



**Study Session**

**SS**

**Milwaukie City Council**



**MINUTES**  
MILWAUKIE CITY COUNCIL  
www.milwaukieoregon.gov

**STUDY SESSION**  
APRIL 17, 2014  
City Hall Conference Room

**Mayor Ferguson** called the study session to order at 5:00 p.m.

**Council Present:** Council President Hedges and Councilors Scott Churchill, Mark Gamba, and Mike Miller

**Staff Present:** City Manager Bill Monahan, City Recorder Pat DuVal, Community Development Director Steve Butler, Finance Director Casey Camors, Police Chief Steve Bartol, Assistant Finance Director Bonnie Dennis, Officer Monte Sterling, Milwaukie Municipal Court Manager Carla Bantz, IST Director Karen Eichelberger, and Planning Director Denny Egnor

**Municipal Court Update**

Municipal Court Judge Kimberly Graves had been with the City since February 2014 and was focused on updating outdated processes, documents, and programs. The process for handling fail to appear cases has been updated and formalized, and she had updated the Violations Bureau and the Deferred Sentencing Program. The Court Orders were updated to encompass a wider variety of issues, and she was working on making the Municipal Court website more robust.

**Chief Bartol** said putting the Court information on the uniform citations posed some problems since they were pre-printed by the state, but it was easier on the T-ticket machines and photo radar correspondence. The department had 5 handheld electronic ticket machines used by the motor officers and other officers who wrote the most tickets.

**Judge Graves** discussed the reliability of mailing photo radar citations and protecting the integrity of the system. She spoke to the courtroom dress code, seatbelt classes, and interest from Rowe Middle School to participate in the truancy court program.

The City Council concurred that if Rowe wanted its own truancy court session, an additional evening could be added. The group discussed the feasibility of a misdemeanor court and facilities concerns. The group agreed it would be worth looking at the feasibility of instituting a misdemeanor court. They discussed how to more effectively communicate the court rules to the public.

**Garbage Rate Discussion**

**Ms. Camors** discussed rate structure equity in the current the current system and how the current composite was built. She commented on County staff and consultant time available to build additional equity into the Milwaukie rate structure.

**Rick Winterhalter**, Sr. Sustainability Analyst at Clackamas County, discussed the Metro tipping fee, fuel, labor, vehicle replacement, and recycling revenue. He commented on parity of services provided, levels of service, and residential cart distribution by size. He would provide City Council with additional information on yard debris and recycling and noted that the big policy issues was contamination of recyclables and plastic bags and other materials. He explained that some customers put garbage in with the recycling in order to reduce the sizes of their carts.

**Ms. Camors** discussed the timing of the rate increase to coincide with the Metro tipping fee adjustment.

**Councilor Miller** said the last rate increase was October 2013, and he was concerned about two rate increases in the same year.

**Mr. Winterhalter** discussed the impacts of waiting until October.

**Ms. Camors** discussed the feasibility of adopting higher rates for larger carts.

**Councilor Gamba** understood yard debris and recycling were constants. He was still in favor of a steeper curve for larger carts. He would like to give people the option of saving money by going to a smaller container.

**Mr. Winterhalter** was not sure people would change their behaviors for a small monthly reduction in their bills.

**Councilor Miller** discussed the possibility of shedding the yard debris program.

**Mr. Winterhalter** said everyone had the option of monthly service or being on call and thereby foregoing the weekly yard debris pickup. He discussed gross revenue trends.

#### **Hospital Facility Authority (HFA) Board Meeting**

The group discussed scheduling an HFA Board meeting on April 28. **Mr. Monahan** suggested the administrative items be considered at 4 p.m. followed by a presentation of the project by Rose Villa at 5 p.m. The members felt it was important to have an expert review of the Rose Villa plan and that the Board be advised of any potential risks. **Councilor Churchill** asked that the materials be available to the HFA Board by April 24 so there was time to review them over the weekend.

#### **Urban Growth Management Agreement (UGMA)**

**Mr. Egner** provided the presentation outline and map of the proposed boundary. The UGMA was an agreement between the City and County designating what areas could be annexed in the future. He discussed the UGMA relative to the Comprehensive Plan, Council goals, and the project history.

**Chief Bartol** discussed Police Department staffing needs in the 3-Creeks area. There was little residential in that area, so minimum staffing may not be as big an issue as previously communicated to the City Council. 34.5 sworn officers were budgeted in police field services and should be sufficient when the Department was up to full staffing. As additional revenue came in, more officers could be hired if needs indicated. He outlined the variables that would impact deployable assets.

The group discussed the length of time it took to hire and train officers and the amount of time it would take to annex the area. **Chief Bartol** talked about attrition in the department over the next 5 years and state certification requirements.

**Mr. Egner** discussed the annexation process and what incentives there might be for property owners to annex. He pointed out the dual interest areas in the current UGMA and discussed the potential for additional dual interest areas in the new UGMA that set new triggers for annexation.

**Mayor Ferguson** asked if the target area was in an enterprise zone.

The group discussed the vacant properties that were generally agricultural with tax deferrals. **Mr. Egner** suggested that if the property owners were interested in development at some time that they could be required to annex. The City of Happy Valley was done with its Agreement, so it was up to Milwaukie to complete its UGMA with the County.

**Mr. Monahan** had spoken with County staff and will plan to speak with the Community Planning Organizations (CPO) if so directed.

**Mr. Egner** encouraged the City Council to consider what kind of tools it wished to include in the new Agreement.

**Mayor Ferguson** suggested looking at an area that would bring Milwaukie's population to 50,000 so it would qualify for additional state revenues.

**Chief Bartol** discussed enhanced law enforcement staff in the unincorporated areas and informal conversations with Sheriff's Department command staff.

#### **ACS (Photo Radar) Contract Extension**

**Chief Bartol** discussed the history of the contract and provided photo radar statistics. He reviewed revenues and expenses. The City Council talked about the feasibility of expanding the enforcement zone and moving it further south.

**Officer Sterling** discussed certain restrictions that applied to the photo radar van when it was deployed in the neighborhoods. The City could consider using the van more on McLoughlin Boulevard and Hwy 224 and deploying the motor officers in more appropriate areas such as school zones.

**Ms. Dennis** noted the revenue and expenditure analysis also included City Prosecutor and Municipal Court Judge fees.

**Councilor Churchill** would be interested in knowing ACS's return on investment.

**Chief Bartol** reviewed the staff recommendations to the City Council. These were to extend the contract and continue the photo radar program, monitor the program for effectiveness and evaluate fiscal impacts, prepare findings related to traffic safety for new locations in the downtown core and Johnson Creek Boulevard, and evaluate a second year extension.

The group discussed the feasibility of photo red light to address pedestrian issues on McLoughlin Boulevard and what the infrastructure requirements might be.

The City Council concurred on a one-year extension to be approved on the May 6, 2014, consent agenda and to prepare findings identifying additional locations.

#### **Proposed Water Environment Services (WES) Systems Development Charges (SDC)**

**Council President Hedges** reported on a proposal at the recent RiverHealth Advisory Board meeting where System Development Charges (SDC) and Equivalent Dwelling Unit (EDU) fees were discussed. Happy Valley was opposed to the SDC, and Council President Hedges asked if the City Council supported his opposing the EDU methodology. The City Council supported his expressing the City's opposition to have it on the record.

**Mayor Ferguson** adjourned the Study Session at 8:19 p.m.

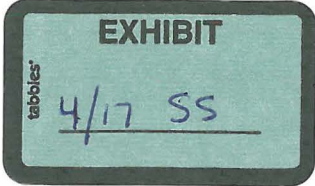
Respectfully submitted,



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Pat DuVal, Recorder





IN THE MUNICIPAL COURT OF THE CITY OF MILWAUKIE  
COUNTY OF CLACKAMAS, STATE OF OREGON

In the Matter of )  
 )  
NOTICE TO COURT OF REQUEST ) RULE \_\_\_\_  
FOR A SPECIAL ACCOMMODATION ) Supplemental Court Rule  
UNDER THE AMERICANS WITH )  
DISABILITIES ACT (ADA) )

IT IS HEREBY ORDERED as follows:

Parties requesting special accommodations under the Americans with Disabilities Act (ADA) must comply with UTCR 7.060. All requests for special accommodation must be made no later than four (4) judicial days prior to each proceeding in the action and must be made to the Court Operations Supervisor.

The Court Operations Supervisor may be contacted by phone (503) 786-7543, email [court@milwaukieoregon.gov](mailto:court@milwaukieoregon.gov), or by writing to: Milwaukie Municipal Court, 10722 SE Main Street, Milwaukie, Oregon 97222. The Municipal Court is open each business day from 8:00 a.m. to 5:00 p.m.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Kimberly Graves  
Municipal Court Judge

IN THE MUNICIPAL COURT OF THE CITY OF MILWAUKIE  
COUNTY OF CLACKAMAS, STATE OF OREGON

In the Matter of )  
 )  
RESETS OF ARRAIGNMENTS, ) RULE \_\_\_\_  
 ) Supplemental Court Rule  
TRIALS AND HEARINGS )

IT IS HEREBY ORDERED as follows:

1. ARRAIGNMENTS: Upon request by the defendant in any traffic violation, the court clerk may reset a scheduled arraignment to a date not later than two weeks following the original date on the face of the citation. Any defendant seeking to set over an arraignment more than two weeks following the original date shall post security in the sum of the presumptive fine up to \$250.00 or 20% of the total presumptive fine stated on the citation, whichever is greater.

2. TRIALS: No request by a defendant to reset a trial date shall be considered unless the defendant first posts security in the sum of the presumptive fine up to \$250.00 or 20% of the total presumptive stated on the citation, whichever is greater. Trials may be reset upon the following additional conditions:

a) FIRST SETTING: The court clerk shall reset a first trial setting upon request of either party, provided the request is made in writing no later than five court business days prior to the trial date, and further provided that the appropriate security amount has been posted.

1. For trials set on a Wednesday, the request shall be made no later than 5:00 p.m. on the preceding Thursday.

b) SECOND SETTING: Requests for a second reset of trial must be timely filed in conformance with paragraph 2(a) above. The court may grant the request if the written submission demonstrates reasonable grounds for the party's inability to appear at the scheduled time, subject to the provisions of paragraph 6 below. A matter set over for trial after a second setting shall be set for trial on a date certain, as provided in paragraph 5 below.

c) Setovers on short notice: Setover requests submitted less than five court business days prior to the trial date shall be denied except on a showing of:

- i) Serious illness or injury of a party, attorney or pivotal witness;
- ii) Medical emergency or funeral of family member or close friend of a party, attorney, or pivotal witness;
- iii) Calendaring errors by court personnel; or,

- iv) Other factors which could not have reasonably been anticipated until at or near the time the motion was made.

3. NON-ATTORNEY HEARINGS: Cases set for non-attorney hearings are subject to the same polices as those stated in paragraph 2 above.

4. ATTORNEY TRIALS OR HEARINGS: In cases where the defendant and the City are represented by attorneys, the attorney requesting a reset shall provide timely notice thereof to the opposing attorney. All requests for reset of a trial date or hearing shall be made in conformity with UTCR 6.030. Scheduling conflicts shall be resolved by the court pursuant to the standards set forth in UTCR 6.040.

5. DATE-CERTAIN SETTINGS: A third trial setting, and any subsequent setting, shall be deemed a "date certain" in accordance with this rule.

- a) Attorney trials: Immediately after a trial has been reset for the second or subsequent time by either party, the court clerk shall send a proposed trial date by mail or facsimile transmission to the attorneys of record. If either party objects to the proposed trial date, that party shall file a written statement of objection no later than 14 days after the notice of trial date has been sent by the court clerk. The statement shall include an alternative trial date which has been accepted by the opposing party. Upon receipt of the written objection, the court clerk shall set the trial for the alternate date accepted by both parties, provided that the court can accommodate that date. No resets shall be permitted in the absence of a timely written objection in accordance with this paragraph.

- b) Resets of date-certain cases: No reset of a date-certain case shall be permitted unless the moving party can demonstrate one or more of the following circumstances:

- i) Serious illness or injury of a party, attorney or pivotal witness;
- ii) Medical emergency or funeral of family or close friend of a party, attorney, or pivotal witness;
- iii) Calendaring errors by court personnel; or,
- iv) Other factors which could not have reasonably been anticipated until at or near the time the motion was made.

6. FACTORS UNLIKELY TO RESULT IN POSTPONEMENT: The following is a nonexclusive list of factors that are unlikely to result in postponement of a second, date-certain or subsequent trial setting:

- i) Failure to complete discovery;
- ii) Failure to locate, schedule or subpoena witnesses until shortly before trial;

- iii) Interference with vacations or training programs, scheduled after a subpoena or trial setting notice has been issued;
- iv) Failure to adequately prepare for trial; and,
- v) Factors that were known or should have been anticipated, but were not brought to the court's attention until shortly before trial.

7. RELIEF FROM DEFAULT JUDGMENTS: A request for relief from a default judgment in civil and traffic cases must be submitted in writing with payment in the sum of the presumptive fine up to \$250.00 or 20% of the total default judgment imposed by the court, whichever is greater, unless otherwise ordered by the court. The written request must show "that the failure of the defendant to appear was due to mistake, inadvertence, surprise or excusable neglect," as provided by ORS 153.105. As further provided by ORS 153.105, a motion for relief must be made by the defendant within a reasonable time, and in no event may such a motion be made more than one year after entry of judgment. If a motion for relief from a default judgment is allowed, the matter shall be set for trial or arraignment as appropriate.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2014.

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Kimberly Graves  
Municipal Court Judge

IN THE MUNICIPAL COURT OF THE CITY OF MILWAUKIE  
COUNTY OF CLACKAMAS, STATE OF OREGON

In the Matter of )  
 )  
COURT PROCEDURES RELATING TO ) RULE \_\_\_\_  
REINSTATEMENT OF DEFENDANTS ) Supplemental Court Rule  
IN ARREARS FOR TRAFFIC FINES )

Any clerk of the court may reinstate a traffic defendant's right to drive in Oregon through the Division of Drivers and Motor Vehicles (DMV) when a defendant accomplishes all of the following:

1. Pays one-half the amount currently owed or \$200.00, whichever is less; however, no payment will be accepted in a sum less than \$75.00; and,
2. Executes a new payment agreement for the unpaid balance.

If a defendant fails to timely comply with all provisions of the new payment agreement, the entire balance owing shall be payable immediately and the court may suspend the defendant's right to drive in Oregon through DMV without further notice.

Applications for exceptions to this rule shall be presented to the judge for consideration.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2014.

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Kimberly Graves  
Municipal Court Judge

IN THE MUNICIPAL COURT OF THE CITY OF MILWAUKID  
COUNTY OF CLACKAMAS, STATE OF OREGON

In the Matter of )  
 )  
PERSONAL COMMUNICATION ) RULE \_\_\_\_  
DEVICES ) Supplemental Court Rule  
 )

IT IS HEREBY ORDERED as follows:

Unless otherwise permitted by the judge presiding over the proceeding, personal communication devices (any electronic equipment capable of communicating with others outside a courtroom by transmission of sound or images, including, but not limited to cell phones and pagers) taken into a courtroom by any person shall be turned off upon entering the courtroom and shall remain off until after the person has departed from the courtroom.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2014.

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Kimberly Graves  
Municipal Court Judge

IN THE MUNICIPAL COURT OF THE CITY OF MILWAUKIE  
COUNTY OF CLACKAMAS, STATE OF OREGON

In the Matter of )  
 ) Rule 5  
PROCEDURES FOR TESTIMONY ) Supplemental Court Rule  
AND TRIAL BY AFFIDAVIT )

IT IS HEREBY ORDERED as follows:

In any trial of a traffic violation, the court may admit as evidence the affidavit of a witness in lieu of taking the testimony of the witness orally and in court, subject to ORS 153.080 and the following conditions:

1. Testimony by affidavit shall be allowed upon receiving a signed statement of the defendant waiving the right to have the testimony presented orally in court.
2. Testimony by affidavit under this rule shall not be subject to objection as hearsay.
3. The filing of an affidavit under this rule shall not be deemed to constitute a waiver of trial pursuant to ORS 153.080(4).
4. Nothing in this rule shall require the defendant or any witness to waive the right to appear if other testimony is introduced by affidavit as provided by ORS 153.080(5).
5. All affidavits submitted pursuant to this rule shall be presented in a form approved by the court. Each affidavit shall contain a section notifying the defendant of the waiver of trial and the other information set forth in paragraph 6 below.
6. Upon request by a defendant, the court shall provide a form designated "Trial by Affidavit" and containing the following statement:  
"By filing this affidavit, I understand that I am giving up ("waiving") my right to present my oral testimony in court at trial. I am asking the court to decide whether I am guilty or not guilty of the above violation(s) based on this affidavit and other evidence submitted to the court. I further understand that I am giving up my right to question or cross-examine the police officer and other witnesses who testify, whether in court or by affidavit."
7. If a defendant fails to file an affidavit within the time permitted by the court, a default judgment may be entered.
8. If a police officer fails to file an affidavit within the time permitted by the court, or fails to appear at the time scheduled for trial, the citation shall be dismissed.
9. Parties appearing by affidavit shall be notified in writing of the results of the trial.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Kimberly Graves  
Municipal Court Judge

IN THE MUNICIPAL COURT OF THE CITY OF MILWAUKIE  
COUNTY OF CLACKAMAS, STATE OF OREGON

In the Matter of the )  
 ) Rule \_\_\_\_  
DEFERRED SENTENCING PROGRAMS ) Supplemental Court Rule

In the interest of promoting traffic safety and compliance with state and municipal laws, the court hereby establishes Deferred Sentencing Programs (hereinafter “Deferred Sentencing”) as described below.

Participation in Deferred Sentencing is subject to the following conditions:

1. Any court clerk may authorize Deferred Sentencing for eligible defendants under paragraph 3 below. Any questions concerning the eligibility of a particular defendant may be referred to the judge for resolution. Upon satisfactory completion of all conditions of Deferred Sentencing, any court clerk may dismiss the citation.
2. To be eligible for Deferred Sentencing, a defendant must enter a plea of “no contest.”
3. Eligibility requirements: Unless otherwise ordered by the court, eligible defendants include:
  - a) Teenage drivers 18 years of age or younger, who are attending high school, who have no convictions for any moving traffic violations and have not participated in any court-ordered traffic diversion/deferred sentencing programs; and,
  - b) Adults who, during the previous five years, have no convictions for any moving traffic offenses and have not participated in any court-ordered traffic diversion/deferred sentencing programs;
  - c) Drivers cited for safety-belt violations; and,
  - d) For purposes of this rule, the term “moving violation” means any violation of vehicle laws, including traffic crimes, that is committed by the driver of a vehicle while the vehicle is in motion. Parking violations, equipment violations or paperwork violations relating to insurance, registration and licensing shall be considered “nonmoving” violations.
3. The following defendants are not eligible for Deferred Sentencing:

- a) Any holder of a commercial driver's license; and,
  - b) Defendants convicted of violations occurring in school safety zones.
4. Deferred Sentencing handouts: Defendants entering a Deferred Sentencing Program shall be provided with a handout containing information and requirements for the specific program in which they are enrolled.
5. Trauma Nurses Class ("class"):
- a) Participants must complete and pay all fees for a class approved in advance by the court no later than 90 days after entering Deferred Sentencing.
  - b) It is the responsibility of each Deferred Sentencing participant to contact the approved class and make arrangements to attend and pay the appropriate fee within the time permitted by the court.
  - c) Each participant shall be responsible for ensuring that a certificate of completion for the class is filed with the court no later than 90 days after execution of a diversion agreement, with no extensions permitted under any circumstances.
6. Court fees: In addition to any fees required by the class, Deferred Sentencing participants shall pay a nonrefundable fee to the court as follows:

Class A violations:	\$435
Class B violations:	260
Class C violations:	160
Class D violations:	110

Full payment of the specified court fee shall be completed no later than 90 days from the date of execution of the Deferred Sentencing Agreement, with no extensions permitted under any circumstances.

7. Additional requirements: As appropriate, the court may impose additional conditions of Deferred Sentencing, including a requirement that a participant not receive any additional convictions for traffic offenses for a specified period.
8. Noncompliance: If a participant fails to complete all requirements of Deferred Sentencing within 90 days, the court may take one or more of the following steps without further notice:
- a) Convert the Deferred Sentencing fee into a fine based on the class of the violation, including costs and assessments, according to the schedule in Section 6 above. Any sums paid toward the Deferred Sentencing fee shall be

duly credited to the participant's account.

- b) Send the record of the conviction to DMV for entry on the defendant's driving record;
- c) Suspend the participant's driving privileges for noncompliance;
- d) Add a collection fee of 25% to any unpaid balance;
- e) Refer the case to a collection agency; and/or,
- f) Pursue any additional remedies that may be available under Oregon law.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2014

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Kimberly Graves  
Municipal Court Judge

IN THE MUNICIPAL COURT OF THE CITY OF TIGARD  
COUNTY OF WASHINGTON, STATE OF OREGON

In the matter of: )  
)  
ESTABLISHING A TRAFFIC COURT ) RULE \_\_\_\_  
VIOLATIONS BUREAU PURSUANT ) Supplemental Local Rule  
TO ORS 153.800 )

The court having determined that the efficient disposition of its responsibilities and the convenience of persons charged with traffic violations so requires, IT IS HEREBY ORDERED as follows:

I. VIOLATIONS BUREAU

The court hereby establishes a Traffic Court Violations Bureau ("Bureau"), subject to the control and supervision of this court, which shall operate as provided in this Rule:

1. The Court Operations Supervisor and Municipal Court Clerk are violations clerks and deputy violations clerks, respectively.
2. All traffic offenses, upon defendant's election to pursue "Option 1" in the manner provided on the reverse of the complaint and summons (or any court form which may be used in its place), and parking violations may be disposed of by the Bureau **except** the following:
  - a. Citations for Careless Driving;
  - b. Citations for Driving at a speed of 100 mph or greater;
  - c. Violations occurring in School or Work Zones;
  - d. Driving While Suspended Violations.

The complaint and signed summons, or court form, shall be retained as provided by the City's retention schedule.

Any defendant who seeks a fine reduction greater than that provided by this Schedule may apply to the court in person at arraignment or trial or in writing. If a request for a reduction is based on compliance, satisfactory proof thereof shall be submitted in writing or by digital means acceptable to the court.

3. The Bureau may impose the specified fine, instead of the Presumptive Fine, as set forth in the "Violations Bureau" established by the court, as follows:

- a. Upon entry of a plea of “no contest.” A written plea of “guilty” shall be construed as reflecting an intent to plead “no contest;”
  - b. By conduct indicating a clear and unambiguous intent to enter a plea of “no contest,” including submission of an appropriate payment by mail or online pursuant to “Option 1” on the summons and complaint, unless the submission is accompanied by a “not guilty” plea.
4. Payment of the Presumptive Fine constitutes consent to forfeiture of such payment by the Bureau and entry of a finding of “guilty,” except when accompanied by:
  - a. A not guilty plea;
  - b. A request for a hearing; or
  - c. A letter of explanation or mitigation.
5. The Bureau may reduce fines for “no contest” pleas received by mail with a letter of explanation or mitigation as provided in the Violations Bureau. Any reductions shall be based on a review of the defendant’s driving record as provided therein. The Bureau may, in its discretion, forward a citation with a letter of explanation or mitigation to the judge for review before entry of a fine or other disposition.
6. The Bureau shall endeavor to obtain immediate payment of fines but may, in the alternative, extend time for payment in monthly installments. The Bureau shall use discretion in allowing time for payment.
7. The Bureau shall impose the specified fines, including a mandatory state and county assessments totaling \$61 for each violation, as set forth in the "Violations Bureau.”
8. If the defendant does not appear for arraignment or other first appearance within the time allowed, the Bureau may enter a default judgment based on the complaint pursuant to ORS 153.102(1) and impose a failure to appear fee and a fine equal to the Presumptive Fine for each violation.
9. The Bureau shall dispose of all fees collected as provided in ORS 153.630.
10. Nothing in this Rule is intended to limit the authority of a judge to impose a greater or lesser amount of financial obligation in an individual case where allowed by law.
11. Nothing in this Rule is intended to limit the ability of the court to adopt local orders or procedures requiring the personal appearance of particular defendants or by all defendants in specified categories of offenses in accordance with ORS 153.061(6).

II. TERMS OF THIS ORDER and PRIOR ORDERS

The Violations Bureau schedule created by this order shall apply to all offenses committed after \_\_\_\_\_ a.m. on \_\_\_\_\_, in that portion of Clackamas County within the corporate boundaries of the City of Milwaukie. With respect to those offenses, all prior orders of this Court concerning the matters covered herein are superseded and vacated by this order.

The former Violations Bureau schedule in effect prior to \_\_\_\_\_, is superseded by this Order.

As provided by House Bill 2562, state and county assessments in the total sum of \$61 shall be imposed on all violations committed on or after July 31, 2013.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2014.

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Kimberly Graves  
Municipal Court Judge

IN THE MUNICIPAL COURT OF THE CITY OF MILWAUKID  
COUNTY OF CLACKAMAS, STATE OF OREGON

In the Matter of )  
 )  
VIOLATIONS BUREAU AUTHORITY ) RULE \_\_\_\_  
AND PROCEDURES ) Supplemental Court Rule

IT IS HEREBY ORDERED as follows:

In addition to those duties and powers established by ORS 153.800, the Violations Bureau is hereby authorized to:

1. Dismiss traffic citations for improper display of expired registration stickers (ORS 803.560[b]) upon proof that valid stickers were obtained prior to arraignment, provided the defendant pays a court fee of \$50.
2. Dismiss traffic citations for failure to carry proof of insurance (ORS 806.012), when prior to arraignment, the defendant provides proof that there was in force a valid liability insurance policy at the time of issuance of the citation.
3. Dismiss the following violations upon proof that defendant was in compliance on the date of the alleged violation: Unlawful parking in space reserved for persons with disabilities (ORS 811.615) and Driving uninsured (ORS 806.010).
4. The Bureau may, in its discretion, refer any matters to the judge for review if there is any question about the validity of the proof of compliance submitted by defendant.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2014.

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Kimberly Graves  
Municipal Court Judge

IN THE MUNICIPAL COURT OF THE CITY OF MILWAUKIE  
COUNTY OF CLACKAMAS, STATE OF OREGON

In the Matter of )  
 ) RULE \_\_\_\_  
COLLECTION OF UNPAID JUDGMENTS ) Supplemental Court Rule

IT IS HEREBY ORDERED as follows:

**Collection fees:** As provided by ORS 137.118(3), the court may add to any fine or judgment a fee for the cost of collection as follows:

1. A fee of \$25 shall be added to each fine or judgment by the court or Violations Bureau whenever a payment plan is established to allow defendant additional time to pay a monetary obligation.

At any time, a clerk of the court may add collection fees to the judgment as provided by Oregon law.

**Use of Collection Agencies:** A collection agency may be used in failure to comply cases as follows:

1. When payment on a judgment is a minimum of two weeks overdue and the defendant has not made satisfactory arrangements for payment; or,
2. When the defendant has made arrangements to pay the judgment and has failed to meet the terms of the payment agreement; or
3. When a request for suspension for failure to comply with the court's order has been sent to the Motor Vehicles Division; or
4. When a default judgment has been entered in a parking or civil infraction case.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Kimberly Graves  
Municipal Court Judge

IN THE MUNICIPAL COURT OF THE CITY OF MILWAUKIE  
COUNTY OF CLACKAMAS, STATE OF OREGON

In the Matter of )  
 )  
FORMER COURT RULES ) RULE \_\_\_\_  
 ) Supplemental Court Rule

The "Orders" of the Court of the City of Milwaukie dated \_\_\_\_\_, are hereby rescinded and vacated. Court Rules 1-7, as adopted on \_\_\_\_\_, 2014, supercede and replace any rules or general orders previously adopted by this court.

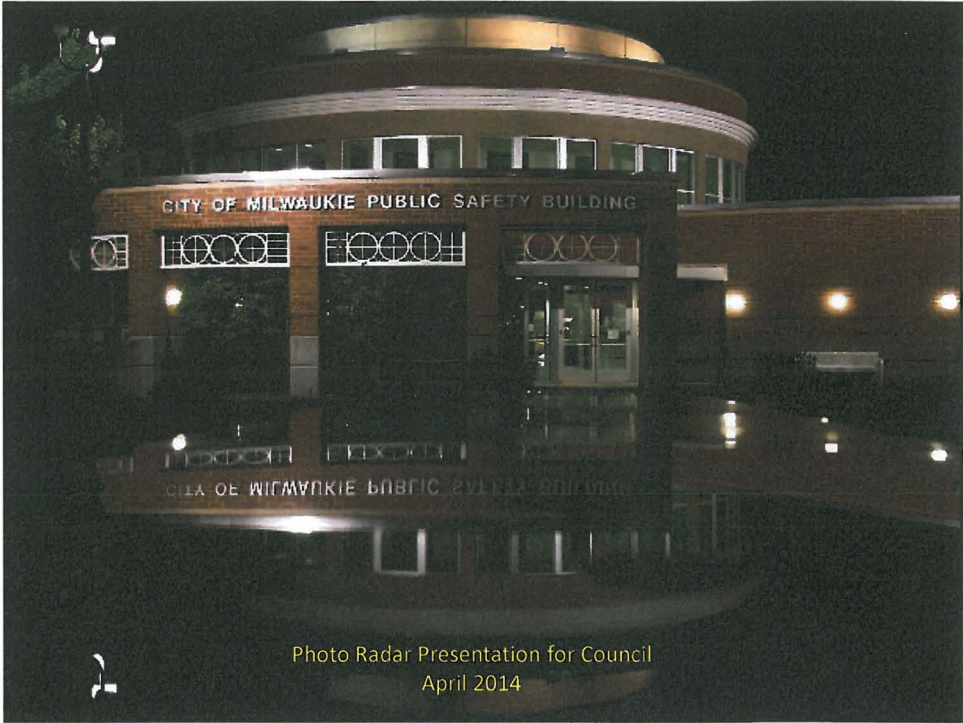
For the convenience of parties and their attorneys, the Milwaukie Municipal Court hereby adopts the Uniform Trial Court Rules (UTCRC) of the Circuit Courts of Oregon and the supplemental local rules of the Clackamas County Circuit Court, except to the extent that this court's supplemental rules are inconsistent with any of those rules.

DATED

\_\_\_\_\_  
Kimberly Graves  
Municipal Court Judge

EXHIBIT  
tabbles  
4/17/14 SS

4/17/2014



**Background**

- First Contract Awarded to ACS / Xerox in May 2008
- Proposed as a part of an overall traffic safety strategy
- Traffic Unit consisted of one motor officer
- Hired 2.5 FTE for PD and 1 FTE for Court
  - 1 van operator / 1.5 additional motors
- Second contract awarded in 2011
  - 3 year contract expires May 17<sup>th</sup> 2014
  - Allows for two 1-year extensions
  - Reduced monthly lease by \$500 per month
  - Included instillation of new digital photograph equipment

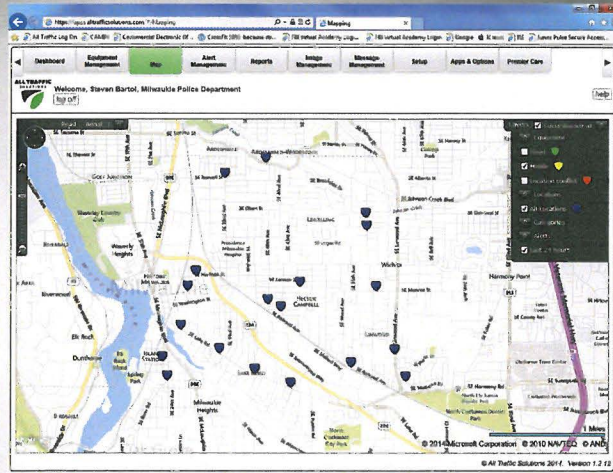


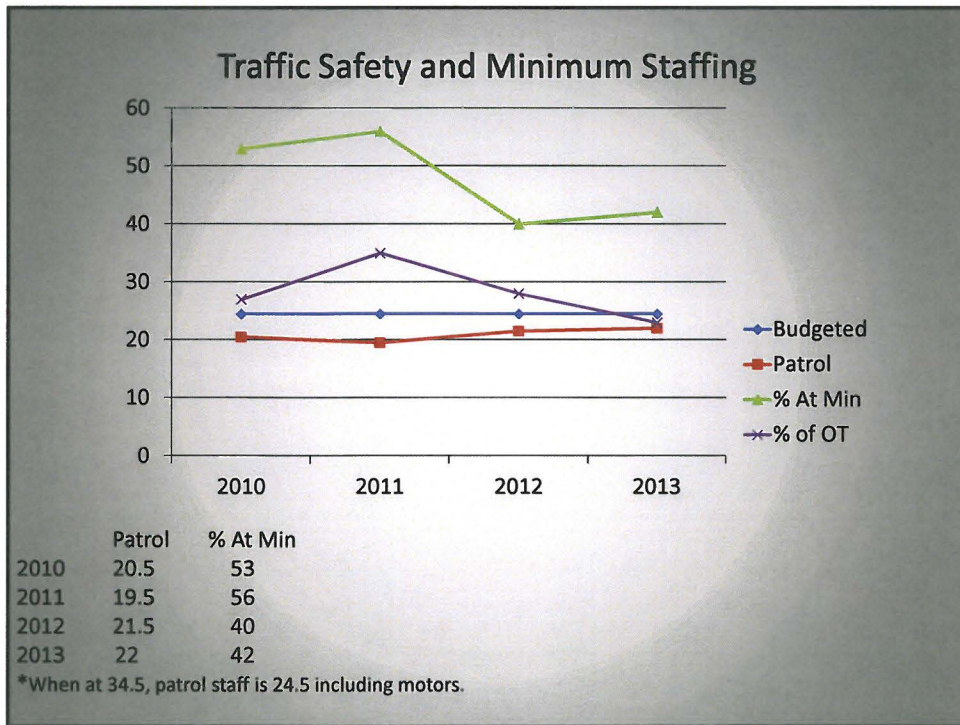
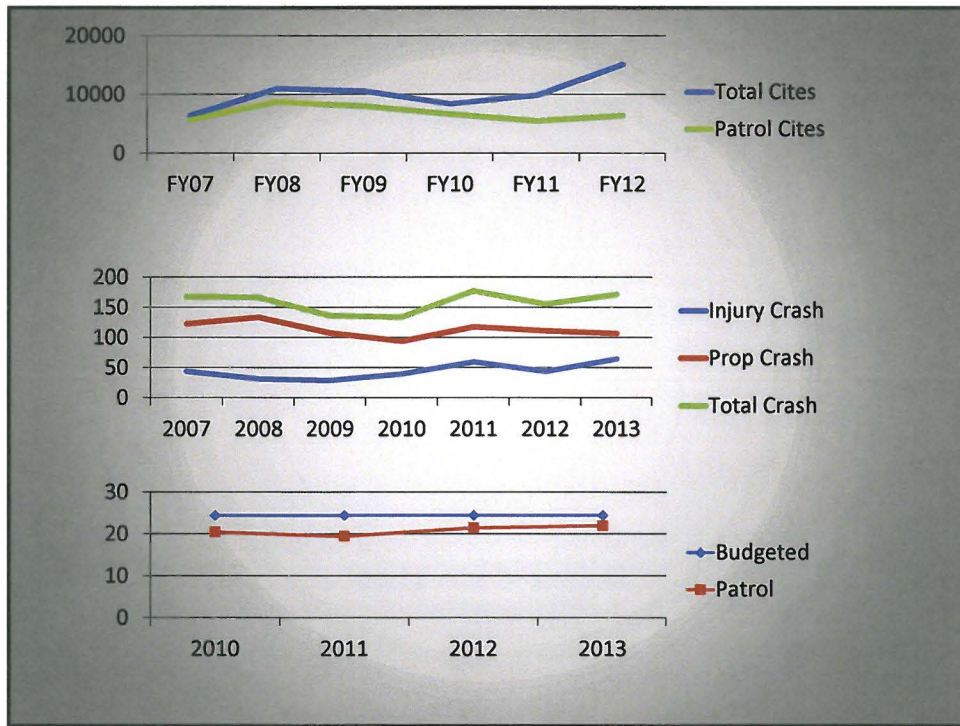
## Some photo radar stats -

- Using the new digital equipment we have seen a 26.42 % increase in the ratio of citations issued to violations.
- Additionally, ACS/Xerox is preparing trial packets for only 5% of the citations issued compared to the 8% when we were using wet film. We believe this is due to the fact that violators are able to view the digital images online before entering a plea.
- 2013 Averages
  - 50.13 hours of deployment per month
  - 689 citations issued per month
  - 81.78% of the violations recorded had citations issued. (8,269 cites total for 2013)

## What else have we done with photo radar?

- Online video educating citizens about photo radar and what to do if they receive a ticket.
- Citation revenues used to purchase digital reader signs for neighborhoods.





### 2013 Injury Crash Locations

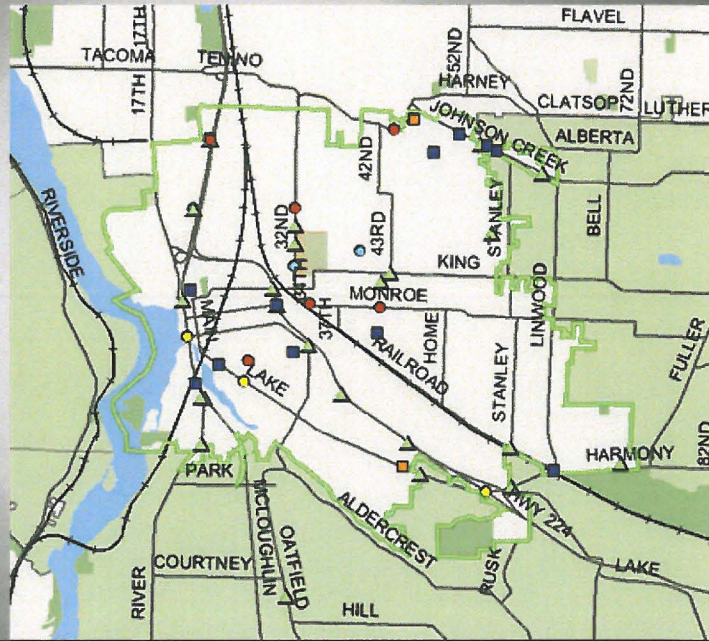
21.5% of all injury accidents occurred on Hwy 99E

20% occurred on Hwy 224

12.3% occurred on Johnson Creek Blvd

46.2% occurred in other locations

Source - CAMIN Query for injury accidents 01-01-13 to 12-31-13



### 2013 Non Injury Crash Locations

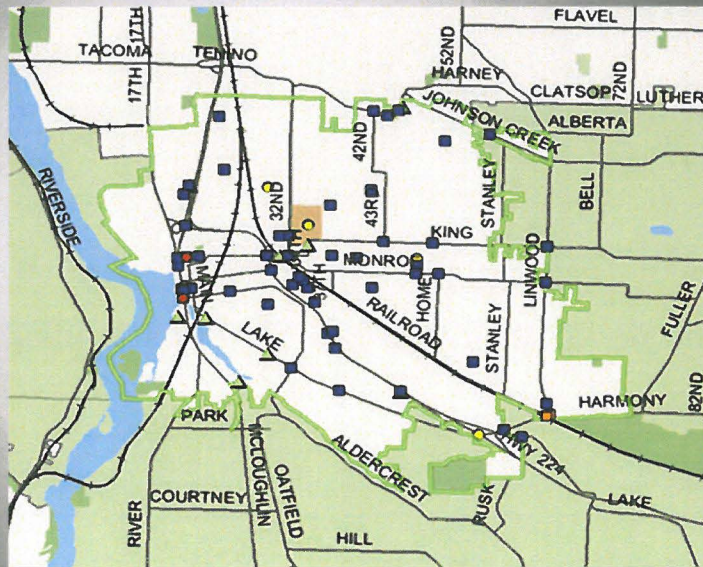
15.8% of all non-injury crashes occurred on Hwy 99E

22.4% occurred on Hwy 224

5.8% occurred on JCB

56% occurred in other locations

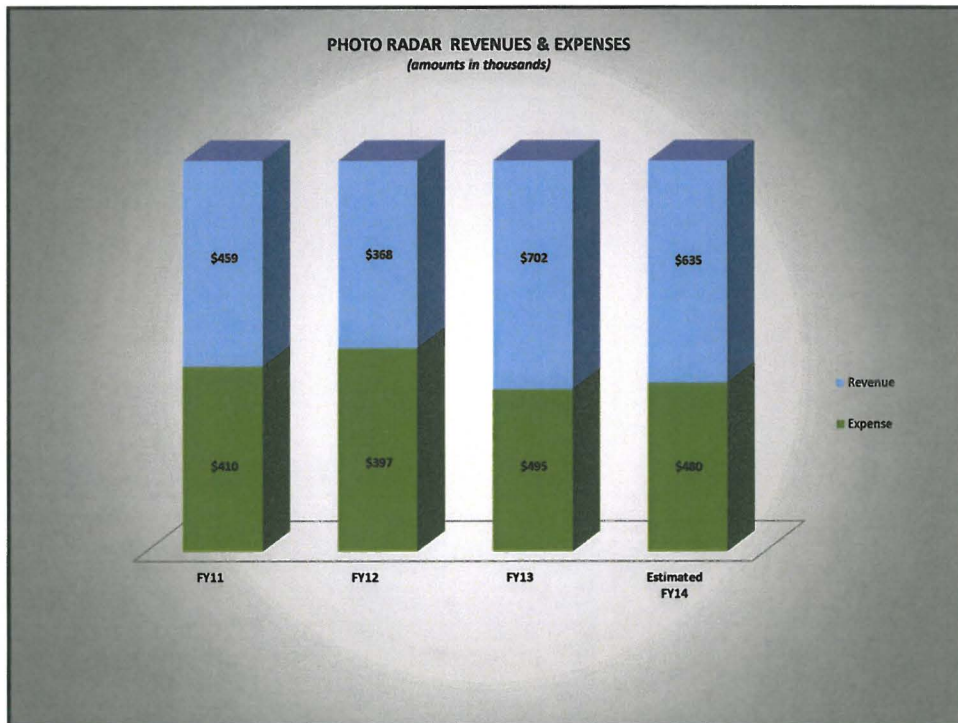
38% of all accidents occurred on Hwy 99E and Hwy 224

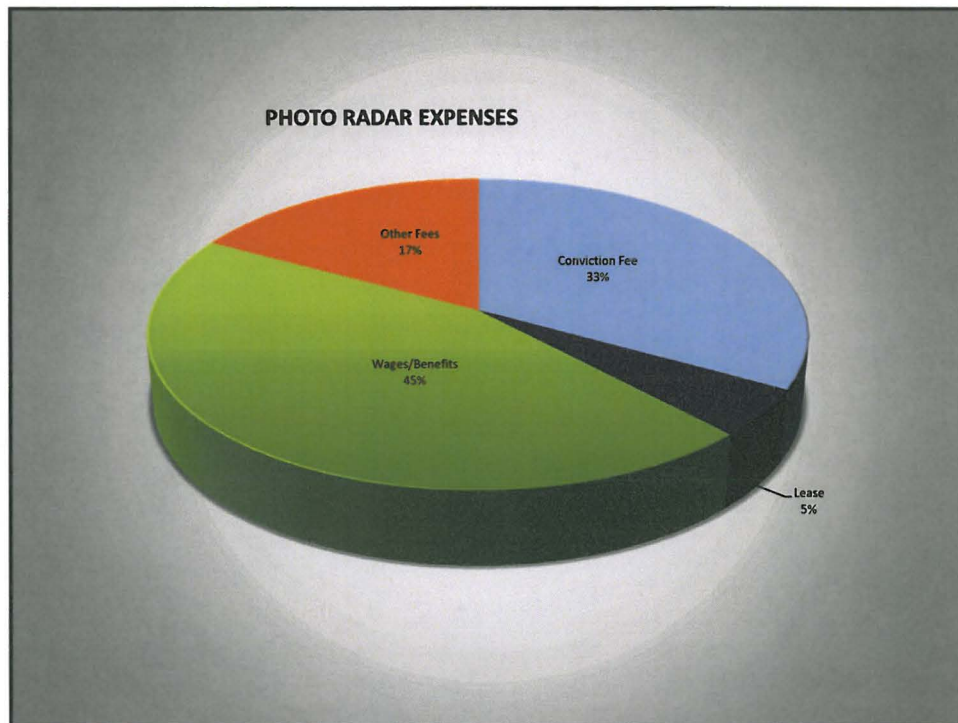


**CITY OF MILWAUKIE**  
**PHOTO RADAR - REVENUES & EXPENSES**  
*(amounts in thousands)*

Revenue	Estimated				TOTAL
	FY11	FY12*	FY13	FY14	
Photo Radar	\$ 459	\$ 368	\$ 702	\$ 635	\$ 2,164
<b>Total Revenue</b>	<b>459</b>	<b>368</b>	<b>702</b>	<b>635</b>	<b>2,164</b>
<b>Expenses:</b>					
Conviction Fee	109	87	167	151	514
Lease	29	24	24	24	101
Wages/Benefits	192	207	215	220	834
Other Fees**	80	79	89	85	333
<b>Total Expense</b>	<b>410</b>	<b>397</b>	<b>495</b>	<b>480</b>	<b>1,782</b>
<b>Net Income/(Loss)</b>	<b>\$ 49</b>	<b>\$ (29)</b>	<b>\$ 207</b>	<b>\$ 155</b>	<b>\$ 382</b>
<b>Gross Margin</b>	<b>11%</b>	<b>-8%</b>	<b>29%</b>	<b>24%</b>	<b>18%</b>

*\* FY12 had a lower level of tickets issued photo radar due to unusually low staffing levels from*  
*\*\* Other Fees Include: Legal, Prosecutor, Judge, Transaction Fees, and Digital Radar Signs.*





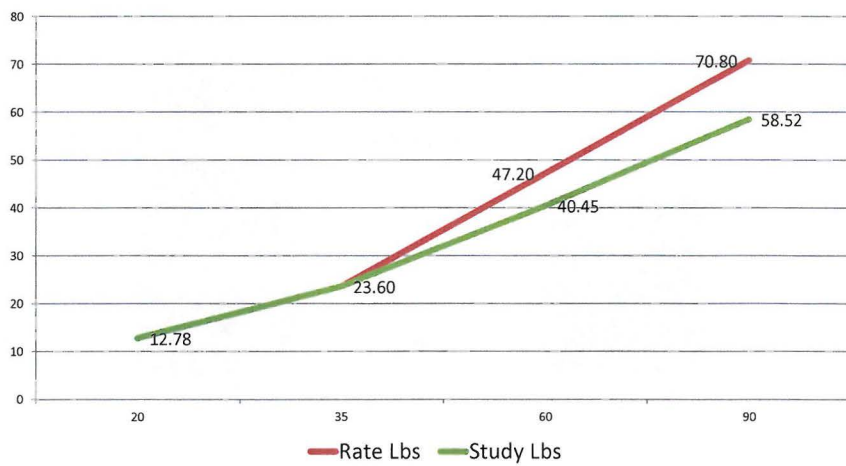
## Recommendations

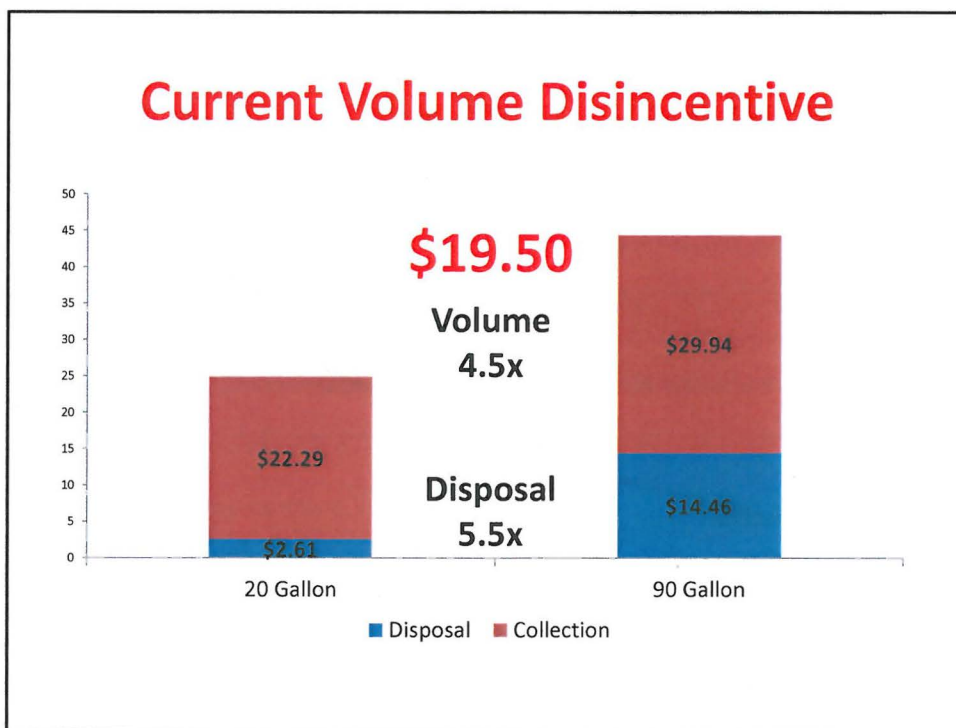
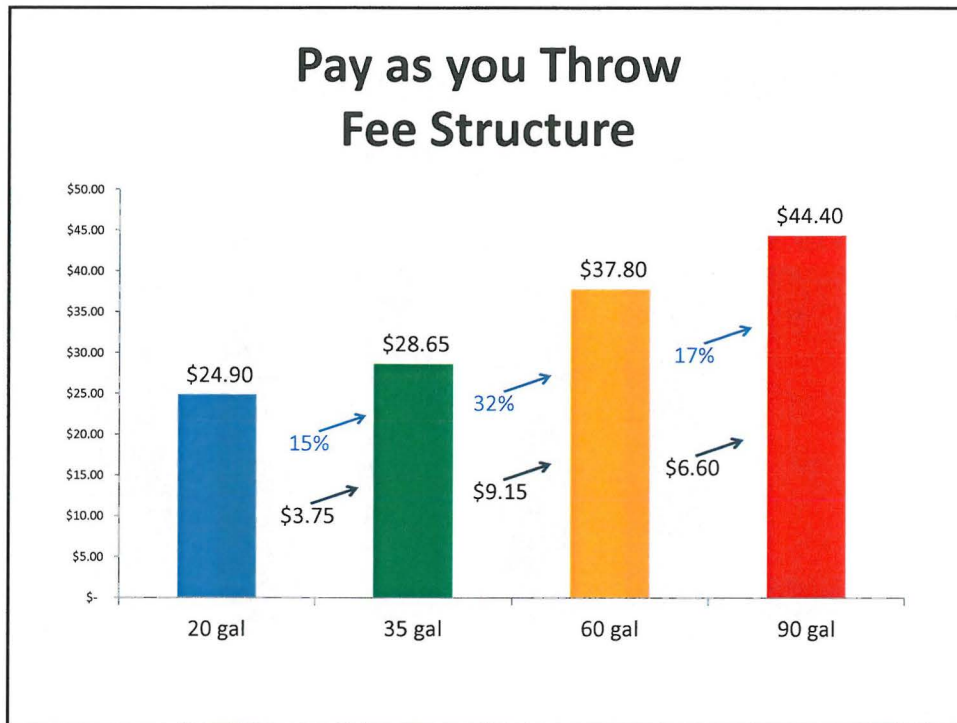
- Recommend City extend contract and continue photo radar program
- Monitor for effectiveness over next year and continue to evaluate fiscal impacts
- Prepare resolutions for findings that traffic safety is negatively impacted by speed for new locations in downtown core and JCB
- Second year extension – Return to council or allow staff to evaluate?

### Residential Cart Distribution by Size 20 g to 90 g differential



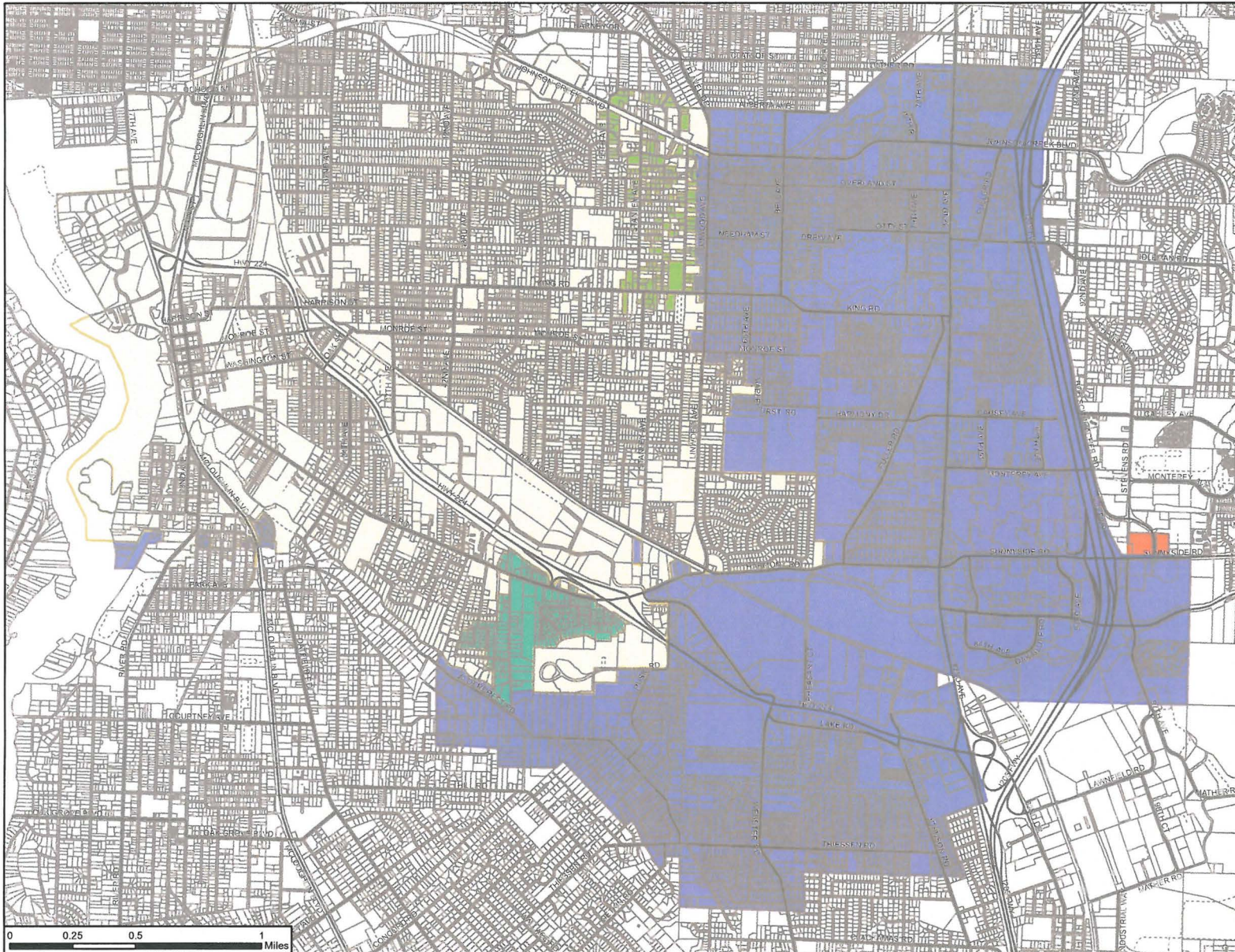
### Pounds used to Calculate Current Fee





## UGMA Presentation Outline for 17, 2014 City Council Meeting

- I. Introduction – Purpose of meeting
  - Provide an update/What has happened since this was last before the Council
  - Update from the Police Chief
  - Options and Next Steps
- II. UGMA Background
  - UGMA – What is it? Agreement between the City and County (could include others) outlining how urban services are to be provided within the Urban Growth Boundary – required by state law.
  - Milwaukie UGMA with Clackamas County – adopted in 1990 – 24 years ago; incorporated into the Comprehensive Plan – any boundary change requires review by PC with recommendation to Council
- III. Review Council Goals and Project History
  - Annexation within the UGMA has been studied and discussed numerous times
  - 2013 and 2014 Council Goals – for an UGMA update and annexation strategy for the 3-Creeks area
  - Last discussed by Council at July 18 and June 20, 2013 study sessions
  - The sessions addressed an analysis and proposed approach for annexation of land within the UGMA and specifically in the 3-Creeks area
  - At the July session issues were raised about the feasibility of providing police protection to the area
- IV. Police Services and Staffing
  - Chief Bartol - staffing options for the 3-Creeks area
- V. UGMA Issues and Options
  - Happy Valley UGMA with Clackamas County conflicts east of I-205 - at a minimum we should revise our UGMA boundary to match
  - Are there other map adjustments that make sense? Park Avenue area? Rose Villa?
  - Dual Interest Areas – Area A is being annexed as sewer service is being provided. Annexation has not occurred in Dual Interest Area B – sewer to be provided by WES.
    - Should we develop stronger language to require annexation in advance of development or redevelopment?
    - Should we establish new Dual Interest Areas with annexation triggers (e.g. 3-Creeks; vacant properties)
- VI. Next Steps
  - Return for another Study Session and outline a work program and timeline for UGMA amendments
  - Initiate discussions with Clackamas County regarding Dual Interest Areas
  - Develop an annexation strategy/explore incentives and tools (longer term)



- City of Milwaukie
- Other City Boundaries

- UGMA**
- Milwaukie/Happy Valley
  - Milwaukie Dual Interest Area "A"
  - Milwaukie Dual Interest Area "B"
  - Milwaukie



Data Sources: City of Milwaukie GIS  
 Clackamas County GIS  
 Metro Data Resource Center

Last Updated: 11/20/2013 File Location: M:\all\_projects\ugma\ugma2013.mxd

The information depicted on this map is for general reference only. The City of Milwaukie cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of errors would be appreciated.

GIS Coordinator  
 City of Milwaukie  
 6125 SE Johnson Creek Blvd.  
 Milwaukie, OR 97136  
 (503) 795-1488



## MILWAUKIE CITY COUNCIL STUDY SESSION

City Hall Conference Room  
10722 SE Main Street  
www.milwaukieoregon.gov

**REVISED AGENDA**  
**APRIL 17, 2014**

A light dinner will be served.

**Page #**

- |    |           |   |   |          |
|----|-----------|---|---|----------|
| 1. | 5:00 p.m. | <b>Municipal Court Update</b>   | Judge Kimberly Graves<br>& Finance Director<br>Casey Camors |          |
| 2. | 5:30 p.m. | <b>Garbage Rate Discussion</b>  | Finance Director Casey<br>Camors                            | <b>1</b> |
| 3. | 6:00 p.m. | <b>Urban Growth Management<br/>Agreement (UGMA) Update</b>                                | Assistant to the City<br>Manager Teri Bankhead              | <b>4</b> |
| 4. | 7:00 p.m. | <b>ACS (Photo Radar) Contract<br/>Extension</b>   | Police Chief Steve Bartol                                   |          |
| 5. | 8:00 p.m. | <b>Proposed Water Environment<br/>Services (WES) Systems<br/>Development Charge (SDC)</b> | <b>Council President Dave<br/>Hedges</b>                    |          |
| 6. | 8:15 p.m. | <b>Adjourn Study Session</b>  |   |          |

### Information

Executive Session: The City Council may meet in executive session pursuant to ORS 192.660(2). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

### Public Notice

- The Council may vote in work session on non-legislative issues.
- The time listed for each discussion item is approximate. The actual time at which each item is considered may change due to the length of time devoted to the one previous to it.
- The Council requests that mobile devices be set on silent or turned off during the meeting.
- The City of Milwaukie is committed to providing equal access to information and public meetings per the Americans with Disabilities Act. For special accommodations, please call 503-786-7502 or email ocr@milwaukieoregon.gov at least 48 hours prior to the meeting.



MILWAUKIE CITY COUNCIL  
STAFF REPORT

**To:** Mayor and City Council

**Through:** Bill Monahan, City Manager

**Subject: Municipal Court Update**

**From:** Kimberly Graves, Municipal Court Judge  
Casey Camors, Finance Director

**Date:** April 2, 2014 for April 17, 2014 Study Session

### **ACTION REQUESTED**

Information only

### **HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

February 4, 2014 – After completion of a formal bidding process for the position of Municipal Court Judge, Kimberly Graves was sworn in as the City of Milwaukie Municipal Court Judge.

### **BACKGROUND**

Since starting as the Judge for the Municipal Court in February, I have been focused on updating outdated processes, documents and programs.

The process for handling cases when the defendant fails to appear has been updated and formalized. Having a more formal process will hopefully result in a decrease in the volume of mail received by the court, and also reduce the afternoon court docket overall. An overall reduction in court appearances will allow the court to spend more time ensuring that each individual case is handled properly.

In addition to the failure to appear process, I have also updated the Violation Bureau and the Deferred Sentencing Program. The new Violations Bureau allows for the fine for a greater variety of offenses to be reduced without a court appearance. The changes to the Deferred Sentencing Program were necessary to allow generally safe drivers the opportunity to maintain a clean record; an opportunity which is available in other jurisdictions to a greater degree than has been previously offered in Milwaukie.

The Municipal Court has previously had a number of general Court Orders to cover a variety of issues which may arise; i.e. dress code, weapons in the courtroom, etc. I have updated the Orders to encompass a wider variety of issues, and to provide more guidance to attorneys and defendants appearing in court.

Finally, I have attended a number of meetings related to Truancy Court. I have met with representatives from the high school and middle school, in addition to meeting with other area judges. The middle school representatives have expressed an interest in participating in the Truancy Court program, despite not participating in the past. One middle school representative

indicated that the volume of cases that they have for the Truancy Court program is significant, and suggested that having a second Truancy Court night for just the middle school from April through June would be beneficial.

**CONCURRENCE**

N/A

**FISCAL IMPACTS**

Expanding Truancy Court by one day per month would require addition compensation in the amount of \$100 per month to the Municipal Court Judge.

**WORK LOAD IMPACTS**

N/A

**ALTERNATIVES**

N/A

**ATTACHMENTS**

1. Updated Violations Bureau
2. Updated Deferred Sentencing Program
3. Updated Court Orders (These will be brought to the Council Study Session).

# Attachment 1

## MILWAUKIE MUNICIPAL COURT VIOLATIONS BUREAU EFFECTIVE DATE: MARCH 21, 2014

A reduction in fine may be granted if the defendant does not have any moving violations in the previous 5 years, and has no other pending moving violations.

	Presumptive Fine	Reduced Fine
Class A	\$435	\$385
Class B	\$260	\$220
Class C	\$160	\$130
Class D	\$110	\$95

### **The following violations are not eligible for reduction:**

1. Speeding >100 mph,
2. Driving While Suspended,
3. School Zone Violations; and Work Zones
4. Careless Driving.

### **The following are Exceptions to the Above:**

#### **Equipment Violations**

Fines for equipment violations may only be reduced if defendant brings proof that he/she has repaired the equipment.

#### **Driving Uninsured/No Proof of Insurance/No Operator's License**

Citations for lack of insurance or a driver's license may be dismissed if proof is provided that the defendant had valid insurance or a valid license at the time of the citation.

#### **No Operator's License**

Fines for lack of a driver's license, may ONLY be reduced if defendant brings proof that he/she has obtained a valid driver's license.

#### **Driving Uninsured/Failure to Carry Proof of Insurance**

The charge of Driving Uninsured can be amended/reduced to Failure to Carry Proof of Insurance if defendant brings in proof that he/she now has insurance coverage. The fine for Failure to Carry Proof of Insurance can be reduced if defendant brings in proof that he/she now has insurance coverage.

#### **Seatbelt Violations**

If defendant has no pending or prior seatbelt violations, citation can be dismissed if defendant attends a seatbelt class and;

1. Pays a court fee of \$50.00
2. Returns with proof of attendance in the seatbelt class to the court within 30 days.

For subsequent seatbelt violations, follow the reduction schedule listed above.

#### **Class D Violations that are Regulatory Violations.**

Regulatory violations may be dismissed if proof of compliance is provided and the defendant pays a \$50 fee to the court. Examples of this type of violations are: Failure to Register Vehicle; Failure to Change Name and Address on Driver's License; and Failure to Display Sticker.

## Attachment 2

### MILWAUKIE MUNICIPAL COURT DEFERRED SENTENCING PROGRAM

The Deferred Sentencing Program is designed to allow safe drivers the opportunity to maintain a clean driving record by completing a driver education course and remaining violation-free for 12 months.

This program may be available if your citation is for one of the following charges:

1. A Class B, C or D moving violation; except school or work zone speeding violations. Class B violations have a presumptive fine of \$260, Class C violations have a presumptive fine of \$160, and Class D violations have a presumptive fine of \$110; or
2. Operating a Motor Vehicle while Using Mobile Communication Device.

You are not eligible for this program if you have any one of the following:

1. Commercial Drivers License
2. Multiple moving violations on one citation.
3. If you enter a plea of Not Guilty and ask for a trial.

### QUALIFICATIONS

To participate in the Deferred Sentencing Program you must meet the following qualifications:

1. No moving violations for last 5 years.
2. No pending moving violations anywhere.
3. No pending criminal cases anywhere.
4. Have not participated in deferred sentencing in any jurisdiction within the last 10 years.
5. There must be no objection by the citing Officer.

To successfully complete the program you must do all of the following:

1. Pay the court fee (equal to the presumptive fine) within 30 days of approval.
2. Attend the High Risk Driver course within 90 days of approval and deliver proof of completion to the court within 120 days.
3. Receive no moving violations or criminal charges during the 12 months following entry into the program.

Upon successful completion of the program, the citation will be dismissed.

If you qualify for the deferred sentencing program, and wish to participate, please fill out the attached sentencing agreement and return it to the court for approval by the Judge. Please Note: Driver course and court fee cannot be paid prior to approval by Judge.

**IMPORTANT:** By signing a Deferred Sentencing Agreement, you are:

1. Pleading no contest to the charge.
2. If you strictly comply, you are earning a dismissal of the charge.
3. If you fail to strictly comply, you will be convicted of the charge.
4. Swearing under penalty of perjury, that you meet all the above qualifications.

**MILWAUKIE MUNICIPAL COURT  
DEFERRED SENTENCE AGREEMENT/ORDER**

Name: \_\_\_\_\_ Violation: \_\_\_\_\_

Driver's License #: \_\_\_\_\_ Citation Number: \_\_\_\_\_

By signing this agreement I swear under penalty of perjury I meet all eligibility requirements for this deferred sentence, and I will do the following:

1. Pay a fee equal to the presumptive fine of \$\_\_\_\_\_ to the court within 30 days of the date of Judge's signature.
2. Complete the Legacy Emanuel High Risk Driver Course within 90 days of today's date; and deliver proof of completion to the court within 120 days of this date.
3. Receive no new criminal charges or moving violations within the 12 months following the signing of this agreement.
4. Keep the court advised immediately of any changes of address or phone number.
5. Appear in court, if directed to do so by the court.
6. Other conditions: \_\_\_\_\_  
\_\_\_\_\_

I understand that if I fully comply with this agreement, the plea I have entered will be withdrawn and the charge dismissed. I also understand that my failure to strictly follow the terms of this agreement will result in my plea and convictions being entered on my driving record.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Defense Attorney: \_\_\_\_\_

Judge's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



MILWAUKIE CITY COUNCIL  
STAFF REPORT

SS 2.  
4/17/14

**To:** Mayor and City Council  
**Through:** Bill Monahan, City Manager

**Subject:** **Garbage Rate Discussion**

**From:** Casey Camors, Finance Director  
Steve Butler, Community Development Director

**Date:** April 17, 2014

**ACTION REQUESTED**

Discuss current system equity in the garbage rate structure.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

**August 2004**

Council approved a garbage rate increase of 2.79% for both *residential and commercial* services (effective October 1, 2004).

**September 2006**

Council approved a *residential* garbage rate increase of \$1.16 per can per month (effective September 1, 2006).

**October 2007**

Council approved a *residential* garbage rate increase (effective November 2007) to reflect various anticipated cost increases, equalizing the City's residential rates with those of Clackamas County's and authorized the distribution of roll carts for commingled curbside recycling.

**July 2008**

Council approved rate increases for commercial and residential rates to reflect increases in fuel prices, a Metro tip fee increase of \$4.61 and to achieve parity with Clackamas county rates.

**July 2009**

Council approved rate increases for *residential and commercial* services to reflect increases in disposal costs and a downturn in recycling markets and an increase in drop box rates to move toward cost of service.

**June 2010**

Council approved rate increases for *residential and commercial* services to reflect increases in disposal costs and achieving rate parity with Clackamas County.

## **June 2011**

Council approved rate increases for *residential and commercial* services to reflect increases in the Metro tip fee and fuel costs.

## **June 2012**

Council approved rate increases for *residential and commercial* services to reflect increases in the Metro tip fee labor and fuel costs.

## **October 2013**

Council approved rate increases for *residential, commercial and drop box* services to reflect increases in the Metro tip fee, labor, fuel and disposal costs.

March 2014

Council and Staff discussed the

## **BACKGROUND**

The City Council annually reviews and adopts garbage rates charged by the City's five haulers. The process is as follows:

- The City's franchise garbage haulers submit financial information to the City identifying revenues and expenses for the previous year relating to the provision of garbage, recycling and yard debris collection services, on or around March 15.
- The City, with significant assistance from Clackamas County staff and a contracted financial analyst, consolidates the information to create a composite.
- Costs are adjusted to eliminate amounts that may be allowable for tax purposes, but that aren't allowed for rate determination.
- The composite is used to evaluate the financial health of the system as a whole which is based on the "rate of return" (ROR) and the ROR is projected for the following year
- The projected ROR is reviewed and rate changes are considered to ensure that it remains within an acceptable range. Chapter 13.24 of the City municipal code states that rates shall be adequate to provide a ROR equal to 10% of the composite gross revenue and further states that a rate of return within the range of 8% to 12% is sufficient to reflect the level of business risk assumed by the haulers, allow investment in equipment and to ensure quality collection services.
- Staff discusses ROR with the garbage haulers and County staff to identify and recommend rates to the City Council.
- City Council discusses the recommendations and adopts garbage rates.

Last year during this process (September 2013), City Council instructed staff to 1) increase public outreach on available garbage service levels, 2) conduct a waste characterization study, 3) develop a yard debris exemption program, and 4) provide Council with Metro rate setting information, prior to the next rate analysis. At that time, the City Parks and Sustainability Director was in charge of this process. By the end of October 2013, the Parks and Sustainability Director position was vacant and the position has since been unfunded. The duties of this position have been split up among many different departments, with the responsibility most recently falling to the Finance Director and Community Development Director. With the transition, three of the four items instructed above have not yet been completed. Staff has received Council direction in March to return and discuss garbage rate equity whilst understanding that public outreach on available garbage service levels, the waste characterization study and the yard debris exemption program will not be completed during this current rate setting process.

In previous years rates have been adopted in July or later. A 30 day notice to the garbage haulers' customers has traditionally been provided prior to implementation, although the haulers don't believe it is the most effective way to notify people. This year, a July 1 effective date is desired, meaning that the City Council would need to adopt rates by June 1 (under the traditional approach) or identify alternative noticing procedures. Projected fees and composite results are not expected to be completed until May 6<sup>th</sup>. To meet a June 1 rate adoption deadline, the Council would need to adopt the resolution on May 20<sup>th</sup>; however, this does not leave much time for rate analysis.

A more reasonable schedule may be to identify alternative noticing procedures, such as including notice in customers billing statements, and to target rate adoption on June 6<sup>th</sup>.

### **FISCAL IMPACTS**

Increases in collection revenue may increase the amount of franchise fees paid to the City by a nominal amount.

### **WORK LOAD IMPACTS**

Building additional 'equity' into the garbage rate structure would require additional work for the rate team. Additionally, the City of Milwaukie has enjoyed the assistance of County personnel for rate development when rate parity has existed. If the City's rate continue to change and move farther from those of the County, the City of Milwaukie may need to compensate the County for the work done.

### **ALTERNATIVES**

N/A

### **ATTACHMENTS**

1.N/A



MILWAUKIE CITY COUNCIL  
AGENDA ITEM SUMMARY

Agenda Item: **SS 3.**

Meeting Date: **4/17/14**

Title: **UGMA Update**

**Prepared By:** Teri Bankhead

**Department Approval:** Bill Monahan, City Manager

**City Manager Approval:** Bill Monahan, City Manager

**Approval Date:** 4/9/14

**ISSUES BEFORE COUNCIL**

Informational update only

**STAFF RECOMMENDATION**

Staff recommends further discussion of annexation of the 3-Creeks area, considering police staffing, as well as proceeding with revisions to the agreement and subsequent boundaries.

**KEY FACTS & INFORMATION SUMMARY**

The last discussion with Council about the Urban Growth Management Area and potential 3-Creeks Annexation was at the July 18, 2013 study session, presented by Teri Bankhead and Mayor Ferguson. Prior to that, temporary Business Analyst, Pat Mobley, presented a report with City Manager Bill Monahan at the June 20th, study session. Mr. Mobley began working on the project upon hire January 31, 2013. During his tenure, he completed a feasibility report which established a phased approach for annexation, cash flow, and timeline, as well as a subsequent police staffing analysis which was presented to then Police Chief Bob Jordan and Bill Monahan, but has not been discussed with Council.

Chief Jordan had reported to Mr. Mobley during the initial feasibility analysis that the police department would need five additional officers at a minimum to staff the 3-Creeks Area if it were to be annexed, however, seven additional officers would be ideal. The cost analysis conducted by Mr. Mobley showed that hiring this amount of officers was not financially viable for annexation as the cost would outweigh the revenue. Council discussed the matter further in the study session in July. The sentiment expressed at that meeting, passed onto the Manager, who was not at the meeting, was to have Mr. Mobley work with Chief Jordan to conduct a public safety analysis versus hiring an outside consultant to look at staffing needs. Mr. Mobley provided Chief Jordan and the Manager with his report entitled "Police Staff and Allocation Analysis" dated September 4, 2013. Upon Chief Jordan's retirement, newly hired Chief Bartol has since done some additional analysis and calculations on staffing needs for the 3-Creeks area. He will discuss that information with Council, with documentation to come at a later time.

Further, staff has continued to work on revisions to the 1990 Urban Growth Management Agreement with assistance from legal counsel and through meeting with the Clackamas County Planning staff. Denny Egner, Planning Director, is now involved in the project and will provide next steps and additional information at a future meeting.

#### **OTHER ALTERNATIVES CONSIDERED**

NA

#### **CITY COUNCIL GOALS**

On February 18, 2014, Council reaffirmed their 2013 goal: Complete the UGMA process and in 2013 develop and initiate an annexation strategy within the boundaries of Highway 224 to the south, Interstate 205 to the east, Clatsop to the North, south down 82nd Avenue and west along Harmony Rd. to the City limits.

#### **FISCAL NOTES**

#### **ATTACHMENTS**