

CITY OF MILWAUKIE
CITY COUNCIL MEETING
MARCH 2, 1993

The one thousand six hundred and sixty-sixth meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:05 p.m. in the Milwaukie Center with the following Councilmembers present:

Craig Lomnicki, Mayor	Jean Schreiber
Rick Farley	Rob Kappa
	Bob Knudson

Also present:

Dan Bartlett, City Manager	Maggie Collins, Community Development Director
Mike Robinson, City Attorney	Pat DuVal, Recorder/Secretary
Charlene Richards, Assistant to the City Manager	

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Historic Moments

Mayor Lomnicki discussed the early nursery and fruit business in the Milwaukie area. An ox-drawn wagon was loaded with 700 young fruit trees in the mid-west and arrived in this area in 1847. About one-half of the trees survived the journey and were planted on a five-acre cleared area which is now Waverley. This was an early phase of our thriving Northwest fruit business.

Milwaukie Downtown Development Association (MDDA) Annual Report

Larry Froland, MDDA Treasurer, 14110 SE Fair Oaks Way, discussed the 1993 budget and the results of a recently compiled business survey. He discussed several of the planned expenditures; the recruitment for the vacant Downtown Manager's position; and the downtown parking enforcement program.

Froland discussed the facade improvement project. MDDA is offering up to \$500 for improvements and is working in conjunction with local banks to make additional low interest loans to downtown business owners. He said residents can look forward to cosmetic improvements in the downtown district.

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Froland discussed the recently completed downtown business survey. Owners indicated that they felt they were doing better and that there was potential for increased business. They also indicated support for the parking program and the facade improvement project.

Councilmember Kappa said the survey indicated that not many of the businesses advertise on a regular basis. Froland said many of the downtown businesses responding were in the service industry and did not usually advertise. Other businesses were very small and did not have the funds to advertise.

Froland addressed the amount budgeted for payroll and contingency.

Councilmember Schreiber asked if there would be a profit and loss statement for Council review. Pam Reynolds, MDDA President, said there was a profit and loss statement for the end of 1992 available.

Froland said the revenue source has not changed dramatically since last year.

Councilmember Schreiber asked if last year's promotions had generated any income. Froland said about \$6,000 was raised last year. He said he could provide Council with information on upcoming promotions.

Councilmember Knudson asked for additional information on the facade improvement program. Froland said a design review committee had been formed that would review the applications from downtown business owners. They would attempt to standardize the look of the downtown area.

Councilmember Knudson asked if there would be any carpentry work on the storefronts. Froland said business owners could make as many improvements as they liked as long as the design criteria were met. He added that there had also been a discussion of landscaping and benches, but the grants were only for facade improvements.

Councilmember Schreiber said she understood there was a cooperative program with Milwaukie High School. Froland said Principal Winder was receptive to working with the MDDA and discussed the Applause Program.

Councilmember Kappa asked Froland which promotions were most successful. Froland said the "Share the Lights Festival" at Christmas and the "May Plant Sale" were the most successful.

CITY COUNCIL MEETING - MARCH 2, 1993**PUBLIC HEARING****Consider Revision of City Sign Ordinance, File No. ZA-92-01
- Ordinance**

Mayor Lomnicki called the public hearing on adoption of revisions to the City Sign Ordinance to order at 7:26 p.m.

Mayor Lomnicki said the purpose of the hearing was to consider adoption of revisions to the City Sign Ordinance located in Title 14 of the Milwaukie Municipal Code as recommended by the Milwaukie Planning Commission.

Mayor Lomnicki reviewed the conduct of the hearing. He said the applicant had the burden of proving that the proposed rezoning of the property is consistent with the City of Milwaukie's Zoning Ordinance and Comprehensive Plan.

Mayor Lomnicki said that all testimony and evidence must be directed toward criteria in the plan or land use regulation which one believes applies to the decision. Failure to address a criterion or to raise any other issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond precludes an appeal to the Land Use Board of Appeals based on that criteria or issue.

There were no ex parte contacts or conflicts of interest announced. There was no challenge to any member's impartiality or jurisdiction to consider the proposal.

Staff Report: Maggie Collins, Community Development Director, presented the staff report in which the City Council was requested to consider an ordinance that would revise the City Sign Ordinance located in Title 14 of the Milwaukie Municipal Code as recommended by the Milwaukie Planning Commission. The Planning Commission began work on this project in October, 1992 and undertook a thorough revision of the sign ordinance. The Commission held a series of three public work sessions on this project and prepared six drafts of proposed revisions.

Collins announced that the City Attorney had advised that an additional finding be added to the proposed ordinance referring to Statewide Planning Goals and Guidelines. She reviewed the findings in the proposed ordinance. She said the Planning Commission and the Milwaukie Downtown Development Association (MDDA) had reviewed and endorsed the proposed ordinance.

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Councilmember Kappa referred to 14.20.010 Signs prohibited. He asked if this section would also prohibit the placement of garage sale signs in the right-of-way. He asked how the City would deal with a person who placed a garage sale sign in the public right of way. Bartlett said signs placed on a traffic control signal or in the public right-of-way would be taken down. The City would store these signs for 30 days and would dispose of them after 30 days if not claimed.

Mayor Lomnicki asked if sign owners would be notified of code violations. Bartlett said staff does not do this unless a chronic problem is identified.

Councilmember Schreiber asked if "For Sale" signs in a vehicle window were prohibited. Mike Robinson, City Attorney, said it was the attorney's opinion that it was not advisable to regulate car signs. The Oregon Constitution, however, prohibits and regulates the contents.

Councilmember Farley said anything could be put in or on a vehicle. He asked if signs attached to a balloon were prohibited. Collins said attaching a sign to a balloon was not allowed. She said that signs are for identification and based upon reasons.

Correspondence: None.

Testimony in Support: None.

Testimony in Opposition: None.

Staff Comments: None.

Questions of Clarification: None.

Close Public Testimony: Mayor Lomnicki closed the public testimony portion of the hearing at 7:43 p.m.

Discussion among Councilmembers: Councilmember Kappa said he believed it was a good document and expressed his gratitude to the Planning Commission and Community Development staff.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to read the ordinance repealing Title 14 of the Milwaukie Municipal Code and subsequent amendments thereto, entitled the "Sign Ordinance of the City of Milwaukie, Oregon" and recreating the "Sign Ordinance of the City of Milwaukie, Oregon" (ZA-92-01) for the first time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the first time by title only.

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It was moved by Councilmember Kappa and seconded by Councilmember Farley to read the ordinance repealing Title 14 of the Milwaukie Municipal Code and subsequent amendments thereto, entitled the "Sign Ordinance of the City of Milwaukie, Oregon" and recreating the "Sign Ordinance of the City of Milwaukie, Oregon" (ZA-92-01) for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Farley and seconded by Councilmember Knudson to adopt the ordinance repealing Title 14 of the Milwaukie Municipal Code and subsequent amendments thereto, entitled the "Sign Ordinance of the City of Milwaukie, Oregon" and recreating the "Sign Ordinance of the City of Milwaukie, Oregon" (ZA-92-01). Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

ORDINANCE NO. 1733:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, REPEALING TITLE 14 OF THE MILWAUKIE MUNICIPAL CODE AND SUBSEQUENT AMENDMENTS THERETO, ENTITLED THE "SIGN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON" AND RECREATING THE "SIGN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON" (ZA-92-01).

Consider Code Amendment Establishing Criteria for Sister City Relationships - Ordinance

Mayor Lomnicki called the public hearing to consider adoption of the Sister City Ordinance to order at 7:45 p.m.

Mayor Lomnicki said the purpose of the hearing was to consider adoption of an ordinance that would amend the Milwaukie Municipal Code by adopting an ordinance establishing criteria for Sister City relationships.

Mayor Lomnicki reviewed the conduct of the hearing.

Staff Report: Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider an ordinance that would amend the Milwaukie Municipal Code by establishing criteria for Sister City relationships. This would give authority to a Sister City organization. He said the City has been working with the City of Iwaki, Japan, since April, 1990, and Mayor Kodera visited the City in August, 1991. Milwaukie has joined the Sister Cities International and reviewed documents from the cities of Portland and Gresham regarding Sister City

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relationships. After adoption of the proposed ordinance, members of the community can form a Sister Cities Association and prepare for a proposed visit by the Mayor of Iwaki, tentatively scheduled for June 4, 5, and 6.

Bartlett reviewed the process of this project and the relationship that was promoted in 1963 as part of the "People to People Program." This was a predecessor to the Sister City Program and was considered non-active in 1967.

Councilmember Kappa asked who initiated the contact. **Bartlett** said the City of Iwaki was seeking a Sister City relationship in this area and had contacted Professor Kodachi at Lewis & Clark College. Mayor Kodera and Professor Kodachi assessed several cities in the area, and Milwaukie was recommended. Dr. Haga visited Milwaukie in May, 1990 as an Iwaki representative to assess the possible affiliation.

Councilmember Knudson asked if the visitors coming in June would be able to visit the Public Safety Building. **Bartlett** said they would be able to tour the facility, but it would not be completed by June.

Bartlett discussed the Rotary Exchange Program and the Japanese Exchange Program at Milwaukie High School. He attended a session at Milwaukie High School to recruit freshman students to participate in the exchange, and the students were agreeable to meeting the Iwaki visitors. He discussed the exchange program in Yakima, Washington.

Councilmember Farley asked in what areas of agriculture the Iwaki visitors were interested. **Bartlett** said on their tour of Milwaukie, the visitors had been interested in the Oregon Cutting Systems tools and the work done at Pendleton.

Councilmember Schreiber said the Iwaki visitors had been interested in the Native Americans and perhaps this could be covered in more depth on their next trip.

Bartlett reviewed the tentative plans for the June visit.

Correspondence: None.

Audience Participation: None.

Staff Comments: None.

Questions of Clarification: None.

Close Public Hearing: Mayor Lomnicki closed the public testimony portion of the hearing at 8:05 p.m.

Discussion among Councilmembers: None.

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It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to read the ordinance establishing criteria for City of Milwaukie Sister City relationships and adding Section 2.44 to the Municipal Code for the first time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the first time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Farley to read the ordinance establishing criteria for City of Milwaukie Sister City relationships and adding Section 2.44 to the Municipal Code for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to adopt the ordinance establishing criteria for City of Milwaukie Sister City relationships and adding Section 2.44 to the Municipal Code. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

ORDINANCE NO. 1734:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
ESTABLISHING CRITERIA FOR CITY OF MILWAUKIE SISTER
CITY RELATIONSHIPS AND HEREBY ADDING TO THE
MUNICIPAL CODE OF MILWAUKIE SECTION 2.44.

AUDIENCE PARTICIPATION

None.

OTHER BUSINESS

Consider Portland General Electric Franchise Agreement - Ordinance

This agenda item was held over to March 16, 1993.

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Consider Appropriation of Contingency - Resolution

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider a resolution transferring budget appropriations. He said it had been the practice in developing budgets that funds for salary increases be held in contingency until all salary figures were known. The proposed resolution also transferred \$55,263 to the Library Fund and \$80,880 to the Fire Rescue Fund.

Bartlett discussed the amount of money left in contingency. The audit identified \$872,000 ending fund balance. It is the City's goal to end the 1992-1993 budget year with an ending fund balance of \$700,000.

It was moved by Mayor Lomnicki and seconded by Councilmember Kappa to adopt the resolution transferring funds from contingency to various appropriation categories.

Councilmember Kappa asked what would happen if the City had an emergency. Bartlett said the balance of funds were not shown in the General Fund. The funds were in the Local Government Investment Pool.

Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

RESOLUTION NO. 5-1993:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TRANSFERRING FUNDS FROM CONTINGENCY TO VARIOUS APPROPRIATION CATEGORIES.

Consider Letter Supporting Metro Greenspaces Grant

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to authorize the Mayor to sign a letter supporting the Metro Greenspaces grant application. This would continue inner-city restoration projects; trails and greenway planning; environmental education; and public outreach. Metro is also applying for funds to establish a Greenspaces pilot land acquisition fund. Bartlett pointed out that the City has already benefitted from some of the Metro projects.

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It was moved by Councilmember Knudson and seconded by Councilmember Farley to authorize the Mayor to sign a letter supporting the Metro greenspaces grant application. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Commission Appointments

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to appoint Greg Gibson to the Traffic Safety Commission; Dr. Don Simpson to the Parks and Recreation Commission; Scott McClure to the Planning Commission; and reappoint Don Trotter to the Planning Commission. Mayor Lomnicki explained that the Council believed that it was in the public interest to extend the appointment of Don Trotter to the Planning Commission beyond the two term limitation. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Council directed staff to prepare a letter of appreciation to Betty Fulmore for serving on the Planning Commission.

Gang Task Force

Councilmember Kappa discussed correspondence from Senator Dave McTeague regarding a meeting on Wednesday, March 3. He said he had been requested to attend and give a general overview of the activities in Clackamas County.

North/South Transit Corridor

Bartlett said he and Mayor Lomnicki would attend a meeting of the Clackamas County Board of Commissioners and County staff regarding the proposed light rail corridor.

CONSENT AGENDA

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to adopt the Consent Agenda which consisted of the City Council Minutes of February 16, 1993. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

CITY COUNCIL MEETING - MARCH 2, 1993**INFORMATION**

Councilmember Schreiber announced Casino Night on March 12.

Mayor Lomnicki reminded voters that the ballots would be mailed on March 5 for the Sheriff's 3-Year Serial Levy.

Mayor Lomnicki announced an executive session to be held immediately following adjournment of the regular session pursuant to ORS 192.660 1(b)(h).

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 8:28 p.m.

Pat DuVal

Pat DuVal, Recorder/Secretary

EXECUTIVE SESSION

Mayor Lomnicki called the meeting to order under ORS 192.660 (b)(h). The Council reviewed code enforcement complaints against a City employee and heard comments from Tim Corbett, Maggie Collins, Charlene Richards, Mike Robinson, and Dan Bartlett. Councilors reviewed the history of code enforcement and discussed their concerns.

The Council did not take any action on the complaint or staff presentation. Bartlett indicated that he would handle the matter administratively.

Mayor Lomnicki adjourned the meeting at 9:30 p.m.

Dan Bartlett

Dan Bartlett, City Manager

**CITY OF MILWAUKIE
CITY COUNCIL AGENDA
MARCH 2, 1993**

MILWAUKIE CENTER

1666TH MEETING

WORK SESSION

5:00 - 5:15 p.m. - Council Information Sharing
5:15 - 5:45 p.m. - Planning Commission Interviews
5:45 - 6:45 p.m. - Water Authority Issues

REGULAR SESSION

7:00 p.m.

- I. **CALL TO ORDER**
Pledge of Allegiance

- II. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
 - A. **Historic Moments (Mayor Lomnicki)**
 - B. **Milwaukee Downtown Development Association (MDDA) Annual Financial Report**

- III. **PUBLIC HEARING** *(Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*
 - A. **Consider Revision of City Sign Ordinance, File No. ZA-92-01 - Ordinance (Dave Krogh) 1733**
 - B. **Consider Code Amendment Establishing Criteria for Sister City Relationships - Ordinance (Dan Bartlett) 1734**

- IV. **AUDIENCE PARTICIPATION** *(The Mayor will call for statements from citizens regarding issues relating to the City. It is the intention that this portion of the agenda shall be limited to items of City business which are properly the object of Council consideration. Persons wishing to speak shall be allowed to do so only after registering on the card provided on the table at the back of the meeting area. The Council may limit the time allowed for presentation.)*

- V. **OTHER BUSINESS** *(The following items will be individually presented by City staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*
- A. **Consider Portland General Electric Franchise Agreement - Ordinance (Dan Bartlett) 1735**
 - B. **Consider Appropriation of Contingency - Resolution (Dan Bartlett) 5-1993**
 - C. **Consider Letter Supporting Metro Greenspaces Grant (Dan Bartlett)**

- VI. **CONSENT AGENDA** *(Items appearing below are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. Rather, the items may be passed upon by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)*

City Council Minutes of February 16, 1993

VII. **INFORMATION**

- A. **Legislative Bulletin #4, February 12, 1993; and #5 of February 19, 1993**
- B. **"This Week at the Capitol" of February 16, 1993**
- C. **"The Board Bulletin" of January 22, 1993**

VIII. **ADJOURNMENT**

EXECUTIVE SESSION

At the end of the regular meeting, the Council may hold an Executive Session under the authority of ORS 192.660.

Item III A.
Sign Ordinance Revisions
March 2, 1992

1. Opening

"The public hearing on the adoption of revisions to the City sign Ordinance is called to order."

2. Purpose and Procedure

"The purpose of this hearing is to consider adoption of revisions to the City Sign Ordinance located in Title 14 of the Milwaukie Municipal Code as recommended by the Milwaukie Planning Commission. The order of business we will follow in conducting this hearing will be:

- a) Discussion of jurisdiction and impartiality questions.
- b) Staff presentation.
- c) Correspondence.
- d) Testimony from those in the audience
- e) Additional staff comments.
- f) Questions from the Council.
- g) Hearing closed, no further information from the audience.
- h) Discussion by Council and decision.

The applicant has the burden of proving that the proposed rezoning of the property is consistent with the City of Milwaukie's Zoning Ordinance and Comprehensive Plan.

The procedures governing this legislative action are outlined in the staff report.

All the testimony and evidence must be directed toward criteria in the plan or land use regulation which one believes to apply to the decision. Failure to address a criterion or to raise any other issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond precludes an appeal to the Land Use Board of Appeals based on that criterion or issue.

"Unless there is a continuance of this hearing, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven (7) days after the hearing. If the record remains open, such an extension shall not be subject to the so-called 120 day limit."

Any interested person who wants written notice of the decision on this matter should leave his/her name and address with the Recorder. Any interested party may appeal the decision of the Council to the State Land Use Board of Appeals according to the rules adopted by the Board."

3. Ex Parte Contacts and Conflicts of Interest

"Do any members of the Council wish to announce any ex parte contacts or declare any potential conflicts of interest? If so, please disclose the substance of the contact, including site visits." (If there is an ex parte disclosure, announce: "Any

party may now respond to the substance of the ex parte communication.") "Does any member of the audience wish to make any challenge to any member's impartiality?"

4. Jurisdictional Issues

"I will now entertain any objections to the Council's jurisdiction to consider this proposal."

5. Staff Report

"As there are no objections to the Council's jurisdiction, let's proceed to the staff report."

6. Correspondence

"Have we received any correspondence on this matter other than those items included in the agenda materials?"

7. Conduct of Hearing

"Does anyone in the audience wish to speak on this matter?"

[If Yes]

"I will recognize those persons wishing to speak and any questions should be addressed through me. When you come to the podium, please state your name and address for the record, since this hearing will be tape recorded."

Because we have other items on the agenda this evening, I would encourage those wishing to speak to confine their remarks to the application before us and to avoid repetition and irrelevant information. I would also ask that if many of you wish to make similar or related comments, you may wish to appoint one spokesperson to speak for all of you."

6. Audience Testimony

"Does anyone wish to speak in support of the proposed revisions?"

"Does anyone wish to speak in opposition to the proposed revisions?"

"Is there any further testimony or any further questions from the audience?"

7. Staff Comments

"Does the staff have anything to add which specifically addresses a question raised during the testimony?"

8. Questions of Clarification

"Does any member of the Council have any questions regarding clarification of the testimony to this point? If there are no further questions, I will close the public testimony portion of this hearing."

9. Close Hearing

"The public testimony portion of the hearing on the proposed revisions to the Sign Ordinance is now closed." [Gavel]

10. Discussion Among Council Members

"Is there discussion by Council?"

(No further testimony. City staff can answer questions from City Council members or comment on and analyze the evidence in the record but can not enter new evidence into the record.)

11. Determination of Findings and Decision

"Is the Council ready to vote?"

Note: If you wish to continue this matter for any reason, the hearing should be continued to a date certain to avoid the need to publish new notice.

(Council may adopt findings of Planning Commission or staff or develop its own. New findings may be prepared at the meeting or assigned to someone to prepare for adoption at next meeting. Preparation of findings may be assigned to successful party. If findings are not prepared immediately, make a tentative decision and continue the hearing until a date certain for the final decision and adoption of the written decision.)

Item III B.
Sister City Ordinance
March 2, 1993

1. Opening

"The public hearing to consider adoption of the Sister City ordinance is called to order."

2. Purpose

"The purpose of this hearing is to consider adoption of a Sister City ordinance. We will hear a staff report followed by public comment, if any. Then the Council will discuss the matter and vote."

3. Conduct of Hearing

"Does anyone in the audience wish to speak on this matter?"
[If Yes]

"I will recognize those persons wishing to speak and any questions should be addressed through me. When you come to the podium, please state your name and address for the record, since this hearing will be tape recorded.

Since we have other items on the agenda this evening, I would encourage those wishing to speak to confine their remarks to the sign ordinance. Let's move on to the staff report."

4. Staff Report

Dan Bartlett, City Manager

5. Correspondence

"Have we received any correspondence on this matter?"

6. Audience Testimony

"Does anyone wish to speak in support of the Sister City ordinance?"

"Does anyone wish to speak in opposition to the Sister City ordinance?"

"Is there any further testimony or any further questions from the audience?"

7. Staff Comments

"Does the staff have anything to add which specifically addresses a question raised during the testimony?"

8. Questions of Clarification

"Does any member of the Council have any questions regarding clarification of the testimony to this point? If there are no further questions, I will close the public testimony portion of this hearing."

9. Close Public Testimony

"The public testimony portion of the hearing on adoption of the Sister City ordinance is now closed." [Gavel]

10. Discussion Among Council Members

A. "The only item for consideration is the Sister City ordinance."

(No further testimony unless absolutely necessary.)

"Is the Council ready to vote?"

Note: If you wish to continue this matter for any reason, the hearing should be continued to a date certain to avoid the need to publish new notice.

ADVISORY BOARD
INTERVIEW SCHEDULE - Revised
March 2, 1993

5:15 P.M. DON TROTTER
PLANNING COMMISSION

5:30 P.M. DR. DONALD SIMPSON **
PARKS AND RECREATION

**** Betty Fulmore has withdrawn her application at this time because of a work conflict. Dr. Simpson has agreed to take her interview time.**



Application for Appointment to City Advisory Bodies

City Hall - 10722 SE Main Street, Milwaukie, OR 97222
Telephone 659-5171

Name: DR. DONALD A. SIMPSON Date: 8-20-93

Home Street Address:

Business Phone: 653-1854 Home Phone: SAME

Do you live within the Milwaukie City limits? YES If so, how long? 2 YEARS

Are any members of your household currently serving on a City of Milwaukie Board or Commission? If so, which Commission? NO

Are you a registered voter in Milwaukie? YES

How did you learn about this position? TELEVISION

Current Position: CO-MANAGER Employer: ROYAL MARC RETIREMENT

Employer's Address: 5555 S.E. KING RD, # 123 Phone: 653-1854

Please list any prior civic or professional activities. MAYOR, CITY OF COTTAGE GROVE, OR.; PLANNING COMMISSION, TUNICLIFF CITY, OR.; SUPERINTENDENT OF SCHOOLS, VANHILL-CARLEN, LAKE GONAVULT, & ST. JOHN/ENDICOTT; SITE DIRECTOR & PROFESSOR, CONCORDIA COLLEGE, JAPAN.

Why would you like to be appointed to this commission? I AM INTERESTED IN SERVING THE COMMUNITY IN WHICH I LIVE & HAVE QUALIFICATIONS & INTERESTS TO DO SO.

What special training, skills, or experience have you had which would be pertinent to this application? B.S. & M.ED, UNIV. OF OREGON, ED.D., UNIV. OF WASHINGTON, EXPERIENCE IN CITY GOVERNMENT, ADMINISTRATIVE EXPERIENCE, SPEAK SPANISH, JAPANESE, AND ENGLISH.

Boards or Commissions in which you are interested. PARKS AND RECREATION

Please complete this form fully so City Council can evaluate your application. Thank you for the extra time and effort.

Received at City Hall Information Sent

Interviewed Appointed

Commission Term Expires

PARKS AND RECREATION COMMISSION

Mission: Advise and make recommendations to the City Council, staff, and other City advisory boards regarding Milwaukie's recreational programs and facilities.

Functions:

1. Surveys recreation and leisure-time needs and recommends the role the City should pursue in meeting these needs.
2. Provides direction for the needs of existing and future parks within the community
3. Reviews and updates Master Plans for all City parks
4. Recommends new or revised policy to the Council regarding parks and recreation programs

Membership: Seven members appointed by the Mayor and City Council. Appointments are made for terms of two years. No person shall hold appointment for more than two full consecutive terms.

Qualifications:

1. All members must be residents of the City of Milwaukie
2. It is desirable that an applicant has demonstrated interest, experience, or expertise in some area of parks, recreation, or related services.

Meetings: The Parks and Recreation Commission meets at least once a month--the fourth Monday of the month in the evening--and may schedule additional meetings as necessary.

SUGGESTED INTERVIEW QUESTIONS

1. As a member of the Regional Park and Recreation District, what do you see as Milwaukie's role?
2. What do you see as the primary issues regarding Park and Recreation services in Milwaukie?
3. What special interests or qualifications do you have that you will be able to share with the Regional Board or the Park Commission?
4. If you are not selected for the Regional Board, would you still be interest in serving on the Parks and Recreation Commission?

**ADVISORY BOARD
INTERVIEW SCHEDULE**

March 2, 1993

**5:15 P.M. DON TROTTER
 PLANNING COMMISSION**

**5:30 P.M. BETTY FULMORE
 PLANNING COMMISSION**



Application for Appointment to City Advisory Bodies

City Hall - 10722 SE Main Street, Milwaukie, OR 97222
Telephone 659-5171

Name: Donald L. Trotter Date: 1-3-93

Home Street Address: 12102 SE 36

Business Phone: 224-0891 Home Phone: 659-5678

Do you live within the Milwaukie City limits? Yes If so, how long? 13

Are any members of your household currently serving on a City of Milwaukie Board or Commission? If so, which Commission? No

Are you a registered voter in Milwaukie? Yes

How did you learn about this position? Currently member of planning commission.

Current Position: Architect Employer: Self Employed

Employer's Address: _____ Phone: _____

Please list any prior civic or professional activities. North Clackamas Sewerage Facility Advisory Committee Member (1991-92) - North Clackamas School District Bond-Levy-Needs Committee (1990) Clackamas County Sunrise Corridor Task Force (1988)

Why would you like to be appointed to this commission? Complete work started toward redevelopment of riverfront and downtown milwaukie

What special training, skills, or experience have you had which would be pertinent to this application? Member of Planning Commission for last nine years. Registered Architect State of Oregon. Member Willamette River Corridor Policy Advisory Committee

Boards or Commissions in which you are interested. Planning Commission

Please complete this form fully so City Council can evaluate your application. Thank you for the extra time and effort.

Received at City Hall _____ Information Sent _____

Interviewed _____ Appointed _____

Commission _____ Term Expires _____



RECEIVED
CITY OF MILWAUKIE

Application for Appointment to City Advisory Bodies

City Hall - 10722 SE Main Street, Milwaukie, OR 97222
Telephone 659-5171

'93 JAN 25 PM 4 18

Name: BETTY FULMORE Date: 1/21/93

Home Street Address: 3356 SE ROCKWOOD, MILWAUKIE OR 97222

Business Phone: 325-1753 Home Phone: 654-6748

Do you live within the Milwaukie City limits? yes If so, how long? 19 yrs

Are any members of your household currently serving on a City of Milwaukie Board or Commission? If so, which Commission? N/A

Are you a registered voter in Milwaukie? yes

How did you learn about this position? FOUR YEAR TERM IS EXPIRING
333 NE SKIPINOC WARRINGTON OR 97046

Current Position: NURSING HOME ADMINISTRATOR Employer: CRESTVIEW HEALTH & SPECIALTY CARE CENTER

Employer's Address: 267 W. EXCHANGE, ASTORIA Phone: 325-1753

(TEMPORARY ASSIGNMENT) 97103

Please list any prior civic or professional activities. PREVIOUS FOUR YEARS SERVING ON THE MILWAUKIE PLANNING COMMISSION - PREVIOUS THREE YEARS ON THE CLATSOP COUNTY CIVIL SERVICE COMMISSION

Why would you like to be appointed to this commission? TO CONTINUE TO GROW IN THE AWARENESS OF THE COMPLEX SCOPE OF EFFECTIVE CITY & COUNTY PLANNING IN ADDITION TO BEING A PART OF A TEAM THATS WANTS TO MAKE MILWAUKIE AN INNOVATIVE LEADER.

What special training, skills, or experience have you had which would be pertinent to this application? ALREADY ON PLANNING COMMISSION - BACKGROUND IN CONSTRUCTION, LAW, & WORKING IN THE COUNTY ASSESSOR'S OFFICE AS A PROPERTY APPRAISOR TRAINEE.

Boards or Commissions in which you are interested. PLANNING COMMISSION

Please complete this form fully so City Council can evaluate your application. Thank you for the extra time and effort.

.....
Received at City Hall _____ Information Sent _____
Interviewed _____ Appointed _____
Commission _____ Term Expires _____

PLANNING COMMISSION

SUGGESTED QUESTIONS FOR INTERVIEWS

1. Do you have an agenda for the City of Milwaukie that your participation on the Planning Commission may help you to achieve?
2. Are you familiar with/do you know about the role of LCDC?
3. What committee experiences have you had that will help you as a Planning Commissioner?
4. What experiences have you had weighing issues and arriving at a consensus and a definitive decision?
5. As a Commissioner you will be asked to make decisions based on State and City laws and regulations in situations involving a lot of public controversy. Will you have any problem with this?

PLANNING COMMISSION

Mission: Review and advise on matters of planning and zoning according to the provisions of the Comprehensive Plan, City Zoning Ordinance, and other planning implementation documents.

Functions:

1. Consider and conduct public hearings on Comprehensive Plan and Zoning Ordinances which may include, but are not limited to, plan amendments, zone changes, conditional uses, variances, nonconforming uses, subdivisions, and partitions
2. Make recommendations to City Council concerning future City growth and development, growth of industrial pursuits, public thoroughfares, development of public facilities, and other topics as assigned.
3. Study and propose measures to benefit the welfare of the City
4. Make economic surveys

Membership: Seven members appointed by the Mayor and City Council. Appointments are made for terms of four years. No person shall hold appointment for more than two full consecutive terms.

Qualifications:

1. No more than two members may be nonresidents
2. No more than two members shall be engaged in the same kind of occupation, business, trade, or profession
3. All members shall serve without compensation

Meetings: The Planning Commission meets twice a month--the second and fourth Tuesday of the month in the evening--and may schedule additional meetings as necessary.



CITY OF MILWAUKIE

COMMUNITY DEVELOPMENT
PUBLIC WORKS

5101 S E JOHNSON CREEK BLVD

TELEPHONE 652-4410

MEMORANDUM

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager

FROM: Tim Corbett, Public Works Director *TC*

SUBJECT: Water Authority Issues

DATE: February 19, 1993

ACTION REQUESTED

Provide direction regarding negotiations with the Clackamas Basin Water Authority Committee (CBWAC) on the formation of a Water Authority.

BACKGROUND

At a January 5, 1993 work session, staff and Council discussed the progress made by the Clackamas Basin Water Authority Committee and the outstanding issues regarding the formation of a Water Authority (see attached staff report). Council reviewed several key issues outlined in an early draft of an Inter-Governmental Agreement (IGA) and provided the following direction in negotiating the IGA:

1. In the election of Directors to the proposed Water Authority Board, elections by zone with city appointed representatives in the city's respective zone(s) was preferred. Election by zone with no appointed representatives was a second choice and at large elections were viewed as unacceptable.
2. When annexations occur, the City's preference is that billing and retail maintenance activities are taken over by Cities as new areas are annexed. Council considered takeover by Cities of billing and retail system maintenance occurring in predetermined boundaries or blocks based on engineering analysis principles their second choice. The options of leaving the service unchanged with annexation and Cities only having the right to bill in newly annexed areas were considered unacceptable.
3. Differential rates were viewed less favorably than uniform rates throughout the Water Authority boundaries.

DISCUSSION

Following the Council work session, all IGA issues were discussed at a meeting of the CBWAC and facilitator Mike McKeever attempted to have Committee members reach consensus on the outstanding issues in the IGA. The results have been reflected in a 1/15/93 draft version of the IGA (attached) which reflects tentative agreement on all issues except annexation.

The City was in a clear minority on a desire for uniform rates. As a compromise, the Committee agreed that rates would move to a uniform basis after a fixed period of time not yet defined.

In the area of representation, the committee tentatively determined that elections to the Water Authority Board would be by zone. City appointments would be considered at a later time if allowed by new legislation. City appointed representation is an important issue for both the City of Gladstone and Milwaukie.

The City of Milwaukie and Gladstone were the only entities to view the ability of Cities to take over retail water services in newly annexed areas favorably. Gladstone however, does not consider this issue to be of major importance due to their annexation policies. The issue of who would provide water service in newly annexed areas presented the greatest stumbling block to reaching consensus and, in the opinion of staff, will not be an issue on which compromise will be easily reached.

There was some discussion of franchise fees being paid to the City if water services were relinquished to the Authority in newly annexed areas and/or current boundaries. There was not enough discussion on this issue to get a clear idea of the level of support franchise fees would receive.

There are two additional considerations which should be evaluated as the City considers continued involvement in efforts to form a Water Authority. The first of these are the City Policies on Growth which were adopted December 22, 1987 (attached). The first criteria outlined in this policy document is direct representation by the City.

The second issue is the City's current water supply and the ability to meet demand in the future. The City is currently conducting a Water Source/Demand study which will outline the degree of urgency in developing additional water sources. Attached are some preliminary findings from the study which indicate past and current demand figures. During the summer of 1992, peak daily consumption was 5.74 Million Gallons Per Day (MGD). Current capacity is 6.6 MGD. Although the findings are preliminary, it appears that the City will need additional capacity sometime between 1996 and 2003, depending on the timing of annexations of Target Areas A & B. Jim Helton from Cunningham Associates will be available at the work session to discuss preliminary findings of the Source/Demand study.

RECOMMENDATION

Considering City Policies on Growth, staff views the annexation issue as being tied directly with the issue of election of Board members. If the City is to give up water service in newly annexed areas, the City needs direct appointed representation on the Water Authority Board. While the ability of Cities to appoint a representative to a Water Authority Board is not provided for under current statute, it is anticipated that a bill will be introduced in an upcoming session which allows appointed representation by Cities.

Staff recommends that a letter be drafted for the Mayor's signature to be sent to the CBWAC indicating our willingness to continue to participate in the process of forming a Water Authority under the following conditions:

1. The Committee work together to have legislation passed which will allow appointment to the Authority Board by Cities. If this is accomplished, leading to the City's growth policy being met, then annexed areas may be served on a retail basis by the Water Authority, or;
2. The City be given the right to serve water to all annexed areas at any time after the annexation application is approved by the Boundary Commission.
3. If it is determined that the CBWAC members will seek to support City appointed representation on the Board and the City relinquishes the ability to serve water to those new areas, the issue of franchise fees will again be reviewed with the intent of implementing these fees within current and/or future City boundaries.

Staff would further recommend that any decision to withdraw from participation in the CBWAC be postponed until the final draft of the Water Source/Demand study is completed and a clearer idea of the timing for additional water source capacity is available.

attachments

RTC/rtc

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT
PUBLIC WORKS

610 S.E. JOHNSON CREEK BLVD

TELEPHONE 652-4444

MEMORANDUM

TO: Mayor and City Council
 THRU: Dan Bartlett, City Manager
 FROM: R. Tim Corbett, Public Works Director *TR*
 RE: Water Authority Issues
 DATE: December 8, 1992

ACTION REQUESTED

Provide input on issues related to the formation of a Water Authority.

BACKGROUND

Over the past year and a half, Milwaukie has been meeting with Clackamas Water, Oak Lodge, Mt. Scott, Damascus, and Gladstone to discuss the formation of a Water Authority. The group has recently been joined by Clairmont Water District. The Committee, known as the Clackamas Basin Water Authority Committee (CBWAC), has recently completed the attached draft Inter-Governmental Agreement (IGA) which outlines options to address key issues involved in the formation of a Water Authority.

DISCUSSION

The Committee is scheduled to meet with a facilitator on January 8, 1993 in an attempt to narrow down the options in the draft IGA before an economic study is completed. This meeting will be followed up by a joint meeting with the Boards and Councils represented on the CBWAC. Staff is requesting that Council consider the options and determine whether options are preferred, acceptable or unacceptable. This information would greatly assist in negotiations as we begin to work with the facilitator to narrow the options.

Staff has reiterated the information contained in the draft IGA in this staff report and attempted to simplify the issues to the degree possible. Below, the issues are listed with the options and their respective pros and cons which were developed by the Committee:

1. Election of Directors

OPTIONS

a. At large

PROS: Legal under current statute. More active participation in areas where there are perceived inequities. Easier to administer. Broader more qualified pool of applicants.

CONS: Could lead to cluster of elected officials and poor representation of some areas.

b. By Zone

PROS: Legal. Assure representation of all areas.

CONS: Limits pool of qualified candidates. Time needed to set up and review zones. Politics enters into setting zones. Tends to be provincial (turfy).

c. By Zone: appointed by cities in incorporated areas.

PROS: Cities can determine representation. Allows linkage of Water Authority to City Councils.

CONS: Requires change to existing statutes. Encourages provincialism. May create conflict for appointee (City interest vs authority interest).

2. Functions of the Water Authority (No options)

a. Water authority will provide watershed management, water supply, treatment, transmission and storage. Current source and supply arrangements will continue upon formation of the authority. Future supply arrangements will be determined by water authority (this section has relevance to Clairmont who is served on a contractual basis by South Fork). Authority will take over all functions of Water Districts and Cities will retain their responsibilities for retail distribution in current Boundaries.

3. Annexation of additional territory by Cities

OPTIONS

a. Billing and maintenance operation remains unchanged as Cities annex.

PROS: Preserves integrity of water authority customer base and infrastructure. Less City analysis of water system condition and rate impacts. Less administrative work for Cities. May reduce resistance to annexation.

CONS: Could be rate differences within City boundaries. City loses ability to spread costs over larger customer base. City loses control of water infrastructure and standards in future boundaries. Cities lose ability to provide full service. Could result in billing duplication for water and sewer as well as customer receiving different bills from two entities. Does not enhance City's ability to share manpower and equipment between different types of City services.

- b. Billing and maintenance of distribution system is taken over by Cities as areas are annexed. Authority retains transmission mains etc to be determined by size/function.

PROS: Cities provide full service and control customer service requests. Cities can control upgrade of system within its borders. Cities retain substantial portions of revenues. Cities can spread improvement over larger customer base. Water Authority retains customers for supply facilities.

CONS: Could result in smaller water authority customer base for distribution activities. Technical difficulties in metering supply to Cities. Reluctance to annex when rates in authority lower than in Cities. Could result in illogical service provision. Large scale annexation could result in financial hardship to water authority.

- c. Billing and maintenance of distribution are taken over by Cities as predetermined boundaries of areas (blocks) are annexed.

PROS: Transfer of infrastructure occurs on a planned systematic basis. Allows future planning for wholesale and retail functions. Provides for logical service provision boundaries.

CONS: Requires coordination between jurisdictions. Requires agreement on predetermined boundaries. May require lengthy negotiations to determine the blocks. May be difficult to focus negotiations on engineering principles vs political concerns. May result in rate changes as transfers occur. Could result in reducing water authority customer base.

- d. Distribution maintenance functions continue to be provided by authority as areas are annexed but Cities have the right to bill and reimbursement amounts are determined using cost of service data.

PROS: Cities show "full service" to annexed areas. Cities retain some portion of revenues. Consistent maintenance of Water Authority infrastructure.

CONS: Technical difficulties in determining administrative and meter reading costs. Validity of rate studies could be questioned. If water authority rates lower than City, could result in reluctance to annex. Cities lose ability to spread improvement costs over larger customer base. Cities lose control over infrastructure work affecting City residents.

4. Transfer of assets/liabilities. No options.

- a. Water districts transfer all assets and liabilities to water authority upon dissolution of districts and formation of authority. Cities transfer all assets/liabilities related to supply.

5. Financial considerations (No options)

- a. No operating levy falling under measure 5 would be placed on properties. Separate accounting would be maintained for wholesale and retail functions of the water authority.

In the draft IGA, the area of discussion related to buy in costs, differential rates and rate principles used (cash or utility basis) is extremely difficult to read and follow. City staff has attempted to simplify these issues to the extent possible.

6. Differential rates (buy in costs) based on assets/liabilities

Buy in could be charged to customers or jurisdictions in the form of differential rates to customers due to differences in the value of transferred assets and liabilities.

OPTIONS

- a. No financial compensation or differential rates based on value of assets/liabilities.

PROS: Authority customers are treated equally throughout authority area. Simplifies administration. Reduces turf issues and lengthy negotiations re: value of assets, accounting methods, and validity. Recognizes role of wholesale customers in financing supply assets, hard to assess the value of water rights.

CONS: May reward customers in districts which delayed maintenance and force customers in districts with good maintenance practices on a pay as you go basis to subsidize improvements in other areas. May burden customers with debt for projects they had no voice in deciding to undertake. Might subsidize customers that never finance a supply. Might encourage Cities not to transfer all appropriate supply assets. Could raise rates in some areas and lower them in others - areas with increase might fight formation.

- b. Differential rates or buy in charged based on value of transferred assets and liabilities. Customer equity determined on a per capita basis for each jurisdiction. Rates could be equalized on this basis after per capita equity is equalized.

PROS: Customers have rates which reflect past investment. Addresses concerns relating to past investment levels. Rewards customer who elected representatives who managed resources and planned effectively. Cities would not be encouraged to retain wholesale related assets.

CONS: Difficult to administer. Hard to value assets. May lead to lengthy negotiations regarding the value of assets and accounting methods. Different treatment of customers by geographic area leading to perceived inequities. Does not recognize role of wholesale customers in financing supply assets through wholesale rates.

7. Rate making Principles - Basis for Calculating (Utility vs Cash basis for wholesale rates.

Regardless of the basis used in calculating the rates, the following underlying assumptions will be included in the IGA:

- * Rates will be fair and equitable
- * No "profit" by water authority
- * Open communication and sharing of information
- * Rates of return consistent within "supply, treatment, transmission and retail", regardless of extent of participation in the water authority.
- * Periodic rate review and study
- * Accurate, detailed projection of revenue requirements.
- * Utilize citizen rate review committee.

OPTIONS

a. Cash basis (O & M + debt principle + Capital outlay)

PROS: Easily understood, consistent with budgetary process, commonly used for government owned utilities. Assures bond holders that revenue financed debt costs will be covered.

CONS: Depreciation is not included as an expense. Can result in fluctuating rates as capital outlay changes from year to year.

b. Utility Basis (O & M + interest on debt + depreciation + return on equity)

PROS: Greater stability in rates, accepted by regulatory agencies.

CONS: More difficult to understand. May generate surplus cash, additional accounting functions required, concern about charging owners rate of return on facilities they "own".

There is also discussion in the IGA on the rate basis for retail rates. Since Milwaukie will set its own retail rates this section would not be relevant for the city.

8. Differential rates (buy in costs) based on operating costs/cost of service.

Differential rates could also be charged based on operating costs such as pumping and storage costs in different pressure zones or costs to construct future transmission lines. This issue strictly relates to transmission and storage of wholesale water.

OPTIONS

- a. No differential rates based on cost of service for transmission and storage.

PROS: Authority customers are treated equally throughout authority area. Simplifies administration. Reduces need for accounting of differences in costs to deliver water.

CONS: Transmission and storage portion of customer charges won't reflect accurately the cost to deliver the water. Some areas subsidize others. This type of inequity currently occurs in Districts and Cities that have different pressure zone but charge the same unit cost for water to customers.

- b. Differential rates are charged for different costs for storage and transmission of wholesale water.

PROS: Transmission and storage portion of customer charges will reflect accurately the cost to deliver the water. Limits subsidies by others. Limits inequity when customers are located in different pressure zones since charges reflect the different cost to transmit and store water.

CONS: Authority customers are not treated equally throughout authority area. Creates difficulties in administration. Creates need for accounting of differences in costs to deliver water.

Under option b. several sub-options must be addressed if differential rates are preferred based on cost differences to storage and transmission of water.

SUB-OPTIONS FOR b. ABOVE

- a. Separate rates based on cost of service of previous jurisdictional boundaries.

PROS: Easiest way to administrate differential rates. Promotes higher degree of equity. Less difficult to change from differential to equal rate than vice versa.

CONS: Based on artificial boundaries which may not accurately reflect actual differences in costs. Rates change as distribution service areas change (annexation).

- b. Differential rates based on cost of service by elevation/pressure zones.

PROS: Promotes higher degree of equity. Less difficult to change from differential to equal rate than vice versa. Higher degree of equity and defensibility than a. above.

CONS: Would require drawing "billing boundaries" which accurately reflect actual differences in costs.

- c. Differential rates based on construction of new systems such as pumping stations, storage facilities and transmission lines. If any of the jurisdictions need major improvements to deliver water, these would be reflected in the rates.

PROS: Promotes higher degree of equity. Less difficult to change from differential to equal rate than vice versa. High degree of equity and defensibility. Those areas which require special or added transmission, storage or pumping assets would bear the cost.

CONS: Would require drawing "billing boundaries" which accurately reflect actual differences in costs.

- d. Combination of options b. and c. above.

PROS: Promotes highest degree of equity. Less difficult to change from differential to equal rate than vice versa. Highest degree of equity and defensibility. Those areas which require special or added transmission, storage or pumping assets would bear the cost.

CONS: Would require drawing "billing boundaries" which accurately reflect actual differences in costs.

9. SDCs Differential or uniform for transmission, distribution and storage facilities.

This discussion is similar to 8 so the options, sub-options, pros and cons from 8. can be used as a decision basis.

Milwaukie will set their own SDCs as it relates to retail costs so the discussion in the IGA on this topic does not affect the City.

10. Board of Directors authority (interim Board appointed by County Commissioners following Boundary Commission approval).

OPTIONS

- a. Districts and Cities participating fully have input into all aspects of operations. Supply only participants have input on supply issues only.

PROS: Retention of local control, those affected have control.

CONS: Limits roles of some members. Supply members have less than full standing. Lack of consistency in formation process. Confusing.

- b. All members have input to all aspects of operation.

PROS: All participants determine management and organization. Consistent formation process.

CONS: Loss of self determination of full participants. Supply participants make decisions on issues which don't affect them.

11. Sunset Clause

OPTIONS

- a. Include one

PROS: Assures viability of organization is reviewed to ensure effectiveness of organization.

CONS: Difficult to define criteria for effectiveness. Gives impression that entity is not long term.

- b. Don't include one

PROS: Leaves consideration of dissolution to ORS.

CONS: Entity may continue even if entire area is incorporated.

A number of other issues are listed in the IGA with no options and will be discussed in the work session if time allows. These issues are:

- * Contracts with outside entities
- * Labor Agreements
- * Initial management Plan
- * Transition
- * Activities of interim Board
- * Personnel issues
- * Public Information and coordination with other entities

CONCLUSION/RECOMMENDATION

Due to the number and complexity of the issues in conjunction with the varied interests represented on the CBWAC, staff is recommending that Council provide clear direction on these issues. In order to provide the greatest flexibility in negotiations, staff is requesting that Council determine the options which would be preferred, acceptable or unacceptable.

attachments

RTC/rtc

OUTLINE OF COMPONENTS OF INTERGOVERNMENTAL AGREEMENT
CLACKAMAS BASIN WATER AUTHORITY COMMITTEE

ACCEPTABLE AS OF 1/15/93

I. Recitals - Whereas:

- A. Participating entities wish to collectively provide enhanced water service now and in the future in the North Clackamas County Region
- B. There is a need for citizens within the region to have uniform representation in the decision making process as it relates to water service delivery
- C. It is desirable for citizens in the region to have ownership in a reliable water supply
- D. A need exists for stronger and more coordinated efforts to protect the watershed
- E. Regional water supply planning will facilitate efficient and effective supply coordination by providing for a more stable customer base over a larger territory
- F. A need exists to address annexation issues at the local level to the satisfaction of those entities affected by annexation

II. Purpose (to provide)

- A. Agreement among signers for formation of a water authority
- B. Definition of activities to be performed by water authority
- C. For transfer of assets
- D. For transfer of signers' employees to water authority
- E. For submission to Boundary Commission with application for formation

III. Articles

- A. Description of area - Areas served by Clackamas, Clairmont, Damascus, Mt. Scott and Oak Lodge water districts, and by the cities of Gladstone and Milwaukie
- B. Election of directors - Elected by zone. If legislation allowing appointments by cities is passed by the legislature, the issue will be reconsidered.
- C. Functions to be performed by water authority (in)
 - 1. Entire area
 - a. Water authority functions shall include watershed management, water supply, treatment, transmission and storage
 - b. Water supply - Current source and supply arrangements will continue upon formation of water authority; future supply arrangements determined by water authority with intent to serve entire area
 - 2. Each water district and city
 - a. In addition to III.C.1.a., above, water authority functions shall include billing and operation and maintenance of distribution systems in areas served by districts; cities currently providing water service will retain those functions within their current boundaries

D. Annexation

1. Upon annexation of additional area into city; withdrawal of retail service - Options for territory annexed to cities participating in the authority
 - a. Billing and operation and maintenance of distribution system remain unchanged as annexation to cities progresses
 - b. Billing and operation and maintenance of distribution system is taken over by cities as areas are annexed; water authority retains transmission mains, etc. - to be determined by size/function
 - c. Billing and operation and maintenance of distribution system are taken over by cities using predetermined boundaries of areas (blocks) to receive city service when completely annexed
 - d. Distribution system maintenance functions continue to be provided by authority, cities have right to bill, and "reimbursement" amounts are determined using cost of service analysis

E. Transfer of assets/liabilities

1. Water districts (assumes full participation and dissolution upon formation of water authority) - All water facilities, real property, personal property, water rights and other assets and liabilities will be transferred to water authority.
2. Cities (assumes participation for supply, treatment transmission and storage and no dissolution upon formation of water authority) - All water facilities, real property, personal property, water rights and other assets and liabilities related to supply will be transferred to water authority

F. Financial

1. Operations funding
 - a. No operating levy that would fall under Measure 5 cap will be placed on the property tax rolls
2. Accounting for wholesale and retail activities
 - a. Maintain separate accounting for wholesale and retail activities
3. No financial compensation or payments based on value of transferred assets/liabilities to be charged - Debt service for supply and transmission/storage projects funded by the water authority.
4. Water rates - relative to cost of service - basis for calculating (cash/utility basis) - Underlying assumptions regarding water rates for water utility participants, regardless of whether cash or utility basis is used:
 - (1) Rates to be fair, equitable, consistent
 - (2) No "profit"
 - (3) Open communication and sharing of information
 - (4) Rate(s) of return consistent within "supply, treatment, transmission" and within "retail," regardless of extent of

G. Contracts with other entities

Water purchase - Current contracts to be continued initially and be considered by water authority transition group (Gladstone needs agreement with water authority)
Other Labor agreements - by appointed board, see III.H.2.b.(2).(b).

H. Initial Management plan (Use an exhibit to show structure using boxes and lines)

1. Organization

a. Personnel/job classifications - see III.I.1. & 2.

- (1) Interim general manager selected from among participants by appointed board: other managers appointed to assistant general manager/division head positions
- (2) Organizational structure to accommodate these activities:
 - (a) Finance/administration/public information
 - (b) Personnel
 - (c) Distribution system operations and maintenance
 - (d) Water supply/production
 - (e) Engineering

2. Transition

a. CBWAC - after approval of IGA

- (1) Directs staff to prepare Boundary Commission application, to include information developed as part of IGA and financial analysis, plus other necessary information, such as objectives, reason for formation, demographics/statistics, financial impact, engineering/network analysis, CIP, personnel plan/location, operation plan, public notices

b. Interim board of directors - elected officials of participating entities appointed following Boundary Commission approval; appointed on basis of one from each participating entity if 7 involved - if more or less, appointed on basis on method selected in III.B.

- (1) Participation - All participants have input into all aspects of operation
- (2) Activities
 - (a) Appoint interim general manager, who in turn appoints management team and creates organization structure to perform functions listed in III.H.1.a.(2).
 - (b) Considers and adopts policies/procedures on topics such as organizational structure, personnel/employment agreements, hours of operation, refunds/credits, turn on/off, fee schedules/rates/charges, check signing, agent of record, legal services, auditors, insurance agent of

record, meeting schedules, investments, taxing.

- c. Elected board - seated in accordance with statute
- I. Personnel - Transfers in compliance with ORS 236.610 et seq.; costs associated with transfers determined/included in economic analysis
 - 1. Number transferred
 - a. From water districts - all personnel transferred to water authority; the number of district employees transferred will not exceed the number of employees employed as of January 1, 1993.
 - b. From cities - Personnel that are involved in supply/transmission functions transferred to water authority will be transferred, as determined by the cities.
 - 2. Timing of transfer - from water districts and cities- on effective date of water authority formation
 - 3. Salaries, benefits and retirement plans - Salaries and benefits of transferred employees will continue at current rates until a complete review of salaries and benefits is completed by water authority board.
 - a. Salaries - To be determined by (third-party) review of positions and classification of individual positions -
 - b. Benefits - Health, dental and vision insurance provided by water authority through SDAO under the plans utilized by majority of water districts participating in water authority. Effective on date of transfer.
 - c. Retirement plans - Within thirty (30) days after the date of transfer, each transferred employee participating in the water district or city retirement system elects whether to continue under that system or participate in the water authority (PERS) retirement system.
 - 4. Vacations, holidays, compensatory time, sick leave
 - a. Accumulated amounts
 - (1) Employees have option of being paid in full for all or part of accumulated vacation, holiday and compensatory time. Employees carry over vacation, holiday and compensatory time not paid for.
 - (2) Employees carry over accumulated sick leave.
 - (3) Cities pay to water authority the value of accumulated vacation, holiday, compensatory time and sick leave carried over by transferring employees.
 - b. Future accumulation rates - Future accumulation rates for vacation and sick leave time determined by water authority, but no less than the lowest rates (based on longevity) among participating water districts.
 - 5. Seniority - Transferring employees retain all seniority accrued as district/city

- employee
- 6. Security - Managers of the districts transferring to the authority will not, without just cause, be terminated within 2 years of transfer; if dismissed without just cause, manager will be paid 6 months' salary and benefits
- J. Public information & coordination with other entities
 - 1. General public & media; community workshops, etc.
 - 2. Other agencies, i.e., Boundary Commission, County, cities
- K. Others
 - 1. Compliance with laws
 - 2. Sunset clause
 - a. Include one
 - (1) Pros: Assures that viability of organization is reviewed periodically to assure continued effectiveness
 - (2) Cons: May be difficult to define criteria by which to evaluate effectiveness;
 - b. Not include one
 - (1) Pros: May give impression that entity is not viewed as long-term service provider; leaves consideration of dissolution under provisions of ORS
 - (2) Cons: Could result in continued existence of water authority even if entire area is incorporated
 - 3. Severability
 - 4. Termination

d:\wp51\cbwac\agmt1-15.acc
January 15, 1993

GROWTH POLICIES: These are the stated positions of the City. These positions will become the basis for communication with the areas effected by the growth strategy of the City.

Regionalization

The City will actively participate in the regionalization of a service when the following criteria are, or can be met:

1. City has direct representation
2. If the service can be provided more efficiently
3. Technological factors are considered
4. The service level is equal to or better than present
5. Cost
6. Maintains community identity
7. Participates in larger community (mutually beneficial)
8. Authority to be responsive to the community.

Subsidy

The City will accept a subsidy to growth areas when it is in the best long term interests of the City and will be cost effective over time.

Service Levels

To enable the City to maintain and extend current service levels as growth occurs, the City will create an overall growth strategy that targets areas, predicts service demands, indicates budget needs, and projects revenues.

Finance

In order to support growth, the City will examine and adjust its financial abilities to reduce any initial financial burden resulting from the expansion of services into growth areas. To do this, the City will explore, on a case by case basis, all financial mechanisms listed:

- a. Special Assessments
- b. Bonds
- c. User Fees
- d. Taxation
 - Tax base
 - Serial Levy - Capital
 - Services
- e. Reserves
- f. Permits & Licenses
- g. Enterprise Zone
- h. Phased Services
- i. Contracts/Privatization
- j. Reduced Service Levels
- k. Grants
- l. Consolidation and Merger
- m. Target Revenue Producing Areas
- n. Annexation Agreements

CITY OF MILWAUKIE
WATER SOURCE/DEMAND STUDY

PRELIMINARY FINDINGS

February 18, 1993

Jim Helton
Cunningham Associates, Inc.
653-0753

CITY OF MILWAUKIE, OREGON
WATER SOURCE/DEMAND STUDY

WORK ELEMENTS

1. Forecast Customer Growth and Water Demand
2. Assess Impacts of Conservation on Water Demand
3. Coordination with Cost of Service Study
4. Review Current Capacity and Water Rights
5. Review Options for Additional Source
6. Review Options for New Source
7. Develop Target Demand Figures for Planning
8. Perform Cost/Benefit Analysis
9. Rate Alternatives and Recommend Source
10. Supply Cost Data for Cost of Service Study
11. Develop Time Schedule for Source Development
12. Meet with Citizens Utility Advisory Commission
13. Meet with City Council
14. Develop and Present Draft and Final Reports

**TABLE 2-1
MILWAUKIE POPULATION ESTIMATES**

LOW GROWTH RATE ESTIMATE:

Annual growth = 0.11% in current city limits, 1.66% for Area A, and 3.05% for Area B.
Areas A and B are annexed to Milwaukie over next 20 years.

YEAR	CURRENT CITY LIMITS	AREA A	AREA B	TOTAL POPULATION
1990	18,692	0	0	18,692
1995	18,796	148	95	19,039
2000	18,900	429	296	19,625
2005	19,005	758	561	20,324
2010	19,111	1,140	905	21,156
2015	19,213	1,267	1,171	21,651
BUILDOUT	23,847	1,256	1,494	26,597

MODERATE GROWTH RATE ESTIMATE:

Annual growth = 0.42% in current city limits, 1.66% for Area A, and 3.05% for Area B.
Areas A and B are annexed to Milwaukie over next 10 years.

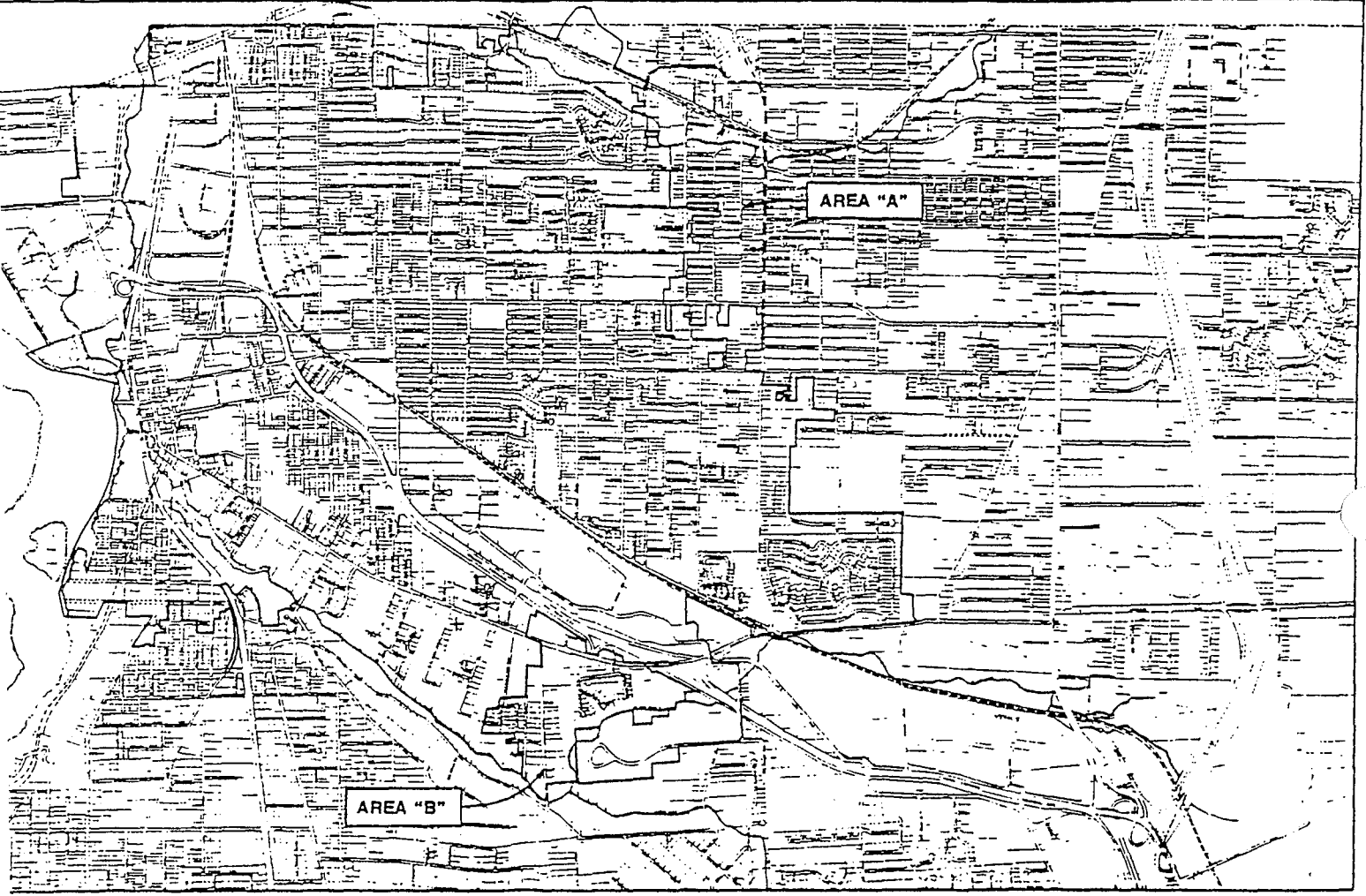
YEAR	CURRENT CITY LIMITS	AREA A	AREA B	TOTAL POPULATION
1990	18,692	0	0	18,692
1995	19,089	296	191	19,576
2000	19,494	343	593	20,430
2005	19,908	758	863	21,529
2010	20,330	1,140	1,005	22,475
2015	20,761	1,267	1,171	23,199
BUILDOUT	23,847	1,256	1,494	26,597

HIGH GROWTH RATE ESTIMATE:

Annual growth = 0.54% in current city limits, 1.66% for Area A, and 3.05% for Area B.
Areas A and B are annexed to Milwaukie over next 5 years.

YEAR	CURRENT CITY LIMITS	AREA A	AREA B	TOTAL POPULATION
1990	18,692	0	0	18,692
1995	19,204	593	382	20,179
2000	19,729	1,073	741	21,543
2005	20,269	1,166	863	22,298
2010	20,824	1,267	1,005	23,096
2015	21,394	1,267	1,171	23,832
BUILDOUT	23,847	1,256	1,494	26,597

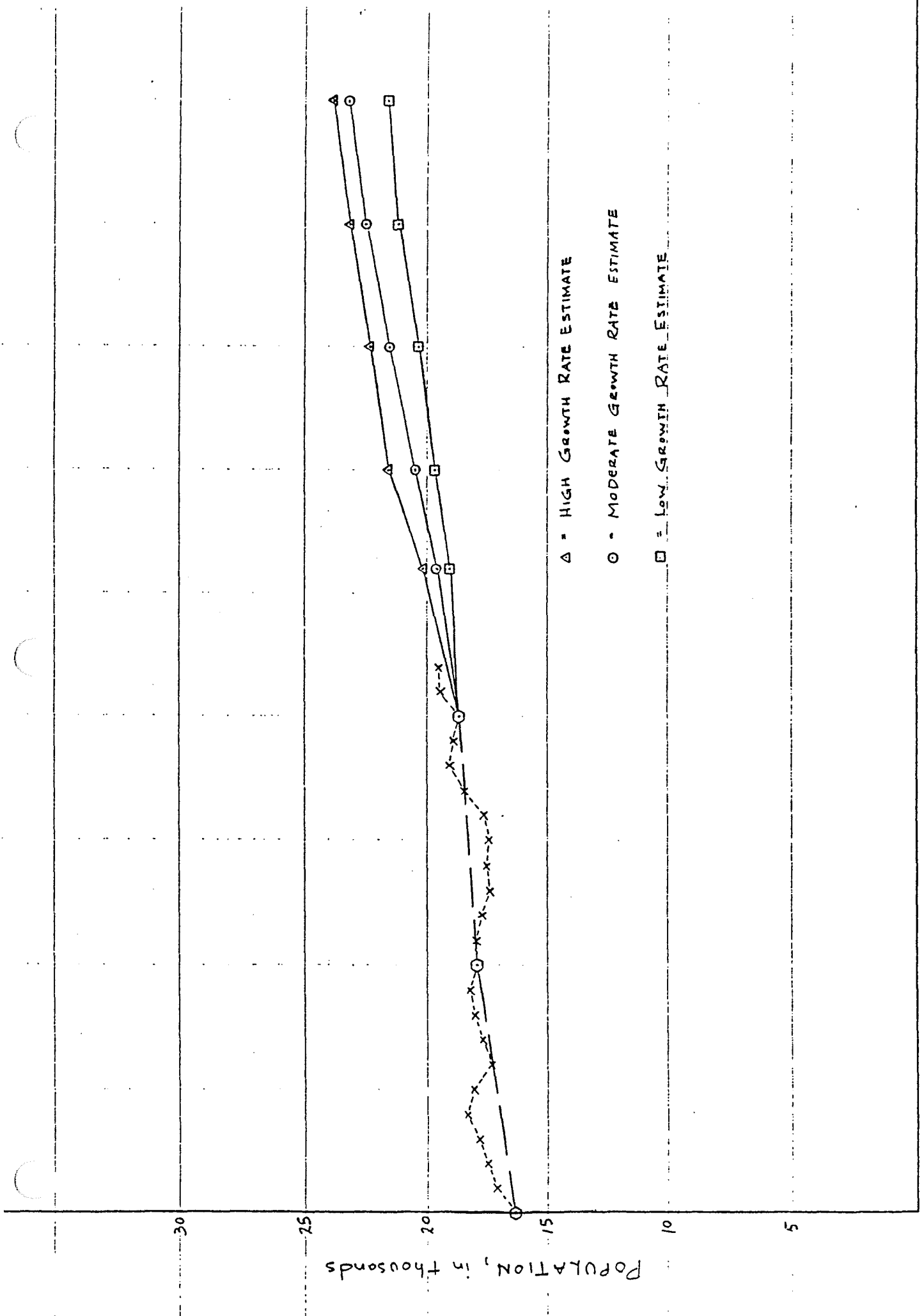
BUILDOUT = Metro projection of total population at saturation under current zoning and density.



— CURRENT CITY BOUNDARY
- - DUAL INTEREST BOUNDARY

CITY OF MILWAUKIE
WATER SOURCE/DEMAND STUDY
April 1993

FIGURE 1-1
STUDY AREA



**TABLE 2-2
MILWAUKIE HISTORICAL WATER USE**

YEAR	POPULATION	TOTAL USE GALLONS	UNIT USE GPCPD	AVERAGE DAY MGD	PEAK DAY MGD	PEAK 3-DAY MGD	PEAK MONTH MGD	PEAK SEASON MGD
1980	17,931	806,924,000	122.96	2.20	4.38	4.21	3.24	2.87
1981	17,930	817,419,000	124.90	2.24	5.24	4.97	3.80	3.29
1982	17,720	783,664,000	121.16	2.15	4.22	4.06	3.17	2.90
1983	17,350	762,906,000	120.47	2.09	3.69	3.37	2.85	2.43
1984	17,475	862,985,000	134.93	2.36	4.72	4.16	3.64	3.08
1985	17,375	845,583,000	133.33	2.32	5.36	4.54	4.18	3.23
1986	17,685	855,347,000	132.51	2.34	4.75	4.43	3.73	3.25
1987	18,435	942,562,000	140.08	2.58	5.49	5.08	3.84	3.76
1988	19,045	990,057,000	142.04	2.71	6.38	5.15	4.96	3.98
1989	18,830	n/a	n/a	n/a	n/a	n/a	n/a	n/a
1990	18,692	933,613,000	136.84	2.56	n/a	n/a	n/a	n/a
1991	19,450	968,701,000	136.45	2.65	5.27	4.62	4.10	3.68
1992	19,550	979,242,000	136.86	2.68	5.74	4.96	3.96	3.57

n/a = not available.

RECOMMENDED DESIGN PEAKING FACTORS:

Average Day	1.0
Peak Day	2.4
Peak 3-Day	2.0
Peak Month	1.7
Peak Season	1.4

TABLE 2-3
MILWAUKIE WATER SUPPLY ESTIMATES

YEAR	AVERAGE DAY		
	LOW GROWTH RATE	MODERATE GROWTH RATE	HIGH GROWTH RATE
1990	2.56	2.56	2.56
1995	2.61	2.68	2.76
2000	2.69	2.80	2.95
2005	2.78	2.95	3.05
2010	2.90	3.08	3.16
2015	2.97	3.18	3.26
BUILDOUT	3.64	3.64	3.64

YEAR	PEAK DAY		
	LOW GROWTH RATE	MODERATE GROWTH RATE	HIGH GROWTH RATE
1990	6.15	6.15	6.15
1995	6.26	6.44	6.63
2000	6.45	6.72	7.08
2005	6.68	7.08	7.33
2010	6.96	7.39	7.59
2015	7.12	7.63	7.84
BUILDOUT	8.75	8.75	8.75



WATER SUPPLY (MGD)

EXIST. CAPACITY = 6.66 MGD

HIGH GROWTH RATE
MODERATE GROWTH RATE
LOW GROWTH RATE

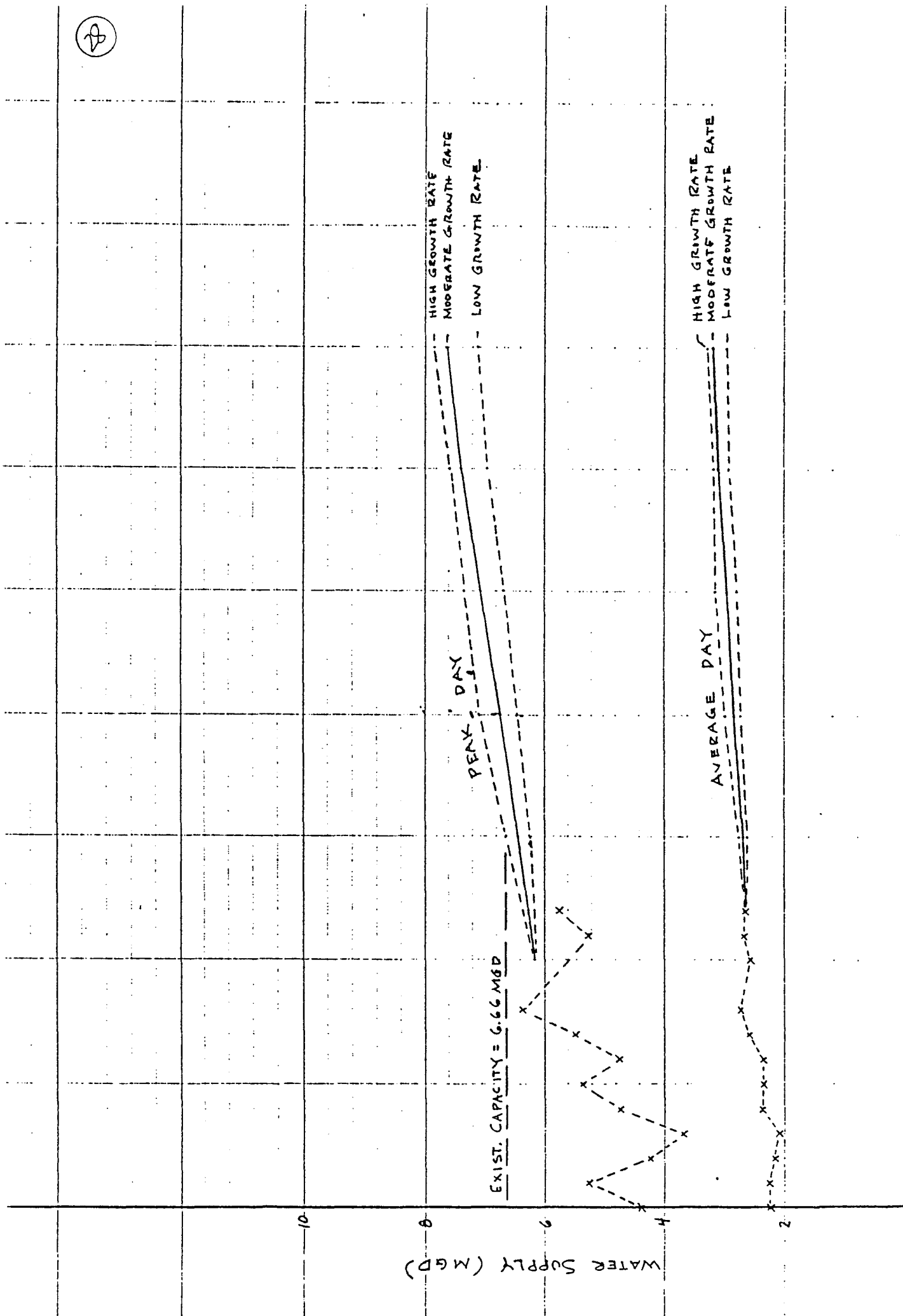
PEAK DAY

HIGH GROWTH RATE
MODERATE GROWTH RATE
LOW GROWTH RATE

AVERAGE DAY

1980 1985 1990 1995 2000 2005 2010 2015

YEAR



COST-BENEFIT ANALYSIS

Categories and Criteria	Relative Weight	OPTION 1		OPTION 2		OPTION 3		OPTION 4		OPTION 5	
		Option Rating	Weighted Rating	Option Rating	Weighted Rating	Option Rating	Weighted Rating	Option Rating	Weighted Rating	Option Rating	Weighted Rating
EFFECTIVENESS - Flexibility, in terms of ability to respond to changing regulations and demands. - Reliability, in terms of vulnerability to natural and human disasters, and the need for a backup source.											
COMPATIBILITY - with City comprehensive plan. - with area wide water supply programs.											
IMPLEMENTABILITY - Availability of adequate amount of supply. - Ability to obtain approvals and acceptable conditions for use of source(s).											
ENVIRONMENTAL IMPACTS - Effects on natural resources. - Potential health and aesthetic problems relating to using source(s).											
ADMINISTRATIVE IMPACTS - Level of effort required to develop and protect source. - Public perception of use of source. - Liability risk for future contamination of source.			_____		_____		_____		_____		_____
TOTAL WEIGHTED RATINGS:											
ECONOMICS - Annualized cost of capital improvements. - Annualized operation and maintenance costs. - Annualized water purchase costs.											
TOTAL ANNUALIZED COSTS:											
BENEFIT/COST RATIO: (per thousand dollars)											

- Relative Weight = Relative importance of criteria as perceived by reviewer. Scale = 0 to 5; least important rated zero, most important rated 5.
- Option rating = Rating of each option according to their anticipated performance with respect to the various criteria. Scale = 0 to 10; least favorable rated zero, most favorable rated 10.
- Weighted Rating = Relative weight for each criteria multiplied by the option rating.
- Total Weighted Rating = Sum of weighted ratings for each option.
- Benefit/Cost Ratio = Total weighted rating divided by total cost for each option.

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT
PUBLIC WORKS

6101 S.E. JOHNSON CREEK BLVD

TELEPHONE: 652-4410

*****MEMORANDUM*****

**COMMUNITY DEVELOPMENT DEPARTMENT
March 2, 1993**

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager *DB*

FROM: *MC* Maggie Collins, Community Development Director
Dave Krogh, AICP, Associate Planner *DK*

RE: Public Hearing for Sign Ordinance Revisions (ZA-92-01)

PROPOSAL

Adoption of revisions to the City Sign Ordinance located in Title 14 of the Milwaukie Municipal Code as recommended by the Milwaukie Planning Commission.

BACKGROUND

The project to revise the City Sign Ordinance originated as a limited review of constitutionality and right-of-way signage issues; however, the Planning Commission expanded the project into a more comprehensive ordinance review and revision effort.

The overall project involves two phases. The current effort is Phase 1. Phase 2 will follow by working with the Milwaukie Downtown Development Association (MDDA) efforts to evaluate special sign design standards for the downtown commercial area. Phase 2 would also evaluate how Phase 1 revisions are working and provide corrections as needed.

The Planning Commission held public worksessions on this project on October 13, October 27, November 10, and December 8, 1992. Four official drafts of the revised Sign Ordinance have been developed and reviewed. Draft four was modified at a public hearing on January 12, 1993. Draft five represents the final document recommended for adoption by the Planning Commission. Draft six is a renumbering of Draft five to coincide with numbering within Title 14 of the Milwaukie Municipal Code into which this ordinance will be inserted.

2

Upon adoption, the current Sign Ordinance, which exists as Title 14 of the Milwaukie Municipal Code, would be repealed. The revised Sign Ordinance would replace the current ordinance within Title 14.

Attached is the final draft to the Sign Ordinance as revised by the Planning Commission and renumbered by Staff. The revisions herein are primarily intended to accomplish the following:

- Eliminate constitutionality conflicts within the ordinance,
- Provide clear guidance for signs within the public right-of-way,
- Other corrections of a "house-keeping" nature.

Revision additions to this draft are shown in "bold" print. Primary additions are summarized as follows:

- New or modified definitions including: daily display sign, fence sign, notice sign, portable sign, window sign, written message, awning sign, canopy sign.
- New section for exempted signs.
- Modifications and additions to the prohibited signs section.
- New standards for the use and placement of daily display signs (sandwich board signs).
- New language for signs within the right-of-way.
- New language for billboards prohibiting relocation.

ORDINANCE ADOPTION

This ordinance revision is being processed following legislative review requirements. The Planning Commission held a public hearing for this ordinance revision on January 12, 1993, and recommended approval to the City Council. Staff has incorporated the Planning Commission's modifications into Draft six, which is attached for Council review. An adoption ordinance and findings in support have also been prepared by Staff and approved by the City Attorney for submittal to the Council for its public hearing on this matter March 2, 1993.

ATTACHMENT

1. Adoption Ordinance
 - A. New Title 14

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, REPEALING TITLE 14 OF THE MILWAUKIE MUNICIPAL CODE AND SUBSEQUENT AMENDMENTS THERETO, ENTITLED THE "SIGN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON" AND RECREATING THE "SIGN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON" (ZA-92-01).

WHEREAS, it is the intent of the City of Milwaukie Comprehensive Plan that implementing ordinances be up-to-date and meet applicable legal requirements; and

WHEREAS, Ordinance Number 1441 which created Title 14 of the Milwaukie Municipal Code contains sections which do not comply with Article I, Section 8 of the Oregon Constitution regarding regulation by content; and

WHEREAS, an updated and content neutral Sign Ordinance draft was considered at a public hearing before the Planning Commission on January 12, 1993, and the City Council on March 2, 1993; and

WHEREAS, the City Council finds the proposal should be approved based on the findings listed below;

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The following findings of fact are adopted:

FINDINGS

1. Ordinance Number 1441 and subsequent amendments are to be repealed, replaced by the document attached as Exhibit A.
2. Ordinance Number 1441 currently contains sign content language which is not consistent with the provisions of Article I, Section 8 of the Oregon Constitution.
3. The Sign Ordinance, like the Zoning and Subdivision Ordinances, serves to implement the City Comprehensive Plan.
4. The Comprehensive Plan recommends the regular update of implementation ordinances in order to maintain legal consistency.
5. Other changes proposed within this revision to the Sign Ordinance fulfill needs established by the City for adequate control of signage.

Section 2. Sign Ordinance. Ordinance 1441, the "Sign Ordinance of the City of Milwaukie, Oregon," enacted November 19, 1979, as amended by Ordinance Number 1620, is hereby repealed. The "Sign Ordinance of the City of Milwaukie, Oregon" is recreated, reading as identified in Exhibit A.

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ORDINANCE NUMBER _____

Read the first time on _____, 1993, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____, 1993.

Craig Lomnicki, Mayor

ATTEST:

City Recorder

Approved as to Form:

City Attorney

City of Milwaukie

Sign Ordinance

(Title 14 of the
City of Milwaukie Municipal Code)

Revised March 1993?
(Use final City Council adoption date)

6

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CHAPTER 14.04. GENERAL PROVISIONS

14.04.010. Title. This Ordinance shall be known and may be cited as the "Sign Ordinance of the City of Milwaukie, Oregon."

14.04.020. Purpose. The Council of the City of Milwaukie, Oregon, finds and declares that it is necessary to regulate the construction, erection, maintenance, electrification, illumination, type, size, number, and location of signs in order to:

- A. Protect the health, safety, property, and welfare of the public.
- B. Maintain the neat, clean, orderly, and attractive appearance of the city.
- C. Provide for the safe erection and maintenance of signs.
- D. Eliminate signs that demand, rather than invite, public attention.
- E. Preserve and enhance the unique scenic beauty of Milwaukie.

14.04.030. Definitions. The following words and phrases where used in this Ordinance shall, for the purposes of this Ordinance, have the meanings respectively ascribed to them in this section.

- 1. "Area" or "area of a sign" means the area to and within an established sign edge, frame, or perimeter which encloses the limits of any writing, representation, emblem, figure or character. The area of a sign having no such perimeter, or the area of a sign having an irregular shape, shall be computed by enclosing the surface area within a circle, square, rectangle, and/or triangle. The area of all signs in existence at the time of the enactment of the Ordinance, whether conforming or nonconforming, shall be counted in establishing the permitted sign area of all new signs to be allowed for an individual business on a premises. Where a sign is of a three-dimensional or round or irregular solid shape, the largest cross section shall be used, as though it were a flat surface, to determine sign area.
- 2. "Awning" means either a permanent or retractable structural extension off a building or structure which has a minimum ground clearance of 8 feet, an extension of at least 3 feet, and is intended for the purpose of pedestrian cover.
- 3. "Canopy" means a covered structural extension off a building or structure which has a minimum ground clearance of 8 feet, an extension of less than 3 feet, and is generally not intended for the purpose of pedestrian cover.
- 4. "City" means the City of Milwaukie, Oregon.
- 5. "Clearance" is measured from the highest point of the grade below the sign to the lowermost point of the sign.
- 6. "Display surface" means the area made available by the sign structure for the purpose of displaying the message.
- 7. "Erect" means to build, construct, attach, place, suspend, or affix and shall also include the painting of wall signs.

GENERAL PROVISIONS

8. "Face of a building" means all window and wall area of a building in one plane.
9. "Flag" means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
10. "Frontage" means the length of the property line of any one premises along each public street it borders. Each portion of the premises abutting a separate street shall be considered as a separate frontage.
11. "Height" is measured from the highest point of the grade below the sign to the topmost point of the sign.
12. "Home occupation" means an occupation carried on at a dwelling as an accessory use to the dwelling, with the activity conducted in such a manner as to give no appearance of a business, and with no infringement upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
13. "Maintain" means to permit a sign, sign structure, or part thereof to continue; or to repair or refurbish a sign, sign structure, or part thereof.
14. "Manufacturing zones" are the M, Manufacturing, and BI, Business Industrial, Zones as defined in the Zoning Ordinance.
15. "Marquee" means a permanent roof-like structure attached to and supported by a building and projected therefrom.
16. "Neighborhood Commercial Zone" means the C-N, Neighborhood Commercial, Zone as defined in the Zoning Ordinance.
17. "Other commercial zones" means the C-L, Limited Commercial, the C-C, Central Commercial, C-CS, Community Shopping Commercial, and C-G, General Commercial, Zones as defined in the Zoning Ordinance.
18. "Parapet or parapet wall" means that part of any exterior wall which extends above the roofline.
19. "Permittee" means a person who has applied for a City of Milwaukie Sign Permit to allow placement or erection of a sign covered by this ordinance, or, a person who has not as yet applied for a sign permit, but will be required to do so due to an intent to place or erect a covered sign, or by the premature placement or erection of a covered sign.
20. "Person" means any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a syndicate, branch of government, or any other group or combination acting as a unit.
21. "Premises" means a lot, parcel, or tract of land occupied, or to be occupied, by a building or unit or group of buildings and its accessory buildings. If more than one business or activity is located on the lot, parcel, or tract of land, each separate business shall be considered as a separate premises.

GENERAL PROVISIONS

- 22. "Projection" means the distance by which a sign extends from its supporting structure.
- 23. "Residential zones" means the R-10, R-7, R-5, R-3, R-2.5, R-2 and R-1 residential zones as defined in the Zoning Ordinance.
- 24. "Residential-Office-Commercial Zone" means the R-O-C and R-1-B Zones as defined in the Zoning Ordinance.
- 25. "Sign" means a presentation or representation by words, letters, figures, designs, pictures, or colors displayed out-of-doors in view of the general public so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid or other message. This definition includes, but is not limited to, billboards, ground signs, marquees, awnings, canopies, and street clocks, and includes the surface upon which the message is displayed.
- 26. Sign, Abandoned. "Abandoned sign" means any sign located on a premises when the business or activity to which it relates is no longer conducted or in existence on the premises.
- 27. Sign, Awning. "Awning sign" means a sign which is painted onto, attached or affixed to, the surface of an awning, or is suspended underneath an awning.
- 28. Sign, Banner. "Banner sign" means a sign of lightweight fabric or similar material that can be mounted both on a permanent or temporary basis. A banner sign may be used as a wall sign provided appropriate wall sign standards are met. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
- 29. Sign, Bench advertising. "Bench advertising sign" means a sidewalk bench which displays a message and is subject to the provisions of Chapter 12.20 of the Milwaukie Municipal Code.
- 30. Sign, Billboard or outdoor advertising. "Billboard or outdoor advertising sign" means a freestanding sign not pertaining to, or unrelated to, the activity of the premises on which it is located and with display surface or surfaces primarily designed for purposes of painting or posting a message thereon at periodic intervals.
- 31. Sign, Canopy. "Canopy sign" means a sign painted onto, or attached to, the face of a canopy. For purposes of calculating sign area, the entire exposed face of the canopy shall be designated the sign area. Canopy signs shall be considered to be wall signs for purposes of determining size allowances.
- 32. Sign, Changing (automatic). "Changing sign (automatic)" means a sign such as an electronically or electrically controlled public service, time, temperature, and date sign, message center, or reader board, where different copy changes are shown on the same lamp bank.

GENERAL PROVISIONS

33. Sign, Daily display. "Daily display sign" means a nonpermanent on-premises sign normally associated with business activity which is placed out-of-doors during business hours for display and returned indoors during off-hours. Daily display signs may be constructed in a sandwich board (A-frame) style, mounted on a single pedestal, or other similar construction, and are intended to be unlit and easily moved.
34. Sign, Externally illuminated. "Externally illuminated sign" means a sign illuminated by an exterior light source or luminous tubing which is primarily designed to illuminate only the sign.
35. Sign, Fence. "Fence sign" means a sign attached to the side of a fence on a permanent basis.
36. Sign, Fin. "Fin sign" means a sign which is supported by a pole or poles and partly by a building.
37. Sign, Flashing. "Flashing sign" means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service, time, temperature, and date signs or electronically controlled message centers are classed as "changing signs," not "flashing signs."
38. Sign, Freestanding. "Freestanding sign" means a sign wholly supported by a sign structure in the ground. Freestanding signs include pole signs and monument signs.
39. Sign, Internally illuminated. "Internally illuminated sign" means a sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.
40. Sign, Noncomplying. "Noncomplying sign" means any sign which is constructed after the effective date of this Ordinance in violation of any of the provisions of the Ordinance.
41. Sign, Nonconforming. "Nonconforming sign" means a sign in existence or under construction on the effective date of the Ordinance which does not conform to the provisions of the Ordinance, but which was or is being constructed, erected, or maintained in compliance with all previous regulations.
42. Sign, Notice. "Notice sign" means a sign posted by either a public agency or private individuals intended to convey information of a legal nature pertaining to specific properties. Examples of notice signs include building permits, no trespassing notices, public hearing notices, and similar signs.
43. Sign, Off-premises. "Off-premises sign" means a sign not pertaining to or unrelated to the activity of the premises on which it is located.
44. Sign, On-premises. "On-premises sign" means a sign pertaining to or related to the activity of the premises on which it is located.

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GENERAL PROVISIONS

45. Sign, Pennant. "Pennant" means a shaped, lightweight sign, made of plastic, fabric, or other material (whether or not containing a message of any kind) suspended from a rope, wire, or string, usually in a series, and designed to move in the wind.
46. Sign, Portable. "Portable sign" means a sign which is not permanently attached to the ground or other permanent structure and is intended to be transported to a site for purposes of display. A portable sign may or may not be mounted on wheels and may or may not include flashing or moving lights and removable lettering or display surface.
47. Sign, Projecting. "Projecting sign" means and includes any sign which is attached to a building and extends more than 12 inches beyond the line of the building or more than 12 inches beyond the surface of that portion of the building to which it is attached.
48. Sign, Public service information. "Public service information sign" means any sign intended primarily to promote items of general interest to the community, such as time, temperature, date, atmospheric conditions, news or traffic control, etc.
49. Sign, Roof. "Roof sign" means a sign erected upon or above a roof or parapet of a building.
50. Sign, Temporary. "Temporary sign" means any sign, regardless of construction materials, which is not permanently mounted and is intended to be displayed on an irregular basis for a limited period of time.
51. Sign, Time and temperature. "Time and temperature sign" means a sign providing only time and/or temperature information.
52. Sign, Under-marquee. "Under-marquee sign" means a sign which is erected or maintained under, and supported or partially supported by, a marquee.
53. Sign, Unsafe. "Unsafe sign" means any sign determined to be a hazard to the public by the City Manager or duly authorized representative.
54. Sign, Wall. "Wall sign" means any sign painted on, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall, the angle of said wall not to exceed 30 degrees from the vertical. Wall signs may not project more than 12 inches from the wall to which they are attached. Painted wall decorations which include a message are considered to be wall signs.
55. Sign, Window. "Window sign" means a sign, pictures, symbols, neon tubing, or combination thereof, designed to communicate information, that is placed within a window and directed towards the outside of the window. Window signs do not include painted or printed displays of a temporary nature associated with holidays.
56. "Structural alteration" means any change in a sign or sign structure other than advertising message or normal maintenance.
57. "Written message" means the lettering, wording, numbers, and/or other symbols on a sign intended to convey a message. Written message does not include notation on the sign identifying the sign installer or artist, provided such identification is less than 1 square foot in area.

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GENERAL PROVISIONS

14.04.040. Zoning districts. The regulations regarding signs contained in Chapter 14.16 of the Sign Ordinance relate to zoning districts which are defined in the Zoning Ordinance Map, which is part of the Zoning Ordinance of the City.

CHAPTER 14.08. ADMINISTRATION AND ENFORCEMENT

14.08.010. Permit-Required. All signs erected after the effective date of this Ordinance, other than exempt signs, shall require a sign permit. All applications for sign permits shall be submitted to, and in such form as may be required by, the City Manager or duly authorized representative.

14.08.020. Permit-Fee. A fee as established by resolution of the City Council shall be paid to the City of Milwaukie upon the filing of an application. Such fees shall not be refundable.

14.08.030. Interpretation. This Ordinance supersedes any provision dealing with signs in any previously adopted ordinance, resolution, or regulation.

14.08.040. Enforcement authority. The City Manager or the Community Development Director shall have the power and duty to interpret and enforce the provisions of this Ordinance. An appeal from a ruling by the City Manager or the Community Development Director regarding a requirement of this Ordinance may be made only to the Planning Commission, who may hold a public hearing per the provisions of Ordinance 1712, the Zoning Ordinance, Section 1011.3, Minor Quasi-Judicial Review.

14.08.050. Appeal. Any action or ruling of the Planning Commission pursuant to this Ordinance may be appealed to the City Council per the procedures in Section 1002 of the Zoning Ordinance.

14.08.060. Permit-Expiration. Every permit issued by the Building Official under the provisions of this Ordinance shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefor shall be one-half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded 1 year.

14.08.070. Permit-Suspension or revocation. The City Manager or duly authorized representative may, in writing, suspend or revoke a permit issued under provisions of this Ordinance whenever the permit is issued on the basis of incorrect information supplied, or in violation of any applicable ordinance or regulation or any of the provisions of this Ordinance.

14.08.080. Inspection of signs. Within 2 years from the date of passage thereof, the City Manager or duly authorized representative shall inspect the signs of each business. After the inspection is completed, the City Manager or duly authorized representative shall issue a notice of inspection to each business, listing the signs of the business, and noting those signs which need repair or modification and those signs which do not conform to the provisions of this Ordinance, including the termination date of the grace period for the particular sign. After initial inspection, a periodic review and inspection of signs shall be made as determined necessary and desirable by the City Manager.

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ADMINISTRATION AND ENFORCEMENT

14.08.090. Conditional and Community Service Use Signs. Signs for uses requiring conditional use or community service use reviews shall be reviewed by the Planning Commission regarding size, height, and location at the time of conditional use or community service use review. Signs for prior conditional or community service uses that did not include a sign review at the time of Planning Commission approval shall be limited to 1 monument or freestanding sign with a per-display-surface area limit of 16 square feet and a maximum overall height limit of 6 feet above grade, and 1 wall sign not exceeding a display surface area limit of 16 square feet, and 1 daily display sign per business not exceeding 12 square feet per display surface.

CHAPTER 14.12. SIGNS PROHIBITED OR EXEMPTED

14.12.010. Exempted signs. The following signs shall not require a sign permit but shall conform to all other applicable provisions of this Ordinance and shall be permitted in all zones, except as otherwise noted:

- A. On-premises signs not exceeding 4 square feet in area, nonilluminated, and not exceeding 3 feet in height if ground-mounted. Such signs may include, but are not limited to, property address or building numbers, names of occupants or premises, professional or home occupation nameplates, on-site directional, and similar signs.
- B. Temporary signs which are nonilluminated, have an overall face area not exceeding 16 square feet, are not permanently installed, and are intended to be located on property for short durations of time. Such signs may include, but are not limited to, real estate lease and sales, political signs, construction signs, garage sale, open house, special event, and similar signs. Such signs shall only be posted for the duration of the activity. See also Section 14.12.020.M.
- C. Signs placed for purposes of public direction and safety. Such signs may include, but are not limited to, traffic and municipal signs, directional signs for emergency services (such as hospitals, police and fire stations), legal notices, railroad crossing signs, danger signals, and similar signs. Such signs may be placed within the public right-of-way subject to right-of-way permit requirements of Section 12.16.020 of the Milwaukie Municipal Code and Section 14.20.020 of this Ordinance.
- D. Bench advertising signs which comply with all regulations in Section 12.20 of the Milwaukie Municipal Code.
- E. Banners not exceeding a total display area of 40 square feet per face and pennants not to exceed a length of 50 feet per site, used on premises in conjunction with temporary events and not in place longer than a period of 30 days.
- F. Painted wall decorations or embellishments, or decorated banners, which are not accompanied by a written message.
- G. Flags.
- H. Signs carved into a building or which are a part of materials which are an integral part of the building such as cornerstones, building names, and similar signs.
- I. Signs of public or legal notice.
- J. Window signs in commercial and manufacturing zones which occupy a total display area of no more than 50 percent of the window area. Window signs may not use materials subject to Section 14.12.020.A of this Ordinance.
- K. Painted or printed displays in windows of a temporary nature associated with holidays.

SIGNS PROHIBITED OR EXEMPTED

14.12.020. Prohibited signs. It shall be unlawful for any person to erect, display or maintain, and no permit shall be issued for the erection, display, or maintenance of, any sign or advertising structure falling within any of the follow descriptions:

- A. Moving signs or flashing signs, or any sign or advertising structure which has any visible moving part or visible mechanical movement of any description or other apparent visible movement achieved by any means, including intermittent electrical pulsations or by action of normal wind currents; excepting clocks, barber poles, public service information signs, including changing signs (automatic) and revolving signs which revolve at 6 revolutions per minute or less.
- B. Signs erected within the right-of-way of any street, along any driveway, or in any other location which do not meet the requirements of Section 14.12.010.C; or by reason of the location, shape, color, animation, or message are likely to be confused with any traffic control device; or create a distracting or hazardous condition for motorists.
- C. Such advertising devices as strings of lights, banners, pennants, and balloons, except as permitted under Sections 14.12.010.E and F.
- D. Temporary signs, except as permitted under Sections 14.12.010.B, 14.12.010.E, and 14.12.010.K.
- E. Fin signs.
- F. No sign shall be erected or maintained which by use of lights, illumination, sequential illumination, or other form of total or partial illumination creates an unduly distracting or hazardous condition to a motorist or pedestrian.
- G. Off-premises signs, except as defined elsewhere.
- H. No sign or portion thereof shall be erected within future street right-of-way, unless and until an agreement is recorded stipulating that the sign will be removed or relocated upon street widening at no expense to the City.
- I. No sign or portion thereof shall be placed so that it obstructs any fire escape, stairway, or standpipe; interferes with human exit through any window or any room located above the first floor of any building; obstructs any door or required exit from any building; or obstructs any required light or ventilation.
- J. Portable signs, except as defined elsewhere.
- K. Fence signs exceeding 1 square foot of sign face per 50 feet of fence length, excepting temporary signs intended for the sale or lease of the property containing the fence.
- L. Window signs which obscure more than 50 percent of the window area or are not subject to the provisions of Section 14.12.010.K.
- M. Signs affixed to power, utility, or traffic control poles other than City-approved traffic control signs and pole identification placards.
- N. Searchlights.

CHAPTER 14.16. SIGN DISTRICTS

14.16.010. Residential zone.

No sign shall be erected or maintained in an R zone, except as allowed under Section 14.12.010 or as otherwise noted in this section.

A. Permanent subdivision or mobile home park signs.

- 1. Area. May have a maximum area of 2 square feet per dwelling unit to a maximum of 32 square feet for each sign and 16 square feet per display surface, and total sign area for all display surfaces shall be no more than 64 square feet.
- 2. Height and/or clearance. Freestanding sign limited to maximum height of 6 feet above grade.
- 3. Number. Limited to 1 sign per entrance.

B. Permanent apartment or condominium signs. Either 1 freestanding or 1 wall sign per street frontage permitted.

1. Freestanding sign.

- a. Area. Limited to 2 square feet per dwelling unit to a maximum area of 32 square feet, 16 square feet per display surface.
- b. Height and/or clearance. Freestanding signs limited to maximum height of 6 feet above grade.
- c. Number. One freestanding sign per street frontage permitted.

2. Wall sign.

- a. Area. Limited to 2 square feet per dwelling unit to a maximum of 32 square feet.
- b. Height and/or clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.
- c. Number. One wall sign per street frontage permitted.

C. Illumination. Signs in R zones may have external illumination only. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.

SIGN DISTRICTS

14.16.020. Residential-Office-Commercial Zone.

No sign shall be erected or maintained in an R-O-C or R-1-B zone, except as allowed under Section 14.12.010 or as otherwise noted in this section.

A. Permanent subdivision signs.

- 1. Area. May have a maximum area of 2 square feet per dwelling unit to a maximum of 32 square feet for each sign and 16 square feet per display surface, and total sign area for all display surfaces shall be no more than 64 square feet.
- 2. Height and/or clearance. Freestanding sign limited to maximum height of 6 feet above grade.
- 3. Number. Limited to 1 sign per entrance.

B. Permanent apartment or condominium signs. Either 1 freestanding or 1 wall sign per street frontage permitted.

- 1. Freestanding sign.
 - a. Area. Limited to 2 square feet per dwelling unit to a maximum area of 32 square feet, 16 square feet per display surface.
 - b. Height and/or clearance. Freestanding signs limited to maximum height of 6 feet above grade.
 - c. Number. One freestanding sign per street frontage permitted.
- 2. Wall sign.
 - a. Area. Limited to 2 square feet per dwelling unit to a maximum of 32 square feet.
 - b. Height and/or clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.
 - c. Number. One wall sign per street frontage permitted.

C. Freestanding business sign.

- 1. Area. The maximum permitted area of a freestanding sign shall be 32 square feet per display surface and 64 square feet overall.
- 2. Height and/or clearance. The maximum height of a freestanding sign shall be 12 feet.
- 3. Number. One freestanding sign is permitted in addition to 1 wall sign.

D. Wall business sign.

- 1. Area. The maximum permitted area of a wall sign shall be 10 percent of the building face.

SIGN DISTRICTS

- 2. Height and/or clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.
- 3. Number. One wall sign is permitted in addition to 1 freestanding sign or 2 wall signs permitted.

E. Awning sign

- 1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to, or affixed to, the surface of an awning, is 25 percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area 1 square foot per 1 lineal foot of awning length.
- 2. Height and/or clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is 8 feet from the sidewalk or ground level to the lowest portion of the awning, or suspended sign, whichever is lowest.
- 3. Number. One awning sign per frontage per occupancy is permitted.

F. Daily display sign

- 1. Area. The maximum permitted area of a daily display sign shall be 8 square feet per display surface and 16 square feet overall, with a maximum height limit of 6 feet above ground level.
- 2. Number. One daily display sign per business is permitted.
- 3. Location. A daily display sign must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.

- G. Illumination. Signs in R-O-C or R-1-B zones may have external illumination only. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.

14.16.030. Neighborhood Commercial Zone.

No sign shall be erected or maintained in a C-N zone, except as allowed under Section 14.12.010 or as otherwise noted in this section.

A. Freestanding sign.

- 1. Area. The maximum permitted display surface area of a freestanding sign shall be computed on 1½ square feet of area per lineal foot of street or highway frontage for the first 100 feet of such frontage plus 1 square foot of area for each foot of frontage over 100 feet, but not exceeding 40 square feet per display surface and 80 square feet over all.

SIGN DISTRICTS

- 2. Height and/or clearance. Freestanding signs may not project over the top of a building or 20 feet, whichever is less.
- 3. Number. One freestanding sign is permitted in addition to 1 wall sign.

B. Wall sign.

- 1. Area. The maximum permitted area of a wall sign shall be 20 percent of the building face.
- 2. Height and/or clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.
- 3. Number. Dictated by area requirements. Wall signs are permitted in addition to 1 freestanding sign.
- 4. Location. Limited to the building surface or surfaces facing the public right-of-way only.

C. Awning sign

- 1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to, or affixed to, the surface of an awning, is 25 percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area 1 square foot per 1 lineal foot of awning length.
- 2. Height and/or clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is 8 feet from the sidewalk or ground level to the lowest portion of the awning, or suspended sign, whichever is lowest.
- 3. Number. One awning sign per frontage per occupancy is permitted.

D. Daily display sign

- 1. Area. The maximum permitted area of a daily display sign shall be 8 square feet per display surface and 16 square feet overall, with a maximum height limit of 6 feet above ground level.
- 2. Number. One daily display sign per business is permitted.
- 3. Location. A daily display sign must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.

SIGN DISTRICTS

E. Illumination. Signs in C-N zones may have external illumination, in addition to lighting as noted in Section 14.24.020. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.

14.16.040. Commercial zone.

No sign shall be erected or maintained in the C-L, C-C, C-G, and C-CS Zones, except as allowed under Section 14.12.010 or as otherwise noted in this section.

A. Freestanding sign.

1. Area. The maximum permitted display surface area of a freestanding sign shall be computed on 1½ square feet of area per lineal foot of street or highway frontage for the first 100 feet of such frontage, plus 1 square foot of area for each foot of frontage over 100 feet, but not exceeding 300 square feet of sign area per display surface for each sign, or a total of 1,200 square feet for all display surfaces as authorized in Section 14.16.040.A.4.
2. Height and/or clearance. The maximum height of any portion of a sign or sign structure shall be 25 feet from ground level at its base regardless of location. The minimum clearance below the lowest portion of a freestanding sign and the ground below shall be 14 feet in any driveway or parking area.
3. Location. No freestanding sign, or any portion of any freestanding sign, shall be located on or be projected over any portion of a street, sidewalk, or other public right-of-way or property except that those currently existing may project over such right-of-way for a distance not to exceed 2 feet.
4. Number. One multifaced freestanding sign shall be permitted on a street or highway frontage. Where a frontage exceeds 300 feet in length, 1 additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a projected or roof sign.

B. Wall sign.

1. Area. Wall signs shall not exceed in gross area 20 percent of the face of the building to which the sign is attached or on which the sign is maintained. This includes signs painted directly on the building surface.
2. Height and/or clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.
3. Number. No limit, dictated by area requirements.

SIGN DISTRICTS

C. Projecting signs.

1. Area. Projecting signs shall not exceed in gross area 20 percent of the face of the building to which the sign is attached or on which the sign is maintained. However, if a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed 20 percent of the face of the building.
2. Height and/or clearance. No projecting sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher. Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within 2 feet of the curb nor beyond the distances specified in the following table:

Table 1

PROJECTION OF SIGNS INTO PUBLIC RIGHTS-OF-WAY

<u>Clearance</u>	<u>Maximum Projection into Public Right-of-way</u>
Less than 8 feet	Not permitted
8 feet	1 foot
8 to 16 feet	1 foot plus 6 inches for each foot of clearance in excess of 8 feet
Over 16 feet	5 feet

3. Location. No projecting sign shall be located within 20 feet of another projecting sign. Of two signs not conforming to this provision, the first lawfully erected sign may remain.
4. Number. Only 1 projecting sign will be permitted on the same business frontage. No projecting sign shall be permitted on the same premises where there is a freestanding sign or roof sign.

D. Roof signs.

1. Area. Total sign area for roof signs shall not exceed 1 square foot for each lineal foot of street frontage of the parcel of real property on which the sign is to be located.
2. Height and/or clearance. The maximum height of a roof sign shall not exceed 8 feet above the highest point of the building. All roof signs shall be installed or erected in such a manner that there shall be no visible angle iron or similar sign support structure.
3. Location. No roof sign shall be erected unless and until approved by the Fire Marshal after a finding that the site, type, and location of the sign will not substantially interfere with fire fighting. Roof signs may not project over the parapet wall.
4. Number. Roof signs are permitted instead of, but not in addition to, projecting signs or freestanding signs.

SIGN DISTRICTS

E. Awning sign

- 1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to, or affixed to, the surface of an awning, is 25 percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area 1 square foot per 1 lineal foot of awning length.
- 2. Height and/or clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is 8 feet from the sidewalk or ground level to the lowest portion of the awning, or suspended sign, whichever is lowest.
- 3. Number. One awning sign per frontage per occupancy is permitted.

F. Under-marquee signs.

- 1. Area. Under-marquee signs shall not exceed 6 square feet per display surface or 12 square feet in overall sign area.
- 2. Height and/or clearance. Under-marquee signs must have 8 feet of clearance below the lowest portion of the sign and the ground below.
- 3. Location. Under-marquee signs shall not project within 2 feet of the curb.
- 4. Number. No limit, dictated by area requirements.

G. Billboard signs. Billboard signs existing at the effective date of this Ordinance shall be permitted to remain and be maintained in reasonable repair, but may not be replaced or relocated.

H. Daily display sign

- 1. Area. The maximum permitted area of a daily display sign shall be 12 square feet per display surface and 24 square feet overall, with a maximum height limit of 6 feet above ground level.
- 2. Number. One daily display sign per business is permitted.
- 3. Location. A daily display sign must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.

SIGN DISTRICTS

I. Illumination. Signs in commercial zones may be illuminated. Within 500 feet of any residentially zoned property when fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to 425 milliamperes rating tubes behind a plexiglass face with tubes spaced at least 7 inches, center to center. No exposed incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.

14.16.050. Manufacturing zone.

No sign shall be erected or maintained in an M or BI zone, except as allowed under Section 14.12.010 or as otherwise noted in this section.

A. Freestanding sign.

- 1. Area. The maximum permitted area of a freestanding sign shall be computed on 1½ square feet of area per lineal foot of street or highway frontage for the first 100 feet of such frontage plus 1 square foot of area for each foot of frontage over 100 feet, but not exceeding 250 square feet of sign area per display surface for each sign, or a total of 1,000 square feet for all display surfaces.
- 2. Height and/or clearance. The maximum height of any portion of a sign or sign structure shall be 25 feet from ground level at its base regardless of location. The minimum clearance below the lowest portion of a freestanding sign and the ground below shall be 14 feet in any driveway or parking area.
- 3. Location. No freestanding sign, or any portion of any freestanding sign, shall be located on or be projected over any portion of a street, sidewalk, or other public right-of-way or property except that those currently existing may project over such right-of-way for a distance not to exceed 2 feet.
- 4. Number. One multifaced freestanding sign designating the principal goods, products, facilities, or services available on the premises shall be permitted on a street or highway frontage. Where a frontage exceeds 300 feet in length, 1 additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a roof sign.

B. Wall sign.

- 1. Area. Wall signs shall not exceed in gross area 10 percent of the face of the building to which the sign is attached or on which the sign is maintained. This includes signs painted directly on the building surface.
- 2. Height and/or clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.
- 3. Number. No limit, dictated by area requirements.

SIGN DISTRICTS

C. Roof signs.

- 1. Area. Total sign area for roof signs shall not exceed 1 square foot for each lineal foot of street frontage of the parcel of real property on which the sign is to be located.
- 2. Height and/or clearance. The maximum height of a roof sign shall not exceed 8 feet above the highest point of the building. All roof signs shall be installed or erected in such a manner that there shall be no visible angle iron or similar sign support structure.
- 3. Location. No roof sign shall be erected unless and until approved by the Fire Marshal after a finding that the site, type, and location of the sign will not substantially interfere with fire fighting. Roof signs may not project over the parapet wall.
- 4. Number. Roof signs are permitted instead of, but not in addition to, freestanding signs.

D. Awning sign

- 1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to, or affixed to, the surface of an awning, is 25 percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area 1 square foot per 1 lineal foot of awning length.
- 2. Height and/or clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is 8 feet from the sidewalk or ground level to the lowest portion of the awning, or suspended sign, whichever is lowest.
- 3. Number. One awning sign per frontage per occupancy is permitted.

E. Billboard signs. Billboard signs existing at the effective date of this Ordinance shall be permitted to remain and be maintained in reasonable repair, but may not be replaced or relocated.

F. Daily display sign

- 1. Area. The maximum permitted area of a daily display sign shall be 12 square feet per display surface and 24 square feet overall, with a maximum height limit of 6 feet above ground level.
- 2. Number. One daily display sign per business is permitted.
- 3. Location. A daily display sign must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.

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SIGN DISTRICTS

- G. Illumination. Signs in manufacturing zones may be illuminated. Within 500 feet of any residentially zoned property when fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to 425 milliamperes rating tubes behind a plexiglass face with tubes spaced at least 7 inches, center to center. No exposed incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets or other property.

CHAPTER 14.20. SIGNS IN PUBLIC RIGHT-OF-WAYS

14.20.010. Signs prohibited. Signs are prohibited within public right-of-ways, except as allowed by this Section.

14.20.020. Exempted signs. As referenced in Section 14.12.010.C signs for purposes of public direction and safety may be allowed within the public right-of-way, subject to right-of-way permit requirements of Section 12.16.020 of the Milwaukie Municipal Code and the following standards:

- A. Sign sizes and configurations shall be subject to the general standards of the Oregon Department of Transportation Sign Policy and Guidelines and the Federal Manual on Uniform Traffic Control Devices. Such standards may be deviated by the City Public Works Director upon determination that such deviation is necessary for purposes of message visibility, clear vision maintenance, or other similar factors. Applicants desiring to vary from the Public Works Director's standards determination may apply for a variance following the procedures of Chapter 14.32.
- B. Direction signs shall be generic in nature so as not to unduly distract traffic. Such signs may include, but are not limited to, signs for emergency services (such as hospitals, police and fire stations), traffic control signs, legal notices, railroad crossing signs, signs for nonspecific locations (such as downtown, business area, industrial area, theatre, food services, etc.), danger signals, and similar signs.
- C. Maintenance and upkeep of non-City-owned direction and safety signs shall be the responsibility of the sign owner. Failure to maintain such signs may be cause for permit revocation and/or sign removal.

14.20.030. Bench advertising signs. These are permitted subject to the standards of Section 12.16.020 of the Milwaukie Municipal Code.

14.20.040. Daily display signs.

- A. In sign districts that permit daily display signs (reference Chapter 14.16), a daily display sign may be allowed within the public right-of-way in front of the premises with which it is associated, provided all of the following conditions are met:
 - 1. A City right-of-way permit is obtained. This permit shall be revocable in case of condition noncompliance.
 - 2. The sign is to be set back behind the curb so as not to interfere with on-street parking, or, a minimum of 10 feet from the edge of the nearest street travel lane where curbs are not in place.
 - 3. The sign is to be placed so as to allow at least 5 feet of unimpeded pedestrian sidewalk maneuvering space.
 - 4. The sign is to meet clear vision requirements of Chapter 12.24 of the Milwaukie Municipal Code.
 - 5. The sign is properly maintained as per requirements of Section 14.24.010.
 - 6. The applicant shall assume all liability for incidents involving the sign by signing a document exempting the City from liability.

SIGNS IN PUBLIC RIGHT-OF-WAYS

- 7. Sign dimension shall not exceed a maximum width of 4 feet nor a maximum above-ground level height of 4.5 feet.
 - 8. One sign per business is allowed.
- B. Daily display signs may be allowed off the premises, or within the public right-of-way in front of a business with which the sign is not associated, subject to the following standards:
- 1. All applicable standards of Section 14.20.040.A.
 - 2. Both the sign owner and owner of the business where the sign is placed must sign a City liability exemption document.
 - 3. The off-premises daily display sign will take the place of the daily display sign allowance for both the business site where it is placed and the business placing the sign.

CHAPTER 14.24. SIGN CONSTRUCTION, MAINTENANCE, AND LIGHTING

14.24.010. Construction and maintenance requirements.

- A. Except as otherwise provided in this Ordinance, the construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code, Uniform Fire Code, and Electrical Code.
- B. All signs, together with their supports, braces, guys, and anchors, shall be constructed of materials that are durable and weather resistant, and shall be regularly maintained so as to exist at all times in a state of good repair. No person shall maintain, or permit to be maintained on any premises owned or controlled by him or her, any sign which is in a sagging, leaning, fallen, decayed, deteriorated, or other dilapidated or unsafe condition.
- C. All signs and the site upon which they are located shall be maintained in a neat, clean, and attractive condition. Signs shall be kept free from rust, corrosion, peeling paint, or other surface deterioration. Broken or missing sign and lighting panels shall be replaced within 30 days of notification by the City. The display surfaces of all signs shall be kept neatly painted or posted. Reflective backgrounds and materials are not allowed.
- D. Each sign for which a sign permit is required shall specify the name of sign erector, date of erection, electrical power consumption in amperes, and Underwriters Laboratory label, if applicable. Such information shall be in sufficient size and contrast to be readable upon inspection.

14.24.020. Sign lighting.

- A. All lamps or bulbs exposed to direct view shall be limited to 25 watts or less capacity. On time and temperature signs, such bulb is limited to 33 watts capacity.
- B. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed 300 milliamperes rating for white tubing nor 100 milliamperes rating for colored tubing.
- C. When fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to 800 milliamperes rating tubes behind a plexiglass face with tubes spaced at least 9 inches, center to center.
- D. These general lighting provisions are applicable for all sign districts, except as noted elsewhere.

CHAPTER 14.28. REMOVAL OF SIGNS IN VIOLATION

14.28.010. Abandoned sign.

- A. Time limit. Abandoned signs and their supporting structures shall be removed within 180 days by the owner or lessee when the business which it advertises is no longer conducted on the premises.
- B. Notice given. If the owner or lessee fails to remove it, the City Manager or duly authorized representative shall give the owner 15 days' written notice to remove it.

14.28.020. Nonconforming sign.

- A. Time limit.
 - 1. Nonconforming signs may be continued for a period of 7 years from the effective date of Ordinance _____.
 - 2. Signs located on premises annexed into the city after the effective date of this Ordinance, and which signs do not comply with the provisions of this Ordinance, shall be brought into compliance with this Ordinance within a period of 7 years after the effective date of the annexation.
 - 3. Any sign which is structurally altered, relocated, or replaced shall immediately be brought into compliance with all of the provisions of this Ordinance.
 - 4. Signs in existence on the effective date of this Ordinance which do not comply with provisions regulating flashing signs, use of par spot lights or revolving beacons, revolving signs, or flags, banners, or streamers or strings of lights, temporary or incidental signs, shall be made to conform within 90 days from the effective date of this Ordinance.
- B. Notice given. The City Manager or duly authorized representative shall give 30 days' written notice to the owner or lessee of the sign to remove the sign and its supporting structures or to bring it into compliance with this Ordinance.

14.28.030. Unsafe sign.

- A. Time limit. The City Manager or duly authorized representative may cause any sign and/or sign support structure which they determine to be a hazard to persons or property - by reason of it or its support structure being or becoming of unsound and unsafe condition; i.e., weakened or broken support, broken parts, including tubing, wiring, plastic, etc. - to be removed summarily.
- B. Notice given. Two days notice, except that no notice is required if a determination is made that the sign and/or sign support structure poses an immediate peril to persons or property.

14.28.040. Noncomplying sign.

- A. Time limit. Noncomplying signs shall be removed or brought into compliance within 30 days of notification.

REMOVAL OF SIGNS IN VIOLATION

B. Notice given. The City Manager or duly authorized representative shall give 30 days' written notice, except that noncomplying signs which create a traffic or other safety hazard may be removed by the City Manager or his or her representative without notice.

14.28.050. Administrative procedures for notification of violation.

A. If the City Manager or duly authorized representative shall find that any sign or sign structure regulated has been constructed or erected, or is being constructed or maintained, in violation of the provisions of this Ordinance, he or she shall give written notice to the permittee thereof, or, if unknown, to the owner or occupant of the building or premises upon which the sign is located.

B. If the permittee fails to remove or alter the structure so as to comply with the standards set forth within 30 days after such notice, such sign or sign structure is declared a nuisance and the owner may be issued a citation into Municipal Court, as per procedures of Chapter 1.08 of the Milwaukie Municipal Code, and subjected to enforcement fines as established by the City Council.

C. Signs in violation of this Ordinance which create a safety or traffic hazard may be removed by the City without prior notice and removal costs billed to the sign or property owner.

D. Such fines and costs may be a lien against the land or premises on which the sign is located and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the City.

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CHAPTER 14.32. VARIANCES

14.32.010. Authorization to grant or deny variance. The Planning Commission may authorize variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary hardship. In granting a variance, the Planning Commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the city and otherwise achieve the purposes of this Ordinance.

14.32.020. Variance procedure. The following procedures shall be followed in applying for and acting on a variance:

- A. A property owner may initiate a request for a variance by filing an application with the City Manager, using forms required by the City Manager or duly authorized agent. The application shall be accompanied by a site plan drawn to approximate scale showing the condition to be varied and the dimensions and arrangement of the proposed sign, support structure, buildings, and real property. The Planning Commission may request other drawings or material essential to an understanding of the variance request.
- B. The Planning Commission shall hold a public hearing per the provisions of Ordinance 1712, the Zoning Ordinance, Section 1011.3, Minor Quasi-Judicial Review for any variance request which is 25 percent or more of the required standard. Variance requests of less than 25 percent from the standard required shall be reviewed by the Community Development Director per the provisions outlined in Section 1011.2, Administrative Type II Review, of Ordinance 1712, the Zoning Ordinance. Within 5 days after a decision has been rendered with reference to a request for a variance, the City Manager or duly authorized representative shall provide the applicant with notice of the decision of the Planning Commission.

14.32.030. Circumstances for granting variance. The Planning Commission shall consider and make findings with respect to each of the following:

- A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Sign Ordinance.
- B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.
- C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
- D. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
- E. That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

VARIANCES

14.32.040. Time limit.

- A. Authorization of a variance shall be void if the building or work approved by such variance is not commenced within six (6) months of the date of approval.
- B. The Planning Commission may, upon receiving a written request from the applicant prior to the variance expiration date, extend the variance for a period not to exceed one year.

14.32.050. Appeals. Appeals of Planning Commission decisions shall follow the procedures of Section 1000 of the Milwaukie Zoning Ordinance.

CITY OF MILWAUKIE



FAX (503) 652-4433

*** MEMORANDUM *** February 23, 1993

To: Mayor and City Council
From: Dan Bartlett, City Manager *DB*
Re: Sister City Ordinance

Action Requested

Adoption of the attached Sister City Ordinance.

Background

Milwaukie began working with the City of Iwaki, Aomori Prefecture, Japan in April, 1990. Milwaukie hosted Dr. Haga, a Prefecture Senator, on May 6, 1990. Dr. Haga had come to investigate a potential sister-city affiliation as a representative of Iwaki.

Iwaki Mayor Kodera visited Milwaukie, August 19, 20 & 21, 1991. As a result of this visit, I was directed by the City Council to work on the affiliation process. Milwaukie groups who were involved with the visit were: the Chamber, North Clackamas School District #12, Milwaukie Rotary, Milwaukie High School, Oregon Cutting Systems, Milwaukie Center, Providence Milwaukie Hospital, and Pendleton Woolen Mills.

Milwaukie has joined Sister Cities International and has obtained Portland and Gresham's policies for Sister City Affiliations. The attached ordinance adopts a policy similar to theirs.

Once the ordinance is adopted, members of the community can form a Sister Cities Association and prepare for a proposed visit of affiliation by Mayor Kodera. The visit is tentatively scheduled for June 4, 5, 6, 1993.

Previous Council Action

The City Council has discussed this relationship at three Council meetings. On September 15, 1992, the Council reviewed this matter and accepted a letter to be sent from Mayor Lomnicki to Mayor Kodera. On August 6, 1991, I reported on the communications between Milwaukie and Iwaki and the pending visit of Mayor Kodera. On August 20, 1991, I reported on the packet of materials dated August 16, 1991.

Previous Sister City Affiliations

Resolution 05-63, established a relationship with Nago, Okinawa. This relationship appears to have been promoted by the Kiwanis Club and The Society of American Military Engineers under the auspices of the "People to People Program" inaugurated by President Eisenhower in 1956. This organization was a predecessor to Sister

Memo: Sister City Ordinance
Page 2

Cities International. This relationship involved Mayor Joe Bernard, Jr and had a Sister Cities Committee composed of Bill Olund, Kenneth West, Ernie Freeman, Donald Chambers, James Routson, Bill Hupp, Akira Saheki, and Charles H. Potter. This group appears to have been active until 1967.

After 1967, it appears the relationship declined. An effort was made to revitalize the program with no response from Nago.

cc: File
cm660/hd

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING CRITERIA FOR CITY OF MILWAUKIE SISTER CITY RELATIONSHIPS AND HEREBY ADDING TO THE MUNICIPAL CODE OF MILWAUKIE SECTION 2.44.

The City of Milwaukie does ordain as follows:

WHEREAS, the Sister City movement in the United States was inaugurated by President Eisenhower in 1956 as the "People-to-People Program" whose purpose was to establish greater friendship and understanding between the people of the United States and the peoples of other nations through direct contact; and

WHEREAS, all succeeding U.S. Presidents have endorsed the program to be conducted for the broad purposes of exchanging ideas and people between citizens of the United States of America and the peoples of other nations; and

WHEREAS, the Town Affiliation Association of the U.S., Inc. has requested Milwaukie and other American communities to affiliate with cities in other nations of similar characteristics and mutual interest; and

WHEREAS, there is an abundance of requests by cities wishing to affiliate with Milwaukie as a sister city; and

WHEREAS, the City of Milwaukie wishes to maximize the diversity of cultures represented in its sister city relationships, as well as to manage the number of cities chosen for this program in order to heighten the significance of its purpose; and

WHEREAS, criteria for establishing sister city relationships are needed to ensure that the benefits of the Sister City Program reach the greatest number of people in an orderly manner.

NOW, THEREFORE, the Council directs that:

Criteria for the establishment, funding, and administration of sister city relationships shall conform to those listed in Exhibit A, which is attached to this ordinance and by this reference made a part thereof.

Section 1. 2.44.010 Selection Criteria

- A. All cities chosen to affiliate with the City of Milwaukie as a sister city must be located in a country that has established diplomatic relations with the United States.
- B. Preference shall be given to the city requesting a sister city relationship with the City of Milwaukie where such city has no other sister city in the United States.
- C. The City of Milwaukie shall establish a sister city relationship with only one (1) city per country.
- D. The City of Milwaukie shall give preference to cities in those nations that maintain a consulate or trade mission office in the United States.
- E. The City of Milwaukie and the proposed sister city shall be of similar size and role, either absolutely or in relation to their regions.
- F. The City of Milwaukie shall have cultural, educational, economic, governmental, and social interests in common with the proposed sister city.

Section 2: 2.44.020 Requirements for Independent Funding and Citizen Involvement

- A. There exists in the Milwaukie community substantial long-term, broad-based interest in establishing the relationship, interest that transcends political or social concerns and that reflects ongoing community involvement with the sister city's region or people.
- B. An association has been formed as a non-profit entity under Oregon laws and is prepared to undertake the financial and staffing requirements necessary to properly administer such a relationship.
- C. The association has presented a plan of action for the first year of such a relationship that demonstrates, whether through volunteer or professional time commitment, the ability to respond in a timely fashion to requests from the sister city organizations, in furthering the relationship, and to represent the City of Milwaukie with competence and integrity.
- D. The association has demonstrated a financial capability sufficient to fully fund its operations and the various visits, receptions, delegations, and other similar functions such a relationship entails, without financial contribution from the City. Financial capability need not mean exclusive cash in hand, but may include commitments to contribute materials, services, or time.

- E. Every December each association shall submit an annual summary of programs held and a plan of action for the next year to the Mayor's Office. The report will include such data as may be requested by the City.
- F. Failure to meet requirements of Section 2, paragraphs A through E above, shall result in the revocation of sister city status.

Section 3: 2.44.030 Recognition as Advisory Board

Each Association formed under Section 2 of this ordinance shall be recognized as an advisory committee to the City for international relations.

Section 4: 2.44.040 No Retroactive Effect

Existing sister city relationships shall continue in force and need not pass through the initial approval process set forth herein. They are, however, subject to all other requirements of the ordinance.

Read for the first time on _____, 1992, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____, 1992.

Signed by the Mayor on _____, 1992.

Craig J. Lomnicki, Mayor

ATTEST:

Pat DuVal, Recorder/Secretary

APPROVED AS TO FORM:

O'Donnell, Ramis, Crew & Corrigan

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O'DONNELL, RAMIS, CREW & CORRIGAN

ATTORNEYS AT LAW
BALLOW & WRIGHT BUILDING
1727 N.W. Hoyt Street
Portland, Oregon 97209

TELEPHONE: (503) 222-4402
FAX: (503) 243-2944

DATE: February 2, 1993
TO: Dan Bartlett, City Manager, Milwaukie
FROM: Michael C. Robinson, City Attorney's Office
RE: Sister City Ordinance

I reviewed the ordinance establishing criteria for Milwaukie sister city relationships, and I see no problem with it. We checked with our other cities for a comparison, but none of them have codified sister city provisions. I also found nothing in the Portland Code. State statute does not regulate sister cities.

CITY OF MILWAUKIE



MAILING ADDRESS
P.O. BOX 22009
MILWAUKIE, OR 97222-0009
FAX: 503-652-4433

September 16, 1992

Mayor Isamu Kodera
1-1-1 Yoshita
Iwaki-mati
Nakutugaru-gun
Aomori-ken 036
JAPAN

Dear Mayor Isamu Kodera:

Professor Kodachi has talked to our City Manager about our pending Sister City relationship and has delivered your letter. He has told of your desire to plan an exchange in 1993. I agree with this proposal.

The City of Milwaukie will celebrate its 90th anniversary in 1993. Entering into a Sister City agreement with Iwaki would be a good part of our 90th year. We would be happy to have you visit.

I am sending you a book about Timberline Lodge. This is a famous skiing lodge on our Mt. Hood. This is very much like your Mt. Iwaki. I would like to take you to our mountain on your next visit and would hope that I could visit Mt. Iwaki in 1994.

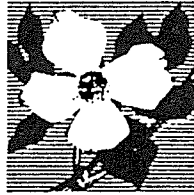
Sincerely,

Craig J. Lomnicki
Craig Lomnicki
Mayor

CC: City Council
Dan Bartlett, City Manager
Professor Kodachi
file - cml242/hd

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CITY OF MILWAUKIE



MAILING ADDRESS:
P O. BOX 22009
MILWAUKIE, OR 97222-0009
FAX (503) 652-4433

*** MEMORANDUM *** August 16, 1991

To: Mayor and City Council
From: Dan Bartlett, City Manager *Dan*
Re: Iwaki Visit - Potential Sister City Relationship

Action Requested

For Council information.

Background

This week we are having a visit from a delegation from Iwaki, Japan. The attached information includes the itinerary and description of a Sister City relationship.

This is a get acquainted visit. Each City will need to evaluate the potential relationship and take formal action later.

cc: File
cm549/hd

IWAKI VISIT

August 1991

Monday 19

3:00 p.m. Meet Iwaki Delegation at Monarch
7:00 Iwaki Dinner - Atwater's, 111 SW Fifth Ave.
Hosted by: Mayor Isamu Koderu, Iwaki
Quests: Mayor Craig Lomnicki, Milwaukie
Chamber Executive Director Marilyn Brown
City Manager Dan Bartlett
and Spouses

Tuesday 20

9:30 a.m. Pickup at Monarch
10:00 Milwaukie Tour, City Hall
10:30 Milwaukie High School
11:15 Oregon Cutting Systems
12:00 Picnic - North Clackamas Park
12:45 Milwaukie Center
1:15 Providence Milwaukie Hospital
2:00 Pendleton Woolen Mills
3:00 Clackamas Town Center
5:00 Return to Monarch
Dinner with Professor Kodachi

Wednesday 21

6:00 p.m. Portland Tour with Professor Kodachi
Reception - Fernwood Inn,
Hosted by: Milwaukie City Council
Quests: School Board Chairman Carol Storment
School Superintendent Ben Shellenberg
Chamber President Punky Scott
Chamber Executive Dir. Marilyn Brown
Hospital Administrator Bob Vial
and spouses



BRINGING THE WORLD TOGETHER

What Is A Sister City?

When an American community of whatever size or character joins with a community in another nation to learn more about the other and to develop friendly and meaningful exchanges, the two may propose a formal affiliation. The ideal affiliation involves a large number of citizens and organizations in both communities engaging in continuing projects of mutual interest.

This interchange helps to further international understanding at all levels of the community on a continuing long-term basis. Within the program cities and their citizens exchange people, ideas and things in a wide variety of cultural, educational, municipal, professional, technical and youth projects.

The Sister City program as a national concept was launched at the White House in 1956 when President Dwight D. Eisenhower called for massive exchanges between Americans and the peoples of other lands.

Hundreds of American cities responded and today are carrying out meaningful exchanges with their affiliates in more than 85 nations of the world.

What To Do First?

Hundreds of U.S. communities of all sizes have discovered the rich benefits and rewards of participating in an international program where each and every participating member can and does realize deep personal satisfaction. Your community can join this growing movement, but first you have to develop support for the idea in your own community.

This can be easy and fun. And, you will have a lot of help from Sister Cities International—the national organization of Sister Cities in the U.S.—as well as from hundreds of volunteer leaders throughout the country who are available to share their experiences with you based on their own participation in the program.

The Sister City concept, like all good programs, must have broad support and understanding if it is to succeed. If your community understands the program, it can succeed and the rewards will be well worth the effort.

Why Have A Sister City?

A Sister City program helps the citizens of both communities become directly involved in international relations in many unique and rewarding exchanges which benefits everyone. It enables all who participate to:

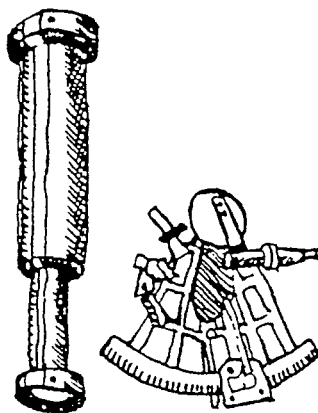
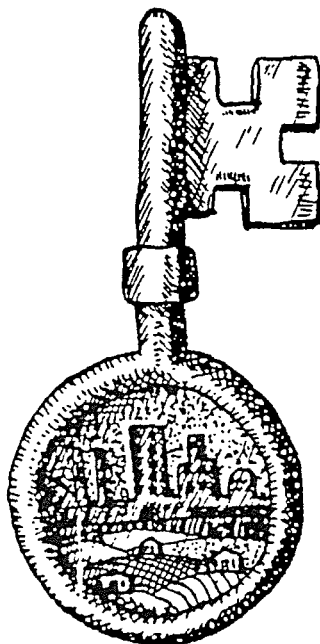
- Exchange ideas and personal visits with their counterparts in another culture on a direct personal basis.
- Develop a way for the many and diverse elements of every community to come together to enjoy and profit from a cooperative program.
- Open new dialogues with another culture to find unique solutions to improving the quality of urban life.
- Participate in a program with a very real partner in another country so all members of the community can feel they are contributing to international understanding in a direct personal way.
- Better understand your own community by interpreting your way of life to the people of another culture.

About Sister Cities International

Sister Cities International (the principal program of the Town Affiliation Association of the U.S., Inc.), a tax-exempt, non-profit organization, headquartered in Washington, D.C., fosters better international cooperation and understanding through Sister City relationships between cities in the U.S. and other nations. The National Association was created by participating U.S. cities to provide a forum through which its membership could express their concerns and actively work to meet the challenge of bettering international relations in the world today.

Sister Cities International gives the community a central clearing point to which it can turn to obtain assistance and information about programs. It provides direct contact with embassies, government agencies and organizational resources in the U.S. and throughout the world.

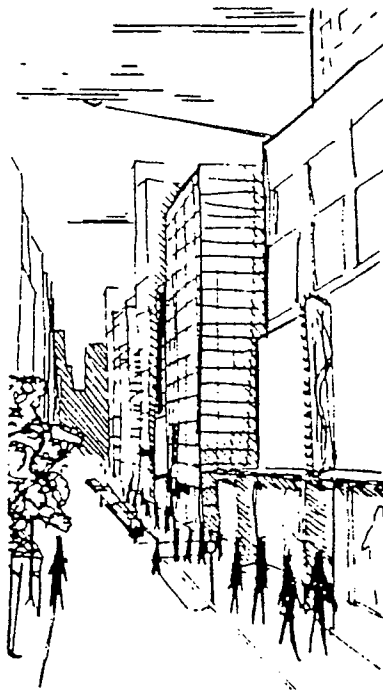
The National Association can assist you to start your program and help you carry out the many exchanges possible by providing you with information and advice when needed. A single community trying to do the job alone does not have the resources, but in cooperation with many communities, and with the resources of the National Association, these goals can be accomplished.



Projects You Can Do

Sister City programs and projects are developed out of mutual desires and interest. There is no cut-and-dried pattern. Projects are only limited by the imagination and resources of the communities. In general, Sister Cities appear to succeed better when the cities are of similar size and have similar interests and ways of making a living. Through visits or exchange of correspondence, both cities discuss the types of projects they would like to carry out. When one or more projects are agreed upon, the program is carried out by the citizens on both sides.

In beginning the program, a community may wish to start by sending a group of 8 x 10 inch photographs of its city along with background material. Remember, language barriers can be overcome by various visual presentations. The affiliate may want to publish these in the local newspaper. You should ask for photos and news of the city so your local newspaper can acquaint your own citizens with your sister city.



For More Information On How You Can Get Involved, Write:



Suite 474-26
1628 Eye St., N.W.
Washington, D.C. 20006
Tel. 202/293-5504

The following are some of the types of projects which have been carried out successfully by other communities. The projects you decide on may be more comprehensive than this brief list, depending upon your community resources and ingenuity.

- Exchanges of visitors, officials, prominent citizens, musicians, students, teachers, professionals, news reporters, radio and TV, labor, etc.
- Organized tours. Hospitality and ceremonies for visiting groups.
- Club affiliations. Development of relations between such groups as Lions, Rotary, Boy Scouts, Girl Scouts, women's clubs, and hobby clubs, etc., with their counterparts in the sister city.



- Letter writing. When exchanging correspondence with a community that speaks another language, a Language Resource Committee is essential. Other than face-to-face visits, one of the most important ways of exchanging ideas with overseas contacts is through the personal letter.
- School affiliations can be a stimulating activity if organized within your educational system. They can be a strong adjunct to your school's language, history, cultural and other programs. There is no end to the fascinating projects young people can engage in to enlarge their horizons of learning.
- Technical and professional exchanges can have benefits to both communities far in excess of the limited costs involved. Many U.S. cities and their affiliates have exchanged experts in transportation, housing, medical systems, etc.
- Radio contacts between sister cities can be made by amateur shortwave radio operators. Special broadcasts on records or tape are made for use abroad.
- Art exhibits. Both school children and members of local art clubs exchange art work with their overseas counterparts. The material is often exhibited in public buildings and merchants' windows in both towns.
- Photo exhibits. Camera clubs of both towns exchange collections of stills, slides and documentary motion pictures.
- Sending of mementos, not on a charitable basis, but of mutual interest and respect. Gifts are generally modest ones.
- Exchange of music, recordings and plays.
- Publication and preparation of food recipes from the foreign country.



sister cities INTERNATIONAL

SISTER CITIES EXCHANGES

The President of the United States
Honorary Chairman

<u>TYPE OF EXCHANGE</u>	<u>EXAMPLES</u>
Sports	baseball, soccer, swim team, tennis
Musical	high school band, symphony, choir, opera, folkloric group
Educational	sister schools, youth exchange, language/ culture class focusing on sister city, internship, establishing similar curriculum, sending books, teacher exchange
Municipal	urban planners, firemen, policemen, sanitation, transportation
Health	doctors, technicians, exchange of technology, donation of medical equipment, scholarship for medical training, nurse training
Professional	lawyers, social workers, judges, business- people
Media	videotape documentary of community, monthly subscription to local newspaper/magazine,
Official	ceremony to initiate affiliation, anniversary celebration for milestone years, national holiday observance
Cultural	photo exhibit in library, art exchanges, ballet, film series, exchange of local artists and poets/writers, lectures on history/politics/ culture of foreign country
Trade	trade fair, import/export agreements for small businesses, regional craft items, trade office in sister city, chambers of commerce cooperation, convince a local department store to feature your sister city's country for one week
Technical	management training, disaster preparedness planning, water systems, labor relations, vocational training

Suite 424-26, 1625 Eye Street, N.W., Washington, D.C. 20006 • Phone: (202) 293-5504
Principal Program of the Town Affiliation Association of the U.S., Inc.

A creative force for international cooperation and understanding through citizen involvement and community participation.

The following is only a partial list of unique exchanges and activities that sister cities programs have carried out. Some of these ideas were used to raise funds, others were activities that gained publicity for the sister cities program. Some were just plain fun.

- * international cooking class
- * house/apartment exchange
- * donation of local animal to sister city's zoo
- * Art Mobile that travels around city promoting the sister cities program
- * fashion show featuring fashions from sister city
- * journalist exchange
- * marathon
- * Oktoberfest or wine festival
- * thematic essay contest--winner travels to sister city
- * ham radio network
- * Boy Scout/Girl Scout meeting
- * festival in honor of national holiday of sister city
- * organizational links: Rotary Club, Kiwanis Club, Lions Club, Chamber of Commerce, hospital, historical society, etc....
- * vote for favorite disc jockey (by sending \$1 per vote)-- winning disc jockey travels to sister city and program gains a lot of free publicity during the contest
- * publish a cookbook featuring recipes from sister city
- * sister shopping center
- * handicapped exchange
- * create a park in honor of your sister city; use technicians from your sister city to build the park/gardens that are typical of your sister city

- * publish a calendar in both languages including pictures of your city and your sister city
- * children's museum including a hands-on exhibit of artifacts
- * design a t-shirt, bumper sticker, pin, decal, banner, or poster featuring the logo of your local sister cities program
- * host a sister cities festival for other cities nearby with international food booths and music
- * name a room in City Hall in honor of your sister city
- * suitcase museum: fill a suitcase with booklets and objects from your city and send to your sister city as a traveling museum
- * name a street after your sister city
- * proclaim a special week in honor of your sister city; ask the City Council to pass a special resolution recognizing the program and host special events during the week
- * erect signposts or billboards throughout the community to advertise the program
- * convince a local restaurant to name an entree in honor of your sister city; some communities have named a new restaurant after the sister city
- * send a firetruck to your sister city if needed
- * exchange telephone books
- * sponsor a beauty contest--send the winner to your sister city
- * publish a booklet on the history of your sister cities program
- * arrange a telephone or satellite link-up with your sister city and broadcast it live throughout the community
- * sponsor a photo or art contest in both cities
- * pen pal exchange

Sister Cities exchanges are as numerous as can be imagined. The basic goal in designing exchanges is the increase of international understanding through the exchange of ideas, objects, people and goodwill.



CITY OF
PORTLAND, OREGON

OFFICE OF THE MAYOR

Office of
J.E. Bud Clark, Mayor
1220 S.W. 5th
Portland, Oregon 97204
(503) 248-4120

ESTABLISHING A SISTER CITY

Portland, Oregon

During the last several years, Portland has been approached by dozens of cities from around the world desiring to start a sister city relationship. As Portland continues to grow internationally, we can expect additional requests.

It is not the goal of the City of Portland to accumulate as many sister cities as possible, but rather to establish dynamic, viable, long-term relationships that will be mutually beneficial to the citizens of Portland and to the citizens of her sister cities.

To assure that this goal will be met, the Portland City Council on February 5, 1986, passed an ordinance establishing criteria for new sister city relationships (copy attached). If you are part of the citizen group supporting the establishment of a new sister city, and you feel the criteria set forth in the ordinance can be met, please consider the following suggestions.

1. When you are preparing to approach City Hall about a potential sister city, you should first establish a community-based support group. The more people you have behind the project, the less work you will have to do, and proving that there is substantial and continuing citizen support for the project is a critical step in passing an ordinance establishing a new sister city.
2. Gather as much information as possible about the potential sister city. Any material that shows a correlation between Portland and the other city will be helpful.
3. Correspond with the potential sister city. A letter from their government expressing interest in the relationship is helpful before an ordinance is considered (the staff in the International Relations Office will respond to any such correspondence, if you wish).
4. Write an economic development impact statement. Cite examples of trade, joint ventures, industrial or other development projects currently being undertaken between the two cities. Describe the potential for ongoing projects.

Establishing A Sister City
Page 2

5. Develop a statement of goals for the sister city association. Exactly what do you plan to accomplish through the establishment of a relationship with this city? (For example, one of the goals of the Portland-Guadalajara Sister City Association is to assist in the integration of the Hispanic community on a local level.)
6. Draft a possible first year budget. Describe anticipated costs of projects you plan to undertake, and explain how you plan to fund them.
7. Draft possible bylaws. They will show exactly how the new association is to function and will facilitate the transition from a citizen group to a City-sponsored organization once an ordinance is passed.
8. Communicate with the Mayor's Office of International Relations. The staff is interested in what you are doing and can make additional suggestions.

When you are prepared, you should approach the International Relations Office with a request that an ordinance be brought before Council. If it appears that all criteria can be met as evidenced in the materials you have prepared, the International Relations Office will work with you to prepare the ordinance and request that the Mayor file it for a vote. You will be notified of the day and approximate time that the ordinance will be on the City Council agenda and may attend the session to give testimony and respond to any questions the Commissioners might have. A majority vote is needed to pass the ordinance.

EXHIBIT A

Criteria for Sister City Relationships

SECTION I. Selection Criteria

- A. All cities chosen to affiliate with the City of Portland as a sister city must be located in a country that has established diplomatic relations with the United States.
- B. Preference shall be given to a city requesting a sister city relationship with the City of Portland where such city has no other sister city in the United States.
- C. The City of Portland shall establish a sister city relationship with only one (1) city per country.
- D. The City of Portland shall give preference to cities in those nations that maintain a consulate or trade mission office in Portland.
- E. The City of Portland and the proposed sister city shall be of similar size and role, either absolutely or in relation to their regions.
- F. The City of Portland shall have cultural, educational, economic, governmental, and social interests in common with the proposed sister city.

SECTION II. Requirements for Independent Funding and Citizen Involvement

In recognition of the people-to-people philosophy underlying the sister city program, the City of Portland shall establish no sister city without these criteria being met:

- A. There exists in the Portland community substantial, long-term, broad-based interest in establishing the relationship, interest that transcends transitory, political, or social concerns and that reflects ongoing community involvement with the sister city's region or people.
- B. A committee has been formed as a nonprofit entity under Oregon laws and is prepared to undertake the financial and staffing requirements necessary to properly administer such a relationship.

- C. The committee has presented a plan of action for the first year of such a relationship that demonstrates, whether through volunteer or professional time commitment, the ability to respond in a timely fashion to overtures from the sister city, to work with the Mayor's Office and with other community organizations in furthering the relationship, and to represent the City of Portland with thorough-going competence and integrity.
- D. The committee has demonstrated a financial capability sufficient fully to fund its operations and the various visits, receptions, delegations, and other similar functions such a relationship entails, without financial contribution from the City. Financial capability need not mean exclusively cash in hand, but may include commitments to contribute material, services, or time.
- E. Every year each committee shall submit a summary of programs held, successes, shortcomings, and a plan of action for the next year to the Mayor's Office. The report will include such data as may be requested by the Mayor's Office.
- F. Failure to meet requirements for Independent Funding and Citizen Involvement shall result in the revocation of sister city status.

SECTION III. City Liaison

The Mayor shall designate a liaison officer with responsibility over Sister City Programs. The officer will handle communications between the Mayor's Office and such sister cities as are or may be established, liaison responsibilities between the Mayor's Office and the committees required by Section II hereof, staff support (as defined by the Mayor) to the committees, and such other duties as the Mayor may assign.

SECTION IV. No Retroactive Effect

Existing sister city relationships shall continue in force and need not pass through the initial approvals process here set forth. They are, however, subject to all other requirements of this ordinance.

ORDINANCE NO.

An Ordinance establishing criteria for City of Portland sister city relationships, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

- 1. The Sister City movement in the United States was inaugurated by President Eisenhower in 1956 as the "People-to-People program," whose purpose was to establish greater friendship and understanding between the people of the United States and the peoples of other nations through direct contact.
- 2. All succeeding U.S. Presidents have endorsed the program to be conducted for the broad purposes of exchanging ideas and people between the citizens of the United States of America and the peoples of other nations.
- 3. The Town Affiliation Association of the U.S., Inc. has requested Portland and other American communities to affiliate with cities in other nations of similar characteristics and mutual interest.
- 4. There is an abundance of requests by cities wishing to affiliate with Portland as a sister city.
- 5. The City of Portland wishes to maximize the diversity of cultures represented in its sister city relationships, as well as to manage the number of cities chosen for this program in order to heighten the significance of its purpose.
- 6. Criteria for establishing sister city relationships are needed to ensure that the benefits of the sister city program reach the greatest number of people in an orderly manner.
- 7. The Mayor's International Task Force has submitted recommended criteria for Portland's future sister city relationships.

NOW, THEREFORE, the Council directs:

- a. Criteria for the establishment, funding, and administration of sister city relationships shall conform to those listed in Exhibit A, which is attached to this Ordinance and by this reference made a part thereof.

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ORDINANCE No.

Section 2. The Council declares that an emergency exists because delay in the enactment of this Ordinance would delay response to the numerous requests from cities around the world to affiliate with Portland; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council.
Mayor J. E. Bud Clark
Jan Van Domelen:ts
January 29, 1986

Jewel Lansing
Auditor of the City of Portland

Sister cities join for culture, more

By AMY LAMPHERE
Research Manager

CHICAGO — In this era of joint ventures and glasnost, the concept of sister cities may seem a trifle silly. Good will is nice, and so are pot roast dinners, tours of Zagreb, Yugoslavia, and folk dancing.

But to what end?

"Critics tend to say, 'What good does it do to have these polite cultural exchanges?'" said Marcia Erixon, foreign relations officer for the Illinois Department of Commerce and Community Affairs.

"But what we've learned is that international governments tend to place a high importance on these kinds of exchanges. They are a lot more than just ceremonial accords — they're a very important prerequisite to business."

That message and others permeated the 35th Anniversary Conference of Sister Cities International Inc. (SCI) held in Chicago July 17-20.

Since its inception, SCI has assisted more than 870 U.S. cities and counties in establishing links with some 1,400 communities in 92 countries around the world.

"The purpose of sister cities is to create world peace," said Dot Borden, president of Sister Cities of Durham (N.C.) Inc. "Building global relationships is our best insurance against war."

Others recognized that sister-city relationships aren't always so high-minded. As global competition heats up, a number of U.S. siblings are cutting sentimentalities and getting down to business.

Portland, Ore., for example, used its sister-city relationship with Sapporo, Japan, to land a multimillion-dollar wood chip exporting business for a local company. In San Francisco, a 7-year-old sister-city pact resulted in the opening of the Shanghai Foreign Trade Corp. branch in San Francisco. And in Fremont, Calif., a link with Fukaya, Japan, has brought foreign goods to shopping centers in both cities.

Begun in 1956 by President Dwight D. Eisenhower as a peace-

keeping initiative between nations, earlier sister-city affiliations focused on good-will gestures, specifically educational and cultural exchanges.

"The educational and cultural exchanges give us a chance to get comfortable in cultures other than our own," added Mayor Rodger Randle of Tulsa, Okla., whose city maintains sister-city relationships with Beihai, China; Kaohsiung, Taiwan; San Luis Potosi, Mexico; and Tiberias, Israel.

Arriving at this comfort level is essential, Mr. Randle believes, before moving on to a partnership that promotes economic development and technology and that trades ideas on government structure.

Tempe, Ariz., Mayor Harry Mitchell pointed out that attempts to aid Eastern Europe and other countries in the development of local government administration through SCI are multifaceted.

"Urban technology transfer will only prove useful if there's an equal transfer of the spirit of life and liberty," he said. "We must not only teach how services are administered, but must also demonstrate the values behind the service delivery and commitment to the citizens."

"Towns have realized it's smart to start thinking globally," explained Martha Atherton, coordinator for the Illinois sister-city chapter of Alexandria, Va.-based SCI. "This has caused a real surge of growth in interest for sister cities, because towns see them as a good way of getting their foot in the door and establishing a relationship."

Despite successes on the cultural and humanitarian fronts, several participants at the Chicago SCI gathering expressed concern over the possibility that economic development has begun overshadowing the promotion of cultural and educational components in sister-city programs. Financially strapped cities eventually may want to see more of a return on their dollar.

— Crain News Service contributed to this story.



own's sister city,

Bridgeport wine night



CITY OF MILWAUKIE

MAILING ADDRESS:
P O BOX 22009
MILWAUKIE, OR 97222-0009
FAX (503) 652-4433

MEMORANDUM

TO: Mayor and City Council

THROUGH: Dan R. Bartlett, City Manager *Dan*

FROM: Angus M. Anderson, Finance Director *Am*

DATE: 21 February, 1993

RE: PGE FRANCHISE AGREEMENT

ACTION REQUESTED:

Consider Ordinance granting Portland General Electric Company (PGE) an exclusive ten year right and privilege to provide an electric light and power system within the City of Milwaukie.

BACKGROUND:

An existing twenty year franchise agreement with PGE which expired on January 1, 1993 was extended to June 1, 1993 to allow for completion of negotiations between the City and PGE. Considerable discussions, including a City Council work session on January 12, 1993 with PGE representatives in attendance, have been held. Based on information presented in these discussion, at the Council work session, and in subsequent investigations, the originally proposed Franchise Agreement was modified. The principal changes to the originally proposed Franchise Agreement are as delineated on the attached correspondence from counsel to the City. The principal differences with the previously examined draft are inclusion of PGE suggested language regarding renegotiation of the agreement and/or franchise fee and agreement with an annual payment of franchise fee by PGE.



O'DONNELL, RAMIS, CREW & CORRIGAN

ATTORNEYS AT LAW
BALLOW & WRIGHT BUILDING
1727 N.W. Hoyt Street
Portland, Oregon 97209

TELEPHONE: (503) 222-4402
FAX: (503) 243-2944

DATE: February 17, 1993
TO: Dan Bartlett - City Manager
Angus Anderson - Finance Director
FROM: Michael Robinson - City Attorney's Office
RE: PGE Franchise Agreement

Enclosed is the latest version of the PGE franchise agreement. This draft includes those changes discussed at the meeting on January 12, 1993, as well as any other changes which have been made since that time. The principal changes since the earlier redline version are these:

- 1) The franchise term is ten years;
- 2) The effective date of the agreement is January 1, 1993 (Sections 2 and 15);
- 3) The ability for either party to terminate the agreement after five years has been deleted (Section 2);
- 4) The franchise fee shall be paid annually under the same terms as the previous franchise agreement (Section 10b);
- 5) The PUC's definition of "gross revenue" is still used in this draft (Section 10b);
- 6) The language regarding payment of the franchise fee and issuance of a receipt has been simplified (Section 10c);
- 7) Language allowing a privilege tax has been added (Sections 10d and 10i);
- 8) PGE's suggested language regarding renegotiation has been added (Section 10j);
- 9) The prior agreement is repealed (Section 15);
- 10) The franchise fee is classified as not being a tax subject to the property tax limitations of Measure 5 (Section 16).

Memo re: PGE Franchise Agreement
February 17, 1993
Page 2

Once this draft has been reviewed by PGE, a final agreement can be put on the agenda for adoption by the City Council. Please let me or Maggie Daly know if there are any additional changes to the franchise agreement.

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STANDARD FRANCHISE AGREEMENT - ORDINANCE NO. _____

An ordinance granting Portland General Electric Company, an Oregon corporation, its successors and assigns, for a period of ten years from and after the effective date of this ordinance, the right and privilege to erect, construct, maintain and operate within the corporate limits of the City of Milwaukie, Oregon, as such limits now exist or may be hereafter constituted, an electric light and power system with the poles, wires, fixtures, underground circuits and equipment necessary or convenient to supply said City and the inhabitants thereof and others with electric energy for light, power and other purposes, upon, over, along, under and across the streets, alleys, roads and other public ways and places within the corporate limits of said City, fixing the terms and conditions thereof, and providing for the manner of determination of the effective date thereof, and repealing all ordinances and parts of ordinances in conflict herewith.

IT IS ORDAINED BY THE COUNCIL OF THE CITY OF MILWAUKIE, OREGON.

Section 1. That Portland General Electric Company, an Oregon corporation, hereinafter sometimes referred to as the "Company," is hereby granted, subject to the terms and conditions hereof, the franchise right and privilege to erect, construct, maintain and operate an electric light and power system within the corporate limits of the City of Milwaukie, herein sometimes referred to as the "City," as the same now exist, or may be hereafter constituted, and the franchise right and privilege to erect, construct, maintain and operate poles, wires, fixtures, equipment, underground circuits and other property necessary or convenient to supplying the City and the inhabitants thereof and other persons and territory with electric energy for light, power and other purposes, upon, over, along, under and across the streets, alleys, roads and other public ways and places within

the corporate limits of the City as the same now are or may be hereafter constituted.

All poles, wires, fixtures, equipment, underground circuits and other property owned or in possession of the Company now located within the corporate limits of the City shall be deemed to be covered by the terms of this ordinance and to be located in accordance therewith, and the location and placement thereof is hereby approved.

Section 2. That all rights and privileges hereby granted shall be effective as of January 1, 1993 and shall terminate at the expiration of ten years from said date, except that in the event the Company shall fail, neglect or refuse for thirty (30) days after demand in writing by the City to perform any or all of the obligations or requirements set forth in this ordinance to be performed by the Company, then the rights and privileges herein granted may be terminated and annulled by the Council or other legislative body of the City, and the Company shall forfeit all rights and privileges hereby granted.

Section 3. That the Company shall, if requested so to do, file with the City Engineer, or other City official designated by the City, maps or sketches showing any proposed construction work to be done by the Company within the corporate limits of the City, and such construction work shall be done in a reasonably safe manner subject to the approval of the official designated by the Council of the City and in accordance with requirements of applicable State Laws and City ordinances. In

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emergencies such filings shall occur within thirty (30) days of completion of emergency construction work.

Section 4. That the Company, under the direction of the City or its properly constituted authorities, may make all necessary excavations in any street, alley, road or other public way or place for the purpose of erecting, constructing, repairing, maintaining, removing and relocating poles and other supports for its wires, conductors, lights or street lights; and laying, repairing and maintaining its underground conduits and pipes; and for placing, maintaining and operating its wires and conductors. All poles of the Company shall be erected at the outside edge of the sidewalk unless otherwise directed by the proper City authorities.

Section 5. That when any excavation shall be made pursuant to the provisions of this ordinance, the Company shall restore the portion of the street, alley, road or public way or place to the same condition to which it was prior to the excavation thereof, and all work shall be done in strict compliance with the rules, regulations, ordinances or orders which may be adopted from time to time during the continuance of this franchise by the Council of the City or as may be otherwise provided by law.

Section 6. That the City, by its properly constituted authorities, shall have the right to cause the Company to move the location of any pole whenever the relocation thereof shall be for public necessity, and the expense thereof shall be paid by

the Company.

Section 7. That nothing in this ordinance shall be construed as in any way to prevent the City from sewerage, grading, paving, planking, repairing, widening, altering or doing any work that may be desirable on any of the streets, alleys, roads or public ways or places; but all such work shall be done, if possible, in such manner as not to obstruct, injure or prevent free use and operation of the said electric light and power system of the Company.

Section 8. That whenever it shall be necessary in sewerage, grading, or in making any other improvement in any street, alley, road or other public way or place, to relocate any pole, underground conduit or equipment belonging to the Company or on which any light, wire or circuit of the Company shall be stretched or fastened, the Company shall, upon ten (10) days' written notice from the City, or its properly constituted authorities, relocate such pole, underground conduit, equipment, light, wire or circuit, and if it fails, neglects or refuses so to do, the City, by its properly constituted authorities, may relocate the same at the expense of the Company. Prior to any such relocation the City agrees to provide for suitable location for such relocated facilities sufficient to maintain services.

Section 9. Whenever it becomes necessary to temporarily rearrange, remove, lower or raise the aerial cables or wires or other apparatus of the grantee to permit the passage of any building, machinery or other object, the said grantee will

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perform such rearrangement on seven (7) days' written notice from the person or persons desiring to move said building, machinery or other objects. Said notice shall bear the approval of such official as the Council may designate, shall detail the route of movement of the building, machinery or other objects, shall provide that the costs incurred by the grantee in making such rearrangements of its aerial plant will be borne by the person or persons giving said notice and shall further provide that the person or persons giving said notice will indemnify and save said grantee harmless of and from any and all damages or claims of whatsoever kind or nature caused directly or indirectly from such temporary arrangement of the aerial plant of the grantee, and, if required by grantee, shall be accompanied by a cash deposit or a good and sufficient bond to pay any and all such costs as estimated by grantee.

Section 10. That the rights and privileges granted by this ordinance are granted upon the conditions herein contained and also upon the following considerations and conditions to wit:

(a) That Portland General Electric Company shall, within thirty (30) days from the effective date of this ordinance, file with the City Recorder its written acceptance of this ordinance, subject to all the terms, obligations, restrictions and provisions of this ordinance, and upon the expiration of the allotted time for the acceptance of this ordinance, the same not having been accepted unconditionally, then this ordinance shall become wholly void, inoperative and of

no effect.

(b) That in consideration of the rights and privileges herein granted, the Company shall pay to the City a franchise fee for each full calendar year during the life of this franchise beginning with the year 1993 an annual fee of three and one-half (3-1/2) percent of the gross revenue as defined herein for the immediately preceding calendar year.

"Gross revenue" as used in this ordinance shall be deemed to include any revenue earned within the City from the sale of electric energy after adjustment for the net write-off of uncollectible accounts computed on the average annual rate for the entire Company. Gross revenue shall include revenues from the use, rental or lease of operating facilities of the utility other than residential-type space and water heating equipment. Gross revenues shall not include proceeds from the sale of bonds, mortgage or other evidence of indebtedness, securities or stocks, sales at wholesale to a public utility when the utility purchasing the service is not the ultimate consumer, revenue from joint pole use, or revenue paid directly by the United States of America or any of its agencies. A "public utility" as defined herein is any individual, partnership, cooperative, corporation or government agency buying electric energy and distributing such electric energy to those utilizing such service.

(c) That on or before the first day of March, 1993, and on or before said day of each year thereafter during the term of this franchise, the Company shall file with the City Recorder

a sworn statement showing the amount of gross revenue of the Company within the City for the calendar year immediately preceding the year in which the statement is filed. The annual franchise fee for the year in which the statement is filed shall be computed on the gross revenue so reported. The franchise fee shall be payable annually on or before the first day of April, beginning in the year 1993. The City shall issue a receipt to the Company for the annual payment, which shall be full acquittance of the Company for the payment. If controversy arises as to the amount of gross revenue within the meaning of this ordinance, the amount of such gross revenue as determined by the Public Utility Commission of Oregon after examination of the Company's records shall be deemed the correct amount. Any difference of payment due either the City or the Company through error or otherwise shall be payable within fifteen (15) days of discovery of such error. Should the Company fail or neglect to pay any of said annual payments provided for in this Section for thirty (30) days after any annual payment shall become due and payable and after thirty (30) days' written notice from the City, the City, by its properly constituted authority, may at its option either continue this franchise in force and/or proceed by suit or action to collect said payment or declare a forfeiture of this franchise because of the failure to make such payment but without waiving the right to collect earned franchise payments.

(d) That in consideration of the agreement of the Company to make such payments, and except as otherwise provided

herein, the City agrees that no license, tax or charge on the business, occupation or franchise of the Company shall be imposed upon, exacted from or required of the Company by the City during the term of this ordinance, but this provision shall not exempt the property of the Company from lawful ad valorem taxes.

(e) That the City reserves the right to cancel this franchise at any time upon one year's written notice to the Company in the event that the City decides to engage in public ownership of light and power facilities and the public distribution of electric energy.

(f) That the Company shall permit the City to string wires on poles of the Company for municipal fire, police and water departments, and for municipal telephone, telegraph and traffic signal systems and to attach to the top of any pole city fire alarm and police signals, provided that such wires and signals shall be strung so as to interfere as little as possible with the wires of the Company and to conform to the provisions of the National Electrical Safety Code; and further, that the City shall indemnify and hold the Company harmless from loss or damage resulting from damage to property or injury or death to city employees or the public arising from or connected with the use of said poles by the City.

(g) That the Company shall not during the term of this franchise sell, assign, transfer or convey this franchise without the consent of the Council of the City expressed by ordinance first obtained, and that upon obtaining such consent all of the

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provisions shall inure to and bind the successors and assigns of the Company; and whenever the Portland General Electric Company shall be mentioned in this ordinance, it shall be understood to include such successors or assigns in interest of the Portland General Electric Company as shall have been so consented to by the Council.

(h) That the Company shall render the service hereby authorized to be supplied upon equal terms without unjust discrimination or undue preference to any users within the City.

(i) The City shall retain the right to charge a privilege tax in addition to the franchise fee set forth herein in an amount not to exceed one and one half percent (1 1/2%), based on the gross revenues of the Company.

(j) If the State of Oregon or the PUC amends or adopts a state statute or administrative rule that would affect a material term, condition, right, or obligation under this agreement, either party may reopen the Franchise at any time with regard to such material term, condition, right or obligation in order to address the change required or allowed by the new or amended state statute or administrative rule.

Section 11. That the rates to be charged by the Company for electric energy shall be such as may be fixed or approved by the Public Utility Commission of Oregon, or any other governmental official, commission or body having jurisdiction.

Section 12. That the Company hereby agrees and covenants to indemnify and save harmless the City and the

officers thereof against all damages, costs and expenses whatsoever to which it or they may be subjected in consequence of negligence of the Company, or its agents or servants, in any manner arising from the rights and privileges hereby granted.

Section 13. That the franchise hereby granted shall not be exclusive and shall not be construed as any limitation on the City to grant rights, privileges and authority to other persons or corporations similar to or different from those herein set forth.

Section 14. That all rights, authority and grants herein contained or conferred are also conditioned upon the understanding and agreement that these privileges in the streets, alleys, roads and other public ways and places of the City are not to operate in any way so as to be an enhancement of the Company's properties or values or to be an asset or item of ownership in any appraisal thereof.

Section 15. The City and the Grantee agree that this ordinance shall be effective as of January 1, 1993 and shall replace and repeal the prior franchise with Portland General Electric Company, Ordinance No. 1275, adopted on April 3, 1973, and any amendments thereto. The City and the Grantee further agree that the terms of Ordinance No. 1275 remained in effect from January 1, 1993 until the effective date of this ordinance.

Section 16. The City Council determines that the fee imposed by this franchise is not a tax subject to the property tax limitations of Article XI, Section 11(b) of the Oregon

Constitution.

Section 17. It is necessary for the peace, health and safety of the people of the City that an arrangement be made immediately with the Company governing the continued use of public property within the City, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect upon its passage by the Council and approval by the Mayor.

Read for the first time on _____, 1993 and moved to a second reading by _____ vote of the City Council.

Read for the second time and adopted by the City Council on _____, 1993.

Signed by the Mayor on _____, 1993.

Craig Lomnicki, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney

CITY OF MILWAUKIE



MAILING ADDRESS:
P.O. BOX 22009
MILWAUKIE, OR 97222-0009
FAX (503) 652-4433

MEMORANDUM

TO: Mayor and City Council
THROUGH: Dan R. Bartlett, City Manager *DB*
FROM: Angus M. Anderson, Finance Director *AA*
DATE: 21 February, 1993
RE: RESOLUTION REQUEST-Budget Appropriation Transfers

ACTION REQUESTED:

Consider resolution transferring budget appropriations. The transfer includes intrafund transfer of \$166,653.50 from the General Fund Contingency appropriation to other General Fund appropriation categories as well as a transfer of \$136,143 from the General Fund Contingency appropriation to the General Fund Interfund Transfer category resulting in an Interfund Transfer yielding an increase in Library Fund revenues and expenditures of \$55,263.00 and Fire Rescue Fund revenues and expenditures of \$80,880.00. In addition to the interfund transfers and intrafund transfers within the General Fund, transfers in the State Gas Tax Fund, Water Fund, Sewer Fund and Fleet Services Fund from contingency to operations are requested.

BACKGROUND:

In developing the FY 1992-93 Budget Document all staff salaries were budgeted at the current salary scale with all staff budgeted for a step increase if eligible. It was acknowledged that any salary scale increases as well as other salary and benefit adjustments would be included in the amount budgeted as contingency and would be transferred after the year had begun and all salary figures were known. The amount budgeted as contingency was \$387,917. Since that time the following resolutions have transferred contingency funds as shown:

<u>RESOLUTION</u>	<u>AMOUNT</u> <u>XFRD</u>
36-1992	\$ 11,800.00
37-1992	18,682.00
38-1992	14,745.00

The present request would increase the TOTAL transfer of General Fund Contingency appropriations to \$331,945.02 resulting in a remaining contingency of \$55,971.89.

Oregon Local Budget Law provides that appropriations can be transferred during the fiscal year from the general fund to another fund by a resolution or ordinance. A transfer of resources is usually required when appropriations are moved between funds. Resources by themselves cannot be transferred between funds. Appropriations in the receiving fund are increased by the amount of the transfer, and the resources available to that fund are also increased by the amount transferred from the general fund. Appropriations in the general fund are then limited by the reduced appropriation authority and reduced resources.

If the resolution is approved as presented all salary "line items" in all funds would be changed to reflect the actual salary and benefit costs. The Library Fund and Fire Rescue Fund would be increased by Interfund Transfers from the General Fund as those funds were newly established this year separate from the general fund. The general fund interfund transfer was integral in computing the serial levy amounts for these funds.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
TRANSFERRING FUNDS FROM CONTINGENCY TO VARIOUS APPROPRIATION
CATEGORIES.**

WHEREAS, the FY 1992-93 Adopted Budget for the City of Milwaukie contained \$387,917 in the contingency appropriation category, and

WHEREAS, labor negotiations have concluded, and

WHEREAS, the labor negotiations, and resultant salary and benefit costs are greater than originally budgeted.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Milwaukie, Oregon: approves the transfer of appropriations as follows:

<u>FUND</u>	<u>APPROPRIATION CATEGORY</u>	<u>INCREASE</u>	<u>DECREASE</u>
GENERAL	City Council	\$	
	Administration/Comm Srv	31,078.50	
	Police Services	111,794.00	
	Community Development	10,941.00	
	Public Works		\$ 16,078.48
	Finance	12,840.00	
	Interfund/Intergovernment	136,143.00	
	Contingency		286,718.02
TOTAL		\$ 302,796.50	\$ 302,796.50
STATE GAS TAX	Operations	\$ 34,545.73	
	Contingency		\$ 24,998.00
	Capital Projects		9,547.73
	TOTAL	\$ 34,545.73	\$ 34,545.73
LIBRARY	Interfund Xfr <resource>		\$ < 55,263.00>
	Library Operations	\$ 55,263.00	
FIRE-RESCUE	Interfund Xfr <resource>		\$ < 80,880.00>
	Fire Rescue Services	\$ 80,880.00	
WATER	Operations	\$ 38,539.00	
	Contingency		\$ 38,539.00
SEWER	Operations	\$ 66,469.43	

	Contingency		\$ 66,469.43
FLEET SERVICES	Operations	\$ 194.00	
	Contingency		\$ 194.00

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on

Craig Lomnicki, Mayor

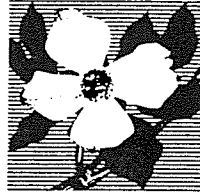
ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:

O'DONNELL, RAMIS, CREW & CORRIGAN

Timothy V. Ramis, City Attorney



MEMORANDUM

TO: Dan R. Bartlett, *DRB*
City Manager

FROM: Angus M. Anderson,
Finance Director

DATE: 22 February, 1993

RE: Beginning Fund Balance/Contingency

I have prepared a Resolution for City Council action on next weeks agenda in which contingency appropriations are transferred to other appropriation categories and to other funds. The result of these transfers is a reduction in contingency to \$55,971.89.

In the adopted 1992-93 Budget, the contingency appropriation was \$331,945.02 and the budgeted beginning fund balance was \$317,094. Fiscal 1992 results yielded an actual beginning fund balance of \$872,375. A supplemental budget has not been adopted to recognize this increase in beginning fund balance so that the full amount can be carried over into FY 1993-94 as beginning fund balance. In the event the City were to face a true emergency, we could adopt a supplemental budget, recognize this revenue and provide funds for the emergency situation.

CITY OF MILWAUKIE



FAX (503) 652-4433

*** MEMORANDUM *** February 23, 1993

To: Mayor and City Council
From: Dan Bartlett, City Manager *Dan*
Re: Letter Supporting Greenspaces Grant Request

Action Requested

Authorize Mayor Lomnicki to sign the attached letter supporting the Metro Greenspaces grant application.

Background

Metro is applying for a second Greenspaces grant from the US Fish and Wildlife Service. Mel Huie, of the Greenspaces staff, has asked that we send a letter to Senator Hatfield supporting this request.

Metro is applying for \$950,000 to continue restoration projects; plan and implement inner city restoration projects; trails and greenway planning; environmental education; and public outreach. In addition, they will be applying for \$2 million to establish a Greenspaces pilot land acquisition fund.

Milwaukie has received two grants under the previous funding. We have had our riverfront listed in the Greenspaces plan and have received technical support from Metro staff in planning our restorations.

I would recommend that the Council unanimously support this application.

cc: File
cm661/hd

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CITY OF MILWAUKIE



FAX (503) 652-4433

February 23, 1993

Senator Mark Hatfield
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Hatfield:

The City of Milwaukie supports Metro's request for the Greenspaces program. This funding request is included in the Interior Department/Fish and Wildlife Service Appropriations Bill.

Milwaukie and the North Clackamas Parks and Recreation District have received two Greenspaces restoration grants under the previous allocation of this program. These efforts have been educational and will improve the quality of life for Milwaukie residents and enhance wildlife habitat.

The Milwaukie City Council considered this request at the March 2, 1993, meeting and unanimously approved sending this letter of support.

Sincerely,

Craig J. Lomnicki
Mayor

cc: Mel Huie, Metro
File

DRB/cm - ml007

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
FEBRUARY 16, 1993**

The one thousand six hundred and sixty-fifth meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:03 p.m. in the Milwaukie Center with the following Councilmembers present:

Craig Lomnicki,
Mayor
Rick Farley

Jean Schreiber
Rob Kappa
Bob Knudson

Also present:

Dan Bartlett,
City Manager
Mike Robinson,
City Attorney
Charlene Richards,
Assistant to the
City Manager
Chuck Mansfield,
Police Chief

Maggie Collins,
Community Development
Director
Kelly Somers,
Public Works Superintendent
Pat DuVal,
Recorder/Secretary

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Historic Moments

Mayor Lomnicki discussed the varied interests of Lot Whitcomb in making Milwaukie a ship building center servicing the San Francisco market.

Milwaukie Downtown Development Association (MDDA) Annual Report

This matter was continued to the March 2, 1993 meeting.

Traffic Safety Commission Annual Report

Dick Baker presented the Traffic Safety Commission's Annual Report. He said the Commission functions as an advisory board to the Council and liaison to the public. He reviewed the Commission's activities for 1992 which included the work done with Lake Road area residents to improve safety by placing "no passing in bike lane" signs. He said further work will be done to improve ingress and egress on Lake

CITY COUNCIL MEETING - FEBRUARY 16, 1993

Road. He discussed the Monroe Street weight limit request and the 34th Avenue Neighborhood Task Force that had voiced concerns about increased traffic. He said the Commission seeks to improve the livability through design applications which combine the needs of drivers, cyclists, and pedestrians.

Councilmember Kappa asked Baker what he believed would impact the future of traffic in the City. **Baker** said studies indicated that 40% of the drivers commute only three or four miles to work. He said he believed that community livability would be improved by engineering designs that enabled pedestrian and cyclists to feel safer. He discussed some European traffic designs.

Councilmember Farley said there were certain pedestrian crosswalks in the City which residents did not use because they did not consider them safe. He mentioned the crosswalk at 21st and Harrison specifically. **Baker** said he believed that drivers could be educated to be more aware of pedestrian safety.

Councilmember Schreiber asked Baker his opinion of the effectiveness of speed bumps. **Baker** said speed bump are effective, but they are costly to install. It has also been found that speed bumps need to be replaced frequently.

Mayor Lomnicki asked Baker if he thought the bumps in a roadway to warn drivers of an approaching intersection would be effective in residential neighborhoods or near schools. **Baker** said these bumps were called clackers or noise makers. He said similar to speed bumps, installation is costly, and they do not last very long.

Councilmember Farley asked Baker his opinion on the best way to provide the public with traffic safety education. **Baker** said he believed the most effective method was to talk to young people at a proper age. He used the example of a high school student who is learning to drive. He said when young people are involved in the learning process, they will comply more with the laws. He also suggested working with the media and offering safety fairs.

PUBLIC HEARING

Consider Authorizing Police Department to Impound Vehicles of Persons Taken into Custody - Ordinance

Mayor Lomnicki called the public hearing authorizing the Police Department to impound vehicles of persons taken into custody at 7:27 p.m.

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Mayor Lomnicki said the purpose of the hearing was to consider approving a City ordinance authorizing the Police Department to impound vehicles of persons taken into custody.

Mayor Lomnicki reviewed the conduct of the hearing.

Staff Report: **Charles Mansfield**, Police Chief, presented the staff report in which the City Council was requested to consider an ordinance that would authorize the Police Department to impound vehicles of persons taken into custody. He said this ordinance does not involve impoundment of vehicles belonging to uninsured motorists.

Mansfield said the department was concerned with custodial obligations of private vehicles and property left at the scene of an arrest. Currently the department policy is to have the person sign a release form and leave the vehicle at the arrest site. In some instances, the person arrested is not willing or not in a position or condition to sign a release. This presents a risk of theft or damage for which the City might be liable.

Mansfield said departmental regulations require the officer to complete an inventory of the vehicle contents. The towing company takes this inventory and accepts responsibility for the vehicle and its contents.

Mansfield said the proposed ordinance would identify certain guidelines for the arresting officer. If there is a passenger in the vehicle that the officer deems fit and who is acceptable, that person may drive the car to an appropriate place. This type of action is also allowed if there is a person who can respond to the arrest site in a reasonable period of time and remove the car.

Mansfield said in some cases the vehicle may contain contraband. The uniform policy may keep the City from a case of inadmissibility of evidence.

Councilmember Kappa asked if an arrestee's vehicle would be towed if located in a public area. **Mansfield** indicated that it would. He added that the arrestee may also contact someone who could come and take the vehicle within 20 minutes.

Councilmember Kappa asked how long it usually takes the officer to complete the inventory form. **Mansfield** said officers are experienced and usually do this within the 20 minutes it takes for the towing company to arrive.

Councilmember Knudson asked what happens to evidence that might be found in the vehicle. **Mansfield** said it is seized at this time.

CITY COUNCIL MEETING - FEBRUARY 16, 1993

Correspondence: None.

Testimony in Support: None.

Testimony in Opposition: None.

Staff Comments: None.

Questions of Clarification: None.

Close Public Testimony: Mayor Lomnicki closed the public testimony portion of the hearing at 7:37 p.m.

Discussion among Councilmembers: None.

It was moved by Councilmember Kappa and seconded by Councilmember Farley to read the ordinance amending Chapter 10.20 by adding authority to tow and impound vehicles in the possession of a person taken into custody for the first time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the first time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to read the ordinance amending Chapter 10.20 by adding authority to tow and impound vehicles in the possession of a person taken into custody for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Farley and seconded by Councilmember Kappa to adopt the ordinance amending Chapter 10.20 by adding authority to tow and impound vehicles in the possession of a person taken into custody. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

ORDINANCE NO. 1732:

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
AMENDING CHAPTER 10.20 BY ADDING AUTHORITY TO TOW
AND IMPOUND VEHICLES IN THE POSSESSION OF A PERSON
TAKEN INTO CUSTODY.**

AUDIENCE PARTICIPATION

None.

OTHER BUSINESS

Consider Support of Clackamas County Three-Year Law Enforcement Serial Levy - Resolution

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider a resolution supporting the Clackamas County three-year law enforcement serial levy. He said this was a differential tax levy for those living within cities and those living in the unincorporated areas.

Bartlett said this was an effort to offer tax equity to those living in the cities. He said there is a logical limit to which the cities may go in their expectations of reducing their share of law enforcement funding. Cities still have some responsibility for the county jail and the court system. He said the question was to what extent the cities should go to fund the sheriff's patrol. The sheriff's department proposes to add officers to patrol the perimeter of incorporated areas.

Bartlett said this ballot measure may not be entirely fair from the cities' viewpoint. This is a mechanism to help decide how to pay for the law enforcement services. The Sheriff's patrol will still come into the City when needed.

Mayor Lomnicki said Sheriff Bradshaw and Clackamas County CEO Mike Swanson have assured the cities that this is a first step in the equity issue.

Councilmember Knudson asked if the Blue Ribbon Committee was still in operation. Bartlett said the Blue Ribbon Committee was no longer active, but committee reports are available for review. The Fair and Efficient Law Enforcement Committee (FELEC) evolved from the Blue Ribbon Committee.

Councilmember Kappa asked how this proposed ballot measure differed from the May 1992 measure. Bartlett said the May ballot measure suggested a differential of about \$.23 per \$1000 assessed value. The current proposed difference would be about \$.13.

Councilmember Kappa asked what the opinions were of those living in the rural areas. Bartlett said the rural area has not been heard from at this point on the proposed March ballot measure. He said rural areas, away from Oregon City and Milwaukie, usually vote against law enforcement levies.

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Councilmember Kappa asked what area new officers would patrol. **Bartlett** said currently county officers go to areas where there is more crime such as the Clackamas Town Center and residential areas. Additional staff would allow officers to go into the rural areas.

It was moved by **Councilmember Schreiber** and seconded by **Councilmember Kappa** to adopt the resolution supporting the **Clackamas County Three-Year Law enforcement serial levy**.

Councilmember Schreiber said it would seem like residents would be in favor of this ballot measure because it both lowers taxes and puts more officers on the perimeter of the urban areas.

Mayor Lomnicki said more officers in the Town Center would improve the service to Milwaukie residents.

Councilmember Kappa said he believed this resolution more completely addressed the issue than the one that was proposed prior to the May 1992 election.

Motion passed 5 - 0 with the following vote: **Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson** aye; no nays; no abstentions.

RESOLUTION NO. 4-1993:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SUPPORTING THE CLACKAMAS COUNTY THREE-YEAR LAW ENFORCEMENT SERIAL LEVY

Consider Bid Award for Construction of Sign Shop

Kelly Somers, Public Works Superintendent, presented the staff report in which the City Council was requested to award the bid for construction of the sign shop to Trademark Construction, Inc. in the amount of \$37,753.00. The street fund has \$36,000 budgeted for the project, and the balance is available from the unexpended portion of funds allocated for the 32nd Avenue Project.

Mayor Lomnicki asked why the bid amount exceeded the budgeted amount. **Somers** replied that the project had been held over from a previous year's budget, and the amount had not been adjusted to reflect a higher cost.

Councilmember Schreiber said she was concerned with the difference between the amounts of the high and low bids. **Somers** agreed that there was a difference but said the low bidder had good references as a reliable contractor.

Councilmember Schreiber asked if the amount could be negotiated. **Somers** said the building itself was very basic, and there was little room for negotiation. He added that some of the work, such as painting the interior walls, would be done by City employees.

Councilmember Kappa said he believed even the low bid was very high. **Somers** said the City requires that the contractor pays Davis-Bacon wages and is bondable. He added that the job specifications included two gas furnaces and windows.

Bartlett estimated the cost of the pole building would be \$29.13 per square foot. He said he believed some of the expense was a result of the bid specifications which called for treated lumber for framing.

Councilmember Farley asked if this bid included a separate storage building. **Somers** said a second structure was not included in this bid. The department had discussed a van body for storage of hazardous materials. He said the Fire Marshall had indicated some concern that there be a separate storage for paints and other materials. **Somers** said the City would be using water base paint, and some of the hazardous material problems would be eliminated.

It was moved by **Councilmember Knudson** and seconded by **Councilmember Schreiber** to award the bid for sign shop construction to **Trademark Construction, Inc.** in the amount of \$37,753.00.

Councilmember Schreiber said she believed construction costs were high, and this bid was probably not out of line.

Councilmember Kappa said he believed the bid was too high, and **Councilmember Farley** agreed.

Motion passed 5 - 0 with the following vote: **Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson** aye; no nays; no abstentions.

Prioritize Applications for Additional Community Development Block Grant (CDBG) Funding

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider several CDBG applications based on the City's Americans with Disabilities Act (ADA) self-appraisal. Staff submitted proposals that certain projects be submitted to Clackamas County for CDBG funds to bring City facilities in compliance with ADA regulations.

CITY COUNCIL MEETING - FEBRUARY 16, 1993

Somers said staff had done an audit of City facilities and prepared a list of projects. He pointed out that ADA requirements had changed, and the restrooms at the Johnson Creek Facility are no longer in compliance. Other projects were the City Hall elevator and Ledding Library restrooms.

Somers said the City has previously used CDBG funds on projects such as the Ledding Library elevator and entrance. He said an architect had been selected for the City Hall elevator project. He discussed the preliminary plans and the redesign of the restrooms to meet ADA requirements, lighting, and energy audit. It is anticipated that the project will be completed the end of September.

Somers said staff suggested that applications be submitted for restroom remodeling at the Johnson Creek Facility (\$35,000) and Ledding Library (\$25,000) and for additional funds for City Hall remodeling. The Johnson Creek work would be expensive because a wall had to be moved.

Councilmember Kappa asked if restrooms on the second floor of City Hall were required. **Somers** said this would not be required.

Councilmember Kappa asked what had changed in ADA requirements that would make the Johnson Creek Facility restrooms out of compliance. **Somers** said there is not enough space in the present restroom for wheelchairs to turn completely around.

Councilmember Schreiber said some of the requirements had changed to allow people to be more self sufficient.

Councilmember Knudson asked what walls would be moved at the Johnson Creek Facility. **Somers** said the janitor's closet would be eliminated and the walls of a file area would have to be moved.

Councilmember Farley asked if the doors would be automatic. **Somers** said door knobs would be replaced with lever handles.

Bartlett said when any changes are made to a facility, 25% of the work has to be attributed to ADA. He said staff is seeking direction on whether to apply for the grant funds and to prioritize the projects. He said by applying for the grant funds, the City would also be certifying that matching funds are available for the designated projects. He said staff has met with Clackamas County project manager Chuck Robbins who indicated that the City Hall remodel would come under federal regulations and be done as a one-time project.

Somers said there are also funds available from the Energy Department and PGE for the lighting project at City Hall. He recommended that the Johnson Creek Facility and the Ledding Library projects be submitted as one item.

Councilmember Schreiber asked if there were City employees who needed this type of facility. Bartlett said there were no employees requiring this type of facility, but there were many visitors to City facilities that needed to be accommodated. He said he agreed with Somers that the Johnson Creek Facility and the Ledding Library projects could be combined. He said the final amount for each of these projects was not yet available.

Councilmember Kappa said it seemed that the Ledding Library would have the greatest usage.

Councilmember Schreiber expressed concern for handicapped access from the parking lots of these facilities. Somers said the Johnson Creek Facility and the Ledding Library both currently have access. He said he was working on a plan for a ramp in the employee parking lot.

It was moved by Mayor Lomnicki and seconded by Councilmember Kappa to direct staff to apply for additional CDBG grant funding; to make priority #1 the combined Johnson Creek Facility and Ledding Library restroom projects, and priority #2 the additional funds for restroom reconstruction at City Hall. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Commission Appointments

It was the consensus of Council that no Planning Commission appointments be made until the two remaining applicants were interviewed.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to appoint Tom Alford to the Citizens Utility Advisory Committee. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Councilmember Schreiber discussed the vacancies on the Center/Community Advisory Board. Bartlett said since the City became a participant in the North Clackamas Parks and Recreation District, the residency requirements and

CITY COUNCIL MEETING - FEBRUARY 16, 1993

appointing authority of that commission had changed. Nine members must be City residents and be appointed by the Milwaukie City Council. The remaining nine members are to be appointed by Clackamas County Board of Commissioners. City staff was working with the County on the process.

CONSENT AGENDA

It was moved by Mayor Lomnicki and seconded by Councilmember Schreiber to adopt the Consent Agenda which consisted of the City Council Minutes of February 16, 1993.

Councilmember Kappa asked for clarification of the reference to Letter #9 from Dick Baker of the Traffic Safety Commission mentioned on page 5 of the minutes. Staff said it would reference those items submitted by Tom Alford at the public hearing on the Monroe Street weight limit and report to Councilmember Kappa.

Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Mayor Lomnicki said there are people who submit forms wishing to testify at public hearings but may let someone else speak on their behalf. He asked if it would be appropriate to mention these names in the Council minutes. **Bartlett** said these forms are part of the public record and are filed with other documents pertinent to a particular public hearing.

INFORMATION

Bartlett discussed the Oregon Department of Environmental Quality's (DEQ) current investigation of groundwater contamination in the Milwaukie area.

Councilmember Kappa asked if this would effect the NPDES. **Bartlett** said Clackamas County is handling the NPDES process.

Councilmember Schreiber discussed the City of Milwaukie Training Bulletin regarding Tri-Met's S.A.F.E. program. **Bartlett** said police departments were being trained in the program. When the training is complete, a public awareness program will be put in place. The Training Bulletin refers to an internal training program.

Bartlett discussed the progress on the Public Safety Facility.

Councilmember Schreiber discussed the construction of the North Clackamas Parks and Recreation aquatic center.

CITY COUNCIL MEETING - FEBRUARY 16, 1993

Mayor Lomnicki announced that the City Council would hold an Executive Session under the authority of ORS 192.660 to discuss labor negotiations immediately following adjournment of the regular session.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 8:45 p.m.

Pat DuVal, Recorder/Secretary

League of Oregon Cities

legislative bulletin

Number 4
February 12, 1993

Changes for Irrigation Districts

The House Water Subcommittee, chaired by Rep. Chuck Norris (R-Hermiston), held a public hearing on HB 2340 on Tuesday. HB 2340, which is sponsored by the Oregon Water Resources Congress, makes a number of changes in law regarding irrigation districts including modifications to the voting rights of district members, increasing the rate of interest that districts may charge for unpaid assessments or charges, and clarifying their water delivery authority. Similar bills, HB 2926 and HB 2335, were passed by the House during the 1991 legislative session, but failed to receive action by the Senate.

Some irrigation districts currently contract with cities and other special districts to wholesale water to them. HB 2340 clarifies the authority of irrigation districts to provide water for other than irrigation purposes by specifying that an irrigation district may furnish water for domestic, municipal, and industrial purposes as long as it does not impair the ability of a district to furnish water for irrigation purposes. Water furnished for municipal purposes is subject to approval by the municipality. The League recommended an amendment to clarify the definition of "municipality", to which the sponsors agreed.

The environmental group, Water Watch, expressed a number of concerns with the bill, including the repeal of a section of law relating to public review prior to the sale of any district property. The Farm Bureau expressed concerns with allowing an irrigation district to manage or distribute water on private property and maintain and make repairs that are reasonably necessary for the proper distribution of water, when specified conditions exist. Public hearings are expected to continue on the bill.

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◆ ◆ ACTION ALERT ◆ ◆

Please call your Senator on the following bill:

SJR 10 **Urban Redevelopment**
Constitutional amendment placing local option urban redevelopment authority before voters.
(See No. 2, page 1)

House Bill 2277 proposes to abolish June election

A proposal to be heard before a subcommittee of the House General Government Committee on Tuesday, February 16, would abolish the June Election date. The Subcommittee on General Government, chaired by Rep. Del Parks (R-Klamath Falls), will meet at 8:30 a.m. in Room 357 to consider a number of local election reform bills.

The League's information indicates that at least 15 cities used the June election date in 1992, primarily for serial and operating levies. In some cases, the June election is essential in order to have a viable budget by the July deadline.

The concept was proposed by the Governor's Task Force on Local Government Services as a cost-saving measure. However, cities currently reimburse counties for the expenses of city elections and may avoid the expense if they wish by not using the June election date. The League may request an exception for cities.

Week in review

Senate Action

▶ The Senate Revenue and School Finance Committee, chaired by Senator Shirley Gold (D-Portland), held a public hearing followed by several work sessions on SJR 10, the "local option" urban redevelopment bill and its companion, SB 357, setting a special May 1993 election date. On Monday, testimony in favor of the proposal was given by Mike Thorne, Executive Director of the Port of Portland and chairman of the Coalition to Restore Urban Renewal in Oregon; Albany urban renewal advocates Gary Grossman of KRKT radio and City Manager Steve Bryant; and Pat Lacrosse, Director of Portland Development Commission; and Ralph Groener of AFSCME and Rich Peppers of OPEU. Representatives from the Association of Oregon Redevelopment Agencies and the League fielded questions from the Committee. Colleen Sealock of the State Elections Division described the process and timeframe that would have to be met in order to meet the May election date. In following work sessions, minor changes were made to SJR 10 to clarify and simplify language. The Committee was interested in urban renewal experiences statewide. The companion bill, SB 357, which implements the May special election by mail, was also amended during work session.

At least two versions of ballot title language were discussed with the Committee. Although final Committee action on SB 357 is expected as soon as the amendments are prepared, the Committee approved the amended SJR 10 on Wednesday in order to minimize delays in getting the bill to the Senate floor. The Senate vote on SJR 10 is expected early next week. Final Committee action on SB 357 is expected within a few days.

- ▶ The Senate Agriculture & Natural Resources Committee, chaired by Sen. Ron Cease (D-Portland) held a public hearing on S.B. 27 on Monday. The bill modifies state statutes governing solid waste landfills to conform with federal requirements. The federal Resource Conservation & Recovery Act Subtitle "D" regulations establish standards for the construction and operation of landfills accepting municipal solid waste. The rules allow EPA to approve state administration of the Act's requirements and provides significant latitude to state's in administering them. This flexibility applies to locating and designing a landfill, landfill operations, groundwater monitoring and corrective action, financial assurance and closure/post-closure activities. However, certain changes must be made to state statute to allow DEQ, rather than EPA, administration. Testimony from the Lane County Public Works Department, landfill operators and solid waste haulers was supportive. There was clear agreement that it would be preferable to have DEQ rather than EPA as the administering entity. The bill will be scheduled for a second public hearing and work session at a future date.
- ▶ The Senate Business, Housing and Consumer Affairs Committee Chaired by Senator Bill Dwyer (D-Springfield) acted quickly on Monday to send H.B. 2103 to the floor. The bill, requested by the Housing & Community Services Department and supported by the League, doubles the dollar amount of loans which the Department may guarantee for the construction, development, acquisition or rehabilitation of low and very low income housing. Representatives from the Department testified that the guarantees are critical in gaining the approval of marginal loans and therefore in increasing the supply of housing for low and very low income groups. Following assurances from the banking community that doubling the amount of guarantees still leaves the fund in a conservative fiscal position, the Committee unanimously passed the bill to the Senate floor. Full Senate action is likely to occur next week.

House Action

- ▶ The House Water Subcommittee, chaired by Rep. Chuck Norris (R-Hermiston), held a second public hearing on HB 2215 on Thursday. HB 2215, which was developed by a work group of the Strategic Water Management Group (SWMG), would create a voluntary partnership among local, state, and federal interests for watershed management. The Association of Oregon Counties testified on the bill and suggested a number of amendments, which include having the Water Resources Commission, rather than SWMG, coordinate the watershed program; providing the local watershed councils more autonomy; and having state and federal officials in more of an advisory role. League staff will participate on a work group to discuss these and other issues raised on the bill on Monday.
- ▶ House Bill 2411 received a Do-Pass recommendation from the House Judiciary Committee, chaired by Rep. Del Parks (R-Klamath Falls), this week. The bill repeals the sunset clause on the prisoner medical payment law (or LEMLA) and will include technical amendments requested by the Association of Oregon Counties and the League in the A-engrossed version. The League wishes to thank Rep. Tom Brian (R-Tigard) for his expeditious handling of the bill in the Subcommittee on Civil Law and Judicial Administration and for agreeing to carry the bill on the House floor.

Selected bill summaries

The following is a list of bills of city interest which have been introduced. A list of summaries will be included weekly to give our readers a sense of the range of issues which may be discussed in hearings some time during the session.

The bills will be organized by categories of city concerns, using the League's standing and issue committee titles: Community Development; Energy; Finance and Taxation; General Government; Personnel; and Transportation. The bill's number will be followed by an identifying title, a summary of the salient features, and the name(s) of the sponsoring group(s) or legislator(s).

Greater detail on individual bills, along with legislative action and implications for city government, will be provided in separate articles. If readers spot a particular bill summary which causes concern, you are urged to contact the League office for further information.

Community Development

- SB 8 Oregon Biodiversity Plan. Directs National Heritage Advisory Council to develop an Oregon Biodiversity Plan to guide natural resources planning and management decisions of federal, state and local agencies. By Division of State Lands.
- SB 80 Continuation of Reserves for Special Public Works and Business Development Funds for Timber Community and Dislocated Timber Worker. Extends to 1995, current percentages for special reserves in the Business Development Fund and the Special Public Works Fund programs to assist dislocated timber workers and communities. By Economic Development Department.
- SB 82 Increases Infrastructure Financing Authority for Special Public Works Fund. Increases total principal amount of state revenue bonds that may be issued to finance local infrastructure projects from \$100 million to \$200 million. By Economic Development Department.
- SB 86 Cost Recovery of Provisions of Federal Clean Air Act. Allows Department of Environmental Quality to recover costs of implementing provisions of Federal Clean Air Act from all sources subject to regulation under federal act. By Department of Environmental Quality.
- SB 97 Termination of Department of Land Conservation and Development Review for Local Government. Terminates temporary Department of Land Conservation and Development periodic review procedure for local government land use plans. By Department of Land Conservation and Development.
- SB 192 Anadromous Fish Habitat. Requires the Department of Fish and Wildlife and Division of State Lands to conduct a study on the impacts of aggregate removal on anadromous fish habitat. Requires the Division of State Lands to adapt rules to protect the anadromous fish habitat. By Senate Agriculture and Natural Resources Committee.

- SB 267 Effective Date for Boundary Changes. Specifies effective date of boundary changes for voting purposes. By Interim Committee on Government Operations for Secretary of State and Oregon Association of County Clerks.
- SB 283 Hiring Requirements for Enterprise Zone Firms. Modifies hiring requirements for firms seeking property tax exemptions for facilities in urban enterprise zones; requires that specified percentage of all employees hired must be residents within the enterprise or urban growth boundary. By Interim Committee on Trade and Economic Development.
- SJR 1 Right to Healthful Environment. Amends constitution to create right to healthful environment and sustainable benefit of Oregon's natural resources. Amends constitution to require state to consider created rights when enacting and administering laws. Grants standing to all persons to enforce created rights. Refers resolution to people at next statewide general election. By Senate Committee on Agriculture.
- HB 2074 Mobile Home Park Purchases. Allows qualified associations including government entities to participate in program providing for purchase of mobil home and manufactured dwelling parts. By Housing Community Services.
- HB 2103 Guarantee Fund Increase. Doubles the aggregate dollar total of all loan guarantees issued under the Housing Development and Guarantee account. Adds "Development" to list of activities eligible for guarantee. By Housing and Community Services Department.
- HB 2191 Land Use Mediation. Requires Land Use Board of Appeals to notify parties of opportunity for mediation after receiving notice of intent to appeal. By Department of Land Conservation and Development.
- HB 2550 Forest Restriction Limitation. Prohibits Land Conservation and Development from restricting or conditioning uses on forestland to a greater extent than on farmland. By House Rule 13.01.
- HB 2576 Enterprise Development. Expands scope of certain housing programs. By House Rule 13.01.
- HB 2592 One-Acre Exclusive Farm Use Homes. Permits approval of dwelling on homesite of one acre or less on exclusive farm use zone when disqualification reassessment and payment of additional taxes have been made of homesite lot. By Klamath Realtors.
- HB 2594 Equivalent Farm Use Replacement Dwellings. Expands instances in which replacement dwellings are allowed in farm zones. By Oregonians in Action.
- HB 2595 Land Use Board of Appeals Proceedings. Modifies proceedings of Land Use Board of Appeals concerning reviews of decisions. By Oregonians in Action.
- HB 2613 Exclusive Farm Use Farm Dwellings. Allows establishment of farm dwelling by allowing land division on broader circumstances. By Oregonians in Action.
- HB 2688 Single Family Dwellings for Certain Farm Use Land. Modifies establishment of single-family residential dwellings on certain land zoned for farm use. By Oregon Lands Commission.
- HB 2700 Dwelling Units on Lots of Record. Defines "lots of record," establishes procedure for approval of single-family dwelling on lot of record zoned for farm or forest use. By Oregonians in Action.
- HB 2715 Matters of Statewide Concern. Defines "matters of statewide concern" and limits Land Conservation Development and Commission authority to dealing only with their matters. Subjects planning and zoning matters of local government significance to authority of local governments. By Oregonians in Action.
- HB 2719 Rent Stabilization. Allows cities and counties to enact rent stabilization ordinances in manufactured dwelling parks when the space vacancy drops below 10%. By Oregon State Tenant's Association.
- HB 2734 Forest Practices as Trespass. Prohibits local government ordinances adopted after the bill's effective date, which declare a forest practice to be a trespass.

WASTEWATER

WATER

- SB 48 Civil Penalty for Violations. Allows Water Resources Commission to impose civil penalty for violation of dam safety standards, pump test requirements or water use reporting requirements. By Water Resources Department.

- HB 2071 Sunset Date Relating to Tax Credits for Pollution Control. Changes sunset date relating to tax credits for pollution control from December 31, 1995, to June 30, 1993. By Department of Environmental Quality.
- HB 2107 Exemption of Surface Water Uses from Water Right Permits and Certificates. Exempts certain uses of surface water from requirement to obtain water right permit and certificate. By Water Resources Department.
- HB 2153 Exemption of Water Right Permit or Certificate. Exempts certain uses of surface water from requirement to obtain water right permit and certificate. By Water Resources Department.
- HB 2399 Fire Prevention Pond. Exempts surface water use to fill fire prevention ponds from the requirement to obtain a water right permit. Requires a rural fire protection district that creates or maintains a fire prevention pond to file annual reports with Water Resources Department. By Representative Shiprack.
- HB 2341 Reuse of Reclaimed Water. Permits reuse of reclaimed water from industrial sources. By Representative Norris.
- HB 2344 Water Resources Commission Limited Licenses. Authorizes Water Resources Commission to issue limited license for de minimum human or livestock uses above or within scenic waterway. By Representative Norris.
- HB 2505 De Minimus Condition on All In-Stream Water Rights. Establishes condition on all in-stream water rights to allow de minimum human and livestock use. By House Rule 13.01.
- HB 2580 Water Rights - Use Without Transfer. Authorizes the use of water under a water right permit or certificate at any contiguous location. Without applying for a transfer of water right, as long as no injury results to another existing water rights holder. By House Rule 13.01.
- HB 2656 Pond Permits Without Water Right Permits or Certificates. Allows a landowner to apply to a soil and water conservation district for a pond permit without obtaining a water right permit or certificate. By Benton Soil and Water Conservation District.
- HB 2771 Printing Date for In-Stream Water Rights. Changes priority date of in-stream water right converted from minimum perennial stream flow to the date that the Water Resources Commission initiated review of the stream flow. By Scott Peters.
- HB 2772 Limiting Use of Water. Allows Water Resources Commission to extend irrigation season, if it will not impair or be detrimental to any water right. Prohibits Water Resources Commission from limiting the use of water to certain time of year in a water right permit or certificate. By House Rule 13.01.

Energy

- HB 2345 Appointment of Power Council Members. Requires Governor to appoint Oregon's two members of the Northwest Power Planning Council from each side of the crest of the Cascade Mountains. By Representative Norris.

Finance and Taxation

- SB 59 Elimination of Property Taxes Levied by Certain Taxing Units. Eliminates use of property taxes levied by certain taxing units in specified metropolitan area for construction, operation, repair and maintenance of facilities and works for water supply or waste water disposal. By Governors Task Force on Local Government Services.
- SB 79 Enterprise Zone Modification. Changes program dates for enterprise zone filings; clarifies hiring requirements and deadlines; provides program benefits to qualified firms, otherwise eligible, that were made ineligible because of previous changes in assessment dates. By Economic Development Department.
- SJR 7 Seasonal 5% Sales Tax for Education. Proposes Constitutional amendment for sales and complementary use tax on tangible personal property during the period April 1 through September 30 each year. Sets rate maximum at five percent and dedicates all proceeds to education. Prohibits local sales taxes. Exempts food, housing, utilities, prescriptions, medication, real and intangible property. Provides a refund of sales tax to lower income individuals. Proposes a special election. By Senator Dwyer.
- HB 2124 Special Assessments for Historic Properties. Revises the historic property special assessment from 15 to 10 years in length for new properties given special tax status after January 1, 1994 and requires that properties submit and comply with a preservation plan. Creates a Historic Assessment Review Committee to approve applications, set conditions, and establish the exact property that is exempt. Provides for oversight of preservation plan by local landmark or historic commission or

local government. Allows assessor to value land and improvements not in the preservation plan at real market value. By State Historic Preservation Office, State Parks and Recreation Department.

- HB 2432 Gross Receipts Education Tax Act. Creates Education Tax from business and occupations (gross receipts) tax on value of products, gross sales or gross income; sets schedule of tax for the privilege of engaging in business up to 1.33% of gross receipts when fully phased in on June 1, 1995. Sets exemptions, special rates for certain businesses, including local government activities for capital construction, grants received from the state or federal government, printing of documents for internal use, of municipal or fire district activities. Proposes effective date of October 1, 1993. By Senate Interim Committee on Revenue and School Finance.
- HB 2643 Property Tax Exemptions for Mobile Home. Establishes a property tax exemption for 25% of the assessed value of a mobile home if owned by a taxpayer at least 60 years old and having an income less than \$30,000, provided that the value of the home is less than \$50,000. By House Rule 13.01.
- HB 5049 State Bond Budget. Sets budget limitations on issuance of general obligation, revenue, and pass-through revenue bonds. Allocates private activity bond cap. By Budget and Management Division, Executive Department.
- HJR 10 3.8% Sales Tax, Split Roll Property Tax and 50% Lottery for Education. At a 1993 special election, refers a Constitutional amendment that imposes a 3.8% statewide tax on sales or gross receipts from retail sales which may be used to replace school property taxes in 1993-94 and later years and dedicated one-half of lottery for education to the voters in 1993. Accelerates the effect of Ballot Measure 5 to reduce school property tax levies. Authorizes split roll property tax for schools, \$5 per thousand for owner occupied residential property and \$10 per thousand for all other property. Allows a local option sales tax of not more than .4% if voted by electors of a county; requires county and city to share proceeds as provided by law. Provides for certain sales tax exemptions and others provided by law and sales tax reimbursement for low income individuals. Requires property tax relief for residential renters. Sunsets the sales tax, split roll, lottery dedication, and decreased income taxes if voters do not approve continuation in November 1996. By Joint Interim Committee on Revenue and School Finance.
- HJR 15 Lottery for Education. Refers Constitutional amendment to voters to change dedication of state lottery from economic development to education. By House Rule 13.01.
- HJR 19 Lottery Funds for Public Schools and Public Transportation. Proposes Constitutional amendment to change dedication of state lottery funds from economic development to the capital construction and maintenance of public schools and operation of public transportation systems. Refers measure to next general election. By House Rule 13.01.

General Government

- SB 20 Reimbursement for Libraries Providing More Interlibrary Services Than it Receives. Establishes programs to reimburse libraries for costs incurred in providing more interlibrary services than it receives. By Joint Interim Committee on Education, Work Group on Oregon Library Services and Oregon Library Association.
- SB 21 Libraries: Basic Services. Modifies definition of basic library or services to specify that certain services must be provided free of charge. By Int. Education Committee, Work Groups on Oregon Library Services and Oregon Library Association.
- SB 22 Formula for Distribution of State Aid to Local Libraries. Revises formula for distribution of state aid to local libraries to population of children from birth to 14 years of age residing in areas served. By Joint Interim Committee on Education, Work Group on Oregon Library Services and Oregon Library Association.
- SB 56 Information Systems. Requires local governments in Portland area to adopt by intergovernmental agreement standardized information systems technology. By Governor's Task Force on Local Government Services.
- SB 98 Abolishment of Divisions of Department of Transportation. Abolishes named divisions of Department of Transportation. By Department of Transportation.
- SB 145 Building Code Advisory Boards: Restructure. Provides for Building Codes Structures Board, Electrical and Elevator Board, and Plumbing and Boiler Board. Provides for appeal of certain Building Codes Agency decisions to board. By Budget and Management Division.
- SB 206 Evidence: Privilege for Certain Public Safety Matters. Protects "critical incidents stress debriefing" notes and materials as privileged (refers to counseling in connection with certain public safety incidents). By Senate Judiciary Committee.

- SB 249 Compulsory Local Criminal Justice Advisory Councils. Requires presiding judge of each judicial district to convene council (unless one already exists) in each county in the district, including: the District Attorney, local corrections administrator, person providing indigent defense, a representative of the Bar Association and a representative of local law enforcement. May include others. By Senate Judiciary Committee for Judicial Department.
- SB 257 Juvenile Code Reorganization. Global reorganization bill. By Interim Senate Judiciary Committee.
- SB 388 Metro Dues Continuation. Allows Metro to continue to charge cities, counties and specified districts for planning functions in fiscal years beginning after July 1, 1993. By Senator Cease.
- SB 389 Metro Charter Modification Election Dates. Allows election on amendment, revision or repeal of Metro charter to be held on any of 5 dates instead of only on dates of regular primary or general elections. By Senator Cease.
- HB 2128 Contracts for Inspecting Nonresidential Gasoline Facilities. Allows Fire Marshall to contract inspection activities with local government. Requires government to report potential violations. By Fire Marshall.
- HB 2277 Elimination of June Election. Eliminates June election. By Secretary of State and Oregon Association of County Clerks.
- HB 2280 Elections: Allows County to Perform City Election Functions Under Intergovernmental Governmental Affairs. Allows county to perform city election functions under intergovernmental affairs. By Secretary of State for County Clerks.
- HB 2336 Public Records Exceptions. Exempts social security number, mother's maiden name and date of birth from disclosure requirements. By Drivers' License Security Task Force.
- HB 2450 Juvenile Records of Adult Offenders. Provides that person who commits crime as an adult is no longer eligible to have juvenile records expunged. By Representative Kevin Mannix.
- HB 2451 Driving: No License for Uninsured. Increases penalties for second offense to one year imprisonment and or \$2,500 fine. Permits vehicle forfeiture on second offense. By Representative Mannix.
- HB 2465 State Mandates. Requires state to pay costs incurred by local government in carrying out programs on increased level of program services required by state. By Interim Committee on Government Mandates.
- HB 2596 Law Enforcement: Federal Officials. Federal officer empowered to make arrests in aid of state or local peace officers. By United State Postal Inspection Service.
- HB 2597 Oregon State Police Vehicular Crimes Unit. Creates in the Oregon State Police a vehicular crimes unit to investigate vehicle theft. Funded by \$1 surcharge on motor vehicle insurance. By Western States Auto Theft Investigators.
- HB 2622 Tort Liability Exemption for Volunteers. Immunizes volunteers from tort liability (except arising out of motor vehicle operation, in which case liability is limited to insurance coverage) as long as volunteer acts in good faith. By Mary McClure.
- HB 2708 Mandatory Vehicle Impoundment. Requires a police officer with reasonable suspicion that driver is uninsured to impound the vehicle. If driver actually was insured, vehicle is returned without charge. If driver gets insurance vehicle is returned after payment of double the cost of towing and storage. Vehicle may be released to security holder on payment of costs. If vehicle is unclaimed, it must be sold. Costs are deducted from sale price and balance forwarded to Department of Motor Vehicles. Department of Motor Vehicles will reimburse actual costs if sale proceeds are insufficient. Imposes additional assessment on fines and forfeitures for traffic offenses of \$3 to \$35. By House Bill 13.01.
- HB 2712 Disclosure of Personal Information by Public Body. Permits a person to prevent disclosure of personal information by submitting a written request to public body not to disclose and submitting "sufficient evidence" that disclosure would be an unreasonable invasion of privacy. Request remains in effect for 5 years. Public body must establish procedures and determine what evidence is sufficient. Does not offer guidance on what constitutes unreasonable invasion of privacy. By House Bill 13.01.
- HB 2778 Unfair Competition Bill. Prohibits all government agencies from providing goods and services to other agencies or the public unless they can do so at lower total cost according to extensive accounting procedures and including tax impacts. Applies to new or expanded services unless specifically authorized by law or unless and essential program would be disrupted. Establishes an advisory committee to evaluate statutes and practices. Provides cause of action for damages or injunction. By Northwest Athletic Clubs Association.

Health Insurance

- SB 286 Oregon Health Care Decisions Act. Merges Power of Attorney for health care and directives to physicians regarding health care decisions pertaining to withdrawal or withholding of life sustaining procedures. By Interim Committee on Health Care.
- HB 2590 Mandated Coverage for Gynecological Exams and Contraceptives. Requires health insurance policies to cover gynecological exams and contraceptives. Benefits may be subject to co-pays and deductibles. By House Rule 13.01.
- HB 2591 Mammography Mandate. Requires all health insurance policies to cover mammogram for women according to a schedule specified in the bill. By House Rule 13.01.

Personnel

- SB 327 Workers' Compensation. Requires Workers Compensation Department to notify law enforcement agencies on workplace deaths/serious injuries. Increases penalties for intentional/known/reckless disregard or safety regulations. Up to Class A felony. Potential fines up to \$100,000. By Senator Kearns.
- SB 328 User Adjustable Video Display Work Stations. Requires employers to provide user adjustable video display work station equipment no later than January 1, 1998. The Director of the Department of Insurance and Finance sets standards for the equipment. Also requires a minimum of one 15-minute break period after each two-hour work period, provision for an annual eye examination, provision of special eyewear and employee training. By Senator Kerans.
- SB 329 Collective Bargaining: Three Year Contract Bar to Election. Increases from two to three years the maximum time a collective bargaining contract can bar a representation election. By Oregon School Employees Association, Oregon Federation of Teachers and Education and Health Professionals.
- SB 345 Public Employees' Retirement System: Cafeteria Plan Supplement. Provides that the \$60 subsidy for the Public Employees' Retirement System Medicare Supplement Health Plans will be added to Public Employees' retirement benefits if the individual eligible for the subsidy does not enroll in a Public Employees' Retirement System Medicare Supplement Health Plan. By Senator Cease.
- SB 360 Unemployment Insurance: No Employer Charge for Misconduct Discharges. Relieves the employer account from charges for unemployment compensation benefits claims brought by individuals discharged for misconduct if the employer gives timely notice to the Employment Division. (Specified Conditions). Appropriates money to the Employment Division from the State General Fund to expenses to investigate such causes. By Independent Employer Association and Pacific Printing Industries Association.
- SJR 11 State/Political Subdivision Retirement Benefits. Proposes a Constitutional amendment to prohibit laws that reduce retirement benefits payable to employees of the state or of a political subdivision of the state. Requires the state to fully fund retirement plans or systems established by law for employees of the state. Submitted to the people at the next general election. By Oregon Public Employees' Union.
- HB 2172 Reduction of Public Employee's Retirement Board Monthly Payment. Authorizes Public Employees' Retirement Board to reduce monthly payment or reduce amount of lump sum made to person by Public Employees' Retirement System in order to recover any overpayment and other improperly made payments. By Public Employees' Retirement Board.
- HB 2174 Clarification of Provisions on Crediting of Interest and Death Benefits of Public Employee's Service. Clarifies provisions concerning crediting of interest on accounts and death benefits of members of Public Employees' Retirement System. By Public Employees' Retirement Board.
- HB 2547 Public Employees Retirement Service: Legal Service Non-Profit Corporation Participation. Allows an employee of an Oregon nonprofit corporation engaged solely in providing legal services to indigent defendants to elect to become a member of Public Employees Retirement Services. The employee would pay both employee and employer contributions. Election is nonrevocable. By House Rule 13.01.
- HB 2644 Unemployment Insurance: Holiday and Vacation Pay as Earnings. Provides that holiday pay shall not be considered as earnings in determining the amount of unemployment benefits for that week. Provides that payment for a vacation is considered earnings in determining the amount of unemployment benefits for that week (if the vacation period is designated by union agreement). By House Rule 13.01.

- HB 2661 Parental Leave. Establishes that the state mandated parental leave is unpaid. However, the employee is entitled to use accrued paid vacation leave, other paid leave (including sick leave or other compensatory leave) only if the employer policies, collective bargaining agreement between employer and employee specifically allow it. By Associated Oregon Industries.
- HB 2695 Oregon Municipal Corporation or Political Subdivision Pension Plan Benefits: Exemption from Oregon Income Taxation. Effective with the taxable year beginning on or after January 1, 1993, service retirement payments received from Public Employees' Retirement System, municipal corporations of Oregon and political subdivisions of Oregon would be exempt from Oregon income tax. Repeals additional Public Employees' Retirement System benefits (which the 1991 legislature granted only so long as retirement payments continued to be taxed). By Oregon Public Employees Union.
- HB 2699 Public Employee's Retirement System: 100% Sick Leave Fold In. Provides for adding 100% (instead of 50%) of the monetary value of accumulated unused sick leave to the final average salary when computing Public Employees' Retirement System Benefits. By Oregon Public Employee's Union.
- HB 2702 Sexual Abuse. Expands the crime of sexual abuse in the first degree to include employers who by reason of their position are able to exercise significant influence over the victim and who use that influence to cause the victim to submit. By Sexual Harassment Task Force.
- HB 2704 Sexual Harassment. Defines sexual harassment as including all unwelcome conduct of a sexual nature that creates an intimidating, hostile or offensive environment for individuals. Requires all employers with less than 25 full-time employees to have a written policy prohibiting sexual harassment; requires all new employees to take an orientation class and sign a statement indicating the employee attended the orientation and understands the laws and employer policy on sexual harassment. Requires all employers with 25 or more full-time employees to also designate a compliance officer, establish a written grievance procedure and provide annual training for all employees on sexual harassment. By Sexual Harassment Task Force.
- HB 2717 Public Employees' Retirement System: Defined Contribution Service Retirement Plan. Creates in Public Employees' Retirement System a defined contribution service retirement plan for all employees first employed (by employers participating in Public Employees' Retirement System) after the effective date of this Act. Provides a service retirement benefit equal to the employee and employer contributions plus interest earned on those contributions prior to retirement. Establishes an employer contribution rate at 6% for general unit employees and ____% for police and fire employees. Cost of living changes provided under current law would not apply to those who retire under this plan. Does not apply to a judge member of the system. By Associated Oregon Industries.

Transportation

- SB 45 Motor Pool Services. Permits Department of General Services to provide motor pool services to public agencies other than state agencies through intergovernmental agreements. By Department of General Services.
- SB 262 Nongovernment-Built Roads. Requires nongovernment builders of roads to build footpaths and bicycle trails. Specifies exemptions. By Transportation Committee.
- HJR 23 Breaks Highway Trust Fund to Allow Motor Vehicle Insurance Pool. Proposes constitutional amendment to allow Highway Trust funds to be used for vehicle insurance pool to pay for damages and injuries arising from motor vehicle use. By House Rule 13.01.

**WHAT CAN AN ELECTED OR APPOINTED OFFICIAL DO TO
SUPPORT OR OPPOSE A BALLOT MEASURE***

The following guidelines state some general legal principles found in case and statutory law. City officials are encouraged to consult with their city attorney when specific questions arise. Whenever the guidelines refer to "public resources" it means city funds, city employees during their working hours, city vehicles or travel allowances, or city facilities and equipment.

1. Cities are subject to the general rules prohibiting the use of public resources to advocate a position on a ballot measure. For example: city personnel cannot be used to do research nor write speeches designed to advocate a particular position on a ballot measure; it would be improper for a city to pay travel expenses for officials to promote a campaign position.
2. City officials may use public resources to develop and distribute objective material on the effects of a ballot measure. Such material must be "informational", providing the public with a "fair presentation" of the relevant facts and may not advocate a particular position. Careful consideration needs to be given to such factors as style, tenor and timing. Providing the information at a time that would create controversy immediately prior to the election should be avoided. For example, city personnel can be asked to do research and prepare information that fairly assesses the effects of the measure on the community. City officials can use such information in meeting with individuals, organizations, the press, newspaper editors, legislators, civic and special interest groups and others, to explain objectively the measure's impact. Measure proponents or opponents can also use the information. The distinction between legitimate research/information efforts and impermissible campaign advocacy may be difficult to apply in specific instances. Therefore, it would be advisable to have your attorney review material before it is distributed.
3. Elected city officials may fully campaign for or against a ballot measure if they do not use public resources. The courts have recognized the right, if not the duty of elected officials to speak out on major issues, particularly to matters that affect the governmental body on which they serve. In doing so, they may use the objective information prepared by the city or other material prepared by advocates or interest groups.

Thus, when a city official speaks on ballot measures, the content of the talk will be determined if public resources should be involved. A city elected official can speak without restriction as long as public resources are not involved in any way. The use of information from staff-prepared fact sheets in a speech or campaign literature does not make the speech or literature staff-prepared. If public resources are involved, officials should limit themselves to an informational presentation.

4. City councils can take a position on a ballot measure provided public resources are not used to advocate that position or have it distributed.
5. Non-elected city employees can campaign in their individual capacity outside of their hours of employment and without the expenditure of public funds. However, public employees must not be required nor coerced to aid a campaign. Staff can say, "Here are the facts; please vote". They cannot say, "Vote 'yes'", at least not while on city time. A city's ability to restrain the speech of its employees is limited. A city may limit an employee's right to express themselves on a matter of public concern when there is a clear governmental interest in efficiency and discipline in the work place that outweighs society's interest in protecting the right of free speech. "Speech" may take many forms including talking, wearing campaign buttons or clothing, bumper stickers, posters or signs.
6. Provided a city conducts itself fairly and impartially, it may provide at public expense a forum in which the opponents and proponents may present their views. For example a voter's pamphlet, or a newsletter or a public gathering place for a public debate, in which all opponents and proponents have an opportunity to present their positions.

Public Hearings

All hearings are held in the Capitol unless otherwise noted.

MONDAY, February 15, 1993

ON: SJR 1, Right to Healthful Environment
BY: Senate Agriculture and Natural Resources Committee
WHEN: 8:00 a.m., Hearing Room C

ON: SB 257, Reorganizes Juvenile Code
BY: Senate Judiciary Committee
WHEN: 1:00 p.m., Hearing Room C

ON: HB 2096, State Police Officers Inclusion in Definition of Police Officer
BY: Senate Labor and Government Operations
WHEN: 9:00 a.m., Hearing Room B

ON: SB 98, Abolishment of Divisions of Department of Transportation
BY: Senate Transportation Committee
WHEN: 3:00 p.m., Hearing Room C

ON: HB 2172, Reduction of PERB Monthly Payment
HB 2174, Clarification of Provisions on Crediting of Interest and Death Benefits of PERS
BY: House Commerce Subcommittee on Labor
WHEN: 9:00 a.m., Hearing Room D

TUESDAY, February 16, 1993

ON: SB 20, Reimbursement for Libraries Providing More Interlibrary Services Than it Receives
SB 21, Modification of Public Library and Public Library System
SB 22, Formula for Distribution of State Aid to Local Libraries
BY: Senate Education Committee
WHEN: 3:00 p.m., Hearing Room 343

ON: SB 269, Criteria for Consideration in Apportioning State into Congressional and Legislative Districts
BY: Senate Ethics, Elections and Campaign Finance Committee
WHEN: 3:00 p.m., Hearing Room B

ON: SB 48, Civil Penalty for Violations
BY: Senate Committee on Water Policy
WHEN: 3:00 p.m., Hearing Room 137

ON: HB 2277, Elimination of June Election Date
BY: House General Government Subcommittee on Government
WHEN: 8:03 a.m., Hearing Room 357

ON: HB 2341, Reuse of Reclaimed Water
HB 2344, Water Resources Commission Limited Licenses
HB 2505, De Minimus Condition on All In-Stream Water Rights
BY: House Natural Resources Subcommittee on Water
WHEN: 1:00 p.m., Hearing Room D

ON: HB 2071, Sunset Date Relating to Tax Credits for Pollution Control
BY: House Revenue and School Finance Subcommittee on Income Taxation
WHEN: 8:00 a.m., Hearing Room C

LEAGUE OF OREGON CITIES
P.O. Box 928
Salem, Oregon 97308

LEGISLATIVE
BULLETIN

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WEDNESDAY, February 17, 1993

ON: SB 8, Oregon Biodiversity Plan
BY: Senate Agriculture and Natural Resources
WHEN: 8:00 a.m., Hearing Room C

ON: SB 97, Termination of Department of Land Conservation and Development Review for Local Government
SB 130, Marginal Lands Provisions Repeal
BY: Senate Agricultural and Natural Resources Subcommittee on Land Use
WHEN: 4:30 p.m., Room 137

ON: SB 57, Cancellation of Personal Property Tax Assessment
SB 59, Elimination of Property Taxes Levied by Certain Taxing Units
BY: Senate Revenue and School Finance Committee
WHEN: 1:00 p.m., Hearing Room A

ON: SB 98, Abolishment of Divisions of Department of Transportation
BY: Senate Transportation Committee
WHEN: 8:00 a.m., Hearing Room A

THURSDAY, February 18, 1993

ON: SB 267, Effective Date for Boundary Changes
BY: Senate Ethics, Elections and Campaign Committee
WHEN: 3:00 p.m., Hearing Room B

ON: SB 129, Requirement of Water Right Permit Clarification
BY: Senate Water Policy Committee
WHEN: 3:00 p.m., Hearing .

ON: HB 2107, Exemption from Water Right Permits and Certificates
HB 2153, Exemption Certificate
HB 2399, Water Exem permit or Certificate
BY: House Natural Resource
WHEN: 1:00 p.m., Hearing Room

ON: HB 2071, Sunset Date Re. Pollution Control
BY: House Revenue and School Property Taxation
WHEN: 8:00 a.m., Hearing Room C

97222

FRIDAY, February 19, 1993

ON: SB 86, Cost Recovery of Pro an Air Act
SB 192, Anadromous Fish Hal
BY: Senate Agriculture and Natural
WHEN: 8:00 a.m., Hearing Room C

PAT DUVAL
RECORDER ST.
CITY RECORDER, OR
10722 SE MAIN
MILLWAUKIE,



House Subcommittee Considers Eliminating June Election

The Government Subcommittee of the House General Government Committee, chaired by Rep. Del Parks (R-Klamath Falls), heard public testimony Thursday on HB 2277, which would eliminate the June election. The proposal was initiated by the County Clerks in cooperation with the Secretary of State's office and seems to result from a continuing desire to limit the number of available elections and to place elections on a generally symmetrical schedule. Testimony by the county clerks indicates that the June date was chosen for elimination because it involves short time lines, because the remaining four dates are evenly spaced through the calendar, and because the clerks do not believe that the June date is critical.

League staff, assisted by Mark Siegel of the City of Salem Finance Department, testified that the June election date is important to some cities. Two illustrations were given. If the June election is eliminated, a city that is unsuccessful in a May tax election issue would have no scheduled opportunity to obtain more limited funding for the continuation of specific services until the September election, well after the budget should be completed. The other illustration involves a city that uses an extensive—and time-consuming—budget process. The City of Salem, for example, testified that it begins its budget planning process in the fall and that the budget is not sufficiently developed by late February, its deadline for getting an issue on the May ballot.

Some members of the Subcommittee felt that cities would not be adversely affected by the proposal because of a city's ability to call an emergency election to "avoid extraordinary hardship to the community," as provided in ORS 221.230 (2). Comments by the members indicate that the emergency election procedure should be available when financial constraints cause service reductions in the community.

(continued on page 2)

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◆ ◆ ACTION ALERT ◆ ◆

Please call your House Representative on the following bills:

SJR 10 Urban Redevelopment
Constitutional amendment placing local option urban redevelopment authority before voters.

SB 357 Companion bill which authorizes mail ballot for May, 1993 election date for urban redevelopment.

See No. 2, page 1 and page 3 this edition.

(continued from page 1)

The Legislative Fiscal Office estimates a cost savings of \$1,654,210 for the next two biennia. These figures are based on the cost of a polling site special election and do not address potential cost savings from using mail-in ballots. The League testified that cities pay their own election costs and that expense is simply one factor considered by cities in determining whether or not to schedule an election.

One difficulty with the June election was presented by a representative of the Non-Commissioned Officers' Association. Because of tight timelines, there are only 28 days to distribute and receive absentee ballots, instead of the 40 days associated with most elections or the 45 days preferred by that organization. Although there is a question of the number of people who actually wish to vote in the June election and cannot, members of the Subcommittee appeared receptive to the problem. Moreover, the absentee ballot period cannot be extended for the June election because of conflicts with the May date.

The Subcommittee adjourned the hearing on HB 2277 without taking immediate action on the bill. It is likely that the absentee voter problem will have to be addressed, but there may be other options that would resolve the problem without the harsh effects of the proposed bill. One possibility, originally supported by the Non-Commissioned Officers' Association, is moving the June election date to July. Additional information will be provided as it develops.

Metropolitan water supply coordination

The Senate Revenue & School Finance Committee, chaired by Senator Shirley Gold (D-Portland), held a public hearing on SB 59, Portland Area Water Delivery on Wednesday. The bill is one of the products of last Summer's Governor's Task Force on Local Government which was chaired by former Governor Neil Goldschmidt.

The bill's primary objective is to assure that there is cost-efficient water service delivery in the Portland metropolitan area. The task force bill attempts to accomplish this by ordering water providers in the tri-county area to develop a work plan for "an integrated, efficient system of water supply for the area" by December 31, 1995. The Portland area Boundary Commission is given the authority to determine if such a plan, accompanied by a feasible implementation schedule, has been developed by

that date. If the Boundary Commission determines that providers have failed to develop such a plan or that there is little probability that the plan will be promptly and substantially implemented, the Commission is given the authority to approve any boundary changes viewed necessary for efficiency reasons and called for by the incomplete local government plan or by a plan drafted by the Commission itself.

Other sections of the bill speak to the property tax impact which large public works facilities can have on communities. These sections would forbid local governments from using property tax revenues for the construction, operation repair or maintenance of any water or sewer facilities, and would require continuation of the tax coordination process established by last session's HB 1185 through 1995.

Commenting on the bill, League Executive Director Dick Townsend pointed out that forbidding the use of General Obligation bonds for sewer and water facilities would both increase the final cost of the facilities as well as limit local access to the State's bonding programs. That concern was reiterated by Portland Water Bureau Administrator Mike Rosenburger. Rosenburger also observed that Portland and approximately over 20 of the area's water suppliers, acting absent legislative direction, began a several million planning effort to establish such a coordinated cost-effective system two years ago. If legislators were concerned that the effort required oversight, he suggested that the water purveyors would be pleased to report directly to the Legislature, if requested. Representatives of the Special District's Association of Oregon presented comments in concert with those presented by the city representatives.

The bill is expected to be scheduled for a work session in the Senate Revenue Committee early next week. League representatives will be working with the Governor's office and other interested parties on amendments to the bill. It is likely that amendments will focus on deleting language preventing use of property tax dollars for water and sewer uses and to make the tax coordination process as flexible and effective as possible.

Use of reclaimed water threatens water rights

The House Water Subcommittee, chaired by Rep. Chuck Norris (R-Hermiston), held a public hearing on HB 2341 on Tuesday. This bill, which is sponsored by the Oregon Water Resources Congress, would

amend current law to allow an industrial facility to dispose of reclaimed water without discharging it into a natural waterway. The bill would also permit the use of reclaimed water without requiring a water right permit. Furthermore, HB 2341 clarifies that if reclaimed water is used on land already covered by a water right, the water right would not be forfeited when the reclaimed water is used. Municipalities were previously given the authority to dispose of reclaimed water on non-municipal land. The primary purpose of the 1991 law was to address problems in the Tualatin River.

Martha Pagel, Director of the Water Resources Department, testified on the bill. She stated that the department recognizes that there are some benefits to broaden the statutes to include some industrial uses of water, if they are somewhat limited in scope. She added that additional safeguards may be needed to assure that downstream users, who have relied on return flows from these industrial uses, are not injured.

Jim Myron, representing the environmental group WaterWatch, testified in opposition to HB 2341. He expressed concerns with industrial facilities removing "yet another chunk of water" from Oregon's streams, which has the potential to deplete streamflows and also take from the pool of water that existing users rely upon.

Myron stated that a user using reclaimed water "in lieu" of existing certificates should be required to transfer those rights instream during the period the reclaimed water is used, which would minimize the impacts on the resource by leaving clean water in the river. Myron claimed that permits are not vested rights, because the user has not yet proved their beneficial use. WaterWatch's proposed amendment would affect municipalities as well as industrial facilities, if it is approved.

The Subcommittee referred this bill to a work group, on which League staff will participate.

Week in review

Senate Action

- ▶ SJR 10 and SB 357, the two Urban Redevelopment bills sponsored by the League and the Association of Oregon redevelopment Agencies easily passed the Senate floor on Friday. SJR 10, which proposed a constitutional amendment to provide local voters the necessary authority to pay existing or future urban

renewal bonded debt outside of the \$10 tax limitation, passed by a margin of 23-1. Senator Joan Dukes (D-Astoria) voted "no". SB 357, the companion bill authorizing a May 18th election date for SJR 10's proposed amendment also received floor action. Speaking to SB 357, Senator Jim Bunn (R-McMinnville) expressed concerns about the cost of a special May election. Senators Ron Cease (D-Portland) and Shirley Gold (D-Portland) both observed that the May election date was critical to avoid adding an additional year to the delay of current projects; furthermore, Gold noted, SJR 10 would not be the only measure on the ballot as several school districts were already planning may elections. Senator Neil Bryant (R-Bend), referencing his 7 year experience as a member of Bend's redevelopment agency, observed that the cost increase resulting from additional delay would more than outweigh the costs incurred by a May vote. Following the close of debate, SB 357 passed 22-3 with Senators Joan Dukes, Jim Bunn and Wes Cooley (R-Powell Butte) voting "no". The bills now go to the House Revenue and School Finance Committee. All House approvals must be completed by March 8 in order to meet the timeline for a May election.

House Action

- ▶ The wellhead protection (HB 2149) work group has met on two occasions to address concerns raised at the January 28 House Water Subcommittee hearing. City representatives on the work group include Barry Beyeler, Boardman Public Works Director, and Joni Low, League staff. Issues discussed at the work group meetings include concerns with the Department of Environmental Quality's designation as the lead agency—the agricultural representatives would prefer the Oregon Health Division to be the lead; concern that the requirements in HB 2149 are more stringent than federal requirements; availability of funding; coordination among the affected entities; the need for education and technical assistance; and regional planning for overlapping jurisdictions. League staff recommended giving public water suppliers the option to prepare the source management plan. Currently, the bill gives that responsibility to the local government, which could be the city or county. The League re-emphasized its concern that funding is a prerequisite to cities implementing the program. The work group members are preparing to address the numerous concerns that have been raised regarding amendments to HB 2149. The proposed language changes will be reviewed by the work group and forwarded to the House Water Subcommittee for consideration.

Selected bill summaries

The following is a list of bills of city interest which have been introduced. A list of summaries will be included weekly to give our readers a sense of the range of issues which may be discussed in hearings some time during the session.

The bills will be organized by categories of city concerns, using the League's standing and issue committee titles: Community Development; Energy; Finance and Taxation; General Government; Personnel; and Transportation. The bill's number will be followed by an identifying title, a summary of the salient features, and the name(s) of the sponsoring group(s) or legislator(s).

Greater detail on individual bills, along with legislative action and implications for city government, will be provided in separate articles. If readers spot a particular bill summary which causes concern, you are urged to contact the League office for further information.

Community Development

- SB 67 Household Hazardous Waste Bill. Clarifies Department of Environmental Quality duties concerning household hazardous waste. Establishes fee to fund household hazardous waste program. Requires Department of Environmental Quality to establish voluntary education program for persons who sell products which may result in generation of household hazardous waste. By Senate Agriculture and Natural Resources Committee.
- SB 82 Increases Infrastructure Financing Authority for Special Public Works Fund. Increases total principal amount of state revenue bonds that may be issued to finance local infrastructure projects to \$100 million to \$200 million. By Economic Development Department.
- SB 124 Regional Strategies Reorganization. Increases role of counties in establishment of regional strategies and identification of two or more key industries for strategic development, based on a two-year action plan. Changes makeup of the county regional strategy board. Creates a state regional strategy review board to make approval recommendations to the Governor. Requires that at least 75% of regional strategies funds be used for technical assistance, staff support, and projects implementing regional strategies, while not more than 25% are used for multi-region projects selected by the Governor. For each region, the Economic Development Department may designate the percentage of funds for technical assistance and staff support or for local revolving loan funds and other business development grants or loans. Each biennium, each regional strategy board must report to the Governor and the Legislature, future grants to be based on performance of the board. By Governor Roberts.
- SB 125 Community Facilities Grant and Loan Program. Establishes Economic Development Department administered state grant and loan program for municipalities to be used to acquire or rehabilitate community facilities. Allocates lottery dollars. By Governor Roberts.
- SB 189 Solid Waste Citizen Suits. Authorizes citizen suits for violation of solid waste statutes, rules or orders. Prohibits counties from imposing surcharge on waste imported into county. By Senate Agriculture Committee.
- SB 194 Oregon Fire Suppression Fund. Creates Fire Suppression Fund for reimbursement of fire suppression costs to political subdivision supplying aid to unsupported areas. By Committee on Agriculture.
- SB 399 Metro Area Vehicle Emission Control Programs. Allows the Environmental Quality Commission to implement more rigorous testing procedure for Clackamas, Multnomah and Washington County. Expands Portland area program to include all of the three counties. Requires Environmental Quality Commission to evaluate most cost effective program before establishing fee for issuing certificate of compliance. By Senate Agriculture and Natural Resource Commission.
- HB 2073 Public Disclosure Exemption. Exempts certain financial information in housing-related programs of Housing Community Services from public disclosure. By Housing Community Services.
- HB 2074 Mobile Home Park Purchase. Allows qualified association, including government entities to participate in program providing for purchase of mobile home and manufactured dwelling parks. By Housing Community Services Department.
- HB 2180 Liquor Control Commission: Allows for Increase in Number of Class "C" Premises. Allows licensing of 30 more premises than the year before. Emphasizes licenses in rural areas and cities under 25,000. By Oregon Liquor Control Commission.
- HB 2211 Smoke Management Bill. Allows Department of Agriculture to designate districts for purposes of administering smoke management program. Clarifies Department of Environmental Quality authority to regulate agricultural open burning as 4th priority type of burning. By Agriculture Department.

- HB 2337 Traffic Offenses: Marking of Plates. Eliminates sunset date and continues ability to cancel registration and mark plates for certain driving offenses. By Representative Fred Parkinson.
- IB 2459 Work Force Quality Council Grants. Requires Workforce Quality Council, rather than Economic Development Department, to administer funds from the Work Force Development Fund and to award competitive grants to regional workforce quality committees. Describes purpose, procedures, match requirements, and priorities for grant program. By Joint Legislative Committee on Trade and Economic Development.
- HB 2602 Abolishes Trade and Economic Development Committee. Refers legislative business formerly of the Trade and Economic Development Committee to the Speaker of the House and the President of the Senate, for referral to appropriate committees. Contains Emergency Clause.
- HB 2649 Coordination of Homeless Services. Directs Housing and Community Services Department to coordinate agencies that provide shelter and services for homeless people. Directs Housing and Community Services Department to coordinate community action agencies. By Community Action Director.
- HB 2662 Department of Environmental Quality Regulations and Fee Limit. Prohibits Environmental Quality Commission and Department of Environmental Quality from adopting or continuing requirement that imposes more stringent requirements or higher fees than required by corresponding federal requirement. By House Rule 13.01.
- HB 2467 Fish Passage. Requires the Department of Fish and Wildlife to reconstruct or retrofit culverts or similar structures to allow passage of fish.
- HB 2827 Housing Tax Credits. Modifies standards under which Housing and Community Services Department may certify loans made to finance low-income housing for purposes of tax credit for lending institutions. By Oregon Bankers Association.
- HB 2847 Air Quality Violation Inspection. Allows regional air quality authority to adopt rules and standards, enter premises for inspection and impose civil penalties. By Lane Regional Air Quality Pollution Authority.
- HB 2848 Use of Best Verifiable Scientific Data. Requires the Environmental Quality Commission, Fish and Wildlife Commission, Board of Forestry, Water Resources Commission and Department of Agriculture to use best verifiable scientific data when listing an endangered species.
- HB 2869 Corporate Tax Credits for Low Income Housing. Requires corporate tax credits allowed to subsidize lower interest on loan for low income housing to be distributed throughout the state but concentrated in areas of most need. Limits period of qualifying loans to 20 years or less. Requires full amount of tax credit to be passed on to low income tenants. Applies to tax years beginning after January 1, 1993.

WASTEWATER

- SB 123 Wastewater System Improvement Fund. Establishes the Wastewater System Improvement Fund to provide financing for Wastewater System improvement projects through loans to municipalities. By Governor for Economic Development Department.
- HB 2149 Wellhead Protection Program. Establishes a state wellhead protection program and requires all community water systems serving a population of 300 or more to delineate the wellhead protection areas. By Department of Environmental Quality.

WATER

- SB 126 Safe Drinking Water Fund. Provides loans and grants from Safe Drinking Water Fund to municipalities for safe drinking water projects. By Governor for Economic Development Department.
- SB 400 State Grazing Program. Creates an 11 member grazing subcommittee of Strategic Water Management Group to develop a policy for grazing and creates at least 3 advisory committees. Requires the subcommittee to identify high priority watersheds. By Senate Agriculture and Natural Resources Committee.
- HB 2108 Domestic Wells. Requires seller in real estate transaction to disclose the location of all wells on property. Also requires water quality analysis when a well is constructed. By Water Resources Department.
- HB 2110 Water Rights Adjudication. Requires payment of fee for submittal of supplemental adjudication. By Water Resources Department.

- HB 2340 Irrigation Districts. Makes revisions to the Irrigation District Act concerning voting rights. Authorizes irrigation and drainage districts to provide water for domestic municipal industrial purposes. Grants additional authority to board of directors of irrigation districts. By Representative Norris for Oregon Water Resources Water Congress.
- HB 2342 Irrigation Districts. Authorizes specified individuals to enter property of water user of irrigation district for purposes of inspection, maintenance etc. By Representative Norris for Oregon Water Resources Congress.
- HB 2344 Limited License for De Minimis Human or Livestock Uses. Authorizes the Water Resources Commission to issue a 2 year license for livestock watering, if the use of water is to prevent grazing in or along streambeds. By Representative Norris.
- HB 2346 Multipurpose Water Shortage Facilities. Declares it to be a high priority of the Legislative Assembly to develop environmentally acceptable and financially feasible multipurpose water shortage facilities to address the problem of how to ensure adequate water for in-stream and out-of-stream uses in the future. By Representative Norris.

Energy

- SB 12 Small Scale Energy Loan Program. Clarifies eligibility of recycling facility or equipment and transportation projects for loans under the state Small Scale Energy Loan Program. By Oregon Department of Energy.

Finance and Taxation

- SB 299 Use of Property Taxes for Down Payments for Low Income Housing. Authorizes local governments to allow a transfer of property taxes to a down payment account for properties rented by qualified low income lessees which have entered into a lease/purchase option of from one to five years. Requires application for the program to the local government. Applies to the property taxes of the approving local government only or, if the application is approved by taxing districts with 51% of the rate of taxation, applies to all taxing districts' levies. By Senator Dwyer.
- SB 357 Special Election Procedures for Local Option Urban Renewal Bill. Sets procedure for statewide special election on SJR 10, exempting property taxes for voter approved urban renewal bonds from tax rate limitation. Emergency Clause. Appropriates funds for election. By League of Oregon Cities and Association of Oregon Redevelopment Agencies.
- SJR 5 Tax Rate Adjustments with Gross Receipts Backfill. Proposes a Constitutional amendment which would adjust the school and nonschool district tax rate limitation, on a combined basis. Reduces the combined limitation on owner-occupied residential property \$10 per \$1000 and other properties at \$30 per \$1000 in real market value. Requires the State Treasurer to pay over the basis of 75% for the public school system and 25% for nonschool governments on a per capita basis. To the extent not replaced, requires the state general fund to replace any revenue lost by any replacement revenue is from a business gross receipts tax on amounts over \$300,000 at rates graduated not to exceed 1.2 percent for taxpayers with taxable incomes over \$50,000 or \$100,000 on a joint return. Provides that replacement revenues may be limited according to inflation or deflation and adjusted in accordance with increases or decreases in services. Begins property tax rate adjustments in July 1, 1993 and sets the earliest operative date for the business gross receipts tax at January 1, 1994. By Senator Dwyer.
- SJR 10 Local Option Urban Redevelopment Authority. Proposes Constitutional amendment to authorize, upon voter approval, imposition of property taxes that are not subject to the tax rate limitation to pay for urban renewal bonds. Submits question to voters at a special election. By House Revenue and School Finance at the request of League of Oregon Cities and Association of Oregon Redevelopment Agencies.
- HB 2521 Increased Alcoholic Beverage Taxes for Alcohol and Drug Abuse. Increases alcoholic beverages tax from \$2.60 per barrel to \$3.21 per barrel for beer, from \$.65 to \$.80 per gallon for alcohol other than malt beverages, and from \$.10 to \$.12 per gallon for wine. Also provides for indexing the tax based on the Consumer Price Index. Dedicates the revenue from all future indexing and from the specific increases to the Mental Health and Drug Services Account. Proceeds from the account are then distributed to counties (40%), the state for matching county efforts (40%), and the state for programs for individuals in corrections programs (20%). Adds requirement to county distribution that not more than 5% be used for county administrative costs and not more than 25% for services referred from law enforcement and criminal justice agencies. Adds requirement that not more than 5% be used for state administrative expenses for corrections-related programs.
- HB 2566 Cultural Facilities Funding. Establishes a lottery funded program for the development of community cultural facilities and appropriates \$500,000 maximum for the 1993-95 biennium. Provides grants for tax-exempt organizations or associations. By Oregon Advocates for the Arts.

- HB 2584 Veteran's Property Tax Exemptions. Expands the property tax exemption for disabled veterans to include all veterans and increases the exemption maximum from \$10,000 to \$55,110 of the real market value of the homestead or personal property. Indexes the amount of exemption based on the Consumer Price Index. Applies exemption to surviving spouse. Begins on July 1, 1994. By Jerry Barnes, United Veterans Groups of Oregon and others.
- HB 2631 County Video Lottery Game Proceeds. Directs that county share of proceeds from video lottery games is determined from net receipts rather than net revenue. By House Rule 13.01.
- HB 2651 Redefinition of Alcoholic Liquor. Broadens definition of alcoholic liquor from beverages with content of more than one-half of one percent of alcohol to more than one-tenth of one percent of alcohol. By Paul Romain, Bogle and Gates, Attorneys at Law.
- HJR 18 One Percent Gross Receipts Tax for Public Safety. Proposes a Constitutional amendment to impose a one percent gross receipts tax on business. Dedicates the revenue to funding public safety. Defines public safety system. Requires Legislature to give priority to funding prisons; jails; police, sheriff and state police activities; district attorneys; corrections; parole and probation; indigent defense and state courts. Remaining funds may also be used for crime prevention, alcohol and drug programs, fire services, and other programs. Refers measure to next general election. By Tax Reform Task Force.
- HB 25 School Operating Levy not Subject to Tax Rate Limitation. Proposes a Constitutional amendment to authorize three-year serial levy for school operating purposes outside the tax rate limitation upon voter approval. Allows serial levy of up to three years to supplement funding for grades kindergarten through grade 12. Limits each year of the serial levy to ten percent of the total district levy in the year prior to the serial levy. Submits measure to voters in May, 1994.

General Government

- SB 128 Creates Oregon Human Rights Commission. Commission to identify benchmarks to reduce bigotry based on race, religion, color, gender, national origin and sexual orientation. Requires commission to advise public and private agencies. By Governor Roberts.
- SB 269 Redistricting: Oregon Redistricting Task Force. Establishes task force for apportionment issues and adds "compactness" to list of criteria. By Interim Government Operations.
- HB 2130 Additional Civil Penalty for Various Fire-Related Violations. Adds \$1,000 civil penalty for all violations of Chapters 476 (protection from fire), 478 (rural fire protection districts), 479 (building protection; electrical safety), and 480 (explosives, flammable, pressure vessels). Provides that all monies go to State Fire Marshall. By State Fire Marshall.
- HB 2203 Telecommunications: Competition for Local Exchange Service. Allows Public Utility Commission to permit competition in local exchange area. By Public Utility Commission.
- HB 2223 Criminal Law: Certain Oral and Wire Communication Admissible. Limits non-admissibility to interception by telecommunications/radio personnel. By Department of Corrections.
- HB 2262 Administrative Procedure - New Requirements. Requires greater filing burden with Secretary of State, including delegation of authority and citation to statutes being implemented. Requires greater public involvement. Establishes procedures for temporary rules. By Secretary of State.
- HB 2337 Traffic Offenses: Marking of Plates. Eliminates sunset date and continues ability to cancel registration and mark plates for certain driving offenses. By Representative Fred Parkinson.
- HB 2382 Asset Forfeiture: Certain Seized Property may be Given to Schools. Certain laboratory and growing equipment may be donated to schools and colleges. By Asset Forfeiture Oversight Committee.
- HB 2383 Asset Forfeiture: Housekeeping. Clarifies payment of costs and fees to prevailing financial institutions. Requires annual rather than quarterly reports. Other modifications. Emergency Clause. By Asset Forfeiture Oversight Committee.
- HB 2461 Telecommunications Programs Moved to Secretary of State. Telecommunication programs (except 9-1-1) are consolidated under jurisdictions of Secretary of State. By Joint Legislative Committee on Trade and Economic Development.
- HB 2519 Prohibits Drug Activity Within 1,000 Feet of Day Care; Criminalizes Marijuana on Certain School and Public Property. By Citizens for a Drug-Free Oregon.

- HB 2539 Forfeiture: Administrative Costs. Allocates up to \$50,000 per biennium from forfeiture proceeds of the state to pay costs of oversight committee. Remainder appropriated for criminal justice services.
- HB 2629 Campaign Contribution Limitations. Limits campaign contributions by and to a candidate and political committees. Prohibits personal use of campaign funds. Requires third pre-election contribution expenditure report. Establishes voluntary expenditure limits for some candidates. Establishes maximum \$500 penalty. By House Rule 13.01.
- HB 2716 State Agency Regulations. Prohibits adoption of rules by state which are more stringent than federal requirements. By Associated Oregon Industries.
- HJR 22 State Administrative Rules. Proposes a constitutional amendment which would require legislative approval before state legislative rules become effective. By House Rule 13.01.

Health Insurance

- HB 2120 Prescription Drug Dispensing Authority for Nurses. Expands scope of practice for nurses by giving them the authority to dispense prescription drugs. By Oregon State Board of Nursing.
- HB 2560 Fee Schedule Exemption for Workers Compensation Managed Care Organizations. Exempts hospitals and physicians from Workers' Compensation fee schedule if services provided are covered by an approved Managed Care organization. By Oregon Hospital Association.

Personnel

- SB 306 Unemployment Compensation for Educational Institution Employees. Removes disqualifications for unemployment compensation benefits for individuals performing services other than instructional, research or administrative at an educational institution or institution of higher education operated by a nonprofit, the state or a political subdivision. Applies to the weeks between two successive academic years or terms; treats an employee who elects to not accept an offer of work for a subsequent academic year or term as a voluntary quit; applies to established and customary vacation period or holiday. By Senator Dwyer.
- SB 351 Public Employees' Retirement System: Credit for Service in the Armed Forces. Allows public employee to purchase up to two years credit in the Public Employees' Retirement System for active duty service in the Armed Forces. Purchase must be made within six months of the effective date of the Act and the employee must pay in a lump sum the employee and employer contributions plus interest at the rate of eight percent per annum. By Senator Cease.
- SB 358 Temporary Employees: Reports. Requires state agencies to file a quarterly report on their use of temporary employees. By Oregon Public Employees Union.
- SB 383 Workers' Compensation: Requires Payment of Benefits During Appeal of Award. Requires the payment of workers' compensation benefits to the injured worker during the appeals process. Includes request for hearing on a reconsideration order, request for board review and appeal to the courts. (At present, payment of benefits is stayed during this process). By AFL-CIO.
- SB 384 Workers' Compensation: Temporary Disability Benefits During Labor Dispute. Provides that if the attending physician has approved the worker's return to work and there is a labor dispute in progress at the place of employment, the worker may refuse to return to that employment without loss of temporary disability benefits. By AFL-CIO.
- SB 385 Workers' Compensation: Chiropractor as Attending Physician. Gives chiropractors full status as "attending physician" under workers' compensation laws. Adds chiropractor to the definition of "primary care physician" from whom workers are authorized to receive compensable treatment even though the primary care physician is not a member of the managed care organization. By Chiropractic Association of Oregon.
- HB 2131 Employment Division: Hines Mixture. Expands sharing of information in the possession of the Employment Division with other government units. Provides for reimbursement to the unemployment compensation Trust Fund of shared work benefits paid under specified circumstances. Authorizes penalty for failure to timely file reports and taxes. Authorizes implementation of the Employment Division Information Network. By Employment Division and Department of Human Resources.
- HB 2133 Unemployment Compensation: Extended Benefits. Changes requirements for entering an extended benefit period. By Employment Division and Department of Human Resources.

- HB 2172 Public Employees' Retirement System: Collection of Overpayment. Authorizes Public Employees' Retirement System to recover overpayment through reduction in monthly payments. Authorizes Public Employees' Retirement System to recover improperly made payments by reducing monthly or lump sum payments. Establishes a six year limitation on recovery. By Public Employee Retirement Benefits.
- HB 2520 Unemployment Insurance: Safety Program Violation Disqualification. Disqualifies from the receipt of unemployment benefits employees who violate the terms of conditions of a safety program established by the employer. Specifies what must be included in the safety program if it restricts controlled substances in the workplace in an effort to provide a workplace free of controlled substances. By Citizens for a Drug-Free America.
- HB 2561 Workers' Compensation: Permanent Disability Benefits. Revises the method for calculating workers' compensation permanent partial disability benefits. Uses "actual weekly wage" in the revised formula instead of using the "average weekly wage." By State Accident Insurance Fund.
- HB 2642 Workers Compensation: Reemployment Assistance Reserve - Use to Establish Programs Restricting Controlled Substances in the Workplace. Allows funds from the reemployment assistance reserve to be used to help employers establish programs which promote a safer work environment by restricting controlled substances in the workplace. The program must include a written policy which prohibits employees from unlawfully distributing, using, possessing or being under the influence of a controlled substance in the workplace and states consequences, give notice to employees and prospective employees, educate employees and their families, provide for rehabilitation of employees. By Citizens for a Drug Free Oregon.
- HB 2645 Unemployment Insurance: Benefits for Permanently Replace Strikers. Extends unemployment benefits to a striker who has been terminated (after receiving written notice that s/he will be permanently replaced). By House Rule 13.01.
- HB 2660 Unemployment Insurance: Benefit Qualifications. Increases from 18 to 26 weeks the time an individual must work to qualify for unemployment benefits. Increases from \$1,000 to \$2,000 the amount of base year wages the individual must have earned to qualify for unemployment benefits. By Associated Oregon Industries.
- HB 2721 Workers' Compensation: Stay of Benefits During Reconsideration. Authorizes stay of payment of workers' compensation benefits when worker request reconsideration of determination order or notice of closure. By Oregon Self-Insurers Association.
- HB 2723 Safe Employment Act: Disposition of Fines. Provides that civil penalties collected under the Oregon Safe Employment Act will be paid into the General Fund (instead of into the Insurance and Finance Fund). By House Rule 13.01.
- HB 2732 Ban on Permanent Replacement During Lockout or Strike. Prohibits private employers from recruiting, soliciting, advertising for or hiring individuals to permanently replace employees involved in a lockout or strike. By AFL-CIO.
- HB 2761 Workers' Compensation: Naturopathic Physician as Attending Physician. Adds licensed naturopathic physician to the definition of attending physician for purposes of workers' compensation law. By Oregon Naturopathic Physicians Association.
- HB 2795 Public Employee Retirement: Tax. Exempts state, local and federal employer pension plan benefits (attributable to service before September 28, 1991) from Oregon income taxation (effective 1991). Requires Department of Revenue to calculate and pay tax refunds (for 1991) and interest to state, local and federal retirees. Stops additional benefits (provided by 1991 law) for retirees who had no service with a state or local employer on or after September 28, 1991. By Robert Frasier.
- HB 2801 Unlawful Employment Practice: Additional Remedies. Provides additional remedies for discrimination in employment based on an individual's race, religion, color, sex, national origin, marital status, age (if 18 years of age or older), association, or expunged juvenile record. Additional remedies include compensatory damages and punitive damages. At the request of either party, the trial will be a jury trial. Specifies that these remedies are in addition to any common law remedy or other remedy that may be available to an employee for the conduct giving rise to the cause of action.
- HB 2806 Bargaining Unit Benefits Board Benefits: Family Member Defined. Includes domestic partner in the definition of family member for purposes of State Bargaining Unit Benefits Board benefits. By Oregon Public Employees Union.
- HB 2807 Workers' Compensation: Wage Defined for Temporary Disability Benefits. Defines "daily wage" to include any income from an additional occupation held by the worker prior to the temporary disability if the worker continues to hold the additional occupation during the period of temporary disability. By AFL-CIO.

Transportation

- SB 98 Transportation Reorganization Bill. Global reorganization of Transportation Department. By Oregon Department of Transportation.
- SB 260 Motor Vehicle Fuels: Quality Standards. Provides for testing program for motor vehicle fuel quality and imposes civil and criminal penalties for non-compliance with standards and procedures. By Transportation Committee for Senator Brockman.

Public Hearings

All hearings are held in the Capitol unless otherwise noted.

MONDAY, February 22, 1993

ON: SB 189, Solid Waste Citizen Suits
BY: Senate Agriculture and Natural Resources Committee
WHEN: 8:00 a.m., Hearing Room C

ON: SB 194, Oregon Fire Suppression Fund
BY: Senate Labor and Government Operations Committee
WHEN: 9:00 a.m., Hearing Room B

ON: SB 98, Transportation Reorganization Bill
BY: Senate Transportation Committee
WHEN: 3:00 p.m., Hearing Room C

ON: HB 2131, Employment Division: Hines Mixture
HB 2133, Unemployment Compensation: Extended Benefits
HB 2172, Public Employees' Retirement System: Collection of Overpayment
HB 2520, Unemployment Insurance: Safety Program Violation Disqualification
BY: House Commerce Subcommittee on Labor
WHEN: 8:30 a.m., Hearing Room D

ON: HB 2337, Traffic Offenses: Marking of Plates
BY: House General Government Committee
WHEN: 8:30 a.m., Hearing Room 357

ON: HB 2262, Administrative Procedures - New Requirements
HB 2662, Department of Environmental Quality Regulations and Fee Limits
HB 2716, State Agency Regulations
HJR 22, State Administration Rules
BY: House Legislative Rule and Reorganization Subcommittee on Rules
WHEN: 1:30 p.m., Hearing Room E

ON: SB 12, Small Scale Energy Loan Program
BY: House Natural Resources Subcommittee on Environment and Energy
WHEN: 1:30 p.m., Hearing Room D

TUESDAY, February 23, 1993

ON: SB 299, Use of Property Taxes for Down Payments for Low Income Housing
BY: Senate Revenue and School Finance Committee
WHEN: 1:00 p.m., Hearing Room A

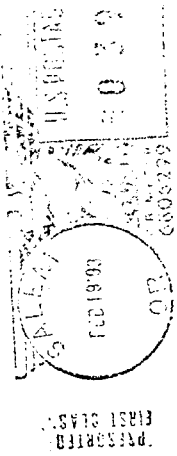
ON: HB 2180, Liquor Control Commission: Allows for Increase in Number of Class "C" Premises
HB 2651, Redefinition of Alcoholic Liquor
BY: House General Government Subcommittee on Government
WHEN: 8:30 a.m., Hearing Room 357

ON: HB 2074, Mobile Park Purchase
HB 2649, Coordination of Homelessness Services
BY: House Human Development Services Committee
WHEN: 8:30 a.m., Hearing Room E

(continued)

LEAGUE OF OREGON CITIES
P.O. Box 928
Salem, Oregon 97308

LEGISLATIVE
BULLETIN



ON: HB 2149, Wellhead Protection Program
HB 2344, Limited License for De Minimis Human or Livestock Uses
HB 2346, Multipurpose Water Shortage Facilities
BY: House Natural Resources Subcommittee on Water
WHEN: 1:00 p.m., Hearing Room D

ON: HB 2223, Criminal Law: Certain Oral and Wire Communication Admissible
HB 2382, Asset Forfeiture: Certain Seized Property may be Given to Schools
HB 2383, Asset Forfeiture: Housekeeping
HB 2514, Firearms: Restrictions on Possession
HB 2539, Forfeiture: Administrative Costs
BY: House Judiciary Committee
WHEN: 1:30 p.m., Hearing Room 357

WEDNESDAY, February 24, 1993

ON: SB 67, Household Hazardous Waste Bill
BY: Senate Agriculture and Natural Resources
WHEN: 8:00 a.m., Hearing Room C

ON: SB 98, Transportation Reorganization Bill
BY: Senate Transportation Committee
WHEN: 3:00 p.m., Hearing Room C

ON: HB 2211, Smoke Management Bill
BY: House Natural Resources Subcommittee on Agriculture
WHEN: 3:30 p.m., Hearing Room D

THURSDAY, February 25, 1993

ON: SB 82, Increases Infrastructure Financing Authority for Special Public Works Fund
SB 123, Wastewater System Improvement Fund
SB 124, Regional Strategies Reorganization
SB 125, Community Facilities Grant and Loan Program
SB 126, Safe Drinking Water Fund
BY: Senate Trade and Economic Development Committee
WHEN: 8:30 a.m., Hearing Room B

ON: HB 2340, Irrigation Districts
HB 2342, Irrigation Districts
BY: House Natural Resources Subcommittee on Water
WHEN: 1:00 p.m., Hearing Room D

ON: SB 357, Special Election Pro
SJR 10, Local Option Urban
BY: House Revenue and School
WHEN: 8:30 a.m., Hearing Room A

Urban Renewal Bill

FRIDAY, February 26, 1993

ON: SB 400, State Grazing Prog
BY: Senate Agriculture and Natu
WHEN: 8:00 a.m., Hearing Room C

97222

PAT DUVAL
CITY RECORDER
10722 SE MAIN ST.
MILWAUKIE, OR



bill KENNEMER
Clackamas County
District 12

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OREGON STATE SENATE

THIS WEEK AT THE CAPITOL
FEBRUARY 16, 1993

THIS WEEK AT THE CAPITOL: BILLS ARE STEADILY BEING INTRODUCED, THE OREGON TRAIL CELEBRATION KICKS OFF IN SALEM, STUDENTS AND PARENTS ALIKE SPEAK-OUT ABOUT SCHOOL FUNDING, DRUNK DRIVERS NOW FACE TOUGHER LAWS AND OREGONIANS MAY HAVE MORE CHOICES ABOUT LIFE SUSTAINING PROCEDURES.

AS THE WHEELS OF GOVERNMENT SPIN ON, WE SEE THE INTRODUCTION OF 1293 HOUSE MEASURES. IN THE SENATE THERE HAVE BEEN 523 BILLS INTRODUCED FOR A GRAND TOTAL OF 1860 PIECES OF LEGISLATION.

YES, SPIRITS WERE HIGH AND THE MOOD OF THE DAY WAS FESTIVE AS THE OREGON TRAIL CELEBRATION BEGAN ON FRIDAY FEB. 12, 1993 IN THE STATE CAPITOL. 1993 MARKS THE 150TH ANNIVERSARY OF THE TREK WEST. TRADITIONAL PIONEER CLOTHING WAS WORN BY MANY AND ABRAHAM LINCOLN HIMSELF (SENATE PRESIDENT BILL BRADBURY) MADE A SURPRISE VISIT.

IN ADDITION, THE US POSTAL SERVICE AND SENATOR MARK HATFIELD RELEASED THE NEW OREGON TRAIL COMMEMORATIVE STAMP AT THE CAPITOL. A CEREMONY WAS ALSO HELD IN OREGON CITY, THE OFFICIAL END OF THE OREGON TRAIL, TO CELEBRATE THE RELEASE OF THE STAMP.

THIS MONDAY MORNING BROUGHT HUNDREDS OF CHILDREN AND PARENTS FROM NORTH CLACKAMAS SCHOOL DISTRICT TO THE CAPITOL TO VOICE THEIR CONCERN OVER SCHOOL FUNDING IN OUR STATE. GOVERNOR BARBARA ROBERTS ADDRESSED THE GROUP FOLLOWED BY ME, REPRESENTATIVES McTEAGUE, SOWA AND BAKER. THE RALLY DEMONSTRATED OUR COUNTY'S COMMITMENT TO OUR CHILDREN AND THEIR FUTURE.

AS THE LEGISLATIVE SESSION MOVES FORWARD, ONE OF THE MOST DAUNTING RESPONSIBILITIES IS THE STATE BUDGET FOR THE YEARS 1993-1995. WORK ON THE BUDGET IS UNDERWAY BUT GOING SLOW. TAXATION AND THE AMOUNT OF STATE SERVICES ARE BEING CAREFULLY EVALUATED IN LIGHT OF THE PROJECTED FINANCIAL SHORTFALL OF \$1.2 BILLION.

DRUNK DRIVERS MAY HAVE EVEN MORE TO WORRY ABOUT IF SENATE BILL 94 PASSES THE LEGISLATURE. SB 94 LOWERS THE BLOOD ALCOHOL LEVEL AT WHICH A DRIVER IS CONSIDERED UNDER THE INFLUENCE TO .04. CURRENTLY, THE LEVEL IS .08 IN OREGON, ONE OF ONLY FIVE STATES WITH SUCH A LOW TOLERANCE. .10 IS USED IN MOST OF THE UNITED STATES. THE .04 STANDARD WOULD BE THE LOWEST IN THE NATION.

AND FINALLY, CITIZENS MAY HAVE MORE TO SAY ABOUT THEIR CHOICES WHEN TERMINALLY ILL. SENATE BILL 286 PRESENTS A RANGE OF CHOICES FOR PATIENTS FACING DEATH. IF PASSED, THE BILL WOULD ALLOW A PATIENT TO CHOOSE BY CHECKING A BOX, EXACTLY WHAT TREATMENT IS TO BE GIVEN. THROUGH A MIX-AND -MATCH SYSTEM THE PATIENT MAY SELECT FROM BEING ADMINISTERED ALL LIFE SUSTAINING PROCEDURES TO NO PROCEDURES AT ALL. THIS MOVES CLOSE TO EUTHANASIA AND LIKELY WILL BE QUITE CONTROVERSIAL.

FOR QUESTIONS, COMMENTS OR CONCERNS, PLEASE CALL 1-800-327-7389 OR 378-8076 OR WRITE THE SENATE CHAMBERS S-318, STATE CAPITOL SALEM, OR 97310.

CONTACT CHERIE MCGINNIS 378-8076.

The Board Bulletin

News Summary of the Oregon State System of Higher Education

JAN. 22, 1993

NUMBER 61

Board Adopts Second Language Proficiency Requirement

During the January 22 meeting at Portland State University, the Oregon State Board of Higher Education adopted a policy that would make foreign language proficiency an admission standard at all OSSHE institutions except Oregon Health Sciences University.

education throughout Oregon, including the Teachers Standards and Practice Commission, the Oregon Department of Education, and the Oregon International Council, met with the Board's Committee on Academic Affairs to discuss the impact of the new standards. All were

"The timing was right to create a sequence that develops language training in the early years and extends it through college."

*-- Holly Zanville, Associate Vice Chancellor
for Academic Affairs*

Under the new policy, all students entering OSSHE colleges or universities directly from high school, community colleges, or other colleges or universities for the 1997-98 academic year will be required to have second language proficiency. Students who graduated from high school prior to 1997 and those who have been out of high school for more than eight years at the time of admission to an OSSHE institution may apply for an exemption to the second language requirement. In those cases, second language proficiency will be a graduation requirement.

"It is very encouraging that we're heading in this direction," said Chancellor Thomas Bartlett. "We are trying to adapt our culture to adjust to a dramatically different world, and the way things are going, we might just do it."

The policy guidelines are a result of cooperation between the Joint Boards of Education. Second language instruction will be part of the Certificate of Initial Mastery (CIM) and the Certificate of Advanced Mastery (CAM) as part of HB 3565.

During the Board meeting, several representatives of different entities of

enthusiastic about the opportunities the new requirements will afford Oregon students.

"Students at all levels will be better equipped to appreciate cultural diversity and to compete in an increasingly global economy," said Roberta Hutton, Assistant Superintendent of Curriculum, Instruction, and Field Services for the Oregon Department of Education.

"The Joint Boards of Education generally agree that the Second Language Admissions Requirement is part of something larger -- the state's international competence," noted Shirley Clark, Vice Chancellor for Academic Affairs. "Together, we hope to develop a whole strategy to address the need for Oregon students to participate in a more global environment."

"We've been working for a number of years to come up with a statewide approach to second language proficiency," said Associate Vice Chancellor Holly Zanville. "The timing was right to create a sequence that develops language training in the early years and extends it through college. This is an exciting time, but we have much work ahead as we prepare to develop a statewide policy framework."

Board Seeks "Revolutionary" Ideas

Citing a need to explore "new and revolutionary ideas for Oregon's higher education delivery system," Board President Bob Bailey has issued a "challenge" to the Board and the Chancellor's staff, urging them to take a more aggressive look at higher education reform.

"We are all well aware of the budget and its inherent difficulties and problems," Bailey said at the January Board meeting. "It is now time to review and consider various changes in the delivery of our educational services. We need to pursue a full spectrum of ideas."

Bailey asked the Chancellor's Office to prepare for the February Board meeting an outline for discussion on the feasibility of pursuing various changes to Oregon higher education. He specifically mentioned several possible options, including further differentiating campus missions in order to provide a more diversified system, realigning campus structures, and changing the focus of the Chancellor's Office.

Bailey also suggested an examination of the possibility of expanding OSSHE's distance learning opportunities, including cooperative programs and Ed-Net.

In addition, he asked the Chancellor's staff to review possible results of moving the State System of Higher Education toward a nonprofit, public corporation model.

Chancellor Thomas Bartlett said he welcomed Bailey's request as an opportunity to explore new methods of addressing a changing demographic and financial environment.

"We have to think in terms of advance planning and exploration," said Board member Les Swanson. "It is time for us to plan for whatever may lie ahead."



Board Sets Public Information Group

At the January 22 meeting, Board member Richard Donahue gave the first progress report on the formation of the Board Committee on Public Information, whose goal will be to improve and enhance Oregonians' understanding of the state's higher education system.

The committee has two specific charges: to identify the most important messages for Oregonians about their system of higher education; and to deliver those messages through a series of techniques designed to optimize understanding of OSSHE's education, research, products, and services.

"We envision this committee as having not only marketing responsibilities, but also as being a component of any larger strategy that may develop later to garner public understanding of and recognition for higher education's services," said Donahue. The committee expects to meet in early February and will make a preliminary report to the Board shortly thereafter.

Committee members include John Byrne, President, OSU; Barbara Edwards, Associate Vice President of Public Affairs and Development, UO; Beverly Jackson, member, Oregon State Board of Higher Education; Marlys Levin Pierson, Director of University Communications, OHSU; Judith Ramaley, President, PSU; Lujean Smith, student, WOSC; Harriet Watson, Director of News and Public Information, Reed College; and Dan Wieden, Creative Director, Wieden and Kennedy Advertising Agency.

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Community College Professional Development Center Opens at OSU

The Board of Higher has approved a request by Oregon State University to establish the Western Center for Community College Professional Development.

nity (and junior) colleges, two-year technical institutes in Oregon, and eventually, in the Western states region.

"With the establishment of the Center, we have the opportunity to be

"We have the opportunity to be the nexus for community colleges -- not only in Oregon, but throughout the Western states."

-- Dale Parnell, OSU Professor of Education

The Center will be located on the OSU campus and will involve the additional faculty and resources of Portland State University and the University of Oregon. The Center, a cooperative venture, is intended to leverage available resources and faculty expertise to meet multi-faceted needs and demands of two-year post-secondary institutions. It will focus diverse resources on providing professional development, research, and technical assistance needed by commu-

the nexus for community colleges-- not only in Oregon, but throughout the Western states," said Dale Parnell, Professor of Education at OSU. "This is a wonderful opportunity for OSSHE to serve our colleagues in another sector of higher education."

"This is a unique opportunity for us to take a big step forward as we strengthen the connection between our students and those enrolled at community colleges," noted Board member Mark Dodson.

Chancellor Names Faculty Productivity Task Force Members

Chancellor Thomas Bartlett recently announced the membership of OSSHE's Task Force on Faculty Productivity.

"In light of legislative interest and continuing financial restraints, it has become increasingly important for us to improve public understanding of faculty productivity," he said. "We need to be more clear in articulating to students, alumni, legislators, and other citizens the variety of activities that are interwoven into the fabric of academic life."

The Task Force's major responsibilities will be to collect and review information on workload and productivity at OSSHE institutions, to compare this information with reports from other states; and to make recommendations for changes in the balance of workload effort.

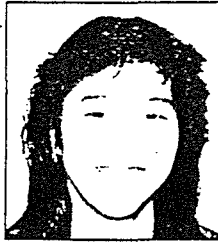
Each OSSHE institution and the Interinstitutional Faculty Senate (IFS)

have representation on the Task Force.

Members include Charles Wright, Professor of Mathematics, UO (Chair); Roy Arnold, Provost and Vice President for Academic Affairs, OSU; Ray Brodersen, Professor of Geology, WOSC; Arthur Brown, Associate Dean, School of Dentistry, OHSU; Martha Anne Dow, Provost, OIT; James Hottois, Provost and Dean of Academic Affairs, EOSC; Darlene Southworth, Professor of Biology, SOSC; Robert Tinnin, Acting Dean, College of Arts and Sciences, PSU; and Leif Terdal, Professor of Medical Psychology, OHSU, IFS representative.

"We must do more than explain what faculty do," said Task Force Chair Charles Wright. "We must also take a very hard look at the way we allocate our resources, use technology, and reward genuine improvements in faculty productivity."

Board Member Laurie Yokota: Looking at the Big Picture



When Governor Barbara Roberts traveled across the state holding her series of "Conversations" with Oregonians last year, Laurie

Yokota was frequently in the audience. Yokota was one of a group of students from Western Oregon State College who made it a point to "keep the importance of higher education in the front of the Governor's mind."

senior majoring in humanities with an emphasis on speech, writing, and English at WOSC, she plans to work as a residence hall director at a school in the Midwest or East, earn a masters degree in student personnel for higher education, and then return to the Northwest.

"I may even come back to WOSC," she muses. "All the smaller schools have something unique to offer. It's just a matter of looking at the big picture."

"You can't plan ahead to reach goals if you're never sure of the future."

That dedication to a cause led Yokota, with other WOSC students, into high schools to discuss the importance of tax reform with students who then took the message home to their parents. She helped plan an effort to videotape and send messages from WOSC students to the Governor, and worked behind the scenes to orchestrate a state-wide student rally for tax reform, at the Capitol.

"Being a student on the Board means I can use my background and perspective to let students' voices be heard, but not that I represent only students, any more than a Board member from Medford represents only people from that city. That point was brought home to me during the Board's recent discussions about residency requirement rules. When I voted to change the requirements, I heard from students who felt I had deserted their cause. But once I explained that I believed my vote was right in view of the big picture, I think they understood. That's one of the things I enjoy most about serving on the Board -- I have an opportunity to explain to students how Oregon's higher education system works."

Yokota's skills in working with students will serve her well as she pursues her chosen career. Currently a

Yokota has been involved with campus politics throughout her years at WOSC, and recently completed a term as President of WOSC's Incidental Fees Committee. Now that she's a member of the Oregon State Board of Higher Education, Yokota's constituency has broadened, but her belief in the importance of tax reform has not diminished.

"It is easy for the Board to set policy, but if we don't have the funding to back those policies, we can achieve nothing," she says. "BARC has made great strides with the Legislature, and the Faculty Productivity Task Force can build on that as well. The Board and the Chancellor's office are working successfully to eliminate duplication on the campuses, which benefits all Oregonians. But the Board's most important job this year will be lobbying and working with legislators so we can continue to underscore the legitimacy of higher education in their eyes.

"The importance of tax reform in Oregon cannot be understated. If the Legislature decides to approve a one-year budget, that would stop Measure 5 for the next biennium, but it would only be a Band-Aid solution. You can't plan ahead to reach goals if you're never sure of the future."

OIT's Portland Metro Center Finds a Home

"In public education, accessibility is quality," says Lawrence Wolf, President of Oregon Institute of Technology. With that in mind, OIT opened its newly remodeled Portland Metro Center in November.

The facility, a satellite of OIT's main campus in Klamath Falls, offers bachelor's degree programs in industrial management, manufacturing engineering technology, electronics engineering technology, and a variety of continuing education workshops and certificate programs. Additional programs will be offered as demand is demonstrated and finances become available.

The Center began offering courses on the Portland State University campus and throughout the metropolitan area in 1983. Five years later, the facility moved into a vacant elementary school shared with a branch of Clackamas Community College. In 1988, OIT, in partnership with the state, Clackamas County, the North Clackamas School District, the Clackamas Community College District, and private businesses, industries, and foundations, purchased the land and buildings for \$1.3 million, and the Center finally had a permanent home.

The Center offers only upper-division courses and a curriculum specifically designed to serve nontraditional students. Programs, courses, academic departments, and administration are essentially the same at the Metro campus as at the Klamath Falls site, and funding for the Center (\$500,000 a year) is part of OIT's budget.

"The advantages of the Metro Center are obvious," said Wolf. "Portland-area electronics, manufacturing, technology, and environmental industries will strengthen their ties with OIT; the new site will serve as a recruiting tool for local high school students; and we are continuing our commitment to use outreach to offer education programs throughout the state.

"Technology is expected to accelerate in the century ahead as it has done in the current century, and OIT is looking ahead to a brighter future, even despite the restraints of Measure 5."

State Politics at Large: The New Session Begins

As you can see, this first report from Salem on the 1993 Legislative Session has a new byline. Regrettably, former Director of Government Relations Roger Bassett has accepted a new job as Commissioner of Oregon's Community Colleges. Roger succeeds Dale Parnell, who is now serving on OSU's faculty.

With his strong background in community college education and state government, Roger is clearly qualified for his new post. For the past two and a half years, he made countless outstanding contributions to OSSHE's goals, and we hope to build on his successes. We will miss having Roger as part of our core team, but we will look forward to working with Commissioner Bassett.

The work before us this session is monumental. OSSHE will take on an aggressive posture as we concentrate on helping legislators do what is best for Oregonians. However, there is not simply one view of what is "best."

From our perspective, the best thing that could happen would be to provide sufficient funding to put us on the trajectory to meet the enrollment goals that the Oregon Progress Board

set forth in Oregon Benchmarks, a set of standards for Oregon that have currency throughout state government.

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The Benchmark process concluded that in order to achieve the "best-educated workforce in America by 2000," we would need to be serving 80,000 students at that time. To be on track in 1993-1995, OSSHE will need approximately \$60 million more than is in the Governor's mandated budget.

It is also true that we will continue to emphasize the fact that we are no longer simply doing business as usual. OSSHE has already made cuts, both

numerically and structurally, and business is anything but "usual." That \$60 million figure mentioned above is considerably less than we would have needed earlier, because we have taken two important steps to reduce our instructional services costs.

We are cutting administrative and support services by 20-25 percent. In addition, the Governor's budget requires that we also increase faculty productivity by 15 percent. (The Board and the Chancellor's Office had proposed a ten percent increase.)

And we all know that the students are paying more -- tuition at OSSHE institutions will have risen by approximately 60 percent between 1991-1995.

Finally, we are ready to help with tax reform in order to secure stable and adequate funding for higher education in Oregon. The next few months will see a spate of proposals coming from legislation and outside sources. The challenge will be to pick out and support the best one, and also the one with the best chance of passing the voters' test.

More on this next month.

-- Larry Large
Vice Chancellor for Public Affairs

**The next meeting of the Oregon State Board of Higher Education will be
Friday, February 26 at Oregon Health Sciences University. The Board will not meet in March.**



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