

Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

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

AGENDA

NOVEMBER 4, 2025

Council will hold this meeting in-person and by video conference. The public may come to City Hall, join the Zoom webinar, or watch on the [city's YouTube channel](#) or Comcast Cable channel 30 in city limits. For Zoom login find the meeting event on the city calendar at www.milwaukieoregon.gov.
 Written comments may be delivered to City Hall or emailed to ocr@milwaukieoregon.gov.

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

1. **CALL TO ORDER** (6:30 p.m.)
 - A. **Pledge of Allegiance**
 - B. **Native Lands Acknowledgment**

2. **ANNOUNCEMENTS** (6:31 p.m.) **2**

3. **PROCLAMATIONS AND AWARDS**
 - A. **Veterans Day – Proclamation** (6:35 p.m.) **6**
 Presenter: Adam Khosroabadi, City Councilor, and
 Robert Massey, City Councilor

4. **SPECIAL REPORTS**
 - A. **None Scheduled**

5. **COMMUNITY COMMENTS** (6:40 p.m.) **8**
 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 at 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** (6:45 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:** **10**
 1. **September 16, 2025, work session,**
 2. **September 16, 2025, regular session,**
 3. **October 7, 2025, work session, and**
 4. **October 7, 2025, regular session.**
 - B. **Authorization of a Water Program Loan Application – Resolution** **25**

7. **BUSINESS ITEMS**
 - A. **Approval of Intergovernmental Agreements with the North Clackamas Parks and Recreation District (NCPRD) – Resolution** (6:50 p.m.)
 Staff: Emma Sagor, City Manager

- 7. **BUSINESS ITEMS (continued)**
 - B. **Public/Private Greenspace Partnerships – Discussion (7:20 p.m.)** **31**
Staff: Peter Passarelli, Public Works Director, and
Adam Moore, Parks & Greenspace Development Manager
 - C. **Willamette River Water Quality Testing – Discussion (8:20 p.m.)** **50**
Staff: Peter Passarelli, Public Works Director, and
Katie Gavares, Climate & Natural Resources Manager
- 8. **PUBLIC HEARINGS**
 - A. **None Scheduled.**
- 9. **COUNCIL REPORTS (8:50 p.m.)** **57**
- 10. **ADJOURNMENT (9:00 p.m.)**

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

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

2436th Meeting

MINUTES

NOVEMBER 4, 2025

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

Staff Present: Justin Gericke, City Attorney
Adam Moore, Parks & Greenspace Development Manager
Peter Passarelli, Public Works Director
Emma Sagor, City Manager
Scott Stauffer, City Recorder

Mayor Batey called the meeting to order at 6:40 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities including Portland Book Festival events in Milwaukie, Engage Milwaukie and Metro surveys, free lead drop events for city residents, Veterans Day facility closures, the first Mayor's Monthly Office Hours session, library and poetry readings, and watershed and wetland clean-up events.

Mayor Batey read a Willamette River themed haiku poem.

3. PROCLAMATIONS AND AWARDS

A. Veterans Day – Proclamation

Councilor Massey and **Councilor Khosroabadi** commented on the history of Veterans Day and thanked military personnel for their service. They also wished the United States Marine Corps (USMC) a happy 250th anniversary. **Mayor Batey** proclaimed November 11, 2025, to be Veterans Day in Milwaukie.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the comment procedures. **Sagor** provided follow-up reports from the October 21 comments, which addressed questions about parking on Home Avenue and street safety generally. No audience member wished to address Council.

Note: Rod Smith, Milwaukie resident, submitted a speaker card after comment time and therefore did not speak; Smith's card is in the meeting record.

6. CONSENT AGENDA

It was moved by Councilor Massey and seconded by Council President Anderson to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

1. **September 16, 2025, work session,**
2. **September 16, 2025, regular session,**
3. **October 7, 2025, work session, and**
4. **October 7, 2025, regular session.**

B. Resolution 44-2025: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing a financing application with the Oregon Health Authority for the construction of a raw water pipeline and treatment site preparation.

Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting “aye.” [5:0]

7. BUSINESS ITEMS

A. Approval of Intergovernmental Agreements (IGAs) with the North Clackamas Parks and Recreation District (NCPRD) – Resolution

Sagor provided an update on IGA negotiations with the NCPRD Board, which is the Clackamas Board of County Commissioners, noting there were no resolutions for Council to approve, reporting on the Council’s latest letter to the district and the NCPRD Board’s recent system and revenue planning actions.

Mayor Batey noted meetings held between Council and NCPRD Board members in a two-on-two format and explained several one-on-one interactions Batey had with NCPRD Board members Martha Schrader and Diana Helm which led to mischaracterizations of the city’s positions in the negotiations. **Batey** apologized for holding the one-on-one meetings.

Councilor Stavenjord reported an interaction about the IGAs with NCPRD Board members Paul Savas and Helm, and Board Chair Craig Roberts at a recent Clackamas Cities Association (CCA) dinner in Gladstone. **Stavenjord** remarked on whether the CCA interaction and Mayor Batey’s interactions had or should influence negotiations.

Mayor Batey and **Councilor Stavenjord** remarked on the NCPRD Board’s preference for discussing the IGAs in executive session and Board Member Savas’ accusation that the Council had broken any agreement about confidentiality by discussing the negotiations in a public meeting. **Council President Anderson** expressed support for Mayor Batey and Councilor Massey as the city’s negotiators on the IGAs.

Councilor Khosroabadi expressed disappointment about the lack of transparency of the side conversations with NCPRD Board Members about the IGAs. **Mayor Batey** commented on the nature of the one-on-one conversations with Board member Helm. The group remarked on interactions with other elected officials and how Council should avoid discussing negotiations outside official channels.

Sagor summarized that staff would draft a response to recent NCPRD Board IGA proposals and noted when Council would discuss the IGAs again. Council discussed holding a special session about the IGAs and it was Council consensus to hold a special session at 5:00 p.m. on November 13.

B. Public/Private Greenspace Partnerships – Discussion

Passarelli and **Moore** explained that public/private partnerships of greenspace was an action item in the Council’s parks and greenspace goal and reviewed the kinds of

programming, projects, funding opportunities, and owner and management (O&M) agreements such partnerships could take on.

Moore explained what revenue-generating partnerships could look like in public spaces and reported on a conversation staff had with the city's Park and Recreation Board (PARB) about parks and greenspace partnerships. The group discussed how the city could solicit private partners for greenspaces through a request for proposals (RFPs) or other processes, noting the importance of developing community use plans.

Mayor Batey noted an audience member wanted to comment on the subject.

Michael Calcagno, Sauna Glo owner, wanted to build a raised garden bed in a city park and remarked on the city's permitting and community engagement processes. **Sagor** noted the city would develop a green space management plan in 2026.

Moore asked for Council feedback on how the city should develop public/private partnerships and a green space management plan. **Councilors Massey, Khosroabadi, and Stavenjord** and **Council President Anderson** supported the city continuing to discern how it feels about greenspace management through community engagement work and remarked on whether public spaces should be open to commercial activities. **Mayor Batey** and **Anderson** wondered if there was some way to allow something between temporary and permanent uses in public spaces.

Mayor Batey and **Passarelli** clarified that the green space management plan would address city parks managed by NCPRD and other publicly owned properties.

Sagor summarized that there was Council support to continue discussing how to allow commercial uses in public spaces through the greenspace management plan and asked if Council wanted to develop a new short-term process to allow businesses to operate in public spaces until the management plan was adopted. Staff confirmed there were businesses interested in operating in public spaces and the group remarked on whether the existing temporary use permit met the current need.

Council President Anderson proposed that an interim permit process be created and placed on www.engagemilwaukie.gov to get feedback for Council to consider and adopt early in 2026. **Councilor Massey** did not believe Council should approve permit applications and that staff should do that work.

Mayor Batey and **Sagor** remarked on when a new temporary seasonal use permit process should be in place for summer uses and whether current processes could be used until a management plan was adopted. **Sagor** and **Passarelli** suggested it was Council consensus that staff should use existing processes creatively to allow businesses to operate in public spaces while a long-term plan was developed. **Moore** remarked on differences between business agreements and temporary use permits.

Council President Anderson believed additional Council conversation may be needed to clarify what the current permit process could be used to approve. **Mayor Batey** supported finding a way to allow short-term use of parks by commercial entities within certain parameters that would protect the public's free use of park spaces and believed staff should make decisions about specific permit applications.

Sagor noted that Council was not directing staff to put a call out for businesses who wanted to use public spaces, but staff would review temporary uses application as they came in and **Passarelli** appreciated the Council feedback.

Mayor Batey recessed the meeting at 8:38 p.m. and reconvened at 8:45 p.m.

C. Willamette River Water Quality Testing – Discussion

Passarelli and **Sagor** reported that community members had asked the city to test Willamette River water quality and they provided an overview of regional water quality sampling, noting that Clackamas County Water Environment Services (WES) tests weekly. **Mayor Batey** commented on where the WES testing data was reported publicly.

Passarelli explained that staff recommended that the city not provide the requested water testing because the city was not required to test, there would be impacts on staff workloads, and collecting such data could impact the city's National Pollutant Discharge Elimination System (NPDES) permit. **Passarelli** suggested the city work with WES to report that agency's testing data.

Mayor Batey asked about the costs of hiring a contractor to test the water and **Passarelli** said staff could investigate such costs.

Councilor Massey did not believe that water testing was something the city should do and suggested the city coordinate sharing the test results from other agencies.

Mayor Batey remarked on how regional water testing data could be made public. **Passarelli** and **Batey** commented on how water testing could impact NPDES permits.

Councilor Massey reported on water quality test results from near the Waverly Country Club. **Mayor Batey**, **Sagor**, and **Massey** commented on the language used by other agencies when reporting water quality test results.

Councilor Stavenjard asked what was missing between the available data and what the public was asking for and **Passarelli** suggested WES' data could be made more available and observed that data from Milwaukie Bay Park (MBP) was missing. They noted that location, frequency, and what substances were being tested went into the reliability of testing results. They briefly remarked on privately funded water testing.

Council President Anderson agreed that water quality testing was already being collected by other agencies and wondered if the city could provide a webpage linking to other agencies' testing data. **Passarelli** urged Council to be cautious in providing up-to-date data from other agencies given how quickly the water quality can change.

Dave Cadwallader, Milwaukie resident, noted that the Island Station Neighborhood District Association (NDA) had written in support of the request to test the water, and commented on the benefits of getting periodic test results about the water at MBP so the community could use the park to cool off on hot days when the water was safe. **Mayor Batey** asked what type of testing was being requested and **Cadwallader** suggested the community would want the water tested for more than just e-coli.

Calcagno supported the city testing the water at MBP to reduce the stigma of dirty water at the park, suggesting it was an equity issue to provide free recreational space.

Jacob Sherman, Milwaukie resident, supported the request for the city to test the water at MBP and noted the common belief that the Willamette River water was not safe to swim in. **Mayor Batey** asked what type of testing should be done and **Sherman** did not know what type of testing should be done.

Councilor Khosroabadi remarked on the public interest in testing the water, observed that the negative stigma about the river quality was about the entire river not just the part that flows by Milwaukie, and expressed concern about the logistics and timing of testing and sharing water quality reports.

Council President Anderson commented on the reputation of the Willamette River as dirty or clean and whether regular testing would change the public's perception of the river quality and supported the city providing some testing.

Councilor Massey and **Mayor Batey** remarked on why agencies test for certain things in the river, noting that the City of Portland tests for e-coli because of their big pipe sewage project. **Sagor** and **Passarelli** noted that the City of Portland and WES test the river water because they are sewer service providers, which the City of Milwaukie is not.

Passarelli discussed how the city regulates and tests the drinking water it provides and agreed that the city was not legally required to test the river water. **Mayor Batey** and **Passarelli** remarked on whether city testing would be validated by other test results.

Mayor Batey, **Passarelli**, and **Sagor** commented on whether the city could create a webpage to share test results provided by other agencies. **Council President Anderson** suggested there was Council consensus for staff to create a test result sharing webpage and asked if there was consensus about staff providing limited testing.

It was Council consensus that staff should create a city webpage with links to other agency websites where Willamette River water quality testing information was reported.

Council discussed whether staff should return to Council with input on what limited testing the city could provide. **Sagor** and **Passarelli** reported there were no additional tests the city could conduct that other agencies were not already testing. **Councilors Massey and Khosroabadi** suggested the staff should not try to find tests that city staff were not trained to conduct. **Khosroabadi** suggested the test result sharing webpage include information about the mitigation work that has been done in the river.

It was Council consensus that staff would not be asked to look further into water quality testing that could be done.

Mayor Batey suggested the test result sharing webpage could include information about cleaning up Kellogg Creek instead of the Willamette River.

Sagor observed that WES and NCPRD also play a role, with the city, in promoting the safe use of the MBP and the waterfront.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS

Council President Anderson introduced a Council letter in support of an emergency response annex at the Milwaukie-Portland Elks Lodge #142 located in unincorporated Clackamas County. **Dave Hollingsworth** and **Jason Allen** with the Elks Lodge provided an overview of the Lodge's community emergency response team (CERT) work and interest in seeking grant funding to improve part of the Lodge facility to serve as an emergency response annex. The group discussed the improvements that would be made at the Lodge facility and the Lodge's work with Milwaukie's CERT.

Sagor noted it was 9:57 p.m. and Council would need to vote to continue the meeting past 10:00 p.m. per the Milwaukie Municipal Code (MMC). **It was moved by Council President Anderson and seconded by Councilor Stavenjord to extend the meeting to 10:10 p.m. Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting "aye." [5:0]**

12004

The group continued to discuss the grant the Lodge was seeking to fund an emergency response annex at the Lodge and the proposed Council letter of support for the grant. It was Council consensus to sign the letter of support.

Councilor Khosroabadi reported on the recent work of the Clackamas County Community Action Board (CAB) meeting and food support resources available in the county. **Sagor** noted that the city was also creating a food support resources brochure.

Councilor Massey reported on the recent work of the Regional Water Providers Consortium meeting.

Sagor and **Mayor Batey** reviewed upcoming ribbon cutting events in the community.

10. ADJOURNMENT

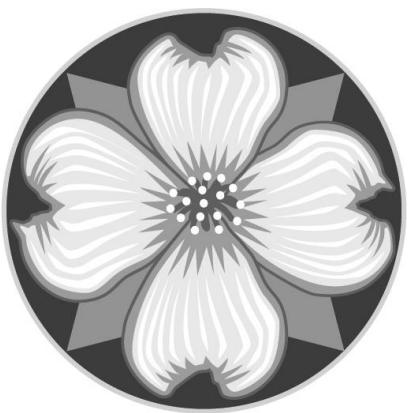
It was moved by Council President Anderson and seconded by Councilor Khosroabadi to adjourn the Regular Session. Motion passed with the following vote: Councilors Anderson, Khosroabadi, and Stavenjord and Mayor Batey voting “aye,” and Councilor Massey voting “no.” [4:1]

Mayor Batey adjourned the meeting at 10:07 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder



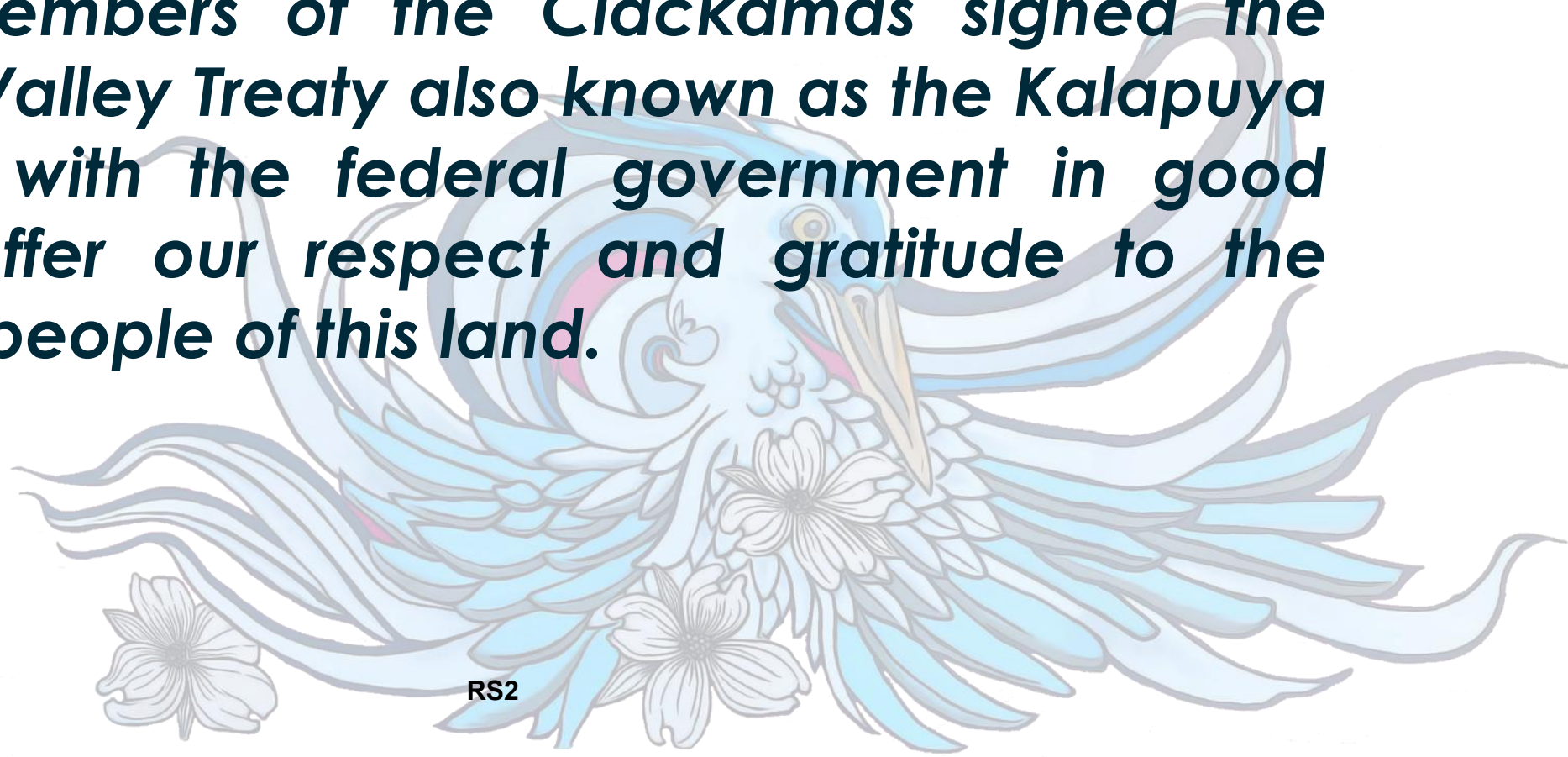
RS Agenda Item

2

Announcements

Native Lands Acknowledgment

The City of Milwaukie respectfully acknowledges that our community is located on the ancestral homeland of the Clackamas people. In 1855, the surviving members of the Clackamas signed the Willamette Valley Treaty also known as the Kalapuya etc. Treaty with the federal government in good faith. We offer our respect and gratitude to the indigenous people of this land.



The **Portland Book Festival** continues in Downtown Milwaukie with more events.

WEDNESDAY, NOV. 5 · 4 PM

Spoke & Word Books – 10863 SE Main St.

Marjan Anvari will lead a workshop on Preserving Stories.

WEDNESDAY, NOV. 5 · 6 PM

Ledding Library - 10660 SE 21st Ave.

Hear author Wendy N. Wagner discuss her book *Girl in the Creek*.

SUNDAY, NOV. 9

Take in two workshops, one on Native American Storytelling at 2 PM at the Library and the other on Making Trouble, Making Art at 5 PM at Spoke and Word.

PBF
PORTLAND BOOK FESTIVAL

COVER to COVER

in Downtown Milwaukie

<p>Saturday 11/1</p> <p>KURDISH DANCE WORKSHOP: STORYTELLING THROUGH MOVEMENT AND TRADITION</p> <p>11:00 AM – 12:00 PM</p> <p>Toolbox Gallery 2029 SE Jefferson Street, Milwaukie, Oregon</p>	<p>Wednesday 11/5</p> <p>AUTHOR TALK - WENDY N. WAGNER GIRL IN THE CREEK</p> <p>6:00 PM – 7:15 PM</p> <p>Ledding Library 10660 SE 21st Ave, Milwaukie, Oregon</p>
<p>Sunday 11/2</p> <p>THE MUSIC IN THE WORK – A STORY OF RESILIENCE, CRAFT, AND ART WITH OLEG ZHDAN</p> <p>12:00 PM – 4:00 PM</p> <p>Toolbox Gallery 2029 SE Jefferson Street, Milwaukie, Oregon</p>	<p>Sunday 11/9</p> <p>NATIVE AMERICAN STORYTELLING WITH ED EDMO (ALL AGES!)</p> <p>2:00 PM – 3:00 PM</p> <p>Ledding Library 10660 SE 21st Ave, Milwaukie, Oregon</p>
<p>Monday 11/3</p> <p>PUBLISHING AMA WITH LAURA STANFILL</p> <p>6:00 PM – 7:30 PM</p> <p>Spoke & Word Books 10863 SE Main St., Milwaukie, Oregon</p>	<p>Sunday 11/9</p> <p>MAKE TROUBLE, MAKE ART: A ONE-PAGE ZINE WORKSHOP ON DEFIANT CREATIVITY</p> <p>5:00 PM – 6:00 PM</p> <p>Spoke & Word Books 10863 SE Main St., Milwaukie, Oregon</p>
<p>Wednesday 11/5</p> <p>PRESERVING STORIES: A BOOK CONSERVATION WORKSHOP WITH MARJAN ANVARI</p> <p>4:00 PM – 5:00 PM</p> <p>Toolbox Gallery 2029 SE Jefferson Street, Milwaukie, Oregon</p>	<p> CITY OF MILWAUKIE</p> <p>TOOLBOX GALLERY</p> <p>SPOKE & WORD BOOKS</p>

FRIDAY, NOV. 7 · DEADLINE

oregonmetro.gov/communitychoice

Metro Community Choice Grants – last opportunity to participate in voting.

FRIDAY, NOV. 7 · DEADLINE

engage.milwaukieoregon.gov/set-the-pace

Share thoughts about reducing speed limits on local streets, neighborhood routes and collectors.

SATURDAY, NOV. 8 · 7 AM – 2 PM

6101 SE Johnson Creek Blvd.

Free leaf drop for Milwaukie residents. Bring a utility bill for proof of residency.



TUESDAY, NOV. 11 · ALL DAY

City offices and library closed for Veterans Day.

WEDNESDAY, NOV. 12 · 10 AM

Mayor's Monthly Office Hours.

WEDNESDAY, NOV. 12 · 6 PM

Ledding Library - 10660 SE 21st Ave.

Poetry reading featuring Carlos Reyes.

FRIDAY, NOV. 14 · DEADLINE

engage.milwaukieoregon.gov/nda

Neighborhood Survey closes!

SATURDAY, NOV. 15 · 9 AM

ncwatersheds.org/get-involved-with-the-council/events/

NCWC Winter Restoring Watersheds Workshop.

Est.2007

MILWAUKIE POETRY SERIES

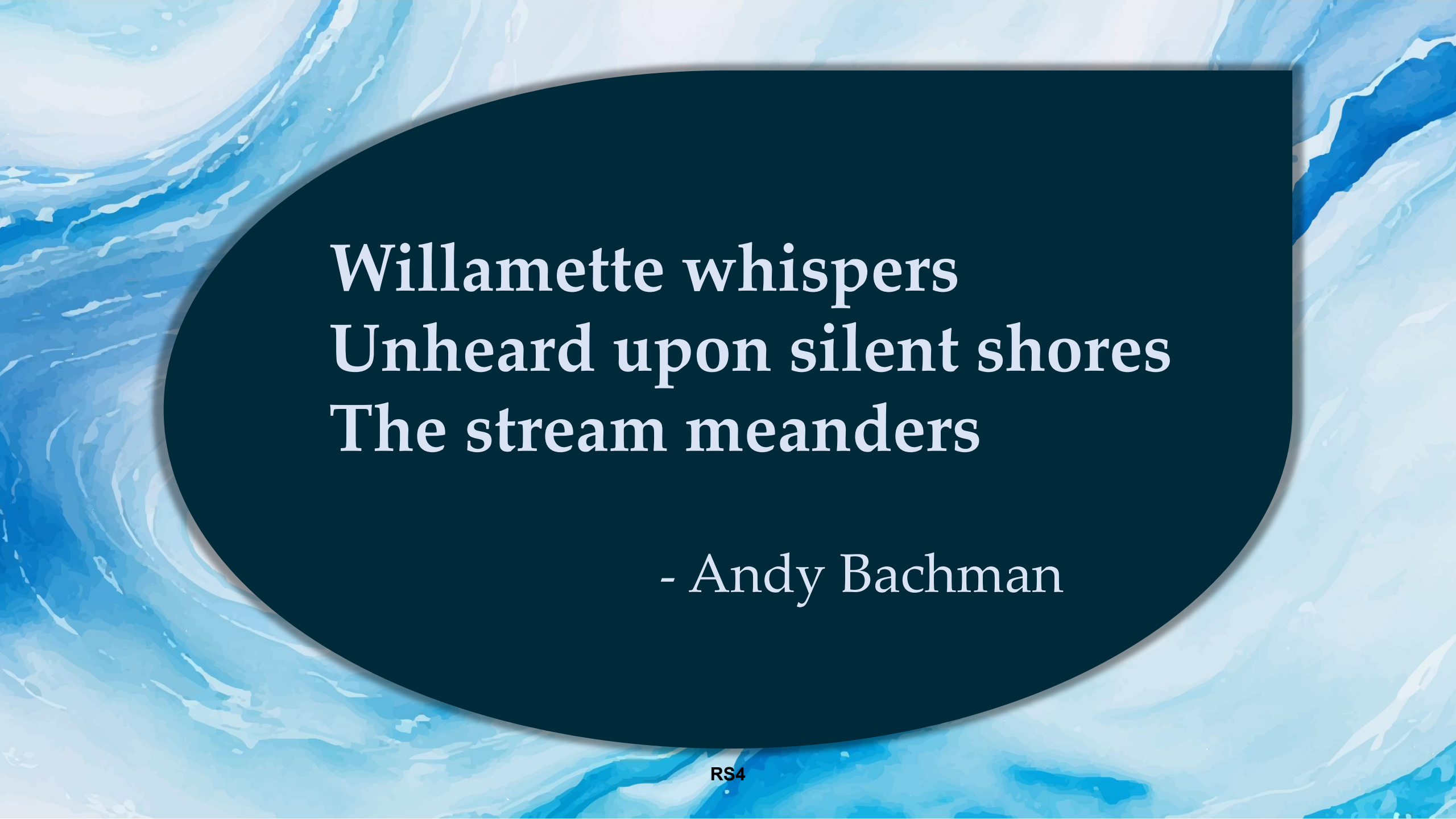
poetry
readings



in person &
online

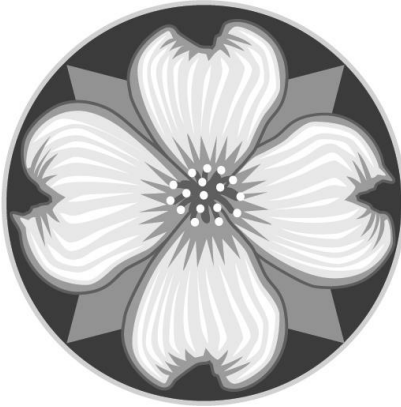


NORTH
CLACKAMAS
**WATERSHEDS
COUNCIL**



**Willamette whispers
Unheard upon silent shores
The stream meanders**

- Andy Bachman



RS Agenda Item

3

Proclamations & Awards

PROCLAMATION

WHEREAS the United States first proclaimed November 11, 1919, as Armistice Day to mark the end of World War I, the “War to End All Wars,” and to solemnly reflect on the horrific consequences of all wars, and

WHEREAS since 1919, the 11th day of the 11th month has come to be a time to recognize the contributions made by the millions of men and women who answered Our Nation’s call to arms in the pursuit of world peace, and

WHEREAS Veterans Day brings communities together to honor military veterans and their legacy of selfless services and sacrifice and to remember the millions of civilians and military personnel who have died or been injured by war, and

WHEREAS the United States Department of Defense recognizes that the risk of future wars will be greatly increased by climate chaos and the resulting forced migrations due to devastating starvation, inundation, fires, flooding and drought and we should do everything necessary to decrease those effects, and

WHEREAS the City of Milwaukie has been proud to partner with American Legion Post 180, the Susannah Lee Barlow Chapter of the Daughters of the American Revolution (DAR), and Fort Kennedy to recognize and support veterans in community, and

WHEREAS the City of Milwaukie recognizes the sacrifices made by the those who served our country so that all may pursue life, liberty, and happiness.

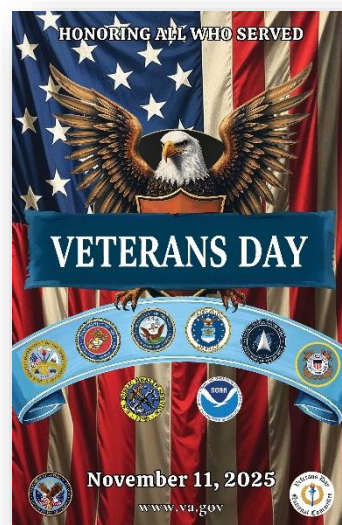
NOW, THEREFORE, I, Lisa Batey, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim **November 11, 2025**, to be **Veterans Day** in the City of Milwaukie.

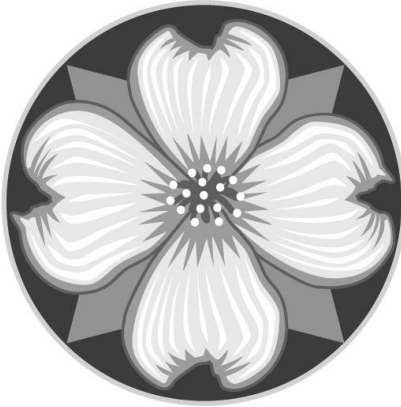
IN WITNESS WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 4th day of November 2025.

Lisa Batey, Mayor

ATTEST:

Scott Stauffer, City Recorder





RS Agenda Item

5

Community Comments

**RS 5. 11/4/25
Correspondence**

From: [Laura Bullard](#)
To: [OCR](#)
Subject: Speed changes to Lake Rd
Date: Sunday, October 26, 2025 3:37:55 PM

This Message originated outside your organization.

Dear City Council,

One of the reasons I love Milwaukie is because of our small town feel and slow paced life. We left Portland for just that reason. But I wish I didn't have to drive downtown to all the shops and action every time I wanted to go to the farmers market or get a bite to eat. Yes, we can ride our bikes, but I sure wish Lake Road was safer!

We live in the older development that is unincorporated (off of 51st).....which is a whole other issue I won't get into now! Our section of Lake Road is posted as 40 MPH. That is WAY too fast because people actually drive 50. They think it's an expressway as you leave the Cereghino Farm Development from Milwaukie and as you are coming into Lake Road from Harmony. I don't want my 7th grader riding his bike to Rowe MS or to his friends' houses closer to downtown because of this. I hate going for walks because of this too.

As you plan for future growth, please consider bike and walking safety on Lake Road so more of Milwaukie can enjoy the benefits of walkability, small businesses, and vibrant neighborhood life. We sure wish our side of 224 was like the Ardenwald neighborhood where streets are safer for bikes, pedestrians, and kids going to school by themselves. Please consider this as you plan for new development and upgrades. We don't need more housing development that attract more cars, we need safer speed limits and streets for kids and adults to be on.

Sincerely,

Laura and Travis Bullard

NOTE: this speaker card was submitted to city staff, but the speaker arrived at the meeting after the community comment time. Therefore, this individual did not speak to Council.



**CITY OF MILWAUKIE
CITY COUNCIL**

10722 SE Main Street
P) 503-786-7502
F) 503-653-2444
ocr@milwaukieoregon.gov

Speaker Card

The City of Milwaukie encourages all residents to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speaker Card, once submitted to the City Recorder, becomes part of the public record.

Name: Red Smith

Address:

Organization:

Phone:

Email:

Meeting Date: Nov 4

Topic: Police Actions on our Streets

Agenda Item You Wish to Speak to:

#5 Community Comments

Note: Council generally does not respond to comments during this meeting. The city manager will respond to comments at the next regular session.

#7 Other Business, Topic: _____

#8 Public Hearing, Topic: _____

You are Speaking...

in Support

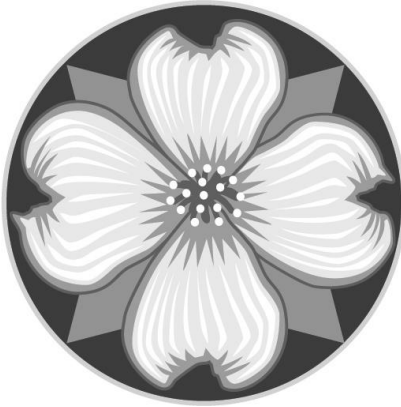
in Opposition

from a Neutral Position

to ask a Question

Comments:

RCVD AFTER comment Time - will share with City Manager to follow-up. ASB



RS Agenda Item

6

Consent Agenda

COUNCIL WORK SESSION

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

MINUTES

SEPTEMBER 16, 2025

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

Staff Present: Dan Harris, Events & Volunteer Coordinator Emma Sagor, City Manager
Michael Osborne, Finance Director Scott Stauffer, City Recorder
Peter Passarelli, Public Works Director

Mayor Batey called the meeting to order at 4:08 p.m.

1. Transportation System Development Charges (SDCs) – Overview

(Agenda title revised September 12)

Passarelli introduced FCS Group consultants John Ghilarducci and Zech Hazel and noted the purpose of the presentation was to provide an introductory overview of SDCs. **Ghilarducci** explained that SDCs were one-time fees assessed on new development to fund capital improvements for water, wastewater, stormwater, transportation, and parks systems, outlined how they were calculated based on infrastructure costs, and distinguished between the reimbursement fee for existing capacity and the improvement fee for growth-related projects. **Ghilarducci** referenced governing provision requirements for project lists, developer credits, and public notice periods before adoption and explained the methodology of how collected fees comprise the total SDC.

Councilor Stavenjord joined the meeting via Zoom video conference at 4:11 p.m.

The group discussed how SDC calculations were updated as system plans were revised every seven to ten years, incorporating projects from adopted plans. It was explained that while fee methodologies remained consistent, project data was refreshed to reflect current infrastructure and growth.

Ghilarducci explained the distinction between reimbursement and improvement fees, and clarified adjustments made for outstanding debt, coordination with partner agencies, and Council's discretion to adopt any rate up to the maximum charge.

The group discussed how regulatory and capacity-driven projects were evaluated for SDC eligibility, tracking of reimbursement and improvement fee proceeds, how upsizing infrastructure could influence eligibility, and how policy and operational factors guided decisions to avoid overbuilding system capacity. It was noted that SDCs served as a supplemental funding source tied to variable development activity.

Hazel explained how cost calculations were developed using the city's existing Transportation System Plan (TSP) and current Capital Improvement Plan (CIP). **Hazel** explained how the TSP projected growth in peak-hour travel demand and clarified that while vehicle trips tracked automobile activity, the SDC methodology relied on person trips to account for all travel modes, including walking, biking, transit, and carpooling.

The group discussed how trip generation data was estimated and used, noting that national traffic engineering standards were used to set trip rates by land use type.

Hazel explained how eligible project costs were determined using the CIP, TSP, and a combined project list and added that the upcoming TSP update would include revised growth assumptions, project lists, and funding allocations that could affect future SDC calculations. **Passarelli** noted that staff intended to revisit the SDC calculations after adoption of the updated TSP and CIP to incorporate new project lists and data.

The group discussed Planning Commission updates to the TSP project list, noting that the current draft remained within the \$27.5 million financially constrained limit.

Hazel presented a comparison of transportation SDCs from nearby jurisdictions, noting that even if Milwaukie adopted the maximum calculated rate for single-family residences, it would remain among the lowest in the region. **Ghilarducci** explained that higher rates in neighboring cities were due to overlapping countywide transportation charges and local fees in high-growth areas, with some jurisdictions exceeding \$50,000 in total SDCs for new single-family development.

Ghilarducci noted next steps and added that tiered transportation SDCs based on dwelling size were an emerging trend that could allow smaller units to pay lower rates.

The group discussed approaches to scale transportation SDCs, including by unit size, affordability level, or proximity to transit. They discussed state law requirements and that any discount unrelated to trip generation must be backfilled with other funds to remain legally defensible. The discussion concluded with confirmation that the updated TSP was expected to be adopted in December, with SDC hearings anticipated in late spring or early summer following completion of the analysis.

2. Utility Code Updates – Discussion

Osborne and **Passarelli** proposed updates to the utility code intended to clarify ambiguous sections and provide greater operational flexibility. The revisions focused on defining responsibilities for water service lines, temporary service connections, and leak repairs, as well as updating procedures to allow administrative discretion in setting shut-off dates. **Passarelli** elaborated on the ownership clarification, noting that the city would be responsible for service lines from the main to the meter, while property owners would maintain lines from the meter discharge to the building. The group discussed ownership issues and responsibility for fixing water line leaks.

Passarelli outlined updates for temporary water service, explaining that hydrant assemblies with backflow prevention and metering would continue to be issued for construction purposes only.

The group discussed proposed updates to delinquency procedures that would allow staff to schedule water shut-offs within a seven-day window rather than on a fixed date.

Passarelli noted that the proposed code revisions focused on addressing specific issues but acknowledged additional sections of the utility code could be reviewed for consistency. **Sagor** added that staff planned to bring the draft code language back to a future work session for further discussion and legal review. The group discussed additional sections of the utility code that could be revised.

Osborne and **Sagor** stated that approximately 24 properties, primarily in the Island Station area, were not connected to city water or sewer but still received utility bills for other city fees because they were in city limits but received water service from other agencies. The group discussed billing practices for properties served by other providers and confirmed that all customers within city limits received appropriate utility bills.

3. 2024-2025 Leadership Academy – Debrief

Harris reported on the Milwaukie Leadership Academy, describing it as a successful community program designed to educate residents about city government and encourage civic involvement. **Harris** noted that the 2024–25 academy cohort had included 33 participants, exceeding the target of 25, and that past graduates had gone on to serve on neighborhood district associations (NDAs), city boards and committees. The program, co-facilitated by community member Stephan Lashbrook, included eight sessions and three field trips between October and June. **Harris** shared adjustments to class length, scheduling, and hybrid participation options to improve accessibility and engagement and highlighted continued strong community interest in the program.

The group discussed opportunities for Council participation in upcoming academy sessions. Appreciation was expressed for inviting applicants not selected for boards and committees to participate, helping them gain familiarity with city operations. Discussion followed on resident eligibility and outreach, noting occasional confusion from applicants outside city limits. Council expressed support for continuing the program’s inclusive approach and commended staff for its community impact.

Council Reports

Council discussed scheduling a tour to see the new Concord Community Center.

4. Adjourn

Mayor Batey adjourned the meeting at 5:54 p.m.

Respectfully submitted,

Nicole Madigan, Deputy City Recorder

regarding how utility bills were calculated and the status of a proposal to remove a tree at Seth Lewelling Elementary School.

Catherine McMullen, Clackamas County Clerk, noted it was National Voter Registration Day and encouraged everyone to check their registration and to vote.

6. CONSENT AGENDA

It was moved by Councilor Massey and seconded by Council President Anderson to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

- 1. August 19, 2025, work session, and**
- 2. August 19, 2025, regular session.**

B. Resolution 39-2025: A resolution of the City Council of the City of Milwaukie, Oregon, making an appointment to the Planning Commission.

C. Resolution 40-2025: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, approving the award of a contract to Landis & Landis Construction for the King Road Improvements Project.

Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Mayor Batey voting “aye,” and Councilor Stavenjord not voting. [4:0]

7. BUSINESS ITEMS

A. Transportation System Plan (TSP) Project – Update

Weigel and **Matt Hughart**, Kittleson & Associates consultants, reported on the TSP update and project prioritization process. The group noted next steps to incorporate Council feedback and adopt a final updated TSP.

Hughart reviewed the project prioritization criteria and scoring. **Council President Anderson** and **Weigel** remarked on how the city could use state and local funds on TSP and capital projects. The group discussed how the state gas tax was calculated, how the city estimates its share of the gas tax, and whether the city can set different time frames and project restrictions.

Hughart, Weigel, Sagor, and **Garbely** explained how projects had been prioritized based on input from Council, the Planning Commission, and the TSP Advisory Committee (TSPAC), and staff and noted changes to the prioritization of specific projects.

Mayor Batey, Council President Anderson, and **Garbely** remarked on why a project on Harrison Street had been deprioritized due to adjacent projects.

The group discussed project details related to the Railroad Avenue multi-use path, State Highway 99E and River Road, the Harrison Street and 40th Avenue bicycle path, the Harrison Street and 42nd Avenue delineators, and the 37th Avenue sidewalks. They also remarked on bicycle and pedestrian projects in general. **Passarelli** and **Sagor** noted the city’s plans to work with local property owners adjacent to TSP projects to acquire property for pathways.

Council President Anderson and **Councilor Massey** thanked the TSPAC, Planning Commission, and staff for their work on the project.

The group discussed why certain big or complicated and aspirational projects, in particular railroad and creek crossings, had not been added to the list.

Sagor and **Weigel** summarized what staff would report to Council about at the October 21 regular session in response to Council feedback. **Mayor Batey** and **Council President Anderson** remarked on Council expectations about adding jurisdictional transfers and complicated projects during the October 21 discussion. **Councilor Khosroabadi** cautioned Council to not direct staff to focus the list on projects that involve complex conversations with state agencies. **Council President Anderson** and **Weigel** remarked on adding bicycle projects to the TSP list.

Mayor Batey, **Weigel**, and **Hughart** commented on the inclusion of freight transportation representatives and freight projects added to the TSP list.

Mayor Batey and **Weigel** noted that the TSP policy documents would be added to the project webpage and remarked on the replacement framework for grading projects. **Council President Anderson**, **Hughart**, and **Weigel** remarked on proposed changes to certain projects' classifications to include pedestrian, aspirational, and bicycle elements. **Mayor Batey** and **Anderson** remarked on the inclusion of a constrained project on Stanley Avenue north of King Road on the TSP list.

Mayor Batey and **Hughart** commented on the Stanley Avenue sidewalk project's designation as constrained.

Sagor observed that the total cost of all TSP projects exceeded the price cap and **Hughart** remarked on how the project list could be revised to narrow the funding gap. It was Council consensus to hear staff's funding recommendations on October 21.

Councilor Khosroabadi encouraged Council members to direct questions about project details to staff before Council meetings.

Mayor Batey recessed the meeting at 8:40 p.m. and reconvened at 8:44 p.m.

B. Speed Limits on Local Streets – Discussion

Council President Anderson explained a proposal to lower the speed limit on city streets to 20 miles per hour (MPH) and asked if there was Council interest in doing that.

Councilor Massey supported the idea of lowering speeds but believed public outreach needed to occur before Council voted to lower speeds.

Mayor Batey supported lowering speed limits and doing some public outreach.

Garbely reported on conversations held with the TSPAC and Planning Commission about lowering speed limits. **Council President Anderson** and **Garbely** remarked on how a speed limit reduction would be adopted and implemented.

Mayor Batey and **Garbely** noted that the Milwaukie Police Department (MPD) had not yet been consulted about the proposal to lower speed limits.

Councilor Khosroabadi supported lowering speed limits and encouraged staff to investigate the impacts seen in Portland from lowered speed limits.

Sagor summarized that staff would check with MPD, the City of Portland, and look at collecting public feedback through the Engage Milwaukie website to inform the next Council discussion on lowering speed limits in November.

Council President Anderson and **Garbely** believed November would be a good time to discuss the proposal again.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS

Councilor Khosroabadi reported on the recent work of the Clackamas County Community Action Board (CAB), including a community needs assessment and funding cuts the county was looking at implementing.

Councilor Khosroabadi remarked on possible negative impacts of the proposed state transportation funding bill on the state's climate and equity work. **Mayor Batey** and **Council President Anderson** remarked on the transportation funding bill, cuts to the Oregon Department of Transportation (ODOT), and plans to audit and better track state transportation funding.

Council President Anderson reported on discussions with Congressional offices about the city's efforts to receive federal funding for the Harrison Street Safety study, a Safe Routes to School (SRTS) grant application, a Councilor town hall in the Ardenwald neighborhood, and a community member proposal for the city to look at allowing retail delivery of cannabis products. Council discussed whether cannabis delivery would harm local businesses. It was noted there was no Council second to further discuss the proposal.

Mayor Batey reported on recent North Clackamas Parks and Recreation District (NCPRD) District Advisory Committee (DAC) meetings and how the district was characterizing the Milwaukie Bay Park project.

Sagor reminded Council to register for the League of Oregon Cities (LOC) conference.

Stauffer reminded Council how to sign-up to receive email notifications when public meeting documents are posted online by visiting <https://milwaukiecityor.documents-on-demand.com/EmailNotifications/Login?ReturnUrl=%2FEmailNotifications>.

Mayor Batey and **Sagor** noted that the Milwaukie High School (MHS) / Milwaukie Academy of the Arts (MAA) outstanding student award would return later in the school year and that the MHS/MAA homecoming parade was coming up.

10. ADJOURNMENT

It was moved by Councilor Massey and seconded by Council President Anderson to adjourn the Regular Session. Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Mayor Batey voting "aye," and Councilor Stavenjord not voting. [4:0]

Mayor Batey adjourned the meeting at 9:25 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL WORK SESSION

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

MINUTES

OCTOBER 7, 2025

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

Staff Present: Joseph Briglio, Assistant City Manager Brent Husher, Library Director
Mandy Byrd, Development Project Manager Emma Sagor, City Manager
Ciara Fox, Economic Development Coordinator Scott Stauffer, City Recorder
Justin Gericke, City Attorney

Mayor Batey called the meeting to order at 4:08 p.m.

1. Council Goal Update: Economic Development – Report

Briglio introduced the item and turned the presentation over to Fox to provide the quarterly Economic Development Council Goal update.

Fox reviewed third quarter (Q3) accomplishments, beginning with Milwaukie Fest, which featured strong participation and sponsorship from local businesses. **Fox** presented plans for a business survey to gather feedback on event impacts and establish a baseline for business friendliness.

The group discussed outreach and engagement methods for the business survey, uses for business license revenue, and raised questions about fairness, advocacy, and ensuring that any city-funded memberships or contributions would directly benefit Milwaukie businesses.

Fox presented the business grant program, which opened October 1, and reviewed updates made after evaluating the previous grant cycle. Outreach included announcements at business events, through partner newsletters, and by direct email to eligible areas. **Fox** also highlighted a new placemaking grant for neighborhood district associations (NDAs) and reported 11 applications and 13 pending inquiries had been received since the grant process was opened. **Briglio** commented on the new video produced with the International City/County Management Association (ICMA) to showcase Milwaukie as an attractive place to live and do business, noting that while business retention and expansion remain the city's focus, the film supports future attraction efforts by highlighting Milwaukie's assets and identity. **Sagor** added that the video would debut at the ICMA conference on October 25.

Briglio previewed upcoming work on the Main Street Improvements Project, noting that staff had begun defining the project scope and funding strategy. **Briglio** emphasized the importance of managing construction to minimize disruption to downtown businesses and ongoing facade improvements. The group discussed the project scope, and the estimated timelines and construction impacts.

Briglio reviewed upcoming fourth quarter (Q4) priorities, which included neighborhood hubs, and noted that staff would begin updating the Urban Renewal Action Plan, which was nearing the end of its five-year cycle, and would engage the Milwaukie Redevelopment Commission (MRC) Community Advisory Committee (CAC) to identify new priorities.

Briglio added that a market analysis for key hubs may begin in late Q4 or early 2026 depending on staff capacity. **Briglio** discussed refinement of the housing corridor scope, continued updates to the business license code, and a follow-up discussion on the Harrison & Main Lot redevelopment project with Metro and Council.

The group discussed options for collecting downtown foot traffic data, including the use of Placer AI and potential pedestrian counters, and suggested exploring additional data sources such as the sheriff's office. Council shared feedback from business owners about energy costs, grant access, and affordability concerns. Staff noted ongoing efforts to address these challenges through the Sustainability, Equity, and Economic Development (SEED) team and highlighted opportunities to expand business consulting support for marketing and energy efficiency needs.

Council President Anderson shared updates from recent outreach to urban renewal area (URA) grant recipients, noting that many long-time business owners expressed renewed optimism and appreciation for the city's support, and that the grants contributed to a sense of downtown revitalization. **Anderson** and **Councilor Stavenjord** discussed opportunities for enhanced placemaking, including signage and holiday window contests. The group discussed creating both physical and virtual wayfinding maps and emphasized continued collaboration between the city, the Downtown Alliance of Milwaukie (DAM), and local businesses. **Stavenjord** and **Councilor Khosroabadi** talked about uses for funds generated through the business registration program.

Mayor Batey and **Councilor Massey** reported on recent meetings with executives from major employers along International Way. All employers had expressed long-term commitment to remaining in Milwaukie and the discussions included workforce challenges, sidewalk improvements, and interest in occasional business roundtables.

Milwaukie Bay Park (MBP) – Update

Sagor provided an update on MBP with the North Clackamas Parks and Recreation District (NCPRD). Progress had been slow but recent discussions showed improvement, and staff expressed optimism that proposed agreements could be ready for Council review and potential adoption at the October 21 meeting. **Mayor Batey** and **Sagor** commended staff for their efforts and collaboration with NCPRD representatives.

2. Coho Point at Kellogg Creek Project – Update

Briglio introduced the Coho Point at Kellogg Creek project, noting it was part of the city's agreement with Black Rock Development and invited the developer, Farid Bolouri, to provide a project update.

Bolouri reviewed the history of the Coho Point project, noting delays caused by the Federal Emergency Management Agency (FEMA) Conditional Letter of Map Revision (CLOMAR) process and the impact of rising construction costs. **Bolouri** explained that market shifts, high interest rates, and inflation have made the current timeline unfeasible but emphasized a commitment to completing the project and shared that the project would require a major redesign. **Bolouri** requested an extension to allow time for improved market conditions to complete the project.

Briglio noted the project has remained in the due diligence phase for several years, with the current extension set to expire at the end of January 2026 and asked Council to share their feedback on the project's direction.

The group discussed the project's financial challenges, market conditions, and potential next steps, including the possibility of affordable housing or bringing in new investors. Council expressed concern about granting an open-ended extension and requested clearer timelines. **Bolouri** stated that while market recovery remained uncertain, a 12–18-month extension would allow time to assess options and stabilize conditions. The discussion also touched on design implications, due diligence requirements, financing limitations, and maintaining quality and vision for the site.

3. Adjourn

Mayor Batey adjourned the meeting at 5:57 p.m.

Respectfully submitted,

Nicole Madigan, Deputy City Recorder

COUNCIL REGULAR SESSION

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

MINUTES

OCTOBER 7, 2025

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

Staff Present: Joseph Briglio, Assistant City Manager
Justin Gericke, City Attorney
Brent Husher, Library Director
Adam Moore, Parks & Greenspace
Development Manager

Michael Osborne, Finance Director
Emma Sagor, City Manager
Gabriela Santoyo Gutierrez, Equity & Inclusion
Coordinator
Scott Stauffer, City Recorder

Mayor Batey called the meeting to order at 6:34 p.m.

1. CALL TO ORDER**A. Pledge of Allegiance.**

Councilor Stavenjord arrived at the meeting at 6:36 p.m.

B. Native Lands Acknowledgment.**2. ANNOUNCEMENTS**

Mayor Batey announced upcoming activities, including the city's Climate Action Committee (CAC) recruitment, the Ledding Library's fall author series, work parties at Elk Rock Island and Minthorn Springs, a Monroe Greenway project open house, a city manager open door session, the annual Trick or Treat on Main Street event, and Metro's Nature in Neighborhoods grant award voting phase.

Mayor Batey read a Pride flag themed haiku poem.

3. PROCLAMATIONS AND AWARDS**A. Indigenous Peoples Day – Proclamation**

Stauffer remarked on the city's work with the Confederated Tribes of the Grand Ronde (CTGR) to place First Fish Heron artworks at Milwaukie Bay Park. **Mayor Batey** proclaimed October 13, 2025, to be Indigenous Peoples Day in Milwaukie.

B. United States Navy 250th Anniversary – Proclamation

Councilor Massey commented on the history and role of the Navy in developing careers and defending the United States. **Mayor Batey** proclaimed the city's recognition of the Navy's 250th Anniversary.

While the proclamation was read a video presented by the US Navy was shown; the video is available online at <https://www.dvidshub.net/video/973852/navy-250-sizzle-reel>.

4. SPECIAL REPORTS

A. City of Peace Proposal

Councilor Khosroabadi and **David Potts**, Milwaukie Rotary Club representative, explained the proposal for Milwaukie to join Rotary's International City of Peace program. They reviewed the city's role in participating with the program.

Mayor Batey thanked Potts for promoting peace polls and cities of Peace. **Councilor Khosroabadi** supported Council making the designation and volunteered to be the Council liaison for the City of Peace program. **Council President Anderson** and **Councilors Massey and Stavenjord** supported the city joining the City of Peace program. **Sagor** had no objections on behalf of staff to the city joining the program.

It was moved by Councilor Massey and seconded by Council President Anderson to have the City of Milwaukie join the Rotary Club's International City of Peace program. Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting "aye." [5:0]

Sagor noted the city had a table at the Rotary Club's annual fundraising dinner.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the comment procedures. **Sagor** reported there was no follow-up from September 16 comments and noted staff responses to correspondence received after the last meeting that addressed traffic safety concerns on River Road, backyard burning, commercial activities on Lake Road, and noise issues. **Mayor Batey** and **Sagor** remarked on a recent trend of increasing vehicle muffler noise.

Debra Torres, Milwaukie resident, noted that written comments had been submitted to Council regarding a situation at the Ledding Library. **Mayor Batey** noted that staff would respond to the comments at the next meeting.

6. CONSENT AGENDA

It was moved by Councilor Massey and seconded by Council President Anderson to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

- 1. September 2, 2025, work session, and**
- 2. September 2, 2025, regular session.**

B. Approval of an Oregon Liquor and Cannabis Commission (OLCC) Application for Premier Crews, 11812 Stanley Avenue – New License

Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting "aye." [5:0]

7. BUSINESS ITEMS

A. Naming Policy – Discussion

Santoyo Gutierrez and **Moore** provided an overview of the work to draft naming, memorial, and donation policies, discussed previous policies and the need for policies to guide future naming opportunities, and the work of the Naming Subcommittee, which was comprised of members of the Equity Steering Committee (ESC), the Park and Recreation Board (PARB), and staff.

Santoyo Gutierrez and **Moore** explained how naming proposals would be submitted under the new policy. The group remarked on the ways naming proposals could make their way to Council through a mayor appointed review committee.

Santoyo Gutierrez and **Moore** explained how naming proposals would be reviewed by city leadership, a naming subcommittee, and Council. They explained how approved names would be incorporated into official maps and documents, what properties and spaces the naming policy covered, and the types of names the policy would allow. **Mayor Batey** remarked on the importance of updating maps.

Sagor, **Santoyo Gutierrez**, and **Moore** commented on how a benefactor's name could be proposed for a park, space, or asset.

Council President Anderson, **Santoyo Gutierrez**, and **Moore** noted that the policy could be broadened to include the possibility of naming assets after internationally significant individuals. The group discussed a proposal by Council President Anderson to revise the draft policy language to have less text, and it was Council consensus to accept the proposed edits.

Councilor Khosroabadi and **Moore** noted that short-term project names and internal conference room names were examples of temporary or minor naming decisions.

Councilor Massey proposed that the Naming Subcommittee membership be defined in the policy to be clear who was involved in the process.

Mayor Batey and **Sagor** noted that staff could take Council feedback and bring back a clean version for Council to consider adopting.

Council President Anderson agreed with Councilor Massey's subcommittee membership proposal and suggested that the subcommittee include members of the ESC, PARB, and Ledding Library Board. The group expressed agreement with Council President Anderson's proposed subcommittee membership.

Santoyo Gutierrez and **Moore** provided an overview of the proposed memorial and donation policy, noting that the policy gave approval authority to the city manager, addressed non-financial contributions, and standard designs for plaques. The group noted that the policy did not limit fundraising efforts and allowed for memorial plaques.

Santoyo Gutierrez and **Moore** outlined next steps to adopt and implement the policies.

The group noted that Council had no further language edits. **Mayor Batey** and **Moore** discussed how donated plaques, artworks, and trees would be handled. They also remarked that the policies could be applied to any public property, not just parks.

The group discussed whether the policies should address honorary street naming. **Mayor Batey** commented on streets that might need to be renamed in the future and **Councilor Massey** observed that renaming streets created confusion and required a lot of work for residents.

Moore and **Sagor** asked for Council input on which groups should provide feedback on the policies. Council encouraged staff to share the policy with the Milwaukie Parks Foundation, the Engage Milwaukie website, neighborhood district associations (NDAs) via the weekly Friday NDA Leadership email, and local businesses.

Sagor summarized that staff would incorporate Council feedback into the policies, conduct additional outreach, and bring final policies back to Council for adoption.

B. Solid Waste Franchises – Discussion

Osborne noted previous discussions on the topic, Council's interest in revisiting the franchise agreement's annual renewal of the rolling ten-year term period for solid waste services and asked for confirmation that Council wanted to revise agreement.

Mayor Batey believed that Council had previously indicated its interest in terminating the ten-year rolling franchise. **Chris Bell**, Bell and Associates consultant, and **Batey** did not believe there would be negative impacts to ending the ten-year rolling renewal part of the franchise. They remarked on solid waste hauler consolidations in the region.

Kris Wright, Hoodview Disposal and Recycling, expressed support for the current franchise and the annual renewal of a ten-year term. **Councilor Khosroabadi** and **Wright** remarked on a 39% increase in hauler rates in a jurisdiction in Washington.

Dave Huber, Waste Management, supported the current franchise, suggesting the long-term agreement allowed haulers to support resident needs. **Councilor Massey** and **Huber** noted that it took seven years for a hauler to depreciate the value of a new garbage truck. **Councilor Khosroabadi** and **Huber** remarked on a franchise approved by the City of Beaverton which had a ten-year term renewed every three years.

Beth Vargas Duncan, Oregon Recycling and Refuse Association (ORRA), remarked on the value for the city of keeping the franchises current to maintain good working relationships with the haulers, and reported that the City of Gresham had just approved a new franchise that featured a seven-year term.

Mayor Batey asked if Milwaukie would risk a significant increase in hauler fees like the one in Washington if a shorter-term period were adopted. **Bell** suggested that the increase in Washington was unique to the circumstances of that county and noted that Milwaukie would retain the ability to further revise the franchise in the future.

Council President Anderson expressed concern about the annual renewal of a ten-year franchise term. **Councilor Khosroabadi** and **Bell** remarked on the risks for residents and haulers in shortening the franchise term period.

Sagor noted that if Council wished to revise the franchise term the city would give notice to the haulers and schedule a hearing for that action on November 18. It was Council consensus to schedule the hearing for November 18.

Mayor Batey remarked that the concerns were not about the current haulers, but about binding the decision-making ability of future Council members.

Mayor Batey recessed the meeting at 8:51 p.m. and reconvened at 9:01 p.m.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS

Mayor Batey reported on a state legislative work group that would be looking at the public meeting law and possible serial meeting rule changes.

Councilor Massey proposed that Council send a letter to the Kellogg Creek restoration project leadership team to request formal communication and coordination with the city regarding the project. The group discussed the letter and changes to the letter text. It was Council consensus to send the letter, as revised, to the project leadership team.

Council President Anderson proposed that Council send a letter to the Secretary of the United States (US) Department of Homeland Security (DHS) regarding a recent immigration enforcement action that led to a Milwaukie area resident being detained. The group discussed the letter and changes to the letter text, the incident and regional responses to federal immigration actions.

The group noted it was 9:55 p.m. and Council would need to vote to extend the meeting past 10:00 p.m. per the Milwaukie Municipal Code (MMC).

It was moved by Council President Anderson and seconded by Councilor Stavenjord to extend the meeting until 11:00 p.m. Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Mayor Batey recessed the meeting at 9:56 p.m. and reconvened at 10:12 p.m.

The group continued to discuss the letter proposed by Council President Anderson regarding a recent federal immigration enforcement incident. It was Council consensus to send the letter, as revised, to the DHS Secretary.

Sagor reminded Council to respond a short survey before the October 14 retreat.

Mayor Batey noted that State Representative Mark Gamba would be honored at the upcoming Street Trust dinner. The group remarked on Gamba’s recent cycling accident.

10. ADJOURNMENT

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

Mayor Batey adjourned the meeting at 10:27 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, City Manager

Date Written: Oct. 21, 2025

Reviewed: Jennifer Garbely, PE, City Engineer

From: Mandy Byrd, Development Project Manager, and
Tanya Battye, Civil Engineer

Subject: **Water Program Loan Application Authorization**

ACTION REQUESTED

Council is asked to adopt a resolution authorizing an application for \$6 million to the Safe Drinking Water Revolving Loan Fund (SDWRLF) administered by the Oregon Health Authority (OHA). Funds will be used to construct a raw water pipeline from the lower treatment site to the upper treatment site, and for site preparation at the upper treatment plant.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[March 19, 2024](#): An update on per- and polyfluoroalkyl substances (PFAS) was presented by staff and discussed with Council.

February 18, 2025: Council adopted a resolution authorizing a \$125,000 forgivable loan financing contract with the State of Oregon to accept federal funds for the development of a PFAS feasibility study.

[April 8, 2025](#): Staff provided an update on the PFAS study to Council.

May 20, 2025: A Capital Improvement Project (CIP) update was presented to Council and included status updates on PFAS water testing results, treatment feasibility study, and extension of treatment compliance deadline to 2031.

ANALYSIS**Project Background**

City staff have begun working with a consultant to review PFAS-contaminated water sample data and evaluate available treatment methodologies and treatment facility siting. Early evaluation indicates the lower treatment facility (located at 3339 SE Monroe Street) does not have enough space to accommodate additional PFAS treatment at the facility. The city also has interest in combining the water treatment facilities, as this will reduce staff workload and provide treatment efficiencies. At this time, city staff plan to treat all city drinking water at the upper treatment site (located at 3800 SE Harvey Street).

Loan Information

OHA and Business Oregon have invited the city to apply for a loan up to \$6 million from the SDWRLF. The loan conditions will not be finalized until the application is accepted and approved, however a preliminary financing scenario provided by Business Oregon indicates \$3 million of the loan may be forgivable. The preliminary financing scenario provides an estimated

interest rate of 4.12%, however the city has been identified as a disadvantaged community, and we expect a lower loan interest rate. The loan funds, if awarded, will need to be spent in three years.

Future loan opportunities are anticipated through the SDWRLF for emerging contaminants (which targets PFAS treatment). City staff have been advised that these loan funds will be strictly monitored to be applied only to PFAS treatment and will not be available for auxiliary treatment needs supporting PFAS treatment.

Use of Loan Funds

Several phases of evaluation, design, and construction will be required to fully upgrade the city's water treatment system to be compliant with United States Environmental Protection Agency's (EPA's) PFAS treatment requirements. Considering the accelerated timeline, favorable loan terms, and limited funding available, city staff determined that an effective use of the available funds would be for the construction of a raw water pipeline to the future combined treatment site, and some site preparation. The raw water pipeline will be designed by one of the water engineering consultants already under contract with the city.

City staff are working with consultants to finalize the future PFAS treatment needs and pursue necessary land use reviews. Land use reviews should be completed prior to construction of the pipeline.

Any funds remaining after construction of the raw water pipeline will be used for site preparation – to include demolition of 2 city buildings at the upper treatment facility (the fire house and another building currently used by friends of the library). No impacts to current water treatment infrastructure are planned at this time.

BUDGET IMPACT

The presence of PFAS in the local aquifer will result in the need to install additional treatment to remove PFAS, which will require capital and operating expenditures for the Water Fund. The conditions of the loan, if awarded, will provide for a portion of the funds to be forgivable – these funds could assist with covering any initial up-front expenditures through FY26. Otherwise, FY26 expenditures toward the project will need to be pulled from another Water Fund capital improvement project (yet to be identified). A majority of project expenditures to remove PFAS will be budgeted in the next CIP.

CLIMATE IMPACT

Future capital work associated with mitigating impacts of PFAS will also consider the impacts of potential treatment system and will look for ways to reduce energy consumption within those treatment processes.

EQUITY IMPACT

Clean quality drinking water is critical, and it is important to reinvest in the city's infrastructure to ensure that the city can provide this critical commodity. These investments come at a cost to all ratepayers. The city will continue to provide low-income assistance to eligible utility customers to mitigate impacts on those customers.

WORKLOAD IMPACT

Future work related to PFAS will be a collaborative effort between public work divisions.

COORDINATION, CONCURRENCE, OR DISSENT

Not applicable.

STAFF RECOMMENDATION

Staff recommend that Council adopt the resolution authorizing the city manager to sign the loan application with OHA.

ALTERNATIVES

1. Council does not adopt the resolution and city staff identify and pursue other funding options for construction of the raw water pipeline and site preparation.

ATTACHMENTS

1. Resolution
2. Safe Drinking Water Revolving Loan Fund (SDWRLF) Preliminary Financing Scenario

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING A FINANCING APPLICATION WITH THE OREGON HEALTH AUTHORITY FOR THE CONSTRUCTION OF A RAW WATER PIPELINE AND TREATMENT SITE PREPARATION.

WHEREAS the city has detected the presence of per- and polyfluoroalkyl substances (PFAS) within the groundwater utilized for the city’s drinking water; and

WHEREAS the United States Environmental Protection Agency (EPA) has adopted rules that will require treatment of PFAS by the year 2029; and

WHEREAS the city has two water treatment facilities receiving PFAS contaminated water; and

WHEREAS the city has begun to evaluate the feasibility of PFAS treatment options; and.

WHEREAS the water treatment facility located at 3339 SE Monroe Street cannot accommodate PFAS treatment equipment due to limited available space; and

WHEREAS the water treatment facility located at 3800 SE Harvey Street can accommodate additional treatment capacity; and.

WHEREAS combining water treatment facilities will result in operational efficiencies.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that city manager or designee authorized to sign a financing application to the Oregon Health Authority (OHA) through the Safe Drinking Water Revolving Loan Fund (SDWRLF) for construction of a raw water pipeline from the water treatment site at 3339 SE Monroe Street to the water treatment site at 3800 SE Harvey Street and demolition of existing buildings at 3800 SE Harvey Street in preparation for expanded water treatment at the site.

Introduced and adopted by the City Council on **November 4, 2025**.

This resolution is effective immediately.

ATTEST:

Lisa M. Batey, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

Safe Drinking Water Revolving Loan Fund (SDWRLF)
PRELIMINARY FINANCING SCENARIO

Date of Scenario	August 8th, 2025
Funds Requested from LOI	\$27,170,000
Local Contribution	\$6,081,500
Potential SDWRLF Funding	\$6,000,000

Funding Program	Funding Source	Total Financing	Forgivable Loan Amount**	Loan Amount	Financing Terms		
					Loan Repayment Term (yrs)	Estimated Interest Rate*	Annual Debt Payment
SDWRLF	IIJA / BIL	\$6,000,000	\$3,000,000	\$3,000,000	30	4.120%	\$176,027

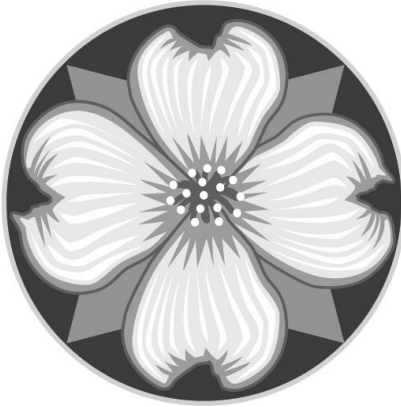
Total Financed **\$6,000,000** Financing Gap **\$0** Annual Debt Service **\$176,027**

Notes

The above scenario represents a conservative estimate of a funding offer under the SDWRLF program. This offer would be funded under the federal Infrastructure Investment and Jobs Act funding (IIJA). Loan terms will be confirmed after Business Oregon receives a completed application.

*The loan interest begins at a reduced rate of 80% of the market rate. Following the submission of the application and review of user rates, the system may qualify for a reduced interest rate to as low as 1%.

**The scenario includes an estimated 50% forgivable loan, meaning that half of the project total would be forgiven and not re-paid. This forgivable loan amount may increase to over 60% of the project total, depending on annual subsidy availability, up to \$3,000,000 maximum.



RS Agenda Item

7

Business Items



Update: Negotiations with NCPRD about Milwaukie Bay Park (MBP)

November 4, 2025

Updates since October 21, 2025 meeting

Council sent letter to NCPRD Board of Directors, asking for:

- Milwaukie to take over project management of the design and construction of MBP
- NCPRD to transfer MBP designs and contracts to the city for completion.
- NCPRD to contribute financially:
 - \$3.1 million of Zone 1 (Milwaukie) SDCs
 - \$2.5 million of Metro Local Share
- Milwaukie and NCPRD to adopt the negotiated addendum to our Cooperative IGA at the same time

NCPRD Board met publicly on October 29

- Adopted new system plan
- Approved contract with consultant to look at revenue strategies
- Community testimony

Other updates from Councilors?

November 4, 2025 update

- Received draft IGAs at 4:51 p.m.
- City Attorney, staff, and appointed negotiation leads to review drafts
- Schedule special session for next week with Council to review and discuss



COUNCIL STAFF REPORT**To:** Mayor and City Council**Date Written:** Oct.30, 2025**Reviewed:** Emma Sagor, City Manager, and
Katie Gavares, Climate & Natural Resources Manager**From:** Adam Moore, Parks & Greenspace Development Manager**Subject:** **Public-Private Partnerships in Parks Discussion****ACTION REQUESTED**

Council is asked to provide feedback and direction to staff on the future of public-private partnerships in parks as part of the 2025-2027 parks and greenspace goal.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[January 31](#) – [February 1](#): Council held a two-day retreat for the purposes of reviewing feedback and survey results associated with possible goals, as well as deliberating and confirming the top three for 2025-2027.

[February 4](#): Council formally adopted economic development, parks and greenspace, and affordability as the city's three goals for 2025-2027.

[May 6](#): Council reviewed the draft parks and greenspace goal action plan, proposing edits to the metrics, implementation partners, goals, and actions.

[August 5](#): Council received a quarterly update on the parks and greenspace goal.

[October 15](#): The city's Parks and Recreation Board (PARB) discussed the topic of allowing private/for profit installations in parks.

ANALYSIS

Council approved three citywide goals at its February 4 regular session meeting. These goals included economic development, parks and greenspace, and affordability. During that discussion, staff agreed to provide Council with a draft action plan for each goal on a monthly rotation (quarterly basis) beginning with economic development in April.

Staff developed a draft parks and greenspace goal action plan (Attachment 1), which was discussed and further refined during the May 6 and August 5 work sessions. Since that initial conversation, Council requested adding a discussion on public-private partnership use of parks and process so staff can more consistently and clearly vet proposed private/for profit amenity uses in parks and greenspaces.

At the August 5 work session discussion, Council provided directions to staff to proceed reviewing temporary events and installations proposed by private enterprises in parks and greenspaces, including those that charge money or intend to make a profit, through the city's temporary event permitting process. Council asked staff to use staff discretion to preserve as much access to the parks and greenspaces when these temporary

installations or events are approved. Council also asked staff to return with more information and proposals for considering longer-term and/or permanent private enterprise installations in parks or greenspaces. Leading up to this discussion staff gathered general feedback on the topic, current best practices, and held a discussion with the Parks and Recreation Board (PARB) at the board's October 15 meeting.

At the meeting, staff presented four common types of public-private partnerships that exist. Those four potential partnership types are: 1) Programs, 2) Capital Improvements, 3) Operation & Maintenance, 4) Revenue-Generating.

- 1) **Program** type partnerships could be recreational, cultural, educational, or community programming in the form of outdoor fitness, art classes, environmental education. These would be offered by a third party to the public under an agreement with the city or its park provider.
- 2) **Capital improvement** types of partnerships could be infrastructure improvements for public use in parks that are provided by a third party to the City or its park provider for public good and public use. This could include providing fundraising, development services, or financing arrangements that lead to new spaces or amenities for public use.
- 3) **Operation and Maintenance (O&M)** type partnerships could be assistance provided by volunteers, or third parties at parks & greenspaces that improve the physical experience for the public and users of greenspace. These can include 'Friends of ...' or 'Adopt-a-Park' groups, or commercial businesses providing services in exchange for their benefit *or* out of goodwill.
- 4) **Revenue-Generating** type partnerships are where the use of public space for commercial activities are provided to the public that enhance the experience in the public space. This could be in the form of concessions, equipment rentals, use of underutilized space, or use of special amenities operated by third parties in exchange for a fee.

Minutes from the October meeting are not yet available at the time of this report, though, in general, PARB's thoughts are summarized in this report to the best of staff's ability. Overall PARB felt that partners are a special type of arrangement where the benefits of three entities is considered. Those entities being:

- 1) City: where the city benefits (or its assets are improved),
- 2) Partnering-entity: with whom the City has the arrangement, and
- 3) General public: or park/space users all benefit.

Most importantly, PARB felt that to fully be a partnership all three benefiting partners (city – partner – public) must have a shared goal in mind when entering into any partnership agreement. Such goals could be developed within the pending Greenspace Management Plan.

Additional takeaways:

- PARB felt as though limitations for sensitive areas (such as habitat restoration areas or natural areas) should be put into place, and that the city should establish general guidelines for how partnership opportunities are offered. Members agreed that a transparent process that allows for equity, fairness, and creativity in partnerships offered by the community should be sought. Such a process might look like a public request for proposals for partnerships that include public and board representatives in the review process.
- PARB felt that community engagement in the solicitation of partnership opportunities, and in the review of agreements before they were finalized, would be necessary. PARB

members also felt as though it would be important for any submission from a would be partnered to explain how their partnerships would not only benefit the city and the general public but also how it will achieve the city's goals for parks (as described in goal documents, or in the *pending* greenspace management plan).

At the November 4 Council meeting, Council and staff will discuss this topic and provide direction on next steps. The questions that will be discussed include the following:

- Given the feedback provided by PARB, what are Council members' initial opinions on this topic?
- Staff are beginning work on the development of a comprehensive greenspace management strategy as part of this goal, which is slated for completion in early 2027. Does Council want to provide direction on the topic of approving permanent and/or long-term private/for profit installations in parks/greenspaces prior to the completion of that plan, or continue exploring this question through plan development?
- What additional questions does Council want staff to investigate related to this topic and is there specific engagement efforts Council would like to see the city take on this topic?

BUDGET IMPACTS

All park and greenspace improvements, programs, and events impact the city budget and staff workload in some fashion. Partnerships that create permanent or semi-permanent agreements in the community will have far reaching impacts. Revenue-generating partnerships could impact the city's budget in positive ways whereas O&M partnerships could limit the amount of time and budget staff spend in maintaining specific spaces. Creating additional assets means additional workloads and budget impacts in time or contractor payments. These are all tradeoffs for which Council is asked for direction and guidance. Community engagement could be sought on this topic through the development of a Greenspace management plan.

We don't currently charge for temporary event permits, but if Council wants to explore allowing permanent or long-term business-related uses of parks, we could charge for those and potentially generate some revenue. On the other hand, it might increase maintenance or other costs (e.g., utility usage).

CLIMATE IMPACTS

All park and greenspace improvements, programs, and events impact the climate. Depending on the type of private use proposed, this could put more strain on natural resources and greenspace. From a green infrastructure perspective, public-private partnerships could help the city implement goals in the city's climate action plan *and* the pending Greenspace Management Plan. Examples of these types of partnership already exist in the city. The city's work with Friends of Trees and Arbor Day might be a good example of this type of work. PARB expressed interest in evaluating partnerships over set criteria. Developing guiding principles for entering partnerships could be written into the Greenspace Management Plan.

EQUITY IMPACTS

All park and greenspace improvements, programs, and events impact the equity of Milwaukee's community and individuals. Parks and greenspaces are free and accessible; making parts of them open for private commerce or closed except to paying customers may reduce the amount of free, accessible space we offer. PARB felt as though an equity-lens should be taken in seeking, public-private partnerships. Staff developing guidelines that support Milwaukee's Equity goals was

important to PARB members. An example of this work can be demonstrated in the recent work done developing policies with the city's Equity Steering Committee. A similar approach could be taken in the development of a future Greenspace Management Plan.

WORKLOAD IMPACTS

The impacts of individual partnerships could vary in the future depending on how this discussion topic moves forward. Developing a Greenspace Management Plan and process for soliciting partnership opportunities will impact staff's workload. Working with different departments within the city will be important to solicit opportunities for private public partnerships in parks and greenspaces. This will involve creating new permitting and review processes, including coordination with NCPRD.

STAFF RECOMMENDATION

Staff recommend further discussion, research, and development of policies along with the pending Greenspace Management Plan. Future Parks and Greenspace Goal discussions could be used to develop a quarterly based timeline. Staff recommend Council hold on making any decisions regarding longer-term/permanent private enterprise use of parks until the greenspace strategy is complete.

ATTACHMENTS

1. 10.15.25 – PARB – Meeting Presentation

Milwaukie Parks & Recreation Board

Adam M. Moore (he/him)
Parks & Greenspace Development Manager

10.15.25



Land Acknowledgement

The City of Milwaukie respectfully acknowledges that our community is located on the ancestral homeland of the Clackamas people. In 1855, the surviving members of the Clackamas signed the Willamette Valley Treaty also known as the Kalapuya etc. Treaty with the federal government in good faith. We acknowledge that the territory covered by the City of Milwaukie is on the ancestral homelands of the Clackamas people. We offer our respect and gratitude to the indigenous people of this land.

Naming / Memorial Policy Update

- Presented to City Council on October 7.
- Feedback incorporated into the policies and discussed with sub-committee on October 16.
- Community engagement through Engage Milwaukee will be sought.
- Interested in serving on a future Naming Sub-Committee?

Public-Private Partnerships in Parks

- Discussion with City Council on November 4 after PGS Goal.
- Seeking feedback on types supported, locations, process for accepting, evaluation criteria, and more.
- Your feedback will be used in the discussion with Council.
- What does "*Partnership*" mean to you?

Common Types of P3 in Parks

1. **Programs** (Organizations provide public activities and use public space & amenities)
2. **Capital Improvements** (Design, funding, or construction of public space & amenities)
3. **Operation & Maintenance** (Organizations provide clean-up restoration or adoption of public space)
4. **Revenue-Generating** (Paid services or concessions offered to enhance use of public space)

Common Types of P3 in Parks

Programs Partnerships could be recreational, cultural, educational, or community programming in the form of outdoor fitness, art classes, environmental education. These would be offered by a third-party to the public under an agreement with the City / NCPRD.

Common Types of P3 in Parks

Capital Improvements could be infrastructure improvements for public use in parks that are provided by a third party to the City / NCPRD for public good. This could include providing fundraising, development services, or financing arrangements that lead to new spaces or amenities for public use.

Common Types of P3 in Parks

O&M Partnerships could be assistance provided by volunteers, or third-parties at parks & greenspaces that improve the physical experience for park users. These can include 'Friends of...' groups or commercial businesses providing services in exchange for their benefit or out of good will.

Common Types of P3 in Parks

Revenue-Generating Partnerships the use of public space for commercial activities provided to the public that enhance the experience in the public space. This could be in the form of concessions, equipment rentals, use of underutilized space, or use of special amenities operated by third parties.

Feedback Questions P3 in Parks

1. What makes an agreement an actual *partnership*? Who must benefit to make it a partnership?
2. How do we balance public benefit with commercial or fee-based use?
3. Are there limitations to where we should offer partnerships?
4. How do we enter into partnerships or offer fee-based use equitably, fairly, and transparently?

House Keeping Items

1. Should we reschedule or cancel our December meeting?
2. Should we look to offer a tour of parks and greenspaces in the spring? If so, where would we go?
3. Are you interested in holding a retreat to discuss goals & a work plan for the year?

Park Development Update

- NCPRD & Milwaukie Bay Park IGAs on the City Council agenda on October 21 at ~9:00pm.
- Kellogg Project update on the Council agenda on November 18 at ~4:00pm
- Nature in Neighborhoods voting open until November 7. **Really important to promote & vote!**

Balfour Rock Design

Announcements & Reports from Members



RS49



Public Private Partnerships in Parks

Peter Passarelli (he/him)
Public Works Director

Adam M. Moore (he/him)
Parks & Greenspace Development Manager

11.04.25

Common Types of P3 in Parks

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Feedback Questions with PARB

1. What makes an agreement an actual *partnership*? Who must benefit to make it a partnership?

PARB felt as though in addition to have a situation where the impacts of three (**City – Partner – General Public**), entities needed to be considered but implementation of **shared goals** and protection of **sensitive natural resources** must all be considered.

Feedback Questions with PARB

2. How do we balance public benefit with commercial or fee-based use?

Developing a **strategy** and **plan** that details the public's goals and environmental limitations for parks and greenspaces first, then allow commercial or fee-based entities to submit proposals.

Feedback Questions with PARB

3. Are there limitations to where we should offer partnerships?

PARB felt that impacts on available park space for general recreation or impacts on sensitive natural resources should be avoided, though **allowing for creativity, flexibility, and place-based opportunities** should be sought. The type of partnership is important when considering locations. Evaluating proposals on a **case-by-case** basis would be important.

Feedback Questions with PARB

4. How do we enter partnerships or offer fee-based use equitably, fairly, and transparently?

PARB felt that a transparent solicitation process that follows the City's goals, a publicly vetted and adopted plan, and public involvement in the selection of and development of partnerships would be important to ensuring equity, fairness, and transparency.

Staff Recommendations

- Develop a comprehensive Greenspace Management Plan that incorporates guidelines for public private partnership goals.
- Follow Parks and Greenspace Goal timeline for Greenspace Management Plan development.
- Limit long-term or permanent decisions until adoption of the Greenspace Management Plan while continuing to evaluate short-term or temporary special uses on a case-by-case basis.

Questions for Council

1. Given the feedback from PARB, what are Council members' initial opinions on the topic?
2. Does Council want to provide direction on the topic of approving permanent and/or long-term private/for profit installations in parks/greenspaces prior to the completion of that plan, or continue exploring this question through plan development?
3. What additional questions does Council want staff to investigate?
Are there specific engagement efforts Council would like to see the city take on this topic?





**CITY OF MILWAUKIE
CITY COUNCIL**

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ocr@milwaukieoregon.gov

Speaker Card

The City of Milwaukie encourages all residents to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speaker Card, once submitted to the City Recorder, becomes part of the public record.

Name: Michael Calcagno

Organization: 11/4

Address:
Phone:
Email: T.B.

Meeting Date: 11/4 **Topic:** _____

Agenda Item You Wish to Speak to:

#5 Community Comments

Note: Council generally does not respond to comments during this meeting. The city manager will respond to comments at the next regular session.

#7 Other Business, Topic: _____

#8 Public Hearing, Topic: _____

Comments:

You are Speaking...

in Support

in Opposition

from a Neutral Position

to ask a Question

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, City Manager

Date Written: Oct. 8, 2025

Reviewed: Emma Sagor, City Manager

From: Peter Passarelli, Public Works Director, and
Katie Gavares, Climate & Natural Resources Manager

Subject: **Willamette River Recreational Water Quality Testing**

ACTION REQUESTED

Council is asked to consider whether the city should initiate its own recreational water quality testing and public reporting program for the Willamette River, with sample sites proposed at Milwaukie Bay Park and the south side of Elk Rock Island.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

In the spring of 2025, a Milwaukie business owner approached staff and Council to discuss water quality testing and reporting for local Willamette River swim areas. The proposal requested that Milwaukie replicate the City Portland's "[Check the Rec](#)" program by conducting weekly sampling from May through September and publicly posting results online.

City staff subsequently evaluated the feasibility, cost, and regulatory implications of a city-led program. The Mayor requested this topic be added to an agenda for full Council discussion. Staff prepared this report to summarize the issues and present a recommendation to Council.

Prior to the meeting, staff was asked about the feasibility of city staff doing a baseline test of water quality to bring to this discussion. Staff calculated this would require approximately 4 hours of time, including travel to sites, sample collection, lab drop-off, and result evaluation, and would incur unbudgeted cost. Given this was not consensus Council direction, the city manager asked staff to hold on this until after the November 4 discussion. Staff also noted a single day result is not sufficient for establishing a meaningful baseline given the variability of water quality day to day. Several days of testing would be required for a baseline read.

ANALYSIS**Research into other agencies' water monitoring programs**

To assess whether such a program would be feasible for Milwaukie, staff examined how other jurisdictions handle recreational water quality monitoring and communication. Portland's Check the Rec program represents the most comparable model in the region, though it operates on a far greater scale and with significantly more technical and staffing resources than Milwaukie currently possesses.

The Check the Rec program serves as the regional model for recreational water testing. The City of Portland Bureau of Environmental Services (BES) collects weekly *Escherichia coli* (E. coli) samples at five designated swim sites between May and September and publishes results on an online dashboard. While the program provides a useful public service, it is supported by

substantial staffing, laboratory, and communications resources. Maintaining public expectations for timeliness and accuracy is a continuous effort, and even Portland's careful messaging is often interpreted by the public as a declaration that the water is safe.

The Kellogg Water Resource Recovery Facility, operated by Clackamas County Water Environment Services (WES), discharges treated effluent to the Willamette River adjacent to Milwaukie Bay Park. According to WES the facility operates under an Oregon Department of Environmental Quality (DEQ) issued National Pollutant Discharge Elimination System (NPDES) Waste Discharge Permit that establishes effluent limits for E. coli identical to the state's water quality criteria for primary contact recreation, no more than 126 organisms per 100 milliliter (mL) as a monthly geometric mean and no single sample exceeding 406 organisms per 100 mL. WES collects and analyzes effluent samples at least three times per week and submits monthly Discharge Monitoring Reports (DMRs) to DEQ.

In the past five years, the Kellogg facility has recorded zero permit violations for E. coli, and its most recent DMR showed results far below state criteria, with a geometric mean of three organisms per 100 mL and a daily maximum of approximately 60. These values indicate that the effluent consistently meets or exceeds water quality standards for contact recreation.

WES does not conduct routine receiving water or in-river monitoring for E. coli, as the outfall is located roughly 300 feet offshore on the main river flow and is not representative of conditions within Milwaukie Bay. WES emphasized that any beach-area sampling would need to occur along the shoreline, like Portland's approach, to be meaningful for recreation.

WES confirmed that its compliance data is available to the public through DEQ's Enforcement and Compliance History Online (ECHO) database or upon request. WES also noted that while it does not object to independent monitoring by others, its data demonstrate that the Kellogg facility is not contributing E. coli exceedances in the Milwaukie Bay area.

Considerations for city assuming water quality testing responsibilities

Milwaukie currently has no legal or regulatory obligation to monitor or report on water quality for recreational purposes. These functions are handled at the state level: the United States (US) Environmental Protection Agency (EPA) establishes the recreational water quality criteria, the DEQ codifies those standards in state rules, and the Oregon Health Authority (OHA) issues health advisories when thresholds are exceeded.

If the city begins testing and publishing results, it creates an expectation of responsibility for the accuracy and timeliness of that information. Even with disclaimers, the public would likely perceive the city's reporting as a certification of safety. If an illness or injury occurred after the city reported 'acceptable' results, the city could face allegations of negligence.

Voluntary sampling could also have unanticipated regulatory consequences. DEQ could view city sampling as an indication of local monitoring capacity and potentially incorporate new requirements into Milwaukie's next Municipal Separate Storm Sewer System (MS4) permit renewal. Similarly, bacteria data collected by the city could be referenced in future Total Maximum Daily Load (TMDL) allocations for the Willamette Basin, leading to additional monitoring or source control obligations.

Unlike Portland and WES, both of which operate at a regional scale and maintain dedicated laboratory facilities and environmental staff, Milwaukie does not have the internal capacity or equipment to process environmental samples. Any testing program the city undertakes would

require contracting with a certified private laboratory for sample analysis. This would add cost, require additional coordination for chain-of-custody and transport, and extend turnaround times for results. Portland's and WES's in-house analytical capabilities allow them to manage quality control, data verification, and rapid response; these are resources that Milwaukie does not currently possess.

BUDGET IMPACT

There are no funds currently budgeted for recreational water testing. Implementing such a program would require an annual commitment of \$10,000 to \$18,000, as well as the redirection of existing staff resources from regulatory compliance and watershed improvement activities.

CLIMATE IMPACT

There is no direct climate impact. However, prioritizing investments in stormwater and watershed improvement projects better supports Milwaukie's Climate Action Plan (CAP) goals by addressing pollution at the source and enhancing natural water quality resilience.

EQUITY IMPACT

A city-run testing program would primarily benefit a small portion of residents who engage in river swimming and cold-water recreation. Investments in watershed improvements and pollution prevention, by contrast, provide broader public and environmental benefits that align with the city's equity goals.

WORKLOAD IMPACT

The environmental services coordinator is fully allocated to ongoing MS4 compliance, TMDL implementation, and watershed planning. Additional responsibilities related to recreational water testing and public reporting would exceed available staff capacity.

COORDINATION, CONCURRENCE, OR DISSENT

Not applicable.

STAFF RECOMMENDATION

Staff recommends that the city not initiate or coordinate its own recreational water sampling or reporting program for the Willamette River. Staff recommend interested parties explore other opportunities and discuss with agencies that may be a better fit for this type of work, such as WES or NCPRD as the parks and recreation operator for the city. A private entity could also choose to do their own water sampling if they so choose.

ALTERNATIVES

Not applicable.

ATTACHMENTS

None.



**RS 7. C. 11/4/25
Presentation**

WILLAMETTE RIVER RECREATIONAL WATER QUALITY TESTING

Peter Passarelli (he/him)
Public Works Director

Katie Gavares (they/them)
Climate and Natural Resources
Manager

City Council Regular Session
November 4, 2025

REGIONAL WATER QUALITY MONITORING

- Portland's Check the Rec Program
 - May- September: weekly E.coli samples at 5 designates swing sites
- Clackamas County Water Environmental Services' Kellogg Water Resources Recovery Facility
 - Regulatory requirement to sample E.coli three times per week and monthly reporting



CONSIDERATIONS

- Managing public expectations of safety and responsibility
- Duplicate existing State and regional roles
- Unanticipated regulatory consequences
- Limited internal capacity or equipment to process environmental samples



STAFF RECOMMENDATIONS

- City not begin its own water quality sampling or reporting program.
- Encourage interested parties explore other opportunities and discuss with agencies that may be a better fit for this type of work





CITY OF MILWAUKIE

Questions?
Thank you!

Peter Passarelli

Public Works Director

PassarelliP@milwaukieoregon.gov

Katie Gavares

Climate and Natural Resources Manager

GavaresK@milwaukieoregon.gov



**RS 7. C. 11/4/25
Correspondence**

From: [Emma Sagor](#)
To: [Scott Stauffer](#); [OCR](#)
Subject: FW: Water Sport Safety - Milwaukie Bay Park - Willamette River Water S ampl ing
Date: Tuesday, September 23, 2025 12:12:50 PM

Hey Scott! Please add this to the record for the 11/4 meeting. Thanks!

Emma Sagor

City Manager
she • her • hers
503.786.7573 (o) • 360.852.2014 (m)
City of Milwaukie
10501 SE Main St. • Milwaukie, OR 97222

From: charlesbird@juno.com <charlesbird@juno.com>
Sent: Tuesday, September 23, 2025 11:54 AM
To: Emma Sagor <SagorE@milwaukieoregon.gov>
Cc: Jason Wachs <WachsJ@milwaukieoregon.gov>; pamdenham@gmail.com;
milo.denham@gmail.com; dcadwallader@gmail.com
Subject: RE: Water Sport Safety - Milwaukie Bay Park - Willamette River Water S ampl ing

This Message originated outside your organization.

Thank you for your attention to this. Yes please add it.

Best Wishes,

Charles Bird, ISNDA Chair

----- Original Message -----

Return-Path: <sagore@milwaukieoregon.gov>

Hi Charles,

Great to hear from you. Thanks for taking the time to write in. I'm moving the Council to bcc to avoid a quorum via reply alls.

Good news—we have this already scheduled into an upcoming Council meeting! This is slated to be on the agenda on November 4. I'll follow up when the agenda is published so you can see the exact time.

We can add this email to the record for that meeting if you'd like?

Thanks!

Emma

Emma Sagor

City Manager

she • her • hers

503.786.7573 (o) • 360.852.2014 (m)

City of Milwaukie

10501 SE Main St. • Milwaukie, OR 97222

From: charlesbird@juno.com <charlesbird@juno.com>

Sent: Thursday, September 18, 2025 2:32 PM

To: Lisa Batey <BateyL@milwaukieoregon.gov>; William Anderson <AndersonW@milwaukieoregon.gov>; Adam Khosroabadi <KhosroabadiA@milwaukieoregon.gov>; Rebecca Stavenjord <StavenjordR@milwaukieoregon.gov>; masseyr@milwaukieoreton.gov

Cc: Emma Sagor <SagorE@milwaukieoregon.gov>; Jason Wachs <WachsJ@milwaukieoregon.gov>; pamdenham@gmail.com; milo.denham@gmail.com; dcadwallader@gmail.com

Subject: Water Sport Safety - Milwaukie Bay Park - Willamette River Water Sampling

This Message originated outside your organization.

Dear Mayor Batey and the Milwaukie City Council,

Milwaukie residents and visitors are continually drawn to water recreation along the banks of the scenic Willamette River, both at Elk Rock Island and Milwaukie Bay Park. This natural amenity finds people of all ages often swimming, wading, paddling, and playing along the river shoreline, which should be viewed as an incredible asset to our local quality of life.

There is currently a total absence of water quality monitoring at the two above-mentioned locations, both within Milwaukie city limits.

The growing use, especially among children, is juxtaposed against the historical negative reputation of problematic water quality. This may be due to the odors and discharge that emanate from the Kellogg Creek Wastewater Treatment Plant, and it may also be related to concerns of individuals without housing bathing and toileting in Johnson Creek, which flows into the Willamette River within Milwaukie city limits near Klein Point in Milwaukie Bay Park.

For context, the City of Portland's Environmental Services department tests the river for bacteria like E. coli every week from May through September and posts the results publicly. Further, the Oregon Department of Environmental Quality monitors for another

potential hazard algae blooms. Milwaukie could do this and place signs at popular entry points indicating, for example safe or unsafe to swim today.

The Island Station Neighborhood Association formally requests the city take the lead on water quality monitoring to ensure the public, and especially children and pets, are protected from chemicals and pathogens that pose a risk to human health.

There are numerous reasons this should be considered a high priority and draw urgent response -- firstly to protect residents during warm summer swimming months, secondly to continue building the reputation of the river as a clean and safe destination, and thirdly to encourage natural area stewardship born from place attachment as more locals gain the peace-of-mind to have confidence they can recreate without risk.

With respect,
Charles Bird, Chair ISNDA
Island Station Neighborhood Association

References:

<https://www.portland.gov/bes/check-rec>

<https://www.oregon.gov/deq/wq/pages/swimming-on-the-willamette.aspx>

cc Emma Sagor City Manager; Jason Wachs , Community Engagement Coordinator
Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

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This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd.**

From: [Jacob Sherman](#)
To: [OCR](#)
Subject: Support for water quality testing in Milwaukie Bay Park
Date: Tuesday, November 4, 2025 6:46:47 PM

This Message originated outside your organization.

Good evening,

I wish to express my support for water quality testing at Milwaukie Bay Park to help reassure people that the water is safe and clean for recreation purposes. This project is important because some people in Milwaukie and the NCPRD area still have misperceptions that the Willamette River is dirty and unsafe. A low cost project like this would reassure residents from all walks of life that the Willamette is a safe, no-cost place to cool down during our summers that are getting hotter and hotter by the year -- making this an effective climate action strategy!

Water testing would promote swimming and recreation at Milwaukie Bay Park, attracting families, visitors, and water enthusiasts—bringing more foot traffic to downtown shops, cafes, and events. A project like this has the opportunity to bridge two City Council goal areas (Parks and Downtown Economic Development). This makes it a small investment with a big ripple effect!

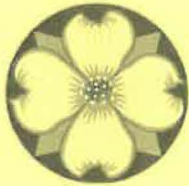
While there is a cost for this work, the City might be able to pursue collaboration with Portland Parks and Recreation to see if the City of Portland would be willing to contract with them for testing. This might be more cost effective than Milwaukie standing up its own testing process.

Thank you for considering this testimony. Have a good night!

Best wishes,

Jacob Sherman
Ardenwald resident

jdbsherman@gmail.com | Cell: 971-570-7167



**CITY OF MILWAUKIE
CITY COUNCIL**

10722 SE Main Street
P) 503-786-7502
F) 503-653-2444
ocr@milwaukieoregon.gov

Speaker Card

The City of Milwaukie encourages all residents to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speaker Card, once submitted to the City Recorder, becomes part of the public record.

Name: Michael Calcagno **Address:** _____
Organization: 11/4 **Phone:** _____
Meeting Date: _____ **Topic:** 7.C. **Email:** _____

Agenda Item You Wish to Speak to:

- #5 Community Comments
Note: Council generally does not respond to comments during this meeting. The city manager will respond to comments at the next regular session.
- #7 Other Business, Topic: Water Quality
- #8 Public Hearing, Topic: _____

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

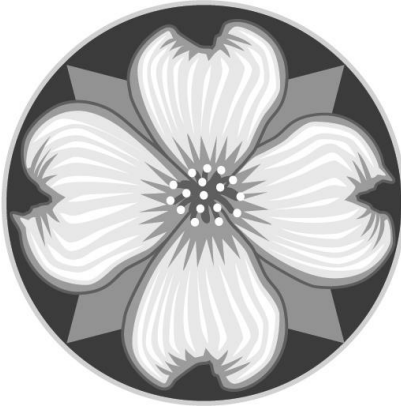
Comments:

A Zoom audience member has their hand raised.

"Dave Caldwell (OSO)" is ^{the} name

Do you want to take public comment?

Jacob Sherman



RS Agenda Item

9

Council Reports

From: [Lisa Batey](#)
To: [City Council](#); [Katie Gavares](#)
Subject: Council report: monthly Oregon municipal electrification policy calls
Date: Thursday, October 23, 2025 12:36:27 AM

Scott: Please put this in the next Council packet under Council Reports.

Katie: I missed parts of both of these meetings so feel free to add anything you think I missed that is important for councilors to know (and Scott can add that to the Council packet as well).

Everyone else – please do not reply.

I missed a couple of these monthly electrification calls this summer, but I attended most of the last two calls, and wanted to share some info.

On the September 24th call, there was a guest speaker, David Haslam, the Executive Director of Earth Advantage. [The home of Earth Advantage](#)
I joined late, but Haslam was talking about progress being made in efforts to convince the State Building Codes Division (BCD) to adopt the “reach code.” For those who may not recall, the reach code is an alternative to the standard building code that requires more significant green building standards. Oregon has a residential reach code ([2021-residential-reach-code.pdf](#)) and a commercial one, but both are optional for developers to use. The conversation that has been going on for many years (Mayor Gamba and former Councilor Hyzy were active on this pre-pandemic) is allowing cities to adopt the reach code and make it mandatory. The Zero Coalition ([ZERO Coalition](#) – note they show Milwaukie is a member) is, as I understand it, the lead NGO in these conversations with the BCD. There has apparently recently been some change of key personnel at BCD and there was some optimism about movement on the reach code, but the Homebuilders Association opposes strongly.

This summer, Oregon Department of Energy (ODOE) release a draft State Energy Strategy for public comment. [State of Oregon: DATA & REPORTS - Oregon Energy Strategy](#)

Comments on the call were that the draft calls for too much “study” and not enough action, that it didn’t touch the Highway Trust Fund or gas tax flexibility.

On the October 22nd call, I tuned in late to hear a staffer of The Environmental Center in Bend, Neil Baunsgard, talking about the Bend City Council taking up a carbon pollution

fee approach along the lines of what Ashland adopted earlier this year.

Katie mentioned that there is some energy now around organizing a Clackamas 350 group to parallel PDX 350 and Washington County 350.

The Bonneville Power Administration is moving unusually quickly to try to get out funding for renewables and other things – apparently out of concern about future cuts from the federal level.

Everyone probably knows that Rep. Gamba was working hard last session on electrical grid issues, and unfortunately didn't make the progress he hoped for. Here is a powerpoint slideshow about the rocky road ahead for the Oregon electricity grid: [Solutions to Improve Interregional Transmission Planning and Permitting](#)

Tualatin is in the process of hiring their first full-time climate-focused staffer. They are funding that by a small increase (0.3%) on their franchise fees for utilities, and a “pennies for climate” effort in which they add a 99-cent climate fee to utility bills, but folks can opt out. It would be interesting to see how many do eventually opt out.

Hillsboro and Ashland have both launched programs to help low-income households do electrical upgrades. The Hillsboro program is here: [Energy Efficiency Assistance Program | City of Hillsboro, OR](#)

Multnomah County is working on a Climate Justice Plan, and holding a series of public meetings on topics ranging from air and water quality to impact of gas infrastructure to green jobs. See the full line-up and schedule here: [Climate Justice Plan Community Forum | Multnomah County](#)

Lisa M. Batey, Mayor (she/her)
City of Milwaukie
E-mail: bateyl@milwaukieoregon.gov
Message line: 503-786-7512

From: [Lisa Batey](#)
To: [City Council](#); [Laura Weigel](#); [Ciara Fox](#)
Subject: Council Report: MMC meeting notes and attachments -- ICE and OGEC issues; Sherwood takes on legislative overreach; state budget presentation and more
Date: Thursday, October 30, 2025 9:56:28 PM
Attachments: [2026 MMC Legislative Agenda.pdf](#)
[Economic Development Bill Outline v.10.30.25 .docx](#)
[LRO Presentation.pdf](#)
[HB2805 Meeting Materials.pdf](#)

Scott: Please place this email and attachments in the packet for Tuesday.

All:

The Metro Mayors Consortium had its monthly meeting today and it was full of interesting, if mostly dispiriting, items.

The MMC approved our legislative agenda for the 2026 session, which is substantially similar to the one for the 2025 session – attached.

The first speaker was Mayor Wilson, who spoke about the issue of deployment of the national guard. As you likely know, the Ninth Circuit has agreed to rehear the issue before the en banc court (11 members), which effectively stayed the adverse decision of the panel. The issue is, however, also before the Supreme Court, and that court just asked for supplemental briefing on presidential authority. There will be no hearing before Nov 17 at the earliest, so Wilson characterized this as three weeks of breathing room (while the cost of keeping all those Oregon and California troops in the state balloons).

Wilson and other mayors also noted that ICE detentions are up dramatically, and that they have mastered doing apprehensions quickly, minimizing the opportunity of onlookers to take video, etc. Portland does have a pretty good compendium of information relating to the federal presence, what suits are underway, guidance for immigrant communities, and a page about how to report misconduct by federal authorities: [Portland Values and the Federal Government | Portland.gov](#)

Mayor Tim Rosener (Sherwood) reported on the work of the legislative working group that has been working on proposed amendments to fix the problems in HB 2805, the 2023 legislation that has led to current OGEC guidance on both serial meetings and on meals as compensation. This group has held two meetings and has its next on November 6. There are a number of materials from different sources in the attachment labeled “HB2805 Meeting Materials.” It sounds like the effort is headed toward dividing issues into easier near-term fixes for the short session in 2026, and larger fixes for the 2027

regular session. They are studying how other states address these issues. It sounds like all the various parties at the table are generally in agreement on approach – except for OGEC itself.

The mayors then heard a presentation from Chris Allanach, Director of the Legislative Revenue Office, about the hit to state revenues coming from H.R. 1 (the “big beautiful bill”). The 2025-2027 budget is no longer balanced, but with the roughly \$890mil revenue cut, will end the biennium \$373mil in the red unless the legislature either cuts expenses, raises revenue, or dips into reserves, like the rainy day fund. His brief powerpoint presentation is attached. The dilemma for the short session is that they will have to rely on projections and won’t have the benefit of March/April tax filing season to groundtruth the projections.

Mayor Beach Pace (Hillsboro) shared an outline of an economic development bill that Hillsboro is working with other jurisdictions on fine-tuning ahead of the short session. Washington County is losing jobs at the rate of 700/month this year – it was under 100 jobs/month in 2024. Apparently John Tapogna of ECO Northwest has been going on the road with a presentation on the tax climate and other needed incentives for investment. A 1.5page summary of the current Hillsboro bill concept is attached. Mayor Pace asked that cities review it and see if they were willing to support the concepts – a more concrete bill draft should be available by the next MMC meeting. I will note that the focus on semiconductor and large-scale facilities (UGB expansion, etc.) does not necessarily help Milwaukie, except to whatever extent there is trickle-down benefit for local businesses. There are some things here of general applicability, like expansion of Enterprise Zones and an expanded R&D tax credit. There was some concern expressed about provisions that would create property tax exemptions and deprive cities of needed revenue.

Finally, Mayor Rosener reported that the Sherwood Council held a special meeting last night and voted to refer two emergency charter amendment measures to the January ballot. They are challenging legislative actions this year, including SB 974 – here’s a paragraph from their meeting packet:

“The City Council is considering adopting Resolution 2025-073 to declare an emergency under ORS 221.230 and call a special election to submit proposed Sherwood City Charter amendments to the voters. These amendments aim to protect the City’s home rule authority by ensuring robust citizen involvement in land use decisions and preserving the City’s exclusive control over annexation decisions, in response to state legislation that threatens to erode local governance.”

You can find the full packet here: [Special City Council Meeting - City of Sherwood](#)

I asked if cities had any plans for trying to help address cuts in SNAP benefits. A couple of cities indicated they were allocating more from their general fund to social service partners they already work with. One or two also noted that they were looking to expand the lunch service provided at their senior centers – of course, directly opposite to what NCPRD is doing with the Milwaukie Community Center programs.

Lisa M. Batey

Mayor, City of Milwaukie

Email: bateyl@milwaukieoregon.gov

Message line: 503-786-7512

MMC

Metropolitan Mayors' Consortium

Mayor Lacey Beaty
City of Beaverton

Mayor Brian Hodson
City of Canby

Mayor Jeffrey Dalin
City of Cornelius

Mayor Joshua Drake
City of Durham

Mayor Keith Kudrna
City of Fairview

Mayor Malynda Wenzl
City of Forest Grove

Mayor Michael Milch
City of Gladstone

Mayor Travis Stovall
City of Gresham

Mayor Tom Ellis
City of Happy Valley

Mayor Beach Pace
City of Hillsboro

Mayor Rachel Kazmierski
City of King City

Mayor Joe Buck
City of Lake Oswego

Mayor Michelle Montross
City of Maywood Park

Mayor Lisa Batey
City of Milwaukie

Mayor Ariel Goodwin
City of North Plains

Mayor Denyse McGriff
City of Oregon City

Mayor Keith Wilson
City of Portland

Mayor Tim Rosener
City of Sherwood

Mayor Yi-Kang Hu
City of Tigard

Mayor David Ripma
City of Troutdale

Mayor Frank Bubenik
City of Tualatin

Mayor Rory Bialostosky
City of West Linn

Mayor Shawn O'Neil
City of Wilsonville

Mayor John Miner
City of Wood Village

MMC 2026 Legislative Agenda

Shared Prosperity, Livability, and Belonging

MMC mayors are committed to listening to their communities and support policy and funding to improve the quality of life within cities. Mayors will establish effective city processes and policies related to public safety and advancing transparency and meaningful reforms. Systemic barriers to homeownership, entrepreneurship and access to services must be removed. Issues the MMC will focus on during the 2026 session include:

- Improving low-income utility assistance;
- Closing the digital divide and providing high speed internet access to all communities;
- Support funding to address the lack of public defenders;
- Making mental health resources accessible and ensuring law enforcement has access to more comprehensive mental health training to assist in response and de-escalation;
- Reinforcing and increasing law enforcement transparency, accountability, and training, with an emphasis on balancing training length and frequency; and
- Continue to advocate for investments in the Department of Public Safety Standards and Training for officer training to prevent a backlog.

Transportation and Land Use

The MMC cities are uniquely impacted by transportation investments, including the method of finance, investments in regional projects, and proposed regulations. It is critical that we do not lose sight of the need for a more robust future investment package. Funding for Safe Routes to School or Great Streets, and additional contributions to the anchor projects identified in HB 2017 and HB 3055. Our shared constituents rely on safe, well-maintained roads to reach work, school, health care, and other essential services. The MMC believes the investments must consider regional transportation needs. Issues the MMC will focus on during the 2026 session include:

- Ensuring that any new and current revenue continue to be shared with local government partners in the traditional 50/30/20 percent split between the state, counties, and cities;
- Supporting investments and accountability for major Portland Metropolitan regional transportation infrastructure projects, including funding to complete the HB 2017 and HB 3055 projects;
- Encouraging safe, multi-modal transportation options and investments that increase safety in pedestrian, bike, and transit routes;

- Opposing ODOT tolling unless regional community impacts are addressed in an equitable and adequate fashion; and
- Supporting efforts to expand recreational immunity protections for local government.

Economic & Workforce Development

MMC mayors are focused on driving economic development and expanding workforce opportunities. Working families need access to quality and reliable supportive services to seize economic opportunity. Mayors will prioritize policies that attract businesses, support job creation, and encourage investment. Issues the MMC will focus on during the 2026 session include:

- Increase access to municipal broadband for all communities;
- Protect System Development Charges and seek opportunities to backfill loss of city revenue when SDCs are waived;
- Protect local shared revenue that funds essential city services;
- Protect local autonomy for the use of financing tools, including urban renewal, that drive housing and economic development;
- Support economic development of tools such as the Industrial Site Readiness Fund that promote development of industrial lands; and,
- Support increased access to high quality childcare, preschool and other critical early learning initiatives.

Emergency Preparedness, Crisis Response & Informational Technology

Oregon cities have experienced impacts from emergencies related to climate and technological changes. The MMC will prepare for future emergencies and disasters via infrastructure resilience and emergency response management and coordination. MMC mayors are focused on being able to react quickly to emergencies and will monitor developments in cybersecurity policies and artificial intelligence technology. Issues the MMC will focus on during the 2026 session include:

- Support investments in the development of resilient infrastructure including electrical grid and ensuring that costs are distributed equitably and appropriately;
- Support investments in wildfire prevention and increasing local access to tools to react efficiently and effectively to wildfires;
- Increase transparency in public hearings for personal identification, in verbal, written, and electronic testimony;
- Pursue emergency preparedness and economic recovery opportunities after declared emergencies;
- Monitor wildfire insurance availability in high-risk areas, as concerns grow about the lack of homeowners insurance in wildfire-prone zones; and,
- Protect local autonomy for the use of financing tools, including urban renewal, that drive housing and economic development.

Energy and Environment

The MMC will prioritize policies and investments that support a balanced transition to clean energy. This includes ensuring tools are appropriately tailored to local circumstances and that infrastructure needs are met to achieve the state's long-term objectives. The MMC will focus on the following issues during the 2026 session:

- Advocate for flexible, locally appropriate tools in ratemaking and policy development rather than prescriptive, one-size-fits-all mandates;
- Advance transmission infrastructure as a foundational component of achieving clean energy goals, ensuring resilience and capacity for growth;
- Support the application of robust, transparent cost-benefit analyses to ensure energy policies provide measurable value and align with community priorities; and,
- Support flexibility in building energy standards in the state building code to address local needs and circumstances.

Housing, Livability, and Public Health

Oregon's public health system has been historically underfunded, which significantly impacts the MMC cities, with increasing demands for emergency and police services. This dynamic is exacerbated by limited city resources, understaffed programs, and a shortage of health care providers. Increased availability of affordable housing will address a segment of the homeless population's needs, however, there are other segments of the homeless population that need support, social services, and job training to stay housed. Issues the MMC will focus on during the 2026 session include:

- Supporting substantial infrastructure funding that supports housing production and land readiness;
- Securing ongoing direct funding and flexible one-time capital funding to cities for response to unhoused community members' needs;
- Increasing access and transparency to homeownership programs including mixed entry point opportunities and a historic rehabilitation tax credit;
- Increasing funding for state supported home ownership of naturally occurring affordable housing; and,
- Addressing the behavioral health workforce shortage.

ECONOMIC DEVELOPMENT BILL DRAFT OUTLINE

Objective: Develop a legislative package to maintain and accelerate the growth of advanced manufacturing jobs (semiconductors, biotech, clean tech) in Oregon. Our state is facing significant revenue and budget challenges, which means cuts to essential services for Oregonians. We need to refocus our strategy to grow Oregon's tax base. High-wage jobs are needed to grow Oregon's tax base to sustain essential services. We need to make investments now because they take time to manifest. We cannot afford to delay. Additionally, traded sector employers create an ecosystem of suppliers and main-street small businesses.

I. Sites: Enabling Advanced Manufacturing Locations

A. Unlock Industrial Land to attract job-generating advanced manufacturing projects (land authorization):

- Prioritize jurisdictions that demonstrate:
 - Recent Economic Opportunity Analysis (EOA)
 - Infrastructure readiness aligned with job site development

B. Update Industrial Land Reserves Process and **expedite UGB amendments**

- Create a policy pathway that allows future jurisdictions to fast-track zoning changes for projects with strong employment benefits.
- Require land use decisions to factor in economic development and job creation outcomes.

II. Incentives: Retain and Attract Advanced Manufacturing Jobs

A. Expand R&D Tax Credit

- Oregon's existing credit is limited to semi-conductor companies (under 3,000 employees)
- Align Oregon R+D credit with other trade-reliant states
 - Extend eligibility to advanced manufacturing firms creating high-wage jobs.
 - Lift cap on number of employees
- Leverage partnerships with higher education institutions to create research-to-jobs pipelines/Oregon research hub

B. Capital Equipment Property Tax Relief

- Allow local government to offer temporary property tax relief on qualified equipment investments tied to:
 - Creation, expansion or modernization of Oregon-based facilities
 - Structure length of incentive to encourage job retention.
- Align with provisions in HR 1 and maintain connection to relevant provisions in federal tax code.

ECONOMIC DEVELOPMENT BILL DRAFT OUTLINE

C. Enterprise Zone Program Effectiveness

- Allow school districts to opt-in (technical fix to 2023 legislation)
- Expand existing enterprise zone programs for job retention and creation

III. Regulatory Reform

A. Targeted Regulatory/Permitting Reform

B. State agencies to offer competitive permitting process timelines, provide certainty, and reduce barriers

DRAFT

Revenue Update

Metropolitan Mayors Consortium

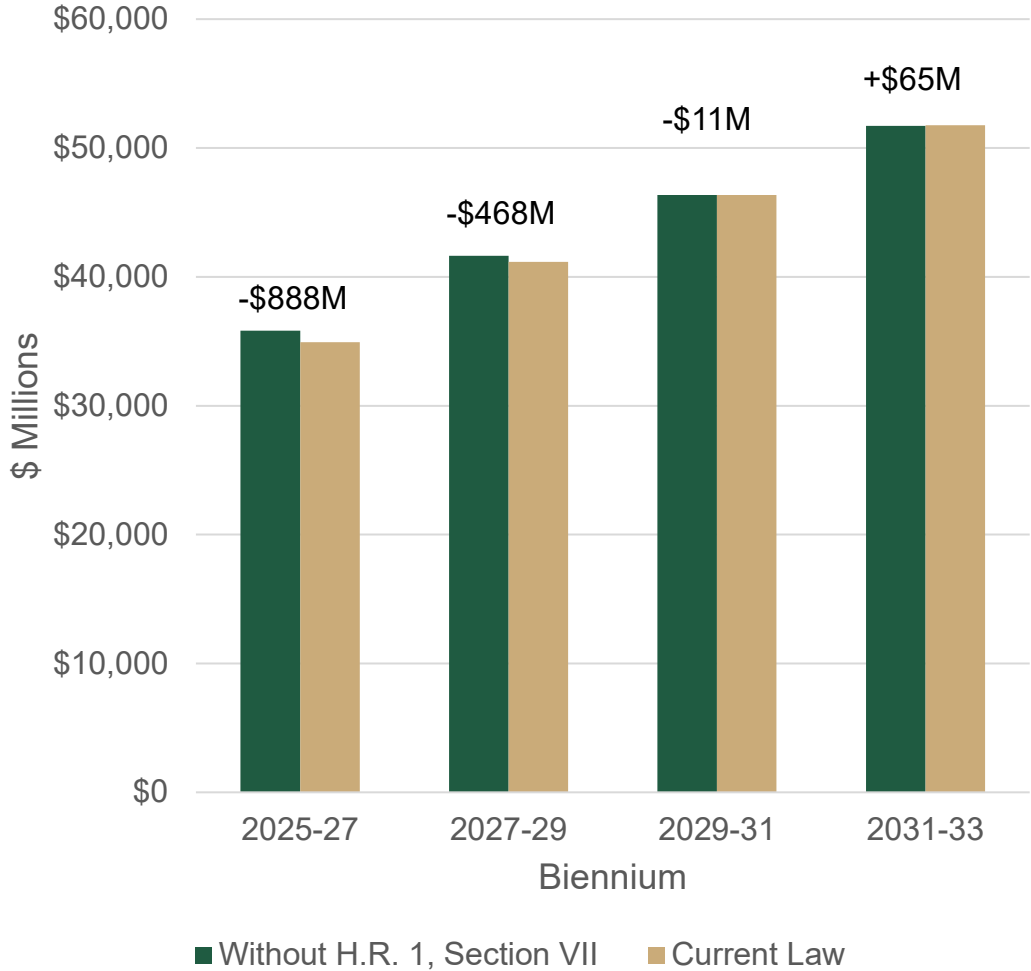
October 30, 2025



General Fund Forecast

(September/Q3 Forecast)

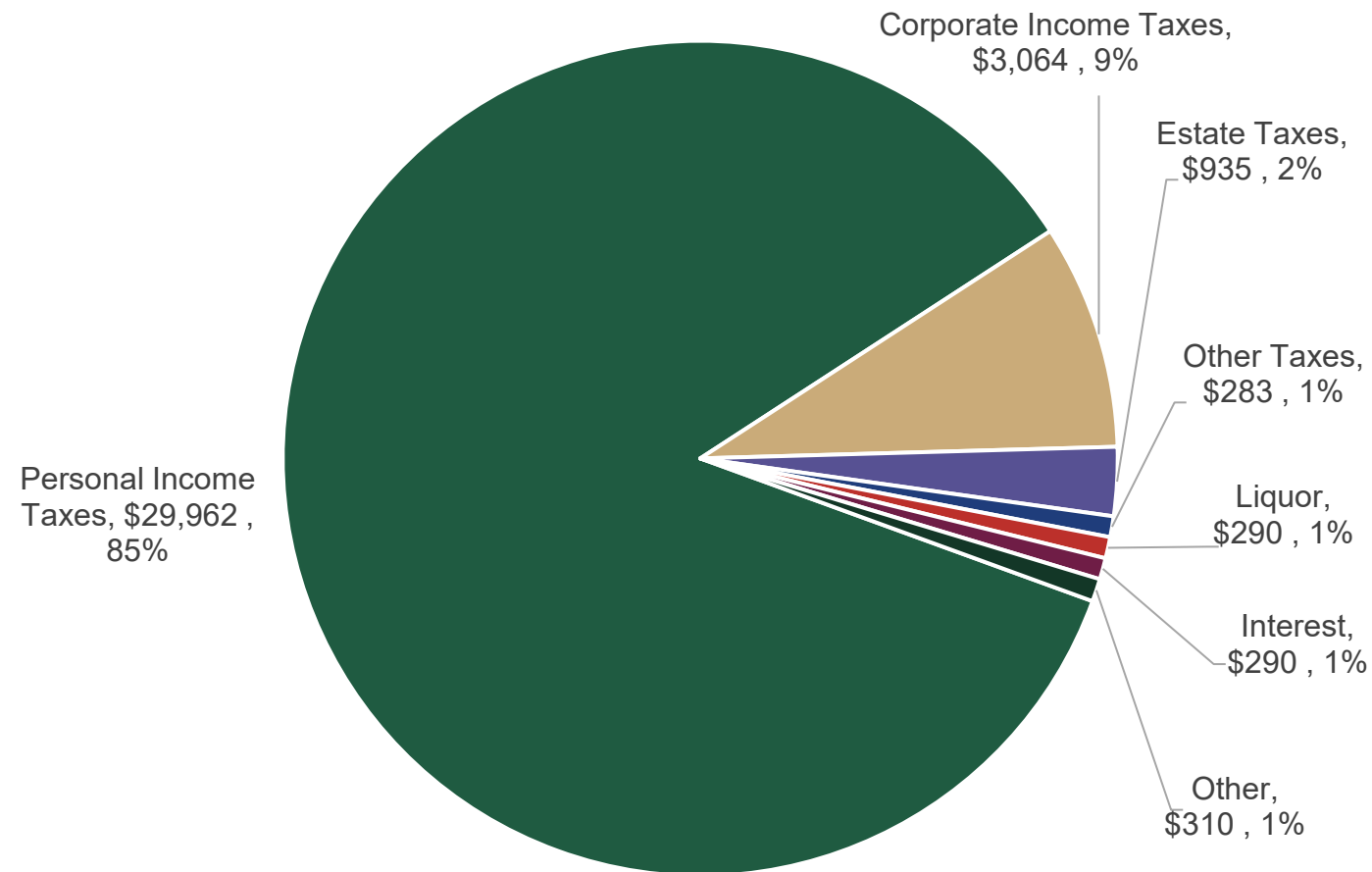
2025-27 Biennium	\$Millions
Beginning Balance	\$2,019
Personal Income Taxes*	\$29,962
Corporate Income Taxes	\$3,064
Estate Taxes	\$935
Other Taxes & Revenue	\$1,172
Gross Revenue	\$35,132
Automatic Transfers	-\$200
Resources	\$36,950
Appropriations	\$37,323
Ending Balance	-\$373



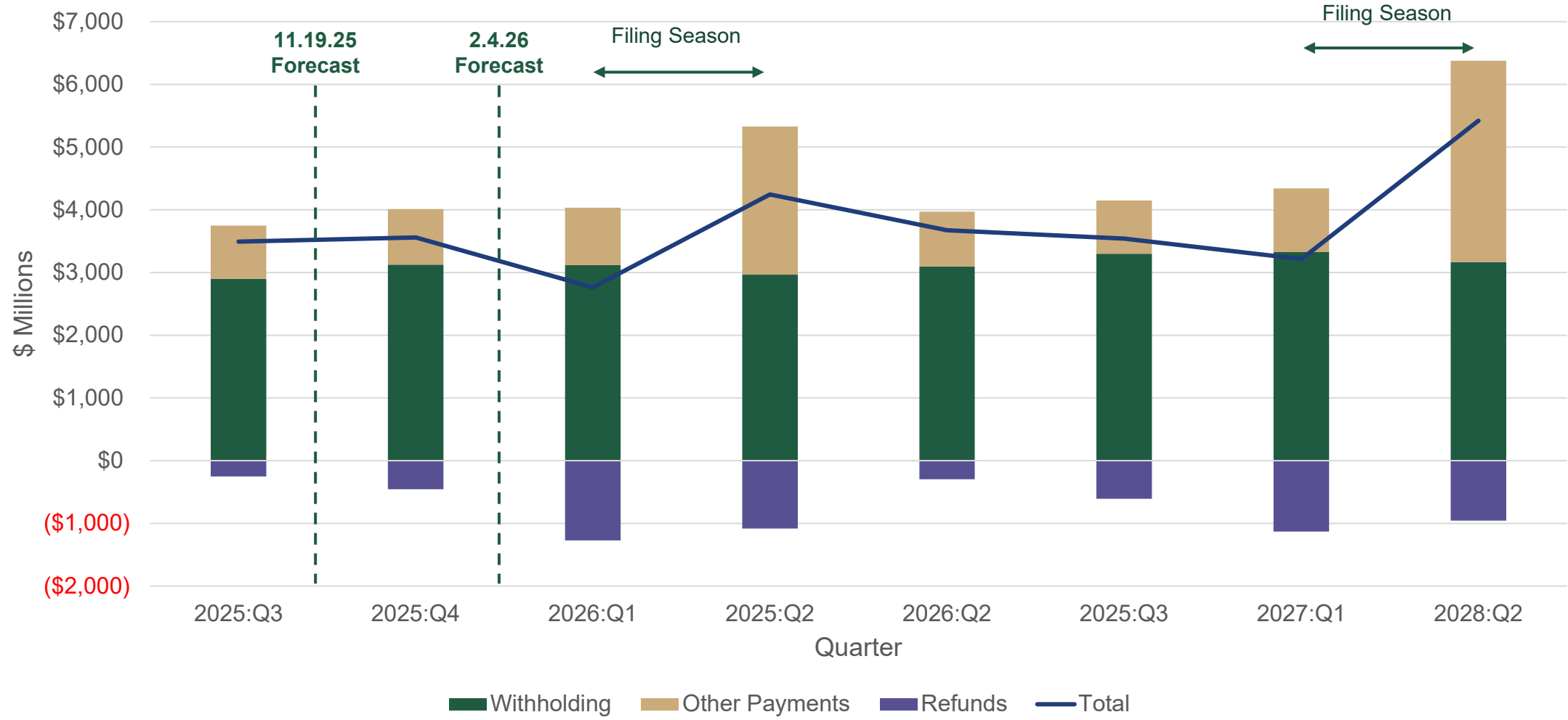
* Includes \$1.4B Personal Kicker

2025-27 General Fund

By Revenue Source, \$35,132M

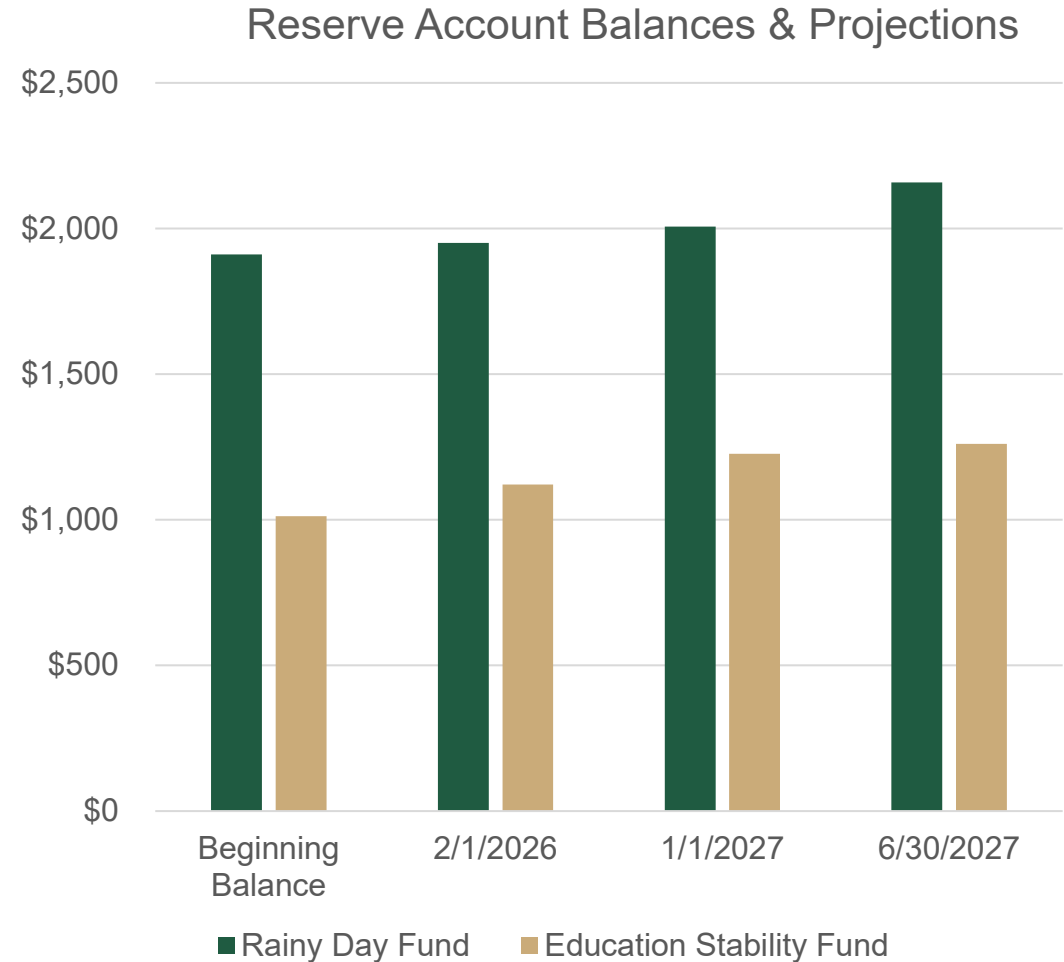


Personal Income Tax: Quarterly Income Tax Collections



Rebalance Options

- ❖ Reduce Spending
 - ❖ Governor request of state agencies
 - ❖ Ways & Means process
- ❖ Increase Revenue
 - ❖ Simple majority vote
 - ❖ 3/5 majority vote
- ❖ Access Reserve Accounts
 - ❖ Rainy Day Fund
 - ❖ Education Stability Fund
- ❖ Other Impacts on the General Fund



Reserve Fund Triggers

Rainy Day Fund

(Statutory ORS 293.144 to 293.148)

- ❖ 3/5 vote in each chamber **and**
- ❖ **(a)** Final forecast of a biennium shows a 3% decline in revenue for the next biennium, **or**
(b) Payroll employment down 2 consecutive quarters, **or**
(c) Revenue forecast in current biennium is down 2% from Close-of-Session estimate

Education Stability Fund

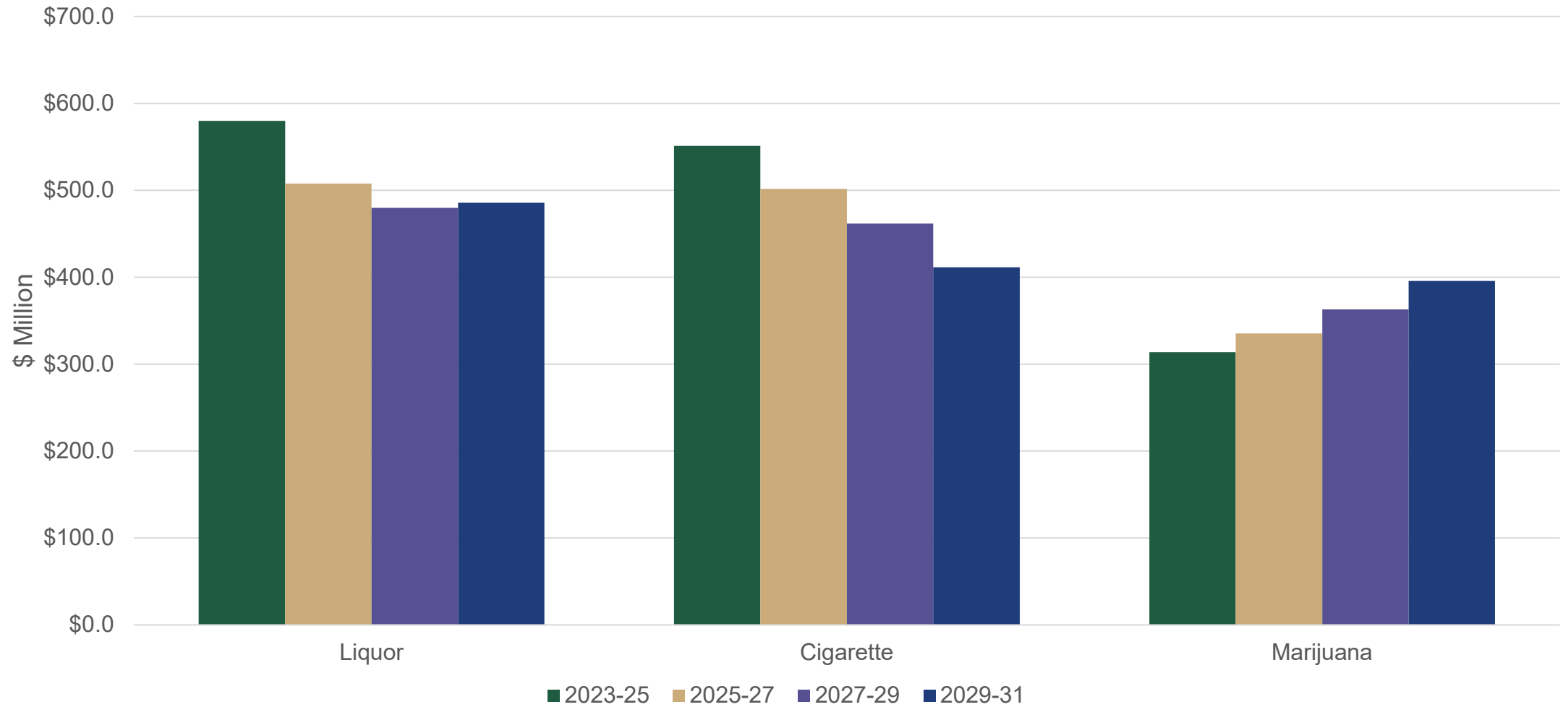
(Constitutional)

- ❖ 3/5 vote in each chamber **and**
- ❖ **(a)** Final forecast of a biennium shows a 3% decline in revenue for the next biennium, **or**
(b) Payroll employment down 2 consecutive quarters, **or**
(c) Revenue forecast in current biennium is down 2% from Close-of-Session estimate

OR

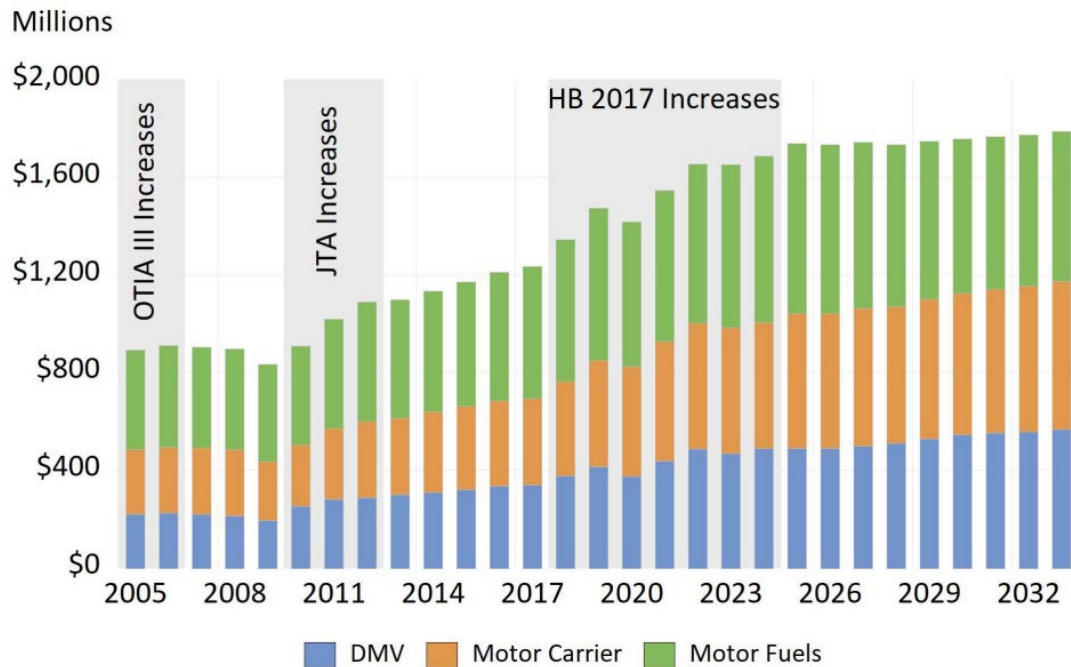
- ❖ 3/5 vote in each chamber and Governor declares emergency

Shared Sources of Revenue



Transportation

Figure 3. Total Gross State Highway Revenues by Fiscal Year



New Revenue in \$ Millions

		2025-27	2027-29	2029-31	2031-33	2033-35
Light Vehicles						
FUELS (Gas& Use)	L/M	\$144.8	\$186.7	\$178.8	\$174.5	\$171.8
Vehicle Reg	L	\$261.1	\$361.8	\$380.6	\$352.8	\$362.5
Titles	L/M	\$188.7	\$259.7	\$263.3	\$259.9	\$262.1
Light Vehicles Subtotal		\$594.6	\$808.2	\$822.6	\$787.2	\$796.4
RUC System						
RUC Payments	L	\$0.0	\$90.4	\$267.4	\$392.5	\$485.3
Forfeited Gas Rev	L	\$0.0	(\$17.6)	(\$66.8)	(\$95.5)	(\$104.7)
Forfeited Reg Rev	L	\$0.0	(\$90.2)	(\$156.8)	(\$170.7)	(\$216.7)
Account Mngers CC	L	\$0.0	(\$18.8)	(\$33.5)	(\$39.3)	(\$48.5)
ODOT RUC Costs	L	(\$3.6)	(\$6.4)	(\$7.1)	(\$7.2)	(\$7.4)
RUC Subtotal		(\$3.6)	(\$42.6)	\$3.2	\$79.8	\$108.1
Heavy Vehicles						
Diesel Tax (Hybrid System)	H	\$0.0	\$0.0	\$319.2	\$317.6	\$316.2
Diesel Tax ODOT CC	H	(\$3.3)	(\$9.7)	(\$10.8)	(\$11.0)	(\$11.3)
WM-Simplification CC/Saving	H	(\$0.4)	\$0.7	\$0.7	\$0.6	\$0.5
Heavy (Weight Mile & FF&RUAF) reduction	H	\$0.0	\$0.0	(\$291.2)	(\$300.2)	(\$307.9)
Heavy Vehicles Subtotal		(\$3.7)	(\$9.0)	\$17.9	\$6.9	(\$2.5)
Total Highway Fund		\$587.3	\$756.6	\$843.8	\$874.0	\$902.0
Fuel Transfers to Non-Highway Uses		\$7.1	\$9.9	\$10.2	\$10.5	\$10.4
Payroll Tax (STIF)		\$196.6	\$123.5	\$0.0	\$0.0	\$0.0
Grand Total for Measure		\$791.0	\$889.9	\$853.9	\$884.5	\$912.4

Transient Lodging Taxes: HB 3962 (2025)

- ❖ Set percent of local TLT that must be used for tourism to at least 40 percent of net tax revenue
- ❖ Set percent of local TLT that may be used for city or county services to no more than 60 percent of net tax revenues
- ❖ Applicability includes local governments that had local a TLT on or before July 1, 2003.
- ❖ Clarifies city or county services include both emergency services and non-emergency services funded by a city, county, or special district in lieu of a city or county.

Questions?

Contact Information

- Legislative Revenue Office
- ~~900 Court St. NE, Room 160~~
255 Capitol St. Ne, 5th Floor
Public Service Building
- Salem, OR 97301
- 503-986-1266
- <https://www.oregonlegislature.gov/lro>





Metro

HB 2805 (2023) Concerns & Recommendations

In working to implement and comply with HB 2805 (2023), a number of practical challenges have surfaced for local governments:

- **Timeline for Grievances and Curing Violations**
 - **Issue:** The 30-day grievance deadline and 45-day period to cure has led to constituent complaints about transparency and challenges in implementation.
 - **Recommendation:** Change the grievance timeline to use general discovery principles about when the complainant knew or could have reasonably known about the potential violation. Tie the timeline for the cure to the discovery of the potential violation so the deadline is 90 days from when the grievance is filed. This timeline should not prevent the Oregon Government Ethics Commission (OGEC) from pursuing a complaint on its own. OGEC should not be able to pursue an enforcement action if curative action is taken except in cases where it is clear the violation was intentional.
- **The Curing Process**
 - **Issue:** It is impractical to ask an elected official to publicly state that they broke the law. Similarly, while it may be appropriate for the local government to conduct fact-finding and provide education regarding public meetings, requiring the local government to admit violations by some or all members of its elected governing body puts staff in an inappropriate enforcement role.
 - **Recommendation:** Amend the statute to require the public body to respond within a certain amount of time without specifying the content of the response. If the local government determines there is a violation, they should retain the right to cure.
- **Definition of Deliberation**
 - **Issue:** The current definition of deliberation is too broad and does not adequately include the element of intent (as described further below).
 - **Recommendation:** Update the definition of deliberation to:

- incorporate clear language that demonstrates that deliberation is a back-and-forth communication among members of a governing body that is actively working to collectively examine and reflect upon an issue to take action/make a decision.
 - Make it clear that deliberation does not include:
 - Communication that is related to procedural matters that have no bearing on the decision on the substance of the matter in question, such as whether an item should be put on a meeting agenda or postponed.
 - Contain only factual or educational information or share the view of someone other than a member of the governing body, including but not limited to published articles, constituent letters or verbally sharing factual information about a matter.
 - Comments made to representatives of the news media, constituents, members of the public, or any other person unless there is an intent to use the person as an intermediary to allow the governing body to engage in deliberations or make a decision.
 - Are made for the purpose of gathering information related to a decision that will be deliberated upon or made by the governing body.
- **Intent:**
 - **Issue:** The element of intent is fundamental and should be clearly stated in statute to differentiate when someone knowingly and intentionally violates quorum requirements for deliberation versus when someone is unknowingly brought into such a situation.
 - **Recommendation:** Intent should be demonstrably crafted into the statute so it is very clear that there is a significant difference between knowingly creating and participating in a violation versus simply participating in a one-on-one conversation or receiving a text. This can be done by adding “knowingly” or “intentionally” to the definition of convening and serial communications to clarify original legislative intent and clarifying the definition of deliberation as described above.
- **Providing food for volunteers and employees**
 - **Issue:** Requiring food and beverages to be part of compensation packages creates collective bargaining, pay equity and tax implications for public agencies. Additionally, some local governments are statutorily prohibited or restricted on providing elected official compensation. Finally, there are scenarios in which public agencies as employers are required to provide beverages under statute and administrative rule.
 - **Recommendation:** Add ORS 244.040(2): (i) Reasonable expenses for food and beverages provided by the public body or public employer to the public official during meetings or other official events that are within budget allocations. (j) Items given by the public body or public employer to the public official for their service, such as clothing, water bottles, mugs, or other swag, which are within budget allocations and do not exceed \$100 in one year, or as provided by the public body’s policies.” GSA per diem rates can serve as a general guide to determine what is “reasonable.” This is similar to new IRS rules relating to employer provided food.
- **Legal Responsibility:**
 - **Issue:** The Commission has raised questions about who should be held legally responsible for a serial communication violation – whether it should be every member of the body, only those who made up the quorum, or just those who took part in the communications. It is inappropriate to hold

all members accountable, including those who were not involved, or to put those individuals in a position where they may need to seek private legal counsel.

- **Recommendation:** For administrative issues like errors in posting meeting agendas, the public body (rather than the members of the governing body) should be liable. Elected officials should remain liable for their own conduct.

- **Existing Sanctions**

- **Issue:** Some elected officials have already been sanctioned under existing rules that the workgroup is now reconsidering or seeking to clarify. Past sanctions may have been based on unclear standards, creating fairness and due process concerns.
- **Recommendation:** Any elected officials who have been sanctioned for issues this workgroup is seeking to clarify should be exonerated.

Enclosed, please find a letter that Beery, Elsner and Hammond LLP – a local law firm representing a number of local governments – sent to the Oregon Government Ethics Commission regarding their concerns with HB 2805 (2023). Beery Elsner’s recommended edits to address some of these issues are also enclosed. Additional redline language is under development.

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September 11, 2025

Commissioners
Oregon Government Ethics Commission
3218 Pringle Road SE, Suite 220
Salem, Oregon 97302-1680
mail@ogec.oregon.gov

SENT VIA EMAIL ONLY

Re: Serial Communications

Dear OGEC Commissioners,

We are writing to express our concerns about the manner in which your staff are interpreting prohibition on serial communications in Oregon’s Public Meetings Law (PML), ORS 192.610 to 192.705. We represent local governments throughout the state and have been advising and training public officials on serial communications since the *Handy* decision (and on the Public Meetings Law for even longer). Your staff’s interpretation, as stated in Oregon Government Ethics Commission (OGEC) trainings, meetings and now in the Serial Communications FAQ, vastly expands the reach of the law in ways that are legally dubious and will practically impede local governments’ ability to do business throughout the state. We implore you to reconsider this interpretation and the administrative rules in order to align them with the *Handy* decision and the legislature’s intent in their recent amendments to the PML, which codified the serial communication prohibition.

I. A Brief History of the Beginning of Serial Communication Prohibitions in Oregon

Although the legislature passed the Public Meetings Law in 1972, the prohibition on serial communications—the idea that members of a governing body could meet privately in violation of the law even if they did not gather together in one place contemporaneously—was not established in Oregon until *Handy v. Lane County*, 274 Or App 644 (2015), *aff’d in part and rev’d in part*, 360 Or 605 (2016). At the time, there was a dispute about whether it would be a violation of the PML in Oregon if a quorum of a governing body did not gather contemporaneously to make or deliberate towards a decision. In fact, a strong dissenting opinion in the *Handy* decision argued that the terms of Oregon’s Public Meetings Law “do not permit the majority’s interpretation that a quorum could be deemed to ‘meet’ merely by being ‘involved’ over a period of time through an aggregation of separate, sequential communications.” 274 Or App at 680 (Devore, J., concurring in part, dissenting in part).

Nevertheless, the majority opinion at the Court of Appeals concluded (and the Supreme Court accepted):

the prohibition in ORS 192.630(2) contemplates something more than just a contemporaneous gathering of a quorum. A series of discussions may rise to the level of prohibited ‘deliberation’ or ‘decision’; the determinative factors are whether a sufficient number of officials are involved, what they discuss, and the purpose for which they discuss it—not the time, place, or manner of their communications.

Id. at 664-65.

While the Court in *Handy* established the prohibition on serial communications, it also went out of its way to explain its limitations. Importantly, for the purposes of this most current discussion, is the focus the Court of Appeals placed on the “purpose” required in order for a prohibited serial communication to occur.

The Court of Appeals spent significant time discussing this issue. For instance, the Court stated “not every discussion among a quorum, even on matters of public concern, will violate the statute. Rather, the discussion must rise to the level of, and have the purpose of, ‘deciding on or deliberating toward a decision.’” *Id.* at 661 (citing *Harris v. Nordquist*, 96 Or App 19, 25 (1989)).

The Court continued, “[t]he prohibition addresses not all private, serial communications among members who constitute a quorum, but those conducted *for the ‘purpose’* of deliberation or decision. We are not called upon at this stage of this case to decide what types of evidence would be necessary to support such a finding, but it seems clear that a plaintiff will need to show some *evidence of coordination, orchestration, or other indicia of a ‘purpose’ by a quorum to deliberate or decide out of the public eye.*” *Id.* at 666 (emphasis added).

The Court drove this point home by concluding, “[t]he main import of today’s decision is that public officials cannot avoid the requirements of the Public Meetings Law through ‘*subterfuge.*’” *Id.* (emphasis added).

Thus, under *Handy* there had to be a clear intent or purpose by a quorum of the members of a governing body to engage in deliberations towards or to make a decision through a series of communications in order to violate the serial communication prohibition.

Handy was the law of the land until the legislature codified it in 2023 with House Bill 2805.

II. House Bill 2805 and Administrative Rules

In 2023, the Legislature passed House Bill (HB) 2805, which made several relevant changes to the PML. First, it codified *Handy* by adding a definition of “convening” to ORS 192.610:

(1) “Convening” means: (a) Gathering in a physical location; (b) Using electronic, video or telephonic technology to be able to communicate contemporaneously among participants; (c) Using serial electronic written communication among participants; or (d) Using an intermediary to communicate among participants. As noted above, each of these situations requires a quorum of the governing body in order for a meeting to occur.

It also added that “‘Deliberation’ means discussion or communication that is part of the decision-making process.” ORS 192.610(3). Lastly for our purposes here, HB 2805 delegated oversight of Public Meetings Law violations to OGEC.

In 2024, OGEC further clarified this prohibition with its adoption of administrative rules on the subject. Specifically, OAR 199-050-0020 prohibits a series of communications of any kind, directly or through intermediaries, for the purpose of deliberating or deciding on any matter that is within the jurisdiction of the governing body.¹ All of this is arguably consistent with the *Handy* decision and HB 2805.

But, OGEC’s 2024 regulations took this one step further, which frankly was one step too far. OGEC adopted OAR 199-050-0005(4) in order to define the phrase “decision-making process” as used in the statutory definition of the term deliberation. *See* ORS 192.610(3). OGEC decided that the phrase “decision-making process” includes “the process a governing body engages in to make a decision, such as: (a) identifying or selecting the nature of the decision to be made; (b) gathering information related to the decision to be made; (c) identifying and assessing alternatives; (d) weighing information; and (e) making a decision.” This definition goes well beyond the common understanding of the term “deliberation” and vastly expands the Court’s clear direction in *Handy*. As such, it also clearly exceeded the scope of what the legislature intended when it enacted HB 2805 to codify *Handy*.

This overly broad regulation has led us directly to the problems we are now experiencing with OGEC staff’s interpretation and guidance related to the PML’s serial communication prohibition.

III. OGEC 2025 Interpretation and Guidance

After the administrative rules became effective, OGEC began interpreting them in earnest. At its June 2025 meeting, OGEC voted to move a preliminary review to a full investigation where the evidence showed that only one member, the Mayor of the City of Salem, communicated with a quorum of members, and she only shared the views of other members with the Council President. In other words, the other members of the Council only spoke with the Mayor on the issue and only discussed their own views in those meetings. However, OGEC voted to move the complaints against all members to the investigation phase, including those non-Mayor, non-Council President

¹ Presumably, OAR 199-050-0020 “codifies” the *Handy* decision’s interpretation of ORS 192.630(2) since it goes beyond the scope of and governs activities not set forth in the definition of the term “convening” in ORS 192.610, which implements the prohibition in ORS 192.630(1) and the definition of the term “meeting” in ORS 192.610(7).

members. To be clear, this decision was just to authorize an investigation and has not yet reached the stage of a finding of a violation of the law so it is not a final interpretation of the law. Nonetheless, the fact that this complaint has moved forward has had a chilling effect on the work of local government governing bodies across the state.

As part of the discussion related to this complaint, OGEC's executive director publicly advised that members of governing bodies should never engage in discussions outside of a public meeting regarding anything that could come before them. She explained that while one communication may not violate the law, you don't know what other conversations are occurring, and thus by talking to one other member you run the risk of a violation. Paraphrasing here, the executive director said that if a fellow member of your governing body approaches you to talk about a matter you should refuse to engage in such discussions and talk about golf instead. Again, even though this was just informal advice, which the executive director admitted was conservative, the fact that this was said by OGEC's executive director publicly sent shock waves through the local government community and further increased the chilling effect OGEC's position has had on typical local government operations.

To exacerbate this issue further, in July 2025, OGEC staff released a "frequently asked questions" (FAQ) document on "Prohibited Serial Communications." In addition to providing general information on how OGEC interprets and enforces the prohibition on serial communications, the document also provides examples of prohibited serial communications. The first example, in question 2, states:

Using an example of a governing body comprised of seven members and a quorum of four members: Member A calls Member B on May 1st to discuss lowering the downtown parking fines by 10%. On May 15th, Member B emails Member C to see if Member C would also be supportive of lowering the downtown parking fees by 10%. The next day, Member A sends a text message to Member D to see if Member D would support lowering the downtown parking fees by 10%. In this example, four members - a quorum - have deliberated about whether to lower the downtown parking fees by 10%. In this situation a prohibited serial communication has occurred in violation of the Public Meetings Law.

Although it remains unclear which public official(s) OGEC would conclude violated the law in this scenario, Member D simply received a text message on the subject and did not share their views with any other member, yet was counted toward the quorum that "deliberated" on it.

As part of the Commission's discussion about the FAQ during your August meeting, OGEC's executive director publicly stated that the prohibition on serial communications is not new and has been around in Oregon since the 1970s, and also that there is no "intent" requirement. As explained above, this is simply untrue. The serial communication limitation was not clearly established in Oregon until the *Handy* decision in 2015, and as detailed above, the limitation has always had an intent requirement. It was not until OGEC's adoption of OAR 199-050-0005(4) and staff's interpretation of HB 2805 that this changed.

As a result, OGEC’s interpretation, based in large part on administrative rules it adopted in 2024, is both new and a departure from previous understandings of the prohibition on serial communications, which was advanced by *Handy*. Relatedly, *Handy* (and *Harris*, cited with approval in *Handy*) clearly required a “‘purpose’ by a quorum to deliberate or decide out of the public eye.” *Handy*, 274 Or App at 666. OGEC staff’s current interpretation, based apparently on the OARs, removed this “purpose” requirement, and asserts, in direct contradiction to the *Handy* opinion, that literally “every discussion among a quorum, even on matters of public concern, will violate the statute.” *See id.* at 661 (emphasis added) (*Handy* court states “*not* every discussion among a quorum, even on matters of public concern, will violate the statute. Rather, the discussion must rise to the level of, and have the purpose of, ‘deciding on or deliberating toward a decision.’”).² If OGEC feels bound by this interpretation as a result of the 2024 administrative rules, then it could withdraw or amend those rules to be consistent with *Handy* as was contemplated by the legislature when it enacted HB 2805.³

IV. Legal and Practical Concerns with OGEC’s Interpretation

In addition to expanding the scope of the serial communication prohibition and the definition of the term “deliberation” well beyond *Harris*, *Handy*, and the legislative intent of HB 2805, OGEC staff’s interpretation of the serial communication prohibition creates significant constitutional concerns, including likely violations due process and free speech rights.

According to this interpretation, a member of a governing body may violate the law by simply speaking with one other member about a matter of public concern if other members also speak on the matter. In fact, according to OGEC staff’s interpretation, one need not take any action at all in

² In *Harris*, the Court examined whether discussions amongst a quorum of a school board who met at various restaurants before or after their public meetings, and occasionally discussed “what was going on at the schools” violated the PML. The Court first explained that “[i]nformation gathering is distinct from deliberating,” *citing Oregonian Publishing Co. v. Board of Parole*, 95 Or App 501 (1989), and concluded that “[p]laintiffs conducted extensive discovery in this case, and the only evidence that they adduced is that some of defendants occasionally had discussed ‘what was going on at the schools.’ Although we draw all reasonable inferences in favor of plaintiffs, it would be pure speculation to draw from that statement an inference *that the purpose* when the quorum of the board met in private was to decide on or deliberate toward a decision, or that discussion of the goings on at the school involved, in any way, deliberations toward a matter to be decided by the board.” 96 Or App at 25. Thus, contrary to OGEC staff’s advice, historically there has always been an intent requirement as it relates to deliberations or making a decision, and to move away from such a requirement is, in fact, a new interpretation of the law.

³ These court decisions should alleviate any concern that OGEC staff feels constrained by the text of the statutes in interpreting the law to include an intent requirement. But OGEC staff need not rely on these decisions alone. A plain reading of ORS 192.630(1) and (2) demonstrate an intent requirement. ORS 192.630(1) provides in relevant part that “[a]ll meetings of the governing body of a public body shall be open to the public.” The term “meeting” is defined by ORS 192.610(7) as “the convening of a governing body of a public body for which a quorum is required *in order to* make a decision or to deliberate toward a decision on any matter.” Thus, in order for a meeting to occur, there needs to be an intent to make a decision or to deliberate toward a decision. The same is true of ORS 192.639(2), which provides in relevant part, “[a] quorum of a governing body may not meet in private *for the purpose of* deciding on or deliberating toward a decision on any matter.” Again, there has to be an intent, a “purpose” to deliberate or make a decision.

order to violate: in the example from the FAQ quoted above, Member D simply received a text message on the matter but did not affirmatively do *anything*. OGEC's interpretation appears to impute a sort of vicarious liability for your fellow governing body members, which clearly exceeds the legislature's intent, strains credulity, and would have a tremendous chilling effect on the (overwhelmingly volunteer) participation in local government in the state.

It does not take a constitutional scholar to recognize that the PML should be interpreted in a manner that avoids such concerns, and to that end, we urge OGEC to reconsider the current staff interpretation and, if necessary, your administrative rules, in order to align them with the *Handy* decision and the legislative intent of HB 2805.

Finally, it is important to recognize the practical implications of this current interpretation. Local governments have operated in Oregon since before the state's admission to the Union. Since the enactment of the PML in the 1970's, local governments have conducted their business in an open and transparent manner. We do not dispute that this should be the case. Nor do we claim that there should be loopholes in the PML that permit the type of "subterfuge" the *Handy* court sought to prevent. Rather, we believe OGEC should interpret and enforce the PML in a manner that allows public officials to understand their obligations and comply with the law without unnecessarily creating confusion or limiting discussions that often result in stronger public policies.

As currently interpreted by staff, and as advised by your own executive director, members of governing bodies should refrain from talking to each other at all outside of a public meeting about any matters that could come within the jurisdiction of their body. Because of this, public officials at the local government level, again most of whom are volunteers, are afraid to talk to each other outside of a public meeting. For many governing bodies, such as city councils, the scope of what could come before them is virtually anything, and as such, any conversation could lead to a serial meeting. In addition, members of local governing bodies are reluctant to share information, such as newspaper articles or constituent emails, that can better inform their colleagues about pending matters. They shy away from discussions that could build relationships and help with the formation of public policy. None of this is what the legislature intended with the enactment of the PML nor what the public expects from its local officials.

Instead, as the Court in *Handy* painstakingly explained, what we need to do is ensure that actual decisions and deliberations towards those decisions by a quorum of a governing body are made in public. You have the ability to do so by narrowing the scope of your regulations and providing guidance that falls in line with *Handy*. We implore you to do so.

Thank you for your service and for your time and consideration of this information. Our office, as well as numerous other local government attorneys across the state remain open and available to work with you and your staff on this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chad A. Jacobs".

Chad A. Jacobs

A handwritten signature in blue ink, appearing to read "Emily M. Matasar".

Emily M. Matasar

192.610 Definitions for ORS 192.610 to 192.705. As used in ORS 192.610 to 192.705:

(1) “Convening” means:

(a) Gathering in a physical location; or

(b) Using electronic, video or telephonic technology to be able to communicate contemporaneously among participants;

~~—(c) Using serial electronic written communication among participants; or~~

~~—(d) Using an intermediary to communicate among participants.~~

(2) “Decision” means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.

(3) “Deliberation” “Deliberate” or “Deliberating” means the back-and-forth communications among members of a governing body which actively and collectively examine, weigh or reflect upon the reasons for or against a decision that is subject to the governing body’s jurisdiction with an intent to coordinate or orchestrate such communications among a quorum. “Deliberation” “Deliberate” or “Deliberating” does not include communications that: (a) are related purely to procedural matters and convey no deliberation or decision on the substance of the matter in question, such as whether an item should be placed on an agenda or postponed; (b) contain only factual or educational information or share the view of someone other than a member of the governing body, including but not limited to published articles, constituent letters or verbally sharing factual information about a matter; (c) are made to representatives of the news media, constituents, members of the public, or any other person unless there is an intent to use the person as an intermediary to allow the governing body to engage in deliberations or make a decision; or (d) are made for the purpose of gathering information related to a decision that will be deliberated upon or made by the governing body, discussion or communication that is part of a decision-making process.

(4) “Executive session” means any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters.

(5) “Governing body” means the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.

(6) “Public body” means the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.

(7)(a) “Meeting” means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter.

(b) “Meeting” does not include any on-site inspection of any project or program or the attendance of members of a governing body at any national, regional or state association to which the public body or the members belong.

Option 1:

192.630 Meetings of governing body to be open to public; location of meetings; accommodation for person with disability; interpreters. (1) All meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.705.

Commented [A1]: Deleting these two subsections to avoid the creation of a second manner in which a “serial meeting” is prohibited.

Commented [A2]: Trying to accomplish three things with this language: (1) incorporate the “orchestrating and coordinating” language from the Handy Court of Appeals decision; (2) more clearly add an intent requirement; and (3) link deliberation more closely to the commonly understood definition of collectively examining an issue and weighing options so that we remain in line with the Court of Appeals’ Harris decision.

(2) A quorum of a governing body may not meet in private for the purpose of making a decision ~~deciding on~~ or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.705.

(3) A governing body may not hold a meeting at any place where discrimination on the basis of race, color, creed, sex, sexual orientation, gender identity, national origin, age or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place does not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominant use.

(4)(a) Meetings of the governing body of a public body shall be held:

(A) Within the geographic boundaries over which the public body has jurisdiction;

(B) At the administrative headquarters of the public body;

(C) At the nearest practical location; or

(D) If the public body is a state, county, city or special district entity, within Indian country of a federally recognized Oregon Indian tribe that is within the geographic boundaries of this state. For purposes of this subparagraph, "Indian country" has the meaning given that term in 18 U.S.C. 1151.

(b) Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved.

(c) A joint meeting of two or more governing bodies or of one or more governing bodies and the elected officials of one or more federally recognized Oregon Indian tribes shall be held within the geographic boundaries over which one of the participating public bodies or one of the Oregon Indian tribes has jurisdiction or at the nearest practical location.

(d) Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.

(5)(a) It is discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in ORS 192.680.

(b) The person requesting the interpreter shall give the governing body at least 48 hours' notice of the request for an interpreter, shall provide the name of the requester, sign language preference and any other relevant information the governing body may request.

(c) If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.

(d) If certification of interpreters occurs under state or federal law, the Oregon Health Authority or other state or local agency shall try to refer only certified interpreters to governing bodies for purposes of this subsection.

(e) As used in this subsection, "good faith effort" includes, but is not limited to, contacting the department or other state or local agency that maintains a list of qualified interpreters and arranging for the referral of one or more qualified interpreters to provide interpreter services.

Commented [A3]: Proposing changing "deciding" to making a decision because "decision" is a defined term and "deciding" is not, and we don't want OGEC interpreting those two terms differently. This also more directly follows the framework in ORS 192.610(7) for the definition of "meeting"

Option 2

192.630 Meetings of governing body to be open to public; location of meetings; accommodation for person with disability; interpreters. (1) All meetings of the governing

body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.705.

(2) ~~A quorum of the members of a governing body shall not, outside of a meeting conducted in compliance ORS 192.610 to 192.705, use a series of communications of any kind, directly or through intermediaries, for the purpose making a decision or deliberating towards a decision on any matter that is within the jurisdiction of the governing body. A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.705.~~

Commented [A4]: Replacing the existing “meet” language interpreted by *Handy* with OGE’s regulatory language related to serial communications.

(3) A governing body may not hold a meeting at any place where discrimination on the basis of race, color, creed, sex, sexual orientation, gender identity, national origin, age or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place does not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominant use.

(4)(a) Meetings of the governing body of a public body shall be held:

(A) Within the geographic boundaries over which the public body has jurisdiction;

(B) At the administrative headquarters of the public body;

(C) At the nearest practical location; or

(D) If the public body is a state, county, city or special district entity, within Indian country of a federally recognized Oregon Indian tribe that is within the geographic boundaries of this state. For purposes of this subparagraph, “Indian country” has the meaning given that term in 18 U.S.C. 1151.

(b) Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved.

(c) A joint meeting of two or more governing bodies or of one or more governing bodies and the elected officials of one or more federally recognized Oregon Indian tribes shall be held within the geographic boundaries over which one of the participating public bodies or one of the Oregon Indian tribes has jurisdiction or at the nearest practical location.

(d) Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.

(5)(a) It is discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in ORS 192.680.

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Reform Proposals: Modernizing Oregon's Public Meetings Law for the Digital Era

Good governance isn't driven by fear or silence; it results from collaboration. The most effective public policy is created through conversation, iteration, and trust, rather than compliance anxiety. Oregon's Public Meetings Law must adapt to safeguard transparency without punishing curiosity or dialogue.

A Three-Part Framework for Modern Transparency in Governance:

Oregon's Public Meetings Law must evolve to reflect how people communicate and engage today. The reforms proposed here are based on a **three-part framework** designed to restore confidence, encourage collaboration, and align transparency with modern governance principles.

Together, these recommendations aim to:

- Create certainty for elected officials, agency staff, and regulators by establishing clear, procedural standards that reduce ambiguity and remove fear of inadvertent violations.
- Strengthen public engagement by shifting the focus from policing speech to guaranteeing public access—ensuring that constituents have meaningful opportunities to review, comment, and participate before decisions are made.
- Recognize that social media is the new town hall, providing a legal structure that treats public online discussion as a legitimate, transparent form of community dialogue rather than a compliance risk.

Each component reinforces the others.

- Public Digital Fora Safe Harbor clarifies that public online communication—conducted openly and transparently—is not a violation of public meeting law, creating space for digital civic engagement.
- Refocusing Transparency on Public Review and Participation replaces overregulation of speech with structured notice and comment periods that ensure the public has real time to engage with policy decisions.

- Safe Harbor for Compliance protects officials and agencies that meet these transparency and engagement standards, ensuring good-faith compliance is rewarded, not punished.

Together, these reforms modernize Oregon’s Public Meetings Law for the digital era, ensuring that transparency builds trust and participation—rather than fear and silence—in public service.

Current State:

Many of Oregon’s local elected officials serve as unpaid volunteers or receive modest stipends. They often juggle other jobs or are retirees with limited income. The current Public Meetings Law framework exposes these individuals to potential personal liability or reputational damage from even minor or frivolous complaints. Without the resources to hire attorneys for every grievance, many officials choose silence or resign rather than risk financial or legal hardship.

This chilling effect undermines civic participation and transparency: when conscientious public servants withdraw, communities lose institutional knowledge and diverse representation. Reforms must therefore reduce the personal risk of service while preserving the public’s right to know.

Additionally, local elected officials face significant time constraints, balancing their civic duties with jobs, family, and other obligations. The current structure of the Public Meetings Law effectively silences these officials by restricting when and how they can communicate with each other, their staff, and their constituents. By forcing all dialogue into formal public sessions, the law discourages the organic, ongoing collaboration that complex policy issues require. Oregon cities face increasingly nuanced challenges, housing shortages, infrastructure demands, and environmental planning that demand thoughtful, iterative conversations. When officials can only discuss these matters within limited public meeting windows, legislation is often rushed, inadequately vetted, or poorly informed. The result is a reactive system that stifles innovation and can inadvertently produce policies that do more harm than good.

Further complicating this issue is the lack of clearly defined procedural standards within the administration of Oregon’s Public Meetings Law. The current framework leaves too much room for interpretation, which creates uncertainty for regulators, elected leaders, city staff, and the public. Terms such as “*deliberation*” remain open to subjective judgment, making it

difficult for well-intentioned public officials to know with confidence when their interactions might trigger the law.

This lack of open dialogue also worsens policy quality. When elected officials can't thoroughly examine the details of complex issues outside limited public meeting times, they risk being uninformed—or worse, misinformed—about the policies they need to endorse. This knowledge gap shifts much of the policymaking load onto agency staff, who often step in to fill the void by developing recommendations and drafting policy language that should come from elected officials. While staff are crucial for administration and advice, governance suffers when policy ideas flow upward from staff instead of downward from the governing body. Over time, this imbalance damages representative decision-making and reduces public accountability, as policy development drifts away from elected representatives.

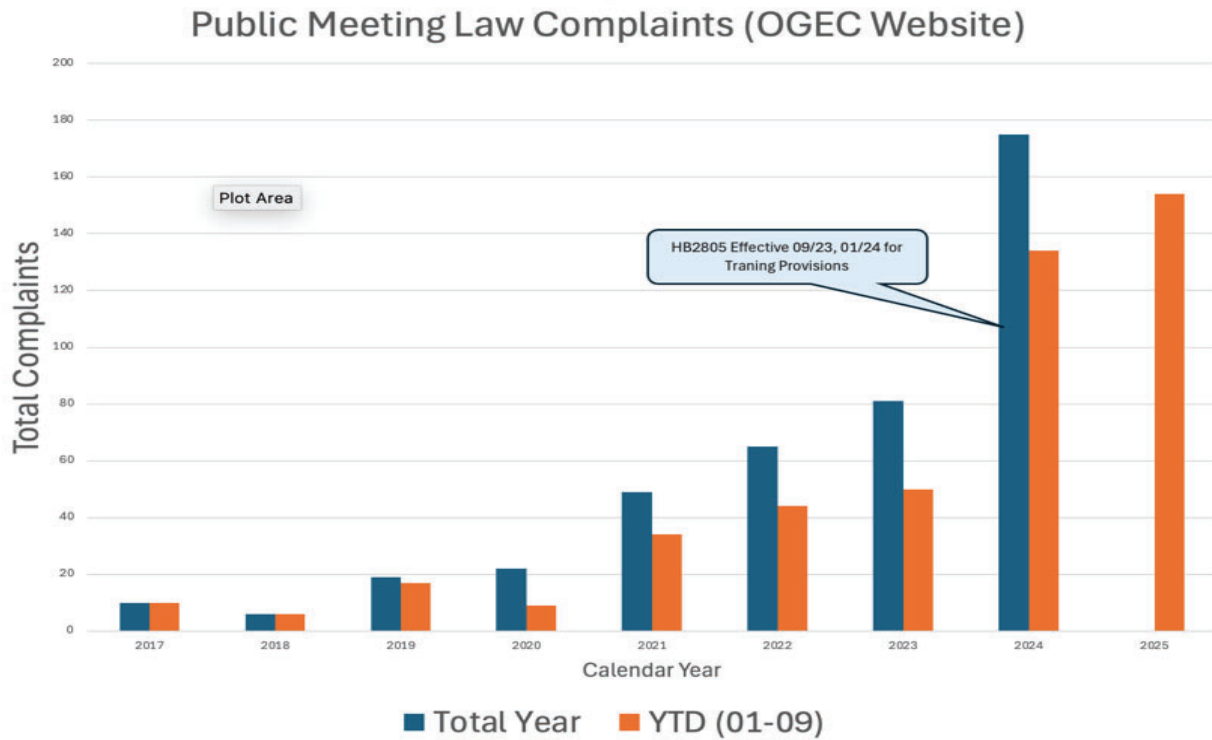
To foster both transparency and functional governance, Oregon would benefit from clear, procedural standards that remove ambiguity and provide a consistent foundation for compliance. For example, a 14-day public notice requirement would create predictable timelines and reinforce public trust in the process.

By building objective, process-based criteria into rulemaking, we can create certainty for all parties, regulators who must enforce the law, public officials who must comply with it, staff who must operationalize it, and community members who rely on it for transparency. A well-defined, uniform process ensures the law's intent is honored without impeding effective local governance.

Another factor contributing to the disconnect between rulemaking and practical governance is the lack of local government experience on the Oregon Government Ethics Commission (OGEC). Few, if any, commissioners have firsthand experience serving in municipal or county government roles, such as city councilor, mayor, or planning commissioner. This absence of local perspective results in rules and enforcement practices that fail to reflect the operational realities, time constraints, and community pressures faced by local elected officials. By contrast, other professional oversight bodies, such as the Oregon State Bar for lawyers or the Oregon Medical Board for physicians, are composed primarily of peers who understand the profession's practical and ethical demands. Their decisions are informed by real-world context and professional norms. To improve fairness and functionality, OGEC should incorporate members with local government experience, ensuring that its rules and rulemaking process are informed by the realities of public service rather than theoretical compliance concerns. The goal is to ensure the public has timely access to information and meaningful opportunities to engage without punishing good-faith communication among elected officials and staff. By clarifying what constitutes deliberation, protecting

educational and ideation discussions, and establishing clear safe harbors for compliance, these reforms shift enforcement from policing conversations to guaranteeing open and accessible decision-making.

Public Meeting Law Complaint Trends and Context



Since the enactment of **HB 2805 (2023)**, which expanded Oregon's public meetings Law and transferred enforcement to the Oregon Government Ethics Commission (OGEC), complaint filings have increased significantly. Based on the OGEC public reports and annual summaries:

The data illustrate two critical points:

- Complaint volume has grown far faster than the number of public bodies, suggesting that uncertainty and fear of inadvertent violations drive filings.
- Many complaints are dismissed after a preliminary review, highlighting a lack of clarity and an opportunity to simplify rules and prioritize transparency over punishment.

This rising volume underscores the need for reform, more precise definitions, better training, and procedural safe harbors that protect good-faith collaboration.

Three-Part Recommendation:

I. Recognizing Social Media as an Open, Public Forum

Before the internet and the advent of social media, communities gathered in town halls, parks, Rotary Meetings and school auditoriums to discuss ways to make their towns stronger and more livable. Elected officials would stand shoulder to shoulder with their constituents, answering questions, debating ideas, and building consensus in real time. Today, those same conversations take place on social media. While the setting may differ, a discussion at a park event or a Rotary meeting shares much in common with a dialogue on Facebook; the medium changes, but the exchange of ideas remains similar. Social media has become the modern public square, where conversations that once took place in folding chairs in an auditorium now unfold in comment threads or livestreams. In many ways, this is an improvement: unlike the fleeting town hall, digital forums leave a lasting, searchable record of civic engagement that anyone can revisit at any time. When conducted transparently, these online exchanges are every bit as public and often more accountable than the traditional community gatherings of decades past.

The challenge: Current laws and rulemaking create uncertainty around social media. Officials fear that even public, transparent online discussions might inadvertently violate serial meeting rules, even in cases where there was no intent by the public official to create a serial meeting.

The solution: create a clear safe harbor allowing public social media engagement while prohibiting private coordination. The importance of limiting private deliberation is reduced if Recommendation II below is enacted. Treat social media the same way we treat a gathering in a park

Current Law

Under ORS 192.610–192.690, as amended by HB 2805 (2023), a “meeting” includes:

- In-person, virtual, or serial electronic communication.
- Any communication among a quorum of a governing body for the purpose of deliberating toward a decision.

HB 2805 clarified that purely factual or educational communication is not a “meeting.” However, the statute does not distinguish between **private electronic exchanges** (e.g., emails, group texts) and **public digital forums** (e.g., Facebook comment threads or Twitter discussions). This ambiguity leaves officials uncertain whether participating in visible, public conversations online might violate the serial meeting rule.

Reform Concept: Public Digital Fora Safe Harbor:

Proposed statutory addition (ORS 192.690 new subsection):

Online or in-person communications conducted in public or private forums do not, by themselves, constitute a meeting or serial communication under ORS 192.610 to 192.690, provided that:

- For public forums, the communication is contemporaneously viewable and accessible to the general public.
- For private forums, the communication occurs within an established organization or event that is independent of the governing body, including civic, charitable, educational, forums, or professional organizations; and

Participation by elected officials in private forums consistent with this section shall not be construed as a violation of the Public Meetings law.

Rationale:

- Social media posts are inherently public and self-documenting.
- Open online dialogue enhances transparency.

Safeguards:

- Implementation of section II of this document would ensure that the public has ample time to participate in the legislative process, eliminating the need to police conversations outside of public meetings.

Comparative Insight:

Rather than replicate the detailed frameworks used in other states, Oregon should focus on a transparency-based model. The key lesson from other jurisdictions is that **clarity, intent, and public access** determine compliance, not the specific communication platform. For example, **Minnesota Statute § 13D.065** provides that social media use by members of a public body does not violate its Open Meeting Law so long as it is limited to exchanges with the general public, explicitly distinguishing public engagement from private coordination **【 292†Minnesota Public Meeting Law†L14-L15】**. This reform prioritizes openness and recordkeeping while keeping Oregon’s framework technology-neutral and straightforward.

II. Refocusing Transparency on Public Review and Participation Instead of Regulating Every Conversation

The Challenge: Over-Regulation of Dialogue

Oregon's Public Meetings Law spends too much energy managing how and when elected officials communicate, rather than ensuring the public has adequate time and access to engage with the decisions that affect them. Local officials, many of whom volunteer, naturally talk with one another, with staff, and with their communities to understand complex issues. These conversations, when conducted in good faith, are part of healthy governance, not misconduct.

The real measure of transparency should be a three-part test: does the public have a reasonable opportunity to **see, understand, and respond** to proposed policies, ordinances, and land-use decisions before they are adopted? If draft legislation, resolutions, or land use proposals are published well in advance, and if public hearings allow sufficient time for comment, then any conversations that happen beforehand are simply part of responsible preparation.

Reform Concept: Shift from Speech Policing to Access Guarantees

Hypothesis: If there is adequate time for review and multiple opportunities for public input, the risk of secret decision-making is negligible. In such a system, restricting conversations between a few councilors before a meeting does nothing to improve transparency, it only slows collaboration and discourages thoughtful policymaking.

Emergency decision making is still a requirement, to prevent a declaration of an emergency being used to circumvent the three-part test, referenced above. Precise statutory requirements would need to be established to define what constitutes an allowed emergency.

Proposed Reforms:

- Statutes related to these reforms should set clear procedural standards that are not subject to interpretation. This creates certainty for the community and for elected officials.
- Minimum Review Windows: Require proposed legislation, ordinances, or land use decisions (quasi-judicial or legislative) to be posted publicly for at least 14 days before final consideration.

- **Mandatory Public Comment Sessions:** Require at least two separate public meetings or hearings for major decisions, one for presentation and questions, another for comment and deliberation. A high bar to reduce to just one public meeting in an emergency should be set, which clearly defines what an emergency is, so that an emergency can't be "engineered." Re: Scheduling a final vote right before a deadline.
- **Accessible Plain-Language Summaries:** Agencies must provide plain-language summaries of proposed legislation, resolutions, or land use decisions.

Oregon Application

A modernized Public Meetings Law could ensure that **the public's right to know** is protected through access, not restriction. Officials and staff could collaborate more freely while transparency is preserved through:

- Publicly available proposal timelines and draft releases.
- Mandatory disclosure periods before adoption of major resolutions or ordinances.
- Structured opportunities for feedback, both live and written.

By guaranteeing public review and engagement, Oregon can uphold the spirit of open governance without criminalizing normal communication. When transparency is built into the timeline and process, trust is maintained, and the quality of policymaking improves. Conversations that help officials learn, refine ideas, and prepare for informed debate should not be treated as violations, they should be encouraged as part of a more deliberate, transparent, and effective decision-making system.

Comparative State Models Prioritizing Transparency and Public Engagement

Several states have adopted public meeting and participation frameworks that prioritize **transparency and adequate public comment** rather than rigid regulation of officials' communication. These systems emphasize early public access, extended review periods, and multiple opportunities for comment. They create openness through process design rather than punitive restriction.

Washington State – Public Comment and Notice Reform

Washington's **Open Public Meetings Act (OPMA)** requires that when public comment is solicited, notices must include the full comment window, start and end dates and times, so that citizens clearly understand when and how they can participate. This framework encourages robust

input before decisions are finalized, replacing suspicion about private conversations with predictable, public engagement.

California – Proposition 54: Legislative Transparency

California’s **Proposition 54 (2016)** mandates that all proposed legislation be publicly available for at least **72 hours** before a final vote. By prioritizing access and disclosure, the state gives residents time to read, analyze, and comment on legislative proposals. The focus is on informed participation, not surveillance of internal discussions.

North Carolina – Staged Public Hearings for Zoning and Ordinances

North Carolina law requires **multiple public hearings** and written notice before adopting zoning changes or significant ordinances. This ensures that residents can meaningfully engage, review proposals, and comment prior to any decision. This model demonstrates how transparency and engagement can coexist with flexible collaboration among elected officials.

Colorado – Tiered Transparency Requirements for Major Actions

Colorado distinguishes between minor administrative actions and major legislative or land use decisions. For significant policy changes, local governments must provide public postings and hearing schedules well in advance, ensuring adequate review time. This structure channels transparency where it matters most, at the point of decision-making, rather than restricting early dialogue among policymakers.

These examples prove that transparency and collaboration are not mutually exclusive. States that build timely public access, mandatory disclosure periods, and multiple engagement opportunities into their governance models maintain higher trust and fewer compliance disputes. Oregon can follow these proven approaches to strengthen transparency while freeing officials to collaborate effectively.

III. Safe Harbor for Compliance with Transparency and Public Engagement Rules

Safe Harbor Concept

Elected officials and the cities they serve, who adhere to established transparency and public engagement standards, should not face penalties or personal financial liability for alleged violations of public meeting laws. When public bodies comply with publication, notice, and public comment requirements, they have already achieved the core goal of transparency.

Proposed Safe Harbor Provision (ORS 192.635):

If a governing body has complied in good faith with the transparency, notice, and public comment requirements established by law or rule, including timely publication of materials and adequate opportunity for public participation, its members shall be presumed to have acted in compliance with ORS 192.610 to 192.690.

A violation of the notification timing or public comment rules shall not be enforceable against an individual elected official; rather, it shall be enforceable against the public body or city responsible for coordinating the meeting. Personal liability or penalties shall arise only when an elected official intentionally directs, coerces, or instructs staff to disregard or violate these procedural requirements.

Key Elements

- **Transparency Compliance:** If proposals, agendas, and supporting materials are publicly available within the statutory timelines, the public's right to know has been met.
- **Good Faith Standard:** The law presumes that officials act in good faith unless evidence shows that they intentionally avoid transparency.
- **Complaint Screening:** OGEC or reviewing bodies must dismiss complaints if the record demonstrates timely disclosure and public opportunity for input.
- **Protection from Financial Liability:** Officials who operate within compliance parameters should not be personally liable for legal defense or penalties.
- **Accountability Shift:** Enforcement focuses on systemic transparency performance (timely notice, record availability) rather than subjective interpretations of individual conversations.

Rationale

This model aligns accountability with public outcomes, not personal risk. It restores balance by:

- Encouraging candid collaboration and communication.
- Reducing fear-driven overcompliance or silence among officials.
- Reinforcing public trust through consistent access and engagement, rather than punishment.

When transparency rules are met, materials are posted, comment is invited, and meetings are open, the democratic process has functioned as intended. Enforcement should therefore shift from policing speech to ensuring access.

IV. The Role of Representation, the Boundaries of Oversight, and the Role of the Voter.

At its core, Oregon's democracy relies on a **representative government**. Voters elect local officials to serve their communities, deliberate on their behalf, and make tough decisions for the public's best interest. If these officials fail in their duties by acting irresponsibly, disregarding public input, or making poor choices, the public has strong tools for accountability: they can vote them out or pursue a recall under current laws. We saw this occur in Newberg with the School Board Elections.

When the Public Meetings Law becomes a weapon to chill dissent, intimidate public servants, or drive capable officials out of office, as we saw in North Plains and King City, it undermines the very purpose of representative democracy. The remedy for disagreement over policy choices should be found at the ballot box, not through administrative or ethics complaints designed to silence debate or punish good-faith deliberation. Oregon must restore balance by ensuring that public meeting enforcement serves its original goal, transparency in governance, without transforming into a tool for political leverage or coercion. Ultimately, transparency should enhance representation, not undermine it.

Most reasonable constituents will find these reforms acceptable. Advocacy groups that use appeals and ethics complaints as a tool to influence legislation or quiet dissenting views will not.

“Accountability in a democracy belongs to the voters, not to weaponized complaints. Public meeting laws should illuminate the process, not silence those doing the work of representation.”



November 4, 2025

DRAFT

To Whom It May Concern:

On behalf of the undersigned members of the Milwaukie City Council, we are writing in strong support of the Benevolent and Protective Order of Elks – Lodge No. 142 and their Annex Emergency Shelter Retrofit Project.

The Milwaukie Elks have been a longstanding partner and pillar in our community, offering meeting space, scholarships, charitable support, and a consistent commitment to public service. Their proposal to retrofit the Annex building for use as a community emergency shelter represents exactly the kind of locally led resilience project our city needs.

Milwaukie, like much of western Oregon, faces significant risk from a major seismic event, the anticipated Cascadia Subduction Zone earthquake, often referred to as “the Big One.” When that day comes, communities like ours will need safe, functional spaces where residents can seek shelter, charge devices, and coordinate response efforts. This project complements the ongoing work of our Community Emergency Response Team (CERT). Founded in 2010, Milwaukie’s CERT now includes more than 35 active members and many more trained in disaster preparedness. Members meet twice monthly for drills, conduct a general mobile radio services (GMRS) radio network call-in each month, and regularly support community events.

The Elks Lodge Annex Retrofit Project would provide an ideal location and facility for CERT operations and community coordination in such events. By enhancing a trusted, centrally located facility, this project strengthens Milwaukie’s overall resilience network and helps ensure that residents have a safe, accessible, and functional space when it matters most.

The City Council firmly believes that this project aligns with the Federal Emergency Management Administration’s (FEMA’s) Hazard Mitigation Grant Program (HMGP) objectives by reducing hazard vulnerability, improving community preparedness, and investing in infrastructure that supports long-term safety and sustainability.

We appreciate FEMA Region 10’s consideration of this important community initiative and thank the Elks Lodge for their leadership in building a safer, stronger Milwaukie.

Sincerely,

Lisa M. Batey, Mayor

Will Anderson, Council President

Adam Khosroabadi, Councilor

Rebecca Stavenjord, Councilor

Robert Massey, Councilor

November 4, 2025

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