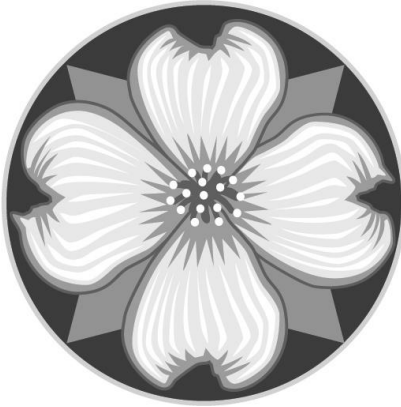




Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

City Hall Council Chambers, 10501 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

2395th Meeting**REVISED AGENDA****JANAUARY 16, 2024**

(Revised January 12, 2024)

Council will hold this meeting in-person and through video conference. The public may attend the meeting by coming to City Hall or joining the Zoom webinar, or watch the meeting on the [city's YouTube channel](#) or Comcast Cable channel 30 in city limits. **For Zoom login** visit <https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-364>.

To participate in this meeting by phone dial 1-253-215-8782 and enter Webinar ID 865 6947 8638 and Passcode: 111508. To raise hand by phone dial *9.

Written comments may be delivered to City Hall or emailed to ocr@milwaukieoregon.gov. Council will take verbal comments.

Note: agenda item times are estimates and are subject to change.

Page #**1. CALL TO ORDER (6:00 p.m.)**

- A. Pledge of Allegiance**
- B. Native Lands Acknowledgment**

2. ANNOUNCEMENTS**2****3. PROCLAMATIONS AND AWARDS**

- A. None Scheduled.**

4. SPECIAL REPORTS

- A. None Scheduled.**

5. COMMUNITY COMMENTS (6:05 p.m.)

To speak to Council, please submit a comment card to staff. Comments must be limited to city business topics that are not on the agenda. A topic may not be discussed if the topic record has been closed. All remarks should be directed to the whole Council. The presiding officer may refuse to recognize speakers, limit the time permitted for comments, and ask groups to select a spokesperson. **Comments may also be submitted in writing before the meeting, by mail, e-mail (to ocr@milwaukieoregon.gov), or in person to city staff.**

6. CONSENT AGENDA (6:10 p.m.)

Consent items are not discussed during the meeting; they are approved in one motion and any Council member may remove an item for separate consideration.

A. Approval of Council Meeting Minutes of:**7**

- 1. December 12, 2023, study session,**
- 2. December 19, 2023, work session, and**
- 3. December 19, 2023, regular session. (Removed from the Agenda)**

B. Adoption of the 2024 City Council Committee Assignments – Motion**9**

- C. Authorization of a Contract for Park Construction Projects – Resolution (Removed from the Agenda)**

7. BUSINESS ITEMS

- A. Council Vacancy and Special Election – Resolution (6:15 p.m.) 15**
Staff: Scott Stauffer, City Recorder
- B. Interim Council Member Appointment Process – Discussion (6:25 p.m.) 24**
Staff: Scott Stauffer, City Recorder
- C. Interim Council President Election – Motion (6:35 p.m.) 31**
Staff: Scott Stauffer, City Recorder
- D. Houseless Services Update – Discussion (6:45 p.m.) 33**
Staff: Ann Ober, City Manager, and
Dan Harris, Events & Emergency Management Coordinator

8. PUBLIC HEARINGS

- A. Business Registration Code Amendments – Ordinance (7:05 p.m.) 37**
Staff: Emma Sagor, Assistant City Manager

9. COUNCIL REPORTS

- A. Council Minutes – Discussion (7:20 p.m.) 58**
Staff: Scott Stauffer, City Recorder
- B. Legislative and Regional Issues – Discussion (7:30 p.m.)**
Staff: Scott Stauffer, City Recorder

10. ADJOURNMENT (8:00 p.m.)

Executive Session. After the regular session Council will meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation services email espanol@milwaukieoregon.gov at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the [city's YouTube channel](#) and Comcast Channel 30 in city limits.

Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a ocr@milwaukieoregon.gov o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a espanol@milwaukieoregon.gov al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el [canal de YouTube de la ciudad](#) y el Canal 30 de Comcast dentro de los límites de la ciudad.

Executive Sessions

The City Council may meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(2); all discussions are confidential; news media representatives may attend but may not disclose any information discussed. Final decisions and actions may not be taken in executive sessions.



COUNCIL REGULAR SESSION

Zoom Video Conference (www.milwaukieoregon.gov)

2395th Meeting

MINUTES

JANUARY 16, 2024

Council Present: Councilors Adam Khosroabadi, Rebecca Stavenjord, and Council President Massey, and Mayor Lisa Batey

Staff Present: Justin Gericke, City Attorney
Dan Harris, Events & Emergency Management Coordinator
Ann Ober, City Manager

Nicole Madigan, Deputy City Recorder
Emma Sagor, Assistant City Manager
Scott Stauffer, City Recorder

Mayor Batey called the meeting to order at 6:15 p.m. and announced that the meeting was being held on Zoom video conference only due to inclement weather.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including the city's 2023 volunteer of the year award, a city manager open-door session, a habitat enhancement event at Spring Park, and an open house for the Harvey Street improvements project.

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the public comment procedures and **Ober** reported that there was no follow-up report from the January 2 community comments related to natural gas policy.

Jacob Sherman, Milwaukie resident, commented on safety concerns along the 29th Avenue greenway and encouraged Council to direct staff to investigate the issues.

Elvis Clark, Milwaukie resident, congratulated the city on a successful Winter Solstice event in December and encouraged Council to review the written comments submitted regarding the Oregon Citizens Utility Board (CUB) representative's comments on natural gas policy at the January 2 regular session.

6. CONSENT AGENDA

Mayor Batey announced that item 6. A. 1. had been removed for separate consideration later in the meeting and **Sagor** noted revisions to the Council committee assignments matrix attached to agenda item 6. B.

It was moved by Councilor Stavenjord and seconded by Councilor Massey to approve the Consent Agenda with amendments noted by staff.

A. City Council Meeting Minutes:

1. ~~December 12, 2023, study session,~~ (removed from the consent agenda for separate consideration; see item 9. A.)
2. ~~December 19, 2023, work session, and~~ (removed from the agenda)
3. ~~December 19, 2023, regular session.~~

B. Adoption of the 2024 City Council Committee Assignments – Motion.

- C. Authorization of a Contract for Park Construction Projects – Resolution** (removed from the agenda).

Motion passed with the following vote: Councilors Khosroabadi, Massey, and Stavenjord and Mayor Batey voting “aye.” [4:0]

7. BUSINESS ITEMS

A. Council Vacancy and Special Election – Resolution

Stauffer provided an overview of the election process triggered by the resignation of Councilor Desi Nicodemus, which included a request for Council to call a special election.

It was moved by Councilor Stavenjord and seconded by Councilor Massey to approve the resolution acknowledging the resignation of Councilor Desi Nicodemus, noting a vacancy on Council, and calling for a special election. Motion passed with the following vote: Councilors Khosroabadi, Massey, and Stavenjord and Mayor Batey voting “aye.” [4:0]

Resolution 4-2023:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACKNOWLEDGING THE RESIGNATION OF COUNCILOR DESI NICODEMUS, NOTING A VACANCY ON COUNCIL, AND CALLING FOR A SPECIAL ELECTION.

Stauffer reviewed Council candidate filing deadlines for the May 21 special election.

B. Interim Council Member Appointment Process – Discussion

Stauffer explained the interim Council member appointment process triggered by the resignation of Councilor Nicodemus as called for by the City Charter. An application and interview process were outlined and there was Council consensus that staff should proceed with the recruitment process and the draft application form as proposed.

Stauffer presented previously used interim Council member interview questions. **Mayor Batey** and **Councilors Massey and Stavenjord** commented on the structure of several questions. The group discussed drafting interview questions and it was Council consensus that Council members would send Stauffer their preferred questions and Council would revisit the questions at the February 2 regular session.

C. Interim Council President Election – Motion

Stauffer explained that Council was asked to identify one its members to serve as an interim Council President until after the next Council election.

Mayor Batey remarked on the importance of having a Council President.

It was moved by Councilor Stavenjord and seconded by Mayor Batey to appoint Councilor Massey to serve as Council President. Motion passed with the following vote: Councilors Khosroabadi, and Stavenjord and Mayor Batey voting “aye,” and Councilor Massey abstaining.” [3:0:1]

D. Houseless Services Update – Discussion

Ober provided an update on the city’s work to provide housing and social services, a community conversation event on how such services worked/were offered(?), and a grant request that would enable the library to serve as a heating and cooling shelter.

Ober and **Harris** remarked on the role of the Milwaukie Police Department’s (MPD’s) behavioral health specialist and community partners such as LoveOne and Central City Concern and provided an update on the county’s work to open a 23-hour stabilization center in the North Milwaukie Innovation Area (NMIA). **Councilors Stavenjord and Massey** outlined steps the city could take to support the stabilization center and those who use it. **Ober** thanked Clackamas County staff for supporting the city’s housing work.

Mayor Batey suggested the stabilization center might be a good place to host a Clackamas Cities Association (CCA) dinner and **Ober** noted that other cities are working on finding solutions to address houselessness as well.

8. PUBLIC HEARING

A. Business Registration Code Amendments – Ordinance

Mayor Batey and **Ober** noted that the hearing item would be rescheduled to February 6, 2024, due to inclement weather.

9. COUNCIL REPORTS

A. Council Minutes – Discussion

Stauffer provided an overview of public meeting minutes, their purpose, Council’s role in approving them, and best practices staff follow in writing and archiving minutes.

Council President Massey remarked on the challenges of writing minutes and supported staff’s approach to providing summary-style minutes.

Mayor Batey appreciated staff’s approach to summary minutes and expressed concern that minutes don’t always capture whether there was Council consensus or disagreement.

Regarding the December 12 study session minutes **Mayor Batey** suggested that additional text needed to be added to note the topics covered at the unannounced meeting with Oregon Governor Tina Kotek which three Council members attended and the concerns of Councilor Khosroabadi regarding that meeting. **Councilor Khosroabadi** appreciated Mayor Batey asking for the additional language to be added to the minutes.

Stauffer suggested staff would review the December 12 minutes and present revised minutes to Council at the February 6 regular session.

Ober summarized that Council agreed future minutes would document Council consensus. It was Council consensus that future minutes should document Council consensus.

B. Legislative and Regional Issues – Discussion

Stauffer provided a brief update on key dates and legislation the city was tracking during the 2024 short session of the state legislative assembly. The group discussed potential legislation addressing housing, behavioral health and social services, transportation, elections systems, and issues tracked by the League of Oregon Cities (LOC).

Councilor Stavenjord noted an upcoming research symposium on issues related to the implementation of statewide Measure 110 and reported on issues discussed at a recent meeting of the Clackamas County Coordinating Committee (C4). **Mayor Batey** noted recent regional discussions about expanding the urban growth boundary (UGB).

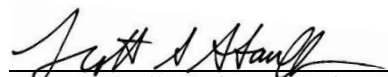
10. ADJOURNMENT

Mayor Batey announced that after the meeting Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

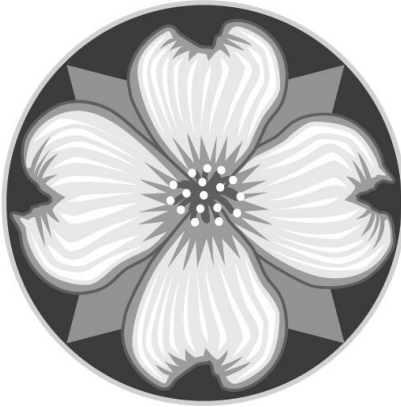
It was moved by Council President Massey and seconded by Councilor Stavenjord to adjourn the regular session. Motion passed with the following vote: Councilors Khosroabadi, Massey, and Stavenjord and Mayor Batey voting “aye.” [4:0]

Mayor Batey adjourned the meeting at 7:35 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder



RS Agenda Item

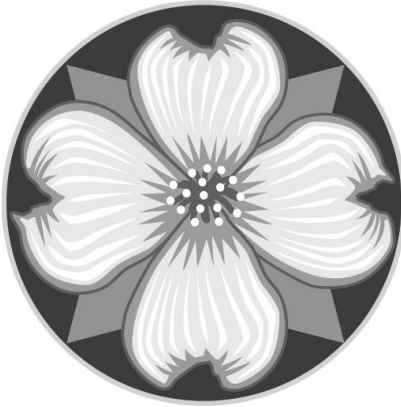
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Announcements



Mayor's Announcements – January 16, 2024

- **2023 Volunteer of the Year – Nominations Accepted Until Feb. 14, 2024**
 - Anyone who resides in Milwaukie or is a member of a non-profit or business that serves Milwaukie is eligible.
 - Those nominating the person are asked to discuss the nominee's volunteer work and how it has improved Milwaukie.
 - Nominations can be submitted at engage.milwaukieoregon.gov.
- **City Manager Open Door Session – Fri., Jan. 26, 2024 (9 AM – 10 AM)**
 - City Manager, Ann Ober, hosts another open-door session for community members.
 - No sign-up is necessary. First come, first served.
 - Sessions take place at City Hall (10501 SE Main St.).
- **Spring Park Habitat Enhancement Volunteer Event – Sat., Jan. 27 (9 AM – 12 PM)**
 - Volunteers will be tying down Christmas trees to create fish habitat.
 - Project instruction, tools, gloves and refreshments provided.
 - Register to participate online at ncprd.com/nature-volunteer-application.
- **Harvey Street Improvements Open House – Wed., Jan. 31 (5 – 6:30 PM)**
 - Project will improve Harvey St. from 32nd Ave. to 40th Ave. into a neighborhood greenway along with other improvements.
 - Review, comment and ask questions about the 30% design.
 - Join an email list for project updates by sending an email to milwaukiesafe@milwaukieoregon.gov.
 - Event held at City Hall (10501 SE Main St.)
- **LEARN MORE AT [WWW.MILWAUKIEOREGON.GOV](https://www.milwaukieoregon.gov) OR CALL 503-786-7555**



RS Agenda Item

5

Community Comments

From: [Jacob Sherman](#)
To: [Luke Johnson](#); [Ann Ober](#); [Emma Sagor](#); [Adam Khosroabadi](#); [Robert Massey](#); [Rebecca Stavenjord](#); [Lisa Batey](#); [Scott Stauffer](#)
Cc: [Luke Strait](#); [Ryan Burdick](#); [Lisa Gunion-Rinker](#); [Travis Tomlinson](#); [Erin Jansen](#); [Daniel Hunt](#)
Subject: Re: Urgent Safety Issue on 29th Greenway
Date: Wednesday, January 10, 2024 9:11:55 AM

This Message originated outside your organization.

I'm not sure if Chief Luke is still out of office, so I wanted to reply to loop in a few others to make sure this near-crash is officially recorded and to ask the City to take action to mitigate risk now and in the future.

I'm adding City Council, plus City Manager Ann Ober and Assistant City Manager Emma Sagor. I've talked both in 22-23 about traffic safety on 29th Ave with Ann and more recently with Emma. I'm also recalling a number of elected officials talked about bike/ped safety when they ran for election.

All - My family and I were biking with Luke Johnson and his 4 year old daughter when this near crash happened. We'd gotten ahead of them and were actually stopped, turned around, and witnessed it all. It was scary and we're just lucky it didn't turn out differently.

I've said to city staff since 2022, it was also entirely preventable. Installing stop signs on the east-west streets as they cross the 29th Ave Greenway would not only be following adopted City policy, but it would also be applying national best practices on greenway design. It would also make a bike rider's experience in Milwaukie similar to Portland, creating a more consistent expectation of safety. Myself and others with the Ardenwald NDA and Bike Milwaukie have asked for these simple, affordable improvements since 2022 due to stories and personal safety concerns like what happened to Luke and his daughter. Additionally, as part of the TSP process, I recently turned in a petition to Planning Department with over 130 signatures of residents and visitors that calls for the City to do more on bike/ped safety. I hope we can take this experience and use it to prompt action, rather than waiting for an even worse tragedy to occur and then dealing with all the fallout from that.

I ask City Council and staff to direct funding (perhaps SAFE Spot funds?) to implement immediate safety improvements on the 29th Ave Greenway.

Please let me know if you have questions and thank you for taking the time to read this email. Have a good day.

Best wishes,
Jacob Sherman

Sent from my iPhone

On Jan 5, 2024, at 13:12, Luke Johnson <luke.warrenjohnson@gmail.com> wrote:

Hello Chief Strait,

I understand you were out of town and would like to circle back with you on this issue.

Thanks,

Luke Johnson
612-418-4984

On Mon, Jan 1, 2024 at 3:07 PM Luke Johnson

<luke.warrenjohnson@gmail.com> wrote:

Hello officer Strait (and fellow Luke),

I would like to let you know of a recent near miss accident today while I was biking on 29th Greenway today with my soon to be 4 year old daughter riding in the bike trailer. Today at around noon an SUV was driving westbound on Malcom Street downhill while we were riding slowly and northbound on 29th. The westbound vehicle came to screeching halt and skidded on the gravel just before crossing 29th and nearly killing my daughter and I.

Some version of this happens to me atleast once per year while riding on 29th and crossing any of the east-west streets (Kelvin, Olsen, Malcolm, Boyd, Roswell, etc). However, this is the first time that my daughter was endangered. As one of the hundreds of parents living in our neighborhood, I hope that I can eventually teach my children to ride their bikes by themselves in our neighborhood, especially on a dedicated bicycle greenway like 29th. However today's incident and the continued lack of any traffic control on any intersection on 29th makes me doubt the safety of pedestrians in this neighborhood.

Please do not wait until someone tragically loses a life on this dedicated "greenway". Please take this opportunity to demonstrate our community's supposed values of pedestrian safety. Please install stop signs and traffic calming measures this spring 2024 on 29th.

I have ccd the Ardenwald NDA here for context.

Best,

Luke Johnson

RS 5. 1/16/24
Speaker Registration

From: [Jacob Sherman](#)
To: [OCR](#)
Subject: testify tonight
Date: Tuesday, January 16, 2024 6:17:19 PM

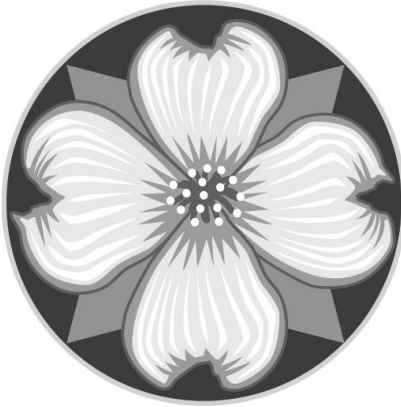
This Message originated outside your organization.

Hi Scott,

I'd like to testify tonight during the open portion of the meeting. Thanks.

best,
jacob

- 19:14:32 From Councilor Rebecca Stavenjord (she/her) to Hosts and panelists : This will be summarized for the minutes... ;)
- 19:33:02 From Councilor Rebecca Stavenjord (she/her) to Hosts and panelists : Register Now: 2024 M110 Research Symposium
- The first Oregon Ballot Measure 110 (M110) Research Symposium, hosted by RTI International and supported by Arnold Ventures, will be held on January 22, 2024, from 9:00am to 4:30pm at the Salem Convention Center in Salem, Oregon. Attendees can attend in-person or virtually.
- 19:33:12 From Councilor Rebecca Stavenjord (she/her) to Hosts and panelists : The symposium convenes researchers from Oregon (OHSU, PSU, UO, Comagine Health, OHA) and national research teams (RTI, USC, U of Michigan, Brown, Network for Public Health Law) to show scientific data on M110 and critical issues in Oregon. Recent legislative committee panels have showcased the perspectives of diverse sectors within the state; the M110 Research Symposium will provide summary data and formal study results at this stage. Information from this symposium can inform next steps for Oregon changemakers, and will be of interest to policymakers, journalists, community leaders, and members of the public.
- 19:33:19 From Councilor Rebecca Stavenjord (she/her) to Hosts and panelists : Register for IN PERSON attendance here:
<https://app.smartsheet.com/b/form/5afaa2579c31442faa6f0bccf4acced3>
- Register for VIRTUAL attendance here:
https://rtiorg.zoom.us/webinar/register/WN_zBS3SXjQSFq1imGRcJEsyg#/registration
- 19:33:29 From Councilor Rebecca Stavenjord (she/her) to Hosts and panelists : Topics
- Overdose mortality: This panel will provide data on US and Oregon trends in overdose mortality and discuss results of early evaluations of the impact of M110 on overdose mortality with study leaders.
- Substance use disorder services: This panel will provide data on services funded through M110, discuss gaps and changes, and provide data from research on M110-funded peer recovery services.
- Housing, harm reduction, and family services: This panel will discuss homelessness in Oregon, harm reduction services data, provide data from a study of people who use drugs in Oregon, and discuss data related to pregnancy.
- Law enforcement: This panel will provide history on drug policy in Oregon, data on arrest rates pre and post M110, drug-related calls-for-service (911) data pre and post M110, and data from the first study with people who use drugs in Oregon about M110.



RS Agenda Item

6

Consent Agenda

COUNCIL SPECIAL SESSION

City Hall Council Chambers, 10501 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

MINUTES**DECEMBER 12, 2023**

Council Present: Councilors Adam Khosroabadi, Robert Massey, Rebecca Stavenjord, and
Council President Desi Nicodemus, and Mayor Lisa Batey

Staff Present: Tony Lairson, Utility Technician II
Nicole Madigan, Deputy City Recorder
Ann Ober, City Manager
Peter Passarelli, Public Works Director

Gabriela Santoyo Gutierrez, Equity and Inclusion
Coordinator
Natalie Rogers, Climate and Natural Resources
Manager
Emma Sagor, Assistant City Manager

Mayor Batey called the meeting to order at 5:25 p.m.

1. Council Goal Update: Climate – Report

Rogers provided an update on projects related to the Climate Action Plan (CAP), which included reviewing the climate goals and the greenhouse gas (GHG) inventory, and the progress of developing Milwaukie's municipal green tariff. The group discussed what participation in the tariff would look like and how developed the program was.

Rogers explained that staff were working with local jurisdictions and the Oregon Department of Energy (ODOE) to develop building performance standards to align with the building energy score program. **Mayor Batey** and **Rogers** discussed the inclusion of commercial industrial buildings in the program. **Councilor Khosroabadi** asked if there were plans to provide grants for buildings to make changes to meet standards, **Rogers** was unsure but would research.

Rogers explained how Energy Trust of Oregon's strategic energy management (SEM) program worked and **Rogers** and **Passarelli** explained how Milwaukie was participating in the program.

Rogers and **Passarelli** shared how the city was converting its vehicle fleet to electric and hybrid and adding charging infrastructure for city and public use. The group discussed how often chargers were used, funding options for businesses and multifamily housing units to add chargers and how level 3 chargers could be added in east Milwaukie. **Rogers** and **Passarelli** explained Portland General Electric's (PGE's) program that added chargers around the city on utility poles for public use. **Councilor Massey, Rogers, and Passarelli** discussed one of the chargers that had not been working, how to locate the chargers, and how payments are made.

Passarelli explained that the city was working with a consultant to update the Stormwater System Plan to reflect climate change projections for increased precipitation and intensity. **Rogers** advised that staff was reviewing the tree code and that staff would return with more information in the spring. The group discussed measuring and protecting and increasing the city's tree canopy.

2. Council Goal Update: Equity – Report & Resolution

Sagor provided background on the steps that had been taken since Council's equity goal was adopted and **Santoyo Gutierrez** and **Sagor** explained that three tracks had

been developed for the Equity Plan based on the results of the Keen Independent Research study, and feedback from the Equity Steering Committee (ESC) and Council. The group discussed supporting staff during department conversations. **Liz Start**, member of the ESC and chair of the Linwood Neighborhood District Association (NDA) expressed support for the plan and noted that the ESC had taken time in reviewing and providing feedback on the plan. **Sagor** and **Ober** explained that the plan developed was not meant to disregard equity work happening in other areas of the city's work, but to direct staff's attention to a multi-year city wide plan and that equity work was still occurring in daily tasks such as hiring practices.

Santoyo Gutierrez shared strategies and measures for tracking progress while following the plan. **Sagor** explained next steps and asked for Council feedback. The group discussed how to best engage and share the plan with the community, the need for conversations with community members about diversity, how to have NDAs reflect the diversity of the community, ensure that more inclusive language is being used in conversations and documentation, and use the city events calendar to amplify existing community cultural events. The group discussed using strategies and measures to evaluate city processes.

It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi to approve the resolution supporting a multi-year equity work plan to measurably improve equity outcomes and address key priorities. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]

Resolution 60-2023:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SUPPORTING A MULTI-YEAR EQUITY WORK PLAN TO MEASURABLY IMPROVE EQUITY OUTCOMES AND ADDRESS KEY PRIORITIES.

Council Reports

The group discussed a recent impromptu meeting that occurred with Governor Tina Kotek, members of Council, and city staff.

Councilor Stavenjord noted when the next Clackamas County Coordinating Committee (C4) meetings would occur and the topics that would be discussed.

3. Adjourn

It was moved by Council President Nicodemus and seconded by Councilor Massey to adjourn the Regular Session. Motion passed with the following vote: Councilors Stavenjord, Khosroabadi, Massey, Nicodemus, and Mayor Batey voting "aye." [5:0]

Mayor Batey adjourned the meeting at 7:42 p.m.

Respectfully submitted,

Nicole Madigan, Deputy City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Scott Stauffer, City Recorder

From: Emma Sagor, Assistant City Manager

Subject: **2024 Council Committee Assignments**

Date Written: Jan. 5, 2024

ACTION REQUESTED

Council is asked to finalize the 2024 Council committee assignments matrix.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Every January, Council updates the matrix noting which of its members serve on various intergovernmental and regional advisory bodies.

ANALYSIS

Council discussed committee assignments at their January 2 meeting and January 9 retreat. The assignments are shown in the attached matrix.

The committee assignments matrix may be updated throughout the year as committee information changes.

BUDGET, CLIMATE, & WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

None.

STAFF RECOMMENDATION

None.

ATTACHMENTS

1. 2024 Council Committee Assignments Matrix

Orange shading = proposed change							
Committee	Focus	Governing Authority	2023 Appointee	2024 Appointee	Staff Resources	Elected Rep Required	Meeting Schedule
Audit Committee	The City of Milwaukie created an Audit Committee of the Milwaukie City Council to ensure that audits of the City’s financial statements are completed annually in accordance with Oregon state law, to share oversight responsibility of the City’s independent auditors with management, and to assist City management in the review and selection of the City’s independent auditor (Res. No. 56-2012).	The Audit Committee is to consist of one member of the City Council and one member of the City Budget Committee each appointed by the Council for two-year staggered terms and two citizen members with an interest in City government financial operations, with preference first given to a Certified Public Accountant residing within City limits and second to a Certified Public Accountant with City affiliation, also for a two year term.	<u>Robert Massey</u>		Emma Sagor, Michael Osborne	Yes	Meetings are held at least twice annually
Boards, Committees, and Commissions (BCC) Selection Committee	Purpose is to interview citizens who have applied to serve on citywide Boards, Committees, and Commissions.	Comprised of the Mayor, rotating Councilor, and Staff Liaison.	<u>Lisa Batey</u>		Scott Stauffer	Yes	Interviews are held as needed.
Budget Committee	The Budget Committee is established in accordance with the provisions of ORS 294.336 to review the annual city budget document as prepared by the city budget officer and to recommend an approved budget to the City Council for adoption.	The Committee includes five City Councilors plus an equal number of City residents who are registered voters. The Council appoints the citizen members for four-year terms. The Budget Committee meets as directed by City Council. Typically, the budget preparation meetings are held in the early spring, with additional meetings scheduled as needed and to review revenue and expenditure reports.	<u>Mayor and Council</u>		Emma Sagor, Michael Osborne	Yes	Meetings are held quarterly
Clackamas Cities Association (CCA)	12 cities in Clackamas County get together for dinner and speaker events to share ideas and to network.	City of Lake Oswego provides general coordination for cities.	<u>Mayor and Council</u>		Ann Obers, Scott Stauffer	No	Dinners are held monthly. Typically, dinners are held on the third Thursday of the month.
Clackamas County Coordinating Committee (C-4)	C-4 was founded by the County to promote a partnership between the County, its Cities, Special Districts, Hamlets, Villages and Community Planning Organizations (CPOs). C-4 provides Councilors with an opportunity to network and work on building	Voting membership shall consist of one elected representative and an elected alternate appointed by the City Council	<u>Rebecca Stavenjord</u>		Ann Ober	Yes	Meetings are held on the first Thursday of the month starting at 6:45 p.m. in the Public Services Building of Clackamas County.
Clackamas County Coordinating Committee (C-4) – Metro Sub-Committee	C-4 members who are within the Metro jurisdiction shall be a subcommittee of C-4 named Metro subcommittee to discuss JPACT and MPAC issues. This subcommittee shall at a minimum be the body which	Nominations and elections shall occur in November of each even numbered year in accordance with Metro Charter requirements.	<u>Rebecca Stavenjord</u>		Ann Ober	Yes	Meetings are held on the third Wednesday of the month at 7:30 in the Clackamas County’s Development Services Building.
Clackamas County Coordinating Committee (C-4) – Toll Strategy Sub-Committee	A subgroup of the Clackamas County Coordinating Committee (C4) comprised of C4 members and additional community leaders invested in the outcomes of diversion impacts on local communities anticipated		<u>Rebecca Stavenjord</u>		Ann Ober		Meetings are held on the third Wednesday of the month at noon.
Clackamas County Fire District #1 District Board Subcommittee	Purpose is to discuss collaborative opportunities, long-term facility needs, emergency preparedness, impacts of compression, and other challenges facing communities being served.	Subcommittee consists of two Fire Board members and two Council Members appointed by respective jurisdiction.	<u>Adam Khosroabadi</u>		Ann Ober	Yes	Development Services Building 150 Beavercreek Rd. Oregon City, OR 97045
			<u>Vacant</u>				
Clackamas County Library District Advisory Committee	Purpose is to advise the Clackamas County Library Service District (Board of County Commissioners) to support two county libraries and ten city libraries.	Committee involves 10 members that are typically appointed by respective library board. The advisory committee was created after the 2008 District creation.	<u>No Council Rep Needed</u>		Brent Husher	No	Meetings are held as needed.

Clackamas County Childcare for All Task Force	A group convened by Clackamas County and Clackamas Education Service District on ways to provide greater access to affordable childcare options.		Vacant - staff checking whether this is still meeting				Meeting schedule under development.
Clackamas County Mayor and Chair	Broad topics that fall outside the scope of C4.	Ad hoc group – no formal appointment process.	Lisa Batey		Ann Ober	No	Oregon City Library
Community Action Board	Members are appointed by the Clackamas County Board of County Commissioners. The group advocates both locally and at the state level on issues related to people and households with low-incomes.	Board is run by Clackamas County. 8 members and one alternate.	Adam Khosroabadi			No	Clackamas County Social Services is looking for an elected official representative to serve on the Community Action Board, an advisory board to the Board of County Commissioners. The Community Action Board is an advisory group that advises Clackamas County Social Services Division on their Meetings are the first Wednesday of each month, 7:30 a.m. to 9 a.m.
Homeless Solutions of Clackamas County (HSCC)	HSCC’s purpose is to bring together citizens, agencies, governments, churches, businesses, and schools in the Oregon City region to create partnerships that reduce homelessness.	Steering committee made up of co-founders and representatives of agencies, governments, churches, businesses, and schools.	Rebecca Stavenjord			No	Meetings are held on the second Wednesday of the month from 2:00 p.m. to 3:30 p.m. at Providence Community Center in Oregon City. *Steering committee is expected to attend community meetings quarterly.
League of Oregon Cities	Legislative Committees (any councilor can participate)	LOC Energy Policy Committee Community Development Committee	TBD - Council members to express interest when list of committees is released		Ann Ober	Yes	
Local Contract Review Board	Purpose is to review and adopt public contracting rules and findings as to amendments of professional services	Established via Resolution by Council.	City Council		Kelli Tucker	Yes	Meetings are held as needed.
Metro Mayor’s Consortium	Advocate at Metro and State on issues that affect all metro cities.	Membership limited to 20 local mayors of the Portland Metro Region.	Lisa Batey		Ann Ober	Yes	Meetings are held monthly on Wednesdays during lunchtime.
Milwaukie Center/Community Advisory Board (C/CAB)	The Milwaukie Center/Community Advisory Board is the primary policy advisor to Milwaukie Center staff and the North Clackamas Parks District Advisory Board.	Positions are applied for by individuals and appointed by C/CAB and County Board of Commissioners	Adam Khosroabadi			No	Meetings are held on the second Friday of every month at 9:30 a.m. at the Milwaukie Center.
Milwaukie Redevelopment Commission	Facilitate and support urban renewal efforts in targeted areas of the City of Milwaukie	MRC	City Council			Yes	Meet as needed during Council work, study, and regular sessions
Milwaukie Redevelopment Commission Community Advisory Committee	Advise MRC on investment opportunities within the tax increment financing district.	MRC	Rebecca Stavenjord			Yes	Meets as needed to develop recommendations for MRC.
Milwaukie Parks and Recreation Board (PARB)	Advises City Council on parks related issues.	Comprised of 8 members appointed by City Council.	Lisa Batey		Staff member TBD due to staffing transitions	Yes	Meetings are held on the 4th Wednesday of every month at 4:30 at the Ledding Library.

North Clackamas Chamber of Commerce and Public Policy Team	Purpose is to discuss policy issues in front of the Chamber for position consideration.	Representatives appointed by the Chamber Board.	<u>Adam Khosroabadi</u>		Vera Kolias Ann Ober	No	Meetings are held on the first Monday of the month from 12 p.m. to 1:15 p.m. at the Chamber Offices.
North Clackamas Parks and Recreation District Advisory Board (DAC)	Purpose is to make recommendations to the District Board of Directors on the design, planning and development of parks and the provision of recreational programs in the district.	Section E(2) of the May 1, 1990 Agreement between Clackamas County and the City provide for representation to the DAC. City Council appoints the DAC member.	<u>Lisa Batey</u>		Peter Passarelli	No	DAB meets monthly on the second Wednesday of every month from 5:00 to 7:00 PM
North Clackamas Social Needs Roundtable	Purpose is to prevent the spread of homelessness and food insecurity in Clackamas County.	Ad Hoc Committee comprised of school district, county, city, nonprofit, and private sector officials.	<u>Vacant - staff checking whether this is still meeting</u>			No	Meetings are held as needed. Typically, two to three times per year at a Milwaukie Church.
North Clackamas Watershed Council	The North Clackamas Watershed Council’s purpose is to advocate for the protection and enhancement of the watersheds’ fish and wildlife habitat and improve water quality through partnership with public and private entities, habitat restoration projects, community education and outreach, and strategic planning.	The number of Council Representatives may vary between a minimum of four (4) and a maximum of thirty (30). A minimum of one position will be reserved for each of the following watersheds and sub-basin areas; Upper Kellogg, Lower Kellogg, Lower Mt Scott, Dean, Middle Mt Scott/Cedar, Phillips, Upper Mt Scott, Minthorn Spring, Boardman Creek, River Forest, and Rinearson Creek. The term of office for Council Representatives shall be three years.	<u>Robert Massey</u>		Peter Passarelli	No	Meetings are held on the third Wednesday of the month from 6:00 p.m. to 8:00 p.m. at Oak Lodge Sanitary District.
Oregon Mayors Association (OMA), Portland Metro Region Team	Purpose is to create a forum for discussing a wide variety of issues, and, most importantly, a unified voice in Salem. Established in 1972, the Oregon Mayors Association is a voluntary association of persons who hold the office of mayor. OMA is recognized as an affiliate organization in cooperation with the League of Oregon Cities. Over two-thirds of Oregon mayors are active members of OMA.	The leadership of the OMA is vested in a Board of ten directors which include a President, President-elect, Secretary-Treasurer, Immediate Past President and six members at-large. The Immediate Past President and the Secretary-Treasurer serve as ex-officio-Directors. The Secretary-Treasurer position is a nonvoting position held by the Executive Director of the League of Oregon Cities Board members are elected at the annual meeting of the OMA, held at the League of Oregon Cities' Annual Conference. The OMA constitution requires that consideration be given to geographic and size diversity on the Board.	<u>Lisa Batey</u>		Ann Ober	Yes	Meetings are held as needed either by way of teleconference or at League of Oregon Cities’ Meetings.
WES Advisory Committee	On Sept. 14, 2017, the Board of County Commissioners of Clackamas County (BCC) acting as the governing body of WES, created a standing advisory committee consisting of customers, stakeholders and city representatives referred to as the Water Environment Services Advisory Committee.	Clackamas County	<u>Adam Khosroabadi</u>		Peter Passarelli	Yes	

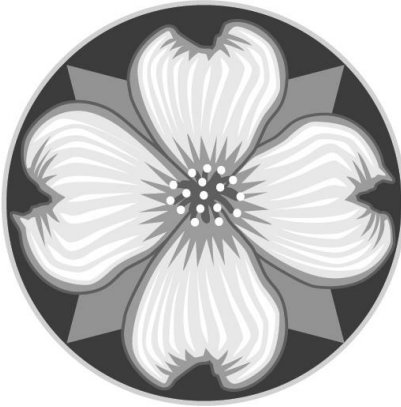
Regional Water Providers Consortium	The Regional Water Providers Consortium serves as a collaborative and coordinating organization to improve the planning and management of municipal water supplies in the greater Portland, Oregon metropolitan region. Primary focus is conservation and planning interties of water systems to address emergency needs.	Formed in 1997, the Consortium serves the Multnomah, Clackamas, and Washington counties and is made up of 21 water providers and the regional government Metro. Together, these entities provide about 95 percent of the Portland metropolitan area’s drinking water Members of the Consortium are cities, water districts and a people's utility district throughout the Portland, Oregon metropolitan area. The regional government Metro is also a member. Participation in the Consortium is voluntary and is funded through membership dues.	<u>Vacant</u>		Peter Passarelli	No	Meetings are held three times per year. Typically, from 6:00 p.m. to 8:30 p.m. at Metro. Usually in the Metro Chambers.
Transportation System Plan Advisory Committee (temporary duration, Spring 2023-early 2024)	Community based committee that will advise on the update of the TSP.	Committee is appointed by City Council.	<u>Rebecca Stavenjord</u>		Laura Weigel	Yes, as determined by City Council	Approx. 12/16 meetings over 12-18 months. Meeting time TBD. Likely on Thursday evenings from 6:00- 8:00.

Orange shading = proposed change							
Committee	Focus	Governing Authority	2023 Appointee	2024 Appointee	Staff Resources	Elected Rep Required	Meeting Schedule
Audit Committee	The City of Milwaukie created an Audit Committee of the Milwaukie City Council to ensure that audits of the City’s financial statements are completed annually in accordance with Oregon state law, to share oversight responsibility of the City’s independent auditors with management, and to assist City management in the review and selection of the City’s independent auditor (Res. No. 56-2012).	The Audit Committee is to consist of one member of the City Council and one member of the City Budget Committee each appointed by the Council for two-year staggered terms and two citizen members with an interest in City government financial operations, with preference first given to a Certified Public Accountant residing within City limits and second to a Certified Public Accountant with City affiliation, also for a two year term.	<u>Robert Massey</u>	<u>Robert Massey</u>	Emma Sagor, Michael Osborne	Yes	Meetings are held at least twice annually
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Clackamas Cities Association (CCA)	12 cities in Clackamas County get together for dinner and speaker events to share ideas and to network.	City of Lake Oswego provides general coordination for cities.	<u>Mayor and Council</u>	<u>Mayor and Council</u>	Ann Ober, Scott Stauffer	No	Dinners are held monthly. Typically, dinners are held on the third Thursday of the month.
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			<u>Desi Nicodemus</u>	Vacant			
Clackamas County Library District Advisory Committee	Purpose is to advise the Clackamas County Library Service District (Board of County Commissioners) to support two county libraries and ten city libraries.	Committee involves 10 members that are typically appointed by respective library board. The advisory committee was created after the 2008 District creation.	<u>No Council Rep Needed</u>	<u>No Council Rep Needed</u>	Brent Husher	No	Meetings are held as needed.

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Homeless Solutions of Clackamas County (HSCC) Quarterly North Clackamas Provider Networking Event			N/A	Rebecca Stavenjord and Adam Khosroabadi (staff confirming details for each HSCC body and membership may be adjusted)			
League of Oregon Cities	Legislative Committees (any councilor can participate)	LOC Energy Policy Committee Community Development Committee	Not active in 2023	TBD - Council members to express ex officio interest when list of committees is released	Ann Ober	Yes	
Local Contract Review Board	Purpose is to review and adopt public contracting rules and findings as to amendments of professional services	Established via Resolution by Council.	City Council	City Council	Kelli Tucker	Yes	Meetings are held as needed.
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Regional Water Providers Consortium	The Regional Water Providers Consortium serves as a collaborative and coordinating organization to improve the planning and management of municipal water supplies in the greater Portland, Oregon metropolitan region. Primary focus is conservation and planning interties of water systems to address emergency needs.	Formed in 1997, the Consortium serves the Multnomah, Clackamas, and Washington counties and is made up of 21 water providers and the regional government Metro. Together, these entities provide about 95 percent of the Portland metropolitan area’s drinking water Members of the Consortium are cities, water districts and a people’s utility district throughout the Portland, Oregon metropolitan area. The regional government Metro is also a member. Participation in the Consortium is voluntary and is funded through membership dues.	<u>Robert Massey</u>	Robert Massey	Peter Passarelli	No	Meetings are held three times per year. Typically, from 6:00 p.m. to 8:30 p.m. at Metro. Usually in the Metro Chambers.
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RS Agenda Item

7

Business Items

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Justin Gericke, City Attorney

From: Scott Stauffer, City Recorder

Subject: **Council Vacancy & Call for Special Election**

Date Written: Jan. 3, 2024

ACTION REQUESTED

Council is asked to adopt a resolution officially acknowledging the resignation of Desi Nicodemus from Council position 3 and calling for a special election to fill the vacant position.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

At the [January 2, 2024](#), regular session, Council President Desi Nicodemus resigned from Council position 3 effective immediately (see Attachment 1).

Following Council President Nicodemus' resignation, in accordance with the Milwaukie City Charter, staff prepared a resolution for Council to acknowledge the resignation and vacancy and call for a special election.

ANALYSIS

Chapter V, Section 18, of the Charter identifies a Councilor resignation as an act that creates a vacancy on Council. Section 19 directs that Council is to call for a special election to fill a vacant Council position. Accordingly, staff has prepared a resolution (Attachment 2) for Council to consider adopting. The resolution would acknowledge Council President Nicodemus' resignation and call for a special election to fill position 3.

In general, it takes about four months for the city to call, administer, and hold a special election. Section 19 requires a special election to be at least two months ("not less than 60 days") after a Council member resigns, and Charter Chapter IV, Section 17, requires a timeframe of between 70 and 100 days (about 3 months before an election day) for Council candidates to file to run for city office. With appropriate time for public noticing of these time frames, it generally requires about four months to call and hold a special election.

In addition, Oregon election law provides only four days each year that an election can be held – a Tuesday in March, May, August, and November. Based on the timing of Council President Nicodemus' resignation, the next available election date is May 21. Therefore, the special election to fill the vacant Council position will occur at the same time as the regularly scheduled statewide primary election.

The Candidate Information Packet (Attachment 3) notes the important dates and candidate processes for the special election.

Section 19 of the Charter also gives Council the authority to fill the vacant Council position on an interim basis before a special election can be held. A proposed interim recruitment process is outlined in a separate staff report to Council in the January 16 regular session packet.

BUDGET IMPACT

The Council and city recorder budgets will cover any additional costs related to the special election. In general, such unknown expenses are to a certain extent included in both Council and city recorder budgets. Luckily, based on the timing of this election, staff does not anticipate any greater cost for the special election than what the general election typically costs.

In previous election cycles, special election cost estimates for cities the size of Milwaukie have been around \$10,000. Special elections held in March, May, or August, where there are fewer elections being held and fewer governments to share the costs, can cost individual cities more.

WORKLOAD IMPACT

The city recorder's office can handle the extra workload related to this special election.

CLIMATE IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

The city recorder, city attorney, and city manager worked on this report and the staff work to prepare for a special election.

STAFF RECOMMENDATION

Staff recommends that Council adopt the proposed resolution.

ALTERNATIVES

None.

ATTACHMENTS

1. Resignation Letter
2. Resolution
3. Candidate Information Packet

It is with a mixture of gratitude and a heavy heart that I submit my resignation from the City Council. I have thoroughly enjoyed the experience and opportunities to serve our community during my tenure on the council. However, recent developments have led me to reevaluate my priorities, and I have come to the difficult decision to step down from this role.

As you may be aware, I have recently taken on a new responsibility that demands a significant amount of my time and attention – returning to the classroom as a third grade teacher. Balancing the responsibilities of City Council and my teaching duties has proven to be an overwhelming challenge, and I have found myself unable to fulfill both roles with the dedication and effectiveness that they deserve.

I want to express my deepest gratitude to my family, particularly my wife Jillian and my son Rio, for their unwavering support and the sacrifices they have made during my time on the City Council. Their understanding and encouragement have been instrumental in allowing me to pursue this public service opportunity.

I am also immensely grateful for the support of those who dedicated their time and efforts to my campaign. Celestina, Jacob, and Paul played crucial roles, and I am indebted to them for their commitment to our shared vision for the community.

I extend my sincere appreciation to both past and current council members with whom I have had the privilege to work. It has been an honor collaborating with dedicated individuals who share a passion for the betterment of our city. I have learned a great deal from each of you, and I am grateful for the friendships and partnerships that have developed during my time on the council.

Working alongside the city staff has been an invaluable experience, and I want to express my thanks to Ann, Joseph, Scott, Justin, Kelley, Jon, Gabrelia, Adam, Dr. Passerli, and the many other staff members whose hard work and dedication contribute to the success of our community. Their tireless efforts behind the scenes do not go unnoticed, and I am grateful for the positive working relationships we have cultivated.

Finally, I am proud to have served as the first Black man and person of color on the City Council. While my time in this role may be coming to an end, I am confident that others will follow in my footsteps, contributing to the diverse representation that our community deserves.

I want to assure you that my commitment to the well-being and progress of our city remains unwavering, and I look forward to continuing my support for our community in new ways. I believe that stepping down from the City Council is the right decision at this time, and I am confident that the council will continue to thrive under capable leadership.

Thank you once again for the opportunity to serve our community. It has been a privilege, and I am grateful for the experiences and relationships that have enriched my life during my time on the City Council.

Desi Nicodemus

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACKNOWLEDGING THE RESIGNATION OF COUNCILOR DESI NICODEMUS, NOTING A VACANCY ON COUNCIL, AND CALLING FOR A SPECIAL ELECTION.**

WHEREAS Councilor Desi Nicodemus resigned from City Council position 3 effective January 2, 2024, and

WHEREAS Councilor Nicodemus was elected to serve a term of office that would otherwise expire on December 31, 2024, and

WHEREAS under Section 18 of the Milwaukie City Charter, the resignation of a member of the City Council creates a vacancy in office upon a declaration by the City Council of the vacated position, and

WHEREAS Section 19 of the Milwaukie City Charter directs that a City Council vacancy shall be filled for the remainder of the unexpired term at the next election following not less than 60 days upon the occurrence of a vacancy.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the resignation of Councilor Nicodemus has created a vacancy on the City Council under Section 18 of the Milwaukie City Charter and the city recorder is directed to take the necessary actions to call an election to fill the vacancy consistent with state election laws and Sections 17 and 19 of the Milwaukie City Charter.

Introduced and adopted by the City Council on **January 16, 2024.**

This resolution is effective immediately.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



Winter 2024

To: Prospective City Council Candidates

Thank you for your interest in running for Milwaukie City Council! The May 21, 2024, special election ballot will feature Council position 3. On January 2, 2024, Desi Nicodemus resigned from position 3 and on January 16 the City Council called for a special election to be held. In accordance with city and state laws, the special election to fill position 3 will be held on May 21 along with the statewide primary election.

The individual elected to position 3 will complete the current term that started on January 1, 2021, and will end on December 31, 2024.

To run for city office in Milwaukie, an individual must be a registered voter that has lived in the city for at least six months before the November election day. For the May special election in 2024 the deadline to live in the city was November 21, 2023. Interested and eligible residents must first submit forms to both the state and city – see page 4 of this packet for more details.

The city elections officer (city recorder) will accept “nomination papers comprising a petition” for the position that will be on the special election ballot beginning at 8 a.m. on February 11, 2024, through 5 p.m. on March 12, 2024. Once the city elections officer certifies that a candidate is eligible to run, the candidate must then collect 20 valid signatures from registered Milwaukie voters during the 30-day filing period. **Please note that signature sheets must be approved by the city elections officer before they can be circulated.**

This guide provides an overview of the local election process. For more information, candidates should review the Milwaukie City Charter and Municipal Code online at www.qcode.us/codes/milwaukie/. Candidates for local office also need to be aware of state requirements, including campaign finance rules, and should review the state elections website: <http://sos.oregon.gov/elections/Pages/laws-rules-publications.aspx>. In addition, the Clackamas County elections website is a valuable source of information: <https://www.clackamas.us/elections>.

As your elections officer, I am a resource for you. Please contact me with any questions at 503-786-7502 or ocr@milwaukieoregon.gov. When you are ready to file candidate papers, please contact me to ensure I am available.

Sincerely,

Scott Stauffer
City Recorder

Important Dates

If you are interested in running for City Council, note these critical 2024 dates:

Nov. 21, 2023	Candidates must be an official city resident.
February 11	First day to file nomination papers with the city elections officer. Note: signature sheets must be approved <u>before</u> being circulated.
March 1	Suggested deadline to submit signatures for verification to the city elections officer.
March 12	Last day to file nomination papers with the city elections officer.
March 13	Last day for city elections officer to submit candidate signature sheets to the County election office for verification.
March 15	Last day to withdraw candidacy.
March 21	Last day for city recorder to certify candidates to the County.
March 25	Last day for city candidates to file voters' pamphlet statements with the county elections office by 5:00 p.m.
May 1	First day that County elections office mails out ballots.
May 21	Election Day.
June 17	The County will certify the election results on or before this date.
June 18	Oath of Office administered to individual elected to position 3.

Qualifications for Candidacy

- Must be a resident of the City of Milwaukie during the six months immediately preceding the election.
- Must be a qualified elector (voter) in the State of Oregon.

About Milwaukie City Council

- City Council is composed of a mayor and four councilors.
 - Each council position is numbered 1 through 4.
 - All council members are elected at-large.
 - Terms are four years, unless filling an unexpired term.
 - No person shall serve more than two full consecutive terms.
- Candidates must declare the position number for which they are running.
 - Candidates may only run for one position per election.
- Councilors must take an oath of office before commencing duties.
 - Council meetings are held on the first three Tuesdays of each month.
 - Councilors attend multiple city and regional meetings each month.
 - Councilors must file an annual statement of economic interest with the Oregon Government Ethics Commission (OGEC).

How to File for Candidacy by Petition

Find candidate forms here: <http://sos.oregon.gov/elections/Pages/electionforms.aspx>.

#1: Establish a candidate committee by submitting the following forms to the state. These forms may be submitted electronically via the ORESTAR system, visit: <http://sos.oregon.gov/elections/Documents/candidatequickguide.pdf>.

1. Form SEL220: [Statement of Organization for Candidate Committee](#)

SEL220 must be filed within three business days of receiving a campaign contribution or making an expenditure. See the *Campaign Finance Manual* <https://sos.oregon.gov/elections/Documents/campaign-finance.pdf>

#2: Candidate nomination papers are filed with the city:

1. Form SEL101: [Candidate Filing](#)

2. Form SEL121: [Candidate Signature Sheet – Nonpartisan](#)

All nomination papers are filed with the city elections officer between 100 and 70 days before the election. For the May 21, 2024, special election the filing window is February 11 through March 12.

All signature sheets must be approved in writing by the city elections officer before circulating. Failure to do so will result in the rejection of signature sheets. Each candidate must determine in advance which position they plan to run for.

#3: The city elections officer reviews signature sheets and provides written approval prior to candidates circulating signature sheets.

#4: The candidate (or circulator) circulates approved signature sheets (SEL121) to collect signatures following the guidelines in the [state's candidate manual](#).

The [Milwaukie City Charter](#) requires candidates to acquire a minimum of 20 valid signatures to qualify for the ballot. It is recommended that more than 20 signatures be collected to ensure that enough valid signatures are gathered.

#5: Signature sheets are submitted to the city elections officer when enough signatures have been collected. Candidates must include a SEL338: [Candidate Petition Submission form](#) when submitting signature sheets.

The city elections officer submits signature sheets to the county elections office for verification. Candidates are encouraged to submit signatures by **March 1, 2024**, to ensure there is enough time for verification.

If a candidate does not submit enough valid signatures, the candidate may continue to collect additional signatures until the filing deadline.

Required Campaign Financing

As required by state law, candidates must follow campaign finance reporting requirements. Visit <http://sos.oregon.gov/elections/Pages/manuals-tutorials.aspx> to review the campaign finance reporting manuals. Be sure to review the contribution and expenditure reporting requirements and observe the filing deadlines. For detailed information regarding who must file and when, refer to the candidate manual or check with the local elections officer in the state elections division at 503-986-1518, or Clackamas County elections at 503-655-8510.

Withdrawal of Candidacy

To withdraw from the election, a candidate must file the **SEL150** Candidate Filing Withdrawal form with the city elections officer no later than **March 15, 2024**, for the May 21, 2024, special election. Form **SEL150** may be downloaded here: <http://sos.oregon.gov/elections/Documents/SEL150.pdf>

County Voters' Pamphlet

Each candidate is responsible for their own voters' pamphlet submission with the Clackamas County elections office. This generally includes a photo, brief biography, and an issues statement. Milwaukie City Council positions are considered paid positions, so the county charges a fee for candidate submissions. This fee is considered an expense and must be included on state campaign expenditure reports.

Political Signs and Printed Material

What kinds of signs are allowed?

Political signs are allowed in all zones of the City of Milwaukie. No permits are necessary if the signs meet these criteria:

Temporary signs which are nonilluminated, have an overall face area not exceeding 16 square feet, are not permanently installed, and are intended to be located on property for short durations of time. Such signs may include, but are not limited to, real estate lease and sales, political signs, building permits, public hearing notices, construction signs, garage sale, open house, special event, holiday, and similar signs. Temporary signs shall be removed within six months. (Milwaukie Municipal Code (MMC) Section 14.12.010(B))

Where can political signs be displayed?

Signs must be placed on private property with the owner's permission. They must not be placed on public property or in the public right-of-way (ROW) (i.e., streets, sidewalks, utility poles, parks, school grounds, etc.). Generally, the public ROW is all the property on the street side of utility poles, sidewalks, and fence lines. All signs found posted in the public ROW or affixed to power, utility, or traffic control poles must be removed or they will be confiscated.

Be aware that the Oregon Department of Transportation (ODOT) has some stringent regulations. If you are considering posting political signs along Hwy. 224 or Hwy. 99E (McLoughlin Boulevard), contact ODOT before doing so.

How long can the political signs be displayed?

The city requests the signs be removed within ten days after the election.

Identification on Political Material

The state does not enforce identification requirements. The state elections division does, however, strongly recommend that identification be voluntarily included so the public knows who is authorizing the publication.

Miscellaneous

All election forms that are filed with the city are a matter of public record and will be released if requested.

The city elections officer (city recorder) is available as a resource during your candidacy. Please contact City Recorder Scott Stauffer at 503-786-7502 or ocr@milwaukieoregon.gov if you have any questions about the election process.

Internet Resources

- Milwaukie City Council Elections: www.milwaukieoregon.gov/elections
- Milwaukie City Charter and Municipal Code: www.qcode.us/codes/milwaukie/
- Clackamas County Elections Office: <https://www.clackamas.us/elections>
- State of Oregon Elections Division: <https://sos.oregon.gov/voting-elections/>
- League of Oregon Cities (LOC) Elections Overview: <https://www.orcities.org/resources/reference/topics-z/details/elections>
- Subscribe to City Council meeting email notices: www.milwaukieoregon.gov/newsletter/subscriptions

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Justin Gericke, City Attorney

From: Scott Stauffer, City Recorder

Subject: **Interim Councilor Appointment Process**

Date Written: Jan. 3, 2024

ACTION REQUESTED

Council is asked to review and provide feedback on the proposed recruitment and appointment process to fill the vacant Council position 3 for an interim period until a special election is held.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

On [January 2, 2024](#), Council President Desi Nicodemus resigned from Council position 3, effective on January 2.

Following Council President Nicodemus' resignation, staff prepared a resolution for Council to acknowledge the resignation and vacancy and call for a special election. At the same time, staff prepared a process for Council to recruit, interview, and appoint an individual to fill the vacant position on an interim basis.

ANALYSIS

Milwaukie City Charter Chapter V, Section 19 directs Council to fill vacant Council positions on an interim basis before a special election can be held. Based on the 2024 election calendar, the individual appointed to fill the interim position will serve from the time of appointment – February 13 – until the results of the special election are certified – around June 18.

Based on previous Council interim appointment processes, staff proposes the following interim recruitment schedule.

January 16: during the regular session, Council adopts a resolution acknowledging the resignation and Council vacancy and calling for a special election. Council is also asked to direct staff to conduct an interim Council member recruitment and appointment process.

(Week of) January 17: Once the application form is approved by Council staff will post it online and will advertise on the city website and social media accounts. The application will be posted at <https://www.milwaukieoregon.gov/citycouncil/councilor-vacant-position-no-3>. The form will be available to download, fill out online, and submit by email, or can be printed out and submitted in-person to City Hall (10501 SE Main Street). The public may also request printed copies from City Hall.

February 5: Deadline for interim Council position 3 applications to be submitted. Staff will review applications as they are submitted to ensure that the applicant is qualified to serve on Council as required in Charter Chapter III Section 9. To serve on Council, a candidate must be a registered voter in Oregon and must have lived in city limits since November 21, 2023.

February 6: Council receives and reviews applications.

February 13: Council holds a special session, after the regularly scheduled study session, to interview and appoint an interim Council member. Draft interview questions, based on previous interim Council member interviews, are attached (see Attachment 2). The appointed individual will be sworn in at the end of this meeting.

A note on filling Council vacancies. Council can fill a vacant Council position on an interim basis through an appointment process. A majority of the remaining council must agree on the interim appointment and, in the case that a majority do not agree and there is a tie (2-2), there will be no interim appointment. The Charter provides a remedy if Council does not appoint an interim Council member. In such a case, the Charter calls for the city manager or their designee to “call an election on the date provided by state law.” Therefore, by default if Council fails to appoint an interim Council member a special election will be scheduled to occur as required by the Charter and state law and the vacant Council position will remain unfilled until the election is held.

February 20: First Council meetings with the appointed interim Council member.

May 21: Special election held (same day as 2024 primary election).

June 18: Council meeting where May election results are likely to be certified, the individual elected to complete the rest of the Council position 3 term (until December 31, 2024) will be sworn-in, and the term of the interim Council member will end.

Attachment 3 is an informational graphic displaying the key dates notes above.

Questions for Council:

1. Does Council have any changes to the proposed recruitment and appointment process?
2. Does Council have any changes to the proposed interim Council member application form (Attachment 1)?

BUDGET & WORKLOAD IMPACT

The city recorder’s office can handle the extra costs and workload related to this process.

CLIMATE IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

The city recorder, city attorney, and city manager worked on this report and the staff work to prepare for an interim Council member recruitment and appointment process.

STAFF RECOMMENDATION

Staff recommends that Council provide feedback on the outlined process and direct staff to proceed accordingly.

ALTERNATIVES

None.

ATTACHMENTS

1. Interim Councilor Application Form
2. Interim Councilor Questions
3. Interim Recruitment Process Info Graphic



Interim City Councilor Application

Office of the City Recorder
 10722 SE Main St.
 p: 503.786.7515 f: 503.786.7540
ocr@milwaukieoregon.gov

To apply for the vacant City Council position, complete this form and return it to the Office of the City Recorder (OCR). Please note:

- You may attach a resume, but it is not required.
- Once submitted to the city this form becomes a public record.
- If you need assistance completing this form, contact us.

Applications for the interim City Council position are due by **Monday, February 5 at 5 p.m.**

Applications may be submitted by email to ocr@milwaukieoregon.gov

or delivered to City Hall at 10501 SE Main Street.

Name:

Phone:

Date:

Address:

Email:

Are you registered to vote in Oregon? ☐ Yes ☐ No

Have you lived in the City of Milwaukie since November 21, 2023? ☐ Yes ☐ No

Tell us about yourself, how have your life experiences led you to serving on City Council?

Tell us about your community and civic affiliations and activities.

How would you, as a City Council member, support the city's commitment to equity, inclusion, and justice?

Please explain why you are interested in the appointment and what you, as an interim City Council member, would offer to City Council itself, as well as the Milwaukie community.

Please describe what you believe are the major concerns of city residents and businesses. How do you think these concerns should be met by the city?

Explain what you think the city should do or accomplish to improve the city and city government.

Please provide any additional information or comments which you believe will assist City Council members in considering your applications.

If appointed, would you run to hold the seat? ☐ Yes ☐ No



For the following questions, *are you...*

☐ Serving on a **city board or committee**? If so, which one? _____

☐ Living with someone who is currently serving on a **city board or committee**?

If so, which one? _____

How did you hear about the city's boards and committees?

☐ Facebook/Twitter/Instagram

☐ City Website

☐ Friend/Neighbor

☐ Newspaper/Pilot

☐ Employer

☐ Other (please list): _____

Demographic Questionnaire: These questions are optional. The city is interested in ensuring that historically underserved communities are represented on City Council. Sharing your demographic information can help us achieve this goal. For the following questions, *are you...*

☐ A **resident** of Milwaukie? If so, for how long? _____

☐ A **homeowner**? ☐ A **renter**?

☐ A **business owner** in Milwaukie? If so, which one and for how long? _____

☐ **Employed** by a business in Milwaukie? If so, where and for how long? _____

☐ A **student**? If so, which school do you attend? _____

☐ **Fluent in a language** other than English? If so, which one? _____

What is your race and ethnicity? _____

What is your gender identity? _____

What is your age? _____

CITY OF MILWAUKIE

City Council

Interim Council Member Interview Questions

February 13, 2024, Interviews. Applicant Name: _____

Council Member Taking Notes Below: _____

- 1. What do you think are the three most important concerns facing Milwaukie?**

- 2. How important is our SAFE program to the city?**

- 3. The City Council's work is guided by our 2040 Community Vision, which states that "In 2040, Milwaukie is a flourishing city that is entirely equitable, delightfully livable, and completely sustainable." Our two current City Council goals, Climate Action and Equity, Inclusion, and Justice seek to fulfill this vision around equity and sustainability. What work do you feel is most important for the city to accomplish in those two goals to fulfill this vision?**

- 4. What do you hope to learn while serving in this position? How do you see yourself contributing to the work of this Council?**

- 5. Knowing Milwaukie has a limited tax base and budget, are there specific areas where you would reduce or increase funding?**

- 1. What do you think are the three most important concerns facing Milwaukie?**
- 2. What are your thoughts related to the City of Milwaukie's relationship with surrounding jurisdictions?**
- 3. On a scale of 1 to 5 (five being highest), how would you rank the sustainability practices of businesses and residents in Milwaukie? What improvements, if any, would you suggest?**
- 4. What would you do during the first six months in our community?**
- 5. What do you hope to learn in the first six months in our community? What do you expect to teach us?**
- 6. Knowing Milwaukie has a limited tax base and budget, are there specific areas where you would reduce or increase funding?**

INTERIM CITY COUNCIL MEMBER APPLICATION PROCESS



JANUARY 16

Council adopts resolution acknowledging vacancy, city staff begin interim Councilor recruitment process.



JANUARY 17

Application process opens.



FEBRUARY 5

Deadline for applications.



FEBRUARY 13

Council holds candidate interviews during a work session and appoints an interim Councilor during the regular session. The selected applicant will be sworn-in at the end of the regular session meeting.



FEBRUARY 20

Appointed Councilor attends first official meeting.



RS 7. B. 1/16/24
Presentation

Interim Council Member Appointment

January 16, 2024



Interim Councilor: Schedule

No Spark Hire Interviews

Council Questions

- Does the timeline work?
- Any changes to the application?
- What interview questions does Council want to use?
(see next slides)



INTERIM CITY COUNCIL MEMBER APPLICATION PROCESS



JANUARY 16

Council adopts resolution acknowledging vacancy, city staff begin interim Councilor recruitment process.



JANUARY 17

Application process opens.



FEBRUARY 5

Deadline for applications.



FEBRUARY 13

Council holds candidate interviews and appoints an interim Councilor during a special session. The selected applicant will be sworn-in at the end of the meeting.



FEBRUARY 20

Appointed Councilor attends first official meeting.

Interim Councilor: Interview Questions 2017

1. What do you think are the three most important concerns facing Milwaukie?
2. What are your thoughts related to the City of Milwaukie's relationship with surrounding jurisdictions?
3. On a scale of 1 to 5 (five being highest), how would you rank the sustainability practices of businesses and residents in Milwaukie? What improvements, if any, would you suggest?
4. What would you do during the first six months in our community?
5. What do you hope to learn in the first six months in our community? What do you expect to teach us?
6. Knowing Milwaukie has a limited tax base and budget, are there specific areas where you would reduce or increase funding?



Interim Councilor: Interview Questions 2022

1. What do you think are the three most important concerns facing Milwaukie?
2. How important is our SAFE program to the city?
3. The City Council's work is guided by our 2040 Community Vision, which states that "In 2040, Milwaukie is a flourishing city that is entirely equitable, delightfully livable, and completely sustainable." Our two current City Council goals, Climate Action and Equity, Inclusion, and Justice seek to fulfill this vision around equity and sustainability. What work do you feel is most important for the city to accomplish in those two goals to fulfill this vision?
4. What do you hope to learn while serving in this position? How do you see yourself contributing to the work of this Council?
5. Knowing Milwaukie has a limited tax base and budget, are there specific areas where you would reduce or increase funding?



Interim Councilor: Interview Questions 2024

1. What do you think are the three most important concerns facing Milwaukie?



Questions?

Scott Stauffer, City Recorder

stauffers@milwaukieoregon.gov

Nicole Madigan, Deputy City Recorder

madigann@milwaukieoregon.gov



COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Justin Gericke, City Attorney

From: Scott Stauffer, City Recorder

Subject: **Interim Council President Election**

Date Written: Jan. 3, 2024

ACTION REQUESTED

Council is asked to elect an interim Council President by motion.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

On [January 17, 2023](#), Councilor Desi Nicodemus was elected to serve as Council President.

On [January 2, 2024](#), Council President Nicodemus resigned from Council, effective January 2, vacating the position of Council President.

ANALYSIS

Milwaukie City Charter Chapter VI, Section 24 calls for the election of a council president “at the first meeting following the seating of any duly elected members of the council.” The most recent Council election occurred in 2022 and Councilor Nicodemus was elected Council President following the seating of the newly elected Council. With the resignation of Council President Nicodemus on January 2, the position of council president is vacant.

The council president plays an important of ensuring the seamless operation of the Council when the mayor is absent. As outlined in Charter Section 24, the council president “in the mayor’s absence from the council meeting... shall preside.”

Following Council President Nicodemus’s resignation, staff presented Council a resolution to call for a special election to fill the vacant position (see the January 16, 2024, regular session item 7. A. for more information). If the resolution is adopted by Council, a special election will be held on May 21, 2024, to fill the vacant Council position. Following the certification of the May election results and the seating of a new Council member in June, Council will be asked to select a new council president as required by the Charter.

As the council president position is vacant, and although no Council election has recently occurred, it is staff’s recommendation that that Council should elect an interim council president to fill the position until a special Council election can be held in May 2024.

BUDGET, CLIMATE & WORKLOAD IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

The city recorder, city attorney, and city manager worked on this report.

STAFF RECOMMENDATION

Staff recommends that Council elect an interim council president to serve in the role until the next Council election.

ALTERNATIVES

Council could decline to elect an interim council president. If the mayor is unable to chair a meeting before the next election of a council president, and there is no council president, the city recorder would call the meeting to order and facilitate the election of a meeting chairperson as outlined in [Milwaukie Municipal Code \(MMC\) 2.04.040 Presiding Officer – Designated](#).

ATTACHMENTS

None.

Interim Council President Appointment

January 16, 2024



Interim Council President – Motion

“I moved to nominate _____
to serve as Council President.”

“I second.”

Mayor restates the motion, asks for further discussion, and calls for the vote.

Mayor announces outcome of vote.



Questions?

Scott Stauffer, City Recorder

stauffers@milwaukieoregon.gov



COUNCIL STAFF REPORT

To: Mayor and City Council

Date Written: Jan. 11, 2024

Reviewed: Luke Strait, Police Chief,
Brent Husher, Library Director, and
Justin D. Gericke, City Attorney

From: Ann Ober, City Manager

Subject: **Houseless Services Update**

ACTION REQUESTED

Council is asked to engage in a discussion about current and future houseless services in Milwaukie.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[May 9, 2023](#): Council visited two sites in Eugene, Oregon to better understand the role of stabilization centers in communities.

[December 5, 2023](#): Council received an update on the city's behavioral health services.

ANALYSIS

For the past two years, staff have committed significant resources to supporting our houseless community. This document provides an update on those efforts and provides a roadmap for the coming months and years.

Houselessness & Supportive Services

The residential and business communities in Milwaukie have seen a consistent increase in the impacts of houselessness, camping, and mental health crisis. Between 55 and 100 individuals are currently houseless in the city. ["Houselessness"](#) can vary in definition, but generally means the condition where an individual or family lacks a fixed, regular, and adequate nighttime residence, or temporarily or permanently lives in accommodations not designed or intended for regular sleeping accommodations. The impacts of houselessness are felt by both those experiencing housing uncertainty themselves and residents and businesses experiencing the impacts of houselessness in their communities.

Houselessness can be seen and felt more intensely in certain areas of the city. Both community members and city staff have continued to ask what adjustments the city can and is making to accommodate the increased need for houseless services and resources, while also managing the impacts of houselessness thoughtfully with a goal of addressing the root causes of this crisis.

Library as a Service Point

The library team has increased the services available to the houseless community. To serve those in need, the team has developed Tuesday service hours with our community partners to help people who need support. Those events are staffed by the city's behavioral health specialist (BHS), Central City Concern, LoveOne, Fathers Heart, and 4D. During other times of the week,

staff continue to provide snacks, water, hygiene kits, and bus passes to those in need. Library staff frequently refer patrons to community partners for food, showers, and shelter and to the city's BHS for assistance. Beyond providing a refuge from the elements, the library also provides another important lifeline for the unhoused population – access to Wi-Fi, charging stations, and computers.

The library team has observed an increasing number of patrons experiencing houselessness and/or mental health crisis. The behaviors associated with mental health issues have led to more patrons being asked to leave the library temporarily or for extended periods of time, with the number of those excluded increasing significantly over the past few weeks. City leadership continues to receive community feedback on the quality of those staff interactions. Both library and police department staff continue to show extreme kindness and care, but the interactions take a significant toll on staff.

The library also serves as a space for community to dialogue and learn about houselessness. On February 21, the library will host a community conversation to explore common assumptions and perspectives about houselessness/homelessness. and to contemplate how we as a community decide who “belongs?” The program is cosponsored by LoveOne, The Father's Heart, Central City Concern, Milwaukie Ledding Library, and the Milwaukie Police Department (MPD) and will be facilitated by Paul Susi as a part of the Oregon Humanities Conversation Project.

In December 2023, the city submitted a letter of interest to Clackamas County requesting funds to open a cooling center at the library during heat and air quality events. The county has access to significant funding to support those experiencing houselessness through the county's Supportive Housing Services program and from the State of Oregon. The proposal would extend cooling center hours at the library until 10 p.m. for up to 30 nights per year on days that the county determines that the heat index is high enough to warrant the activation of cooling centers. If funded, the proposed cooling center will be staffed by city employees and will offer water, light refreshments in the form of pre-packaged food, and a safe place for people to seek relief from the heat.

Police Department Behavioral Health Services

MPD has historically had one police officer served as the city's houseless liaison officer on a volunteer basis. That officer is tasked with performing the normal duties of a police officer while also taking on a leadership role in outreach to the houseless community. The houseless liaison officer would typically respond to related calls for service, discuss applicable laws, and evaluate and discuss available support options. All MPD police officers have crisis intervention training, and several officers participate on a county-wide Crisis Intervention Team (CIT) that receives training monthly. These measures, while beneficial, do not begin to meet the needs the city is currently experiencing related to houselessness and mental health.

In 2022, the city moved away from the officer liaison role to a BHS position imbedded within the MPD to better address community needs. Glen Suchanek was hired in November 2022 and has built a team with partner agencies Central City Concern (Case Manager Averett) and LoveOne (Outreach Specialist Holden). These partner agencies received county funding to hire additional staff to support the needs of our community.

Starting in July 2022, the city developed a robust working group specifically tasked with discussing and addressing houselessness. External entities participating in that effort have

included Clackamas County Public Health, Clackamas County Behavioral Health, Clackamas County District Attorney's Office/Community Prosecutor, Oregon Law Center, LoveOne, CCC, The Father's Heart, CFD1, North Clackamas Parks & Recreation District (NCPRD), the City of Oregon City, and the Clackamas Service Center. Internal support has included community development, code compliance, public works, the library, and MPD. The houseless working group is now being led by our BHS and focuses on the following:

- Objective analysis of systems; information, needs, and resources; and seeking ways to improve service and meet the evolving needs of the community.
- Providing community engagement and transparency as Milwaukie works through these processes.
- Minimizing over-reliance on the criminal justice system.

Clackamas County Stabilization Center

The Clackamas Human Services Department, in partnership with the Clackamas County Sheriff's Office, is developing a 23-hour stabilization center and shelter space at their 9200 SE McBrod Avenue facility in Milwaukie. The building was most recently used as a work release facility but has been empty for several years.

The 23-hour stabilization center will be like the Hourglass Community Crisis Center in Eugene, which Council visited in May 2023. That model will support adults who need short-term, mental health crisis assessment and stabilization, but do not require the medical capabilities of an acute care hospital or longer-term residential care. The shelter space will not be connected to the 23-hour program but will instead support individuals through the County's Coordinated Housing Access (CHA) system, street outreach referrals, and via referral coordination provided by the Housing and Community Development Safety Off the Streets Program Coordinator.

Milwaukie leadership is meeting with county staff to develop an engagement plan. The city has also provided a draft good neighbor agreement for the county's review. Discussions include staff from the county, the Sheriff's Office, city staff, and Councilors Massey and Stavenjord. The next meeting is scheduled for January 30.

Final Note

The city has been incredibly lucky to work with our partners over the past two years to address this crisis, but a few of our partners have been with us at each step and deserve special recognition – LoveOne, Central City Concern, and Clackamas County have all made significant contributions to the work we are doing, and we could not do it without them.

CLIMATE, BUDGET, AND WORKLOAD IMPACTS

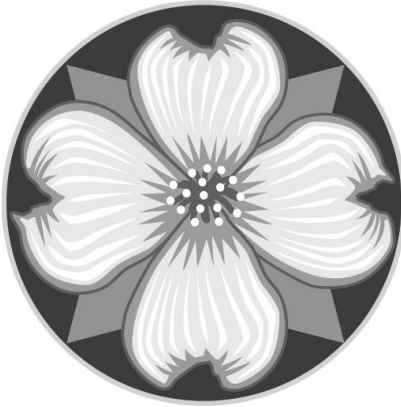
None.

COORDINATION, CONCURRENCE, OR DISSENT

This report was developed in partnership with MPD and Ledding Library staff.

ATTACHMENTS

None.



RS Agenda Item

8

Public Hearings

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Jan. 5, 2024

From: Emma Sagor, Assistant City Manager

Subject: **Event Vendor and Business Registration Code Change**

ACTION REQUESTED

Council is asked to vote on an ordinance amending Milwaukie Municipal Code (MMC) 5.08.110 to exempt vendors operating at only city-permitted events or block parties from having to obtain a business license, and directing changes to the city's temporary event and block party permitting applications to require applicants to declare if they will have vendors operating at their events and to provide a list of those vendors with contact information to the city.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

On June 21, 2005, Council adopted Ordinance 1951, amending MMC 5.08.030 to clarify the city's business tax.

On November 18, 2008, Council adopted Ordinance 1989, which amended MMC 5.08, Business Taxes Generally.

[July 18, 2023](#): Council received an update regarding a waiver to business license fees in place for vendors at First Friday Milwaukie and the Milwaukie Farmers Market and provided direction for staff to consider process or code amendments needed to align with city policy and values.

[November 14](#): Council received an update and a proposal for exempting vendors at city permitted events and block parties from business license requirements, as well as updates to the temporary event and block party permitting processes. Council directed staff to draft ordinance language making these changes.

ANALYSIS

This topic arose in May 2023 upon reviewing and approving the temporary event permit application for First Friday Milwaukie. Regarding an inquiry from the event organizers about whether vendors operating at First Friday would need to register with the city, staff consulted MMC Chapter 5.08. As stated in 5.08.030, "*No person shall maintain, operate, engage in, conduct, or carry on any business within the City without first having paid the business tax as established by this chapter.*" "Business" is defined in 5.08.020 as "*an enterprise, establishment, store, shop, activity, profession, management companies, or undertaking of any nature conducted directly or indirectly for private profit or benefit. Peddlers and solicitors are specifically included in this definition.*"

The annual registration fee for businesses operating in Milwaukie in fiscal year (FY) 2024 is \$175.00 plus \$10 for each full-time employee (FTE) according to [Milwaukie's 2023 and 2024 Fee Schedule](#). If a business is registering after July 1 in a calendar year, the fee is reduced to \$88.00. Businesses operating for two weeks or less in a year can register as a temporary business for \$30.00.

MMC 5.08.010 states that “*business taxes imposed by this chapter are for revenue purposes only.*” From a practical standpoint, the city also relies on businesses completing the registration process, so the city has a list of all entities conducting business within Milwaukie, particularly to support communications in the event of an emergency.

When this question came up around vendors at First Friday events, staff considered whether they might be exempt under MMC 5.08.110, which excludes garage sales, yard sales, and other similar activities from paying the business tax. After consulting with the city attorney, however, it was determined vendors at events like these that take place multiple times at the same location within the same calendar year are not exempt from the code as currently written.

The city manager agreed to waive all registration fees for these two events for the 2023 season given that permits had been issued for both events. The city also asked that all vendors still register with the city, and an update was made to the online registration form on June 23, 2023, allowing vendors to identify as First Friday or Farmers Market affiliated to receive the waiver.

On July 18, Council directed staff to convene a meeting with potentially impacted stakeholders to review and discuss:

- Current code and fee requirements.
- Findings from research into other cities and markets.
- Barriers to complying with current code.
- Ideas for potential code or fee amendments.

Staff met with representatives from First Friday Milwaukie, Celebrate Milwaukie, Inc. (CMI, the organizers of the Farmers Market), and the North Clackamas Chamber of Commerce on August 29, 2023.

The group agreed that the best path forward is to explore changes to the MMC and city’s temporary event permit process to exempt vendors at city permitted events from having to obtain a business license. Staff considered whether a fee should be associated with events that have vendors when they apply for a permit, and concluded this is not necessary at this time.

Staff have prepared an ordinance that does the following:

- Amends MMC 5.08.110 EXCLUSIONS to include situation “*K. Vendors operating at an event authorized by either a city-issued temporary event permit or a neighborhood block party permit.*”
- Update the Temporary Event Permit Application and Block Party Permit Application to require applicants to declare if they will have vendors operating at their events and to provide a list of those vendors with contact information to the city.

BUDGET IMPACT

The city estimates this exemption will impact approximately 100 vendors between the Farmers Market and First Friday. Currently Milwaukie’s annual business registration fee is \$175. Staff estimates the additional revenue to be roughly \$17,500 at current rates. However, because these events have received a waiver from the city manager excluding them from paying these fees for several years, the city is currently not receiving this revenue. Therefore, we do not expect any monetary impact on the city from making this code change.

WORKLOAD IMPACT

To date, this effort has involved staff from the city manager's and city attorney's offices, the finance department, and code enforcement. Excluding these vendors from business licensing requirements will reduce workload related to business registration processing and code enforcement.

CLIMATE IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

Staff reviewed publicly available business registration information for 11 other cities in the area (including Lake Oswego, Oregon City, Happy Valley, West Linn, Tualatin, Tigard, Gladstone, Gresham, Canby, Beaverton, and Hillsboro) to see how their code language and fee rates compare to Milwaukie's. All reviewed cities have code language like Milwaukie's current code requiring entities engaged in business to register with the city. Fee rates, cost basis, and tiers range, and some have temporary fees more geared towards events.

Staff also reached out to 12 cities that host regular farmers markets (including Beaverton, Lake Oswego, Hillsboro, Salem, Oregon City, West Linn, Hood River, Cannon Beach, Gresham, Tigard, Vancouver (Washington), and Portland) to understand if they require vendors to register and if these requirements are enforced. Of those staff heard back from, one exempts vendors of city-sponsored events, one requires the farmers market itself to have a license (but not individual vendors), and some have exemptions based on the number of days a vendor operates. Across the region, it appeared enforcement of business licenses at events like this is very rare.

STAFF RECOMMENDATION

Staff recommend Council adopt the ordinance.

ALTERNATIVES

Council could direct staff to leave the code as is. If this occurs, the city manager could consider further waivers based on the authority outlined in the consolidated fee schedule, or the city could require payment and registration of vendors at these events in future seasons.

ATTACHMENTS

1. Ordinance

COUNCIL ORDINANCE No.**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE 5.08.110 EXCLUSIONS TO EXEMPT VENDORS AT CITY-PERMITTED EVENTS AND BLOCK PARTIES FROM NEEDING TO OBTAIN A BUSINESS LICENSE.**

WHEREAS the city encourages community groups to host events and block parties on city property to build community, attract people to Milwaukie, and support placemaking; and

WHEREAS vendors selling goods and services at these events have been required to obtain a city business license, but this requirement has been waived under the city manager's authority in recent years; and

WHEREAS the city's Temporary Event Permit Application and Block Party Application processes can serve as mechanisms to ensure the city has contact information for vendors operating at events and that city requirements are upheld without the need for vendors to obtain a business license from the city; and

WHEREAS stakeholders, including representatives of Milwaukie's Farmers Market and First Friday Milwaukie, have worked with staff and City Council to explore changes to the event permitting process that meet the city's needs while reducing burdens for event organizers and vendors.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Milwaukie Municipal Code (MMC) Chapter 5.08.110 EXCLUSIONS is amended as shown in Exhibit A to include the following: "K. Vendors operating at an event authorized by either a city-issued temporary event permit or a neighborhood block party permit."

Section 2. The city's Temporary Event Permit Application and Block Party Permit Applications are updated as shown in Exhibits B and C to require applicants to declare if they will have vendors operating at their events and to provide the city a list of those vendors with vendor contact information.

Read the first time on _____ and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

5.08.110 EXCLUSIONS

The following situations are specifically excluded from the requirement of paying a business tax:

- A. Wholesalers selling or delivering goods to merchants of the City for the purpose of resale. This exclusion pertains only: (1) if the wholesaler does not maintain a place of business within the City and also does not engage in retail trade within the City, and (2) the wholesaler is not a utility service provider or operator as defined in Chapter 21.04;
- B. Nonprofit organizations;
- C. Persons engaged in delivery of goods or services from points outside the City, providing sales contacts and actual sales take place outside the City;
- D. Newspaper carriers;
- E. Representatives of public utilities;
- F. Garage sales, yard sales, and other similar activities. Such exclusion shall not apply, however, if either of the following conditions is met:
 - 1. More than two (2) such sales take place within any one calendar year at the same location,
 - 2. The sale has a duration of more than seventy-two (72) consecutive hours;
- G. The sale of personal assets such as a personal automobile, residence, appliance, or other articles. Such exclusion shall not apply when such sales are conducted on a regular and continuing basis. That will be assumed to be the case if an individual or family sells its personal residence more than twice or personal automobile more than four (4) times in any given calendar year. Other items shall be determined by the Finance Director on the basis of reasonableness on a case-by-case basis;
- H. Licensed real estate salespeople or associate real estate brokers who engage in professional real estate activity only as an agent of a real estate broker or real estate organization;
- I. Licensed insurers, insurance producers, or their representatives in accordance with ORS 731.841;
- J. Construction contractors or landscape contractors when their principal place of business is outside of the City and they have proof that they have obtained a business license from the Metropolitan Service District.
- K. Vendors operating at an event authorized by either a city-issued temporary event permit or a neighborhood block party permit.

Temporary Event Permit Application

- The City of Milwaukie appreciates your interest in organizing an event in the city. Submitting and following the conditions of this application puts you in touch with resources and ensures the event is approvable, safe, and is considerate of your neighbors.
- **The review period can be from 30 to 90 days, depending on the size and nature of the event.** Events are scheduled on a first come, first served basis. You are encouraged to submit your application as early as possible to ensure that enough time is available to review your application. Your application may be denied if it is determined that not enough time is available to thoroughly review your request and work through issues and concerns.
- A Temporary Event Permit, if issued, authorizes the applicant to conduct the temporary event that is described herein paying close attention to any conditions of approval that are attached.
- The city will review your request and determine if there is a need to attach any fees for services rendered including staff time, police services, etc.
- **Refer questions about this process to:** Dan Harris, Events Coordinator, 10501 SE Main St., Milwaukie, OR 97222 / events@milwaukieoregon.gov / 503-786-7519
- **Submit this completed application by email to events@milwaukieoregon.gov or by mail/in person to 10501 SE Main St, Milwaukie, OR 97222.**

I. Applicant Information	
Applicant Name	
Contact Person (if different from applicant)	
Applicant Organization	
Mailing Address	
Applicant Phone	
Cell During Event (If different than applicant phone)	
Applicant Email	

II. Event Information	
Event Name	
Event Description/Purpose	

Date(s) of Event	
Start Time & End Time	
Setup Start and End Times	
Cleanup Start and End Times	
Is this a recurring event?	
If this is a recurring event, on what day(s) does the event recur?	
Estimated Daily Attendance	
Does the event involve the use of a park?	
If so, which park is involved?	
Please note: Most of Milwaukie's parks are managed and maintained by the North Clackamas Parks & Recreation District (NCPRD). You can reserve space at North Clackamas Park, the Milwaukie Center. All other NCPRD parks are available on a first-come, first served basis. If your event is requesting the use of a park, please visit NCPRD's Web site at www.ncprd.com or call 503-742-8013 to learn more about what is available. NCPRD also has a Special Use Permit Application that may or may not be required.	

III. Site Layout, Traffic Control, and Parking	
Will this event require the closure of a public street?	
Will the event require the use of sidewalks or other public rights-of-way?	
Public right-of-way refers to a type of easement that reserves land for public use. For example, the area between the sidewalk and the road.	

ADD FIELD IN SECTION II: Will vendors be present at the event selling goods and/or services?

Please note: If vendors will be operating at your event, the city requires a list of all vendors with contact phone number and email address (if available) be provided to the city's Events Coordinator at events@milwaukieoregon.gov at least 24 hours prior to the event start, or at a schedule agreed to with the applicant at the time of permit issuance. The city requires vendor contact information to support communications in the case of an emergency, and to understand who is doing business within the City of Milwaukie.

All applicants must attach a site layout plan to this application, and may be required to submit a traffic control plan. The components required will vary by event.

Site Layout Plans include, at a minimum, the location of tents, stages, portable restrooms, fencing, food booths, alcoholic and non-alcoholic beverage booths, aid and first aid stations, trash and recycling receptacles, parking, and any other components of the event. and any other components of the event.

Traffic Control Plans include, at a minimum, the location of any barricades, directional signs, certified flaggers, course marshals, emergency access routes, Traffic control devices such as barricades may be rented or purchased from local companies. Please search the internet for “flagging companies and/orbarricades Portland Oregon” or look in the telephone yellow pages under the heading “Flagging or Barricades.”

Have you attached a site layout plan?	
If necessary, have you attached a traffic control plan?	
Will this event require police resources?	
Do you intend to use a city owned parking lot?	
If so, which one?	
Do you intend to close any on-street parking spaces?	
If so, how many and which spaces? (Please include these closures on your site plan).	
How will you block off the spaces?	
Is a county or state-owned road affected by your event?	
If so, you must contact the Clackamas County Department of Transportation at 503-650-3452 and/or the Oregon Department of Transportation at 503-653-3086	

IV. Further Considerations	
Will food be served or prepared at your event?	
If so, the food provider must obtain a Food Handler's License from Clackamas County by calling 503-742-5300 or by visiting www.clackamas.us/publichealth/foodhandler.html	
Will alcoholic beverages be available at your event?	
If so, you or the alcoholic beverage provider must obtain an Oregon Liquor Control Commission (OLCC) permit by calling 503-872-5000 or by visiting www.oregon.gov/olcc .	
Will recreational cannabis (marijuana) be available at your event?	
Recreational cannabis consumption is not allowed in a public place. A public place includes liquor licensed locations. Applicant is responsible for determining if a non-liquor license location is considered a public place. If your event intends to include cannabis in any way please contact OLCC's Recreational Marijuana Program at 503-872-5000 or visit www.oregon.gov/olcc/marijuana .	
Will there be any live or amplified music at the event?	
If so, please complete the Noise Control Variance form attached to this application.	
Will additional electrical wiring be installed for your event?	
Will your event require restroom facilities?	
The city recommends following the minimum guidelines for restrooms as shown in the table below	

Recommended Number of Restrooms

	1 hr	2 hrs	3 hrs	4 hrs	5hrs	6hrs	7hrs	8hrs	9hrs	10 hrs
50 people	1	1	1	1	2	2	2	2	2	2
100 people	2	2	2	2	3	3	3	3	4	4
250 people	3	3	3	4	4	4	5	5	6	6
500 people	4	4	5	5	6	6	7	7	8	8
1000 people	6	7	8	8	9	9	10	10	11	12
2000 people	9	12	15	16	17	17	18	18	19	19
3000 people	12	18	22	24	25	26	27	28	29	30
4000 people	16	24	29	32	34	35	37	38	39	40

Have you arranged security for your event?	
If so, who will be providing security? Please include name/company name and contact information.	
What are your plans for emergency medical services?	
The city recommends at least one trained emergency services provider (Minimum Certification – Emergency Medical Technician 1) be present on-site throughout the temporary event.	
What are your plans for trash minimization and removal?	

V. Applicant Obligations
Applicant is responsible for obtaining all additional permits, licenses, and insurance certificates required upon the issuance of this Temporary Event Permit. Please review these obligations and then sign and date at the bottom.
CLEAN UP: Applicant agrees to promptly clean up all paper or debris caused by applicant's use of the area and understands that if such clean up is not promptly undertaken the city reserves the right to do the cleaning itself and to charge the applicant for the actual time and expense incurred. The city reserves the right to deny future Temporary Event Permit requests should applicant not fulfill all conditions of this permit application. INSURANCE: Applicant agrees to provide a policy of liability insurance. This insurance shall provide coverage for not less than \$1,000,000 for personal injury to each person, \$1,000,000 for each occurrence involving property damage; or a single limit policy of not less than \$2,000,000 covering all claims per occurrence. The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon. (Continued on next page)

Add to section V:

VENDOR LIST: If vendors are present at the event selling goods and/or services, applicant agrees to provide a list of these vendors to the City's Events Coordinator at events@milwaukieoregon.gov at least 24 hours prior to the event start, or at a schedule agreed to with the applicant at the time of permit issuance. The city requires vendor contact information to support communications in the case of an emergency, and to understand who is doing business within the City of Milwaukie.

This insurance shall be without prejudice to coverage otherwise existing and shall name as additional insured the City of Milwaukie and its officers, agents, and employees. The sponsor agrees to maintain continuous coverage for the duration of the permit.

CITY CODES/PERMITS: Applicant agrees to obtain all city permits and licenses that may be required, and shall comply with all other city laws and other conditions that the City Manager determines necessary, including NCPRD park and facility rules or regulations. The Noise Control Variance form that is attached must be completed to fulfill this obligation. The Police Department will determine if such a variance is necessary after reviewing the variance application.

CONDUCT/NUISANCES: Applicant understands that if the outdoor activity is conducted in such a way as to create a nuisance for any business or resident of the area, future permits may be denied for that reason alone. Applicant will be notified as soon as practical that the activity engaged in created a nuisance and may ask for a review of such determination.

I have read all information contained within the City of Milwaukie's Temporary Event Permit Application Packet and agree to abide by the terms and conditions contained herein.

Applicant's Signature: _____ **Date:** _____

Please review and sign the Indemnification Agreement on the following page, then, if loud sounds (including amplified music) are expected to be generated by the event, please complete the top section Noise Control Variance form, attached.

Once completed, please return this form, including the indemnification agreement, proof of insurance, Noise Control Variance (if necessary), and any relevant plans (site, traffic control, etc.) to events@milwaukieoregon.gov. You may instead turn in a paper copy of the application in person or by mail to 10501 SE Main St., Milwaukie, OR 97222.

VI. Indemnification Agreement for Temporary Event Permit

Applicant acknowledges and agrees as follows:

In consideration of the city's approval of this application for a temporary event permit, applicant accepts responsibility for the event and agrees to indemnify, defend and hold harmless the City of Milwaukie, and if necessary NCPRD, its officials, employees, agents, volunteers, and assigns from and against any and all claims, suits, liabilities and expenses (including but not limited to, damages, attorney fees, and costs) that may be asserted against the City of Milwaukie arising out of or in any way related to the temporary event for which permission is sought.

Applicant acknowledges that applicant has carefully read the foregoing and understands its contents. Applicant warrants that applicant is authorized to sign this document and does so freely and without reservation.

Applicant's Signature: _____ **Date:** _____

Noise Control Variance

If your event includes live or amplified entertainment or is expected to generate noise you may be asked to obtain a noise variance. The Milwaukie Police Department will review the entire application and determine if a Noise Variance is required. If a variance is not necessary it will be noted on this application and reported to the event applicant. If a variance is necessary it will be noted on this application and reported to the event applicant along with an explanation of why it was or was not approved.

Variance Information

Reason for the variance: _____

The time and duration of the emitted sound: _____

For Police Use Only

The physical characteristics of the emitted sound:

The geography, zone and population density of the affected area:

Residential Commercial Industrial Noise-sensitive

Population density: Light Medium Heavy

Is the public health and safety endangered by the noise: Yes No

Does the sound source predate the receiver: Yes No

Does the compliance with the standard(s) from which the variance is sought produce hardship without equal or greater benefit to the public: Yes No

Is a Noise Variance Required for this Event: Yes No

(Note: If a Variance is required please complete the rest of the application, if not please sign on the next page where it reads "Authorized by" and return with other department recommendations.)

If a Noise Variance is required, is it granted: Yes No Yes, but with conditions to follow

Please provide a brief description of why this application was approved or denied and if it is approved with conditions please list the conditions below:



Neighborhood Block Party Permit Application

Please complete this permit application to apply for a neighborhood block party. Submitting this information and following the conditions within the application can provide the applicant with resources and help ensure the event is safe, considerate of neighbors and receive approval.

Applications are reviewed on a first-come, first-served basis. Applicants are encouraged to submit applications as early as possible to ensure enough time is available for review. Applications may be denied if it is determined that not enough time is available to thoroughly review the request, and/or work through issues and concerns.

The permit, if issued, authorizes the applicant to barricade a specified portion of the named residential street using city-approved barricades to prevent access to through-traffic so that nearby residents living within the enclosed area to gather for a block party.

At least 30 days prior to the event, submit the completed application by email, mail or in-person. All applications submitted for review less than seven days prior to the event will be denied.

- **Email:** events@milwaukieoregon.gov
- **Mail:**
City of Milwaukie – Block Party Application
10501 SE Main St.
Milwaukie, OR 97222
- **In person:** City Hall, 10501 SE Main St. Submit completed materials to the front counter.

Please refer questions to Dan Harris, events coordinator, at events@milwaukieoregon.gov or 503.786.7519

I. Applicant Information

Name: _____

Neighborhood (if known): _____

Mailing address: _____

City: _____ State: _____ Zip: _____

Primary phone: _____ Alt. phone: _____

Contact during event: _____

Email: _____

II. Event Information

Start date: _____ End date: _____

Start time: _____ End time: _____

Note: Block parties may not begin prior to 10 a.m. and must end by 10 p.m.

Set-up start time: _____ Set-up end time: _____

Take-down start time: _____ Take-down end time: _____

Is this a recurring event? ____ Yes ____ No

If yes, please describe frequency and include specific event dates:

Estimated attendance: _____

Please list the name(s) of the streets to be closed. Include additional closures on a separate sheet, if needed.

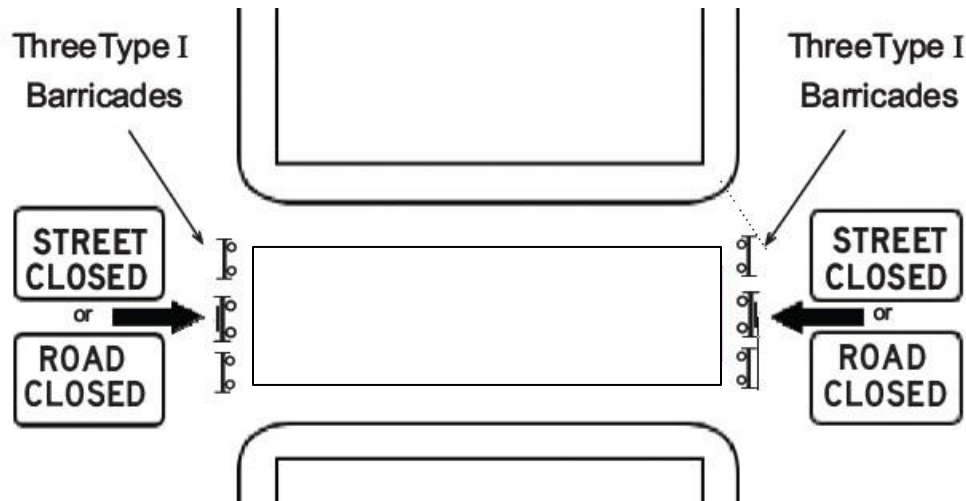
Street Closure Information				
Name of Street		Name of Street		Name of Street
	Between		And	
	Between		And	
	Between		And	
	Between		And	

ADD QUESTION: Will vendors be present at the event selling goods and/or services?

Please note: If vendors will be operating at your event, the city requires a list of all vendors with contact phone number and email address (if available) be provided to the city's Events Coordinator at events@milwaukieoregon.gov at least 24 hours prior to the event start, or at a schedule agreed to with the applicant at the time of permit issuance. The city requires vendor contact information to support communications in the case of an emergency, and to understand who is doing business within the City of Milwaukie

III. Requirements and Conditions

1. Applicant must barricade the closed portion of the street as described below. In general, the traffic control devices needed to close one typical block are found below, however, some street closures may require more traffic control devices.
 - i. 6 – Type I Barricades
 - i. Barricades must be equipped with flashing yellow lights at dusk or anytime there is diminishing visibility
 - ii. 2 – Reflective Street Closed or Road Closed signs with one sign fastened to the center barricade.
 - i. Signs must be at least 30 in. x 24 in.
 - ii. Signs must be reflective



2. Traffic control devices such as barricades may be rented or purchased from local companies. A list of companies located in the Portland Metro Area that rent traffic control devices, can be found on the [Milwaukie Block Party Permit](#) webpage.
3. Block parties must be held on the same street as the applicant's address. Contact the residents along the closed portion of the street at least one week in advance. The city doesn't require written consent from the nearby residents, but out of common courtesy they should be contacted and have an opportunity to express any concerns. This may be done in-person, using flyers, and/or phone calls. There is an invitation posted on the city website available for download, if needed.
4. Block parties may only be held between the hours of 10 a.m. and 10 p.m. All applicants must complete the noise control variance form included in this

application. The police department will determine if it is necessary or not and, if needed, whether it is approved, approved with conditions or denied.

5. Applicant is required to block off the street portion specified during the hours specified herein. All barricades shall be removed by 10 p.m. or the stated time end time on the permit, whichever comes first, and the street shall be reopened to resume normal use.
6. Access must be granted to authorized emergency personnel and vehicles, as well as residents within the closure. To do so, a 15-foot wide emergency lane shall be maintained at all times.
7. Applicant and participants must comply with all city ordinances governing noise, alcohol and fireworks. This permit does not authorize any person to consume or serve, or for a permittee to allow the consumption or service, of alcohol or marijuana upon any street, sidewalk or other public right of way. Please keep alcohol and marijuana on private property.
8. Applicant is responsible for clean-up and removal of all trash and litter from streets, sidewalks and public ways. Failure to properly clean-up could jeopardize future permit privileges.
9. Applicant is required to have approved permit onsite during the event and present it upon request to any police officer prior to and/or during the event.
10. Applicant must obtain special event insurance. The insurance must provide coverage for not less than \$1 million in personal injury for each person, and \$1 million per occurrence involving property damage, or a single limit policy covering all claims of not less than \$2 million per occurrence. To provide evidence of the required insurance coverage, the applicant shall furnish a certificate of liability insurance to the city. No permit shall be issued until the required certificate has been received and approved by the city. The certificate will specify and document all provisions within this section. Certificates should read "Insurance certificate pertaining to block party permit for (name of streets)." The City of Milwaukie, its officers, directors, agents and employees shall be added as additional insureds.

There are four options for obtaining insurance:

- i. Milwaukie's seven Neighborhood District Associations (NDA) each have insurance for one block party annually and can provide insurance for up to three additional block parties on a first-come, first-served basis. Applications submitted less than one month prior to the block party date

ADD ITEM 11: If vendors are present at the event selling goods and/or services, applicant agrees to provide a list of these vendors to the City's Events Coordinator at events@milwaukieoregon.gov at least 24 hours prior to the event start, or at a schedule agreed to with the applicant at the time of permit issuance. The city requires vendor contact information to support communications in the case of an emergency, and to understand who is doing business within the City of Milwaukie.

- may not be eligible for insurance certificate assistance from an NDA. The insurance is meant for block parties with no more than 100 people in attendance.
- ii. To partner with an NDA:
 - i. Attend one of the monthly NDA meetings to inform them of your interest in holding a block party. The chair or their designee must either sign below or submit an email to verify your attendance at the meeting.
 - a. Some of the NDAs don't hold regular meetings during the summer months (June, July, August). The chair of an NDA can sign off on a block party without attendance at a meeting, but this is not the preferred method.
 - ii. NDA meeting information and contact information for the chair is available at www.milwaukieoregon.gov. Click on "Neighborhoods" in the upper right corner, then select "Meetings and Contact Information."
 - iii. Other options to obtain insurance:
 - i. Many homeowner insurance policies offer coverage for an event.
 - ii. A special rider may be purchased to cover the closure.
 - iii. Many insurance agencies put together a special event policy.

Optional NDA Partnership and Verification of Insurance Requirement

I attended the following NDA monthly meeting to ask for partnership in order to host my block party, including the provisional insurance:

- | | |
|-------------------------------|-----------------|
| _____ Ardenwald Johnson Creek | _____ Lake Road |
| _____ Historic Milwaukie | _____ Lewelling |
| _____ Hector Campbell | _____ Linwood |
| _____ Island Station | |

DATE OF MEETING ATTENDED _____

By signing below, the NDA chair, or their designee, has verified that the applicant is partnering with the NDA for the block party, including the provision of insurance, pending approval of this application by the City of Milwaukie.

NDA Chair (or designee): _____

Signature: _____

Date: _____

IV. Noise Control Variance

If the event includes live or amplified entertainment, or is expected to generate noise, the applicant will be asked to obtain a noise variance. The Milwaukie Police Department will review the entire application and report to the applicant with an explanation of why it was approved, denied or approved with conditions.

Variance Information

Reason and proposed use for the variance:

Requested start time: _____ Requested end time: _____

Contact information of person responsible for amplification at event:

Name: _____

Phone: _____ Email: _____

Police Use Only

The physical characteristics of the emitted sound:

The geography, zone and population density of the affected area:

_____ Commercial _____ Industrial _____ Noise-sensitive _____ Residential

Population Density: _____ Light _____ Medium _____ Heavy

Is public health and safety endangered by the noise? _____ Yes _____ No

Does the sound source predate the receiver? _____ Yes _____ No

Does the compliance with the standard(s) from which the variance is sought produce hardship without equal or greater benefit to the public? _____ Yes _____ No

Is a Noise Variance required for this event or sale? _____ Yes _____ No

If a Noise Variance is required, is it granted?

_____ Yes _____ Yes, with conditions _____ No

Provide a brief description of why this noise variance application was approved or denied. If approved with conditions, please list the conditions below:

Noise variance authorized by: _____

V. Indemnification Agreement for Temporary Community Event

Note: All applicants must sign the Indemnification Agreement.

Grantee acknowledges and agrees as follows:

In consideration of the city's approval of this application for a block party permit, applicant accepts responsibility for the event or sale, and agrees to indemnify, defend and hold harmless the City of Milwaukie, and, if necessary, North Clackamas Parks and Recreation District, its officials, employees, agents, volunteers, and assigns from and against any and all claims, suits, liabilities and expenses (including, but not limited to, damages, attorney fees and costs) that may be asserted against the City of Milwaukie arising out of, or in any way related to, the temporary event for which permission is sought.

Applicant acknowledges they have carefully read the foregoing and understand its contents. Applicant warrants that they are authorized to sign this document and does so freely and without reservation.

Name: _____

Signature: _____

Date: _____

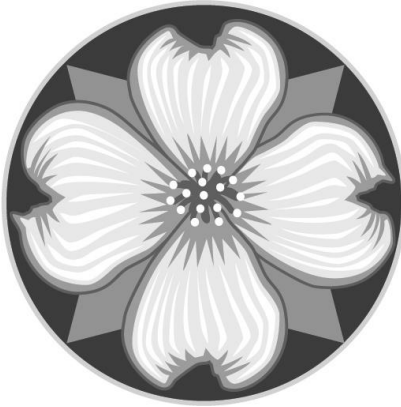
VIII. Applicant Signature

I have read all information contained within the City of Milwaukie's block party permit application packet and agree to abide by the terms and conditions contained herein.

Name: _____

Signature: _____

Date: _____



RS Agenda Item

9

Council Reports

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Nicole Madigan, Deputy City Recorder

From: Scott Stauffer, City Recorder

Subject: **Council Minutes Check-In**

Date Written: Dec. 15, 2023

ACTION REQUESTED

Council is asked to provide feedback on the city's public meeting minutes practices.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[February 11, 2020](#): At a study session, Council participated in a board and committee leadership summit in which public meeting minutes were discussed.

Spring 2021: After a year-long conversation about public meeting minutes, the Office of the City Recorder (OCR) finalized a writing guide (Attachment A) for use in preparing minutes.

ANALYSIS

Periodically, as a best practice and as questions are raised, the city recorder confers with Council, board and committee staff liaisons, board and committee members, and the public regarding the taking and preparing of public meeting minutes. As it has been four years since the last Council check-in on minutes, and due to recent questions about minutes raised by the Budget Committee, staff believed this was a good moment to bring the topic back to Council.

Below and attached is an overview of the city's public meeting minutes practices. It is staff's hope that Council will provide feedback on these practices to help ensure that the city's minutes continue to comply with Oregon's public meetings and records laws while accurately and efficiently documenting Milwaukie's historical record.

What are Minutes?

The written record of a public body's actions (known as the minutes) is meant to document the who, when, where, and what of the body's deliberations and decisions. [Oregon Revised Statute \(ORS\) 192.650](#) and [Milwaukie Municipal Code \(MMC\) 2.04.130](#) identify what specific pieces of information are required to be in the minutes; see the attachment for a list of specific required parts. And, by practice, the city has included narrative text in the minutes to provide a picture to future readers of the nature of the body's discussion. Along with accompanying staff reports, exhibits, handouts, and presentation slides, approved minutes complete the meeting record, often referred to as the meeting "packet."

Milwaukie's public meeting minutes are often written after a meeting has occurred – either through the note taker (often staff or the secretary of a board or committee) reviewing the meeting video (if it exists) or notes. For Council, the Planning Commission, and Budget Committee, it has been the city's practice to have staff take the minutes. For the city's boards and committees and

neighborhood district associations (NDAs), the best practice is for a member of the body – often the secretary – to take the minutes.

The general goal is to present the previous meeting’s minutes to the body for consideration at its next meeting; for boards and committees who meet monthly, this means the minutes are usually approved within one meeting, for Council the goal is to write and present a set of minutes within two meetings (or within a month of the meeting). If there are no objections or proposed changes, the body typically approves the minutes.

Who “owns” the minutes?

Ultimately the minutes belong to the body hosting the meeting and the entire body has the final say about what is included in the minutes through their formal motion to approve the minutes. Council considers its minutes through the standing consent agenda on regular session agendas. Each member has a right to request that the minutes be revised, and the minute writers have a responsibility to respond to the proposed change, and in the end, Council has the final word as to whether the change is made. The minutes therefore belong to the Council as a whole, although they are required to include certain parts.

BUDGET, CLIMATE, & WORKLOAD IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

OCR staff works with board and committee staff liaisons on an ongoing basis to review various public meeting procedures, including minutes. And, from time to time, Council and board and committee members, and members of the public, consult with the OCR on minute matters.

STAFF RECOMMENDATION

Staff requests that Council provide feedback on the city’s minute taking practices.

ALTERNATIVES

As keeping a written record of a body’s actions is required by state and local laws, there are no applicable alternatives.

ATTACHMENTS

1. Milwaukie Minutes Guide

A guide to writing, approving, and archiving minutes
for those who write meeting minutes for city boards and committees (BCs).

The written story of the city's BC work should be *action-oriented* with *brief summaries* of discussions. Present and future readers should be able to quickly and clearly identify actions taken and have an idea of how the conversations went. Verbatim or overly detailed minutes are not efficient or necessary.

1. Writing Minutes

Meeting minutes are an efficient historical summary of a group's actions and decisions.

What to include: who/what/where/when. Use a standard template to ensure that the information documented is consistent and includes the basics:

- A. **Name of the body** and the **type** of meeting (regular, work, special, etc.).
- B. **Date & place** of the meeting and when it **begins & ends** (adjourns).
- C. **Members** of the body who are present and absent, and names of city staff present. A list of representatives from other groups and special guests may also be included.
 - i. Titles should be included in the members list. Ex: the chair and secretary.
 - ii. Whether a quorum is present. (By providing a list of all members, both present and absent, the presence of a quorum is documented.)
 - iii. Pronouns. It is the city's practice that gender specific pronouns (she/her, he/him) not be used in BC minutes. This is to ensure that all feel welcome and included and to prevent the minutes writer from guessing a speaker's preferred pronouns. See attached handout on general neutral language.
- D. **Standing agenda items.** It is recommended that BCs use a standard agenda order. This is so members, staff, and the public know how a meeting will flow and when they may expect to speak. For a general order, the city has adopted Robert's Rules of Order as a guide (attached). Basic agenda items to include:
 - i. Approval of previous meeting minutes.
 - ii. When reports are given.
 - iii. When public comment will be taken.
- E. **Motions** are the most formal action taken by a BC and must be documented in the minutes. Include: the texts of motions considered by the body (as finally voted on), and what the body did (passed, defeated, postponed etc.).
 - i. In Milwaukie we note the members who moved and seconded, the vote total, and how each member voted.

Ex: It was moved by X and seconded by Y to approve the resolution in support of divestment from fossil fuel industries. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]

Minutes are Not: verbatim, personal, cumbersome. While we appreciate the instinct to capture as much of the meeting as possible, such a practice is not sustainable and is inefficient for the writer and the reader. The following should not be included:

- F. Things that didn't happen don't belong.** Sometimes after the meeting a member wants to put something in the minutes that didn't happen. Don't do it! Minutes are the official and legal record of your meeting. It is crucial that they be accurate.
- G. Detailed discussion doesn't belong.** The purpose of minutes is to record the actions taken by the body. Yet somehow there is a tide that sweeps people away into writing down what Member A said, and then what Member B said. [Read the Jurassic Parliament blog post about why this is a bad idea.](#) In Milwaukie we do provide a summary of the discussion. The tricky part can be writing an efficient summary while not getting into the back-and-forth of a conversation.
- H. Personal remarks don't belong.** It is a big mistake to include personal opinions in the minutes. The writer must not editorialize, and members' personal remarks should not be included. [Read the Jurassic Parliament blog entry](#) for an example of the problems this can present.
- I. Putting something "on the record" – don't do it, usually.** Board members and elected officials sometimes want to put something "on the record." Including something in the minutes is a privilege of the body, and technically speaking, a board or council could vote to allow this. Usually, don't do it. Turning the record of official actions into a platform for opinions is a mistake.
 - i. **Note:** in Milwaukie it has been the practice to include certain things:
Example A: when Council introduces a new resolution at a meeting without having included it in the agenda or meeting packet. Staff recommends the entire resolution be read out loud once during the meeting and included word-for-word in the minutes. Example B: when someone submits a written comment and asked someone else to read it for them. While the submitted written comments would be included in the meeting record, we have included read statements in full in the minutes.
- J. Details about motion amendments don't belong.** This is a Robert's Rules of Order recommendation and one that does not come up very often in Milwaukie. The writer must keep careful track of amendments during discussion. Once the motion is adopted, however, the details of who proposed what do not belong in the minutes. Instead, this phrase can be used: "After discussion and amendment, the following motion was adopted..."

2. The Approval Process

- A. **Write & Review.** Once written, minutes may need to be reviewed by staff or the BC chair – but not in all cases. Each BC may develop an appropriate review process prior to presenting a set of minutes for consideration and approval by the entire BC.
- B. **Vote to approve.** Once ready, the minutes should be placed on an upcoming agenda for approval. This should be an action item with the BC voting (verbally is fine) to approve the minutes. This gives the BC a chance to weigh-in and make any corrections to their official record. By acknowledging and voting on approving the minutes, the BC places a legal seal on the minutes as the official record.
 - i. **Approval Timeline.** Each BC should determine what an appropriate turnaround timeline should be and try to stick to it. Some BCs meet monthly so it may be feasible for a set of minutes to be ready for approval at the next meeting.

Example: Staff's goal is to write and present City Council minutes within two meetings. This is a workable goal that balances staff's workload and the need to be transparent and provide the public with the record in a timely manner.
- C. **Signing.** The minute writer should sign the approved minutes. As the creator of the record, the writer signature is sufficient – be it city staff or BC member.

3. The Archival Process.

Meeting minutes, along with the agenda and packet materials, are a permanent record and must be retained forever. Appropriately storing approved minutes is the most critical step.

- A. **Content Manager.** The city stores records in the electronic records management system known as Content Manager. After minutes are approved, the BC staff liaison should store the minutes, agenda, and packet should be stored in Content Manager.
 - i. **Digital Archives.** Through the [Digital Archives on the city's website](#), records can be published in the public facing web portal so anyone can search and view them. Staff liaisons can work with the OCR to ensure this step is taken.
- B. **Online.** It's city practice to publish approved minutes on the city's [BC's meeting page](#).
- C. **Audio/video recordings.** If a meeting is audio/video recorded, the recording is a public record and must be retained for 12 months after the approval of the written minutes.
 - i. **Inform:** If you chose to record a public meeting you must inform all meeting participants that it is being recorded.
- D. **Paper copies.** Once the approved minutes are stored in Content Manager they become the official record copy. All other copies are reference only and may be deleted or recycled once they are no longer needed.

Sample Minutes: check out the November 7, 2023, Council [work session](#) and [regular session](#)!

Attached: Gender Neutral Language Handout

Gender neutral language

The use of gender-neutral language is meant to ensure that all participants in the city's public meetings feel welcomed and included in the conversation. It is also meant to decrease the chance that a minute writer unintentionally assumes the incorrect preferred pronouns for a meeting participant. It is the city's policy that **BC minutes should avoid gender-specific language wherever possible.**

- **Remove:** Mr., Ms., Mrs., and Miss.
- **Retain** gender-neutral titles: Councilor, Commissioner, Mayor, Chair, Vice-Chair.

Minute-takers should be mindful and use gender-neutral pronouns, such as 'they', 'them', 'their', or 'themselves', instead of gendered pronouns such as 'he', 'she', 'hers', 'himself', 'herself'.

The use of masculine words such as 'he' and 'manpower' can give the impression that women are excluded. While some may note that masculine words refer to all, the impression that matters is that of the reader, not the writer.

Using non-gender specific language in minutes helps the writer summarize discussions. By writing in broader terms, minutes are more focused on the group discussion and actions, which supports the city's overall preference for efficient, action-oriented minutes.

Principal	Example	Suggested alternative
Use 'they' instead of 'he' or 'she'.	Each respondent was asked whether he wished to participate.	Respondents were asked whether they wished to participate.
Change the sentence to avoid the need to state a gender.	The member should be given time to familiarize himself with the material.	Ample time should be allowed for the member to become familiar with the material.
Change to gender neutral alternatives.	The manpower needed to complete the task was estimated at two employees.	The workforce needed to complete the task was estimated at two employees.

Examples from City of Milwaukie minutes:

Principal	Example	Suggested alternative
Do not use gender-specific titles.	Mr. Stauffer polled the Council.	Stauffer polled the Council.
Use 'they' instead of 'he' or 'she'	Kolias reviewed the project criteria. She explained that the developer proposed fewer structures.	Kolias reviewed the project criteria. They explained that the developer proposed fewer structures.
Change the sentence to avoid the need to state a gender.	He reviewed the applicable city and state standards.	Staff reviewed the applicable city and state standards.

**RS 9. A. 1/16/24
Presentation**

Council Minutes

January 16, 2024



Council Minutes

Minutes are the written record of a public body's actions that documents the who, when, where, and what of the body's deliberations and decisions.

- Required by state law and the city code.

Ultimately the minutes belong to the body hosting the meeting and the entire body has the final say about what is included in the minutes through their formal motion to approve the minutes.



Council Minutes

Key Best Practices

- Detailed discussions... we summarize!
- Personal remarks... we summarize!

Where to find the minutes!

- <https://www.milwaukieoregon.gov/meetings>
- <https://www.milwaukieoregon.gov/cityrecorder/digital-archives>



Council Minutes

September 12, 2023, City Council Study Session

- Pulled from Consent Agenda
- Motion to Approve or Move to February 6 Consent Agenda?



Questions?

Scott Stauffer, City Recorder
stauffers@milwaukieoregon.gov

Nicole Madigan, Deputy City Recorder
madigann@milwaukieoregon.gov



A stylized, abstract illustration of a flower or shell-like structure in shades of white, grey, and brown, set against a green and brown background, all contained within a circular frame on the left side of the slide.

**RS 9. B. 1/16/24
Presentation**

Legislative & Regional Issues

January 16, 2024

Key Dates

- 2/5 – Session Begins
- 2/7 – Revenue Forecast
- 3/10 – Constitutional Sine Die

<https://www.oregonlegislature.gov/calendar>



Issues/Legislation

- Measure 110 Coalition (Mayor Batey)
- HB3414 Land Use Regulation Adjustments (from 2023)



Resources

- OLIS: [Oregon Legislative Information System](#)
- LOC: [CM3 – LOC Bill Summary](#)
(Username/password: [loc@orcities.org](#))
- Thorn Run Partners
(Metro Mayors Consortium)



Questions?

Scott Stauffer, City Recorder
stauffers@milwaukieoregon.gov

