of you to agree.

Mayor Daoust stated my articles in the *Champion* are to inform the citizens of Troutdale what's going on in the City.

Councilor Ripma replied that's how you look at them, Mayor Daoust, but they don't look like that sometimes. Sometimes they do and sometimes they don't.

Mayor Daoust stated everything that's in there is from a Staff report or something that's already been said in public.

Councilor Ripma replied why not just let the Staff do the informing?

Mayor Daoust stated the Staff does write articles in the paper. There's nothing wrong with the Mayor of a city writing a Mayor's Column article in the newspaper.

Councilor Ripma replied I disagree. I've always disagreed. I've told you why.

Councilor Allen asked could you hand me that flyer I handed you earlier. This flyer was approved by the Secretary of State's office?

Ed Trompke replied I'm going to find out.

Councilor Allen stated I'm trying to bring a point across here, that the City went through the expense of developing this and giving it to the voters, even though it's factual, because they were hoping that this gas tax would pass. The *Champion* has the Mayor's picture, Mayor Corner, and even if it were all factual, how is that different when I went through my campaign, I had to pay for this. The *Champion* is paid for by the public. That's what I disagree with. It's just too dangerous. It's best to let it lie during an election season, pick it up afterwards, and have the factual information come from the Staff.

Mayor Daoust replied there's already a cycle of approval for *Champion* articles. I send the article to the City Recorder. I send the article to the City Manager for approval before they put it in. I think if we just went back to the SOP that we had in 2009, where we could write articles any time of the year, because there's still stuff going on next year, and have it approved by the City Recorder and the City Manager, to make sure there's no political campaigning going on in the Mayor's Corner or any other article written. That's an SOP that most cities would agree to and I hope we can get beyond this and allow the community newspaper to be a community newspaper where we tell people what's going on. It's one of the few privileges that the Mayor has. I think people expect to hear from the Mayor. I think people want to hear from the Mayor, in most cities. It's very awkward

that the City of Troutdale should consider otherwise. I find it very awkward that this Council does not want the Mayor to communicate with the citizens of the City.

Councilor Ripma stated at public expense.

Mayor Daoust replied the televisions are public expense, too, and you make political statements at two times each month. Political statements are made in front of television. My articles are not political statements. They're information.

Councilor Ripma stated it's never been fair, Mayor Daoust.

Mayor Daoust replied your claim that we're using public money for me to make political statements is totally untrue and it doesn't hold any water, Councilor Ripma.

Councilor Ripma replied quite a few cities don't do it. I think we should be cautious and join the ranks. We did it for years and it worked fine. Let's leave the rule as it is. If we can't leave the rule as it is, let's revert to the old rule.

Councilor White stated we have a gentleman's agreement to honor this and so, I want to declare a conflict of interest because I will be running in the next election. I don't plan on writing any articles. If I want to write something, I'll pay for it myself and I'll send it out to the public. What really concerns me most about this is the Council has gone through goal setting. We prioritized those goals. We came up with fire and public safety issue as being our first priority for our work session. We've waited since July for that work session to occur. At the last meeting, Councilor Wilson brought this up and now we're having this discussion. It's trumped our Council's number one goal of public safety. We need some real leadership in this City and we need to get our goals checked off and stop the nonsense that occurred tonight because it's not beneficial to this city or town. I'm definitely against the Mayor writing any articles in the *Champion*.

Councilor Morgan asked next year.

Councilor White replied period.

Councilor Ripma stated let's go back to the rule. If there's some constitutional issue about it, let's revert to the rule that we had before March of 2015, or whenever we adopted the current one.

Councilor Morgan stated I hate to sound like a broken record, but I'm going to go back to what I said before. This again is a symptom of our insular process. I agree with Councilor Ripma as it relates to the matter of consistency. I would agree with keeping this rule in place as it relates to having the perception, whether it's intentional or unintentional, with changing this rule when you have the Mayor and three other Councilors up for reelection. If this is an issue with a rule or constitutionality, I think that we should look at that ongoing with our communication. It gives off the perception, again, intentionally or unintentionally, that we're changing the rules because the Mayor or Councilor Wilson or whatever – I know that's not the intent and as a matter of consistency, either a complete prohibition or

allowing all Councilors to write in there. But the matter of having the Mayor discuss his thoughts and opinions in a public publication I think is important. Changing the rule 30 days before the beginning of a new campaign cycle appears to be interesting. I think we should address the bigger issue, which is should Councilors or the Mayor write at all, yes, no, and if we're going to decide no, does it violate the Constitution? If that's the case, then have an actual debate about what we should be doing. To Councilor White's point, I would agree about our number one goal, I assume, because I didn't know that Debbie had transitioned out that that was our perceived number one goal, but I know that since that decision, the City of Fairview has decided to stay on board and so has the City of Wood Village; so, there have been a lot of changes, but I do agree with the fact that priorities are important.

Mayor Daoust said haven't you've already made a statement about the Constitution?

Ed Trompke stated the only follow-up would be that Councilor Ripma asked whether prohibiting everybody from writing would violate the Constitution. Probably not, but there's this odd case regarding a public forum in Eugene, and the City of Eugene prohibited people from passing out leaflets or flyers or giving speeches on the sidewalks in the public forum area in Eugene. That was ruled unconstitutional.

Councilor Ripma replied of course. I totally agree with that. It's not constitutional.

Ed Trompke continued is this a public forum? I don't know. It's probably not, but I would hate to spend the taxpayer's money in defending it. That's my issue with it. It's a policy choice you guys get to make.

Councilor Ripma stated my preference would be that you bring back wording to revert to the rule we had before Councilor Wilson had the Council change it, on a 4-3 vote as I recall, in March of this year, to allow the articles. Before that, we didn't have the articles. I would rather just revert to no articles by elected officials. Lots of cities do it that way. It doesn't have any constitutional problem and it's really the best solution of all. That's my preferred solution. That wasn't what we were going to discuss tonight, so we could bring that back if you want.

Mayor Daoust asked what are we bring back?

Councilor Ripma replied instead of a motion to keep or not keep the rule prohibiting elected officials in the year they're running, bring back the rule to consider prohibiting any articles by elected officials in the City newsletter, the *Troutdale Champion*.

Mayor Daoust asked you mean completely, not allowing them?

Councilor Ripma replied yes, back to the rule we had up until early this year, Mayor Daoust.

Mayor Daoust clarified that wasn't the rule.

Councilor Ripma asked Sarah Skroch, wasn't it in March of 2015 that by motion during Council Concerns, Councilor Wilson decided to release the prohibition?

Sarah Skroch replied in February of 2015.

Councilor Ripma stated up until February of this year, we prohibited elected officials from having articles, including you and everybody else.

Mayor Daoust replied no, just in the year of the election.

Councilor Ripma replied no.

Sarah Skroch clarified in February, it was that articles would be allowed, but not in the election year. The discussion that happened at the last meeting was removing that exemption of the election year.

Councilor Ripma replied right, but before that, there were no articles.

Sarah Skroch added in 2012.

Mayor Daoust replied, no, you're wrong. In 2009, the Standard Operating Procedures is what I said I'd like to go back to. We said you could write articles in the *Champion*. It would be reviewed by the City Recorder and City Administrator. There will be no campaigning in an article written by any of us in the *Champion* and that was the Standard Operating Procedure we were under.

Councilor Ripma stated until 2012, when on a request by me, we prohibited articles by anybody that was elected, and that was the rule until February of 2015.

Mayor Daoust added in the year of election.

Councilor Ripma stated no. In the year of election is what was adopted in February of 2015. I think Mayor Daoust, why don't we ask Staff to prepare a timeline so this is clear. You're obviously not clear on it .

Councilor Morgan stated Councilor White requested it. We just got all of the subsequent...

Councilor Ripma stated why don't we have another Council agenda item, let's just set this over until the next meeting.

Councilor Wilson stated Mayor Daoust, in order so that people don't see this as impropriety, because that wasn't the case that I made this motion for, I want to withdraw my suggestion that we change it to where anybody can write at any time and go back to my original suggestion back in February 25, 2015, where the Mayor and Councilors can publish articles in the *Troutdale Champion* with the exception of the year their position was up for reelection. I don't want anybody to think that that's the reason that I'm doing it, because I've never written an article in the *Champion*. I don't want anybody to think

that I'm doing it for you because that wasn't the reason I was doing it, so I want to withdraw my motion to change this.

Councilor Allen stated respectfully, I haven't always agreed with some of the content in your articles. I see your point. During my election cycle, you had written some articles that were pertinent to campaign issues at the time. It came out just before Tuesday voting. Like I pointed out earlier, the flyer for the gas tax, that may be all factual, but it was done in order to get information to people for their election decision. If somebody else in the City had decided that they might be able to do a better job for any of us, then they're going to have to pay for their own flyers, whereas we have a publically paid for newspaper and it gives an unfair advantage. Because of contention over this issue, which is the whole reason why this rule was brought up in the first place, I think it's best that elected officials not write articles and that their articles are left as informative and perhaps we have somebody who's nonbiased write them.

MOTION: Councilor Morgan moved to table the discussion until the first meeting in January, so Ed Trompke can look into the legality of it and maybe by then, we've had a discussion with Budget Committee about our communication structure, etc., and Council rules. By that time, we also will have met with our Organization Review committee and we can vet those provisions, as well. Councilor Anderson seconded.

Councilor White stated friendly amendment. I personally don't want to spend any more time. We've got a long list of priorities that we need to start working on. I think we should honor our gentleman's agreement and Councilor Wilson has already withdrawn his motion.

Councilor Wilson stated that's it, Mayor Daoust. Everybody is in agreement just to stay with what we originally thought of and let's move on.

Mayor Daoust asked are you going to stick with your motion?

Councilor Morgan replied I'm going to still stick with my motion. I think it should be tabled because the same issues are going to come up because I think that should be addressed. The public should have an avenue with publically funded structures to have a forum to articulate their positions. It's not fair that a Councilor would be able to write, at any point in time, and citizen couldn't.

Councilor Wilson stated I withdrew it before you made your motion to table it.

Councilor Allen asked does that means it's done?

Mayor Daoust answered no, I think we have a motion and a second on the floor that we have to act upon. We just can't ignore it. Could you restate your motion?

Councilor Morgan replied I'll go back to what I said before. I'd like to just, if the majority of the Council is willing, to readdress this at a later date when we've looked

into that, that'd be great. If there's no interest, and this is going to be another wedge issue and a fight, then I'm not interested. I'm just trying to mitigate some of the issues that are there and a lot of it is out of public outreach, communication, structured systems that need to be addressed at some point.

Councilor Anderson replied I think we can do that. I think it is a wedge issue and we should bring it back. I get the point about the communications' issue. The point is well taken and you should bring it up at the Budget Committee, but as it relates to this, I think this is a wedge issue. I've heard from so many people in the audience tonight that, I mean, you talk about tone deaf.

Mayor Daoust stated I think we're done with this discussion. We'll take a 10-minute break.

Councilor Allen asked what happened?

Mayor Daoust replied I think Councilor Anderson withdrew his second; that's what I heard.

Councilor Anderson stated then I'll second Councilor Wilson's motion. I agree with Councilor Wilson.

Councilor Ripma stated we can discuss it next year.

Councilor Morgan added at a later date. Is that fair, Councilor Ripma?

Councilor Ripma replied yes.

Councilor Allen replied that seems to be the majority.

Mayor Daoust called for a ten minute break, recessing the meeting at 9:14 pm and reconvening the meeting at 9:30 pm.

Councilor Anderson left the meeting during the break.

6. PUBLIC HEARING/ORDINANCE (Introduced 11/10/2015): An Ordinance Amending Chapter 8.40 of the Troutdale Municipal Code and Reassigning Staff Responsibility for Solid Waste.

Amy Pepper, Civil Engineer, stated the proposed ordinance is related to the Solid Waste section of the Code. The changes proposed are mostly housekeeping in nature, and I'll keep that description pretty general since we discussed it two weeks ago and it is in your Staff report and the copy of the proposed ordinance is attached to your Staff report. Two weeks ago, there was no public testimony requesting any changes to the proposed ordinance, so the ordinance is as presented two weeks ago. And with that, I'm available for questions.

Councilor Allen stated I've read through it a few times. I can see where you're trying to clean things up and I appreciate that. I don't know that I have any particular concerns at this point. Thank you.

Councilor Morgan stated I will save my comments for after the public hearing.

Mayor Daoust opened the public hearing at 9:32 pm.

There were no public comments.

Mayor Daoust closed the public hearing at 9:32 pm.

Councilor Morgan said I wanted to thank Amy Pepper and Steve Gaschler for their work, which was difficult with so many changes. I really appreciate this and it's very thorough.

MOTION: Councilor Ripma moved to adopt an Ordinance amending Chapter 8.40 of the Troutdale Municipal Code and reassigning Staff Responsibility for solid waste. Councilor Wilson seconded.

VOTE: Councilor Allen – Yes; Councilor Wilson – Yes; Councilor Ripma – Yes; Councilor Morgan –Yes; Mayor Daoust – Yes; and Councilor White - Yes.

Motion Passed 7 - 0.

7. DISCUSSION: A Discussion on the PDC Proposal of a Relocation Payment for the USPS Facility Siting in TRIP.

Craig Ward, City Manager, stated I prefer not to read the Staff report. I'm not going to bore everybody with that. I think it states pretty clearly that there is a spectrum of values we could send back to the Portland Development Commission (PDC) and the United States Postal Service (USPS) regarding what we see as the value Troutdale could be compensated for, particularly in lieu of potential lost property taxes. Of course, we don't lose property taxes if the property is never developed. If the property is developed, the property taxes we might generate or might receive are based on the size and value of the potential project. In this case, since it's the postal service, a federal facility, they will not pay property taxes. So essentially, the PDC wants to know from us what value we place on compensation that would be paid to the City for the use of this property by a federal facility. I confirmed late this afternoon with a PDC staff member that they have several projects they are trying to compare and we believe that the Colwood property is likely the top contender with TRIP for this potential development. It is not the only property, but that's the only property that has been mentioned to us and we don't have the ability to compare the TRIP property with those others. But the PDC, I'm sure with the help of the Port of Portland, will be comparing them. Not just on the value of the property for TRIP versus another. They're comparing a bunch of issues. There are liquefaction and SDC issues that apply differently to both properties. So, I would ask you to envision a matrix, a spreadsheet, with columns and each column is based on the different properties and the rows are based on a variety of factors that they will be comparing to our TRIP property.

One of those cells in this matrix we're imagining will be the compensation or the price of the property. They just need to be able to compare the properties. They don't know what we think the value of the property is for this project. So really, you have these potential models, and a variety of potential values for a project like this, whether it's a PDC model based on the size of the postal service facility, etc. Finance Director Erich Mueller has estimated that financial impact to be $6,465,000. If you take another model, a private sector project that is essentially equivalent to the postal service model, depending on whether you are using a 50-year discounted rate or a 100-year discounted calculation, it could range from $9 million to $18 million and those numbers keep going up. The reality is that it really comes down to the Council deciding what it is worth to you. Another component is that we could look at the potential plain warehouse model, as the Staff report mentions. Just because we're looking at a project the size of the postal service does not mean that we're guaranteed that. We can put any number on the table for all of the factors in that matrix. They may add up to the postal service or the PDC deciding that our project isn't competitive. We've been told that there are liquefaction issues at Colwood. Maybe neither one are competitive. Maybe the postal service decides not to do anything here, in which case we're left with a piece of land that is now available for another project that may take advantage of the Enterprise Zone tax benefits. Mr. Mueller, at my request, has come up with a potential plain warehouse model. Using the 50-year model, the potential lost property taxes that might be gained would be $5,356,000. Or, if you look at the 100-year payoff, then it would be $10,892,000 rounded off. There is no right or wrong answer to this, but when first approached by the PDC about this, we were told that they needed a decision by October. Well, it's almost December. We can make no decision, which is a decision. The PDC and postal service want to break ground on this project in October 2016. They have to make a bunch of siting decisions, and after that they have to actually give the job to their contractors, get bids, etc. It will take them most of a year to do that. So, if we make no decision, the signal we are sending is we can't make a decision, and that will convey a message that we're not prepared to make an offer. Let's say that we really want this and we're not worried about whatever else could be built there. It will generate a lot of jobs for Troutdale and we decided that $3.5 million is reasonable. We're not buying a car here, right. So, just because we make a low ball offer on it does not mean we get the project. All it means is that in that big matrix, they put this number in here. Along with that number are a whole bunch of other numbers in that column that they are going to add up. We don't have any control over those numbers and we don't know how we compare to the competition. So, we can't be assured that if we make a low ball offer that we will get the project. The conventional mentality in trying to make a deal is, you put a number on the table and bounce it back and forth until you finally come to a point. We're not going to know that. All we will know is that we have to put a number on the table we're comfortable with. We ought to be willing to live with that number because they are going to be relying on that number. In the next month, two months, three months, they will come back to us and say, "You know we think we can make this deal work in Troutdale." And then they will expect us to honor whatever number we put on the table. But, it is even more likely, because there are multiple properties involved here, that whatever number we put on the table, they may well go to somebody else. And that's because they're adding up everything in that column, not just the number we give. Whatever number we put on the table will be part of a public record; that is why we're here tonight in an open public meeting, it's all recorded, as we all know. Let's say

the postal service walks away from the deal, for whatever reason, and they decide to go somewhere else. In a year, two years, five years—we don't know when the next buyer of this property is going to come down, but you can be pretty sure that if they do their due diligence, they are going to find out what our number was. That will give an indication at least of how this Council tonight, or whenever we make a decision, is sending a signal out, that Troutdale was willing to live with $15 million, or whatever number. The point is, do we think the property is something we would hold out for a big number or give in with a low number. There is no right or wrong answer, except I think making no decision is a wrong answer. That's all I have to say and I'll try to answer questions. Erich Mueller has invested his evening to be prepared to answer questions on the models that he has here. We do have Staff from the Port of Portland, if you have specific questions. We don't have anybody here from the PDC so, if you have detailed questions for them, we'll have to put it off.

My suggestion is that four or more Council members direct me to tell Brad with the PDC the number that we feel is reasonable to compensate us for the property taxes we think would fairly be generated from a comparable development. I'm not going to make a recommendation on what that number ought to be. The last number we had was $6.4 of $6.5 million. We can accept that offer, they will plug that into their spreadsheet, and someday we'll find out whether or not our project was competitive regarding all of the factors they thought were critical to selecting a site. Or, we can pick another number based on any of the models that we've estimated values for.

Mayor Daoust stated this is a discussion that we will allow public comment on because that's why it was explicitly put on this agenda. But, I think we can talk openly amongst the Council about a number and what we feel comfortable with, but I've checked with the City Attorney and we think the final decision should be made in Executive Session, right after this meeting. It's one of the Executive Sessions that we had scheduled for tonight. So, we can openly discuss it, the public can tell us what number they think is appropriate and we can bat it back and forth. But, as far as making a decision to give you a direction on what the number is, that should come in Executive Session later tonight. We can open it up for discussion with the Council first and then for the public.

Councilor Allen stated I'm going to have some comment on this. I'm going to want to hear from yourself and the Councilors so I can take everyone's thoughts into account. But I need some information first to help me understand the discussion. What I'm getting to is I used to work in an engineering capacity to site and help build factories. One thing I did is I didn't actually look at any properties that weren't ready to be developed. So it's important to me to know where we are in the cycle. Last time I looked the land was still being prepped. Is the land ready to be developed now or will it soon be, and how much industrial land do we have in the region?

Don Goldberg, Port of Portland, replied the property, Phase 2 that we're talking about, is under construction now. As you know, we've had a lot of rain. We're in the process of draining the property and we're in a window now of no grading. We had deep discussions with you, as well as the PDC and postal service, as to when we could meet their schedule. We went internally, reprocessed, and went back to our subcontractors. We believe that

we can probably deliver by August of 2016. So, it met their proposed deadline. Of course, it's conditioned upon our weather and things of that nature.

Councilor Allen asked how much industrial land do we have in the region?

Don Goldberg asked how do you define the region?

Councilor Allen replied I would be looking somewhere around the Portland metro area here. How about if I make it easy, within the urban growth boundary (UGB)?

Don Goldberg stated I don't believe its acreage that you're really looking for because these are large lot properties and that's what the Port specializes in. We're not developing five or ten or one-acre parcels. Tier 1 ready-to-go 50-acre lots that are within probably a 60-mile radius, there are three in the immediate area that could go right now. There are probably four others that are in Tier 2, meaning that they could be ready in six months.

Councilor Allen asked you think you could have this available August 2016?

Don Goldberg replied excuse me, August 2017.

Councilor Ripma stated this is a very unusual situation where a post office isn't really interested in moving into a city. But, the PDC is interested in moving them to Troutdale. That's the only reason we have a say and I want to thank the Port for allowing Troutdale Council to weigh in on whether we really want this or not, because it is very important to Troutdale. That industrial land is our future fiscal soundness, frankly. We need to see that it's properly developed to generate tax revenue to keep us afloat in the years to come. As has been pointed out several times, if the USPS wanted to locate a post office in your city, just try to say no. It can't be done and they don't have to pay taxes. But in this case, we are being offered the chance to weigh in on it and we ought to seriously consider saying no. At least the offer that was discussed, we discussed it at an open meeting and then we had an Executive Session meeting. So, I don't want to tread on saying anything improper, but I expected before we discussed it again that we would get something more back from the PDC. Apparently, that is not in the cards. They are not prepared to do that. The money that they offered that's in the packet here, $6.5 million, doesn't even meet the minimum amount our own Staff calculated for a 50-year life of the facility. What it's doing, in effect, is diverting from a plus for the future of Troutdale, meaning tax revenue going to services that would be provided by the City. In return for an upfront payment, they're going to be a minus, and that minus is for police, fire, streets, everything for the life of the facility. Frankly, any amount of money is not going to be as good as a steady flow of revenue. This is my opinion. I think it simply can't be justified. At the very least, I'd rather not name a number just for the purposes of discussion and have Staff spend no more time on this and just see what they come back with if they want. That's what I would recommend. If they take that as a no, that's fine. But, we're selling ourselves short. A postal sorting facility is not the primo facility that I would think that primo property could attract. I can't guarantee it, but it's some of Troutdale's most valuable and marketable industrial land. I would urge us not to name a number, or if we do, let's make it really, really high.

Mayor Daoust stated that is the other option. We could name a number that is really, really high. You had made the point that the USPS was being pushed by the PDC. Actually, that's not quite right. The PDC obviously wants to develop the Pearl District, but the post office got to the same point after many years, probably of PDC pushing them, that "Yes, we're willing to move, we want to move." So, both of the agencies agree that now is the time to do it.

Councilor Ripma replied if the post office alone was planning to move, they could just do it. They're only being bribed into it.

Mayor Daoust stated the second question you had was why haven't we received anything from the PDC. Right after they gave us that $6.5 million number, we did meet and came up with a few questions about some of the assumptions they were making to come up with $6.5 million. Craig can answer whether we forwarded that to PDC or not, but my recollection is PDC said, "Rather than this back and forth of answering questions and doing this, why don't you just give us a number, Troutdale, so we can go back and figure out what we want to do." I think that was part of your introductory statement, that at this point in time, they just want a number from Troutdale.

Craig Ward replied they did respond. We were asked to follow through to get additional information. We did that. That information has been factored into some of these that are shown here, like the PDC model for instance. So, we did clarify some of their assumptions. But of course, their assumptions and the assumptions that Erich and I feel are reasonable don't always match up. So, we developed these models as a way of expressing what we feel is a reasonable range. And, there are a few questions that I was asked to bring forward to the PDC like what the value of the redevelopment on the property in Portland might be. They categorically refused to answer that because that really isn't our business, I guess is the way that I would phrase their response. So, we didn't pursue that any further.

Ed Trompke stated we didn't notice an Executive Session for this topic. I was thinking this is real estate, but we don't own the real estate for the transaction. The Port does, so it probably doesn't fall under the Executive Session rules. So, the Council will need to discuss this in public and come up with Staff direction.

Councilor Allen asked is saying no to the deal with the PDC over this property an option and if we did, what happens? Do we say no and then it just develops anyway and we get nothing? I'm just wondering if we actually do have a choice here.

Don Goldberg replied you are dealing with a federal agency, so they have certain rights that other agencies don't. There's multiple questions within your question. I don't know. Are you asking the Port what we would do? I'm not quite sure what your question is.

Councilor Allen stated we talk about working with the PDC and offers and counteroffers and so forth. I was just curious as to our position. Do we actually have the ability to say no or do we have any negotiating standpoint?

Don Goldberg replied in my opinion, you always have the ability as a City to make a decision. What the USPS will do, how PDC will act, and what the Port's Commission....

Craig Ward interjected we have been repeatedly assured by the Port of Portland and the PDC, well particularly the PDC, and in indirectly I think by the USPS, that while they might be able to exercise their federal prerogatives to site this whether we like it or not, that they will not do so if the City of Troutdale does not agree. And so, this number is fundamental to that agreement. Now, that number could be modified with additional caveats, that we'll take this number, whatever number we pick, but we also expect to be paid SDCs. There are a lot of different qualifiers that we could put in. But I take them and the PDC, in particular, at their word that if we don't want this project, we can say no and they will cease to consider TRIP as a viable option.

Mayor Daoust stated I think we do have negotiation power, but our negotiation ability lies with our strong partnership with the Port of Portland. If we said no, I would imagine the Port of Portland could go against that and sell the property anyway. So, our negotiation ability is strongly tied to our partnership with the Port of Portland. I sat next to Bill Wyatt, the Executive Director of the Port of Portland, he told me personally that if Troutdale does not want this to go forward, the Port of Portland will not pursue it. So, in my mind, that's the basis of the partnership that we have with the Port of Portland, which is a good, positive partnership. And we've had that for years, so that gives us the negotiating leverage that we need, in my mind.

Councilor Allen stated I appreciate the Port of Portland. Government entities are insatiably hungry for tax money and basically, your most of the development there that can potentially happen next year. So, naturally, I'm very grateful for what the Port is doing and I appreciate it.

Don Goldberg replied we appreciate our partnership very much as well.

Councilor Allen stated what concerns me about this deal, no matter what the number is, is that taxes are forever and whatever number it is that we get it, it may not take long to spend it. Although, it would be quite a party and might be enjoyable to get money and do a lot of neat things with it but my concern is that we live well now and we sacrifice the future of future generations. It's hard for me from a personal level to make those kinds of decisions because I know how it felt when it happened to me. I can just project what it is going to do to future generations when it's mostly cost and no tax money in the future. Being that there isn't a lot of land to be developed around here, I don't know what it will become. It may become something that gives us a lot of tax revenue or a little bit of tax revenue, but it's basically forever unless there's some huge disaster that wipes us all out.

Lise Glancy, Port of Portland, stated I misspoke earlier and I just wanted to pull up the numbers from the 2014 Regional Industrial Land Inventory so you have facts in front of you. Councilor Allen, you had asked how many sites there were in the UGB?

Councilor Allen replied well, of this size. A developer will pick properties based on its abilities.

Lise Glancy stated in the 25 to 49 acre size, there are 39 sites in the UGB. I can send you this link if you'd like, it's from the Executive Summary. In 50 to 99 acres, there are 10 sites. There are 13 in Tier 1, which means ready to go in six months, and then, Tier 2, which is within the timeframe required by the USPS, there are 15 additional, so, that's 28 sites. I'm happy to send that link to you. This is a study of the region done with five agencies every couple of years. I wanted to make sure I corrected the underestimate.

Councilor Allen replied I appreciate that. I'm an analytical, so information helps me. So, 15 Tier 2, as a developer, those are the ones that I'm going to be most interested in. It's good to know what these numbers are. It seems like as we get to the larger lots, there are fewer of them, but I expect there's also fewer demand, so, the property is appropriately proportioned. They take longer to come on as well. You have to invest quite a bit before it's even ready for potential buyers to start kicking the tires here.

Mayor Daoust stated this is very complicated because we don't know when that property would be developed. It could be next year. It could be 10 years from now. One of the assumptions the PDC was making was it would be 10 years, or that's the assumption they made before they started accruing property taxes they would lose. We disagree with that assumption that Lots 7 and 8 would sit empty for 10 years before the Port could attract another development. But, we never know when another development is going to come in. One question I do have is we have all of these calculations on a potential model of what could be built there and that's what we've based our numbers on. The highest number we've ever come up with, with a potential FedEx-like model, is going out 100 years and discounting all of the property tax that we would get for the next 100 years back to the current to come up with a number. Mathematically, you can do that. There's nothing wrong with that, and that was $27 million. That's the highest that we've ever calculated. The thing that has recently come into my mind is those are just Troutdale tax numbers. They do not include Reynolds School District, Multnomah County, and every other taxing district that we collect taxes from on any development. I didn't think of this at first, but it just came up recently in my head that there are all of those other taxing districts that we have not calculated what they would be losing. It makes me wonder that the number would be higher, obviously, if we took into account those other taxing districts. And, if we were to get a check for $35 million, we could choose to spread the wealth around to the other taxing districts. That may sound like a silly statement, but my only point is we have only calculated the property tax foregone for the City of Troutdale.

Councilor Ripma stated they're only offering us the money because we're the ones that get to make the decision, they don't. We're really making it for them.
Mayor Daoust stated I don't need a response to that. I'm just bringing it up to the Council as something that I just recently thought of.

Councilor Wilson asked other than the post office, is there anybody that may be far out there that hasn't made a commitment that's been speaking to you about some kind of acreage somewhere?

Don Goldberg replied our marketing team is constantly marketing the property. It's a little far out right now for users to make a serious offer. So, right now, we do not have other users that are looking at that site. As with the City, it's our job to market the property, to sell it, or to get somebody on it as soon as possible, so that is our goal.

Councilor Wilson asked of the same acreage sites, how fast are those properties going once they're ready to go?

Don Goldberg replied I don't think there's really an answer to that. It depends, of course, on what other sites come up, how strong the economy is, what the demand is for each type of property. We also, as you know have Gresham Vista Industrial Park. The area does not attract 600 to 1 million square foot users often, but the Port is very dedicated to bringing those types of users into the community. That's our mission. We're trying to bring good paying jobs to your community and the other communities in the area.

Lise Glancy stated typically, Tier 1 sites are those that are six months from market ready that get picked up. That's why we've made the investments in the site readiness to try to move it forward in the inventory and have it available to the market to sell.

Mayor Daoust asked is there anybody in the audience who would like to speak to us on this subject?

Paula Goldie, Troutdale Resident, stated we do love the Port of Portland, they're wonderful, and we love the post office just as much, but don't make the same mistake you made with the FedEx facility when they said we're going to bring family wage jobs to Troutdale and they brought nothing. You gave them tax breaks after tax breaks and they have $9 an hour jobs for people where they guarantee them 10 hours a week. So, don't do that again because the USPS is going to bring their own people, just like FedEx did. So, there's not going to be a big growth of jobs in Troutdale. Two, the traffic. We already have FedEx and I know Dick will disagree with me, but I haven't seen a huge difference in the traffic patterns here. But, I believe if you bring a main post office in like that, you're going to have traffic issues because they're 24/7. One thing you think about when bringing in a big business like that too is they're going to support all of our businesses downtown. Well, they operate 24/7 and we barely operate 8:00 am to 5:00 pm. So, the only businesses that are going to really profit from having people come in are the truck stops. And even then, I doubt that's going to be a big draw. So, that's it, just think of the traffic and absolutely do not think of the jobs that it's going to bring because it's not going to bring them. That's all.

Bruce Wasson, Troutdale resident, said there are two things I've not heard this Council discuss on this issue. How much of the existing property will be taken up by this post office? I mean what percentage, 15, 75, 30? And how much other property would be left for future tax revenues? And also, if the City of Troutdale takes the $6.5 million that Councilor Ripma talked about, if you divide that by 50 that's $130,000 a year in supposed tax revenue. Could we make more or less on that? And your figure, Mayor, of $27 million over 100 years probably is more accurate and what we should charge them because of the lost tax revenue. I agree with this other lady about what she said about the jobs. Most

postal jobs are union and if they move out of the downtown area, they're not going to be hiring people. They're going to be transferring them in from the downtown post office. I know this for a fact because I worked in conjunction with the post office in my job working for Amtrak. So, there will be no new jobs there. There might be seasonal jobs occasionally, but there will be no new jobs. And the amount of traffic, I remember going in and out of the main post office over there over the years was tremendous. It would make FedEx look pretty silly, actually, in some ways. But I think these are a couple of issues we need to look at. The long term of $130,000 a year in taxes, that's what this would average out to, and how much of that existing land would be used and how much would be left over for future development? We shouldn't look at this from a shortsighted perspective. Sure, we get a big pot of money, but once it's gone, it's gone and so is the property. As a long time Troutdale resident, that's the way I have to look at it.

Mayor Daoust stated I think the Port can answer your question about which lots they're looking at and how many acres that is compared to the whole TRIP property. Do you want to come forward and answer that question?

Don Goldberg stated Phase 2 is approximately 182 acres, and the USPS is looking at between 40 to 50 acres, depending on the configuration.

Councilor White asked what are they currently on?

Don Goldberg replied I believe they are currently on 20 acres now. There are two lots, Lots 7 and 8, which total approximately 50 acres, I believe. And they've asked for a reduction of approximately eight acres off of those two, so, if we were to come to an agreement, we would do a lot line adjustment. But, there hasn't been a final building configuration.

Lise Glancy stated the post office downtown is a 14-acre site and they are looking at consolidating operations. So, it's not just a move, it's a potential consolidation. That's why they want more room.

Councilor Morgan stated lots 7 and 8, Phase 2, weren't those the marquee lots? If memory serves, I think we get nearly $350,000 to $400,000 a year from FedEx. Is that accurate, is that fair?

Don Goldberg replied I'd like to say that they're all marquee. I mean, those are our two largest lots.

Councilor Morgan asked do we know how many acres FedEx currently sits on?

Lise Glancy replied 90 would be the total with their Lot 1 purchase.

Councilor Morgan stated so we would get about $450,000 a year, for a 50-year life, that is a lot different than $6.5 or $6.3 million. It does not quite compare to that.

Mayor Daoust replied Erich Mueller has calculated that. The size of the building we're talking about is about at 800,000 square feet. That's the size of the building that the post office wants to build on Lots 7 and 8. So, it's a big, big building. And they do say there will be 1,400 employees. The USPS never really guaranteed us any new Troutdale jobs; they've never said that. In fact, they said the same thing we've been saying, that most, if not all, the employees will just transfer to Troutdale. There may be a few that drop off the edge and don't want to commute this far from where they currently live in Hillsboro, and that's to be expected. So, there probably will be just a few jobs that open up locally.

Jay Ellis, Gresham resident, stated I think the Port of Portland has done an excellent job and I think the Port of Portland is an excellent partner if you want to partner up with somebody. Now, I did spend graduate school going to PSU looking at a lot of quantitative analysis. So, what I would say is the front loaded number doesn't really matter that much. What really matters is the long-term number. So, if it was me, they're not going anywhere else. They want that. You also brought up your gas tax. Where are they going to buy gas? Right here where they're planning it, so one hand washes the other. So, what I'm saying is you tell them $12.5 million and you don't spend it like a drunken sailor. You put it in a savings account and make like 5 or 6 percent on it. And then, you use that money that you're making the 6 percent on $12 million, which is about $600,000 or $700,000. And then, you build a City Hall so we get out of here, right? If that was me, that's what I would do. They don't really care if it's $12 million or $5 million or $2 million or $20 million, right? Tell them $12 million, lock it up, make interest off of it, and take that money, spend it wisely and build a new City Hall. That's what I would do.

Councilor Morgan stated to his point and for clarification, it's one thing to put it into let's say, an annuity or something where there's annual monies. Is the City permitted to make 5 to 6 percent annually?

Ed Trompke, City Attorney, replied if the Federal Reserve pays that much, yes.

Craig Ward stated if this deal comes down, and we actually get a check for let's say $12 million, we have a great deal of flexibility with how that money will be used. We can put it into investment vehicles that potentially generate more than the federal tax rate. I don't think we're limited to that by any means. I heard a presentation about PERS today and I understand that they're currently estimating either 7 or 8 percent on PERS investment revenue. I don't think the figures Mr. Ellis suggested are outrageous. We could certainly put the money aside and take advantage of the interest income and whatever we get out of that.

Ed Trompke stated the State Treasurer's Office does have some investment funds available. I was a little glib, but, the budget law does restrict the places that the money can be placed. There are some pretty strict rules on it. But, you're right. It's not as liberal as PERS because those funds technically don't belong to the State, they belong to the beneficiaries, so those funds can be and are invested sometimes a little more in risky investments than local governments are allowed.

Councilor Allen stated Mayor, just for a second. So we don't lose it, where would they get their gas? That's a valuable question and we should record that.

Mayor Daoust stated I don't think there was an answer. I think the assumption behind the question was that they would get their gas locally, most likely in Troutdale. Was that your assumption when you made that statement?

Jay Ellis replied right, you're not going to drive to Canby to buy gas.

Councilor White stated when I worked at a dairy, Jubitz actually delivered the gas and at night they would fill the trucks. I don't think I've ever seen a postal rig at a public service station in my life.

Mayor Daoust replied maybe not. They may have one of the accessory buildings that they want to build on the site may, in fact, be a fueling station.

Ed Trompke stated they buy it through the General Government Contracting Office. The fuel is all centrally purchased. I thought the gentleman was referring to the employees driving in that might be fueling up here.

Jay Ellis replied the City Attorney is correct. The guys driving to get there are going to buy their gas at a gas station.

Diane Castillo, Troutdale resident, stated I had a few questions for the Port. How many trips currently are being generated by FedEx lately, including employees and trucks coming in?

Lise Glancy replied not off the top of my head.

Diane Castillo asked do you have any idea how many trips are going to be generated or are projected by USPS with the 1,400 employees and then the trips that they'd use to transport goods?

Don Goldberg replied no.

Diane Castillo stated I'm curious about the calculation of potential loss of value to other properties useability based upon trips generated. The other thing, when Craig Ward mentioned a signal for the comparable number, I just want to make a point that government price would be different versus private sector. So, I don't know how many other government entities are interested in looking at any of our land on the TRIP property. And the other calculation would be, if this is mostly 1,400 part-time non-union employees, the calculation, which is kind of an obscure number, but based on the 100-year formula, at $12 hours an hour, would they be able to contribute to the community, if we're talking living wage jobs. I really appreciate people in that property if able to make a living wage job because I know in my communications with FedEx employees of part-time hard working jobs, a lot of them aren't happy. I'd just like that to be taken into consideration. Thank you.

Councilor Allen asked did you say what percentage was non-union jobs?

Diane Castillo replied I thought most of them were part-time non-union employees.

Councilor Allen stated that's my understanding.

Mayor Daoust stated to help answer your transportation question, we had to calculate transportation SDCs based on a number we were given by PDC, I think, as far as the number of trips in and out of the postal service. So, we did get some indication of traffic flow in and out in order for us to calculate SDCs, right?

Craig Ward replied yes, we did. I don't know right off the top of my head. We calculated an SDC charge for transportation of about $900,000, and that was driven by estimated trips for the project overall. That's PM peak trips, as required by our SDC Code. The question about how that offsets is I think an interesting one, and we'll never really know the answer. Let's think about our water supply. They will need water supply. They will pay us for water supply. We only have so much water supply. And so, when any development comes in, they essentially take up a portion of the surplus water supply that is not currently allocated, which means it's not available for anybody else. That's true for sewer. It's probably less true for storm water and it's true for traffic. So, if you have a whole bunch more traffic, truck trips and employee trips, then they're using up capacity on our roadways that is not then available for some other development down the road. The only reason why I don't think that's particularly helpful in this case is because most of those other developments will be paying property taxes. We still believe, and Ed Trompke has advised us, that we can command traffic SDCs out of the postal service and they certainly will pay sewage, stormwater, and water SDCs and will be paying rates for those down the road, but those would all be true costs of any development that comes in. So, when you sort of wash those arguments away, you're left with property taxes. And so, that returns us back to the models that we have here.

Mayor Daoust stated on the question about increased traffic, the answer came from the Port of Portland when they were asked will there be any additional road improvements needed because of the additional traffic with the postal service. The Port of Portland said no, there would not be any additional road improvements beyond the road improvements they're working on right now.

Claude Cruz, Troutdale resident, stated from an outsider's perspective, it's potentially high impact, low payback; it's not even a bird in the hand yet. It's a prospect. I think that given that is prime land for which, with a little patience, we can find probably better utilization. For example, I sit on the Port Project Advisory Committee considering the future of our airport. I would frankly much rather hold out for the sort of potentially large firms that could utilize the airport capacity and get some value out of that connection as well, rather than jump on this. I think it's really going to snarl our infrastructure and really not pay us back a whole lot. The models vary all over the board in terms of the life span that you're assuming. It's hard to know how to pick a model. How cloudy is your crystal ball? I don't envy that exercise. I think if we respond, it probably should be an

appropriately high number that reflects that fact that this is prime land for which I think with patience we can probably do better.

Paul Wilcox, Troutdale resident, stated first on the property tax angle, the Mayor makes an excellent point that these other taxing districts aren't being taken into consideration. I'm sure FedEx pays County tax, federal, and school district tax, and some I don't even know about. But from the tax angle, we're going to need a whole lot more money than they're talking. What I'd be looking at on that property is, the intent was to get it back on the tax rolls and also to provide local jobs. From the jobs' perspective, in particular, this does nothing, but bring in 1,300-1,400 commuters from metro Portland. We're not gaining anything there. Also, I think the Port would probably have the capacity to subdivide these two lots, if necessary, to get more companies in there, providing more jobs. 1,300 commuters from Portland, personally, I'd rather see 200-300 local jobs, new jobs, not new commuters.

Mayor Daoust asked is there was any additional public comment? Seeing none, it's back in the laps of the Council.

Councilor Morgan stated the only thing that I'll say, if we are assured that there would not be repercussions, for instance, if you say we're not interested in this property at all, but then, for whatever reason, the federal government, USPS, says we're going to do it anyway. I just wouldn't want us to be in a situation where we're then getting no payment whatsoever except for travel SDCs and other things. If we're assured that either the Port or PDC, and the Mayor, in talking with the lawyer and our City Manager, that we're not going to be somehow penalized or bamboozled as it relates to the rug being pulled out from under us, then I'm fully interested in Councilor Ripma's point of being appreciative of this discussion. We've had a dialogue, but we're not interested. I just don't want the City to be penalized because they changed their mind and they're actually going to use eminent domain or whatever else and move it there, regardless of that. I just don't want to put a blockade in our leverage that could happen down the road if they end up doing this anyway.

Councilor Wilson stated I was going to piggyback on that, that's exactly where I'm at, too. I just worry about the federal government saying, "We really want that lot. That's where it's going to fit the best and that's it." I just want to make sure if we need to, if there's anything we can get in writing that actually says that the Port of Portland will back us and not site them there, and something in writing from the PDC that says, "We'd like not to have it there" and that they won't push to get it sited there. Those are the kind of things we need to have in writing to have some kind of guarantee.

Councilor Allen said I read a lot and I like to listen to OPB and I pick up little pieces of information that analyticals like me just love to absorb. I'm not sure if I've got this exactly right, because I'm just going off of memory, but my understanding is that as the private movement of packages has occurred, it has put more pressure on the USPS to stay in the black. I think in their last report, it was maybe $1.2 billion in the black. Somebody is going to have to check me on that, but the point is that they have been under pressure and to compensate for that pressure, their reaction has been to move away from union

jobs quite a bit and hire more, what they call PSE, which are basically temporary employees. The average union job age is around 50 years old, give or take, and so they're more likely to actually already have a home. I don't know if they'd move, so I agree with Mr. Wilcox's comment that we're not actually being job creators, we're just job displacers. But another interesting things about the USPS is that as they're trying to make themselves more competitive, I think they have been picking up some deliveries from these other private entities, where a private entity just happens to be close by. That's something for you think about when you talk about negotiations. And then with 1,400 employees, I'm thinking that's a lot of trips and any time we develop anything in the city, we're going to have to consider the capacity for not only the freeway ramps near us, but the next one down for some distance. That affects our ability to develop other potentially tax-paying companies. If anybody here has more information or more accurate information than I do, I'm all ears.

Councilor Wilson stated I'd just like to say that if Landau moved down here, they'd be bringing their employees with them. If Warren moved from Clackamas, they'd be bringing their employees, too, so unless it's a brand-new start-up, they're bringing their employees.

Councilor Allen asked a percentage, a core group, right?

Councilor Wilson replied the hourly workers, the corporate workers, no matter who it is, they're going to be bringing their staff with them. But we're here really to discuss more about whether or not we want them here, how we're going to be compensated for it, and how we make ourselves whole if we bring them in.

Councilor Ripma stated I think it's actually whether we want to exercise the option that the Port has given us to say no, and I don't think it can be justified as a good thing for Troutdale on many grounds. We've heard them tonight. I don't think you need to be hesitant about saying no if the Port has publically declared they would accept our decision on this. Bill Wyatt apparently said it to our Mayor. The federal government could always choose to build Hanford here. They did it once before. They could decide the Nuclear Waste Depository should go out there. They could, but they're not going to over local opposition, especially after a negotiation like this. Be reasonable. It is not going to happen. The decision should be made on what is good for Troutdale long-term and frankly, anything that doesn't produce a cash flow is going to harm us in the long run because that industrial area is what's going to keep us afloat, and to take on a facility that won't ever pay taxes. I appreciate that it will actually shortchange all the other taxing districts, which also degrades our quality of life, but our citizens will also be shortchanged and in the end, we are going to end up turning what will be an asset into a liability. They may not need to build new roads, but they're going to have to repair the ones that are there. There is going to be police and fire coverage that's going to have to be provided. There's no justification for doing this by compensating the taxpayers. There just isn't, so I would favor us politely thanking everyone for the offer, but politely declining.

Councilor Allen replied the PDC letter to us talks about economic benefits, so I was taking the actual, likely economic benefit into consideration. One of them, I think, is local trips to our businesses, but it's my understanding that a postal service employee typically gets

half an hour for lunch, so that doesn't give really any time to go out and visit the local establishments. But I'm also considering other possible advantages so it can be taken into consideration.

Councilor Wilson stated we need to consider those, but on balance, the negatives outweigh.

Councilor Allen replied for the most part, I would agree with you.

Councilor White stated I'm a little uncomfortable with the form of this negotiation. It's almost like picking something out of thin air. It's not as bad as that, but it's close. We don't really have an expert guiding us that knows the market, that knows the area and understands what it might do to the rest of the property, what it might do to development within our City because of traffic studies, that sort of thing. As a taxpayer, I'm like, "Why tear down a perfectly good post office and use taxpayers' money to build a new one?" To free up 14 acres and to displace that many people from a human standpoint, I'm dead set against that. I had a job that they transferred headquarters to Wilsonville and I had to make that commute every day. It was brutal. I don't have enough information to make any decision other than thank you, but no thanks at this time.

Mayor Daoust stated I just want the Council to consider, it's not that I disagree with you guys, because I don't, but I want you to consider the other option of asking for a relatively high number, like $30 million.

Councilor Morgan replied I've heard that number before. I think Katy Sword printed it in the *Outlook*.

Mayor Daoust replied I think we've talked $20 million before, but I'm upping the game to $30 million and investing that and living off of the interest we would get into the future, and I'm only posing that as a question. If we're going to talk this thing out, I'd like to talk out the alternative of proposing a number. I'm throwing out $30 million to give to the PDC and see if they choke on it, which they may, but you never know. It goes back to the point that was raised. The Pearl District development is a very high potential development, and the PDC knows that. So, I'm throwing out this for discussion. If the Council wants to tell me to drop it, that's fine, but I think we should at least discuss throwing a $30 million figure out to the PDC and invest it, live off the interest, which would be very affluent of the City to consider that option. We've never talked about $30 million before, but I just want to put it on the table and the Council can do what you want with it.

Councilor White replied as you were talking about having a pool of money, I was thinking it'll be a target for Gresham Fire, Multnomah County Sheriff, the employees' unions; it'll evaporate on us. You'll have a hard time saying we can't afford these rate increases.

Councilor Allen stated I'm a bit of a history buff. I believe they did a phone tax about 100 years ago to help pay for World War I and I'm still paying it. Taxes are forever, no matter what the number is, we're imposing on future generations.

Councilor Wilson stated I was going to say it in a different manner than Councilor White, but once you've got money, everybody feels that they own part of it, except you. It would be great looking at it, but that's all we'd get to do is get to look at it and it'd be gone. It's kind of when we were talking about all the money that FedEx was going to bring in and how it was going to cure all our woes and then, when it came in, we didn't even get to look at that. It was already absorbed into the budget.

MOTION: Councilor Morgan moved to suspend negotiations with the PDC for the relocation payment for the USPS facility siting in TRIP. Seconded by Councilor Wilson.

Councilor Allen asked are you giving up on the payment or on the siting of the USPS in the TRIP?

Councilor Morgan replied suspending negotiations. I think the payment is the source of the relocation discussions.

Mayor Daoust stated just so I'm clear about a point you brought up earlier of getting confirmation, somehow, from the Port and PDC, that the USPS will not pursue it anyway. Is there a way to get that? It was a legitimate question that if we say we're closing off negotiations now and then down the road, even though I made the statement that we have a strong partnerships with the Port of Portland, but there still seems to be a little hesitation that the USPS could just do it anyway.

Ed Trompke stated I think the USPS has eminent domain power and can do that, or they could buy the Port's property if the Port were willing to sell. There are a couple of ways that could happen.

Lise Glancy stated I don't think I can add much to that. I think only the USPS can give you that assurance. The PDC and the Port can't give you that assurance. They do have eminent domain, but one could ask.

Councilor Morgan responded so we can cross that bridge when we get there.

Councilor Wilson stated I thought the USPS also said that if we didn't want them, they wouldn't come.

Councilor Morgan replied a verbal agreement is not worth the paper it's written on.

Councilor Wilson replied no, I agree with that.

Councilor Morgan stated to Councilor Ripma's point, if we get to that point, then I think there'll be an uprising based on the fact that the City of Troutdale isn't interested. We had a conversation. It didn't go anywhere and here we are, so I'll restate my motion unless you...

Councilor Allen interjected could I add a relevant comment to what was just stated? I believe the PDC is sweetening the pot for the USPS to move and if we say no and they continue to sweeten that pot, then yes, it makes it more likely that the USPS is going to say, "We're going there anyway." Is the PDC going to continue to sweeten the pot, even if we say no?

Lise Glancy replied you would have to speak to the PDC.

Councilor Ripma stated they're not going to answer a question like that, but it would be outrageous.

VOTE: Councilor Allen – Yes; Councilor Wilson – Yes; Councilor Ripma – Yes; Councilor Morgan –Yes; Mayor Daoust – Yes; and Councilor White - Yes.

Motion Passed 6-0.

8. DISCUSSION: A Follow Up Discussion on Depot Museum use, Modifications and Staffing Needs, and Grant Writing Services.

Councilor Wilson asked could we table the last item?

Mayor Daoust replied yes, we can do that.

Councilor Ripma stated Nell Simien has been here all evening.

MOTION: Councilor Morgan moved that upon ending discussion on Section 8 (Item 8), we move to adjourn. (there was no second)

Mayor Daoust asked you want to cover Agenda Item 8?

Councilor Morgan replied yes, I think it's fair because she's been waiting here and so has Claude Cruz, but I think Staff Communications and Council Communications can wait.
Councilor White stated I have a Point of Order. At the last Council meeting, the majority of the Council asked for a joint work session with the Historical Society and the Chamber prior to this being a discussion item, so I think it's out of order, and I do apologize for you being here for that whole time.

Mayor Daoust replied I think Craig Ward would have an addition to that point.

Craig Ward stated I have had a meeting with the Chamber of Commerce. I've not met with the Troutdale Historical Society (THS). It's related to this. This is specific to staffing, which I understood the Council wanted, and effectively had directed Staff to move ahead with whatever budget amendments are necessary to make this happen, but it happened under Council Communications, so it wasn't a formal action since the Council really isn't empowered generally to do that in its Council Comments. So, we were trying to bring some facts back on this. I don't recall that specific direction, but I wasn't actually here and present through the entire last meeting, so perhaps I didn't understand that. But I

appreciate that Ms. Simien is here and if you want to table it, have discussion or whatever, I'm open to that either way. I don't think it's all that timely if you don't feel that it is.

Councilor Morgan stated we discussed having a meeting, but it wasn't situational or dependent on us talking about that. We did give explicit direction for the president, or executive director, of the Chamber of Commerce to meet with City Staff and look at all the options. That was one of the explicit comments. There was discussion about there being a meeting, a work session, to work through all those issues.

Councilor White stated the idea was to get everybody in the room and I clearly remember the majority of the Council…

Councilor Morgan interjected I agree with that, but that's not germane to this. They're not one or the other, not mutually exclusive. We can still have that discussion with all the bodies.

Councilor Allen stated I'm on the Historical Society Board, but I'm not authorized to speak for them. It would seem like if we're headed down this road, we should have consulted them, just like we would expect them to consult with us at some point.

Mayor Daoust stated Craig, you've talked with Sharon Nesbit.

Craig Ward stated Claude Cruz and I spoke at some depth about the options for the Bike Hub, the Depot, the staffing of the building and coincidentally, Ms. Nesbit dropped in when Staff was looking at the Depot building. She saw us going in and came to assist us and that was providential in that we had a nice conversation about alternatives for dealing with the archives and the like. It wasn't a planned meeting. It was strictly impromptu and I don't think she was speaking on behalf of the Historical Society either. We were just sharing ideas and brainstorming about potential solutions. Mr. Cruz and I subsequently had a more formal meeting where we did actually kick around some options. We are moving down the path and have a work session scheduled tentatively on December 15th I believe, to bring proposals to the Council that might deal with that issue. But at this point, it's really only the Chamber and the City. It's not a three-party work session that's formally been scheduled. We can do that. My preference is always, if we can, to bring proposals to the Council rather than just have open-ended conversations about possibilities and that's where Mr. Cruz and I have been trying to do.

Councilor Allen asked is it possible for our Staff to talk with the Historical Society President and the Chamber's Executive Director and talk with them and get something together that they're all going to be happy with and then, bring it to us?

Craig Ward replied a little less formally than you just mentioned, that's what has happened. Mr. Cruz and I, I'm sure, will be happy to meet with the Historical Society, whomever they choose to send to represent.

Councilor Allen stated you didn't say you met with the Historical Society president, though.

Craig Ward asked is that Sharon Nesbit?

Councilor Ripma replied she's vice-president.

Craig Ward asked is Mr. Otto the president.

Councilor Ripma replied yes, but he's been in the hospital.

Craig Ward stated I'd be happy to do that, all in preparation for this work session in a little less than a month.

Mayor Daoust replied why don't we do that. So, we have a work session scheduled for December 15th.

Councilor Morgan asked are Councilors going to be Historical Board members or both? Are you meeting with the president and vice-president of the Historical Society as a work session? I guess this is kind of a real squishy thing.

Craig Ward replied it feels squishy to me, too. But Mr. Cruz and I are working on developing a proposal and I'd be happy to meet with whomever the Historical Society would choose to have represent them to evolve that squishiness into something a little more firm.

Mayor Daoust asked before the work session, so we would have a proposal in front of us by the work session from all three?

Craig Ward replied yes, if we can all agree.

Councilor Allen stated I understand the motion and it's not a bad idea, but I do have something I have to say that I was going to say under Council Concerns that has to be said at this meeting, prior to our next public meeting because of the timeliness of it. It has to do with the Regional Disaster Preparedness Organization (RDPO).

Councilor White stated I'd like to continue, as well. We've got another meeting after this one.

Councilor Morgan asked what's preventing us from talking about Item 8?

Councilor White replied it's not the direction we gave at the last meeting.

Councilor Morgan stated that appears to be a semantic. We don't know that to be certain. There was the meeting, I'm assuming you met with Mr. Cruz?

Craig Ward replied yes.

Councilor Morgan stated that was one of the directions. This is about the Historical Society, I get that, but that has nothing to do with Modifications, Staffing or the Grant Writing Services. So that's not germane to your question specifically relating to the Historical Society.

Councilor Allen replied it says follow-up discussion on Depot Museum use, Modifications and Staffing needs and Grant Writing Services. They seem to be all related. I'm just reading it off the agenda.

Councilor Wilson stated the Depot Museum is a City building; it's not the Historical Society's building. They have been using it, but they have cut their usage down to parts of two days a week. I think what this is trying to do is get the building staffed so it's open all week long and put it to good use because it's in a prime area of the City, and it's a shame to have that building closed. I think that's what we're trying to accomplish here is to get it back open. Is that correct, Mr. Mayor?

Councilor Allen interjected point of order. We're talking about whether or not to discuss it and now, we're going into discussion.

Councilor Morgan stated why don't you make a motion to take it off the agenda if that's your discussion. I think it's consistent with the discussion as it relates to the Grant Writing Services, if for nothing else. If you don't want to talk about the Depot, that's fine.

Councilor Allen replied that's not the point. It's just that the players should be consulted.

Councilor Morgan said apparently they were.

Craig Ward replied no, the THS was informally consulted about the use of the Depot. I don't recall if we had any in depth conversation about the Museum curating or the like, or the staffing of that building because my assumption was that the Chamber of Commerce might occupy the building. Whether or not the THS would have a role in the subsequent operation and maintenance of the building was not. We talked more with Ms. Nesbit about the importance to the Society of the archives, which are located largely in the basement and how we might be able to accommodate their desire to be able to get access to and to secure those archives over the long-term. I didn't view it at the time as being a formal meeting to which she was sent to represent the THS. It was more that she just happened coincidentally to be there and I knew she had opinions, which she shared. Mr. Cruz and I subsequently met and we talked about a phasing plan for the Chamber occupying the building, including a phasing plan for preserving and securing access to the archives and the other artifacts in the building. THS's role was fairly subordinate to the overall desire to see under what terms the Chamber might be prepared to occupy and keep the building open as a Chamber of Commerce Visitor's Center.

Mayor Daoust stated we've got two things that are kind of separate. If the City wanted to staff, that's what was on the agenda was staffing, do we want to hire or contract out for a grant writer? We can decide that without getting all three groups together. I think that's what Councilor Morgan's point was. If we want a contract for somebody to run the

museum, we can do that and that was Councilor Wilson's point. But I agree with you, but I think there's some movement around the Council to get this meeting over with.

Councilor Morgan stated I just want to be respectful to Ms. Simien's time, specifically to the grant aspect of this discussion. Is that inappropriate to have a discussion about that, Councilor White?

Councilor White replied I think if you're talking about adding a position when we've talked for the last few years about status quo and getting a balanced budget, that's something that should be brought up in the upcoming budget cycle.

Councilor Morgan stated it's difficult to do that if you haven't had a discussion about it. It's a little bit difficult to have a discussion in the budget meeting.

Councilor White stated I'm going to hold firm that we should have included all the players on this discussion, even for the grant writing portion of this. It's all part of the whole solution. We're leaving a big body out of that decision and I'm not comfortable with going forward at this time. I do apologize to Ms. Simien for being here.

Councilor Allen added if this was going to turn into direction and we don't consult the Budget Committee, when you're talking about hiring somebody that hasn't been traditionally a City function, then it doesn't sound good.

Councilor Morgan asked when is the Budget Committee meeting?

Craig Ward replied January 5th, I believe.

Councilor Morgan asked how can you have a conversation about something that hasn't been talked about?

Councilor White replied that's where we talk about budget.

Councilor Morgan asked as a brand-new discussion, without any discussion around it?

Councilor White interjected we do it all the time.

Mayor Daoust agreed that would be difficult. The best thing for the Council to do would be, in my opinion, to go ahead and have the work session on the 15th and get all three parties together and then that decision we make at the work session on the 15th...

Councilor Wilson interjected we can't make a decision.

Mayor Daoust replied that direction will then flow into the Budget Committee meeting.

Councilor Morgan asked who are you referring to on the Historical Society? Are you talking about the board? Are you talking about the vice-president? You've got to specify and again, the squishiness.

Craig Ward replied I will simply reach out to the THS and request that they send somebody to represent the agency. I just understood Mr. Otto is really incapacitated and Ms. Nesbit, the vice-president, will be leaving for her annual jaunt to Hawaii soon, in January. It's timely that we meet and if they're comfortable having Ms. Nesbit represent them, then I'd be happy to meet with Mr. Cruz and Ms. Nesbit, but they need to make that decision. We'll do that and hopefully, we'll return to you with a three-party proposal that addresses these issues, as well as the other issues of the building on December 15th.

Mayor Daoust stated whatever the Council decides, or recommends at that work session, will go to the Budget Committee because all that stuff has to go to the Budget Committee. At least we'll have a number to put forward to the Budget Committee rather than just open it up for an open-ended discussion.

Councilor Allen replied that sounds reasonable.

Councilor Morgan stated sorry, Ms. Simien.

Councilor Ripma stated I'm also on the Historical Society Board at present, but Mayor Daoust, I agree that sounds like a sensible way to go.

Councilor Wilson asked could I just ask the attorney one thing. Because we have two members on the City Council, as a past president and on the board of directors, and because they're not receiving direct benefit from anything that we do, they're okay to be in the meeting without saying they've got to recuse themselves?

Ed Trompke, City Attorney, replied that's correct, as long as you're not receiving any benefit, financial or otherwise out of it, you're allowed to do it. You do need to declare the conflict of interest.

Craig Ward asked does that go if you're only a member of the THS and not on the board? Last time I checked, I'm a dues paying member of the THS. I will disclose that now.

Councilor White stated my wife is on the board for the Historical Society, as well. I don't feel that's a conflict of interest.

9. STAFF COMMUNICATIONS

Craig Ward announced the Thanksgiving holiday is getting closer and the City facilities will be closed on Thursday and Friday.

10. COUNCIL COMMUNICATIONS

Councilor Allen stated we have an RDPO meeting coming up on December 11th. I sent an email to the Council about what we need to discuss. Rather than respond to me in the email, I'd rather we discuss it during our next public meeting on the 8th to provide direction as to what the city wants us to do at the RDPO meeting. Another conflict I have is that I've scheduled a day procedure, which I'd really like to do, for that same day, so I don't

know, Mayor Daoust, if you can appoint somebody else for that day or if somebody here who wants to do that. Because it's a regional meeting, it's generally somewhere else in the region and I can give you details.

Mayor Daoust replied we can figure that out between Craig Ward and I.

Craig Ward stated I typically attend as a Staff member, but I don't carry any voting authority on behalf of the City.

Mayor Daoust asked at the December 8th meeting, you want us to discuss the voting authority?

Councilor Allen replied right; just to give direction so it's done publically.

Mayor Daoust stated we can do that.

Councilor Allen stated on December 8th, there's a resolution adopting the Capital Improvement Plan (CIP). We should probably include Planning Commission and Budget Committee in that discussion since they felt left out the last time. I think we have recently gone through this and we're going through it again, and because it's so involved in setting rates and so forth, we probably need some more advice. The last time we had something like this, we sent it to Planning and they did a good job.

Crag Ward asked you want the Chairs of those committees....

Councilor Allen interjected no; couldn't we just send it to their committee and get advice from them? I'm just looking for input.

Craig Ward replied you just want us to send it to them in advance and request their feedback in time for that meeting? We'll be happy to do that.

Councilor Allen stated that's right, so we can discuss it. Thank you, that's very fair.

Councilor Wilson stated pass.

Councilor Ripma asked the agenda item on the 8th, a resolution adopting the CIP, is that intended to be the water, sewer, storm drainage, and parks CIPs, all of them?

Craig Ward replied I'm sorry; that was moved and perhaps we don't have an updated version. That resolution was moved to January 26th from December 8th. At the moment, we have nothing scheduled on the December 8th agenda.

Councilor Ripma stated since it's been moved to January 26th, I guess I'm endorsing Councilor Allen's idea. Most of that work session was taken up with a presentation on how to sell higher rates. We had 80 separate individual items summarized on the CIP list and I remember being told it would be refined and added to. Steve Gaschler said it would be really just the start of the discussion. So, I think it would be good to get us all a detailed

new CIP, the kind of thing that will be presented on the 26th. It sounds like Staff is ready, or will be, and perhaps refer, at least the sewer plan, to the Planning Commission. That's what we did with the master plan.

Craig Ward replied my understanding is what was presented to you is the CIP that we're recommending you adopt by resolution. I apologize because I wasn't at the session, so I didn't hear the discussion, but I have had briefings, as did all of the Public Works Staff, on the CIP and that is today's snapshot of the CIP that you would adopt. It always changes because revenues change every year, so the available revenues get altered. New projects come online. I think that's what he meant by saying it's always a moving target. But I'll be happy to have him give an explanation of that in more detail. I have no objection to sending it to the other committees. It is complicated by the fact that the budget for this year's and next year's budget is based around things like the CIP. So, while it is always something of a moving target, at some point, you just have to adopt it or we don't have any basis on which to have confidence that we're moving ahead with projects. That's your concern, too, I know.

Councilor Ripma replied it is, yes. We have adopted CIPs for all these things, but that summary added like, $50 million worth of new projects. I don't have the number, but there were some brand new projects. Anyway, I think it would be beneficial to us to have that review. We didn't take any public comment on it and there was public comment that needed to be made, I was told afterwards. Anyway, it would be good to have.

Councilor Morgan asked in the work session?

Councilor Ripma replied yes, in the work session, that's the only time we saw it.

Craig Ward stated probably tomorrow, we will send the Budget Committee as a whole, and the Planning Commission as a whole, the draft CIP and ask for their comments in time for the meeting in January.

Councilor Allen said I just heard it was the same and I heard there are changes.

Councilor Ripma clarified no, what was presented included changes, but we're talking about the same thing.

Councilor Allen asked what was the percentage of change? It would be nice to know.

Craig Ward replied no, I'm sorry. I don't have that off the top of my head.

Councilor Ripma added I don't have that, either.

Mayor Daoust stated he was just going to fill in some of the blanks that were missing from each project. That's it. Those were the changes. There was some information missing from certain projects that he said he would fill in by the next time we met on this.

Councilor Allen stated I'm hearing there might be significant total value change, so I'd like to know what percentage of change that is. Can you put that in there?

Craig Ward replied I'm sure they'll do a red line to show you what's been added or deleted.

Councilor Ripma stated I wish everyone a happy Thanksgiving.

Councilor Morgan stated Metro's contract with the landfill in Arlington, OR expires in 2019. That landfill is the size of Happy Valley. They send 60 truckloads a day, six days a week, from Walsh Trucking up the Gorge and those trucks return empty. There's been a lot of talk about our TRIP land and opportunities to have that be used. Metro is now discussing alternatives to get rid of trash. I think it would be really great if the City of Troutdale worked in conjunction with the Port and discussed alternative options for trash. Germany, Hawaii, other places in the world have gone to a system of incinerating trash without emitting things into the air and capturing energy. Certain places in Hawaii and other places in Europe have been able to capture that energy locally and put it back into the grid and actually reduce energy costs in the cities or locations that host it.

Mayor Daoust replied Salem does that.

Councilor Morgan stated I think that people like to use Brookings as an example, which is not a good example because that's 19th or 18th century technology, but I think it would be great for us, before it becomes too late and we have to move toward a less-sustainable, less-environmentally safe, not a way of creating energy. I think we should work with the Port and maybe approach Metro about options to maybe use the TRIP property, since we already have a garbage station in our town and it will support local jobs in Walsh Trucking, before it becomes too late. I know it's only 2015. Next year will be 2016, but three years to have a discussion about what Metro's going to decide will be helpful, and this would be a good example of getting long-term employment opportunities in the City of Troutdale, creating energy, and hopefully saving the environment.

Councilor Wilson asked is this a government-run incinerator or private?

Councilor Morgan replied most of all of these are private. For instance, Waste Management manages a lot of these. But I think an important discussion is we love our Gorge and we send 360 truckloads a week up the Gorge and put it into a landfill the size of Happy Valley.

Councilor Wilson stated the only reason I asked is that we just voted not to have a government agency build on the TRIP property. That's why I wanted to clarify who owned the incinerator.

Councilor Morgan stated most of these are private entities, in fact, the vast majority of them. In places like Hawaii they can't just throw stuff in the ground and hope it doesn't leak somewhere. They have to resort to environmentally-responsible ways and best practices in the private sector.

Mayor Daoust stated the only thing I have is I'd like to request Craig Ward go to the National League of Cities Conference in Washington, DC. I think we have appointments made with Senator Wyden already and potentially, Senator Merkley. I just want to give the green light for you to go, also.

Craig Ward replied I'd be happy to do that. I have supported councils in the past going to that. I know the lay of the land quite well, organizing and getting people around.

Councilor Allen asked Mayor Daoust is the December 8th meeting going to happen? I'm just wondering because I just made that RDPO request.

Craig Ward replied we do have to have a meeting every month. We're required by Charter to do that.

Councilor Allen stated the RDPO meeting in which we give direction is on the 11th. That's why I'm asking.

Councilor Wilson stated our only other option would be to have it on the 22nd and obviously, that's too late.

Mayor Daoust stated we could still have a meeting on the 8th.

Craig Ward stated the agenda item is just becoming the RDPO alternate member.

Councilor Allen replied right and the direction as to what they're supposed to do when they get there, direction as to how we want them to vote.

Councilor White stated just a comment on the trip to Washington, D.C. I would like for the rest of the Council that's not going to be able to give input on the agenda to see what you're actually going to meet on. We had also talked about having some reporting back and monitoring the results of this before we do it again, just a reminder on that. I'm a little concerned that our subcommittee group that's reviewing the Charter has forwarded information to the Citizens Advisory Committee (CAC) without it going through the rest of the Council. We typically don't do it that way. We usually report to Council and then, the entire Council would make that decision on whether it should go to the CAC. When you were talking about giving them more work, I didn't know you meant that piece. I would have liked to have been privy to that discussion prior to it going off. It's something new; I hope it's not a trend. I think we rely on not having to do all the work and dividing it up, but at some point, we do need to reconvene so we're all on the same page. I think it's the first time we forwarded anything to CAC that wasn't the entire Council. It was just a part of the Council. I see that as a concern. I'm also concerned about losing momentum on looking into fire. We had the Three Cities meeting. Each City was directed to appoint two members from their Council, and that hasn't happened yet. I think it's something we better get on right away. And, I want to wish everyone a happy Thanksgiving. Drive safe.

Councilor Morgan asked are you aware of the updates in fire? Do you know where things are at currently with the other Cities?

Councilor White replied I talked to Mayor Tosterud just today. I said "Ted, our Mayor announced that you were pulling out of the study." He said, "That's not true because we want to give the rapid response vehicle six months and they are onboard." And you said it tonight.

Councilor Morgan stated that's why their Council decided not to do anything. The City of Wood Village and the City of Fairview decided not to do anything until after the prototype has been rolled out, which the first six months of it is in the City of Gresham and then, it's another six months in the three other cities.

Councilor White stated Mayor Tosterud told me tonight that they're willing to participate in the study. Wood Village, I don't know.

Councilor Morgan clarified after the fact, though, right, after the rapid response vehicle, which will be conducted in 9 to 12 months from now?

Councilor White asked you want to wait six months and not do the presentation or not follow through with what the Three Cities decided? Wood Village is onboard with providing two people, as well.

Councilor Morgan replied I'm just stating the fact that that's not consistent with what they've said.

Councilor White stated that's news to me because I'm only going off of the Three Cities meeting and what I just found out tonight from Mayor Tosterud.

Councilor Allen stated it sounds like we're going to need an update. Can we add that to the December 8th agenda? Just an update so the Council is all on the same page?

Craig Ward replied I'd be happy to try to research with the other cities and bring that to you on the 15th in a work session, so we can have a brief discussion about where things stand.

Councilor Allen stated I get concerned when we talk about what somebody else said in a public meeting. I'd rather just get on the same page.

Mayor Daoust replied I just talked with both Mayors last night. What Fairview wants to do, and the statement I made earlier, is that they pulled their funding for the study. That's the statement I made; not that they didn't want to participate.

Councilor White stated that's what I meant.

Mayor Daoust continued Fairview wants to wait for at least six months before they commit. They want the report on the rapid response vehicle from Gresham after a six-month period. I don't know how long Wood Village wants to wait or if they're just completely out of the game, but that's Fairview's position. I have not been in any hurry to appoint two

people to a committee where I don't know what the heck they're going to talk about. I know each city says they can appoint two people. We can go ahead and appoint people, but I'm not sure if that's going to do any good.

Councilor White replied it might persuade them to change their direction. This Council has agreed to pursue the Flood plan, the majority of the Council.

Mayor Daoust stated I don't know that I would summarize things like that.

Councilor White clarified it's on record. I can prove that. I think this fire thing is being stalled out and it's hurting the citizens of this city. We have some parts of our city that have ten-minute response times and it needs to be taken seriously.

9. ADJOURNMENT

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

Meeting adjourned 11:30pm.

DRAFT

Doug Daoust, Mayor

Dated: _____

ATTEST:

_____

Sarah Skroch, City Recorder

CITY OF TROUTDALE
CITY COUNCIL – Regular Meeting
Tuesday, November 24, 2015

PLEASE SIGN IN

Name – Please Print	Address	Phone #
HERRON, MARK		503.793.7930
BRUCE WASSON		503-661-1042
Shannon Farrouge		503 888-1869
Zee Farrouge		(971) 570-7567
Rob Canfield	Troutdale	
SIM JACKSON		503-956-2798
Nell Simon	Troutdale	
JAY ELLIS	1715 SE 1st	503 819-9100
P. Goldie		
Sam Barnett	637 SE 42nd Cir.	
Susan Howe	2550 SW Indian Mary	503 667 4462
Brad Howe	" " "	" " "
Neil Handy		503-348-1100
Terry Smoke		503.492-7912
Claude Ong	WCGCC	503 799-9667
Diane Castillo	1225 East Historic	503-888 1405
Richard V. Goldie	TROUTDALE	503-661-0126
Carol Allen	Troutdale	
Lise Glancy	Port	
Don Goldberg	Port	
Annie Farrouge	590 SW 25th Circle	Troutdale OR
JON BROWN		

DRAFT

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

Tuesday, March 8, 2016 – 7:00PM

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

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

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

ABSENT: Councilor Morgan (excused)

STAFF: Ed Trompke, City Attorney and Acting City Manager; Erich Mueller, Finance Director; and Sarah Skroch, City Recorder.

GUESTS: See Attached List.

Councilor Wilson states I would like to pull 2.1 off the consent agenda because some people have some questions as to why we would put it on the consent agenda without public comment.

Mayor Daoust asks is there an agenda update tonight?

Ed Trompke, Acting City Manager, states Item #5, a motion to reconsider, is being removed from the agenda. Item #9, the Resolution concerning Public Works Capital Improvement Plan, will be removed from the agenda and set over to March 22, 2016.

Councilor Anderson asks can I be excused after agenda item #7?

Mayor Daoust responds yes you may.

~~2. CONSENT AGENDA:~~

2.1 RESOLUTION: A resolution repealing the existing Public Art Acquisition Policy and authorizing the City Manager to Administer Public Art Acquisition.

Ed Trompke states as the City Attorney, when I saw the policies I had some serious concerns about the lawfulness of the content regulation that is throughout every one of the policies. Under Oregon's Constitution as well as the Federal Constitution there have been cases decided within the last year that really say cities cannot have their codes discuss the content of speech or expression. There has also been a case that came down in the Oregon Supreme Court which says that agents of the City may not be

covered by the Oregon Tort Claims Act and the immunities provided by that. There have been several cases. The most recent one was last week and it makes sense to have a thorough procedure of any changes to the policies if they're going to be considered or re-adopted in any way, shape or form. My suggestion is that it's being repealed in its entirety and that if it's going to be adopted it's going to be in a much more slim package than it is now. You can't talk about the content but I don't know how the City judges art or consideration it it's not going to be content based. Under the current said law it would be better not to have anything at all than to have what we have. Under the Community Enhancement Program (CEP) the City will be looking at some projects that may involve some art programs and the CEP system of evaluating projects doesn't follow that arts policy. It's better to repeal it now and then adopt something that is more compliant with both the CEP and new requirements we have.

MOTION: Councilor Anderson moved to adopt a resolution repealing (the existing Public Art Acquisition Policy and authorizing the City Manager to Administer Public Art Acquisition). Seconded by Councilor Wilson. The motion passed unanimously.

3. PUBLIC COMMENT:

Claude Cruz, Troutdale resident, states the Chamber has a Keep America Beautiful Grant, good for about $10,000 a good portion which is intended to purchase cycling themed art. We have until mid-next month to have basically committed the money. This is probably a custom piece of art. I've been in discussion with various artists to come up with some possibilities. The missing link there is it would be a piece of art in a public park, Depot Park, so we need city approval. That turns up the heat a little bit with what our processes will be to approve placement of art. Another thing, I thought I heard something about a change of direction or decision of some sort on Halsey Corridor. As an interested citizen I would like your guidance as how to stay on top of what is happening in that arena. I know there were some 3 Mayor meeting discussions on it and if there's a major decision made on it I would like to be aware of it.

Councilor Anderson responds that agenda will be up on the 22nd. That was agenda #9 and it has been pulled and will be discussed on the 22nd and we'll review that.

Craig Gardner, Troutdale resident, states I don't see anything on the agenda tonight that deals with the reimbursement of the overpayment of property taxes. Is that going to be addressed at the same time?

Mayor Daoust asks you mean those property owners east of the Sandy River? That will be discussed under that agenda item.

Lee Moriarty, Developer of Gateway Estates Subdivision, states I have come to bring your attention to some problems with your Public Works. We just had a full set of plans completely approved in 2008. We submitted the plans September and October. John Bushard has had the plans for 90 days. He has reviewed the plans 3 times. Each time it's not a fault of the plan it's more requests. Most recently we had a meeting that involved

building a 20 unit apartment on this site. We had a meeting and he had 2 weeks notice from the meeting and Multnomah County came. Then he gave me a list. Here is a handout, please review it (a copy of the handout can be found in the meeting packet). In an hour and a half meeting with John and the rest of the offices, he now says I have to have approval from them. We could've asked Multnomah County then and there. He's had the plans for 90 days. I come to you as a developer of 40 years. I have worked in every city. I have developed 4,000 lots. I have built 1,970 houses. I do this for a living. You guys are screwed up and it's John Bushard. I do not want him to have repercussions. I need this subdivision. The problem is we're going to get down the road and the subdivision is going to get built and if he spends another 90 days to get it approved we are going to have a problem.

Mayor Daoust asks where is your development?

Lee Moriarty responds 257th just north of Cherry Park. The last item on the list was a post office box. Never before have we had to do this. I went to the Post Master and in 30 years as a Post Master he's never had to do it. In order to do a post office box you have addresses. I can't get addresses until it's a subdivision. As it turns out this is a dead end property. They want to be able to drive down the street and use a mailbox. It's not something I should have to have on a preliminary plat. It should not be a requirement to get a building permit in 90 days. This guy is out of control. I respectfully request a 3rd party inspector. I request that Travis takes over from now on for these plans.

Councilor Anderson asks can you give us a ballpark estimate how much this delay has cost you?

Lee Moriarty responds $300 a day, $31,000. We submitted plans on the 17th of December. They sat on the desk of the plans examiner for 12 days. We submitted them again. They sat on the desk for 2 days. Then she lied about when she received them. She has not returned any phone calls and I've made 3 attempts and I haven't even given my name. My engineer said John Bushard isn't returning phone calls. I had to go to his office and arrange a time for Bushard to talk to my engineer. You need a manager to run. I can't commend you enough on Chris Damgen. He has been outstanding.

Mayor Daoust states we hear you and we have 2 people taking notes as you're speaking and we will check into this. Thank you.

Councilor Allen states we need to direct our City Manager to look at this from an administrative standpoint and also our Planning Commission to look at it from their standpoint.

Councilor Anderson states this is not the first time that this has happened. This needs to be looked into. It needs to stop.

Jay Ellis, Gresham resident, states I didn't plan on speaking tonight but after hearing the last testimony I have to say that every single point he brought up in his frustration and his

anguish with staff members that he brought up, I am dealing with that same problem. Those same people mentioned in the previous comments have cost me a lot of time and money.

Paul Wilcox, Troutdale resident, states I thought this topic would be on the agenda tonight since the resolution has never been voted upon. I'm talking about replacing Eric Anderson as Councilor. I would like to continue on what Councilor White asked for the other day. The past practices since that night. I researched what you refer to as past practices. David Hartmann was the first choice of 4 of the 6 Council members among 10 candidates for position #1 that was vacated by Councilor Kight when he was elected Mayor in 2008. Councilor Hartmann was appointed in February 2009, resigned in May 2010 and the position was left vacant for the balance of 2010. City business did not grind to a halt during those 7 months. Council Matt Wand was elected to the Oregon House on November 2, 2010. At the November 9, 2010 Council meeting Councilor Wand stated "I will be here until I am sworn in on January 10th to make sure we have 6 people serving our citizens and so we have ample time for a proper process to find a successor." During staff communication on the November 23, 2010 Council meeting, City Manager Ward announced "the ads have been prepared and published in the Gresham Outlook for the Council vacancy that we have in January for position #2. December 10, 2010 is the deadline to turn in applications for that vacancy." Councilor Wand was excused from the December 14, 2010 Council meeting. The Work Session was held by the City Council on January 6, 2011 to interview applicants to be placed to Council position #2. Councilor Wand was not listed on the roster. January, 2011 City Council included newly elected Councilors Allen and Ripma. From among the 3 applicants Eric Anderson was the first choice of 4 of the 6 Council members. Eric Anderson was unanimously appointed to Council position #2 at the Council meeting on January 11, 2011. Oregon Revised Statute 236.325 in part reads the appointing authority required by law to fill a vacancy of public office may begin the process to fill the vacancy and select a successor prior to the effective date of resignation under this section. Section 9 of the City Charter states, the Council may consist of fewer members when there are vacancies in office. So the City Charter saying there is no legal requirement to fill the vacancy and further on in section 28 of the Charter is states, the vacancy in the office of Councilor shall be filled by appointment by a majority of the Council. The appointee's term of office runs from the time of appointment in qualification until expiration of the term of the predecessor who left the office vacant. That raises a question as to how can a sitting Councilor participate in appointing his own replacement while still in office without creating a situation where there are 2 holders of that same office. City Attorney Ed Trompke has suggested Brookings as an example of an expeditious method for appointing Councilor. I didn't see how that was any different than advertised interview and select by Council vote. The Brookings process is not initiated until the seat is vacant. Which means the resigning Councilor is no longer there. The City Charter then requires an appointment within 60 days of the vacancy. I, for one, would consider an appointee selected as a result of a 4-3 vote which included Councilor Anderson to be an illegitimate Councilor. I would feel the same way whichever side Councilor Anderson came down on. The Council is going to be tilted one way or the other as Fairview's has been. That decision should be left up to voters in November not by a few Council members. If nothing else comes out of this I would at least strongly

encourage the Council to establish an actual Charter review subcommittee apprised of Councilors, citizens and staff to address numerous election related issues.

4. PUBLIC HEARING / ORDINANCE (Introduction): An ordinance to withdraw those properties within the City Limits lying East of the Sandy River from Multnomah County Rural Fire Protection District 14 and declaring an emergency.

Ed Trompke states this is a first hearing on an ordinance so no action will be taken by Council tonight. Action is supposed to be taken up at the next meeting on the 22nd. The reason for that was that this has been percolating over the last 6 – 9 months. March 31st is the last date on which the Fire District and the City can turn in their boundaries to the Department of Resident for Taxation for taxes to be assessed. If it's not in by March 31st then the people pay taxes for another year. Staff thought it was important to get it in front of Council as quickly we could. Otherwise we wouldn't be having this hearing tonight before the Fire District has its hearing tomorrow night. The Charter requires that all ordinances have 2 hearings. By way of background, in 1978 the City annexed land east of the Sandy River that is now within the city limits and at that time a decision was made, that I don't have any knowledge of, to leave the Fire District as the major service provider. Since that time the City has entered into an intergovernmental agreement a number of times with the City of Gresham to provide fire service. Not just for the part of the City that is west of the Sandy River but for the entire City. The City of Gresham does have the facilities and equipment to provide fire service on the east side of the Sandy which it's been doing for some number of years. This is a case where the people on the east side of the Sandy River have 2 sets of fire service. They see that as being double taxed. They are paying taxes both to the Fire District 14 and to the City of Troutdale and the City of Troutdale then pays money to the City of Gresham for the fire service east of the Sandy River. One way to resolve the problem would be to simply not have the City of Gresham serve east of the Sandy River but that would require somebody making a judgment call where that address is when a fire is called in and that could endanger lives. This also would stop the double taxation as the residents see it. The taxation isn't insignificant. Some of the people said they pay several hundred dollars a year to District 14 and then money to City of Troutdale. I do want to reiterate that as it's set out in the letter distributed tonight from Fire Chief Greg Mathews of Gresham, Gresham is prepared to offer a full range of fire services and under the existing intergovernmental agreement between District 14 and the City of Gresham mutual aid is offered. This was begun because the residents over there believe that they're paying too much in the way of taxes. My first response to this was 1 ½ years ago to investigate whether the City could reimburse the double taxation. I read the statutes on it and didn't think it was possible to do. It was hard to determine. I went to the Secretary of State's office and the Department of Revenue's office and they both offer help desks to local government. I asked them and it took many months to get an answer back because they had never been asked the question before and didn't know how to answer it. They in turn went to the Department of Justice (DOJ), the Attorney General's office, because they couldn't quite decide whether it was appropriate to give money back to the tax payers. Ultimately the DOJ recommended no, it can't be done and the rebates would be improper. I reported back to the City Council on that sometime back. It wasn't well received. Everybody is frustrated and people believe they are paying too much in the way of taxes. The State has no remedy other than this.

This process came about as a result of some recent legislation that was adopted in 2013 and became effective January 2014. I wasn't aware of it until 2015. This statutory change allows the City unilaterally to move boundary of a fire district so long as the City is providing the fire service either directly or through contract with another agency. In this case the City of Troutdale contracts with Gresham. You are allowed under this statute. This is the first time that the City has had the authority to make a change that we're making on this tax year. We want to get it done by March 31st to stop the double taxation of residents, if it's considered by Council. We want to hear from Fire District 14 but we won't hear anything until tomorrow. I apologize that we had to bring this forward tonight simply because we have to have 2 hearings on it.

Councilor Allen asks on the mutual aid in that area would Fire District 14 be the first mutual aid district called? Or would it be some other entity?

Ed Trompke responds they will be the first. I believe 911 handles those kind of issues and I'm sure Fire District 14 and Gresham Fire will race to be first on scene. I know there is pride in being first on scene. There is no other provider that would be able to offer mutual aid in the reasonable time span. That is all handled by the 911 sector.

Councilor Anderson states a gentlemen brought up earlier the subject of retribution. Would it be safe to assume that because this is being pushed through on such a tight timeline that to deal with that could jeopardize this from happening if we hadn't thrown that wrinkle in? If that is the case can we assure these people that would like to go down this road that that road would be available to go down once we get past this?

Ed Trompke responds I can't guarantee them that there is a statute, there's currently not one that would allow it. It would take a legislative change. You would have to go to the State legislator to get a statute allowing reimbursement for the taxes that have been paid over the years. I can't see any other way to do it. I believe the legislature has the authority. The question would be is there the political will to address a small number of people in a state like mind.

Councilor Anderson asks as a follow up could we make that happen when available to these folks in writing? With contact names and numbers?

Ed Trompke responds yes.

Mayor Daoust states both Fire Chiefs from Fire District 14 and Gresham are in the audience.

Mayor Daoust opens the public hearing 7:41pm.

Rene Schmidling, Troutdale, Oregon, my question is, 14 has a tanker, does Gresham Fire Department? We have no fire hydrants. We are in the trees.

Greg Mathews, Gresham Fire Department Fire Chief, replies Gresham Fire Department does not have a water tanker. That's where the mutual aid comes into play. Clackamas County and Corbett are in mutual aid. Your question Councilor Allen earlier about mutual aid, the system works in terms of next up and next in just like on the river. We partner with Corbett often in response to our citizens. Mutual aid would not change. We rely on each other.

David Flood, Fire District 14 Fire Chief, states I would like to assure everyone that Fire District 14 will always assist Gresham Fire when they request it or when it's automatically first up next up.

Dorcas Woodin, Troutdale resident, states I have been a resident for 48 years. Do we have an estimate on how many people are in Troutdale east of the river?

Ed Trompke replies the names and addresses of all the properties were pulled from the tax rolls I believe.

Dorcas Woodin asks when we talk about reimbursement are we talking prior year, 5 years, 10 years? Just to give you an example what I paid for District 14 last year was in excess of $850. It is a big issue. I appreciate all your time and efforts for working on this.

Craig Gardner, Troutdale resident, states in regards to what Dorcas has said, I talked to Ed personally in the beginning of the year, you guys are looking at this one dimensionally about just changing the fire district. Some of us feel we want to stay in Fire District 14 and be removed from the City. I hate to say it but we've kind of been screwed over. A lot of people who are running for office, I talk to them about this years ago and it was going to get settled that year and it never got taken care of. You guys have been dragging your feet forever. Now you say you're not going to reimburse us? You guys are setting yourself up for a huge lawsuit and punitive damages. You are basically liable of indifference to the citizens and we're getting sick of it.

Tanney Staffenson, Troutdale resident, states thank you Mr. Trompke for your work on this and Mr. Ripma for your work on this and getting this done. Where we talk about how people feel they're being double charged. When you're being charged it kind of is more like a reality than it feels like. When you look on your tax statement there's not really a feeling of that. I think you're actually getting double charged. I have been told over the years that you're getting double covered. It's a very rare occasion that Gresham and Corbett both respond. One of them gets called off. The Chiefs may dispute that but from what you see down there is one gets called off and the other one responds. Although you're paying for both you don't really get the benefit of both. When you talk about lives being at stake I agree with you on that but when a fire engine rolls up in front of my house and I'm out in the street arguing with them about where they're supposed to go. If it's important to note that you come down here with your lights and siren and somebody that lives down there says you need to go up here and take a right, I think that's important. Some of the people down there are hard to find. On occasion they have trouble finding the address. I know there has been the issue of finding a home. There was a meeting in

this room not too long ago that Mr. Lewis stated there wasn't going to be mutual aid. That wouldn't be available and that's a real concern.

Dave Flood states we rely on Gresham Engine 75 to come out on weekdays while our volunteers are at work. We have an interdependent relationship. I can't imagine a situation where we would ever get crossed ways with Gresham Fire. As far as the water tenders go we will bring those down.

Tanney Staffenson states I appreciate the action and I wish it would have happened a long time ago.

Councilor Ripma states I would like to mention I got involved when Tanney brought this up 1 ½ years ago. I looked in detail into how the people east of the Sandy River in Troutdale could pull out of Fire District 14. Until this recent legislation the only way to do it was an unbelievable petitioning process that required all the State and County agencies to buy off on the wording and the map attached to the petition and then the property owners would have to sign a petition to withdraw from Fire District 14. It was possible to do and I started down that road to do that because somebody had to do it. It's been a ridiculous problem. The citizens always have the option of pulling out, it was just an incredible process. The City couldn't initiate it until this recent legislation. I talked to a retired man that was on the boundary commission who is kind of the local regional expert. He got together with Ed Trompke at my urging, and they worked out that we could do this but it was not available to the City to initiate pulling out of Fire District 14 until just now. The citizens could have always done it by petition. We are going forward. The purpose of this ordinance, if we get it done this month the way it's written and have these 2 hearings, is to make sure that next November's tax bill won't have Fire District 14 on it for the people in Troutdale. I won't help address the prior years. It's the one thing the City can do and we're doing it now when we first can. Just understand that. I share your frustration. At least going forward you're not going to be double taxed.

Dorcas Woodin asks if that is the case, the fireman that is here from Corbett just said they're volunteer. We have to respect people who give up their free time to volunteer. What did my tax money go for? Equipment?

David Flood responds our budget from property taxes is about the $425,000 a year. What that goes for is equipment, a full time district clerk, I'm the first part time paid Fire Chief, training fees, BOEC (911) fees, and station maintenance.

Councilor Allen states I thought it was important to add that we also have to lobby our representatives to make this change.

Councilor Anderson states we have been troubled over this for 5 years. It's unfair. The fact that we can do something about it now, while it doesn't right all of the wrongs, it is a quantifiable step forward and I want to join in and thank Councilor Ripma and thank everybody working together and getting us to this point. This is being rushed through but sometimes rushing things through is a good thing. Councilor White has been all over this

from day one. We all agree it's wrong. This is a beginning of a solution and this is a win. This is not the end.

Councilor White states you are our neighbors and we value you greatly. I'm worried we're going to leave a hole in your district without this funding coming your way.

Dave Flood states it's about 3% of our budget. We'll figure it out. We'll be able to get through this. Clearly it is the right and fair thing to do.

Mayor Daoust closes the public hearing at 8:04pm.

Mayor Daoust states we are holding a special council meeting next Tuesday night, March 15th at 7:00pm just for this so we can take care of it in March. If any of your neighbors have any questions, they can ask next Tuesday.

~~**5. MOTION TO RECONSIDER:** A resolution submitting to the Electors of the City the question of amending Section 27(A) of the 1994 Troutdale Charter to require Councilor to resign from the Council to stand for Election to another office.~~

This item was removed from the agenda. See agenda update.

6. RESOLUTIONS:

6.1 A resolution approving the City's financial statements and Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2015.

6.2 A resolution accepting the Report of Independent Certified Public Accountants on the audited financial statements of the City for the Fiscal Year ended June 30, 2015, the Auditor's Communication to the Governing Body (SAS No. 114), and the OAR 162.10.000 required communication.

Erich Mueller, Finance Director, City of Troutdale, tonight is the annual process in which I bring forward to you the financial statements and the auditor's report. This is a routine process we do every year. There are 2 resolutions and the first one is for the Council to adopt the financial statements as the official financial statements of the City so the audit report is relevant and it is based on the official financial statements of the City. The staff report outlines this.

MOTION: Councilor Anderson moved to adopt the resolution approving the City's financial statements and Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2015. Seconded by Councilor Wilson.

VOTE: Councilor Allen – Yes; Councilor Wilson – Yes; Councilor Ripma – Yes; Councilor Anderson – Yes; Mayor Daoust – Yes; and Councilor White – Yes.

Motion passed 6 – 0.

Erich Mueller states 6.2 is to address the 2 pages flagged in the financial statements. These are the pages and the documents that essentially belong to the auditors. They are the report from the professionals. Ultimately we don't approve or disapprove those pages because it is their professional opinion. We are going on record as recognizing them and receiving them. The important point on the first flag of that report on the bottom of the first page, we believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions which basically recapping all of the steps they took place. On the top of page 2 is where they render their opinion and key the part of it is in their opinion the financial statements referred to above present fairly in all material respects. The financial position of the City as of close of business June 30, 2015 and are in accordance with the accounting principles generally accepted of United States. It is referred to as a clean audit opinion. No concerns and no issues. The other item that is attached in your packet is referred to as the communications to the governing body. This is referred to as management letters that have been involved in standard and terminology in county practice. It goes through and describes the various areas that it looks at on that document. They have no issues. They also indicate that there were no insignificant deficiencies and no control issues.

Mayor Daoust asks related to no significant deficiencies, they say it's a new recommendation which clarifies that the City Council is responsible for monitoring the accountability and oversight of the City's fiscal affairs. They have highlighted that as the best practice in your staff report. The second one they noted was they had a matter of concern that they had for several years of the City's lean staffing level in the Finance Department. Do you have any comments to that?

Erich Mueller responds that has been an issue since I started with the City in February of the year the audit of the prior year hadn't been completed yet. It was something that was a challenge because of the change in the Finance Director. It was an issue with that report from 2008 and has been an issue from every report since I have been here. Part of this is them going on record that they would like to see more staff. You could have more separation of duties, have more cross training, there's a lighter distribution of control. The issue there is that they're willing to go on record so that if in the future there is a problem they can point out that they recommended there be more staff. However, all the rest of their report doesn't indicate that there is any problem that needs to be corrected.

MOTION: Councilor Anderson moved to adopt the resolution accepting the Report of Independent Certified Public Accountants on the audited financial statements of the City for the Fiscal Year ended June 30, 2015, the Auditor's Communication to the Governing Body (SAS No. 114), and the OAR 162.10.000 required communication. Seconded by Councilor Wilson.

VOTE: Councilor Allen – Yes; Councilor Wilson – Yes; Councilor Ripma – Yes; Councilor Anderson – Yes; Mayor Daoust – Yes; and Councilor White – Yes.

Motion passed 6 – 0.

7. RESOLUTION: A resolution approving the use of not less than $175,000 of the Lease Revenue from Multnomah County to reduce Property Tax Levy for the Police Facility Bonds.

Erich Mueller states this is an item that was brought to the Council last June and the Council discussed somewhat at that point. At that stage they chose to table it at that time and requested it be brought back to have a further discussion. In this current fiscal year that we're in this was what was accomplished through the budget process. The levy on the Troutdale tax payers was $150,000 less than it would have been because it was reduced by that amount. So the tax payers paid that much less this year for the debt service on the police facility. This is a policy statement and if the Council wants to make it they are welcome to do so. Ultimately the allocation of resources still falls to the Budget Committee and the Council can influence how the Budget Committee takes action.

Councilor Wilson states currently we are receiving approximately $216,000 from Multnomah County Sheriff's Office for lease payments on the building. The citizens of Troutdale expected and expect us to use the moneys towards buying down our bond money. So they're getting a smaller refund for the lease of that building instead of just absorbing it. So at $150,000 I still felt that was low. I met with Erich and we had a conversation about everything and from there I changed my mind on the $216,000. I did look at the utilities and phone and copier lease we had in place before the sheriff's department moved in and the lease administration and all 3 of these items we were already paying for before the sheriff's department took over. That came to about $172,000 and I rounded it up to $175,000 and trying to find a way to help counter balance those 3 items. We are currently in our last year of the video camera lease, which we're paying $24,700 for. I think this will more than offset the extra $25,000. What I would like to see is $175,000 go towards the bond debt instead of $150,000.

Mayor Daoust asks you want to change the resolution and change the dollar amount?

Councilor Wilson responds change it to $175,000.

Councilor Ripma asks how would this be implemented? Would the County go through and adjust everyone's payment?

Erich Mueller responds the mechanics are that each year, effectively our debt service changes each year because of the way the bonds are structured and the interest costs and principal being retired each year. Every year as part of the budget process one of those 3 motions that I have at the very end of the budget meeting is adopting what the levy is going to be for the general obligation bonds. In the past years, prior to this years, we had it set based on what the debt service cost was going to be. This year it was the debt service cost minus $150,000 and that was what we approved. The County only assesses for the debt service based on what the jurisdiction submits. So we have to tell them how much to collect for debt service any particular year.

Councilor Ripma asks the current year we did $150,000?

Erich Mueller responds yes. That was part of the adopted budget that we went through. That was part of why the Council when they considered this last June didn't take any action because it wasn't going to affect anything immediately.

Councilor Wilson states I would respectfully disagree with that because at that time some of the Councilors felt that they wanted to have the money free instead of having an earmark to buy down on the debt so that they could re-establish the police department. As our debt goes forward, our payments actually increase. Is that correct?

Erich Mueller responds the way municipal bonds are generally structured is that they generally tend to rise over time. The expectation is that a municipality's assessed value is going to go up over time so that it has a better capacity to pay debt without it being an increased burden per say.

Councilor Wilson states it's reversed as to how our house payments are. The more we can buy down our bond debt the lower our interest rates are and the more we're saving over a longer period of time.

Erich Mueller responds no it will only say how much is assessed to the taxpayer. The interest cost won't vary. It's not built like a mortgage. The bonds are fixed instruments. Assuming the Budget Committee would follow the policy statement that the Council would make if they have this. Ultimately it doesn't affect what we get adopted in the budget. The resolution doesn't change the budget but it is certainly a policy statement and again the Council makes up half the Budget Committee so they have a significant influence on what the Budget Committee chooses to do.

Mayor Daoust states this directly effects people's property tax bills.

Councilor Ripma states this tends to deal with Councilor Wilson's interjection in my question. You mentioned buying down the bond debt. This really is instead of the property tax payers paying off the bond we are allocating some of our general fund to pay it down. So we're not buying down the bond debt.

Councilor White states I was the Councilor wanting to save this money because I felt the voters approved the amount when they passed the bond. It didn't actually come from me initially. It came from a process that was brought up and discussed as a security measure if this thing didn't work out. I have a question about the lease. I know the contract is 10 one year contracts. Is that true for the lease of this building as well?

Erich Mueller states it is a 10 year lease. It isn't 10 one year contracts.

Councilor White asks so the first time we can make the adjustment is going to be 9 years from now?

Erich Mueller responds the 2 parties could enter into discussions and agree to modify the lease at any time. The lease as it is currently adopted runs for 10 years unless it's modified by the parties. There is a CPI adjustment to the rental rate. But that's documented as part of the existing lease agreement.

Councilor White asks do you know what the final payoff amount is if it goes full term? I know the station was toughly $7.5 million.

Erich Mueller states the original debt when it was issued, which is what we have to pay off regardless of where we get the funds from, the total obligation is $11,625,790. That is what we would pay in total over the entire term. Where that $11 million comes from can be a variety of sources.

Councilor Allen states I don't expect this change that we're doing here tonight to have much real effect to my tax statement. However I do feel that the chances are that Multnomah County Sheriff's Office contract will become more expensive in the future or there will be the need to cut service in the future is highly likely. Therefore I was in favor of taking some of the money and putting it towards recovery of our officers should the contract become unfavorable in the future. I'm also concerned that during the bond I was hoping to have a Community Police Facility and what I have now is basically a Multnomah County Sheriff's Office with some space in it that we can use. I know I would not have approved the bond having known what was going to happen and this seems to be a token effort to me to try to mitigate a portion of that. I'm not sure how I'm going to vote in the next few minutes.

Councilor Wilson states through the whole process we talked about the lease moneys going back to help pay the bond back. I am here to say to the citizens I am trying to get you the most that I can towards that bond debt. That is what our citizens wanted and I think that's what we should give them by resolution and make it $175,000.

Councilor Allen states that's what I'm wondering right now on my vote. Do I take what I can get even though I'm not satisfied that it's actually enough?

Councilor Wilson states we can change it next year.

Councilor Allen states I think it's very good work that you did. What are we going to do if this contract becomes unfavorable in the future?

Councilor Wilson states if you remember at our budget meeting we can't set money aside. We can choose not to spend money but we can't put it in a holding tank for that to happen.

Erich Mueller states the local budget law has limitations on the ways they hold state money.

Councilor White states if we did have a reserve fund I think it would be more of a target saying we can afford something we can't afford.

MOTION: Councilor Anderson moved to adopt the resolution approving the use of not less than $175,000.00 of the Lease Revenue from Multnomah County to reduce the Property Tax Levy for the Police Facility Bonds. Seconded by Councilor Wilson.

VOTE: Councilor Allen – Yes; Councilor Wilson – Yes; Councilor Ripma – Yes; Councilor Anderson – Yes; Mayor Daoust – Yes; and Councilor White – Yes.

Motion Passed 6 – 0.

Mayor Daoust calls for a 10 minute break at 8:41pm and reconvenes the meeting at 8:53pm.

8. PRESENTATION: The Planning Commission's recommendations regarding the Capital Improvement Plan.

Tanney Staffenson, Planning Commission Chair, states at the City Council meeting on November 17th the Capital Improvement Project (CIP) list was referred to both Planning Commission and the Budget Committee. At the time the CIP list was described to Council as essentially done. The same document that was presented to Council is a document that was reviewed for purposes of consistency. The Budget Committee was unable to schedule a meeting to review the CIP and forwarded their review to the Planning Commission which resulted in the Planning Commission conducting a more comprehensive review of the CIP. The Planning Commission held a meeting on December 16, 2015 and a second special meeting on January 6, 2016 to complete our review. The Planning and Public Works staff were present and participated in the review process. The plans reviewed included transportation, sewer, storm water, water, and parks. On observations, I did look at the staff report and the CIP list that is item #9 in your packet. The staff report references the CIP list was reviewed by the Budget Committee and I don't believe they were given a copy of the CIP list at any time. In a previous meeting it was stated that the seismic study and 2 storm water projects were pulled from the 2015-2016 fiscal year budget and that was not the case. When we reviewed the plans some of the plans used today's dollars and some forecast construction year dollars. This was inconsistent and confusing thus we highly recommend the methodology be changed so all plans use current year dollars and be updated annually to reflect changes. There appeared to be a large variance between dollars forecast in the 2014 CIP that was adopted with the Public Facility Plan in May 2014. It appeared that a number of these cost estimates have been updated by staff post our review. That resulted in an overall cost change of a reduction of about $2.3 million compared to the present plan. Although this has been partially addressed our recommendation would be to review these estimates annually. There are cost factors for all items in the plan although they are collected at different levels the developer is charged in many cases if a project is moved forward and not fully funded. The difference is often made up by the rate payers. One thing I want to say about these is I heard this be called a "wish list" and we need to leave things on there and something I found interesting was in the transportation plan alone,

we updated that plan in 2014. Thirteen of the twenty projects that are on this year's CIP list were not on last year's CIP list, just in transportation.

Tanney Staffenson provides the Council with a handout titled Troutdale Planning Commission, Capital Improvement Review and Recommendations. A copy of the handout can be found in the meeting packet.

Tanney Staffenson states the blue items on your handout are items that were not on last year's CIP list. The first column is the Planning Commission's recommendation for that item and the next column is the dollar the staff came up with after our meeting on January 6th. The third column is the proposed amount that was in the CIP that was given to the Planning Commission. The next column is a description of the fund where the money is coming from and then the term such as immediate, short or long. As far as transportation goes, we are recommending 2 things. ADA upgrades were listed at $7,500 a year and $25,000 for ADA per year. We elected to put a 10 year horizon on those. We are proposing to remove item #3 which is the Town Center Parking Study and add a Town Center Study which would not be just parking but would look at the overall Town Center since that plan is quite updated. We are recommending something more comprehensive than a parking study. We feel a parking study is not going to address all of the problems with downtown. We are upping the staff's recommendation by another $50,000 and increased the area as well.

Mayor Daoust states all of these projects in the CIP have what the problem is, what the proposed solution is and we need to know exactly what is going to be done.

Tanney Staffenson responds we can get that information for you. Item #6 primary access we took off. Which there has been some legislation passed since that time. That was the primary access to the URA.

Councilor Wilson asks how do you come up with the number that they adjusted for inflation?

Tanney Staffenson responds staff adjusted their number for $2.6 million to $3.197 million after January 6th. We recommended the item be pulled. Our reason for that was the public purchasing land to provide private access to a private development. We felt there was an unknown cost factor there.

Councilor Wilson states to pull it and make it zero doesn't make any sense.

Mayor Daoust states it doesn't to me either. Maybe the reason you did it was because TIF (Tax Increment Financing) money would be used.

Tanney Staffenson responds right. We were also asked about the Halsey Corridor Plan and that was an item that we did not pull. That was an item that staff had taken off of their list. The next one that we did pull was #16 the pedestrian bridge. The reason that was

pulled is when you look at the Urban Renewal plan item #1 is funding access which is addressed in #6. We looked at the Urban Renewal plan and were trying to prioritize.

Councilor Wilson states for the Halsey Corridor Project we have sufficient information to keep it in at this time. The Director indicated that the scope and the City's participation in that project is still being determined and therefore wasn't quite ready to go onto the CIP. The expectation is that after this scoping and cost sharing it will be in the next CIP update.

Councilor White states I'm concerned when I see Councilors using cellular devices. Are we going to start allowing that?

Ed Trompke states I think what the Councilor is referring to is that by accessing emails or text messages the specific message is made part of the public record. In this case I think this email was on the City Council distribution list because I got it. It is already part of the public record. The question can come up whether that makes other emails part of the public record if they're sent to an email address. What the courts are doing with the public record laws right now are unpredictable.

Tanney Staffenson states we did also pull item #16 which is the pedestrian bridge and that item increased after January 6th by $574,000. We've already invested a substantial amount in Drover's Trail. With it being #9 on the priority list for the URA we were having trouble justifying 2 pedestrian access points to the Urban Renewal site. The other thing that caused us to take this action was the 3 projects identified for URA for $10.2 million and we have $6.2 million in funds available.

Councilor Wilson states you and I had conversations and we both came up with $7.7 million based on the $1.5 million when we sold the property. There is other funding that we don't have that we don't know about that we may be able to get. Which would be grant funding, matching dollars from Metro. Maybe Metro wants to build the path to the 40 Mile Loop. There are a lot of questions that aren't answered yet so to start pulling things out of the Urban Renewal Plan before we know where we're at is premature.

Mayor Daoust states good point and we'll discuss it 2 weeks from now when we have everybody here. This is just Tanney's presentation here.

Tanney Staffenson states we're recommending pulling it from the transportation plan. The next plan is the water plan. We're recommending moving the Seismic Study from short term to immediate #1 and we're also recommending moving #9, the Seismic Upgrades, to short term from long term. Moving on to Sewer, item #4, 8 of the 13 items were not on the last CIP list. Many of these are new projects. Item #4 on-site water recycling for the Waste Treatment Plan the staff did not have a dollar figure for that. We recommended a cap of $100,000 and staff countered with $150,000. There was no number given to us and when we met with staff, staff didn't know how much it was going to cost to put this system in. They estimated that it would be about $100,000 so we said not to exceed $100,000 because we didn't know if it was going to be $100,000 or $500,000. We recommend the Water Pollution Control Facility Upgrade to $750,000 be pulled.

Councilor Wilson states to pull something completely out doesn't make sense.

Tanney Staffenson responds respectfully, Councilor Wilson, if there was something where by 2020 you had to have x, y and z done it would've made more sense to us rather than saying we might need something.

Mayor Daoust states it raises questions with these longer term projects that are going to occur 10 or 12 years from now. Somehow staff has determined over the long term maybe 12 years from now that they're going to have to do that and I think what Councilor Wilson is saying why not start collecting SDCs for it now rather than 10 years from now. What do you do with longer term projects that are going to occur way out there? Do you leave them in or take them out?

Tanney Staffenson responds there is a lot of long term projects and most of them are quantifiable due to development or a pipe is going to have to be increased by X size. That is quantifiable. You know that you're going to have to do it and it's going to take this much to do it. This was more we might have to do this. Storm, we did not make any changes to that. You'll see that there is 4 new projects on that list. We move on to Parks. With the number of these plans we have issues with the population numbers. Several of them are working off a forecast in excess of 20,000. Parks in particular assumes a population of 21,400. In the CIP it makes multiple references to the level of service for Parks. The ratio is calculated on a population of 21,400 the metro population 17,035. In the CIP it cites the level of service from Parks as the driver for parks land acquisition. Based on these numbers we would acquire a somewhat substantial amount of land going forward. This deficit is pretty substantial. We basically have a 28 acre deficit for community parks, 16 acre deficit for neighborhood parks and then we have many parks with overage. If you take the same ratio that you've been using, so for neighborhood parks, 1.8 acres per 1,000 of population you would end up with a shortage of 8.86, community parks at 3.3 acres per 1,000 and end up with a shortage of 14.1. What that is doing is taking the same ratio that you're using and adjusting it for the current population number.

Councilor Wilson states I emailed Travis Hultin today and his recommendation even with this project is that we send that Park to be readjusted to 17,000 and come up with a new CIP list. My question to him was why do anything with it now until we make that adjustment. His response was not approve that part of it and focus on the others. So they are looking at making an adjustment down to 17,000 and some change with the population. These numbers will get adjusted based on that downgrade from 21,000 to 17,000.

Tanney Staffenson states if we revise the Parks Master Plan that's usually close to a 2 year process. From the time that we start revision until we get the CIP list.

Councilor Ripma states in the meantime it's not doing any harm leaving it the way it is because the SDC rate was set by Council. It wasn't set based on these numbers.

Councilor Wilson states that's why we lower the SDC rate but we didn't make any adjustments to the Master Plan because most of it wasn't going to happen anyway in the near future.

Tanney Staffenson states I would say that the sooner you can use realistic numbers the better. If I was a developer and I was paying several thousand dollars per unit per Parks SDC I might disagree.

Councilor Wilson states we lowered it to $2,500 from where it was around $7,800. The relationship between what we have on our CIP list and the amount of money is this far apart. The reason that we lowered this was because we weren't using because we don't have the need of growth. We reduced SDCs because lack of growth.

Councilor Allen states the points being brought up here are good points but I can't predict what a future council will do. I would suggest coming up with plans that are based on likely numbers because we have a tendency to drive to these plans. I'd rather have plans that reflect reality.

Tanney Staffenson states I know you're not collecting money for them this year but I think I showed that we're capable of adding a substantial amount of projects from one year to the next. But we're very reluctant to reduce any projects.

Councilor Wilson states it came from Travis at his recommendation that we redo the whole Parks Master Plan. The City is aware of it. He knows what he needs to adjust it to and then all we have to do is approve the methodology of how we're going to fund what projects we want.

Tanney Staffeson states I respect that. We were reviewing the document that we were given which had these in it. If staff has since determined that they're going to do something different is a different conversation.

Mayor Daoust states I understand your rationale for red lining some of these. You're just taking out community parks and neighborhood parks because the level of the service numbers aren't right according to the population. I understand that and you did a good job with that. On the other hand I'm hearing the level of service standard could change when we redo the Parks Master Plan. Not only the population could change but when we redo the Master Plan there may be other things that change that add back in more community park, more neighborhood parks, we just don't know that right now. I think what Councilor Ripma and Councilor Wilson are saying do we take them out now or leave them the way it is. I understand what you did here but I'm not going to draw any conclusions tonight. We'll talk about it more in 2 weeks.

Tanney Staffenson states I understand that. I want to be clear that the resolution issue know that was going to be before tonight did not take into account any of our recommendations. So based on those population numbers the park acreage and improvements we would be spending $18 million dollars and that ended up being $17,800

for every new resident that comes in between now and 2035. Again we used the same ratio, put in the other population numbers and came up with this. Where that brings us to is we would recommend that we take the URA projects and create a Urban Renewal Agency CIP list.

Mayor Daoust asks with all the staff recommendations?

Tanney Staffenson states take them out of the individual plans and then have a separate list for the URA.

Mayor Daoust states I'm going to have to think about that. I'm not sure how that revolves around SDCs or other types of funding that we may get or that we want to put into. If you take it out of that special fund, that's where the SDCs are distributed. I'm not saying we're going to use SDCs for the main Urban Renewal road but we may need it in a transportation plot of money in order to possibly qualify for a transportation grant. It wouldn't necessarily qualify for a federal or state transportation grant if it was not going to be matched or in our SDC fund where we could contribute matching dollars somehow. That is my reservation with what you've done here.

Tanney Staffenson states my understanding was that it wouldn't effect matching dollars. It would still be a transportation project but it would be on the Urban Renewal list.

Mayor Daoust states another reason for putting it off 2 weeks was that I think Councilor Morgan and Craig are going to come back from Washington D.C. with some brand new information on grant funding for Urban Renewal Areas. It may add to the discussion 2 weeks from now. Why do you want to put it in a separate category?

Tanney Staffenson responds because we have a funding source for that already. We can take grant funding. We can take other funding sources in through that. We can expense through that. The URA could take charge of that.

Ed Trompke states legally the CIP are adopted by Cities. I'm not aware of any statute that allows an URA to take over the duties of the City in adopting a CIP. The Cities are required to have CIPs not URAs. I think the state budget law and planning laws require the City to do it not the Urban Renewal Agency.

Councilor Allen states Mayor you're saying it needs to be on the CIP list in order to qualify for any kind of grant funding and you're concerned that this possibly if it's in the regular CIP list and there is not grant money for it then it's getting money from regular SDCs from all over the City.

Mayor Daoust states just recalling the CIP list from before we put everything in for example the transportation CIP list, and we just designate whether it qualifies for SDCs or not. That does not mean that every project will generate SDCs or get funded by SDCs but it is still in there. And it may be just TIF that pays for that main access road. But it's still in the transportation plan.

Tanney Staffenson states we know that through the budget process if they get on the list they can come forward.

Mayor Daoust states if it doesn't qualify for SDC funding then it won't be part of the SDC increment.

Councilor Allen asks how are we going to control whether SDC money is used or not? I think doing grant funding is a valid argument but how do we prevent SDCs from the general City being used to fund it?

Mayor Daoust states as far as I know that would fall under the rules of SDCs, what type of project and what part of that project would qualify for SDCs. We don't make that up. It's part of the rules that Travis and Steve Gaschler follow for every project.

Councilor White states another concern I have is it becomes a driver to increase the SDCs by having a high CIP. It may or may not get done.

Councilor Allen states I've noticed the CIP generally is reflected in the proposed rates that we get before us then it's hard to minus out things.

Tanney Staffenson states one of the reasons that we're doing this now is this effects the budget.

Councilor White states it also effects staffing levels. It's important to get these right and it's easier to add to it down the road than it is to take it away.

Councilor Allen states as long as it's there at the end of year that you plan on actually pulling the trigger.

Tanney Staffenson states if you're looking at these annually that would be very prudent on our part to review them, make cost adjustments and make recommendations to the plan. On each of these plans we voted on them independently and all of them except one were 6-0 and one of them was 5-1.

Councilor White states I had the privilege of attending that meeting and I thought you guys did a really good job and you had sound reasoning behind your decisions. You were told to do this on the fly and rush through it. I'm disappointed that you guys could've taken 2 months to do this project because it has just now made the agenda and its being postponed. I wanted to apologize on behalf of this Council for asking you guys to rush something and it didn't materialize.

Mayor Daoust states I think the timing is perfect with the way it's working out. Tanney originally asked me to come before the Council 2 weeks before the CIP list was even discussed. So this fits with what you wanted to do. There were numerous reasons why it's being delayed 2 weeks. And Tanney didn't have to get delayed.

Councilor Allen states I believe that Rip Caswell has some prudent information to this subject.

Rip Caswell, Caswell Galleries, states on page #4, the water improvement, #4 the URA and Harlow Place Loop, originally had source funding as water improvement fund and most of all these are water improvement fund but this one was changed to developer 90% and the URA 10%. This is part of the property that I'll be trying to build my foundry on. There is only 3 tax lots there and the $155,000 would be a tremendous burden on those 3 tax lots there. The City will probably own the other side. The whole thing would fall on those 3 developers. I'm wondering why it was changed from the water improvement plan over to the developer. Is that anything that can be remedied?

Mayor Daoust states I don't quite understand the question, Rip. Because it's still on the plan. Can we get that clarified in the next 2 weeks? What do we need to do to clarify that?

Councilor Wilson states I would recommend that you get your question answered by Travis Hultin or Steve Gaschler. I think if you ask them the question directly it would be better than me trying to interpret it to you. I understand your concern.

Councilor Allen asks Mayor, would you be willing to work with Rip and staff on this one?

Mayor Daoust states most definitely.

Tanney Staffenson states just a point of clarification, that item #4, in the plan that we looked at and the plan that you saw it was listed water improvement plan developer and URA. What came in after that was the percentages. I apologize. Staff has changed that.

Claude Cruz, Troutdale resident, stated on the transportation item on the Gorge Hub can you clarify where that $85,000 came from? Is that a staff estimate.

Tanney Staffenson responds that is a staff estimate.

Claude Cruz states I didn't see any mention of improvements to the Depot Museum. Council's prior discussion had said whether that ends up being a home to the Chamber or not that upgrades to the property would be done for a viable tenant to be in there. If I remember right it was $150,000 estimate to do upgrades.

Mayor Daoust states it was. That falls more into facility rather than one of these special funds.

Tanney Staffenson asks what will our role be in 2 weeks?

Mayor Daoust states since you did the presentation tonight you won't have to redo it. It's not going to be on the agenda again. But you should be there to talk to us.

Councilor Ripma states if we could have in 2 weeks, both the resolution with staff recommended details and another one, option B with the Planning Commission recommended numbers. I was thinking that the resolutions would be adjusted to include the Planning Commission's recommendations. If it isn't too much trouble. An option A and option B.

Councilor White states since you're also our Budget Committee chair would it be a preference to run this through budget as well?

Tanney Staffenson states it was determined in January that we couldn't run this through budget prior to April. So Planning took a broader scope when they looked at it to try to cover the budget aspect as well.

Mayor Daoust states the question is whether it's easy to work from one resolution or easier to work from two resolutions. I'm not really clear that working from 2 bases is easier. I think what we're going to end up doing is going through each one and agreeing or not with staff which is what the resolution talks about right now. If we disagree with staff and go with what the Planning Commission is recommending we can still do that with one resolution.

Councilor Allen states I'm thinking we asked for the Planning Commission's recommendation it should be considered as an option. We're going to hear from what staff wants.

Councilor Ripma states I think that if we liked the Planning recommendation that would eliminate having to go through them one by one.

Councilor Wilson states I think there's good points and poor points to both sides. I would rather go through, if we have to go through each item. There are certain things in here that I don't agree with and there are some things I do agree with. I'd rather not be choice A or B because neither one of them are 100% what they need to be.

Councilor Allen asks are you asking for no resolution at all?

Councilor Wilson responds no. I am asking to go through line by line.

Mayor Daoust states another point is it's not the Planning Commission that would come up with the other resolution. It would be staff. Staff would have to redo or add to their report with a second resolution that staff put together. It falls back on staff to develop a second resolution.

Councilor Ripma states the numbers are all there.

Councilor Wilson states I honestly think we would come to a better agreeance with each other if we go through them line by line.

Mayor Daoust states let me elaborate on my point. If staff has one page on each project that is staffed with the other, granted things have changed since council has looked at it, they have one page on each project. Now with the new changes that the Planning Commission has put forth here we don't necessarily have that for each one. Staff is going to have to put that together. If Planning Commission has a change in dollar amount or if they have any kind of change like that. Staff would have to write a page for each item.

Councilor Ripma states most of the changes are zeros. If we don't have it in a resolution form we'll have to try to draft something 2 weeks from now?

Ed Trompke states what the Mayor was saying is that the resolution adopts the document. If the document changes then staff has to go back and revise it and bring it back for the final vote. If you make any changes to it you're not going to adopt it at the next meeting. It's going to be at a following meeting. Because the procedure of Council has always been that you adopt the final document not a hand written version.

Councilor Ripma states I withdraw my suggestion.

Councilor Wilson states on the Parks, I don't agree with either of the numbers at this time because the City's is too far apart and I would rather it get closer together until I make a decision. Pull Parks CIP for now.

Councilor White states I was trying to avoid having to re-write at a public meeting and I think with the work Planning did we should have a work session and get it all a little closer and tighter and then go forward.

Mayor Daoust states I think you guys did great work. And I think we can provide direction to staff in 2 weeks what we want to do. We will decide in 2 weeks.

~~9. RESOLUTION: A resolution adopting the Public Works Department Capital Improvement Plan, rescinding Resolutions 1995 and 2225, and rescinding the Parks Capital Improvement Plan adopted by Resolution 1941.~~

This item was removed from the agenda and set over to March 22, 2016. See agenda update.

10. STAFF COMMUNICATIONS:

None.

11. COUNCIL COMMUNICATIONS:

Mayor Daoust states on the 27th we had the great Trout Sculpture dedication. There was quite a crowd there. The State of the City Address went really well and it will be replayed on Metro East Media and it is on the City's website for those that missed it. We have Council interviews next Monday night, March 14th. We had 9 candidates applying for Councilor Anderson's vacant position. They will start at 6:00pm next Monday night the 14th. Next Tuesday is our special meeting on Fire District 14.

Councilor White states I want to put in the plug for the TV series Grimm. They filmed an episode in Troutdale featuring Glenn Otto Park and that airs August 8th at 9:00pm.

12. ADJOURNMENT:

MOTION: Councilor White moved to adjourn. Seconded by Councilor Ripma. The motion passed unanimously.

Meeting adjourned 10:03pm.

DRAFT

Doug Daoust, Mayor

Dated: _____

ATTEST:

_____

Kenda Schlaht, Deputy City Recorder

CITY OF TROUTDALE

REGULAR MEETING
7:00PM

Tuesday, March 8, 2016

PLEASE SIGN IN

Name – Please Print	Address	Phone #
Dorcas Worden	1819 E Historic Col Rue	503 665 0064
Shirley Prickett	2617 SW Madison John Rd	503-667-5412
Charles Foss	1646 SW Spence, Troutdale	503-912-3665
Rob Canfield	Troutdale	503-995-5529
Claude Cruz	Troutdale	503 799-3607
CRAIG Gardner	Historic Col. Hwy	503-816-9480
Renee Schmidling	Thompson Rd	503-860-4311
Shirley M. Lambert	1348 Historic Columbia RVR Hwy	503-665-2909
Dennis Schmidling	1972 SE Thompson Rd Troutdale	503-702-9815
PAUL WILCOX	TROUTDALE	
Zach Hudson	Troutdale	503-665-5439
Dave Hall	Fire Dist. 14	503-803-3244
Ken Sessler	SW Clara CT	503-709-5028
Brian Sheets	Troutdale OR	503-830-1448
SAM Ellis	GRESHAM OR	(503) 819-9144
Rip Caswell	Troutdale	

DRAFT

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

Tuesday, March 15, 2016 – 7:00PM

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

Mayor Daoust called the meeting to order at 7:02pm.

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; Ed Trompke, City Attorney; and Sarah Skroch, City Recorder.

GUESTS: See Attached List.

2. PUBLIC HEARING / ORDINANCE (Introduced 3/8/16): An ordinance to withdraw those properties within the City Limits lying East of the Sandy River from Multnomah County Rural Fire Protection District 14 and declaring an emergency.

Ed Trompke, City Attorney, states this is the second reading and public hearing on the proposed ordinance to withdraw the properties in the City that lie east of the Sandy River from Fire District 14. We had a public hearing on it last week and written notices were sent out to every property owner provided in the packet. There was testimony last week and in the interim the Fire District Board did have a meeting and discussed it. I'm going to leave that to Chief Dave Flood to talk about how the fire district addressed it. There is no change from staff's position from last week. We'll refer now to Chief Flood.

Dave Flood, Fire Chief, Fire District 14, states the Board discussed this for about 20 minutes back and forth but ultimately didn't take any action one way or the other. The board doesn't want double taxation.

Mayor Daoust opens the public hearing at 7:06pm.

Craig Gardner, Troutdale resident, I apologize for last week getting kind of excited. I said some things I shouldn't have. I did a little research on my tax bill. I'm paying almost $1,600 for City of Troutdale tax. What am I getting for my City tax?

Mayor Daoust states you get all the City services that everybody in the City of Troutdale gets.

Craig Gardner states I don't get water, sidewalks, sewer.... If we were taken out of the City it would be the same services we're getting now.

Mayor Daoust replies that is a totally different subject than we are talking about tonight.

Craig Gardner states it's actually on the same subject. You're talking about taking us out of Fire District 14. But some of us still want to stay in that Fire District and would prefer to be taken out of the City. I think I'm right on target. I know most of the people in the audience feel the same way I do. They would rather be taken out of the City and stay in Fire District 14. There are those mutual agreements between the fire districts so we don't feel we're going to lose any fire service whatsoever.

Councilor Wilson states last week while you were here and the many times Tanney has come and spoken to us about this there's a lot of mixed feelings about who wants to be where. Either with Gresham or with Corbett. A while back there was a petition and maybe the petition didn't really have anything happen because there were those mixed feelings that neither side wanted to give in. Our services are paid for through our contract with Gresham, not Corbett. It would be natural for you to come over to where we have contracted services.

Craig Gardner states I understand what you're saying. My point is that we said last week that there are mutual agreements between the 2 fire districts. They're going to cover each other regardless. I still ask you what am I getting for my $1,600 versus someone in the City who has sidewalks, fire hydrants, street lighting? We don't get the same services they are getting. We'd rather be taken out of the City.

Councilor Wilson states there is not 100% of you that wants that. Is that correct?

Craig Gardner responds if you ask everybody here tonight I would gather it would be 100%. I did some research on some Oregon Revised Statutes and to petition for it you only need 15% of the people that are in that area. It would only have to be a majority to do it. Not every single person. Instead of following through with this Fire District 14 removal maybe we should explore this removal from the City which would actually save people more money.

Councilor Ripma states it might not. People who are outside the City obviously get some sort of tax bill from the County which is probably different from the tax bill we get.

Craig Gardner states they would have to add on Multnomah County Sheriff's Office onto my tax bill if I didn't have City of Troutdale because I need police protection.

Councilor Ripma states one thing is for sure, if we don't adopt this ordinance we will get double taxation again this year. We have not heard a ground swell of people who did not want this done. My feeling is people who want to withdraw from the City have a path available to them by petition to the County I suppose.

Ed Trompke states there are mechanisms for withdrawal from the City called de-annexation. They're not as simple as you might think. There would be other taxes that would probably be imposed. There is an enhanced Sheriff levy for Corbett that would come down on you. I don't know what the difference would be. It would probably save you some money but it would probably be a lot less than just subtracting the amount of money you pay to the City of Troutdale.

Craig Gardner states there is a lot of overlapping circles. There was a guy here last week who was saying he was having all these problems just getting some permits. We would still have issues if we wanted to build some stuff. We need to simplify those properties on that side that aren't getting the services that they are on the inside of the river.

Ed Trompke states the other piece is that the plan is you should be getting, at some point in time, urban level services such as fire hydrants and the water and all the rest. It takes time to get it there and apparently it's taken longer than promised. The squeaky wheel does get serviced.

Councilor Ripma states realize also that citizens who do get water service pay for it in a monthly water bill. You're not paying that now.

Craig Gardner states it's a double taxation. You guys are going one direction to remove Fire District 14 to remove the double taxation and all I'm saying is there is another avenue for that.

Mayor Daoust states we are pursuing this ordinance because it was my understanding that the majority of people living on that side of the river wanted to go this route to save the double taxation.

Councilor Ripma states it was assumed and we did send out notices to all of the properties over there on the other side of the Sandy River to make sure everybody was notified this was happening.

A woman in the audience states we did not get notices at all.

Mayor Daoust states we do have the option of not passing this ordinance. We don't have to pass it. If we don't I think you may end up with a lot of mad neighbors. Those are our 2 options. We either pass it or we don't. If we don't pass it tonight that means you'll have the double taxation this tax year.

Councilor Allen states back when we started this we had people testifying that they wanted this and we've got people testifying that they don't want it. I don't want to not do anything.

Councilor Ripma states nothing is irreversible. If you want to de-annex from the City look into what is required and start a process. I assure you it will be much more complicated than this because you'll have to work through the County on that because you'll be joining the County. Also look into the financials that you discussed and see if it's really going to

save you money. I don't know that it would. The ordinance we have before us tonight will remove the double taxation by de-annexing you from Fire District 14. That we can do tonight. If we don't do it tonight you will be double taxed again. I'm hoping that you'll let us do it and look into the de-annexation from the City separately.

Councilor White asks what is the rate for Fire District 14?

Dave Flood states it is $1.26 per $1,000.

Tanney Staffenson, Troutdale resident, states Mr. Gardner brought up City services and there was some discussion about infrastructure going to that side of the river. One of the issues was a sewer line going over there would cost $3.9 million dollars which is going to be mean something like $112,000 per resident. Although some of these things would be nice to have it's not cost feasible. If you put in a water line I believe that would require residents to vacate use of private wells if there is City water available.

Ed Trompke states that would be a matter of City ordinance.

Craig Ward states I am pretty sure that we would not go to the expense of putting in a water line over there just for the single purpose of charging fire hydrants.

Councilor White states the sidewalks were brought up too. Is that something the Gorge Commission would have to approve? Does that fall under their rules? There doesn't seem to be much room for sidewalks.

Craig Ward states it's important to understand that that is not a City street. Anything done there would have to have the County involved and a significant amount of funding too.

Tanney Staffenson states it would be relatively expensive and that would be all State, ODOT handles the road.

Councilor White states I would love to hear from that group. I value that they're in the City of Troutdale. If you want to see things happen talk to us. I would like to work with you.

Councilor Allen states we're getting mixed signals on whether to pass this ordinance or not. Tanney, do you have an opinion?

Tanney Staffenson responds from the people that I've talked to, their personal preference would be to stay with Corbett over Gresham. I think that is primarily due to the tanker. I also understand that this is the only way to solve the double taxation, double coverage or dual service. The only way to solve it is to leave Corbett or go with Gresham. Given that, I think people are just on board for not having to pay for the same service twice.

Councilor Ripma states the fire service won't change. The response with tankers from Corbett district won't change based on the reciprocal help. The reciprocal agreement with Gresham goes both ways. They assist each other in an equal way. It's just the double taxation that is going away.

Mayor Daoust asks if we pass this ordinance all of those residents will be withdrawn from District 14?

Dave Flood responds yes.

Mayor Daoust asks if there is a ground swell of opinion changes in the future where they want back into Fire District 14, how would that happen?

Dave Flood responds the last major annexation the Fire District did was in the mid 90s in the Bridal Veil area. It's a process that I'm not very familiar with. They were unprotected at the time. They relied on Fire District 14 to help them out without paying and the process was lengthy. It took 1 ½ to do it from start to finish.

Mayor Daoust closes public hearing at 7:29pm.

MOTION: Councilor Wilson moved (to approve an) ordinance to withdraw those properties within the City Limits lying East of the Sandy River from Multnomah County Rural Fire Protection District 14 and declaring an emergency. Seconded by Councilor Ripma.

VOTE: Councilor Wilson – Yes; Councilor Ripma – Yes; Mayor Daoust – Yes; Councilor White – Yes; Councilor Allen - Yes.

Motion Passed 5 – 0.

3. ADJOURNMENT:

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

Meeting adjourned 7:31pm.

DRAFT

Doug Daoust, Mayor

Dated: _____

ATTEST:

_____

Kenda Schlaht, Deputy City Recorder

CITY OF TROUTDALE

City Council – Special Meeting
7:00PM

Tuesday, ~~Monday~~, March 15, 2016

PLEASE SIGN IN

Name – Please Print	Address	Phone #
Shirley M. Lambert	1348 Historic Columbia River Hwy	503-665-2909
Dorcas A Worden	1819 E Historic Col Rve	503 665 0064
Renee Schmidling	1972 SE THOMPSON Rd	5038604311
RICHARD GOLDIE	2427 SE Beaver Creek	503-661-0126
Gray Gardner	2150 Historic Col Rv	503-896-9485
Dave Flood	Fire Dist. 14	503-803-5244
Brian Shultz	Troutdale	503-618-5597

AGENDA ITEM # 2.2

CITY OF TROUTDALE

STAFF REPORT

SUBJECT / ISSUE: A Resolution Approving An Intergovernmental Agreement (IGA) With Metro To Continue Receiving Solid Waste Clean-Up Services At Unlawful Camping Sites In Troutdale.

MEETING TYPE: City Council Regular Mtg.	**MEETING DATE:** June 14, 2016 **STAFF MEMBER:** Erich Mueller **DEPARTMENT:** Finance
ACTION REQUIRED Consent Agenda/Resolution **PUBLIC HEARING** No	**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:** Not Applicable **Comments:**

STAFF RECOMMENDATION: Adopt resolution as proposed.

EXHIBITS:
A. The proposed IGA in its substantial form

Subject / Issue Relates To:

☐ Council Goals ☐ Legislative ☒ Other:

Issue / Council Decision & Discussion Points:

- Unlawful campsites are a health hazard to our community.
- Consistent enforcement may be a deterrent.
- Improve and support the livability of Troutdale.
- Unlawful campers are afforded an opportunity to receive social services such as housing, medical and potential job opportunities.

Reviewed and Approved by City Manager:

BACKGROUND:

Unlawful campsites are livability issues that create health hazards to our community. They can also have a detrimental impact on home values. Most of the unlawful campsites are inhabited by the homeless population. Some campsites have been abandoned and the former occupants leave behind unclaimed property of little or no value, some of which is a potential danger to our creeks, streams and other waterways by contaminating our public water sources.

Required elements of local government policies on camping by homeless are governed by ORS 203.079, such elements include posting 24 hour notification to occupants and informing social service providers of the need to offer help in arranging shelter and other assistance. Provisions also include how to properly collect, store and dispose of property.

For the past two years the City and Metro have had an IGA for the clean-up of solid waste at camping sites established by homeless individuals on public property in Troutdale. The proposed IGA is a renewal and continuation of this existing program.

Under the IGA program the City can request Metro to supply a work crew and, potentially, drop boxes, to assist with clean-up of unlawful campgrounds to be performed by inmate work crews supervised and provided under contract to Metro by the Multnomah County Sheriff's Office (MCSO) and the Oregon Department of Corrections (ODOC).

The cost for this program is covered by the Metro regional system fee already built into garbage disposal rates. The only exception is when a dumpsite is too large for the crews to handle with Metro's trailers. In these cases, the drop box company will determine the charge for the rental of the box and sometimes they will donate it. When a drop box is used, Metro will generally cover the tip fee.

SUMMARY:

Renewing and continuing the IGA for Metro's cleanup program services is in the best interest of the City as it provides the most cost effective method for unlawful campsite clean-up.

PROS & CONS:

A. Approve the proposed IGA renewal to continue to provide for cost effective clean-up of unlawful campsites.

B. Not approve the proposed IGA renewal and have the City incur all the costs unlawful campsite clean-up.

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

Exhibit A
Item # 2.2
06-14-2016 - Council Meeting

Metro Contract No. 934129

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made pursuant to the authority found in ORS 190.003-190.030 between City of Troutdale (hereinafter the AGENCY) and METRO.

RECITALS

WHEREAS, the AGENCY is a political subdivision of the state of Oregon and is a unit of local government authorized to enter into intergovernmental agreements pursuant to ORS 190.010, et seq; and

WHEREAS, METRO is a municipal corporation formed and operating under ORS Chapter 268 and the Metro Charter, and is a unit of local government authorized to enter into intergovernmental agreements pursuant to ORS 190.003-190.030; and

WHEREAS, the AGENCY desires to contract with METRO to remove (clean up) solid waste at camping sites established by homeless individuals on public property (campsite), to be performed by inmate work crews supervised and provided under contract to METRO by the Multnomah County Sheriff's Office (MCSO) and the Oregon Department of Corrections (ODOC); and

WHEREAS, METRO, through the MCSO and ODOC inmate work crews, is able and prepared to provide the services required by the AGENCY under the terms and conditions set forth in this Agreement; therefore,

IN CONSIDERATION of those mutual promises and the terms and conditions set forth below, and pursuant to the provisions of ORS 190.003-190.030, the parties agree to be bound as follows:

CLEAN UP OF CAMPSITES

1. The following representatives of the AGENCY are authorized to submit written requests to METRO for METRO to clean up campsites:

Name: Craig Ward, City Manager Signature: _____
Phone: 503-674-7233 Email: craig.ward@troutdaleoregon.gov

Name: Monte Reiser, Commander Signature: _____
Phone: 503-988-0352 Email: monte.reiser@mcso.us

Name: Joel Wendland, Lieutenant Signature: _____
Phone: 503-988-0353 Email: joel.wendland@mcso.us

The following representative of the AGENCY is authorized to add to or change the names of persons authorized to submit written requests to METRO for METRO to clean up campsites:

Name: Craig Ward, City Manager

Email: craig.ward@troutdaleoregon.gov

2. The AGENCY must post notice of the impending cleanup and follow all other procedures set forth in ORS 203.077, 203.079, and 377.653 before METRO arrives to clean up a campsite. If the quantity of solid waste at a site is substantial, METRO may, at its own discretion, require the AGENCY to provide one or more drop boxes at the site at the AGENCY'S expense in order for the cleanup to proceed. If a drop box is necessary, METRO will notify the AGENCY about the drop box requirement after the AGENCY submits the required form and schedules the cleanup date.

3. The AGENCY must submit all requests for METRO to clean up campsites in writing, using forms provided by METRO and substantially similar to Exhibit A to this Agreement. The AGENCY must submit the forms to METRO's Solid Waste Compliance and Cleanup Division no less than three days prior to the posting date to ensure METRO availability on the proposed cleanup date.

4. The AGENCY is responsible for assuring that campsites are vacated prior to the scheduled METRO cleanups. The AGENCY is responsible for determining and identifying what qualifies as "personal property" at the campsite as that term is defined in ORS 203.079.

5. METRO will clean up campsites as requested by the AGENCY provided that the AGENCY makes a written request under Paragraph 3 of this Agreement and provides all information METRO requires. A representative from the AGENCY must be present at the time of the cleanup unless other arrangements are agreed upon by both METRO and the AGENCY. If a representative is not present, METRO has no obligation to proceed with the clean up at the campsite. At the time of the cleanup, METRO will collect all items the AGENCY identifies as personal property and deliver them to the AGENCY for storage at the following location (see ORS 203.079(1)(d)).

MCSO

234 SW Kendall Court

Troutdale, OR 97060

6. METRO may determine that the conditions at a campsite are too unsafe to complete the cleanup.

   (a) The cleanup of campsites containing known or suspected hazardous materials is beyond the scope, skill, training, and experience of the MCSO supervised inmate work crews that are contracted by METRO to clean up campsites. METRO-contracted inmate work crews will not clean up any campsite where known or suspected hazardous

materials are present. In the event a METRO-contracted inmate work crew discovers known or suspected hazardous materials at a campsite, the work crew supervisor must immediately cease cleaning up until the appropriate hazardous materials authority inspects the site and declares or makes it safe.

(b) METRO will not clean up campsites in which METRO determines, in its sole discretion, that conditions are unsafe. If a METRO-contracted inmate work crew discovers unsafe conditions at a campsite (including without limitation, difficult terrain, traffic safety issues, or the presence of homeless individuals), the work crew will immediately cease cleaning up until the site is inspected and the work crew supervisor determines that the site is safe to clean up.

(c) METRO will promptly notify the AGENCY of any campsite that METRO determines is too unsafe to clean up.

CONTRACT COSTS

7. METRO is responsible for the costs it incurs in the performance of its responsibilities described in Paragraph 5 of this Agreement and for all other costs related to this Agreement that METRO directly incurs. The AGENCY is responsible for all costs it incurs in the performance of its responsibilities of this Agreement and for all other costs related to this Agreement that the AGENCY directly incurs.

INDEMNIFICATION AND LIABILITY

8. Up to the limits of the Oregon Tort Claims Act and subject to limitations in the Oregon Constitution, the AGENCY agrees to indemnify, defend, and hold harmless METRO and METRO's officers, employees, contractors, and agents from all claims, suits, actions, and expenses of any nature resulting from, arising out of, or regarding:

   (a) the acts, errors, or omissions of the AGENCY and its officers, employees, inmate work crews and agents, and METRO and its officers, employees, contractors and agents, acting pursuant to the terms of this Agreement; and

   (b) any actual, alleged, or implied failure of the AGENCY, METRO, and the AGENCY's and METRO's officers, employees, or agents, to comply with the provisions of ORS 203.077 and 203.079, specifically including, but not limited to, a failure to properly post a removal notice or to accurately identify personal property at a campsite.

DISPUTE RESOLUTION

9. If a claim, controversy, or dispute arises out of this Agreement, the complaining party must give written notification to the other party of the nature of the claim and the remedy requested within 10 days of the incident that forms the basis of the dispute.

10. The laws of the state of Oregon govern this Agreement. The parties agree to resolve all claims, controversies or disputes that arise out of this Agreement by arbitration in accordance with the arbitration rules of the Arbitration Service of Portland. The arbitration must take place in Portland, Oregon, unless the Parties mutually agree to another location. Any judgment upon the award rendered pursuant to the arbitration may be entered in any court having jurisdiction thereof.

CONTRACT ADMINISTRATION

11. METRO designates its Property and Environmental Services Department Director or designee to represent METRO in all matters pertaining to this Agreement.

12. Except as provided in paragraphs 3 and 6(c), any notice or notices provided for by this Agreement or by law to be given or served upon either party must be given or served by certified letter, deposited in the U.S. mail, postage prepaid, and addressed to:

For the AGENCY	For METRO
Craig Ward	Roy W. Brower
City Manager	Solid Waste Compliance and Cleanup Director
City of Troutdale	METRO
219 E. Historic Columbia River Hwy	600 NE Grand Avenue
Troutdale, OR 97060	Portland, OR 97232

CONTRACT TERM, MODIFICATION, TERMINATION AND OTHER STANDARD PROVISIONS

13. This Agreement is effective beginning on the day it is fully executed by both parties and continues in effect through June 30, 2021, unless extended by written amendments signed by authorized representatives of both parties.

14. Either party to this Agreement may terminate the Agreement for any reason or no reason at all by giving the other party not less than 30 days written notice.

15. This Agreement constitutes the entire agreement between the parties. This Agreement may only be amended by written agreement of the parties. Any amendment to this Agreement becomes effective after it is signed by authorized representatives of both METRO and the AGENCY.

16. All terms and conditions necessary to be inserted into public contracts in the state of Oregon are hereby incorporated as if such provisions were a part of this Agreement. Specifically, it is a condition of this Agreement that the AGENCY and all employers working under this Agreement are subject employers that will comply with ORS 656.017.

17. The AGENCY may not assign, delegate, or subcontract any of its responsibilities under this Agreement without prior written consent from METRO.

18. If a court of competent jurisdiction determines that any provision of this Agreement is invalid or unenforceable, the remainder of the Agreement is valid and enforceable to the full extent of the law.

19. This Agreement does not vest in any third party any rights, nor is it enforceable by any third party in any legal, equitable, or administrative proceeding whatsoever.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on the date written below.

AGENCY: City of Troutdale

By:_____
Craig Ward
City Manager

Date:_____

By:_____

Date:_____

APPROVED AS TO FORM:
AGENCY Attorney

By:_____
Ed Trompke
City Attorney

Date:_____

METRO

By:_____
Paul Slyman, Director
Property and Environmental Services

Date:_____

APPROVED AS TO FORM:
Metro Attorney

By:_____
Shane Abma
Senior Metro Attorney

Date: _____

M:\rem\regaff\confidential\rawsons\Contracts\Camp\Troutdale\TroutdaleCampIGA2016.docx

EXHIBIT A

METRO

UNLAWFUL CAMPSITE CLEAN-UP REQUEST & APPROVAL FORM

The top part of this form must be completed by the agency requesting the cleanup and submitted to Barb Leslie of Metro (barb.leslie@oregonmetro.gov, fax 503-813-7544) at least three working days prior to the requested cleanup date. All sections of the form must be completed. Contact Barb Leslie with questions at 503-797-1835

CLEAN-UP REQUEST

Name of agency making this request _____ Date _____

Provide a detailed description of the location of the camp to be cleaned up.

_____

Public Property ☐ Yes ☐ No Under Hwy Bridge ☐ Yes ☐ No

Is the site presently occupied by campers? ☐ Yes ☐ No

Proposed date of posting _____

Proposed date of the cleanup _____

Describe any services or equipment (e.g. the number and size of any drop boxes or trucks) being provided by the requesting agency.

_____

Name and cell phone number of Officer to contact if site is occupied when cleanup crew arrives.

_____

In requesting this cleanup, I certify that the agency I represent will meet all of the obligations set forth in its Intergovernmental Agreement with Metro for the cleanup of unlawful campsites.

_____

Print name & title of person authorized by IGA to request a cleanup

_____ _____

Signature of authorized person Phone

METRO APPROVAL FOR CLEAN-UP

ODOT Property ☐ Yes ☐ No

☐ Denied: ☐ Approved: A cleanup is scheduled for _____

Comments: _____

_____ _____

Name Date

SR:bjl
M:\rem\regaff\projects\Regulatory Data\Enforcement\IGAs\trans_camps 09282011-b.doc

RESOLUTION NO.

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH METRO TO CONTINUE RECEIVING SOLID WASTE CLEAN-UP SERVICES AT UNLAWFUL CAMPING SITES IN TROUTDALE.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. That for the past two years the City and Metro have had an Intergovernmental Agreement (IGA) as approved by Resolution No. 2255, for the clean-up of solid waste at camping sites established by homeless individuals on public property in Troutdale, and that the City and Metro desire to continue and build upon this existing partnership.

2. That upon discovery of unlawful campsites on public property in Troutdale, responders such as police officers often find that campsites harbor abandoned personal property.

3. The property left at campsites, by occupants, often has no monetary value, and some abandoned items may pose a risk of harm if allowed to enter a waterway such as a nearby creek or stream. Other waste items may pose other risks.

4. That the garbage rates within the Portland metropolitan area include a regional system fee, part of which Metro uses to fund a program to clean-up waste from unlawful campgrounds, and Metro will partner with cities under an IGA to offer Metro's cleanup program services upon request.

5. That the Oregon Revised Statutes (ORS) 190.110 provide the necessary authority for the City and Metro to enter into an IGA for the continuation of the clean-up of solid waste at unlawful camping sites.

6. That under the program embodied within the IGA with Metro, the City will be able to request Metro to supply a work crew and, potentially, drop boxes, to assist with clean-up of unlawful campgrounds to be performed by inmate work crews supervised and provided under contract to Metro by the Multnomah County Sheriff's Office (MCSO) and the Oregon Department of Corrections (ODOC).

7. That renewing and continuing the IGA for Metro's cleanup program services is in the best interest of the City.

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

Section 1. Agrees now that the City enter into an IGA with Metro to provide for solid waste clean-up services, and approves the IGA in substantial conformity with Exhibit A of the Staff Report.

Section 2. Designates the City Manager, Craig Ward, or Finance Director, Erich Mueller (each a "City Official"), or a designee of the City Official, to act on behalf of the City, and without further action by the City Council, the City Official is hereby authorized, empowered and directed to sign the IGA on behalf of the City, and any and all other required and necessary documents to implement the intent of the IGA.

Section 3. The City Official is hereby authorized to execute, acknowledge and deliver the IGA, including any other supporting and implementing documents, and to take any other action as may be advisable, convenient, necessary, or appropriate to give full force and effect to the terms and intent of the IGA, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 4. Further, consistent with intent of the IGA, and in the best interest of the City, the City Official is authorized to determine, execute, acknowledge and deliver any subsequent addendums, extensions, revisions, modification, or successor documents of the IGA, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 5. The Finance Director is authorized to disburse funds, subject to annual appropriations, as necessary to fulfill the IGA obligations, and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 6. This Resolution shall be effective upon adoption.

YEAS:
NAYS:
ABSTAINED:

_____
Doug Daoust, Mayor

_____
Date

_____
Sarah Skroch, City Recorder
Adopted:

AGENDA ITEM #2.3

CITY OF TROUTDALE

STAFF REPORT

SUBJECT / ISSUE: A resolution accepting the May 17, 2016 Primary Election results from the Director of Elections, Multnomah County, Oregon.

MEETING TYPE: City Council Regular Mtg.	**MEETING DATE:** June 14, 2016 **STAFF MEMBER:** Sarah Skroch **DEPARTMENT:** Executive
ACTION REQUIRED Consent Agenda/Resolution **PUBLIC HEARING** No	**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:** Not Applicable **Comments:**
STAFF RECOMMENDATION: Adoption	

EXHIBITS:
A. None.

Subject / Issue Relates To:
☐ Council Goals ☐ Legislative ☒ Other (describe)
Required by ORS 254.565

BACKGROUND:

On May 17, 2016 the electors of Troutdale were asked to cast their vote for Ballot Measure 26-172 – Charter Amendment that clarifies the Mayor, Councilors may discuss City business with City Manager.

The results of the May 17, 2016 Primary Election have been certified by Tim Scott, Director of Elections, Multnomah County, Oregon (Attachment A to the Resolution).

Reviewed and Approved by City Manager:

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

RESOLUTION NO.

A RESOLUTION ACCEPTING THE MAY 17, 2016 PRIMARY ELECTION RESULTS FROM THE DIRECTOR OF ELECTIONS, MULTNOMAH COUNTY, OREGON.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The results of the election were certified by Tim Scott, Director of Elections, Multnomah County, Oregon; and

2. The certified election results were received by Sarah Skroch, City Recorder of Troutdale (Attachment "A").

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

Section 1. The City Council accepts the certified results of the May 17, 2016 Primary Election (Attachment "A").

Section 2. This resolution shall take effect immediately upon adoption.

YEAS:
NAYS:
ABSTAINED:

_____
Doug Daoust, Mayor

_____
Date

_____
Sarah Skroch, City Recorder

Adopted:

Attachment "A" to Resolution #

Question 26-172 (Vote for 1)

Precinct	Total Votes	Yes		No		Over Voted Ballots	Under Votes
Precinct 4904	3507	2962	84.46%	545	15.54%	0	359
Precinct 4905	134	116	86.57%	18	13.43%	0	17
Total	3641	3078	84.54%	563	15.46%	0	376

AGENDA ITEM #2.4

CITY OF TROUTDALE

STAFF REPORT

SUBJECT / ISSUE: A Resolution authorizing the City to enter into a Stipulated Supplemental Judgment with DEQ for the Public Improvements including public right-of-way, easements, infrastructure and utilities located at or adjacent to the Troutdale Reynolds Industrial Park (TRIP) property

MEETING TYPE: City Council Regular Mtg.	**MEETING DATE:** June 14, 2016 **STAFF MEMBER:** Travis Hultin, Chief Engineer **DEPARTMENT:** Public Works
ACTION REQUIRED Consent Agenda/Resolution **PUBLIC HEARING** No	**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:** Not Applicable **Comments:**

STAFF RECOMMENDATION: Adopt the Resolution, enter into the Stipulated Supplemental Judgment

EXHIBITS:
A. None

Subject / Issue Relates To:

☐ Council Goals ☐ Legislative ☒ Other (describe) TRIP, Environmental

Issue / Council Decision & Discussion Points:

- The Troutdale Reynolds Industrial Park (TRIP) is a brownfield redevelopment with known, and conceivably unknown, previous and remaining contamination due largely to the former operation of the Reynolds Metals Facility
- Acceptance of right-of-way, easements, infrastructure and/or utilities at TRIP could expose the City to environmental liability if appropriate protections are not established in advance
- The City entered into a Consent Judgment in 2010 for TRIP Phase I to establish protections from liability for existing contamination

Reviewed and Approved by City Manager:

- The proposed Stipulated Supplemental Judgment modifies the existing Consent Judgment to extend the City's liability protections to include the Public Improvements associated with the current phase of TRIP
- The Oregon Department of Environmental Quality and the City (assisted by its environmental attorney, Ater-Wynne LLP) have negotiated the terms of the Stipulated Supplemental Judgment as presented with the proposed Resolution
- The TRIP Phase II subdivision land use conditions of approval require filing of the proposed Stipulated Supplemental Judgment prior to recording of the subdivision plat
- The existing Consent Judgment and Stipulated Supplemental Judgment obligate the City to comply with applicable provisions of the Contaminated Media Management Plan and an Easement and Equitable Servitudes when operating and/or maintaining the TRIP Public Improvements

BACKGROUND:
In 2010, the City of Troutdale entered into what is commonly referred to as a "prospective purchaser agreement" with the Oregon Department of Environmental Quality (DEQ) in the form of a judicially enforceable Consent Judgment to protect the City from potential liability to the State of Oregon and third parties as a result of accepting dedication of, owning and operating the "Public Improvements" a the Troutdale Reynolds Industrial Park (TRIP) Phase I. Procedurally, this required DEQ to file a complaint against the City and to simultaneously file the settlement of said complaint through the vehicle of a Consent Judgment. The result was that the underlying complaint by the Plaintiff State of Oregon ex rel the Director of DEQ against the City of Troutdale was resolved without litigation and without admission or adjudication of any issue or fact of law prior to the City receiving dedication of the Public Improvements.

This currently proposed resolution authorizes the City to enter into a Stipulated Supplemental Judgment with DEQ, modifying the original Consent Judgment to incorporate the same protections for the additional Public Improvements associated with the current phase of TRIP. The Stipulated Supplemental Judgment also takes advantage of 2011 amendments to the Oregon Revised Statutes (ORS) to provide additional liability protections to the City of Troutdale with respect to the Public Improvements from both phases of TRIP.

Prospective purchaser agreements are authorized under ORS 465.327 for persons, including municipalities, that are not current owners or operators of the subject property and have no existing liability for releases of hazardous substances at the property. In addition to the absence of existing liability, a primary eligibility criterion for a person to enter into a prospective purchaser agreement with DEQ is that "substantial public benefit" will result from the agreement.

The Public Improvements proposed for dedication as part of the Port's current phase of the TRIP subdivision include right-of-way, easements, infrastructure, utilities and any other property to be dedicated to the City pursuant to the Final Plat or otherwise accepted by the City. DEQ has agreed that the dedication of the TRIP Public Improvements to the City, and the future operation and maintenance of the Public Improvements, constitutes a substantial public benefit pursuant to ORS 465.327 as it enables "productive reuse of a vacant or abandoned industrial or commercial facility".

The Consent Judgment and the Stipulated Supplemental Judgment require the City undertake certain obligations in exchange for protection from potential liability. These obligations include that the City comply with applicable provisions of the existing "Contaminated Media Management Plan" (CMMP) for TRIP concerning the proper investigation, handling and disposal of potentially contaminated soil or groundwater that is encountered during future operation and maintenance of the Public Improvements. The Consent Judgment and Stipulated Supplemental Judgment also require the City to comply with an existing Easement and Equitable Servitude (EE&S) that is recorded with the TRIP property as a result of the underlying cleanup between the former owner, Reynolds Metals Corporation, the US Environmental Protection Agency (EPA), and DEQ. The EE&S also requires certain management obligations for contaminated soil and water, as well as notice and access requirements for DEQ and EPA. Finally, the Consent Judgment and Stipulated Supplemental Judgment require that the City own and operate the Public Improvements for the benefit of the public and that the City not interfere with ongoing cleanup activities at the site. In exchange for these obligations, the Consent Judgment and Stipulated Supplemental Judgment provide the City with a release from potential liability to the state for contamination existing prior to dedication under ORS 465.327.

In addition, the Consent Judgment and Stipulated Supplemental Judgment provide the City protection from potential liability to third parties in accordance with applicable state and federal law.

The terms of the Stipulated Supplemental Judgment have been negotiated and the document is attached to the proposed resolution. Following approval by the City Council, DEQ or the City will file the Stipulated Supplemental Judgment with the court.

PROS & CONS:

Pros:

- Provides the City with a release from potential liability to the State and third parties for existing contamination in accordance with applicable law
- Satisfies a condition prerequisite to the Port's recording of the plat for the current phase of TRIP

Cons

- Incurs obligations to comply with applicable provisions of the CMMP and EE&S associated with the TRIP property when operating and maintaining the respective right-of-way, easements, infrastructure and utilities, in order to maintain protection from liability

Current Year Budget Impacts	☐ Yes *(describe)* ☒ N/A
Future Fiscal Impacts:	☐ Yes *(describe)* ☒ N/A
City Attorney Approved:	☒ Yes (Ater-Wynne, City's environmental attorney)
Community Involvement Process:	☐ Yes *(describe)* ☒ N/A

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A STIPULATED SUPPLEMENTAL JUDGMENT WITH DEQ FOR THE PUBLIC IMPROVEMENTS INCLUDING PUBLIC RIGHT-OF-WAY, EASEMENTS, INFRASTRUCTURE AND UTILITIES LOCATED AT OR ADJACENT TO THE TROUTDALE REYNOLDS INDUSTRIAL PARK (TRIP) PROPERTY

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. In 2010, the City entered into a Prospective Purchaser Agreement via a Consent Judgment with the Oregon Department of Environmental Quality (DEQ) associated with the TRIP Phase I Public Improvements, approved by Resolution #1997.

2. The Consent Judgment and Prospective Purchaser Agreement provide protection to the City from potential liability to the State of Oregon and third parties for damages and claims relating to existing contamination at the TRIP property.

3. In 2015, the Port of Portland commenced construction of TRIP Phases II and III.

4. The approved preliminary plat for TRIP Phase II includes additional proposed dedications of Public Improvements to the City.

5. Extending the existing Consent Judgment to include protections for the TRIP Phase II Public Improvements is a land use condition of the subdivision prerequisite to recording the Phase II plat.

6. The Stipulated Supplemental Judgment modifies the existing Consent Judgment to extend the City's protection to include the Phase II Public Improvements, and, as authorized by 2011 amendments to the Oregon Revised Statutes, provides additional liability protections to the City for the Phase I and Phase II Public Improvements.

7. The provisions of the Stipulated Supplemental Judgment have been negotiated between the City and the Oregon Department of Environmental Quality and is attached hereto.

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

Section 1. The Mayor is authorized to execute a Consent Judgment between the City and the Oregon Department of Environmental Quality, substantially in accordance with the draft as attached herewith in Attachment A.

Section 2. This resolution is effective upon adoption.

YEAS:
NAYS:
ABSTAINED:

Doug Daoust, Mayor

Date

Sarah Skroch, City Recorder

Adopted:

ATTACHMENT A

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON, ex rel. PETER SHEPHERD, INTERIM DIRECTOR, DEPARTMENT OF ENVIRONMENTAL QUALITY, Plaintiff, v. CITY OF TROUTDALE, a political subdivision of the State of Oregon, Defendant.	Case No. 0712-15146 STIPULATED SUPPLEMENTAL JUDGMENT ("Supplemental Judgment")

Pursuant to the Consent Judgment Section 4.O., the Director, Oregon Department of Environmental Quality ("DEQ"), and the City of Troutdale ("Troutdale") (each, a "Party," collectively, the "Parties") submit this Stipulated Supplemental Judgment ("Supplemental Judgment").

A. Recitals

1. This court entered a Consent Judgment on June 16, 2010, recorded in Multnomah County Official Records on July 23, 2010, approving an agreement between DEQ and Troutdale under ORS 465.327 to release Troutdale from potential liability to the state to facilitate cleanup and reuse of certain real property located within the Troutdale Reynolds Industrial Park ("TRIP") in Troutdale, Oregon.

///

Department of Justice
1515 SW Fifth Ave, Suite 410
Portland, OR 97201
(971) 673-1880 / Fax: (971) 673-1886

2. At the time the Consent Judgment was entered, ORS 465.327 provided a release from liability to the State of Oregon for claims under ORS Chapter 465, the Oregon Removal and Remedial Action statutes, specifically, ORS 465.200 to ORS 465.545 and ORS 465.900.

3. In 2011, the Oregon Legislature amended ORS 465.327 to broaden the liability release to include a release from liability to the State of Oregon under ORS Chapter 466, the Spill Response and Cleanup of Hazardous Materials statutes, specifically ORS 466.640, and ORS Chapter 468B, the Oil or Hazardous Materials Spillage statutes, specifically ORS 468B.310. The release from liability was also broadened to apply to claims by "any other person" when formalized via a consent judgment or an administrative consent order. The amendment became effective January 1, 2012.

4. Troutdale initiated discussions with DEQ about supplementing the Consent Judgment to broaden the liability protections as provided by the amended statute.

5. DEQ and other interested parties researched legislative history from the 2011 session and found legislative intent that while the broader protections would not automatically become a part of all pre-existing agreements under ORS 465.327, that holders of such agreements could request modification, in coordination with DEQ, to expand the scope of the liability release.

6. Troutdale requested that DEQ move forward with supplementing the Consent Judgment in September 2015 on the basis that: broadening the scope of liability protection through modification was contemplated when the legislation was passed; Troutdale established and has maintained its protection from potential liability for Existing Hazardous Substance Releases; and Troutdale has complied with the Consent Judgment and all associated obligations. In addition, Troutdale requested that certain provisions of the Consent Judgment be clarified in light of subsequent developments in connection with TRIP, including new Public Improvements to be dedicated to Troutdale by the Port of Portland ("Phase II Improvements").

///

Department of Justice
1515 SW Fifth Ave, Suite 410
Portland, OR 97201
(971) 673-1880 / Fax: (971) 673-1886

7. Section 4.O of the Consent Judgment contemplated expanding the definition of "Public Improvements" under Paragraph 2.B.(2) of the Consent Judgment to include Troutdale's ownership and operation of future, subsequent phases of public improvement located within the TRIP Property without having to obtain court approval. Though certain of the Phase II Improvements Troutdale plans to acquire fall within the original definition of Public Improvements contemplated by the Consent Judgment, this Stipulated Supplemental Judgment adds Phase II Improvements outside of the original TRIP Property to the definition of Public Improvements, while also clarifying the addition of Phase II Improvements that were within the scope of the original Consent Judgment definition.

8. DEQ reviewed Troutdale's request and concurs that broadening the scope of liability protection is appropriate upon request of Troutdale and confirms that Troutdale remains in compliance with the Consent Judgment and associated obligations. DEQ is also in agreement that the other clarifying changes to the Consent Judgment, including the addition of the Phase II Improvements, are appropriate. DEQ finds that Troutdale is eligible for PPA protection, under ORS 465.327(1), for the addition of the Phase II Improvements, including that a substantial public benefit will result from including those improvements in the Consent Judgment.

9. On February 1, 2016, DEQ published notice of this proposed modification to the Consent Judgment and provided opportunity for public comment in accordance with ORS 465.320(1) and ORS 465.325(4)(d). The comment period ended March 2, 2016. No comments were received.

B. Amendments

1. Consent Judgment Section 2.B.2 is supplemented to expand the definition of "Public Improvements" to also include the Phase II Improvements, which shall consist of the easements and other improvements generally depicted in Attachment A, and more particularly described in Attachment B (for the Public Improvements within the TRIP Property) and Attachment C (for the Public Improvements outside of the TRIP Property), which attachments

Department of Justice
1515 SW Fifth Ave, Suite 410
Portland, OR 97201
(971) 673-1880 / Fax: (971) 673-1886

are hereby incorporated into this Consent Judgment by reference. Individual components of the "Public Improvements" may be referred to herein as a "Public Improvement."

2. Consent Judgment Section 4.B.1 shall be modified to substitute for Mavis Kent the following DEQ Project Manager:

Erin McDonnell
700 NE Multnomah, Suite 600,
Portland, OR 97232
503-229-6900
mcdonnell.erin@deq.state.or.us

3. Consent Judgment Section 4.F.3 shall be modified to read as follows:

On or before the date of entry of this Consent Judgment, Troutdale will provide a copy of the Contaminated Media Management Plan ("CMMP") approved by DEQ to the following persons: (i) workers employed by Troutdale conducting subsurface excavations within the Public Improvements subject to the CMMP, and (ii) the permitted and franchised utilities listed in Attachment E that own subsurface utility structures in the Public Improvements subject to the CMMP. If any new owners of subsurface utility structures in the Public Improvements subject to the CMMP are permitted by Troutdale after the date of entry of this Consent Judgment, Troutdale will provide a copy of the CMMP to such new owners prior to subsurface excavation work commencing by such new owners in such Public Improvements.

4. Consent Judgment Section 5 Release from Liability and Covenant Not to Sue is deleted in its entirety and replaced with the following:

5. Releases from Liability and Covenant Not to Sue

A. Pursuant to ORS 465.327(3), this Consent Judgment is a "prospective purchaser agreement" entered as a judicial consent judgment in accordance with ORS 465.325. Thus, this Consent Judgment contains related but

Department of Justice
1515 SW Fifth Ave, Suite 410
Portland, OR 97201
(971) 673-1880 / Fax: (971) 673-1886

independent liability provisions pursuant to both ORS 465.327 and 465.325. In addition to these state law provisions, this Consent Judgment may affect Troutdale's rights and liabilities under federal and other laws, as described in Subsection 6.C.

B. Pursuant to ORS 465.327, and subject to Subsection 5.C. and the satisfactory performance by Troutdale of its obligations under this Consent Judgment, Troutdale is not liable to the State of Oregon or any other person under ORS 465.200 to 465.545 and 465.900, 466.640, or 468B.310 regarding any release of hazardous substances at or from the TRIP Property or the Public Improvements existing as of the date of Troutdale's acquisition of ownership or operation of the Public Improvements ("Existing Hazardous Substance Releases"). Troutdale bears the burden of proving by a preponderance of the evidence that a hazardous substance release (for all hazardous substances, hazardous materials, and oil described in Paragraph 2.B.(3)) existed as of the date of Troutdale's acquisition of ownership or operation of the particular Public Improvement. Existing Hazardous Substances Releases shall include, without limitation, any "release," as that term is defined at ORS 465.200(22), of a hazardous substance which has been or is being remediated by Reynolds Metals Company or the Port of Portland (or its successor(s)) at the TRIP Property.

C. The release from liability under Subsection 5.B. does not affect liability of Troutdale for claims arising from:

(1) A release of hazardous substances, spill or release of oil or hazardous material, or entry of oil into the waters of the state at or from the Public Improvement on or after the date of Troutdale's acquisition of ownership or operation of that Public Improvement;

Department of Justice
1515 SW Fifth Ave, Suite 410
Portland, OR 97201
(971) 673-1880 / Fax: (971) 673-1886

(2) Contribution to or exacerbation, on or after the date of Troutdale's acquisition of ownership or operation of the Public Improvement, of a release of hazardous substance, spill or release of oil or hazardous material, or entry of oil into the waters of the state at or from that Public Improvement;

(3) Interference or failure to cooperate, on or after the date of Troutdale's acquisition of ownership or operation of the Public Improvement, with DEQ or other persons conducting remedial measures under DEQ's oversight at that Public Improvement;

(4) Failure to exercise due care or take reasonable precautions, on or after the date of Troutdale's acquisition of ownership or operation of the Public Improvement, with respect to any hazardous substance at that Public Improvement;

(5) Disposal or management of hazardous substances or solid waste removed from the Public Improvements by or on behalf of Troutdale;

(6) Criminal liability;

(7) Violation of federal, state, or local law on or after the date of Troutdale's acquisition of ownership or operation of the Public Improvements;

(8) Any matters as to which the State of Oregon is owed indemnification under Paragraph 4.M.(1); and

(9) Claims based on any failure by Troutdale to meet any requirements of this Consent Judgment.

///

Department of Justice
1515 SW Fifth Ave, Suite 410
Portland, OR 97201
(971) 673-1880 / Fax: (971) 673-1886

D. Pursuant to ORS 465.325, subject to satisfactory performance by Troutdale of its obligations under this Consent Judgment, the State of Oregon covenants not to sue or take any other judicial or administrative action against Troutdale under ORS 465.200 to 465.545 and 465.900 regarding those matters for which Troutdale has resolved its actual or potential liability to the State of Oregon herein, including the Existing Hazardous Substances Releases, except that the State of Oregon reserves all rights against Troutdale with respect to claims and liabilities described in Subsection 5.C.

E. Subject to satisfactory performance by Troutdale of its obligations under this Consent Judgment, DEQ releases Troutdale from liability to DEQ under any federal or state statute, regulation, or common law, including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9601, *et seq.*, regarding the release or threatened release of hazardous substances addressed in this Consent Judgment, except that DEQ reserves all rights against Troutdale with respect to claims and liabilities described in Subsection 5.C. Liability for a release at or from one Public Improvement, including for any claim or liability described in Subsection 5.C, shall not necessarily make Troutdale liable for releases at or from any other Public Improvement. Instead, Troutdale shall be liable for release at or from a Public Improvement only if there exists an independent basis for liability under this Consent Judgment for any release at or from that particular Public Improvement.

F. The Director of DEQ has determined that the above covenant not to sue will expedite remedial action at the TRIP Property and is in the public interest, based on consideration of the factors set forth in ORS 465.325(7).

///

Department of Justice
1515 SW Fifth Ave, Suite 410
Portland, OR 97201
(971) 673-1880 / Fax: (971) 673-1886

C. Agreements

1. Except as modified by this Supplemental Judgment, all other terms of the Consent Judgment remain in full force and effect. Capitalized terms used in this Supplemental Judgment, if not otherwise defined herein, shall have the meaning set forth in the Consent Judgment.

2. The effective date of this modification is the date of judicial approval of the Supplemental Judgment.

3. Within 14 days of the effective date, Troutdale will record this modification in the real property records of Multnomah County, Oregon. Troutdale will provide DEQ with written evidence of such recording within seven days of recording.

D. Continuing Jurisdiction

The Court retains jurisdiction over both the Parties to and the subject matter of the Consent Judgment and this Supplemental Judgment, regarding the surviving obligations hereunder.

IT IS SO ORDERED AND ADJUDGED this _____ day of _____, 2016.

_____
Circuit Court Judge
Multnomah County

Department of Justice
1515 SW Fifth Ave, Suite 410
Portland, OR 97201
(971) 673-1880 / Fax: (971) 673-1886

STATE OF OREGON, DEPARTMENT OF ENVIRONMENTAL QUALITY

By: _____ Date: 6-3-16

Lydia Emer, Administrator
DEQ Operations Division

By: _____ Date: _____

Gary Vrooman, OSB No. 075832
Assistant Attorney General
Oregon Department of Justice
1515 SW Fifth Ave., Suite 410
Portland, OR 97201

THE CITY OF TROUTDALE

By: _____ Date; _____

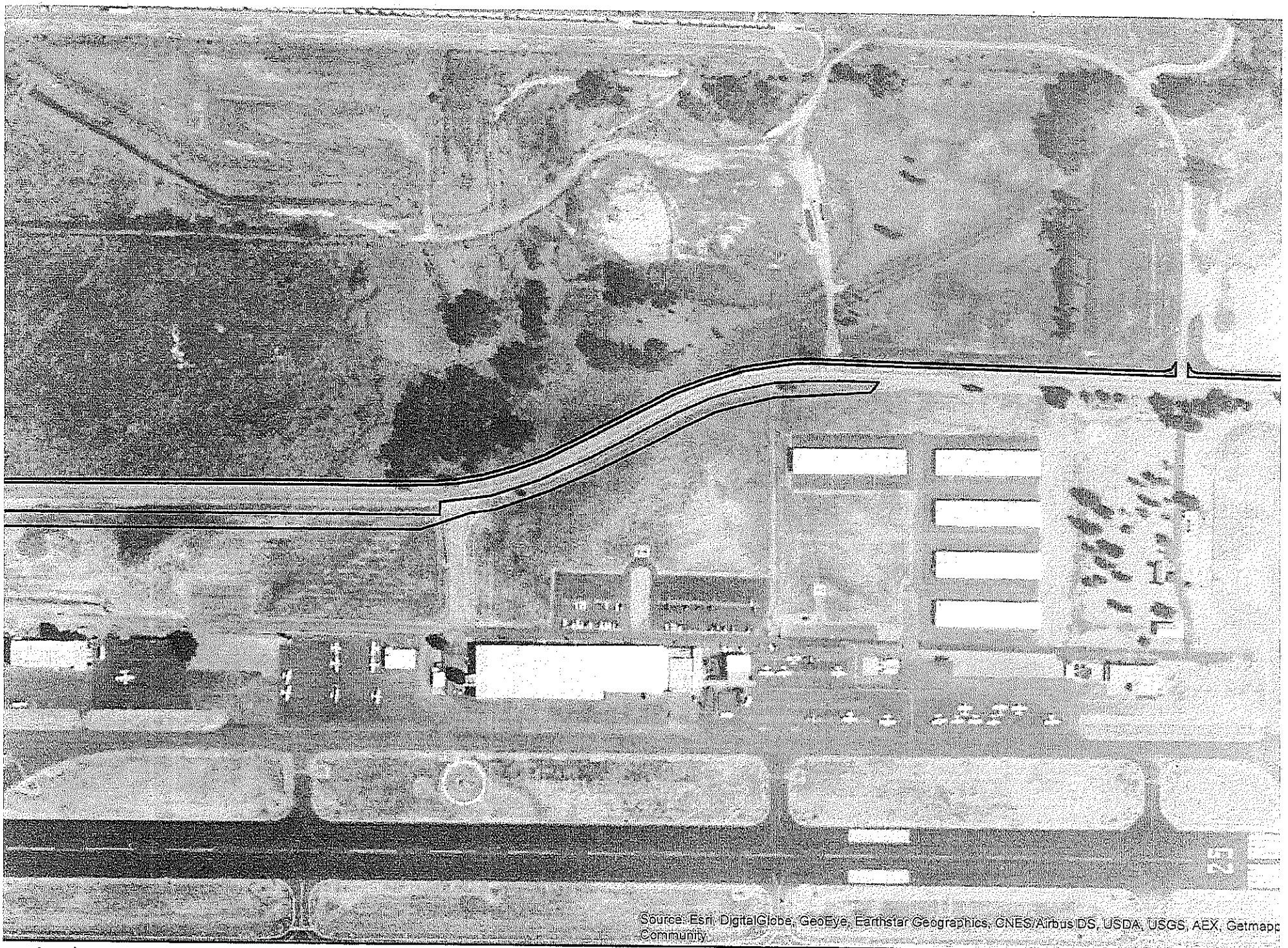
Doug Daoust, Mayor
City of Troutdale

By: _____ Date: _____

Nathan Karman, OSB No. 044975
Ater Wynne LLP
1331 NW Lovejoy St., Suite 900
Portland, OR 97209
Attorney for City of Troutdale

Department of Justice
1515 SW Fifth Ave, Suite 410
Portland, OR 97201
(971) 673-1880 / Fax: (971) 673-1886

ATTACHMENT A



N

Washington
Issaquah | Bellingham | Seattle

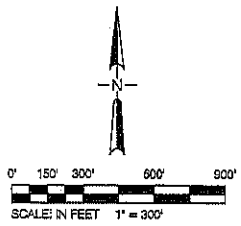
ATTACHMENT B

BOOK_____, PAGE_____

TROUTDALE REYNOLDS INDUSTRIAL PARK PHASE 2

RE-PLAT OF PARCEL 1, PARTITION PLAT No. 2012-46

BEING A PORTION OF THE LEWIS MARR D.L.C. No. 45, JAMES M. STOTT D.L.C. No. 48 AND THE CALVIN REED D.L.C. No. 60, SITUATED IN THE SOUTHEAST AND SOUTHWEST ONE-QUARTERS OF SECTION 23 AND THE NORTHWEST AND SOUTHWEST ONE-QUARTERS OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON
DATE OF SURVEY: JULY 1, 2015



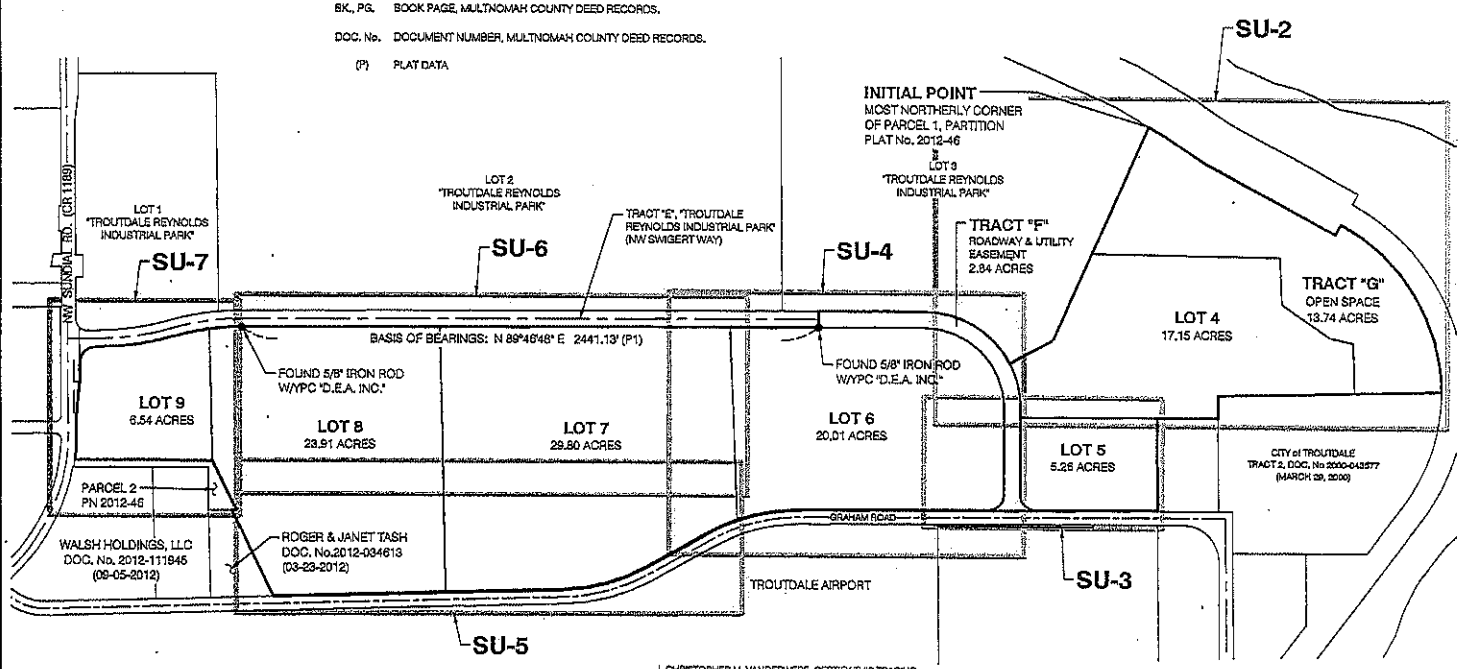
INDEX:

SHEET 1	INDEX SHEET
SHEET 2	LOT 4 & TRACT "G" BOUNDARY AND EASEMENTS
SHEET 3	LOT 5 & TRACT "F" BOUNDARY AND EASEMENTS
SHEET 4	LOT 6 & TRACT "F" BOUNDARY AND EASEMENTS
SHEET 5	LOT 7, LOT 8 & TRACT "F" BOUNDARY AND EASEMENTS - SOUTH HALF
SHEET 6	LOT 7 & LOT 8 BOUNDARY AND EASEMENTS - NORTH HALF
SHEET 7	LOT 9 (WEST END) & LOT 9 BOUNDARY AND EASEMENTS
SHEET 8	NARRATIVE & NOTES
SHEET 9	CERTIFICATE, APPROVALS, DECLARATION AND ACKNOWLEDGEMENT

LEGEND:

●	FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "D.E.A. INC.", PER PLAT BOOK 1302, PAGE 46-58, UNLESS OTHERWISE NOTED.
W/YPC	WITH YELLOW PLASTIC CAP.
BK., PG.	BOOK PAGE, MULTNOMAH COUNTY DEED RECORDS.
DOC. No.	DOCUMENT NUMBER, MULTNOMAH COUNTY DEED RECORDS.
(P)	PLAT DATA

REFERNCE DATA:
(P1) "TROUTDALE REYNOLDS INDUSTRIAL PARK" PLAT BK. 1302, PG. 46-58.



I, CHRISTOPHER M. VANDERWERF, CERTIFY THIS TRACING TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT.

PRINTED: 8/25/2015 10:34:41 AM VANDEC
r:\survey\pls\2010_esri\1284-trip phase II\phase 2 tentative plat\trip ph 2 plat\trip phase 2 pls1.dwg

NO.	DATE	BY	REVISIONS	APPVD	CKD

PORT OF PORTLAND
PORTLAND, OREGON
SURVEYED BY: PORT OF PORTLAND SURVEY DEPT. 7200 NE AIRPORT WAY PORTLAND, OR 97218 503 415-6755
2010UGEN (DESIGN NUMBER) | 101582 (PROJECT NUMBER)

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 25, 1995 CHRISTOPHER M. VANDERWERF 2719
SIGNED:
EXP: 6/30/2016

DESIGNED BY C. VANDERWERF
DRAWN BY P. SHIELDS
CHECKED BY R. ALDERSEBAES
DATE JULY 1, 2015
SCALE 1" = 300'

TROUTDALE REYNOLDS INDUSTRIAL PARK

EASTSIDE SUBDIVISION PLAT
NARRATIVE, NOTES, & INDEX SHEET

SUBMITTED BY
RYAN PARKER
PROJECT DEVELOPMENT MANAGER

TYPE BS | DRAWING NO. TRIP 2014-4 1/9 (SU-1)

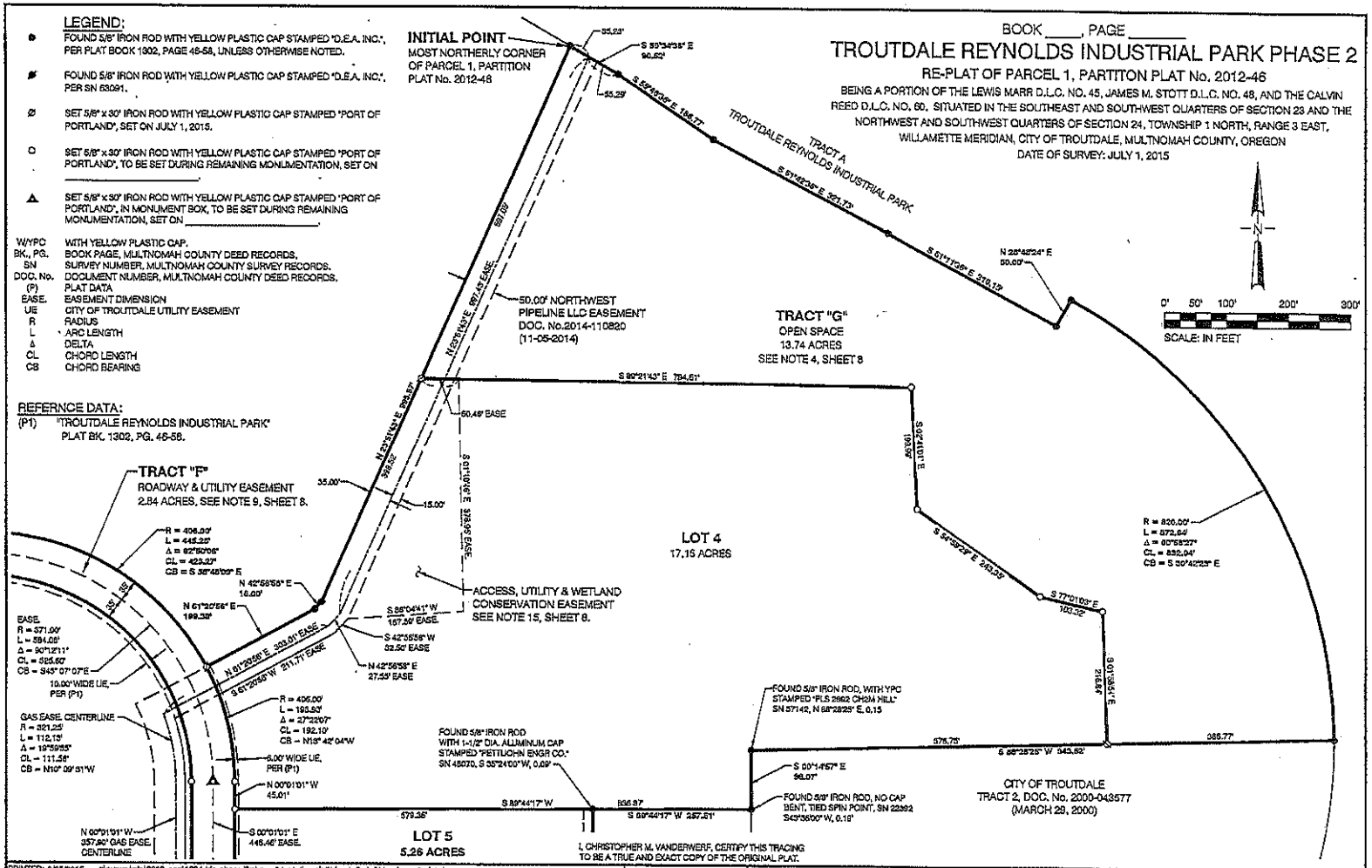
BOOK ____, PAGE _____

TROUTDALE REYNOLDS INDUSTRIAL PARK PHASE 2

RE-PLAT OF PARCEL 1, PARTITON PLAT No. 2012-46

BEING A PORTION OF THE LEWIS MARR D.L.C. NO. 45, JAMES M. STOTT D.L.C. NO. 48, AND THE CALVIN REED D.L.C. NO. 60, SITUATED IN THE SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 23 AND THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON

DATE OF SURVEY: JULY 1, 2015



PRINTED: 8/25/2015 10:35:55 AM VANDEC
n:\survey\pls\2010_esri\1284-tdp phase 1\phase 2 tentative plat\tdp ph 2 plat\trip phase 2 plat.dwg

NO.	DATE	BY	REVISIONS	APPVD	CKD

PORT OF PORTLAND
PORTLAND, OREGON
SURVEYED BY: PORT OF PORTLAND SURVEY DEPT. 7200 NE AIRPORT WAY PORTLAND, OR 97218 503.415-6048
2010UGEN (DESIGN FILE NAME)
101882 (PROJECT NUMBER)

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 25, 1983 CHRISTOPHER M. VANDERWERF 2712
SIGNED:
EXP: 6/30/2016

DESIGNED BY C. VANDERWERF
DRAWN BY P. SHIELDS
CHECKED BY R. ALDERSEBAES
DATE JULY 1, 2015
SCALE 1" = 100'

TROUTDALE REYNOLDS INDUSTRIAL PARK

EASTSIDE SUBDIVISION PLAT
LOT 4 & TRACT "G" BOUNDARY AND EASEMENTS

SUBMITTED BY RYAN PARKER, TRIP DEVELOPMENT MANAGER

TYPE	DRAWING NO.		
BS	TRIP 2014-4	2/9	(SU-2)

BOOK ____, PAGE _____

TROUTDALE REYNOLDS INDUSTRIAL PARK PHASE 2

RE-PLAT OF PARCEL 1, PARTITON PLAT No. 2012-46

BEING A PORTION OF THE LEWIS MARR D.L.C. NO. 45, JAMES M. STOTT D.L.C. NO. 48, AND THE CALVIN REED D.L.C. NO. 60. SITUATED IN THE SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 23 AND THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON

DATE OF SURVEY: JULY 1, 2015

REFERNCE DATA:
(P1) "TROUTDALE REYNOLDS INDUSTRIAL PARK" PLAT BK. 1302, PG. 46-58.

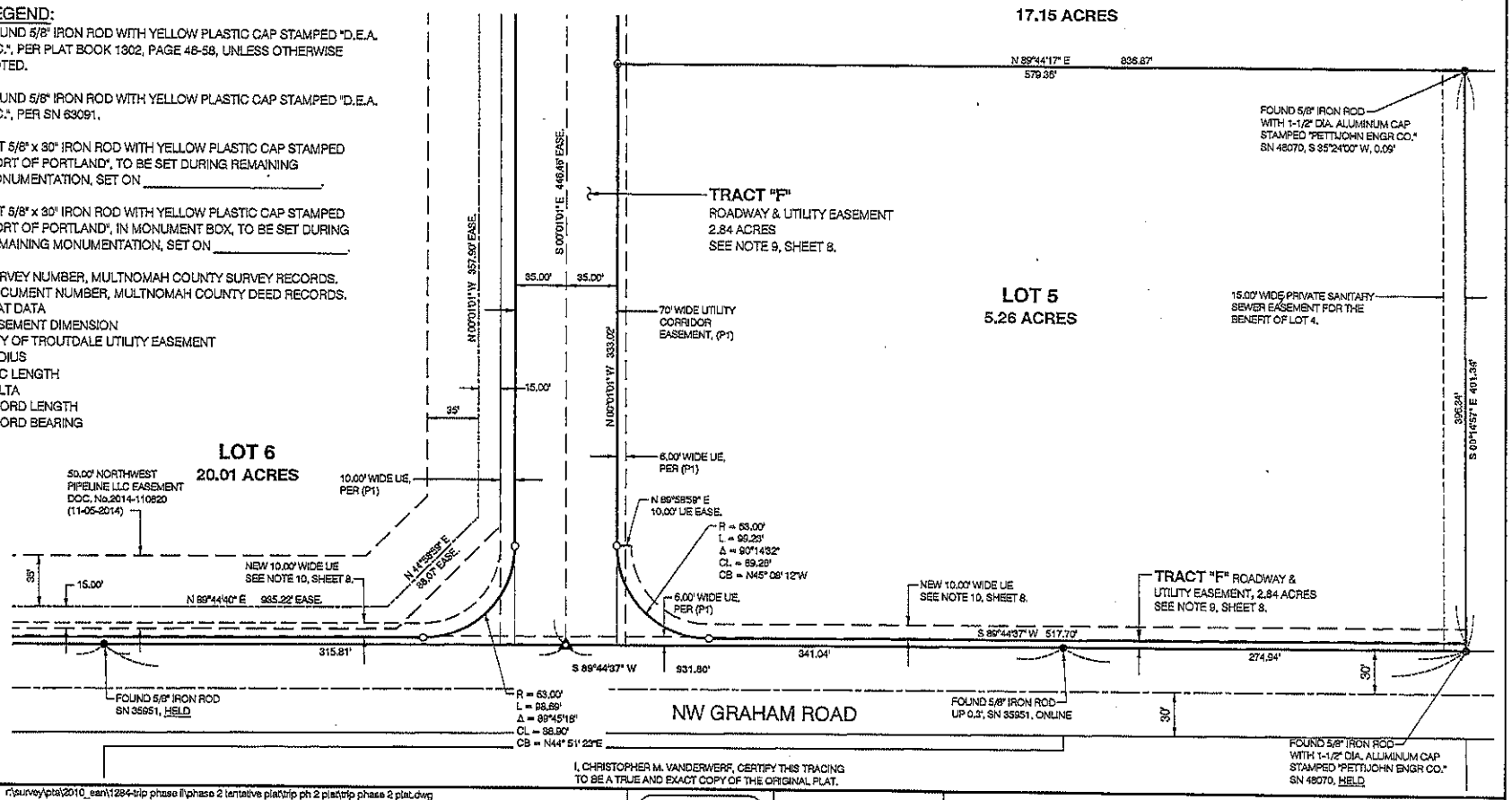
0' 25' 50' 100' 150'

SCALE: IN FEET 1" = 50'

LEGEND:

- ● FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "D.E.A. INC.", PER PLAT BOOK 1302, PAGE 46-58, UNLESS OTHERWISE NOTED.
- ⊗ FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "D.E.A. INC.", PER SN 63091.
- ○ SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "PORT OF PORTLAND", TO BE SET DURING REMAINING MONUMENTATION, SET ON _____.
- △ SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "PORT OF PORTLAND", IN MONUMENT BOX, TO BE SET DURING REMAINING MONUMENTATION, SET ON _____.

SN	SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
DOC. No.	DOCUMENT NUMBER, MULTNOMAH COUNTY DEED RECORDS.
(P)	PLAT DATA
EASE.	EASEMENT DIMENSION
UE	CITY OF TROUTDALE UTILITY EASEMENT
R	RADIUS
L	ARC LENGTH
Δ	DELTA
CL	CHORD LENGTH
CB	CHORD BEARING



I, CHRISTOPHER M. VANDERWERF, CERTIFY THIS TRACING TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT.

PRINTED: 6/25/2015 8:25:31 AM VANDEC
r:\survey\pts\2010_ean\1284-trip phase ii\phase 2 tentative plat\trip ph 2 plat\trip phase 2 plat.dwg

NO.	DATE	BY	REVISIONS	APPVD	CKD

PORT OF PORTLAND
PORTLAND, OREGON
SURVEYED BY: PORT OF PORTLAND SURVEY DEPT. 7200 NE AIRPORT WAY PORTLAND, OR 97208 503 415-6366

2010UGEN — DESIGN MANAGER
101662 — PROJECT MANAGER

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 25, 1995 CHRISTOPHER M. VANDERWERF 2719
SIGNED:
EXP: 6/30/2016

DESIGNED BY	C. VANDERWERF
DRAWN BY	P. SHIELDS
CHECKED BY	R. ALDERSEBAES
DATE	JULY 1, 2015
SCALE	1" = 50'

TROUTDALE REYNOLDS INDUSTRIAL PARK

EASTSIDE SUBDIVISION PLAT
LOT 5 & TRACT "F" BOUNDARY AND EASEMENTS

SUBMITTED BY
RYAN PARKER
TRIP DEVELOPMENT MANAGER

TYPE: BS
DRAWING NO.: TRIP 2014-4 3 / 9 (SU-3)

BOOK ____, PAGE _____

TROUTDALE REYNOLDS INDUSTRIAL PARK PHASE 2

RE-PLAT OF PARCEL 1, PARTITON PLAT No. 2012-46

BEING A PORTION OF THE LEWIS MARR D.L.C. NO. 45, JAMES M. STOTT D.L.C. NO. 48, AND THE CALVIN REED D.L.C. NO. 60. SITUATED IN THE SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 23 AND THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON

DATE OF SURVEY: JULY 1, 2015

REFERNCE DATA:
(P1) "TROUTDALE REYNOLDS INDUSTRIAL PARK" PLAT BK. 1302, PG. 46-58.

N

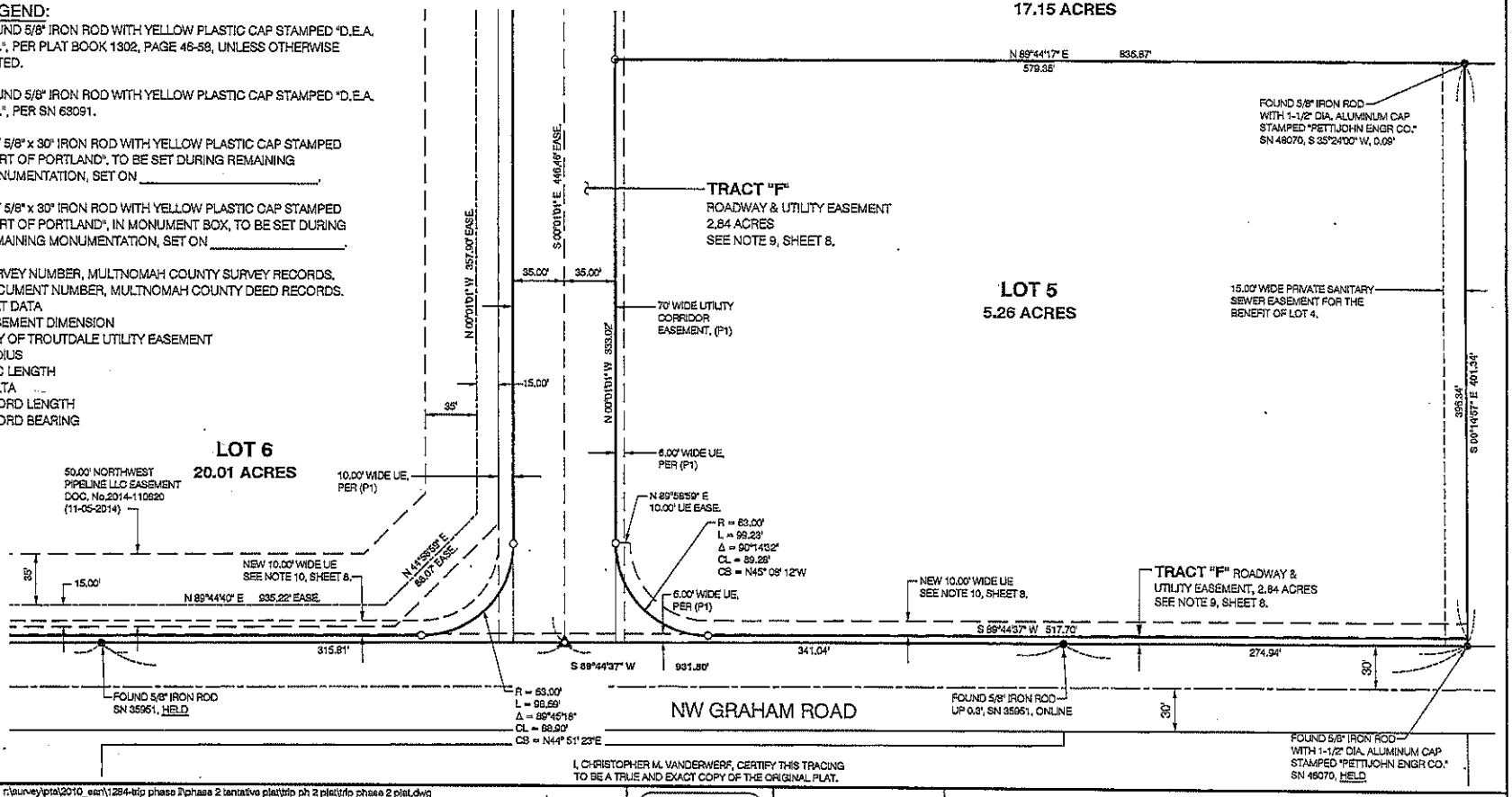
0' 25' 50' 100' 150'

SCALE: IN FEET 1" = 50'

LEGEND:

- ● FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "D.E.A. INC.", PER PLAT BOOK 1302, PAGE 46-58, UNLESS OTHERWISE NOTED.
- ■ FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "D.E.A. INC.", PER SN 63091.
- ○ SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "PORT OF PORTLAND", TO BE SET DURING REMAINING MONUMENTATION, SET ON _____.
- △ SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "PORT OF PORTLAND", IN MONUMENT BOX, TO BE SET DURING REMAINING MONUMENTATION, SET ON _____.

SN	SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
DOC. No.	DOCUMENT NUMBER, MULTNOMAH COUNTY DEED RECORDS.
(P)	PLAT DATA
EASE.	EASEMENT DIMENSION
UE	CITY OF TROUTDALE UTILITY EASEMENT
R	RADIUS
L	ARC LENGTH
Δ	DELTA
CL	CHORD LENGTH
CB	CHORD BEARING



I, CHRISTOPHER M. VANDERWERF, CERTIFY THIS TRACING TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT.

PRINTED: 8/25/2015 4:10:17 PM VANDEC
n:\survey\pta\2010_esn\1284-trip phase II\phase 2 tentative plat\trip ph 2 plat\trip phase 2 plat.dwg

NO.	DATE	BY	REVISIONS	APPVD	CKD

PORT OF PORTLAND
PORTLAND, OREGON
SURVEYED BY: PORT OF PORTLAND SURVEY DEPT. 7200 NE AIRPORT WAY PORTLAND, OR 97218 503 415-6255

2010UGEN (DESIGN NUMBER) | 101562 (PROJECT NUMBER)

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JULY 25, 1986 CHRISTOPHER M. VANDERWERF 2719

SIGNED:
EXP: 6/30/2015

DESIGNED BY C. VANDERWERF
DRAWN BY P. SHIELDS
CHECKED BY R. ALDERSEBAES
DATE JULY 1, 2015
SCALE 1" = 50'

TROUTDALE REYNOLDS INDUSTRIAL PARK

EASTSIDE SUBDIVISION PLAT
LOT 5 & TRACT "F" BOUNDARY AND EASEMENTS

SUBMITTED BY
RYAN PARKER
TRIP DEVELOPMENT MANAGER

TYPE BS | DRAWING NO. TRIP 2014-4 3 / 9 (SU-3)

BOOK ____, PAGE _____

TROUTDALE REYNOLDS INDUSTRIAL PARK PHASE 2

RE-PLAT OF PARCEL 1, PARTITON PLAT No. 2012-46

BEING A PORTION OF THE LEWIS MARR D.L.C. NO. 45, JAMES M. STOTT D.L.C. NO. 48, AND THE CALVIN REED D.L.C. NO. 60. SITUATED IN THE SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 23 AND THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON

DATE OF SURVEY: JULY 1, 2015

0' 50' 100' 200' 300'

SCALE: IN FEET 1" = 100'

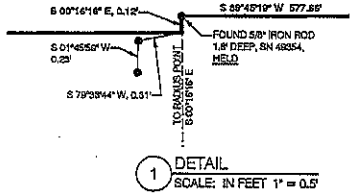
LEGEND:

- ● FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "D.E.A. INC.", PER PLAT BOOK 1302, PAGE 46-58, UNLESS OTHERWISE NOTED.
- ■ FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "D.E.A. INC.", PER SN 53091.
- ⌀ SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "PORT OF PORTLAND", SET ON JULY 1, 2015.
- ○ SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "PORT OF PORTLAND", TO BE SET DURING REMAINING MONUMENTATION, SET ON _____.
- △ SET 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "PORT OF PORTLAND", IN MONUMENT BOX, TO BE SET DURING REMAINING MONUMENTATION, SET ON _____.

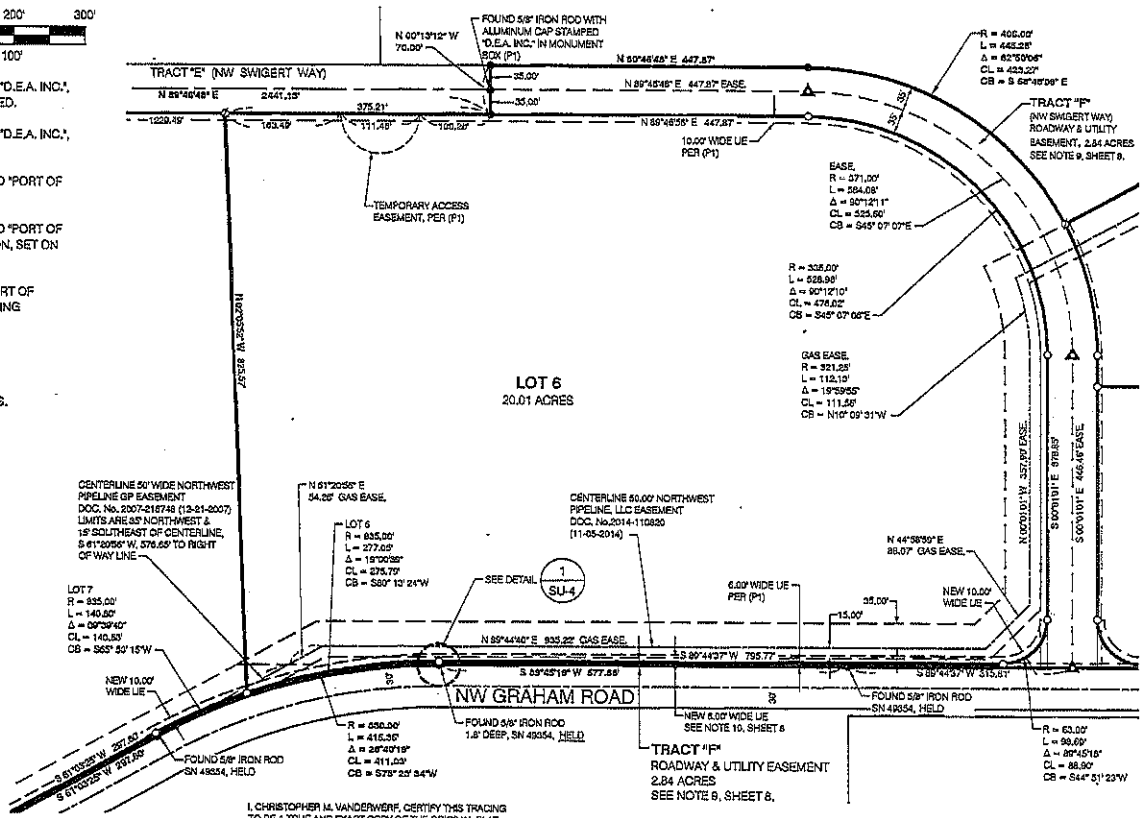
W/YPC	WITH YELLOW PLASTIC CAP.
BK., PG.	BOOK PAGE, MULTNOMAH COUNTY DEED RECORDS.
SN	SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
DOC. No.	DOCUMENT NUMBER, MULTNOMAH COUNTY DEED RECORDS.
(P)	PLAT DATA
EASE.	EASEMENT DIMENSION
UE	CITY OF TROUTDALE UTILITY EASEMENT
R	RADIUS
L	ARC LENGTH
Δ	DELTA
CL	CHORD LENGTH
CB	CHORD BEARING

REFERNCE DATA:

(P1) "TROUTDALE REYNOLDS INDUSTRIAL PARK" PLAT BK. 1302, PG. 46-58.



1 DETAIL
SCALE: IN FEET 1" = 0.5'



I, CHRISTOPHER M. VANDERWERF, CERTIFY THIS TRACING TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT.

PRINTED: 6/25/2015 10:37:07 AM VANDEC
n:\survey\pls\2010_ean\1284-trip phase II\phase 2 tentative plat\trip ph 2 plat\trip phase 2 plat.dwg

NO.	DATE	BY	REVISIONS	APP'D	CK'D

PORT OF PORTLAND
PORTLAND, OREGON
SURVEYED BY: PORT OF PORTLAND SURVEY DEPT. 7200 NE AIRPORT WAY PORTLAND, OR 97218 (503) 415-6000

2010JGEN — DESIGN NUMBER
101552 — PROJECT NUMBER

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 25, 1983 CHRISTOPHER M. VANDERWERF 2719
SIGNED:
EXP: 6/30/2016

DESIGNED BY C. VANDERWERF
DRAWN BY P. SHIELDS
CHECKED BY R. ALDERSEBAES
DATE JULY 1, 2015
SCALE 1" = 100'

TROUTDALE REYNOLDS INDUSTRIAL PARK

EASTSIDE SUBDIVISION PLAT
LOT 6 & TRACT "F" BOUNDARY AND EASEMENTS

SUBMITTED BY
RYAN PARKER
TRIP DEVELOPMENT MANAGER

TYPE	DRAWING NO.		
BS	TRIP 2014-4	4/9	(SU-4)

BOOK ____, PAGE _____

TROUTDALE REYNOLDS INDUSTRIAL PARK PHASE 2

RE-PLAT OF PARCEL 1, PARTITON PLAT No. 2012-46

BEING A PORTION OF THE LEWIS MARR D.L.C. NO. 45, JAMES M. STOTT D.L.C. NO. 46, AND THE CALVIN REED D.L.C. NO. 60. SITUATED IN THE SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 23 AND THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON

DATE OF SURVEY: JULY 1, 2015

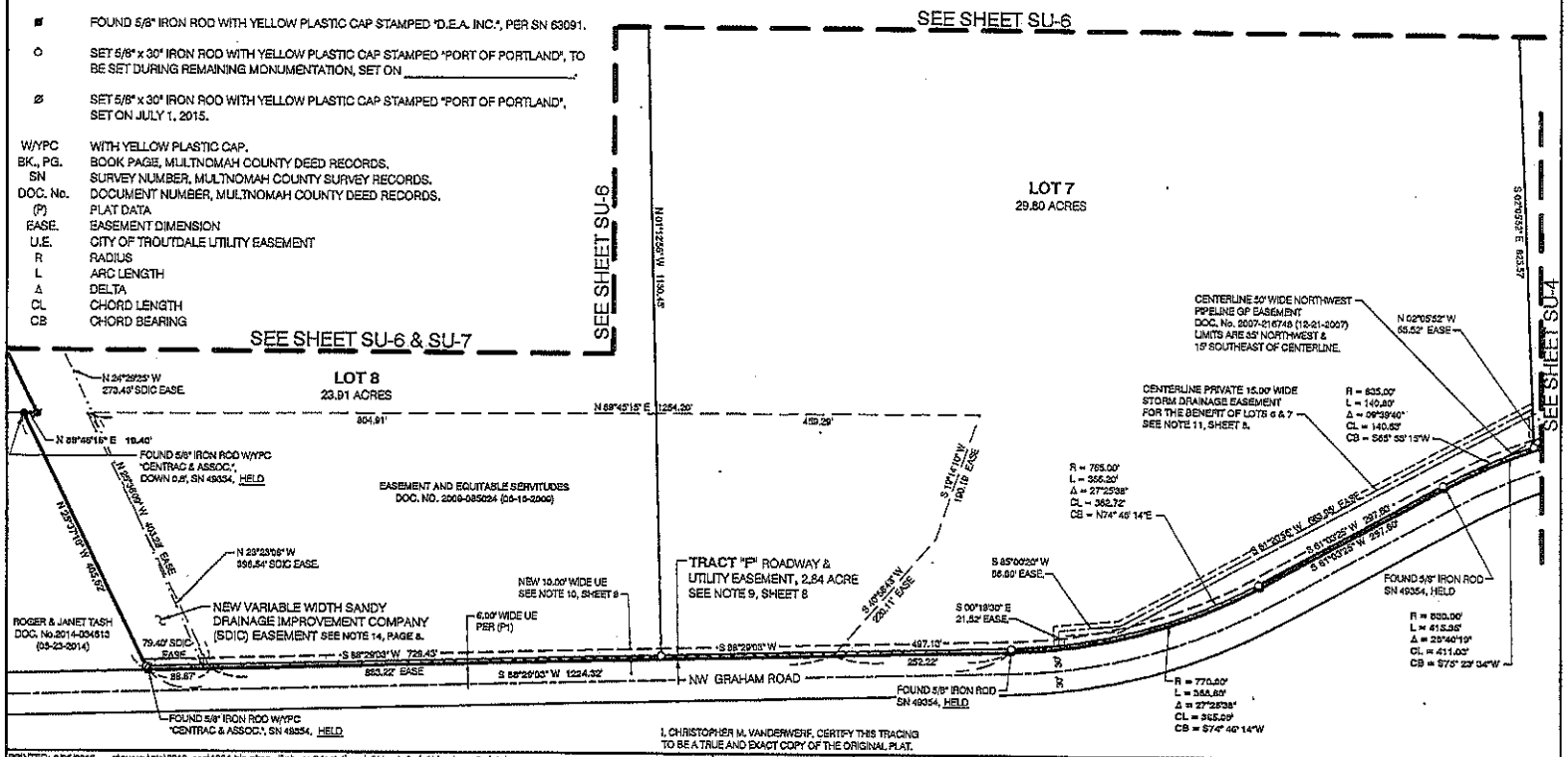
REFERNCE DATA:
(P1) "TROUTDALE REYNOLDS INDUSTRIAL PARK" PLAT BK. 1302, PG. 46-58.

0' 50' 100' 200' 300'
SCALE: IN FEET 1" = 100'

LEGEND:

- ● FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "D.E.A. INC.", PER PLAT BOOK 1302, PAGE 46-58, UNLESS OTHERWISE NOTED.
- ■ FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "D.E.A. INC.", PER SN 63091.
- ○ SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "PORT OF PORTLAND", TO BE SET DURING REMAINING MONUMENTATION, SET ON _____.
- ⌀ SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "PORT OF PORTLAND", SET ON JULY 1, 2015.

W/YPC	WITH YELLOW PLASTIC CAP.
BK., PG.	BOOK PAGE, MULTNOMAH COUNTY DEED RECORDS.
SN	SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
DOC. No.	DOCUMENT NUMBER, MULTNOMAH COUNTY DEED RECORDS.
(P)	PLAT DATA
EASE.	EASEMENT DIMENSION
U.E.	CITY OF TROUTDALE UTILITY EASEMENT
R	RADIUS
L	ARC LENGTH
Δ	DELTA
CL	CHORD LENGTH
CB	CHORD BEARING



I, CHRISTOPHER M. VANDERWERF, CERTIFY THIS TRACING TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT.

PRINTED: 8/25/2015 10:37:43 AM VANDEC
r:\survey\pla\2010_ean\1264-trip phase II\phase 2 tentative plat\trip ph 2 plat\trip phase 2 plat.dwg

NO.	DATE	BY	REVISIONS	APPVD	CKD

PORT OF PORTLAND
PORTLAND, OREGON
SURVEYED BY: PORT OF PORTLAND SURVEY DEPT. 7200 NE AIRPORT WAY PORTLAND, OR 97218 503 415-6266

2010JGEN — DRAWING NUMBER
101662 — PROJECT NUMBER

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 25, 1986 CHRISTOPHER M. VANDERWERF 2719
SIGNED:
EXP: 6/30/2016

DESIGNED BY C. VANDERWERF
DRAWN BY P. SHIELDS
CHECKED BY R. ALDERSEBAES
DATE JULY 1, 2015
SCALE 1" = 100'

TROUTDALE REYNOLDS INDUSTRIAL PARK

EASTSIDE SUBDIVISION PLAT
LOT 7, LOT 8 & TRACT "F" BOUNDARY AND EASEMENTS
SOUTH HALF

SUBMITTED BY
RYAN PARKER
TRIP BOARD/GRANT MANAGER

TYPE BS
DRAWING NO. TRIP 2014-4 5/9 (SU-5)

BOOK ____, PAGE _____

TROUTDALE REYNOLDS INDUSTRIAL PARK PHASE 2

RE-PLAT OF PARCEL 1, PARTITON PLAT No. 2012-46

BEING A PORTION OF THE LEWIS MARR D.L.C. NO. 45, JAMES M. STOTT D.L.C. NO. 48, AND THE CALVIN REED D.L.C. NO. 60. SITUATED IN THE SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 23 AND THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON

DATE OF SURVEY: JULY 1, 2015

N

0' 50' 100' 200' 300'

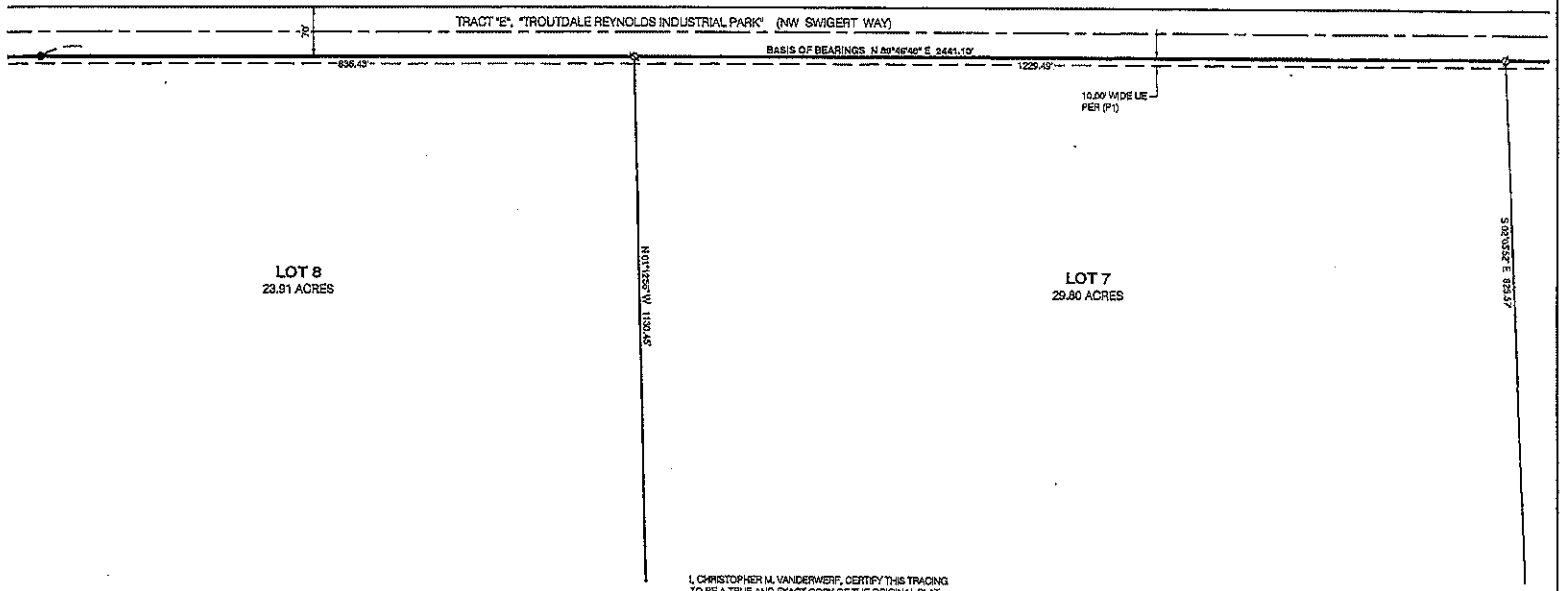
SCALE: IN FEET 1" = 100'

LEGEND:

- ● FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "D.E.A. INC.", PER PLAT BOOK 1302, PAGE 46-58, UNLESS OTHERWISE NOTED.
- ⌀ SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "PORT OF PORTLAND", SET ON JULY 1, 2015.
- (P) PLAT DATA
- EASE. EASEMENT DIMENSION
- U.E. CITY OF TROUTDALE UTILITY EASEMENT

REFERNCE DATA:

(P1) "TROUTDALE REYNOLDS INDUSTRIAL PARK" PLAT BK. 1302, PG. 46-58.



I, CHRISTOPHER M. VANDERWERF, CERTIFY THIS TRACING TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT.

PRINTED: 8/25/2015 10:38:33 AM VANDEC r:\survey\pls\2010_eon\1284-trip phase 8\phase 2 tentative plat\trip ph 2 plat\trip phase 2 plat.dwg

NO.	DATE	BY	REVISIONS	APPV'D	CKD

PORT OF PORTLAND
PORTLAND, OREGON

SURVEYED BY: PORT OF PORTLAND SURVEY DEPT. 7200 NEAIRPORT WAY PORTLAND, OR 97206 503 415-6266

2010UGEN — DESIGN NUMBER
101662 — PROJECT NUMBER

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JULY 23, 1995 CHRISTOPHER M. VANDERWERF 2719

SIGNED: EXP: 6/30/2016

DESIGNED BY C. VANDERWERF
DRAWN BY P. SHIELDS
CHECKED BY R. ALDERSEBAES
DATE JULY 1, 2015
SCALE 1" = 100'

TROUTDALE REYNOLDS INDUSTRIAL PARK

EASTSIDE SUBDIVISION PLAT
LOT 7 & LOT 8 BOUNDARY AND EASEMENTS
NORTH HALF

SUBMITTED BY RYAN PARKER — TRIP DEVELOPMENT MANAGER

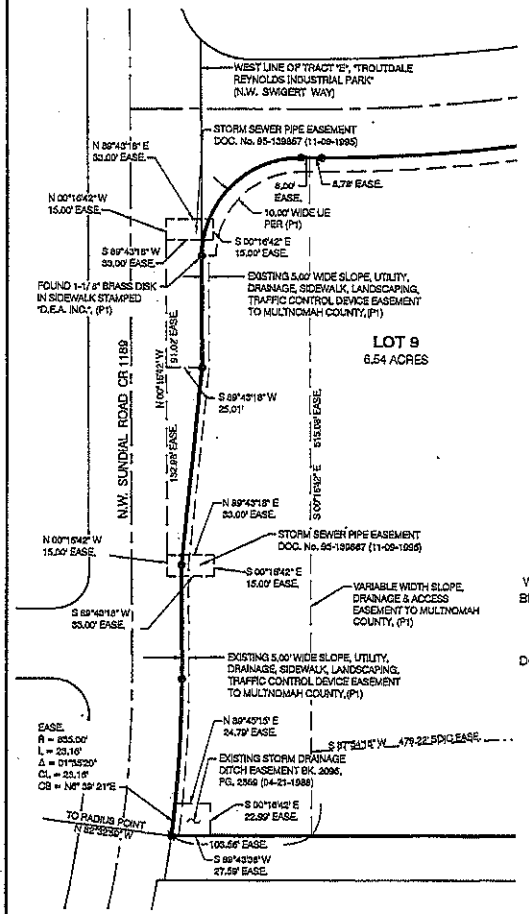
TYPE BS | DRAWING NO. TRIP 2014-4 | 6/9 | (SU-6)

BOOK ____, PAGE _____

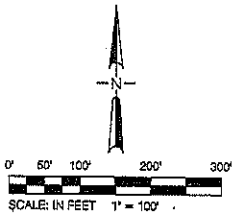
TROUTDALE REYNOLDS INDUSTRIAL PARK PHASE 2

RE-PLAT OF PARCEL 1, PARTITON PLAT No. 2012-46

BEING A PORTION OF THE LEWIS MARR D.L.C. NO. 45, JAMES M. STOTT D.L.C. NO. 48, AND THE CALVIN REED D.L.C. NO. 60, SITUATED IN THE SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 23 AND THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON
DATE OF SURVEY: JULY 1, 2015



1 LOT 9 - DETAIL OF EXISTING EASEMENTS AT SUNDIAL ROAD
SCALE: 1" = 50'

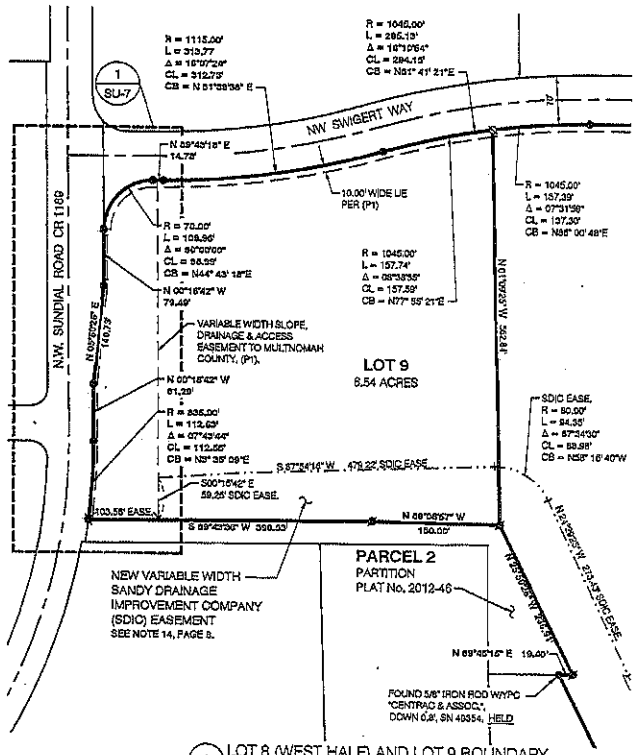


LEGEND:

- ● FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "D.E.A. INC.", PER PLAT BOOK 1302, PAGE 46-58, UNLESS OTHERWISE NOTED.
- ■ FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "D.E.A. INC.", PER SN 63091.
- Ø SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "PORT OF PORTLAND", SET ON JULY 1, 2015.

W/YPC	WITH YELLOW PLASTIC CAP.
BK., PG.	BOOK PAGE, MULTNOMAH COUNTY DEED RECORDS.
SN	SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
CR	COUNTY ROAD
DOC. No.	DOCUMENT NUMBER, MULTNOMAH COUNTY DEED RECORDS.
(P)	PLAT DATA
EASE.	EASEMENT DIMENSION
UE	CITY OF TROUTDALE UTILITY EASEMENT
R	RADIUS
L	ARC LENGTH
Δ	DELTA
CL	CHORD LENGTH
CB	CHORD BEARING

REFERENCE DATA:
(P1) "TROUTDALE REYNOLDS INDUSTRIAL PARK", PLAT BK. 1302, PG. 46-58.



2 LOT 8 (WEST HALF) AND LOT 9 BOUNDARY
SCALE: 1" = 100'

I, CHRISTOPHER M. VANDERWERF, CERTIFY THIS TRACING TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT.

PRINTED: 8/25/2015 10:29:04 AM VANDEC
r:\survey\pts\2010_6sn\1284-trip phase ii\phase 2 tentative plat\trip ph 2 plat\trip phase 2 plat.dwg

NO.	DATE	BY	REVISIONS	APPVD	DKD

PORT OF PORTLAND
PORTLAND, OREGON
SURVEYED BY: PORT OF PORTLAND SURVEY DEPT, 7200 NE AIRPORT WAY PORTLAND, OR 97218 503 415-6000

2010UGEN (SURVEY NUMBER) | 101652 (PROJECT NUMBER)

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 25, 1986 CHRISTOPHER M. VANDERWERF 2710
SIGNED:
EXP: 6/30/2016

DESIGNED BY C. VANDERWERF
DRAWN BY P. SHIELDS
CHECKED BY R. ALDERSEBAES
DATE JULY 1, 2015
SCALE AS NOTED

TROUTDALE REYNOLDS INDUSTRIAL PARK

EASTSIDE SUBDIVISION PLAT
LOT 8 (WEST END) & LOT 9 BOUNDARY AND EASEMENTS

SUBMITTED BY
RYAN PARKER
TRP DEVELOPMENT MANAGER

TYPE BS | DRAWING NO. TRIP 2014-4 7/9 (SU-7)

BOOK_____, PAGE_____

TROUTDALE REYNOLDS INDUSTRIAL PARK PHASE 2

RE-PLAT OF PARCEL 1, PARTITON PLAT No. 2012-46

BEING A PORTION OF THE LEWIS MARR D.L.C. NO. 45, JAMES M. STOTT D.L.C. NO. 48, AND THE CALVIN REED D.L.C. NO. 60. SITUATED IN THE SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 23 AND THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON

DATE OF SURVEY: JULY 1, 2015

NARRATIVE:

1. CLIENT: PORT OF PORTLAND LAND DEVELOPMENT GROUP.

2. THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE PARCEL 1, PARTITION PLAT No. 2012-46, PER THE CLIENTS DIRECTION AND THE CITY OF TROUTDALE PLANNING CASE FILE No. "12-031".

3. BASIS OF BEARINGS: THE SOUTH LINE OF NW SWIGERT WAY (TRACT "E", TROUTDALE REYNOLDS INDUSTRIAL PARK") BETWEEN THE 5/8" IRON RODS WITH YELLOW PLASTIC CAP MARKED "D.E.A. INC.", SHOWN AND LABELED AS N 89°45'48" E ON SHEET 1.

4. FOR BOUNDARY RESOLUTION, SEE PARTITION PLAT No. 2012-46, MULTNOMAH COUNTY PLAT RECORDS.

NOTES:

1. ALL DISTANCES ARE MEASURED UNLESS NOTED OTHERWISE.

2. ALL TIES TO FOUND MONUMENTS ARE LEVEL TO GROUND UNLESS OTHERWISE NOTED.

3. THIS SUBDIVISION IS SUBJECT TO THE CONDITIONS OF APPROVAL IMPOSED BY THE CITY OF TROUTDALE, CASE FILE No. 12-031.

4. TRACT "G" SHALL BE AN OPEN SPACE TRACT TO PROVIDE FOR WETLAND PROTECTION, DRAINAGE AND FLOOD CONTROL, WATER QUALITY, ACCESS AND UTILITY USES AND WILL BE OWNED AND MAINTAINED BY THE PORT OF PORTLAND, SUCCESSORS OR ASSIGNS.

5. THIS PLAT IS SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED ON OCTOBER 10, 2008 AS DOCUMENT NUMBER 2008-143119, DEED RECORDS, MULTNOMAH COUNTY, OREGON.

6. THE ENTIRETY OF THE PLAT IS SUBJECT TO AN ACCESS EASEMENT IN FAVOR OF REYNOLDS METAL COMPANY, A DELAWARE CORPORATION FOR THOSE RIGHTS RETAINED IN SPECIAL WARRANTY DEED RECORDED DECEMBER 21, 2007 IN DOCUMENT No.2007-215750, DEED RECORDS, MULTNOMAH COUNTY, OREGON.

7. THE ENTIRETY OF THE PLAT IS SUBJECT TO AN EASEMENT AND EQUITABLE SERVITUDES TO THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY BY DEED RECORDED ON AUGUST 13, 2008 IN DOCUMENT NUMBER 2008-118318, DEED RECORDS, MULTNOMAH COUNTY, OREGON.

8. THE ENTIRETY OF THE PLAT IS SUBJECT TO A CONSENT JUDGMENT TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY BY CASE NO. 0712-15146, DEED RECORDED ON JANUARY 9, 2008 IN DOCUMENT NUMBER 2008-005052, DEED RECORDS, MULTNOMAH COUNTY, OREGON.

9. TRACT "F" IS TO BE OWNED BY THE PORT OF PORTLAND (GRANTOR), SUCCESSORS OR ASSIGNS AND IS SUBJECT TO A PERPETUAL, NON-EXCLUSIVE UTILITY AND ROADWAY EASEMENT OVER ITS ENTIRETY TO THE CITY OF TROUTDALE (GRANTEE), ITS AGENTS AND ASSIGNS, FOR THE PURPOSE OF ALLOWING THE CITY TO INSTALL, ACCESS, OPERATE, INSPECT, MAINTAIN, REPAIR, AND REPLACE UTILITY SYSTEMS AND ROADS FOR PUBLIC USE INCLUDING ANY AND ALL COMPONENTS THEREOF. THIS EASEMENT SHALL EXTEND TO A DEPTH NOT EXCEEDING FIVE (5) FEET BELOW ANY UTILITY SYSTEMS INSTALLED BENEATH THE GROUND SURFACE OF THIS EASEMENT. THE GRANTEE WILL COORDINATE WITH GRANTOR PRIOR TO PERFORMING ANY CONSTRUCTION ACTIVITY IN SOILS OUTSIDE EXISTING TRENCH ZONES. GRANTOR SHALL ENJOY ALL USES AND INCUR ALL OBLIGATIONS WITHIN THIS EASEMENT THAT ARE APPLICABLE TO PROPERTIES FRONTING ON CITY-OWNED STREETS AS THEY ARE NOW OR IN THE FUTURE DESIGNATED BY CITY ORDINANCES, CODES AND/OR STANDARDS.

10. EACH UTILITY EASEMENT ADJACENT TO TRACT "F" IS A PERPETUAL, NON-EXCLUSIVE EASEMENT GRANTED TO THE CITY OF TROUTDALE (GRANTEE) BY THE PORT OF PORTLAND, SUCCESSORS,OR ASSIGNS (GRANTOR) ON THIS PLAT FOR THE PURPOSE OF ALLOWING THE GRANTEE, ITS FRANCHISED UTILITY COMPANIES, AND ITS AGENTS AND ASSIGNS TO INSTALL, ACCESS, OPERATE, INSPECT, MAINTAIN, REPAIR, AND REPLACE UTILITY SYSTEMS OR COMPONENTS THEREOF. THESE EASEMENTS SHALL EXTEND TO A DEPTH NOT EXCEEDING FIVE (5) FEET BELOW ANY UTILITY SYSTEMS INSTALLED BENEATH THE GROUND SURFACE OF EACH EASEMENT. THE GRANTEE WILL COORDINATE WITH THE PORT OF PORTLAND PRIOR TO PERFORMING ANY CONSTRUCTION ACTIVITY IN SOILS OUTSIDE EXISTING TRENCH ZONES. ALL MAINTENANCE AND GROUNDS KEEPING WITHIN THE EASEMENT AREAS, OTHER THAN MAINTENANCE THAT IS NECESSARY TO INSTALL, ACCESS, OPERATE, INSPECT, MAINTAIN, OR REPAIR UTILITY SYSTEMS OR COMPONENTS, IS THE RESPONSIBILITY OF THE GRANTOR. GRANTOR IS PROHIBITED FROM CONSTRUCTING ANY STRUCTURE (EXCEPT FENCES ALLOWED BY CITY CODE) WITHIN ITS RESPECTIVE EASEMENT AREA. GRANTOR IS PROHIBITED FROM CAUSING OR ALLOWING ANY EAVES OR OTHER ARCHITECTURAL APPENDAGES TO ENCROACH WITHIN THE EASEMENT AREA. GRANTOR IS PROHIBITED FROM PLANTING TREES OR OTHER VEGETATION IN THE EASEMENT AREA IF, AT THE SOLE DISCRETION OF THE GRANTEE, GRANTEE DETERMINES THAT THE ROOT STRUCTURES FROM THE TREES OR OTHER VEGETATION WILL INTERFERE WITH GRANTEE'S EASEMENT RIGHTS. GRANTOR SHALL PROVIDE THE CITY WITH UNRESTRICTED AND UNOBSTRUCTED ACCESS TO THE EASEMENT AREA AT ALL TIMES. GRANTOR SHALL HOLD GRANTEE HARMLESS FOR DAMAGE TO OBSTRUCTIONS, FENCES AND/OR LANDSCAPING, PLACED BY GRANTOR IN THE EASEMENT AREAS, INCLUDING ROOT STRUCTURES AT ANY DEPTH, WITHIN THE EASEMENT AREA THAT ARE DISTURBED BY GRANTEE'S ACTIVITIES WITHIN THE EASEMENT AREA.

11. THE PRIVATE 15.00-FOOT WIDE STORM DRAINAGE EASEMENT CROSSING LOT 7, IS A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF LOTS 5 & 7 TO ACCESS, OPERATE, INSPECT, MAINTAIN, REPAIR, AND REPLACE THE STORM DRAINAGE SYSTEM OR COMPONENTS THEREOF. THE ABOVE GROUND FEATURES WITHIN SAID PRIVATE EASEMENT SHALL BE MAINTAINED BY LOT 7, SUCCESSORS OR ASSIGNS. BELOW GROUND FEATURES SHALL BE MAINTAINED EQUALLY BY THE USERS OF SAID PRIVATE EASEMENT.

12. ALL CITY OF TROUTDALE PUBLIC EASEMENTS ARE SUBJECT TO THE CITY OF TROUTDALE "STIPULATED GENERAL JUDGEMENT", RECORDED ON JULY 23, 2010, IN DOCUMENT NUMBER 2010-090990, DEED RECORDS, MULTNOMAH COUNTY, OREGON.

13. THE EASEMENTS ON THIS PLAT ARE SUBJECT TO THE INTERGOVERNMENTAL AGREEMENT EXECUTED BETWEEN THE PORT OF PORTLAND AND THE CITY OF TROUTDALE DATED JUNE 1, 2009, AS REVISED IN APRIL, 2011 AND JUNE, 2015, SAID AGREEMENT IS SUMMARIZED IN THE MEMORANDUM RECORDED ON APRIL 28, 2011 AS DOCUMENT NUMBER 2011-050386 AND _____, 20__ AS DOCUMENT NUMBER 20__-_____, MULTNOMAH COUNTY DEED RECORDS.

14. THE SANDY DRAINAGE IMPROVEMENT COMPANY (SDIC) EASEMENT IS TO MAINTAIN, OPERATE AND ACCESS THE DRAINAGE WAYS AND FLOOD PROTECTION FACILITIES. DOCUMENT No._____RECORDED _____.

15. LOT 4 IS SUBJECT TO A ACCESS & UTILITY EASEMENT IN FAVOR OF TRACT "G" AND NORTHWEST PIPELINE LLC, SUCCESSORS OR ASSIGNS AND A WETLAND CONSERVATION EASEMENT AS SHOWN ON SHEET 2.

16. LOT 5 IS SUBJECT TO A 15.00-FOOT PRIVATE SANITARY SEWER EASEMENT FOR THE BENEFIT OF LOT 4.

17. THE PLAT IS SUBJECT TO A DECLARATION OF RESTRICTIVE COVENANTS TO THE OREGON DEPARTMENT OF STATE LANDS, PER DSL PERMIT No. 54848-RF & COE PERMIT No. NWP-2007-889, DEED RECORDED ON _____, 20__ IN DOCUMENT NUMBER 20__-_____, MULTNOMAH COUNTY DEED RECORDS.

I, CHRISTOPHER M. VANDERWERF, CERTIFY THIS TRACING TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT.

PRINTED: 8/25/2015 10:39:48 AM VANDEC
n:\survey\pls\2010_esri\1284-trip phase II\phase 2 tentative plat\trip ph 2 plat\trip phase 2 plat.dwg

NO.	DATE	BY	REVISIONS	APP'D	CKD

PORT OF PORTLAND
PORTLAND, OREGON
SURVEYED BY: PORT OF PORTLAND SURVEY DEPT. 7200 NE AIRPORT WAY PORTLAND, OR 97218 503.415.6200

2010UGEN — DESIGN MANAGER
101662 — PROJECT NUMBER

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 25, 1986 CHRISTOPHER M. VANDERWERF 2719
SIGNED:
EXP: 6/30/2016

DESIGNED BY C. VANDERWERF
DRAWN BY P. SHIELDS
CHECKED BY R. ALDERSEBAES
DATE JULY 1, 2015
SCALE 1" = 100'

TROUTDALE REYNOLDS INDUSTRIAL PARK

EASTSIDE SUBDIVISION PLAT
CERTIFICATE, APPROVALS
DECLARATION AND ACKNOWLEDGEMENT

SUBMITTED BY
RYAN PARKER
DEVELOPMENT MANAGER

TYPE BS | DRAWING NO. TRIP 2014-4 8 / 9 (SU-8)

BOOK _____, PAGE _____

TROUTDALE REYNOLDS INDUSTRIAL PARK PHASE 2

RE-PLAT OF PARCEL 1, PARTITON PLAT No. 2012-46

BEING A PORTION OF THE LEWIS MARR D.L.C. NO. 45, JAMES M. STOTT D.L.C. NO. 48, AND THE CALVIN REED D.L.C. NO. 60. SITUATED IN THE SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 23 AND THE NORTH-WEST AND SOUTHWEST QUARTERS OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON
DATE OF SURVEY: JULY 1, 2015

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER M. VANDERWERF, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED SUBDIVISION MAP OF "TROUTDALE REYNOLDS INDUSTRIAL PARK PHASE 2", BEING DESCRIBED AS FOLLOWS:

A TRACT OF LAND LOCATED IN THE LEWIS MARR D.L.C. No. 45, JAMES M. SCOTT D.L.C. No. 48, AND THE CALVIN REED D.L.C. No. 60 IN THE SOUTHEAST AND SOUTHWEST ONE-QUARTERS OF SECTION 23 AND THE NORTHWEST AND SOUTHWEST ONE-QUARTERS OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON BEING ALL OF PARCEL 1, PARTITION PLAT No. 2012-46 , A PARTITION PLAT OF RECORD IN SAID MULTNOMAH COUNTY, THE BOUNDARY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, BEING A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "D.E.A. INC., FOUND AT THE MOST NORTHERLY CORNER OF SAID PARCEL 1; THENCE, ALONG THE NORTHEASTERLY LINE THEREOF, SOUTH 59°34'36" EAST, 80.52 FEET; THENCE SOUTH 55°46'08" EAST, 186.77 FEET; THENCE SOUTH 61°42'56" EAST, 321.73 FEET; THENCE SOUTH 61°11'55" EAST, 310.15 FEET; THENCE NORTH 28°48'24" EAST, 80.00 FEET TO A POINT OF NON-TANGENCY, FROM WHICH THE RADIUS POINT BEARS SOUTH 28°48'24" WEST; THENCE 672.64 FEET ALONG THE ARC OF A 830.00-FOOT NON-TANGENT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 62°10'27" (THE LONG CHORD BEARS SOUTH 59°43'23" EAST, 652.04 FEET) TO A POINT OF NON-TANGENCY AT THE MOST EASTERLY CORNER OF SAID PARCEL 1; THENCE, ALONG THE SOUTHERLY LINE OF PARCEL 1, SOUTH 88°28'25" WEST, 943.52 FEET; THENCE SOUTH 00°14'57" EAST, 96.07 FEET TO THE NORTHEAST CORNER OF PARCEL 3, PARTITION PLAT No. 2011-51, MULTNOMAH COUNTY PLAT RECORDS; THENCE, ALONG THE NORTH LINE OF SAID PARCEL 3, SOUTH 89°44'17" WEST, 257.51 FEET TO THE NORTH-WEST CORNER THEREOF; THENCE, ALONG THE WEST LINE OF SAID PARCEL 3, SOUTH 00°14'57" EAST, 401.24 FEET TO THE SOUTH-WEST CORNER THEREOF ON THE NORTHERLY RIGHT OF WAY LINE OF NW GRAHAM ROAD; THENCE, ALONG THE NORTHERLY RIGHT OF WAY LINE OF NW GRAHAM ROAD AS FOLLOWS, SOUTH 89°44'37" WEST, 891.89 FEET; THENCE SOUTH 89°45'19" WEST, 577.65 FEET; THENCE SOUTH 00°18'16" EAST, ALONG THE NORTHERLY EXTENSION OF A RADIAL BEARING, 0.12 FEET TO A NON-TANGENT CURVE; THENCE 415.95 FEET ALONG THE ARC OF A 830.00-FOOT NON-TANGENT RADIUS CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 28°42'18" (THE LONG CHORD BEARS SOUTH 75°23'54" WEST, 411.63 FEET) TO A POINT OF TANGENCY; THENCE SOUTH 61°02'25" WEST, 297.60 FEET TO A POINT OF CURVATURE; THENCE 368.60 FEET ALONG THE ARC OF A 770.00-FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE NORTH-WEST, THROUGH A CENTRAL ANGLE OF 27°25'58" (THE LONG CHORD BEARS SOUTH 74°45'24" WEST, 365.09 FEET) TO A POINT OF TANGENCY; THENCE SOUTH 88°29'05" WEST, 1284.32 FEET TO THE SOUTH-WEST CORNER OF SAID PARCEL 1; THENCE, DEPARTING FROM SAID RIGHT OF WAY LINE AND RUNNING ALONG THE WEST LINE OF SAID PARCEL 1, NORTH 25°37'15" WEST, 405.52 FEET TO A POINT ON THE SOUTH LINE OF PARCEL 2 OF SAID PARTITION PLAT No. 2012-46; THENCE, ALONG THE SOUTH LINE OF SAID PARCEL 2, NORTH 89°45'15" EAST, 19.40 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE, ALONG THE EAST LINE OF PARCEL 2, NORTH 25°50'26" WEST, 356.81 FEET TO THE NORTHEAST CORNER THEREOF; THENCE, ALONG THE NORTH LINE OF SAID PARCEL 2, NORTH 89°06'57" WEST, 160.00 FEET; THENCE SOUTH 89°45'56" WEST, 309.93 FEET TO THE EAST RIGHT OF WAY LINE OF NW SUNDIAL ROAD AND A POINT OF NON-TANGENCY, FROM WHICH THE RADIUS POINT BEARS NORTH 62°52'59" WEST; THENCE, 112.63 FEET ALONG THE ARC OF A 835.00-FOOT NON-TANGENT RADIUS CURVE TO THE LEFT, CONCAVE TO THE WEST, THROUGH A CENTRAL ANGLE OF 07°43'44" (THE LONG CHORD BEARS NORTH 03°35'09" EAST, 112.55 FEET) TO A POINT OF TANGENCY; THENCE NORTH 00°16'42" WEST, 81.29 FEET; THENCE NORTH 65°50'25" EAST, 140.73 FEET; THENCE NORTH 00°16'42" WEST, 79.49 FEET TO A POINT OF CURVATURE AT THE SOUTHWEST CORNER OF TRACT "E", "TROUTDALE REYNOLDS INDUSTRIAL PARK" (NW SWIGERT WAY); THENCE, ALONG THE SOUTH LINE OF SAID TRACT "E" AND RUNNING 109.95 FEET ALONG THE ARC OF A 70.00-FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 90°00'00" (THE LONG CHORD BEARS NORTH 44°43'18" EAST, 98.99 FEET) TO A POINT OF TANGENCY; THENCE NORTH 89°43'18" EAST, 14.78 FEET TO A POINT OF CURVATURE; THENCE 313.77 FEET ALONG THE ARC OF A 1115.00-FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE NORTH-WEST, THROUGH A CENTRAL ANGLE OF 16°07'24" (THE LONG CHORD BEARS NORTH 81°39'36" EAST, 312.79 FEET TO A POINT OF REVERSE CURVATURE; THENCE 285.13 FEET ALONG THE ARC OF A 1045.00-FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 15°38'54" (THE LONG CHORD BEARS NORTH 81°41'21" EAST, 284.15 FEET TO A POINT OF TANGENCY; THENCE NORTH 89°46'48" EAST, 2441.13 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "E"; THENCE, ALONG THE EAST LINE OF SAID TRACT "E", NORTH 00°13'12" WEST, 70.00 FEET TO THE NORTHEAST CORNER THEREOF AND A POINT ON THE NORTH LINE OF SAID PARCEL 1; THENCE, ALONG THE NORTH LINE OF SAID PARCEL 1, NORTH 89°46'48" EAST, 447.67 FEET TO A POINT OF CURVATURE; THENCE 445.25 FEET ALONG THE ARC OF A 406.00-FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE SOUTH-WEST, THROUGH A CENTRAL ANGLE OF 62°50'06" (THE LONG CHORD BEARS SOUTH 58°48'09" EAST, 423.27 FEET) TO A POINT OF NON-TANGENCY; THENCE, ALONG THE WESTERLY LINE OF SAID PARCEL 1, NORTH 81°26'56" EAST, 199.38 FEET; THENCE NORTH 42°56'56" EAST, 16.00 FEET; THENCE NORTH 23°51'43" EAST, 695.57 FEET TO THE INITIAL POINT, CONTAINING 119.95 ACRES MORE OR LESS.

AS PER ORS 92.060(3) AND 92.070(2), I CERTIFY THAT THE REMAINING CORNERS IN THIS SUBDIVISION PLAT WILL BE SET AFTER COMPLETION OF IMPROVEMENTS OR WITHIN TWO YEARS OF PLAT RECORDATION.

REMAINING CORNER MONUMENTATION

IN ACCORDANCE WITH ORS 92.070, THE REMAINING CORNERS IN THIS SUBDIVISION PLAT HAVE BEEN CORRECTLY SET WITH PROPER MONUMENTS. AN AFFIDAVIT HAS BEEN PREPARED REGARDING THE SETTING OF SAID MONUMENTS AND WAS RECORDED AS DOCUMENT No. _____, MULTNOMAH COUNTY DEED RECORDS.

MULTNMAH COUNTY SURVEYOR

BY:_____

DATE:_____

DECLARATION

KNOWN ALL PEOPLE BY THESE PRESENTS, THAT THE PORT OF PORTLAND, A PORT DISTRICT OF THE STATE OF OREGON, IS THE OWNER OF THE LAND REPRESENTED ON ANNEXED MAP AND BEING MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, HAS CAUSED THIS SUBDIVISION PLAT TO BE PREPARED AND THE PROPERTY SUBDIVIDED AS SHOWN ON THE ANNEXED MAP IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF THE OREGON REVISED STATUTES AND DOES HEREBY GRANT THE EASEMENT AS SHOWN AND NOTED.

BY:_____
BILL WYATT, EXECUTIVE DIRECTOR
PORT OF PORTLAND, A PORT DISTRICT OF THE STATE OF OREGON

ACKNOWLEDGMENT

STATE OF OREGON
COUNTY OF MULTNOMAH

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 201_, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE SAID STATE AND COUNTY, PERSONALLY APPEARED BILL WYATT, WHO BEING DULY SWORN DID SAY THAT HE, BILL WYATT, EXECUTIVE DIRECTOR, PORT OF PORTLAND, A PORT DISTRICT OF THE STATE OF OREGON, EXECUTED THE FORGOING DECLARATION, AND ACKNOWLEDGED TO ME THAT HE WAS AUTHORIZED TO ACT ON BEHALF OF THE PORT OF PORTLAND, A PORT DISTRICT OF THE STATE OF OREGON, AND HE ACKNOWLEDGES SAID DECLARATION TO BE A FREE ACT AND DEED.

_____ _____
NOTARY PUBLIC - SIGNATURE COMMISSION NUMBER

_____ _____
NOTARY PUBLIC - OREGON MY COMMISSION EXPIRES

CITY OF TROUTDALE APPROVALS

APPROVED THIS ____DAY OF _____, 201_.
PLANNING DIRECTOR
BY:_____

APPROVED THIS ____DAY OF _____, 201_.
PUBLIC WORKS DIRECTOR
BY:_____

MULTNOMAH COUNTY APPROVALS

APPROVED THIS ____DAY OF _____, 201_.
COUNTY SURVEYOR,
MULTNOMAH COUNTY, OREGON
BY:_____

ALL TAXES, FEES, ASSESSMENTS, OR OTHER CHARGES AS PROVIDED BY O.R.S. 92.095 HAVE BEEN PAID AS OF _____, 201_.
DIRECTOR, DIVISION OF ASSESSMENT & TAXATION,
MULTNOMAH COUNTY, OREGON
BY:_____
DEPUTY

STATE OF OREGON
COUNTY OF MULTNOMAH

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORD AND RECORDED _____, 201_ AT _____M.,
AS PARTITION PLAT No. _____
COUNTY RECORDING OFFICE
BY:_____
DEPUTY

DOCUMENT NO. _____

I, CHRISTOPHER M. VANDERWERF, CERTIFY THIS TRACING TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT.

PRINTED: 8/25/2015 10:40:17 AM VANDEC
r:\survey\pla\2010_con\1284-trip phase II\phase 2 tentative plat\trip ph 2 plat\trip phase 2 plat.dwg

NO.	DATE	BY	REVISIONS	APP'D	CKD

PORT OF PORTLAND
PORTLAND, OREGON
SURVEYED BY: PORT OF PORTLAND SURVEY DEPT. 7200 NE AIRPORT WAY PORTLAND, OR 97218 503.415.6564

2010JGEN (DESIGN NUMBER) | 101562 (PROJECT NUMBER)

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 25, 1985 CHRISTOPHER M. VANDERWERF 2719
SIGNED:
EXP: 6/30/2016

DESIGNED BY C. VANDERWERF
DRAWN BY P. SHIELDS
CHECKED BY R. ALDERSEBAES
DATE JULY 1, 2015
SCALE 1" = 100'

TROUTDALE REYNOLDS INDUSTRIAL PARK

EASTSIDE SUBDIVISION PLAT
CERTIFICATE, APPROVALS
DECLARATION AND ACKNOWLEDGEMENT

SUBMITTED BY RYAN PARKER (TRIP DEVELOPMENT MANAGER)
TYPE BS
DRAWING NO. TRIP 2014-4 9/9 (SU-9)

ATTACHMENT C

A STRIP OF LAND VARIABLE IN WIDTH, LOCATED IN THE JAMES M. STOTT D.L.C No. 48 AND THE LEWIS MARR D.L.C. No. 45 IN THE SOUTHWEST AND SOUTHEAST ONE-QUARTERS OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON, THE OUTBOUNDS BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A 4-1/4INCH DIAMETER BRASS DISK IN CONCRETE AT THE SOUTHEAST CORNER OF SAID SECTION 23; THENCE NORTH 29°25'57" WEST, 1,613.49 FEET TO A FOUND 9/16-INCH DIAMETER STAINLESS STEEL ROD (PORT OF PORTLAND SURVEY CONTROL POINT No. 200, AS SHOWN ON DWG. No. "MD TTD 2011-3012"; THENCE NORTH 45°38'50" EAST, 421.20 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF NW GRAHAM ROAD (30.00 FEET FROM CENTERLINE) AND THE TRUE POINT OF BEGINNING; THENCE, DEPARTING SAID RIGHT OF WAY LINE, SOUTH 41°00'52" WEST, 26.92 FEET; THENCE SOUTH 72°49'48" WEST, 42.28 FEET; THENCE SOUTH 89°44'26" WEST, 84.11 FEET TO A POINT OF CURVATURE; THENCE 369.18 FEET ALONG THE ARC OF A 735.48-FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 28°45'35" (THE LONG CHORD BEARS SOUTH 75°21'39" WEST, 365.31 FEET) TO A POINT OF TANGENCY; THENCE SOUTH 60°58'51" WEST, 295.83 FEET TO A POINT OF CURVATURE; THENCE 240.34 FEET ALONG THE ARC OF A 862.50-FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE NORTHWEST, THROUGH A CENTRAL ANGLE OF 15°57'56" (LONG CHORD BEARS SOUTH 68°57'49" WEST, 239.56 FEET) TO A POINT OF TANGENCY; THENCE SOUTH 76°56'47" WEST, 35.86 FEET; THENCE SOUTH 58°27'20" WEST, 104.97 FEET; THENCE SOUTH 89°01'37" WEST, 1,156.54 FEET; THENCE NORTH 31°16'55" WEST, 42.86 FEET; THENCE NORTH 89°01'37" EAST, 1,209.65 FEET; THENCE NORTH 02°14'37" WEST, 42.03 FEET TO A POINT OF NON-TANGENCY ON THE SOUTH RIGHT OF WAY LINE OF SAID NW GRAHAM ROAD, FROM WHICH THE RADIUS POINT BEARS NORTH 06°53'30" WEST; THENCE, RUNNING ALONG SAID SOUTH RIGHT OF WAY LINE, 319.44 FEET ALONG THE ARC OF A 830.00-FOOT NON-TANGENT RADIUS CURVE TO THE LEFT, CONCAVE TO THE NORTHWEST, THROUGH A CENTRAL ANGLE OF 22°03'04" (THE LONG CHORD BEARS NORTH 72°04'57" EAST, 317.47 FEET) TO A POINT OF TANGENCY, THENCE NORTH 61°03'25" EAST, 297.60 FEET TO A POINT OF CURVATURE; THENCE 385.32 FEET ALONG THE ARC OF A 770.00-FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 28°40'19" (THE LONG CHORD BEARS NORTH 75°23'34" EAST, 381.31 FEET) TO A POINT OF TANGENCY; THENCE NORTH 89°44'37" EAST, 141.60 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 81,481 SQUARE FEET MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON PARTITION PLAT NO. 2012-46, MULTNOMAH COUNTY PLAT RECORDS.

STORM DRAINAGE LEGAL DESCRIPTION

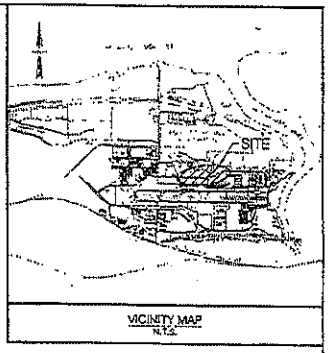
A STRIP OF LAND VARIABLE IN WIDTH, LOCATED IN THE JAMES M. STOTT D.L.C No. 48 AND THE LEWIS MARR D.L.C. No. 45 IN THE SOUTHWEST AND SOUTHEAST ONE-QUARTERS OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON, THE OUTBOUNDS BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A 4-1/4INCH DIAMETER BRASS DISK IN CONCRETE AT THE SOUTHEAST CORNER OF SAID SECTION 23; THENCE NORTH 23°25'57" WEST, 1,513.49 FEET TO A FOUND 5/8-INCH DIAMETER STAINLESS STEEL ROD (PORT OF PORTLAND SURVEY CONTROL POINT No. 200, AS SHOWN ON DWG. No. "MD TTD 2011-3612"; THENCE NORTH 45°36'50" EAST, 421.20 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF NW GRAHAM ROAD (50.00 FEET FROM CENTERLINE) AND THE TRUE POINT OF BEGINNING; THENCE, DEPARTING SAID RIGHT OF WAY LINE, SOUTH 41°00'52" WEST, 26.82 FEET; THENCE SOUTH 72°49'48" WEST, 42.28 FEET; THENCE SOUTH 89°44'26" WEST, 54.11 FEET TO A POINT OF CURVATURE; THENCE 389.18 FEET ALONG THE ARC OF A 705.68-FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 28°45'35" (THE LONG CHORD BEARS SOUTH 75°21'39" WEST, 385.31 FEET) TO A POINT OF TANGENCY; THENCE SOUTH 60°58'51" WEST, 293.83 FEET TO A POINT OF CURVATURE; THENCE 240.34 FEET ALONG THE ARC OF A 862.50-FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE NORTHWEST, THROUGH A CENTRAL ANGLE OF 15°57'56" (LONG CHORD BEARS SOUTH 68°57'49" WEST, 239.56 FEET) TO A POINT OF TANGENCY; THENCE SOUTH 76°56'47" WEST, 35.86 FEET; THENCE SOUTH 58°27'20" WEST, 104.97 FEET; THENCE SOUTH 89°01'37" WEST, 1,156.54 FEET; THENCE NORTH 31°16'56" WEST, 42.64 FEET; THENCE NORTH 89°01'37" EAST, 1,206.63 FEET; THENCE NORTH 02°14'37" WEST, 42.03 FEET TO A POINT OF NON-TANGENCY ON THE SOUTH RIGHT OF WAY LINE OF SAID NW GRAHAM ROAD, FROM WHICH THE RADIUS POINT BEARS NORTH 06°53'00" WEST; THENCE, RUNNING ALONG SAID SOUTH RIGHT OF WAY LINE, 310.44 FEET ALONG THE ARC OF A 830.00-FOOT NON-TANGENT RADIUS CURVE TO THE LEFT, CONCAVE TO THE NORTHWEST, THROUGH A CENTRAL ANGLE OF 22°03'04" (THE LONG CHORD BEARS NORTH 72°04'57" EAST, 317.47 FEET) TO A POINT OF TANGENCY; THENCE NORTH 61°03'25" EAST, 297.60 FEET TO A POINT OF CURVATURE; THENCE 385.32 FEET ALONG THE ARC OF A 770.00-FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 28°40'19" (THE LONG CHORD BEARS NORTH 75°23'34" EAST, 381.31 FEET) TO A POINT OF TANGENCY; THENCE NORTH 89°44'37" EAST, 141.60 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 81,461 SQUARE FEET MORE OR LESS.

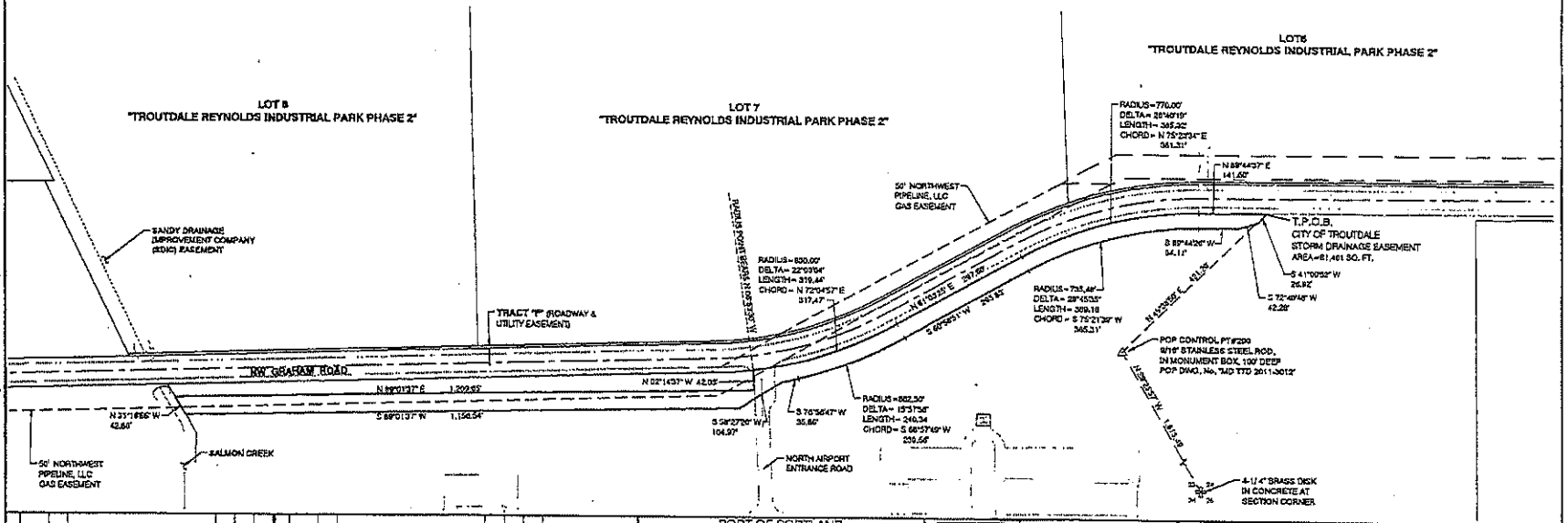
THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON PARTITION PLAT No. 2012-46, MULTNOMAH COUNTY PLAT RECORDS.

NOTES:

THE PURPOSE OF THIS DRAWING IS TO SHOW THE LOCATION OF THE NEW STORM DRAINAGE EASEMENT ON THE SOUTH SIDE OF NW GRAHAM ROAD WITHIN THE TROUTDALE AIRPORT PROPERTY.



VICINITY MAP
N.T.S.



PORT OF PORTLAND
PORTLAND, OREGON

TROUTDALE REYNOLDS INDUSTRIAL PARK

CITY OF TROUTDALE
STORM DRAINAGE EASEMENT

RYAN PARKER

EP | TRIP 2015-1 | 1/1 | SU-1

Kiwanis
Troutdale

Agenda Item #4
6/14/16 Council Meeting

PO Box 152, Troutdale, Oregon 97060 www.troutdalekiwanis.org

Dear Mayor and City Councilors;

The Kiwanis Club of Troutdale will be holding our 13th annual **"Troutdale Cruise-In"** which will include Customs, Antiques, Classics, Muscle, Hot Rods & Special Interest cars of all types and sizes, Vendor Booths and live music, to benefit local children and teen programs in the Troutdale area.

This past year's event allowed us to support Doernbecher Children's Hospital Cancer patients, Randall Children's Hospital Cancer patient, Terrific Kids program at Troutdale Grade School, Key Club at Reynolds High School, Bicycle Rodeo at Troutdale Terrace and a donation for the rebuilding of Imagination Station.

This event will be held on **Sunday August 7, 2016 from 9-2 .**

Part of the success of this event has been your past support and the support of other area business people.

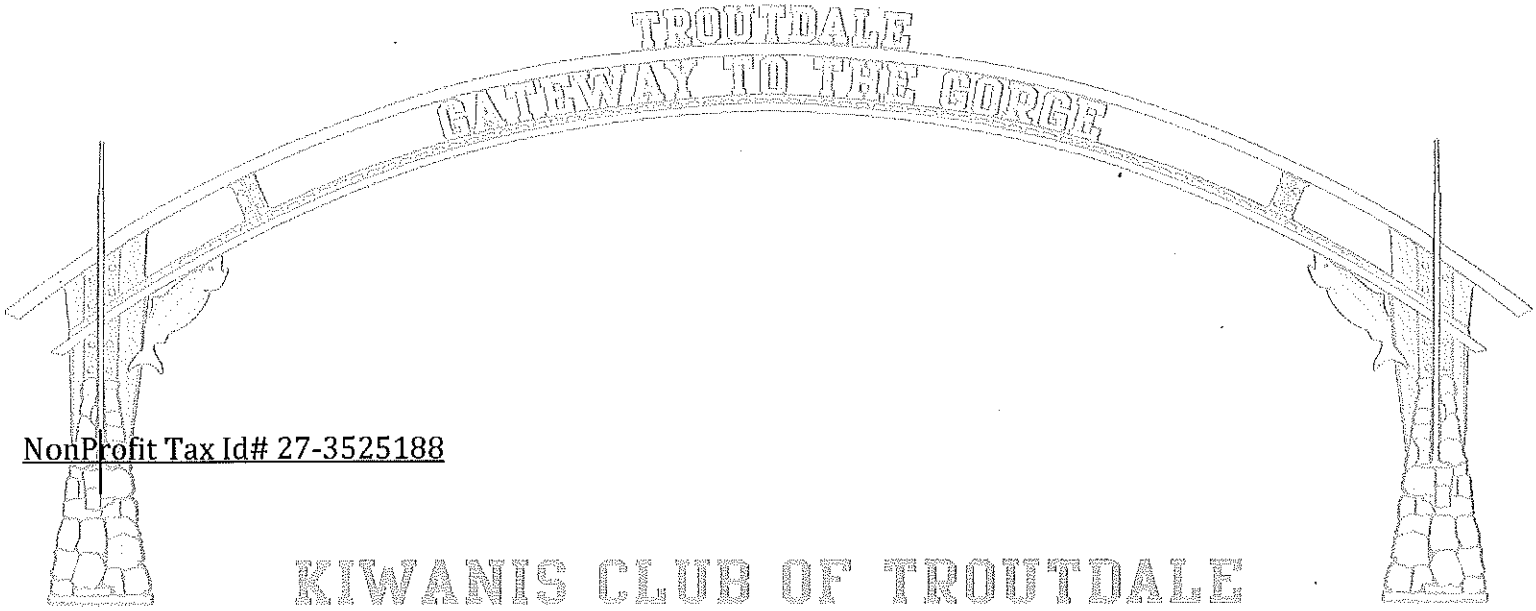
I would like to come before you and request your support again this year in the amount of $1500

Thank you for your consideration,

John Leamy

Treasurer

Kiwanis Club of Troutdale



NonProfit Tax Id# 27-3525188

KIWANIS CLUB OF TROUTDALE

Kiwanis is a global organization of volunteers dedicated to changing the world one child and one community at a time.

SERVING THE CHILDREN OF THE WORLD

Agenda Item #5
6/14/16 Council Meeting

MT. HOOD CABLE
REGULATORY COMMISSION

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

June 2, 2016

Erich Mueller
Finance Director
City of Troutdale
219 E. Historic Columbia River Hwy
Troutdale, OR 97060-2078

Dear Mr. Mueller,

On behalf of the Mt. Hood Cable Regulatory Commission (MHCRC) I am very pleased to provide you with a copy of the MHCRC's proposed FY2016-17 budget. 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 23, 2016 for submission to each jurisdiction.

The Troutdale City Council is scheduled to consider the proposed budget at its June 14, 2016 meeting.

Should you need additional information or have questions, 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 2016-17

Commission Approved: May 23, 2016

Commission Members

Carol Studenmund, Chair
Mike Bennett
Sue Diciple
John Branam
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 operating budget. The Jurisdictions' fund about half the operating budget and other MHCRC resources fund the remaining portion.

The MHCRC consistently focuses on community needs as it remains grounded 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 all our communities.

Please refer to the MHCRC's FY 2015-16 Annual Report and website (www.mhcrc.org) for more detail about MHCRC activities and accomplishments.

MHCRC FY2016-17 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 Finance Committee developed a detailed FY2016-17 budget in consultation with MHCRC staff. On May 23, 2016, 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 FY 2016-17 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.

FY 2016-17 Fund resources are projected to slightly increase over FY 2015-16. The budget also includes a beginning fund balance of little more than $6.7 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 slightly decline compared to current year 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 FY 2015-16, which the MHCRC plans to expend or retain as contingencies in FY 2016-17.

The FY 2016-17 Beginning Fund Balance projection is attributable to the following:
Interest cumulative balance: $246,881
Compliance Program carry over: $692,615
Community Media Capital Fund contingency: $258,272
I-Net Fund contingency: $600,000
Community Grants carryover/encumbrances: $4,090,506
Community Grants contingency: $800,000
FY14-15 year-end balance from Jurisdiction appropriations: $20,455

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.

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 media payments to MetroEast and PCM in accordance with the IGA (detail contained in Appendix 1, page 7).

Community Media 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).

Community Media Capital: The MHCRC distributes funds from the cable companies dedicated to support the capital needs of MetroEast Community Media and Portland

Community Media. 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 Technology Grants and TechSmart Initiative 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 TechSmart Initiative provides grants and evaluation resources for Multnomah School Districts to identify effective classroom instruction that uses technology to foster improved outcomes for all students. Community Technology Grants are awarded during an annual competitive grant round. Community Grants are made in accordance with the IGA and the cable services franchise agreements.

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

BUDGET HIGHLIGHTS

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. Over $7.7 million has been granted thus far with a goal to invest about $19 million through 2021. In FY 2016-17, the MHCRC expects to complete its first round of grants to the public school districts and to begin a second round of smaller grants. In addition, the slight increase in professional services is due to continuing development of the TechSmart Initiative evaluation.

MHCRC's Operating Budget

The proposed operating budget largely represents status quo from the current year budget. The MHCRC anticipates that FY16-17 will be a "future focus" and planning year. Considering the rapidly evolving technology and public policy landscape, and the fact that cable TV subscribers have dropped for two years in a row, 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 to assist the MHCRC in this endeavor.

In addition, the Committee is budgeting the FY 2014-15 year-end balance as contingency to support the transition to a new MHCRC Program Director in FY2016-17 due to the planned retirement of the current Director. The MHCRC will allocate the contingency amount as necessary to support position recruitment and transition expenses.

MHCRC FUND BUDGET
FISCAL YEAR 2016-17

	2014-15 Actual	2015-16 Revised	2016-17 Proposed
RESOURCES			
E. County Franch. Fees, Comcast	1,352,797	1,364,158 *	1,375,613
E. County Franch. Fees Mult West, Comcast	106,387	110,807 *	115,411
E. County Franch. Fees, Frontier & Reliance	237,470	227,892 *	218,701
Operating Budget Appropriation-Portland	288,791	296,435	288,330
Interest Earned	57,577	78,171 *	60,000
PEG / I-Net Capital Fee	5,184,402	5,337,304 *	5,495,853
Total Resources	**7,227,424**	**7,414,767**	**7,553,908**
Beginning Fund Balance	9,464,778	12,057,443	6,708,729
Total	**$16,692,202**	**$19,472,210**	**$14,262,637**
EXPENDITURES			
MHCRC Operating Budget	756,250	952,531	1,002,482
Franchise Fee Balance to Jurisdictions	523,159	548,895	528,635
Community Media Pmt, E. County (MetroEast)	954,161	985,000	961,512
Community Media Pmts, Mult. West (PCM)	63,831	63,061	64,324
Community Media Capital (MetroEast/PCM)	1,522,248	1,500,977	1,648,757
I-Net Grants	208,569	501,220 *	618,200
Community Technology Grants	875,520	941,281 *	800,000
TechSmart Initiative Grants	2,253,477	6,470,516 *	2,319,197
Community Grants Contingency	0	800,000	800,000
Total Expenditures	**$4,634,759**	**$12,763,481**	**$8,743,107**
Ending Fund Balance	12,057,443	6,708,729	5,519,530
Total	**$16,692,202**	**$19,472,210**	**$14,262,637**

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 2016-17

Jurisdictions	Franchise Fees	MetroEast	PCM	Budget Appropriation	Payments to Jurisdictions
Portland	**$7,450,032***		**$884,797***	**$288,330**	**N/A**
MULTNOMAH CO., EAST	70,166	42,100		13,693	14,373
MULTNOMAH CO., WEST	107,207	N/A	64,324	N/A	42,883
GRESHAM	1,193,542	716,125		108,633	368,784
TROUTDALE	190,046	114,028		18,056	57,962
FAIRVIEW	117,464	70,478		11,566	35,420
WOOD VILLAGE	31,301	18,781		3,307	9,213
Total, East County	**$1,709,726**	**$961,512**	**$64,324**	**$155,255**	**$528,635**
Total				**$443,585**	

*** 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 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 Actual	FY 2015-16 Adopted
MULTNOMAH CO., EAST	17,502	13,430	15,132	15,738
MULTNOMAH CO., WEST	39,478	40,807	42,556	42,040
GRESHAM	401,195	365,348	361,092	384,102
TROUTDALE	65,886	60,671	58,937	61,649
FAIRVIEW	38,573	35,330	36,034	35,744
WOOD VILLAGE	10,119	9,120	9,408	9,622
TOTAL	**$572,753**	**$524,706**	**$523,159**	**$548,895**

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

Acct.	Title	FY 2014-15 Actual	FY 2015-16 Adopted	FY 2016-17 Proposed
51xxxx	Personnel	455,752	500,054	506,833
619010	Indirect Personnel - Bureau Support	24,005	29,907	30,000
	Personnel Services	$479,757	$529,961	$536,833
521000	External Fund Audit	12,325	13,000	13,150
521000	Professional Services	100,055	134,700	158,668
529000	Miscellaneous Services	5,925	3,100	3,400
531000	Office Supplies	1,760	2,575	2,600
532000	Operating Supplies	1,578	700	700
541000	Education	7,699	10,725	8,600
542000	Local Travel	643	1,600	1,200
542400	Out-of-Town Travel	3,621	3,800	2,800
548000	Rent Columbia Square	32,451	38,760	39,875
549000	Miscellaneous	2,980	1,400	1,350
	External Materials and Services	$169,037	$210,360	$232,343
6512xx	Print/Distribution	4,379	5,258	4,864
651302	Facilities Services	413	302	279
6514xx	EBS Services	22,842	15,237	13,934
6515xx	Information Technology (IT)	14,900	17,812	17,869
6516xx	Insurance/Workers Comp	4,821	6,846	6,953
652200	Technical Accounting IA	4,440	12,000	12,000
652233	Legal Services IA	15,661	16,811	16,952
652253	Mgmt Services (Bus Ops) IA	15,000	15,000	25,000
	Internal Services	82,456	89,266	97,851
572101	GF Overhead	25,000	25,000	25,000
549000	Contingency - General		69,000	90,000
549000	Contingency - Personnel Transition			20,455
	Fund Level Expenditures	$ 25,000	$ 94,000	$ 135,455
	Total	$ 756,250	$ 923,587	$ 1,002,482
MHCRC Operating Resources:				
	Appropriation from Jurisdictions	444,294	456,054	443,585
	FY 2014-15 Year-end Balance			20,455
	Appropriation from Fund Compliance	332,411	438,513	493,442
	Fund Level Appropriations	$ 776,705	$ 894,567	$ 957,482
	Interest Revenue Allocation	$ -	$ 29,020	$ 45,000
	Year-End Balance	$ 20,455	$ -	$ -

BUDGET ALLOCATION BY JURISDICTION
COMMISSION OPERATING BUDGET
FY 2016-17

City of Portland Appropriations	$288,330
East County Appropriations	$155,255
Operating Budget Total:	$443,585

JURISDICTION			FY 2016-17 Proposed	FY 2016-17 % Allocation
Portland			$288,330	65.0%
	Subscriber Distribution			
East County	No. Of Subs	Perc. Distr.		
Gresham	19,998	69.97%	$108,633	24.5%
Multnomah Co.	2,522	8.82%	$13,693	3.1%
Troutdale	3,325	11.63%	$18,056	4.1%
Fairview	2,128	7.45%	$11,566	2.6%
Wood Village	608	2.13%	$3,307	0.8%
East County Total	28,581	100.00%	$155,255	35.0%
Total			$443,585	100.0%

Budget Allocation Comparison

JURISDICTION	FY 2014-15 Actual	FY 2015-16 Actual	FY 2016-17 Proposed
Portland	$288,791	$296,435	$288,330
East County			
Gresham	$112,677	$114,319	$108,633
Multnomah Co.	$12,720	$13,536	$13,693
Troutdale	$16,499	$17,255	$18,056
Fairview	$10,590	$11,493	$11,566
Wood Village	$3,017	$3,016	$3,307
East County Total	155,503	159,619	155,255
Total	444,294	456,054	443,585

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 2016-17 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 2016-17 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	$ 961,512
Community Access Capital Funding: MHCRC	$ 659,502
Total	$ 1,621,014

2. Portland Community Media:

Operating Funding: Portland General Fund	$ 865,957
Community Media Funding: West Mult. County	$ 64,324
Community Media Capital Funding: MHCRC	$ 989,255
Total	$ 1,919,536

METROEAST COMMUNITY MEDIA
FY 2016-17 BUDGET NARRATIVE

nurturing democracy, inspiring creativity.

MetroEast Community Media is truly local electronic media. MetroEast promotes broad participation in civic and cultural life by building community through 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 television and other distribution means, 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 classrooms.

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 facilitated 6,000 hours of local and locally-sponsored programming in FY 2015-16, 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.
- ☐ Programs on academic and extracurricular activities in local schools, coverage of school board meetings and programs on school safety, in conjunction with various educational partners.
- ☐ Student-led and produced programming for and by students of differing abilities and backgrounds.
- ☐ The only regular electronic media coverage of East Metro area events and public affairs.
- ☐ Programs such as Candidate Speak Out (a live call-in for local candidates), Community Hotline (also in Spanish), Comunidad, and other programs with community organizations, which foster citizen involvement.
- ☐ 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 access to technology, training to effectively use that technology and distribution of programs 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 2015-16, MetroEast:

- ☐ Offered training to 400 people in 100 classes
- ☐ Produced and facilitated 6,000 hours of programming by, for and about East Metro issues
- ☐ Included 300 community volunteers who contributed 10,000 hours of their time and talents
- ☐ Loaned equipment to residents who created more than 30,000 hours of local programming
- ☐ Provide more than 75 hours of staff support to the public each week, an annual total of more than 3,900 hours.

PREPARING FOR THE FUTURE

MetroEast continues high standards of service to the community through implementation of the strategic plan updated in FY 2014-15, 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.

MetroEast continues to respond to rapid technological changes and to a rapidly changing community by offering a wide range of classes and training using new video technology (e.g., GoPros and iPad cameras) and providing access to diverse distribution paths (e.g., YouTube, Cloudcast).

THE NUMBERS

Overall, the FY 2016-17 budget looks similar to previous years with one significant difference. Ten years ago, MetroEast used its investment fund (operations funding) to construct its current facility. Over the last decade, MetroEast has used capital revenue from the MHCRC to "repay" the operating fund investment. These repayments have been about 10% of MetroEast's annual operating budget. The repayment of the initial investment in the facility will be complete in the current fiscal year, creating a potential gap in MetroEast's FY 2016-17 current service level operating budget.

The MetroEast Board created its investment fund in early 1990 when the federal Cable Act posed a potential decrease in revenues under new franchises. The investment fund was intended to smooth the delivery of services under a new franchise. The Board undertook an intensive process to develop investment policies, interview fund managers, and establish the investment fund. At the time, the Board intended to use the investment fund to provide consistent services over the life of the new franchise (1998) with the intent to spend the fund to zero by the end of the franchise. However, over that time, MetroEast operating (from franchise fees) and capital revenues increase so that services have remained steady and the fund was not spent to zero. The fund currently stands at about $1.25 million.

It should also be noted that FY 2015-16 MetroEast revenues from franchise fees are slightly below initial projections and have flattened over the years. This trend will, most likely, continue.

The MetroEast Board has chosen to use its investment fund to fill the budget gap in FY 2016-17. The MetroEast Board recognizes the need to develop sustainable and diverse funding. During the coming fiscal year MetroEast will be exploring, analyzing and developing paths to alternative funding. The Board also recognizes that continued withdrawals from the investment fund will not create long-term stability and will be monitoring MetroEast finances closely and responding appropriately.

MetroEast's overall financial condition remains sound despite these challenges. Expenses for FY 2016-17 will be flat, thanks in part to a small decrease in health insurance costs and a concentrated effort to reduce insurance costs while maintaining all appropriate coverage. The installation of solar panels on the MetroEast facility is expected to lower utility bills significantly but those savings are not reflected in this budget since there's no reliable record.

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

METROEAST FY 2016-17 BUDGET

		ACTUAL	BUDGET	PROPOSED
		2014-15	2015-16	2016-17
	INCOME:			
4130	Franchise Fees, Multnomah	$ 953,601	$ 983,000	$ 961,512
4090	Interest	2,150	150	225
4270	Activity Fees/Fees for Service	10,710	18,000	18,000
4200	Other	36,077	16,000	16,000
4172	Capital Funds	619,047	635,020	659,502
4905	Building Loan Reimbursement	144,840	128,000	0
4162	Investment Fund Withdrawal	0	33,197	180,788
	TOTAL OPERATING INCOME	**$1,766,425**	**$ 1,813,367**	**$ 1,836,027**
	EXPENSES:	ACTUAL	BUDGET	PROPOSED
		2014-15	2015-16	2016-17
	Personnel			
7020	Full-Time Salaries	$ 629,044	$ 599,334	$ 659,721
7030	Part-Time Salaries	76,255	116,539	72,230
7050	Taxes & Fringe Benefits	233,087	238,624	234,224
	Total Personal Services	**$ 938,386**	**$ 954,497**	**$ 966,175**
	Operations			
6020	Accounting	$ 18,075	$ 19,000	$ 20,000
6041	Consulting	30,726	25,000	15,000
6051	Dues & Subscriptions	10,569	8,000	8,000
6060	Educational Program Acquisitio	0	0	0
6061	Education & Training	8,890	3,750	2,500
6062	Business Meals/Related	1,045	1,000	750
6064	Events	0	0	0
6070	Food	13,103	14,000	12,000
6100	Insurance	45,733	50,000	45,000
6110	Janitorial	5,340	6,000	5,500
6130	Legal	2,093	4,000	4,000
6131	Local Travel & Mileage	1,750	1,250	11,500
6140	Maintenance Supplies	265	2,000	1,500
6160	Office Supplies	8,620	5,000	5,000
6161	Operation Supplies	16,862	15,000	15,000
6170	Personnel Recruitment	447	350	350
6171	Phones	8,408	9,000	7,500
6172	Postage	1,364	2,000	2,000
6173	Printing	2,295	2,500	1,000
6174	Marketing/Promotion	11,815	5,000	5,000
6190	Repairs & Maintenance	11,438	10,000	10,000
6211	Travel	4,346	1,500	1,250
6220	Utilities and Maintenance	38,522	39,000	37,000
6230	Vehicle Maintenance	170	500	500
	Total Materials & Services	**$ 241,876**	**$ 223,850**	**$ 210,350**

	Capital	ACTUAL	BUDGET	PROPOSED
		2014-15	2015-16	2016-17
8002	Books	157	150	150
8003	Maintenance Supplies	0	500	500
8004	Office Supplies	1,503	4,000	3,500
8005	Operation Supplies	1,013	2,000	2,500
8006	Repairs & Maintenance	76,096	25,000	25,000
8007	Media	0	2,000	2,500
8008	Equipment lease - Debt Reduct	0	0	0
8009	Equipment lease - Interest	0	0	0
8011	Interest Short Term Loans	0	0	0
8013	Interest Long Term Loan	50,399	56,772	55,000
8014	Debt Reduction - Short Term Lo	0	0	0
8015	Debt Reduction - Long Term Lo	131,405	126,675	125,000
8091	Capital Consulting	0	0	10,000
8092	Capitalized Wages and Benefits	11,688	0	0
8030	Leasehold Improvements	24,605	15,000	90,000
8016	Building Maintenance Fund	14,000	14,500	15,000
8040	Office Equipment	48,646	100,000	125,000
8050	Office Furnishings	3,842	5,000	4,000
8060	Production & Maintenance Equi	107,340	283,423	201,352
8090	Building Loan Transfer	144,840	0	0
	Total Capital	**$ 615,534**	**$ 635,020**	**$ 659,502**
	TOTAL EXPENSES	**$ 1,083,396**	**$ 1,813,367**	**$ 1,836,027**

Portland Community Media
Fiscal Year 2016-17 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 2015-16 PCM community producers reserved PCM equipment for thousands of hours of production:

- Approximately 54,109 hours of field camera use,
- Approximately 2,139 hours of studio use,
- Approximately 89,716 hours of laptop editing use.

Distribution
In Fiscal Year 2015-16 PCM cablecast approximately 8,683 hours of new programs from all sources, which is approximately 24 hours of new programs containing locally relevant content each day.

Approximately 752 hours of these new programs were coverage of municipal meetings, hearings and events produced by PCM staff. Of the remaining 7,931 hours, approximately 56% of those programs were produced by PCM community producers, 21% produced by community producers within the

Portland metro region, and 23% were national or international content sponsored locally by community members.

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 education to Portland area non-profits, community groups, individual adults and youth. In Fiscal Year 2015-16 PCM provided video production, content creation and Internet training to approximately 386 adults and 104 youth for a total of 490 individuals certified to produce programs for PCM channels.

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

PCM is a participant in the Digital Inclusion Network and continues to collaborate with the group in development of the Digital Equity Action Plan.

Government Productions
PCM Multimedia Services staff produce approximately 752 hours of new programs each year. Of these programs, approximately 359 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 2016-17 Planning

Developing Strategy
PCM future program and fund development will focus on refining programmatic vision, auditing and maximizing cultural relevancy, and increasing capacity to support increased service delivery across all public-facing departments.

We will also continue to develop PCM's Equity and Digital Inclusion initiatives via the addition of a director-level staff member overseeing the cross-departmental alignment and amplification of said programming. PCM's Digital Inclusion Initiative builds upon existing, successful methodologies for community engagement and will tailor training and support to the needs of the community.

PCM Board and Staff will finalize and begin implementing 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 renovation of the building to support future growth of the organization. Capital improvements will support programmatic activities and services.

Fiscal Year 2016-17 Budget Notes

The Proposed Budget for Fiscal Year 2016-17 is similar to the current year budget with some minor changes identified below.

Income
We anticipate an increase in development around corporate contributions due to the prioritization of fund development and our Executive Director's experience. We averaged the last 3 years earned income to arrive at the estimated earned income for FY 16-17. We don't anticipate significant miscellaneous income in this Fiscal Year.

Personnel Expenses
In FY 16-17, Personnel expenses are itemized in the budget document for greater transparency. Directors and Managers are included in the Salaries line item. Regular and On-Call staff are included in the Wages line item. Total Personnel expenses identify a 3% increase for staff.

Operating Expenses
There is an increase in the Dues & Subscriptions line item to allow for additional memberships that might be needed as the organization continues to grow.

There is an increase in the Marketing line item to support advertising and promotion of PCM services and programs.

There is an increase in the Professional Services-Other line item to support growth of the organization.

There is a decrease in the Recruitment line item because there is minimal need for recruitment.

There is an increase in Training and Education for staff professional development to meet the needs of a growing organization.

There is an increase in the Travel and Mileages to support the increase in Training and Education for staff.

Capital Projects
PCM will focus on building improvements and acquisition of technology to support programmatic activities.

In fiscal year 2016-17 PCM will undertake renovation of the building.

Portland Community Media Proposed FY 16-17 Budget

Operating and Capital Budget SummaryBudget Summary

5/27/2016

	Actuals FY 14-15	Adjusted Budget for FY 15-16	Adjust Budget for FY16-17
INCOME			
Grants - Government	$ 911,263	$ 930,709	$ 887,059
Grants - Other Temporary Restricted		$ -	$ 100,000
Grants - Other Non-Restricted		$ -	$ -
Contributions-Corporation	$ 26,400	$ -	
Contributions - Restricted (B&H Scholarship)			$ 1,000
Contributions-individual	$ 7,741	$ 1,000	$ 5,000
Earned Icome - All	$ 204,683	$ 151,723	$ 166,895
Hollywood Theater- OCF and OYDC			$ 218,000
Capital Overhead	$ 97,091	$ 104,000	$ 148,000
Miscellaneous Income	$ 74	$ 38,000	$ -
Total Revenue	$ 1,247,252	$ 1,225,432	$ 1,525,954
EXPENSES			
Personnel Expenses			
Salaries	674,242	1,001,275	483,647
Wages	62,455		567,800
Payroll Taxes	79,247		110,679
Fringe Benefits	85,702	96,311	109,049
Capitalized PR, Taxes and Bene	(5,703)	(15,000)	(15,000)
Total Payroll, Tax & Fringes	895,943	1,082,586	1,256,175
Operating Expense			
Bad Debt	1,505	-	-
Bank Charges	6,386	7,500	5,000
Board of Directors' Expense	547	2,000	2,000
Copier Lease & Maintenance	2,520	2,680	2,680
Crew Food	732	3,620	3,620
Dues & Subscriptions	4,290	4,138	3,888
Equipment Lease & Rental	3,347	1,500	1,500
Fees (Annual Report, Non-profit filing)	1,115	380	380
Hospitality	10,239	5,187	15,187
Insurance	34,875	38,000	38,000
Interest Expense	92	-	-
Internet & Telephone	28,754	24,669	24,669
Maintenance	14,641	18,620	15,980
Miscellaneous Expense	8,896	680	680
Parking	2,647	4,830	4,830
Postage & Shipping	1,173	1,278	1,278
Engagement	120	3,000	20,000
Professional Services Accounting & HR	27,654	24,708	11,010
Prof. Svcs: Auditing & Tax Prep.	16,300	19,600	19,600
Prof. Svcs: Legal Services	669	10,800	10,800
Prof. Svcs Other	33,726	10,300	6,500
Recruitment	395	19,500	1,000
Repairs	8,369	9,260	9,260
Security Services	837	636	636
Software Expense	3,456	1,800	1,800
Small Tools & Equipments	185	330	330
Supplies	5,965	7,330	7,330
Training & Education	7,490	7,754	15,508
Travel & Mileage	8,962	5,064	10,128
Utilities	29,770	38,816	38,816
Vehicle Fuel & Maintenance	4,061	5,048	5,048
Total Operating Expense	269,718	279,028	277,458
TOTAL EXPENSE	1,165,661	1,361,614	1,533,633
Net Operating Income (Deficit)	81,591	(136,182)	(7,291)
Other Expenses			
Transfer to Capital Account	(36,800)	(107,766)	(60,818)
Net Operating Surplus (Deficit)	44,791	(243,948)	(68,109)

Portland Community Media Proposed FY 16-17 Budget

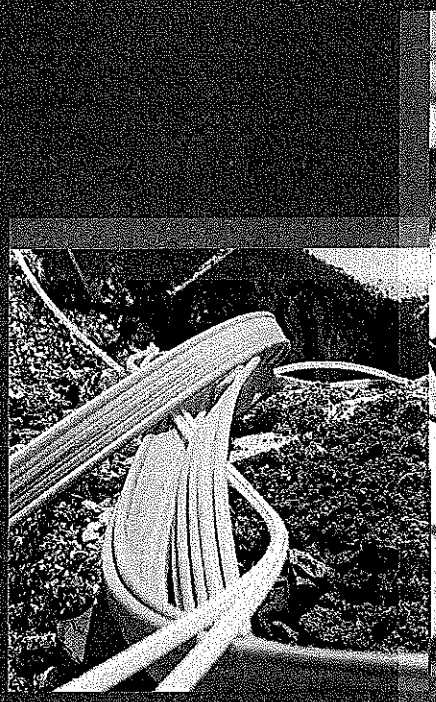
Operating and Capital Budget SummaryBudget Summary

5/27/2016

	Actuals FY 14-15	Adjusted Budget for FY 15-16	Adjust Budget for FY16-17
	Actuals FY 14-15	Proposed Capital Budget for FY 15-16	Proposed Capital Budget for FY16-17
Capital Projects Budget			
Revenue	903,201	952,531	989,255
Balance of Capital Fund Carryover	30,000	30,000	100,000
Transfer from Operation	36,800	61,480	60,818
Total Capital Revenue	970,001	1,044,011	1,150,073
Capital Expenses			
Land & Land Improvement	-	114,111	2,500
Building & Building Improvement	72,261	309,400	425,137
Production Equipments	568,902	284,900	417,032
Computers	120,314	44,000	61,509
Vehicles	-	15,600	-
Office Equipment & Funitures	25,786	64,000	3,000
Software & Other Intangibles	184,549	60,500	75,388
Capitalized Wages	5,703	47,500	15,000
Capital Overhead	124,269	104,000	148,388
Total Capital Expenses	1,101,784	1,044,011	1,147,954
Net Capital Surplus (Deficit)	(131,783)	-	2,120

MT. HOOD CABLE REGULATORY COMMISSION

Annual Report 2015-16



CITY OF PORTLAND

CITY OF FAIRVIEW

CITY OF GRESHAM

CITY OF TROUTDALE

CITY OF WOOD VILLAGE

MULTNOMAH COUNTY

Who we are

For the past 22 years, the **MT. HOOD CABLE REGULATORY COMMISSION (MHCRC)** has ensured that the 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 right-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 its 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

John Branam

Sue Diciple

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

The Reynolds School Board, Superintendent and MHCRC commissioners celebrate the MHCRC TechSmart Initiative investment to close the achievement gap in 6-9th grade math.

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.

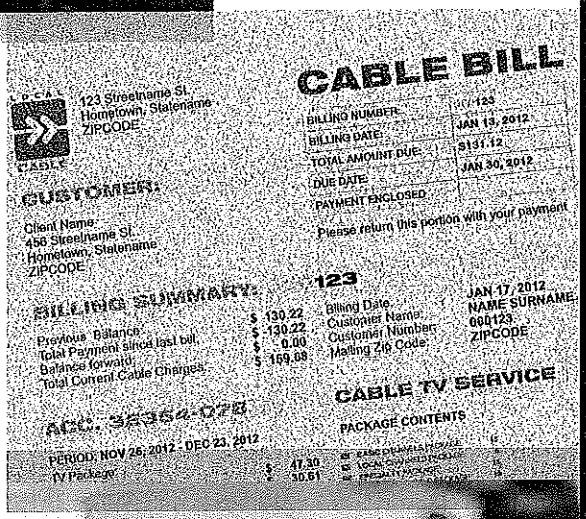
THE MHCRC REGULATES AND NEGOTIATES CABLE FRANCHISES WITH FOUR COMPANIES:

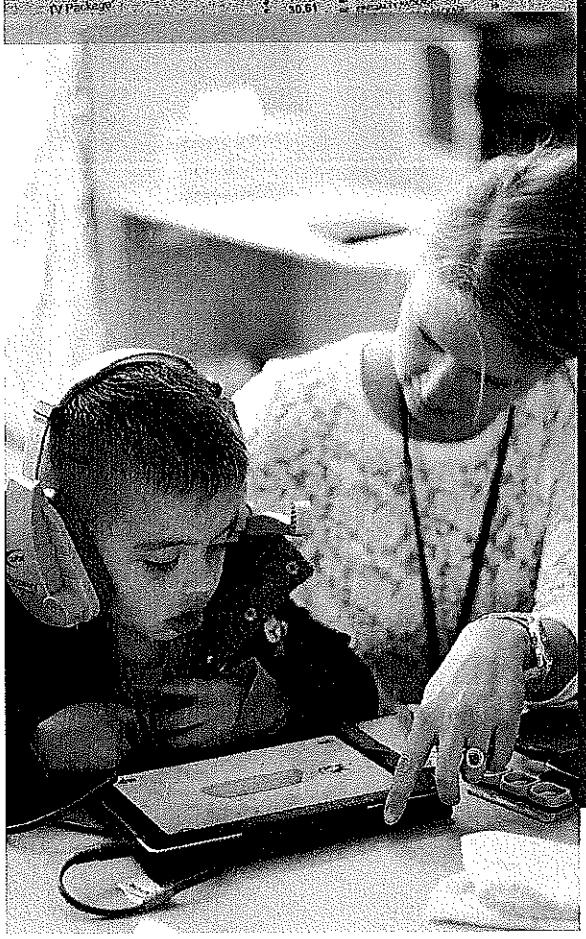
Frontier *Franchise expiration 2018*

Reliance Connects *Franchise expiration 2018*

Comcast *Franchise expiration 2021*

Century Link *Franchise expiration 2021*





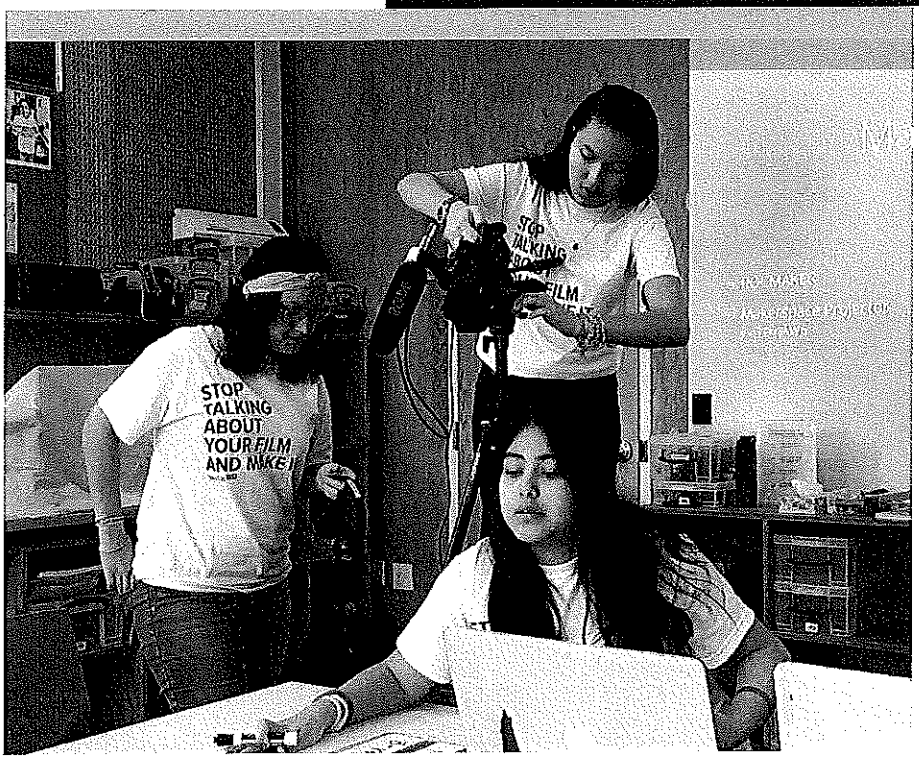
By the numbers

$8.6 MILLION
Collected in cable franchise fees for MHCRC member jurisdictions

330
Subscriber complaints resolved by MHCRC

951
Local residents trained in media and digital literacy

2015-16 HIGHLIGHTS



Youth from the NW Film Center Heroes Magnificos' *spring break film camp access the makerspace technology at the new Rockwood Library Innovation Station funded by the MHCRC Community Grants.*

Consumer Protection The MHCRC enforces consumer protection and customer service standards under the cable franchises. Regulatory issues included noncompliance with customer service standards (phone answering, installation and appointment standards), information on subscriber bills, service installation line extensions, service rates and fees (i.e. broadcast TV fee, HD technology fee), and other consumer protection issues. In 2015, the MHCRC assisted in the resolution of 330 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 until now. The Portland City Council accepted the MHCRC's negotiated cable services franchise agreement with CenturyLink, a primary phone provider in Portland, and in May 2015, the company launched cable TV service. Not only did Portland gain competition for cable TV services but the MHCRC was vigilant in ensuring that the public benefits of the CenturyLink agreement were similar to and enhanced those in Comcast's franchise.

Protect Local Authority and Compensation

As the regulatory and public policy landscapes change, 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 participated in FCC proceedings including the Multi-Channel Video Program Distributors (aka Over the Top video providers that use the broadband connection to the home to deliver video), Municipal Broadband Authority, Set Top Boxes (allows consumers to choose how to access video programming) and Diverse and Independent Programming (ensuring that public, education and government access programming is widely available). The MHCRC also joined an Appeal of the FCC's 621 Order on Reconsideration, which provides that a cable operator may claim as a credit against franchise fees certain in-kind benefits such as services to schools and government buildings as well as certain I-Net benefits.

The MHCRC 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.

Local Voices and Content through MetroEast and 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.

Over the past year, hundreds of community organizations took advantage of MetroEast and PCM services. The groups varied widely and included many whose clients traditionally struggle with access to media and Internet technology, such as Voz, IRCO, APANO, iUrban Teen, Northwest Family Services, New City Initiative, Scanner, Los Ninos Cuentan,

El Programa Hispano, POWGirls, Oregon Tradeswomen, Hacienda CDC, League of Women Voters and Rosewood Initiative. MetroEast and PCM also provided media and digital literacy training to over 950 local residents. Through participation by residents and organizations, over 5,000 hours of local, original video programs were produced.

The MHCRC ensured that public dollars and dedicated capital funds provided to the centers were spent to support community services and outcomes and met the 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, free video-on-demand programs and local HD channels.

Digital Equity Digital equity is the social justice goal of ensuring that everyone in our community has adequate access to the Internet, digital skills and technology tools to fully participate in our society and meet everyday needs. For years, the MHCRC has worked with community partners to reduce digital equity gaps through grants and low-cost broadband network capacity for schools, libraries and nonprofits to support digital literacy training and accessible computer technology.

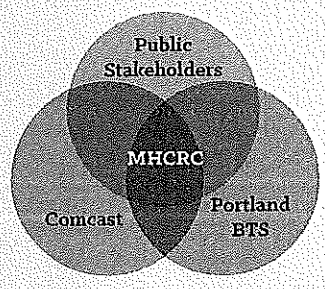
More recently, addressing digital equity has become a foundational issue for communities concerned with dismantling the opportunity gap in education, healthcare, jobs and civic participation. The MHCRC is an active member of the Digital Inclusion Network (DIN) – a consortium of local governments, nonprofits, businesses and others dedicated to reducing digital equity disparities in Multnomah County. DIN was a key player in developing and shaping the Digital Equity Action Plan (DEAP) recently adopted by the Portland City Council and the Multnomah County Commission. The DEAP creates a cohesive framework for our region to address digital equity for people of color, immigrants, refugees, the generationally poor and other marginalized populations.

Affordable Broadband for Schools, Libraries and Local Governments

The MHCRC facilitates partnerships and network planning, and distributes funds, to provide affordable broadband connections for 295 schools, libraries and public agency sites throughout Multnomah County over the Institutional Network (I-Net). In 2015, the I-Net public stakeholder group included: the cities of Portland, Gresham, Troutdale and Wood Village, Multnomah County, State of Oregon court system, Metro, Home Forward, Multnomah County Libraries, Multnomah Educational Service District (including 7 school districts), Portland Public Schools, and Mt. Hood Community College. The I-Net partnership consists of these public stakeholders, Comcast, and Portland's Bureau of Technology Services (BTS).

The MHCRC led meetings and work groups of these pubic stakeholders to collaborate on 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.

In addition to future network planning, the MHCRC funded current network needs. The MHCRC distributed slightly more than $208,000 in I-Net funds to support site upgrades and connect six new sites to the network.



By the numbers

295
Public stakeholder sites served by the I-Net

19
Public stakeholders in I-Net partnership

$208,000
MHCRC funds invested in I-Net infrastructure

MHCRC COMMUNITY GRANTS

Investments to Advance Education and Community-Based Technology

THE MHCRC DIRECTS THE COMMUNITY GRANTS PROGRAM, WHICH PROVIDES FUNDS FOR TECHNOLOGY PROJECTS TO COMMUNITY ORGANIZATIONS, LIBRARIES, SCHOOLS AND LOCAL GOVERNMENTS THROUGHOUT MULTNOMAH COUNTY. FUNDING OPPORTUNITIES WITHIN THE COMMUNITY GRANTS PROGRAM INCLUDE THE TECHSMART INITIATIVE AND COMMUNITY TECHNOLOGY GRANTS. THE MHCRC OVERSAW IMPLEMENTATION AND COMPLIANCE FOR ABOUT 34 GRANT-FUNDED PROJECTS DURING THE YEAR. IN 2015, THE PROGRAM GRANTED OVER $7.2 MILLION FOR 14 NEW COMMUNITY-BASED PROJECTS THAT WILL LEVERAGE OVER $8.2 MILLION IN MATCHING RESOURCES. ▌ FUNDS FOR COMMUNITY GRANTS DERIVE FROM THE CABLE FRANCHISES NEGOTIATED BY THE MHCRC. COMCAST, CENTURYLINK, FRONTIER AND RELIANCE CONNECTS CURRENTLY CONTRIBUTE TO THE COMMUNITY GRANTS FUND.

MHCRC Community Grants

MHCRC TechSmart INITIATIVE

TechSmart Initiative for Student Success — $19 MILLION OVER 10 YEARS

The MHCRC launched the TechSmart Initiative for Student Success in 2014 and, thus far, has granted a little over $7.7 million to four public school districts in Multnomah County. The MHCRC plans to strategically invest a total of about $19 million through 2021 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 school 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 and an additional $11 million projected through 2021.

The MHCRC works closely with each school district as a planning and funding partner to develop a grant project plan tailored to each individual district's priorities. TechSmart grants have touched on every critical academic benchmark ... from kindergarten readiness to high school graduation. Last year's report highlighted the first two TechSmart Initiative grant investments, at David Douglas and Parkrose school districts. Reynolds School District and Portland Public Schools are two of the newest TechSmart grant recipients.

Technology-Rich Mathematics at Reynolds School District

Grant Amount: $1,313,554

The Reynolds grant is laser focused on significantly increasing the number of students who have earned core math credits by the end of 9th grade, a critical factor on the way to successful high school graduation. Reynolds found that less than half its students were earning six or more credits by 9th grade, and freshman math is the most frequently failed core class. The TechSmart Initiative grant specifically targets strengthening 6th-9th grade math instruction and increasing student engagement in mathematics through technology-rich instruction. The grant provides critical math teacher supports and classroom technology at the three middle schools and in 9th grade at Reynolds High School. The grant also funds technology for the Project Lead the Way curriculum, a STEM-based, nationwide education program.

In addition to the grant, the MHCRC TechSmart Initiative will provide Reynolds School District with evaluation resources to identify instruction that effectively improves core credit attainment at 9th grade. The MHCRC and the District plan to share learnings about effective instruction with other school districts in Multnomah County.

K-3rd Grade Literacy at Portland Public Schools

Grant Amount: $5,101,190

Portland Public Schools is in the process of adopting literacy curriculum for PreK-5th grades across the school district. The last time PPS underwent this process in 2007, it did not result in improved outcomes for students in reading achievement. With the support of the TechSmart Initiative investment, PPS is taking a new approach to the K-3rd grade literacy adoption, with the goal to have all students at reading proficiency by 3rd grade and to eliminate the achievement gap.

In order to sustain and scale literacy transformation across the large urban school district, PPS will pilot learning models, infused with technology and teacher supports, in K-3rd grade programs in 20 schools across four years. The first grant year focuses on planning and training with the initial five schools' teachers, instructional coaches, and principals for implementation in school year 2016-17. Five schools will be added each of the following three school years. Both PPS and the MHCRC will deeply invest in dedicated staff and teacher professional development critical to successful technology-rich learning environments. In addition, PPS will conduct continuous evaluation to learn year to year what's working for teachers and students in blended learning practices. PPS plans to build district capacity to sustain the literacy transformation across all PPS K-3rd grade programs in the years following the grant period.

"The MHCRC is thrilled to invest, along with so many others in the community, in our public schools' effort to develop learning environments and strategies that truly support academic achievement for all students. Through the MHCRC TechSmart Initiative, the Districts will gain critical resources to discover how to best use technology in teaching and learning."

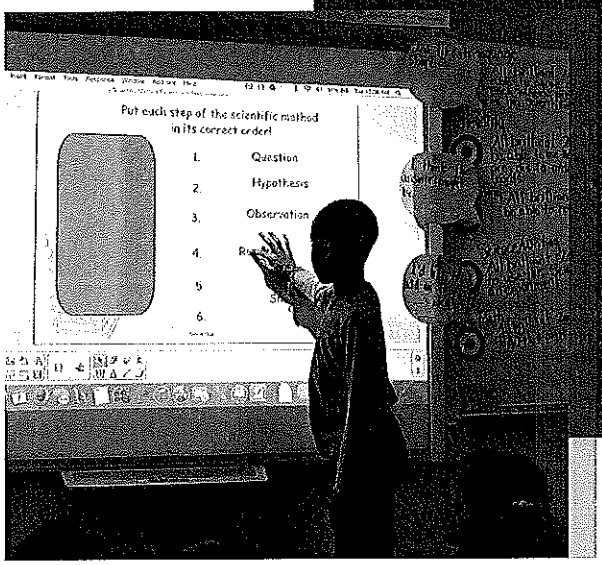
Carol Studenmund
MHCRC Chair

By the numbers

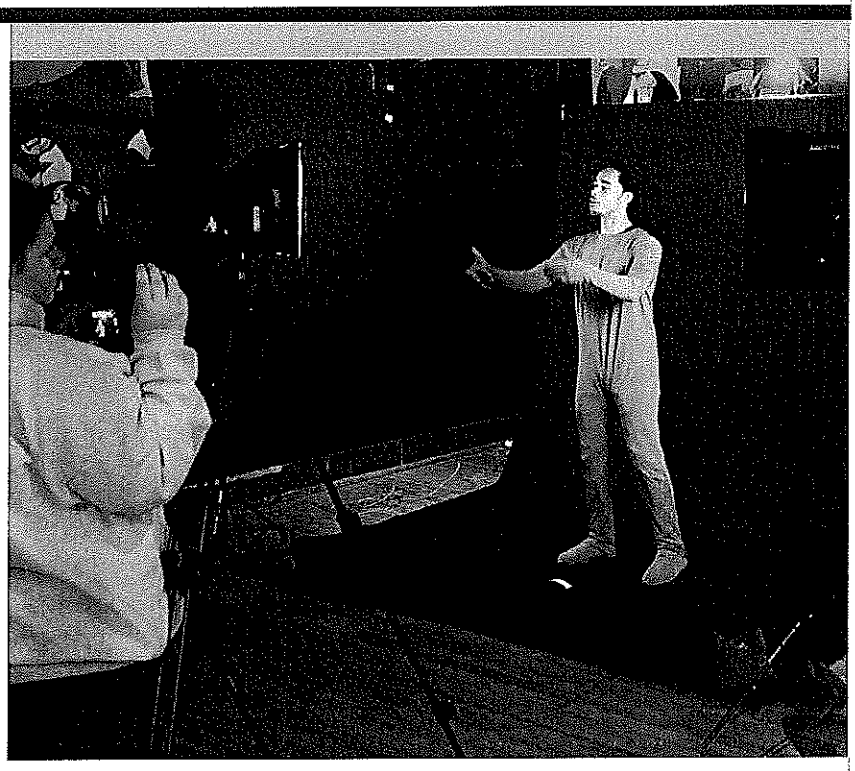
7%
Of Community Grants funds spent for grant administration

34
Active grants in 2015

151
Local classroom teachers supported by TechSmart Initiative grants



Advancing Access to Technology and Training



MHCRC Community Technology GRANTS

For the past 17 years, the Community Technology Grants program has provided funding throughout Multnomah County to nonprofits, educators, libraries and local governments to use technology resources to further their missions and services. Through an annual, competitive grant process, the MHCRC funds projects which provide a public benefit in four areas: reducing disparities for an underserved community; increasing community involvement in issues of importance to a community; reducing the cost of providing non-profit or public services; or improving the delivery or increasing the effectiveness of public or non-profit services.

Community Technology Grants are predominantly focused on serving traditionally underserved, ethnically diverse and special needs populations; i.e. Hispanic, African American, Native American, immigrant & refugee, low-income, girls and women (equal opportunity), youth, English language learners, etc.

2015 COMMUNITY TECHNOLOGY GRANT AWARDS

Community Vision $76,742 Supporting individuals with disabilities through the creation of video job resumes and videos that highlight individuals with disabilities living independently

Flying Focus Video Collective $1,950 Supporting the distribution of local programming through new and upgraded video archiving technology

Friends of the Children $218,798 Supporting youth in their learning of science, technology, engineering, arts and math (STEAM) skills using cutting-edge technology alongside skilled adult mentors

Metro $166,790 Supporting live cablecast of Metro Council meetings to improve our communities' access and engagement in local government

Metro $72,000 Supporting improved collaboration and reducing costs for a public agency through the implementation of a robust video conferencing system

MetroEast Community Media $25,827 Supporting live cablecast of the City of Wood Village Council meeting to improve citizen access and engagement

NW Children's Theater & School $48,292 Supporting access to the arts through live and recorded video productions of plays

NW Film Center $47,258 Giving voice to young Latinos through the art and craft of digital storytelling

Our United Villages $34,49 Inspiring creative community projects through video-recorded grassroots community project storytelling

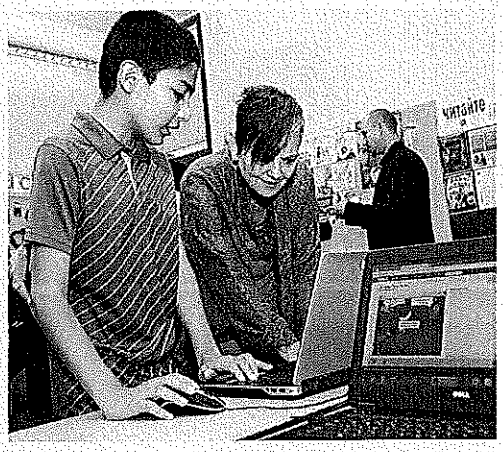
PSU.tv $101,500 Supporting PSU's non-profit media organization in providing professional level training and experience for students interested in careers in film

The Skanner Foundation $53,480 Supporting the collection, recording, and dissemination of Vanport survivors' oral histories

Young Audiences of Oregon & SW Washington $28,384 Supporting arts-in-education using IPads and the development of curriculum designed to teach technology-integrated arts

Focus on Rockwood

No community in Multnomah County has experienced the impact of poverty and racial disparity more than the Rockwood neighborhood. Rockwood's population is growing more quickly than the rest of Multnomah County and is one of the County's most diverse neighborhoods, with one of the highest Latino (24%), non-white (18%) and non-English speaking (22%) populations. Youth in the community are among the highest numbers of students who are economically disadvantaged (based on free or reduced lunch statistics), and highest percentage of English Language Learners of any of the eight area school districts in Multnomah County. In support of community driven efforts to respond to and address the needs of the Rockwood community's changing demographics and a testament to the MHCRC's commitment to reducing disparities, the MHCRC's Community Technology Grant funding in Rockwood is supporting access to opportunity for our community's most vulnerable.



Multnomah County Library – Rockwood Innovation Station $300,000

In 2014, the MHCRC invested $300,000 to support expansion of the Rockwood Library to create the Rockwood Innovation Station and provide technology tools for mentor-led learning. The project targets middle school and high school, low-income, racially diverse youth in an effort to excite, engage and prepare them for academic and career success. The project leverages nearly $1 million in matching support and, having just officially opened in April 2016, is already garnering tremendous community support and involvement.

Friends of the Children – East County Educational Technology Project $219,000

In 2015, the MHCRC invested nearly $219,000 in support of Friends of the Children's efforts to break the cycle of poverty for children facing the highest risks by helping them become healthy, productive members of the community. As a result of grant funding, the new 8,500 sq. ft. Friends of the Children facility features interactive remote tutoring capacity, mobile learning, and a high-tech Arts & Science Room to promote technology-based skill development that can lead to educational success and job readiness for the nearly 300 youth engaged over the three-year project.

Open School East – Advocating Greatness: Reducing Disparities by Accelerating Academic Achievement for 7th-9th Grade Students $350,000

Through an upcoming 2016 grant with Open School, the MHCRC continues to support and expand upon its investment in the community. Using early warning indicators that predict how likely a student is to drop out of high school, Open School East (OSE) and its partners (the six school districts in East County) will identify and enroll students in the OSE program. $350,000 in grant funding will be invested to equip Open School's new facility with mobile digital devices, curriculum, and teacher training supports in order to create a technology-rich learning program that graduates all students and prepares them for college or career, regardless of race, ethnicity, or economic background.

By the numbers

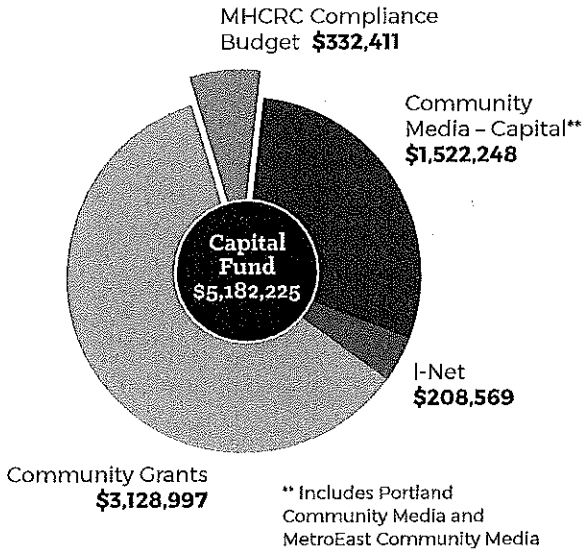
$875,520
Awarded in 2015 for Community Technology Grants

$1.6 MILLION
Leveraged by Community Technology Grants

50%
Of 2015 grants focused on addressing needs of underserved communities

FINANCIAL STEWARDSHIP

MHCRC CAPITAL FUND ALLOCATIONS



** Includes Portland Community Media and MetroEast Community Media

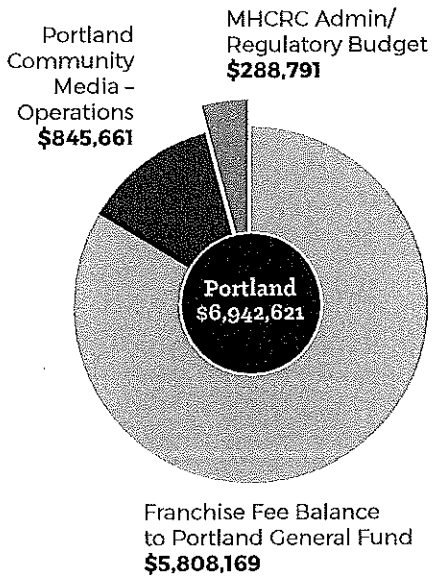
FY 14-15 Operating Budget*

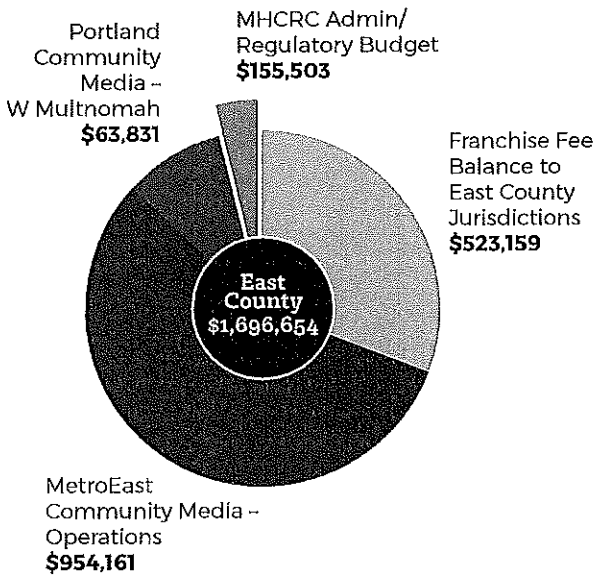
(Admin/Regulatory/Compliance combined)

Revenues	Amended Budget	Actual
City of Portland Appropriation	$ 288,791	$ 288,791
East County Appropriations	155,503	155,503
Capital Fund Compliance/Admin	393,105	332,411
Total Revenues	**$ 837,399**	**$ 776,705**
Expenditures		
Personnel Servces	471,242	455,752
Revenue Division – Fiscal Support	28,590	24,005
MHCRC Fund Audit	12,000	12,325
External Materials and Services	151,110	156,712
Internal Services	88,907	82,456
General Fund Overhead	25,000	25,000
Contingency	60,550	0
Total Expenditures	**$ 837,399**	**$ 756,250**
Year-end Carryover		**$ 20,455**

*Un-audited budget report. For the MHCRC Fund audited financial statements, visit the MHCRC website: http://www.mhcrc.org/wp-content/uploads/2014/07/FY15-MHCRC-Statements_FINAL.pdf

CABLE FRANCHISE FEE DISBURSEMENTS



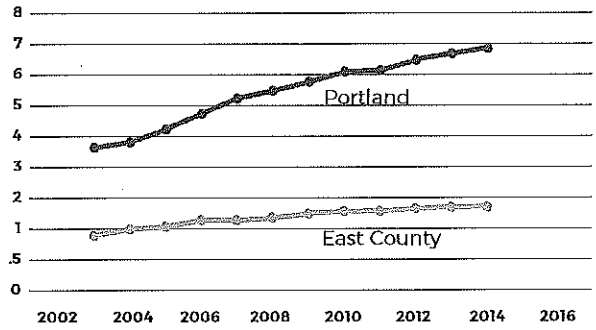


Efficient Operations

About 5% of total cable franchise fee revenue collected was spent for MHCRC operations. In addition, the MHCRC spent about 7% of the capital funds to administer community grants, the I-Net, and the two community media centers' contracts. The MHCRC funded an equivalent of four staff positions plus related materials, services, financial and administrative costs through its service contract with the City of Portland Office for Community Technology. About half the MHCRC's operations funding was provided by the member jurisdictions and half was funded by other MHCRC resources.

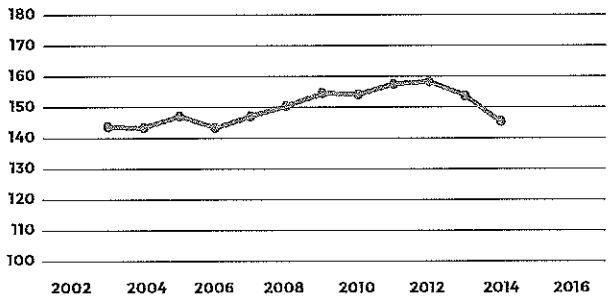
CABLE FRANCHISE FEES

in millions of dollars



CABLE TV SUBSCRIBERS

in thousands



Clean Audit of the MHCRC Fund

The FY14-15 audit results produced no adjustments, indicating that funds were properly accounted for. Moss Adams, the MHCRC's auditor, found that the MHCRC's FY14-15 financial statements presented fairly, in all material respects, the respective financial position of the MHCRC's fund. The MHCRC filed its annual audit with the Oregon Secretary of State on time.

Revenue Growth Slows – Subscribers Decline

Despite relatively little change in numbers of cable TV subscribers over the past ten years, cable franchise fee revenues grew from about $5.6 million to $8.64 million in the same time period. Cable franchise fees are paid by the companies based on their gross revenues derived from cable TV services. The increase in the amount of fee revenues is primarily due to companies increasing their TV service rates and premium service subscriptions. However, in the past couple years, revenue growth has begun to flatten and the number of cable TV subscribers in the MHCRC service area has declined. The MHCRC anticipates no growth or a slight decline in revenues related to cable franchise fees for the near future.

By the numbers

5%

Of cable franchise fees spent for MHCRC operations

$5.1 MILLION

Collected from cable companies to support grants, I-Net, and community media

88%

Increase in cable franchise fees over last ten years

MT. HOOD CABLE
REGULATORY COMMISSION

111 SW Columbia St. Suite 600
Portland, Oregon 97201

TEL 503.823.5385

EMAIL mhcrcinfo@mhcrc.org

WEB www.mhcrc.org

Photos: p2, NW Film Center; p4,NW Documentary; p6, Film Action Oregon

AGENDA ITEM # 6

CITY OF TROUTDALE

STAFF REPORT

SUBJECT / ISSUE: A Public Hearing, and 2 Resolutions Providing for State Shared Revenue for FY 2016-2017

MEETING TYPE: City Council Regular Mtg.	**MEETING DATE:** June 14, 2016 **STAFF MEMBER:** Erich Mueller **DEPARTMENT:** Finance
ACTION REQUIRED Resolution **PUBLIC HEARING** Yes	**ADVISORY BOARD/COMMISSION RECOMMENDATION:** Approval Per the Budget Committee.

STAFF RECOMMENDATION: *Adopt the proposed 2 Resolutions.*

EXHIBITS: A. Proposed Uses of Oregon State Shared Revenue for FY 2016-2017

Subject / Issue Relates To:

☐ Council Goals ☐ Legislative ☒ Other (describe)

Issue / Council Decision & Discussion Points:

- The State provides shared revenue for general government and other uses
- ORS establishes specific requirements for receipt of shared revenue
- State shared revenue represents an estimated $1.4 million of budget resources in the coming year

Reviewed and Approved by City Manager:

BACKGROUND:

Oregon law provides that cities located within a county having more than 100,000 inhabitants must provide four or more municipal services to be eligible to receive these revenues. The municipal services may include combinations of police protection, fire protection, street construction, maintenance and lighting, sanitary sewers, storm sewers, planning, zoning and subdivision control, and one or more utility services.

There are 4 public actions required of Cities in ORS 221.760 and 221.770 to receive shared revenue:

1. A public hearing before the Budget Committee on the ***possible*** uses of state shared revenues. This hearing was held before the Budget Committee of the City of Troutdale on April 18, 2016.

2. A public hearing which must be before the City Council, on the ***proposed*** uses of state shared revenues. This public hearing will be held this evening. The proposed uses and comparison to budgets is detailed on Exhibit A.

3. A resolution certifying the City of Troutdale's ***eligibility*** to receive state shared revenues.

4. A resolution declaring the City of Troutdale's ***election*** to receive state shared revenues.

PROS & CONS:

A. The resolutions as drafted will enable the City to receive significant revenue for the coming fiscal year budget.

B. Not approving the resolutions would result in serious revenue shortfalls for the coming fiscal year budget unless revised in a form satisfying specific ORS requirements for receipt of shared revenue.

Current Year Budget Impacts ☒ Yes *(describe)* ☐ N/A Authorizes the receipt of State Shared Revenues estimated at $1,391,000

Future Fiscal Impacts: ☐ Yes *(describe)* ☒ N/A

City Attorney Approved: ☐ Yes *(describe)* ☒ N/A

Community Involvement Process: ☒ Yes *(describe)* ☐ N/A
Supports revenue included in the budget approved by the Budget Committee.

Agenda Item 6. EXHIBIT A

CITY OF TROUTDALE, OREGON
June 14, 2016
PUBLIC HEARING BEFORE THE CITY COUNCIL
OREGON STATE SHARED REVENUES
PROPOSED USES - FY 2016-17

	Page	Amount	Budget Committee Approved Uses
A. State Shared Revenues			
1. Liquor Tax	35	$265,374	General government services - $16.57 Estimate per capita)
2. Cigarette Tax	35	$19,070	General government services - $1.19 Estimate per capita)
3. General Revenue Sharing	35	$172,905	General government services $10.79 Estimate per capita)
4. 9-1-1 Emergency System Telephone Tax	-na-	$0	Maintenance, operation, and enhancement of the 9-1-1 emergency reporting system - $0.00 Estimate per capita)
5. Gasoline Tax	132	$923,713	99.0% of allocation for streets and roads - $57.66 Estimate per capita)
6. Gasoline Tax	193	$9,237	State required 1.0% of allocation for bicycle paths and trails
		$1,390,299	
B. FY 2016-17 Proposed Budget - All Funds:	27	$40,035,603	
FY 2016-17 Proposed Budget - General Fund:	34	$13,688,462	
FY 2016-17 Proposed Budget - Streets Fund:	132	$7,215,013	
FY 2016-17 Proposed Budget - Bike Paths & Trails Fund:	193	$17,835	

NOTE: General Revenue Sharing (liquor tax monies) distributed pursuant to ORS 221.770.

Other state shared revenues distributed pursuant to ORS 221.760. Each city in counties over 100,000 population to receive revenues from liquor, cigarette and gas taxes must provide four or more of the following municipal services:

(a) Police protection
(b) Fire protection
(c) Street construction, maintenance and lighting
(d) Sanitary sewers
(e) Storm sewers
(f) Planning, zoning, and subdivision control

RESOLUTION NO.

A RESOLUTION CERTIFYING THE CITY OF TROUTDALE'S ELIGIBILITY TO RECEIVE FY 2016-2017 STATE SHARED REVENUES.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. That ORS 221.760 provides as follows:

The officer responsible for disbursing the funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

1) Police protection
2) Fire protection
3) Street construction, maintenance, and lighting
4) Sanitary sewer
5) Storm sewers
6) Planning, zoning, and subdivision control
7) One or more utility services

2. City officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760.

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

Section 1. The City of Troutdale hereby certifies that it currently provides the following four or more municipal services enumerated in Section 1, ORS 221.760: police protection, fire protection, street construction, maintenance, and lighting, sanitary sewer, storm sewers, planning, zoning and subdivision control, and one or more utility services.

Section 2. This Resolution shall take effect upon adoption.

YEAS:
NAYS:
ABSTAINED:

_____
Doug Daoust, Mayor

_____
Date

_____
Sarah Skroch, City Recorder
Adopted:

RESOLUTION NO.

A RESOLUTION DECLARING THE CITY OF TROUTDALE'S ELECTION TO RECEIVE STATE SHARED REVENUES FOR FY 2016-2017.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. A share of certain revenues of the State of Oregon are apportioned among and distributed to the cities in the state for general purposes.

2. A city must elect to receive distributions under ORS 221.770 for the fiscal year by enactment of a resolution expressing that election.

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

Section 1 Pursuant to ORS 221.770, the City hereby elects to receive state revenues for fiscal year 2016-2017.

Section 2. That the City of Troutdale hereby certifies that a public hearing before the Budget Committee of the City of Troutdale was held on April 18, 2016 giving citizens an opportunity to comment on the possible uses of State Revenue Sharing.

Section 3. That the City of Troutdale hereby certifies that a public hearing before the City Council was held on June 14, 2016 giving citizens an opportunity to comment on the proposed uses of State Revenue Sharing.

Section 4. This Resolution shall take effect upon adoption.

YEAS:
NAYS:
ABSTAINED:

_____
Doug Daoust, Mayor

_____
Date

_____
Sarah Skroch, City Recorder
Adopted:

AGENDA ITEM # 7.1

CITY OF TROUTDALE

STAFF REPORT

SUBJECT / ISSUE: A Public Hearing And Resolution Providing For Budget For Fiscal Year 2016-2017, And Making Appropriations.

MEETING TYPE: City Council Regular Mtg.	**MEETING DATE:** June 14, 2016 **STAFF MEMBER:** Erich Mueller **DEPARTMENT:** Finance
ACTION REQUIRED Resolution **PUBLIC HEARING** Yes	**ADVISORY BOARD/COMMISSION RECOMMENDATION:** Approval per the Budget Committee.

STAFF RECOMMENDATION: Adopt the proposed Budget Resolution.

EXHIBITS: None

Subject / Issue Relates To:

☐ Council Goals ☐ Legislative ☒ Other (describe)

Issue / Council Decision & Discussion Points:

- Prior to adoption, Local Budget Law ORS 294, requires a public hearing on the budget as approved by the Budget Committee
- The proposed resolution adopts the budget, and makes necessary appropriations for the coming fiscal year.

Reviewed and Approved by City Manager:

BACKGROUND:

The budget for fiscal year 2016-2017 was approved by the Budget Committee at the April 28, 2016 committee meeting. The Budget Committee Approved Budget, has been published in compliance with ORS 294.438.

The proposed resolution outlines the appropriation categories at the departmental level, as required for the organizational type funds, and at the category level for the single service type funds.

Publication of the Local Budget Law form LB-1 required format was and timeframe pursuant to ORS 294.438 was completed. There was a minor error in the publication of the LB-1. My error overstated the sub-category of Contingency and understated the sub-category of Transfers equal offsetting amounts in the Parks Improvement Fund. The error has been corrected in the proposed resolution. The error does not change the appropriations total, or the Budget Committee approved budget. The Local Budget Law simply requires that publication errors be corrected before budget adoption, noted in record, and reported to governing body.

PROS & CONS:

A. Approve the Budget resolution for FY 2016-2017 as proposed to comply with ORS 294 Local Budget Law.

B. Not approve the attached budget resolution, resulting in the City being out of compliance with ORS 294 Local Budget Law, and prohibiting City expenditures after June 30, 2016 unless revised in a form satisfying 294 Local Budget Law.

Current Year Budget Impacts ☒ Yes *(describe)* ☐ N/A
Authorizes budget appropriations level for FY 2016-2017 totaling $36,268,686 for all funds.

Future Fiscal Impacts: ☐ Yes *(describe)* ☒ N/A

City Attorney Approved: ☐ Yes *(describe)* ☒ N/A

Community Involvement Process: ☒ Yes: Adopts the budget approved by the Budget Committee.

RESOLUTION NO.

A RESOLUTION ADOPTING THE CITY OF TROUTDALE'S FISCAL YEAR 2016-2017 ANNUAL BUDGET AND MAKING APPROPRIATIONS.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The budget for Fiscal Year 2016-2017 was approved by the Budget Committee on April 28, 2016 and is on file for public inspection.

2. The budget has been published in the Local Budget Law form LB-1 required format and timeframe pursuant to ORS 294.438.

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

Section 1. The Budget Committee Approved Fiscal Year 2016-2017 Budget, as amended, with total requirements of $40,508,603 including unappropriated fund balances of $4,239,917 and appropriated sums of $36,268,686, on file at Troutdale City Hall, 219 E. Historic Columbia River Hwy, Troutdale, Oregon, is now hereby adopted.

Section 2. The amounts listed below are hereby appropriated for the fiscal year beginning July 1, 2016 for the purposes stated:

GENERAL FUND	
Legislative	34,905
Judicial	123,898
Legal	249,094
General Government	439,412
Administration	700,401
Community Services	139,497
Information Services	262,352
Finance	582,475
Police Operations	3,421,134
Public Safety Bldg. Operations	114,543
Solid Waste/Recycling	23,241
Fire Protection Services	2,059,409
Planning	340,860

Parks & Greenways	1,016,975
Facilities	712,327
Transfers to Other Funds	996,622
Contingency	750,000
Total General Fund Appropriations	11,967,146
Unappropriated Fund Balance	2,194,316
Total General Fund Requirements	14,161,462

CODE SPECIALITIES

Building Inspections	267,668
Electrical Inspections	69,387
Plumbing Inspections	83,969
Contingency	100,132
Total Code Specialties Fund Appropriations	521,156
Unappropriated Fund Balance	-
Total Code Specialties Fund Requirements	521,156

WATER FUND

Personnel Services	421,307
Materials & Services	650,065
Capital Outlay	541,200
Transfers to Other Funds	640,282
Contingency	250,000
Total Water Fund Appropriations	2,502,854
Unappropriated Fund Balance	108,880
Total Water Fund Requirements	2,611,734

SEWER FUND

Personnel Services	592,215
Materials & Services	1,110,327
Capital Outlay	475,800
Transfers to Other Funds	1,194,571
Contingency	500,000

	Total Sewer Fund Appropriations	3,872,913
Unappropriated Fund Balance		859,330
	Total Sewer Fund Requirements	4,732,244
STREET FUND		
Personnel Services		161,418
Materials & Services		606,202
Capital Outlay		5,149,400
Transfers to Other Funds		380,361
Contingency		250,000
	Total Street Fund Appropriations	6,547,381
Unappropriated Fund Balance		667,631
	Total Street Fund Requirements	7,215,013
INTERNAL SERVICES FUND		
Equipment Maintenance		323,863
Public Works Management		1,340,569
Contingency		8,730
	Total Internal Services Fund Appropriations	1,673,162
Unappropriated Fund Balance		-
	Total Internal Services Fund Requirements	1,673,162
DEBT SERVICE FUND		
Debt Service		1,798,000
	Total Debt Service Fund Appropriations	1,798,000
Unappropriated Fund Balance		402,445
	Total Debt Service Fund Requirements	2,200,445
WATER IMPROVEMENT FUND		
Materials & Services		-

Capital Outlay	-
Contingency	49,575
Total Water Improvement Fund Appropriations	49,575
Unappropriated Fund Balance	-
Total Water Improvement Fund Requirements	49,575

SEWER IMPROVEMENT FUND

Materials & Services	25,000
Capital Outlay	30,000
Transfers to Other Funds	-
Contingency	169,528
Total Sewer Improvement Fund Appropriations	224,528
Unappropriated Fund Balance	-
Total Sewer Improvement Fund Requirements	224,528

STREET TREE FUND

Materials & Services	48,268
Total Street Tree Fund Appropriations	48,268
Unappropriated Fund Balance	-
Total Street Tree Fund Requirements	48,268

STREET IMPROVEMENT FUND

Materials & Services	25,000
Capital Outlay	350,000
Transfers to other Funds	-
Contingency	229,893
Total Street Improvement Fund Appropriations	604,893
Unappropriated Fund Balance	-
Total Street Improvement Fund Requirements	604,893

STORM SEWER IMPROVEMENT FUND	
Materials & Services	35,000
Capital Outlay	580,000
Contingency	1,325,705
Total Storm Sewer Improvement Fund Appropriations	1,940,705
Unappropriated Fund Balance	-
Total Storm Sewer Improvement Fund Requirements	1,940,705
PARKS IMPROVEMENT FUND	
Materials & Services	75,000
Capital Outlay	477,500
Transfers to Other Funds	348,000
Contingency	480,627
Total Parks Improvement Fund Appropriations	1,381,127
Unappropriated Fund Balance	-
Total Parks Improvement Fund Requirements	1,381,127
STORM SEWER UTILITY FUND	
Personnel Services	189,212
Materials & Services	172,120
Capital Outlay	168,300
Transfers to Other Funds	281,821
Contingency	5,161
Total Storm Sewer Utility Fund Appropriations	816,613
Unappropriated Fund Balance	-
Total Storm Sewer Utility Fund Requirements	816,613
UTILITIES UNDERGROUNDING FUND	
Capital Outlay	1,851,675
Contingency	-
Total Utilities Undergrounding Fund Appropriations	1,851,675
Unappropriated Fund Balance	-

Total Utilities Undergrounding Fund Requirements	1,851,675

BIKE PATHS & TRAILS FUND

Capital Outlay	17,835
Total Bike Paths & Trails Fund Appropriations	17,835
Unappropriated Fund Balance	-
Total Bike Paths & Trails Fund Requirements	17,835

COMMUNITY ENHANCEMENT PROGRAM

Materials & Services	160,200
Transfers to other Funds	-
Contingency	-
Total Comm Enhancement Prg Appropriations	160,200
Unappropriated Fund Balance	-
Total Comm Enhancement Prg Requirements	160,200

SAM COX BLDG FUND

Materials & Services	13,869
Capital Outlay	68,000
Transfers to other Funds	15,000
Contingency	182
Total Sam Cox Bldg. Fund Appropriations	97,051
Unappropriated Fund Balance	-
Total Sam Cox Bldg. Fund Requirements	97,051

POLICE FACILITY PROJECT

Capital Outlay	51,603
Contingency	-
Total Police Facility Project Fund Appropriations	51,603
Unappropriated Fund Balance	-
Total Police Facility Project Fund Requirements	51,603

COP DEBT SERVICE FUND	
Debt Service	142,000
Total COP Debt Service Fund Appropriations	142,000
Unappropriated Fund Balance	7,315
Total COP Debt Service Fund Requirements	149,315
TOTAL APPROPRIATION - ALL FUNDS	36,268,686
TOTAL UNAPPROPRIATED FUND BALANCES	4,239,917
TOTAL REQUIREMENTS - ALL FUNDS	40,508,603

Section 3. This Resolution shall take effect upon adoption.

YEAS:
NAYS:
ABSTAINED:

Doug Daoust, Mayor

Date

Sarah Skroch, City Recorder
Adopted:

AGENDA ITEM # 7.2

CITY OF TROUTDALE

STAFF REPORT

SUBJECT / ISSUE: A Resolution Imposing and Categorizing Ad Valorem Property Tax Levies for Fiscal Year 2016-2017.

MEETING TYPE: City Council Regular Mtg.	**MEETING DATE:** June 14, 2016 **STAFF MEMBER:** Erich Mueller **DEPARTMENT:** Finance
ACTION REQUIRED Resolution **PUBLIC HEARING** No	**ADVISORY BOARD/COMMISSION RECOMMENDATION:** Approval per the Budget Committee.
STAFF RECOMMENDATION: Adopt the proposed Resolution.	

EXHIBITS: None

Subject / Issue Relates To:

☐ Council Goals ☐ Legislative ☒ Other (describe)

Issue / Council Decision & Discussion Points:

- Authorize General Property Tax Levy
- Authorize General Obligation Bond Debt Service Property Tax Levy

BACKGROUND:

Pursuant to Measure 50 and legislative action, the Oregon Department of Revenue certified the permanent tax rate for general operation purposes for taxing districts for the 1997-98 tax year. Troutdale's permanent tax rate was set at $3.7652 per $1,000 of assessed value. The permanent rates became final on June 30, 1998 and State statutes prohibit any rate change.

In FY 2016-2017, it is projected that Troutdale's permanent rate will raise property taxes totaling $5,129,341. This amount of projected taxes is based on the estimated taxable assessed value of $1,362,302,398. The estimated taxable assessed value includes a 3% estimated value increase,

Reviewed and Approved by City Manager:

and estimated new property from construction and development.

This year the General Obligation (GO) Bond tax indebtedness of the City includes debt for both the Wastewater Treatment Plant relocation project, and the Community Police Facility project. The Wastewater Treatment Plant relocation project, debt service is scheduled to be funded by three sources; property tax levy, monthly sewer utility user fees, and sewer system development charges from new construction.

The debt service for sewer bonds requires a property tax levy of $982,017 in FY 2016-2017. This equates to approximately $0.72 per $1,000 of assessed value, a decrease of $0.02 from the prior year. The tax levy is still higher than originally scheduled as the lack of new construction has reduced the revenues in the Sewer Improvement Fund for the past few years, making it unable to meet its planned portion of the scheduled debt service payments.

The Community Police Facility project debt service requires a property tax levy of $362,766 in FY 2016-2017. This equates to approximately $0.27 per $1,000 of assessed value, a decrease of $0.02 from the prior year, due primarily to the $25,000 increase in of lease revenue, totaling $175,000, from the MCSO used to reduce the required debt service levy.

This resolution imposes and categorizes property taxes for FY 2016-2017 as follows:

General Fund for operations:	$3.7652 rate per $1,000 of assessed value
Debt Service Fund for both GO bonds:	Dollar amount of $1,344,783

PROS & CONS:

A. Approve the Ad Valorem Tax Levies for FY 2016-2017 resolution as drafted by staff necessary to support the adopted budget under ORS 294 Local Budget Law.

B. Not approve the proposed resolution, resulting in financially crippling City operations and services for the coming year, and destroying the City's credit rating unless revised in a form satisfying 294 Local Budget Law.

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

A. First Year & Impact to property owners: Authorizes City to levy the full permanent rate of $3.7652 per $1,000 of assessed value with estimated proceeds of $5,129,341 (net proceeds of $4,821,581) and debt service for bonds in the amount of $1,344,783 (net proceeds of $1,264,096).

Future Fiscal Impacts: ☐ Yes *(describe)* ☒ N/A

City Attorney Approved: ☐ Yes *(describe)* ☒ N/A

Community Involvement Process: ☒ Yes: Adopts the levies approved by the Budget Committee.

RESOLUTION NO.

A RESOLUTION IMPOSING AND CATEGORIZING AD VALOREM TAXES FOR FY 2016-2017.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The budget for fiscal year 2016-2017 was adopted by the Council on June 14, 2016.

2. A portion of the budgeted resources is to be provided by ad valorem taxes.

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

Section 1. Property taxes are hereby levied as provided for in the adopted budget at the rate of $3.7652 per $1,000 of assessed value for operations, and in the amount of $1,344,783 for bonds; and that these taxes are hereby imposed and categorized for tax year 2016-2017 upon the assessed value of all taxable property within the City of Troutdale.

	General Government	Excluded from Limitation
General Fund	$3.7652 per $1,000 of Assessed Value	
Debt Service Fund		$ 1,344,783

Section 2. This Resolution shall take effect upon adoption.

YEAS:
NAYS:
ABSTAINED:

Doug Daoust, Mayor

Date

Sarah Skroch, City Recorder
Adopted: