22500 Salamo Road
West Linn, Oregon 97068
http://westlinnoregon.gov

CITY COUNCIL AGENDA

Monday, October 2, 2023

6:00 p.m. – Work Session – Council Chambers & Virtual*

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1. Call to Order [6:00 pm/5 min]
2. Approval of Agenda [6:05 pm/5 min]
3. Public Comments [6:10 pm/10 min]
4. Announcements, Proclamations, and Recognitions [6:20 pm/10 min]
    a. First Responders Day Proclamation
    b. Dyslexia-Learning Differences Awareness Month Proclamation
5. Stafford Road Improvements Update [6:30 pm/30 min]
6. Volpp Street Improvements Update [7:00 pm/30 min]
7. Camping Task Force Recommendation [7:30 pm/30 min]
8. Review October 9, 2023 Agenda [8:00 pm/15 min]
9. Mayor and Council Reports [8:15 pm/30 min]
    a. Reports from Community Advisory Groups
    b. Council Rules Discussion
10. City Manager Report [8:45 pm/5 min]
11. Adjourn [8:50 pm]

**City Council meetings will be conducted in a hybrid format with some Councilors, staff, presenters, and members of the public attending virtually and others attending in person. The public can watch all meetings online via https://westlinnoregon.gov/meetings or on Cable Channel 30.*

Submit written comments by email to City Council at citycouncil@westlinnoregon.gov. We ask that written comments be provided before noon on the day of the meeting to allow City Council members time to review your comments.

If you cannot attend the meeting in person and would like to speak live at a public meeting by videoconferencing software or by phone, please complete the form located at: https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup by 4:00 pm the day of the meeting to be input into our system. Instructions on how to access the virtual meeting will then be provided to you by email prior to the meeting. If you miss the deadline and would like to speak at the meeting, please fill out the form and staff will send you a link as time allows.

If you require special assistance under the Americans with Disabilities Act, please call City Hall 48 hours before the meeting date, 503-657-0331.

When needed, the Council will meet in Executive Session pursuant to ORS 192.660(2).

PROCLAMATION

West Linn, Oregon

WHEREAS, first responders dedicate their lives to public service, education, and the protection of life, property, and the environment; and

WHEREAS, first responders include paramedics, firefighters, police officers, nurses, doctors, public works professionals, military personnel, volunteers, and countless others who are first on the scene in an emergency; and

WHEREAS, according to the Department of Homeland Security, 4.6 million career and volunteer first responders support the communities in which they live; and

WHEREAS, serving as a Day of Gratitude, we pay tribute to their endless hours and around-the-clock service provided to their communities; and

WHEREAS, the day also pays tribute to fallen first responders; and

WHEREAS, often the very people serving our communities are our neighbors, friends, and family members and their families know the price they pay for the dedication to the job; and

WHEREAS, even though they are an integral part of our communities, their sacrifices go beyond the hours they work. They may face high stress and the trauma they see wears on them both mentally and physically; and

WHEREAS, the service, dedication and commitment of first responders deserves to be recognized and honored; and

WHEREAS, in 2017 the United States Congress designated that October 28th of each year would be proclaimed as National First Responders Day.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF WEST LINN, that October 28, 2023 is

NATIONAL FIRST RESPONDER'S DAY

in the City and we encourage all residents to join in this observance.

DATED THIS 2ND DAY OF OCTOBER, 2023

_____
RORY BIALOSTOSKY, MAYOR

ATTEST:

_____
KATHY MOLLUSKY, CITY RECORDER

PROCLAMATION

West Linn, Oregon

WHEREAS, West Linn is committed to building an equitable and social and emotionally supportive learning environment for students, including identifying and removing obstacles to student success; and

WHEREAS, Dyslexia is a neurological difference, often inherited, that makes it difficult for students to read, write, and spell, and that may include problems in reading comprehension and reduced reading experience, which can impede vocabulary growth and acquisition of knowledge; and

WHEREAS, Dyslexia affects all segments of society, regardless of race, income, educational background, or ability; and

WHEREAS, Literacy is a critical skill needed for educational success, and students who do not read at grade level by third grade are four times more likely not to graduate from high school with a diploma; and

WHEREAS, Teacher graduates often receive no training on dyslexia despite research conducted by the National Institutes of Health indicating that as many as one in every five individuals struggles with dyslexia and related learning disabilities – equating to about 116,300 Oregon public school students; and

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF WEST LINN, that October is:

DYSLEXIA AWARENESS MONTH

And we encourage all Oregonians to join in this observance.

DATED THIS 2ND DAY OF OCTOBER, 2023

_____

RORY BIALOSTOSKY, MAYOR

ATTEST:

_____

KATHY MOLLUSKY, CITY RECORDER

Work Session Agenda Bill

Date: October 2, 2023

To: Rory Bialostosky, Mayor
Members, West Linn City Council

Through: John Williams, City Manager *JRW*

From: Erich Lais, PE – Public Works Director/City Engineer *EL*

Subject: Stafford Rd. Improvements Update by Clackamas County

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Purpose:
To provide City Council with an update on Clackamas County's progress on their design and planned construction of transportation improvements on Stafford Rd. from Pattulo Way to Rosemont Rd.

Question(s) for Council:
None. Presentation only.

Background & Discussion:
Stafford Road is a significant corridor within Clackamas County that regularly carries traffic between the communities of West Linn, Lake Oswego, Tualatin, and Wilsonville. Stafford Rd. has long been identified within the Clackamas County Transportation Plan (TSP) and Metro Regional Transportation Plan (RTP) as a corridor in need of significant safety and traffic management improvements.

The proposed project has been developed based on analysis of existing conditions, Clackamas County Design Standards, and feedback from the community and County staff. This analysis and design concept alternatives were presented to the public in fall of 2021 through a virtual open house. Through public feedback and further analysis, the improvements below were selected.

- Realigning the intersection of Johnson Rd to eliminate the intersection skew angle and reduce the steep grades
- Adding a southbound left-turn lane at Johnson Road
- Adding a roundabout at Childs Rd
- Adding bike lanes along Stafford Rd

Improvements are estimated to total approximately $13 million. This project is funded and managed by Clackamas County. The funding comes from the Community Road Fund (revenue from the countywide vehicle registration fee) and the transportation system development charges (fees paid by developers to offset impacts of new development on transportation infrastructure).

Further detailed project information is available through the County's project page linked below.

Council Options:
This is a presentation only, but Council may be interested in understanding potential impacts of construction to West Linn traffic/streets.

Staff Recommendation:
Presentation only.

Attachments:
1. Project Website

Stafford Road: Pattulo Way to Rosemont Road

Improving traffic safety and flow for all

West Linn Council Work Session

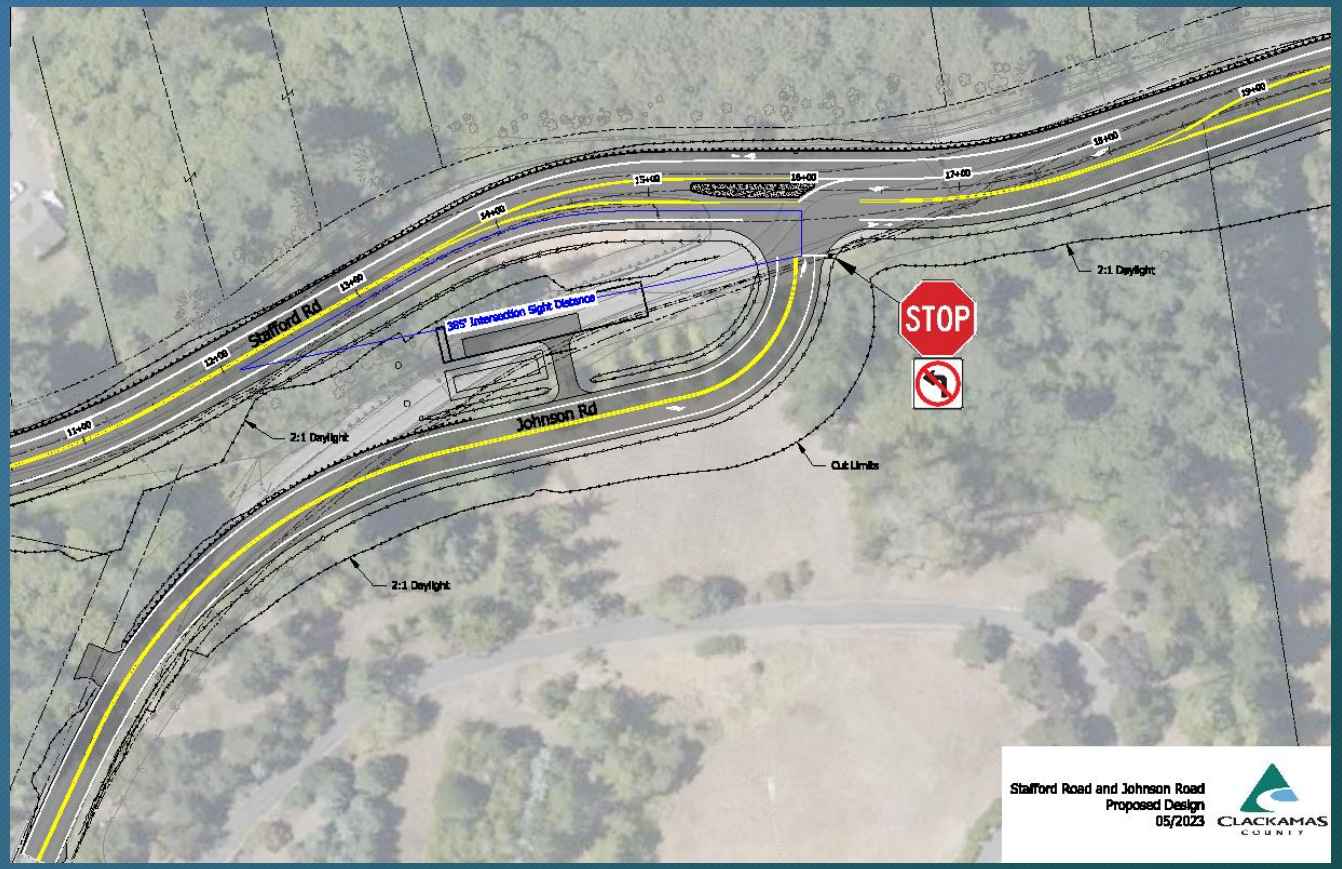
October 2, 2023

What we'll be doing: Johnson Rd

Improve safety and capacity

Realign Johnson Road

- Reduce steep grades on Johnson, eliminate road skew and increase sight distance
- Dedicated southbound left-turn lane
- Right-in, right-out (no left turn onto Stafford Road)



What we'll be doing: Childs Rd

Improve safety and capacity

Construct roundabout at Childs Rd

- Increase intersection safety
- Replace culvert with fish-friendly culvert

What we'll be doing: Bike lanes

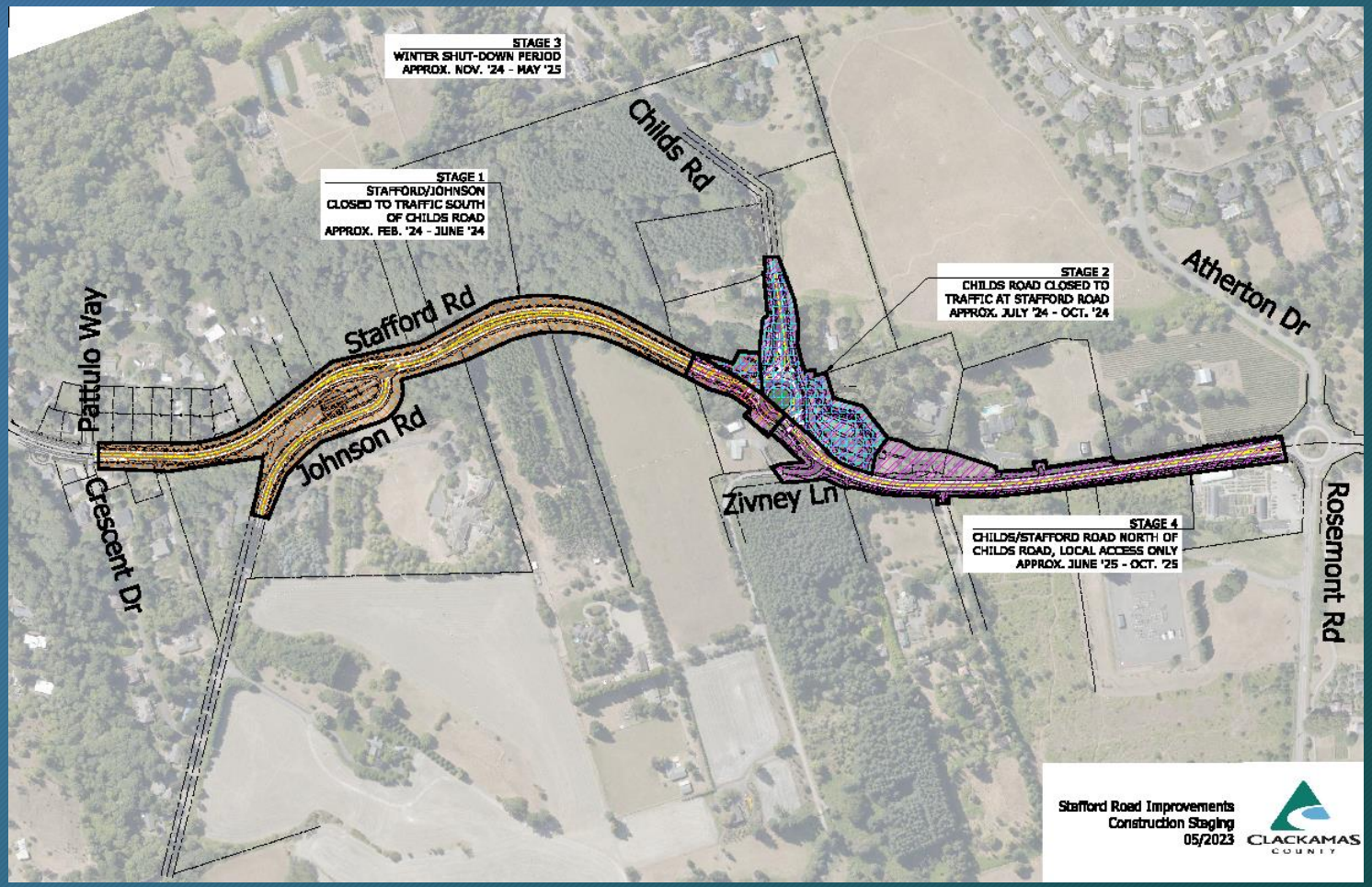
Add 6-ft paved bike lanes between Pattulo Way and Rosemont Road

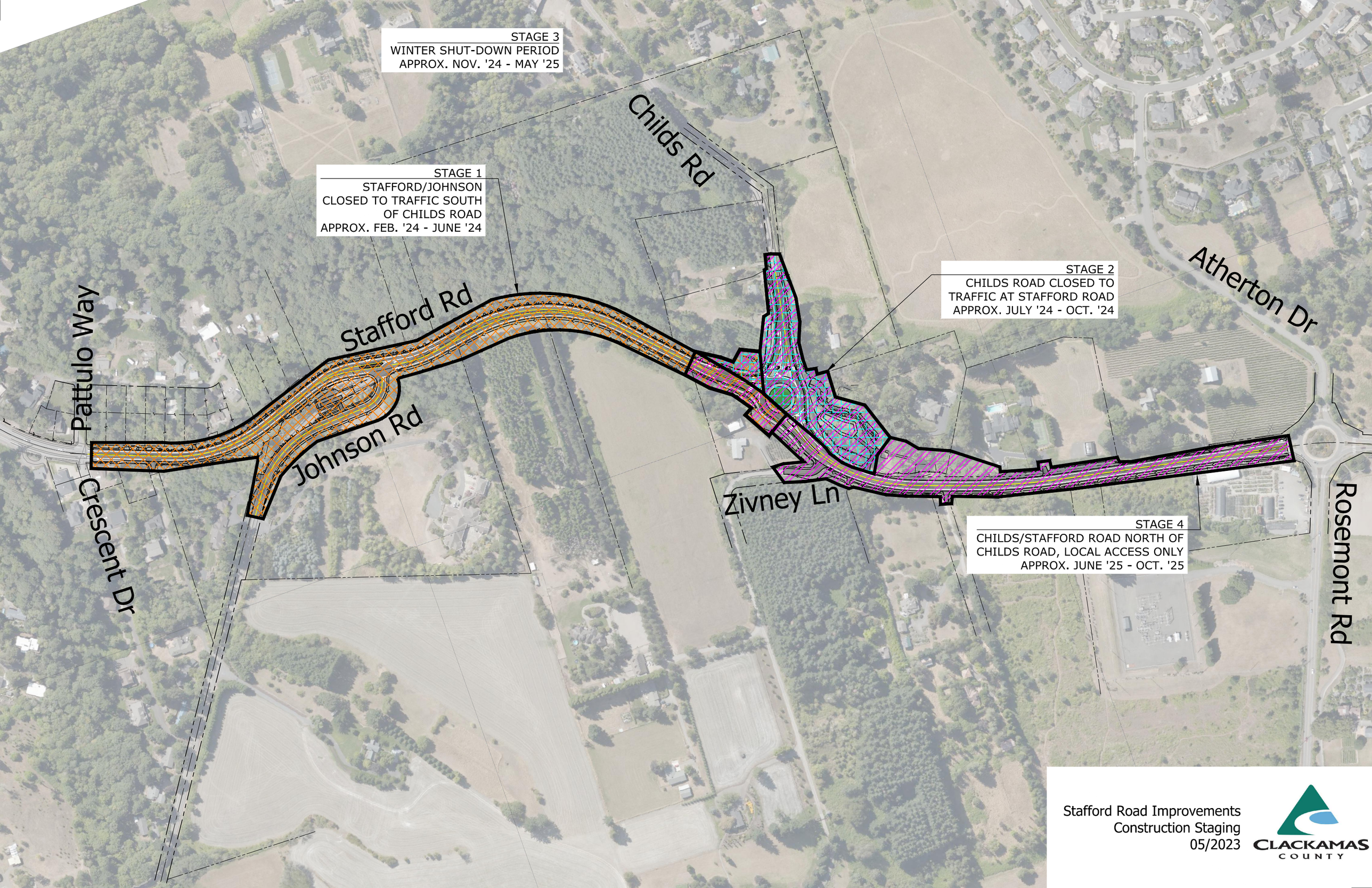
- Widening primarily east side of road due to proximity to Pecan Creek
- Symmetrical widening north of Childs Road
- Steep cut slopes on east side; guardrail on west side
- Improved cross slope (super elevation) of roadway for a smoother ride

Traffic Impacts During Construction

Two-season construction

- Maximize safety during construction
- Complexity of project
- Utility relocations
- Constrained corridor
- Utilize strategic road closures



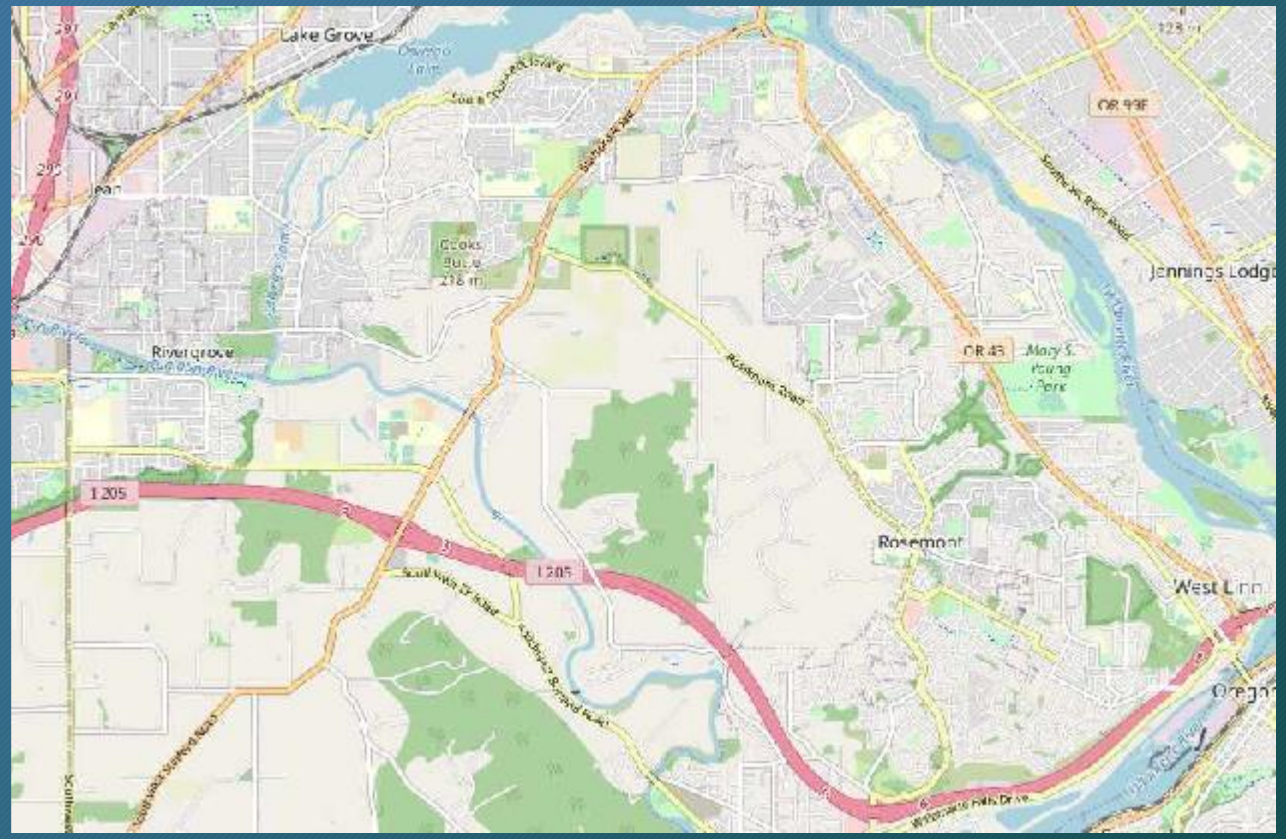


Stafford Road Improvements
Construction Staging
05/2023

CLACKAMAS COUNTY

Potential Detour Routes

- One signed route for passenger and truck traffic preferred.
- Motorists will likely use various routes based on destination.
- Minimize traffic on local streets.



Traffic Control Management

- Consultant traffic engineers developing traffic management plan.
- Construction traffic management study prior to construction, including traffic patterns and volumes.
- Traffic monitoring during road closures.
- Project ‘toolbox’ of potential mitigation measures to be implemented during construction.

Community outreach

We will share information…

- Website
- Updates at Hamlet/CPO meetings
- Updates on social media
- Email interested parties
- Mail notices to area residents and stakeholders
- Open house(s)
- Contacts with property owners

We ask you to…

- Join the interested parties list
- Contact us with questions and concerns
- Spread the word to others
- Let us know what's working well and what isn't

Thank you!

Stafford Road: Pattulo Way to Rosemont Road

www.clackamas.us/engineering/st-rd-improvements

Jonathan Hangartner, PE, *Project Manager*, 971-804-2825 jhangartner@clackamas.us

CLACKAMAS COUNTY

Work Session Agenda Bill

Date: October 2, 2023

To: Rory Bialostosky, Mayor
Members, West Linn City Council

Through: John Williams, City Manager *JRW*

From: Erich Lais, PE – Public Works Director/City Engineer *EL*

Subject: Volpp St. Improvement Update

Purpose:
To provide City Council with an update on progression on roadway design concepts of the Volpp St. corridor.

Question(s) for Council:
None. Update only.

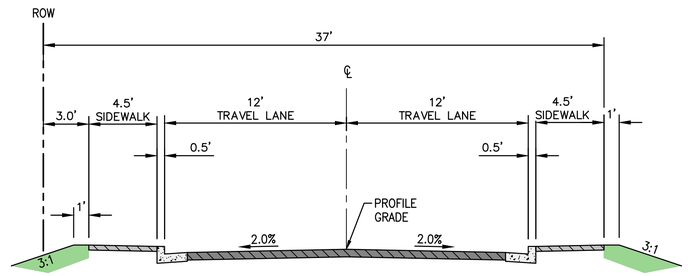
Background & Discussion:
The City has contracted with the engineering firm KPFF to render conceptual level designs for the Volpp St. corridor between 4th St. and 12th St. The design of these transportation improvements are intended to identify a preferred cross-section(s) to match with existing conditions of the corridor and also directly coordinate with planned future water access improvements along Volpp St. within Willamette Park.

Refinement of alternative design treatments are underway as KPFF and City staff coordinate to identify and clarify future land use requirements. Current design work is anticipated to continue through the end of the calendar year. Staff will work with affected property owners and the Neighborhood Association as part of this project.

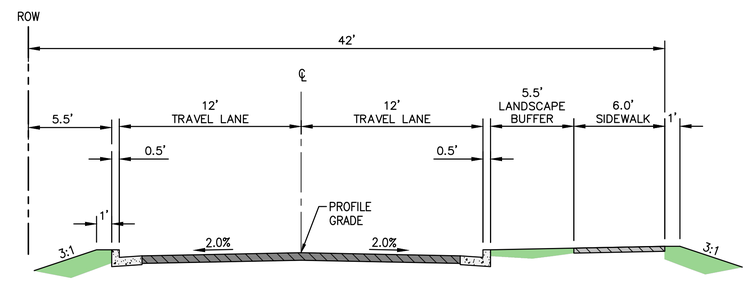
Council Options:
Staff update only.

Staff Recommendation:
Staff update only.

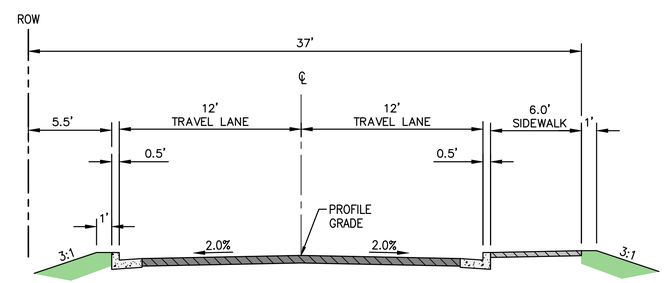
Attachments:
1. Conceptual Plans



1 OPTION 1 (10TH-7TH)
12' LANES & 4.5' SIDEWALKS
SCALE: NTS



2 OPTION 2 (10TH-7TH)
12' LANES; SOUTH BUFFER & SIDEWALK
SCALE: NTS



3 OPTION 3 (10TH-7TH)
12' LANES; SOUTH SIDEWALK
SCALE: NTS

REVISION	DATE	DESCRIPTION	BY

kpff
111 SW Fifth Ave., Suite 2500
Portland, OR 97204
O: 503.227.3251
F: 503.224.4681
www.kpff.com

JOB No.:	2100458
DESIGNED BY:	CAK
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CHECKED BY:	CV
PLOT DATE:	8/25/23 9:20am
PLOTTED BY:	ckniphuisen
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TAB NAME:	C1.0

CITY OF WEST LINN

ALTERNATIVES ANALYSIS
VOLPP ST CORRIDOR
CITY OF WEST LINN, OREGON

CONCEPTUAL ROADWAY SECTION OPTIONS
(10TH TO 7TH)

SHEET NO.
C1.0
SHEET 1 OF 8
RECORD NO.
2100458

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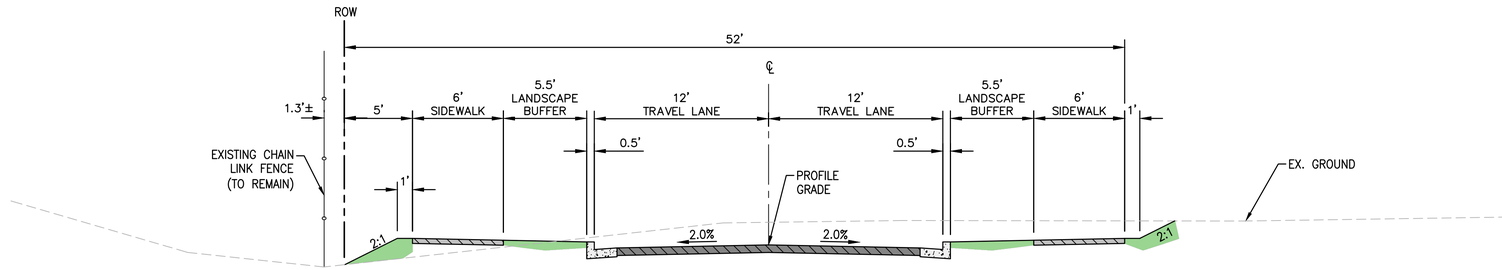

4 OPTION 1 (7TH-4TH)
5' BUFFER & 12' LANES
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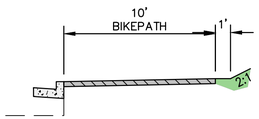
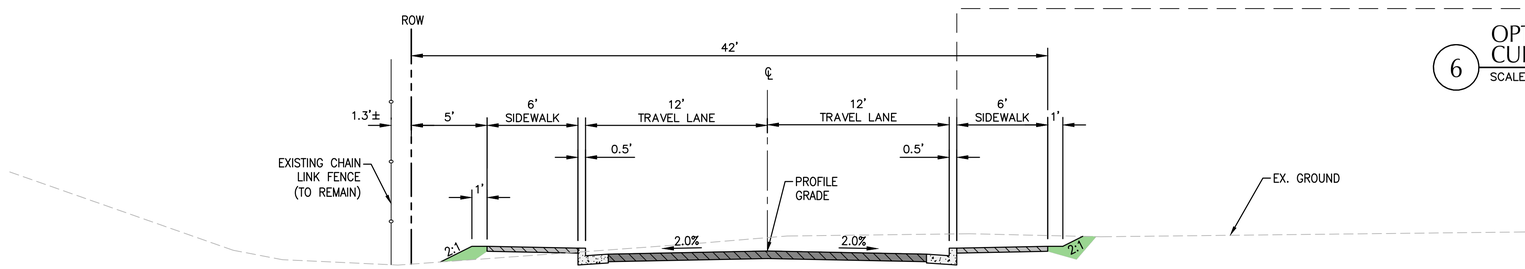


6 OPTION 2 (7TH-4TH)
CURB-TIGHT BIKEPATH
SCALE: NTS



5 OPTION 2 (7TH-4TH)
5' BUFFER & CURB-TIGHT SIDEWALKS
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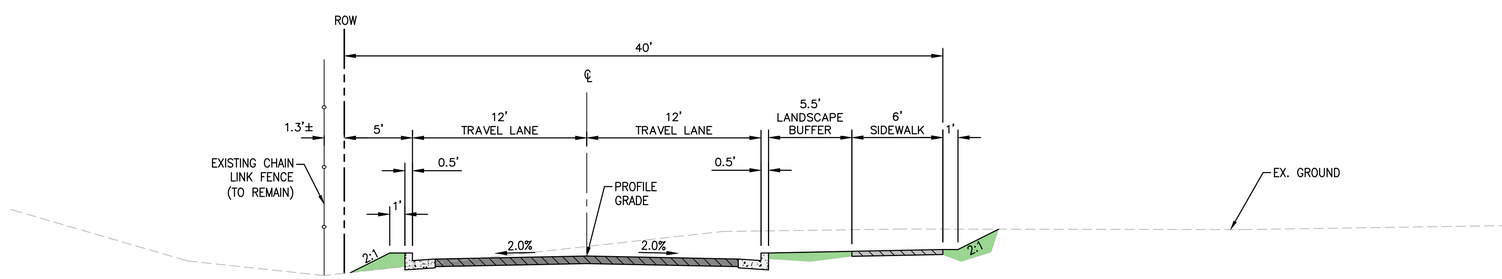

7 OPTION 3 (7TH-4TH)
WITHOUT NORTH SIDEWALK
SCALE: NTS

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CITY OF WEST LINN

ALTERNATIVES ANALYSIS
VOLPP ST CORRIDOR
CITY OF WEST LINN, OREGON

CONCEPTUAL ROADWAY SECTION OPTIONS
(7TH TO 4TH)

SHEET NO.
C1.1
SHEET 2 OF 8
RECORD NO.
2100458

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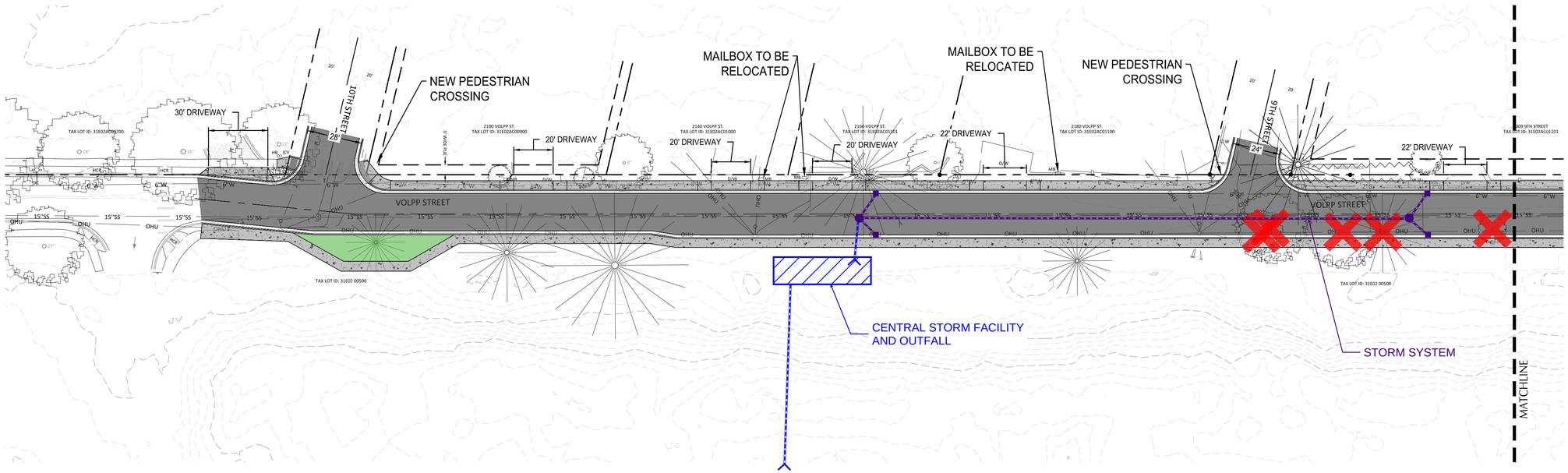
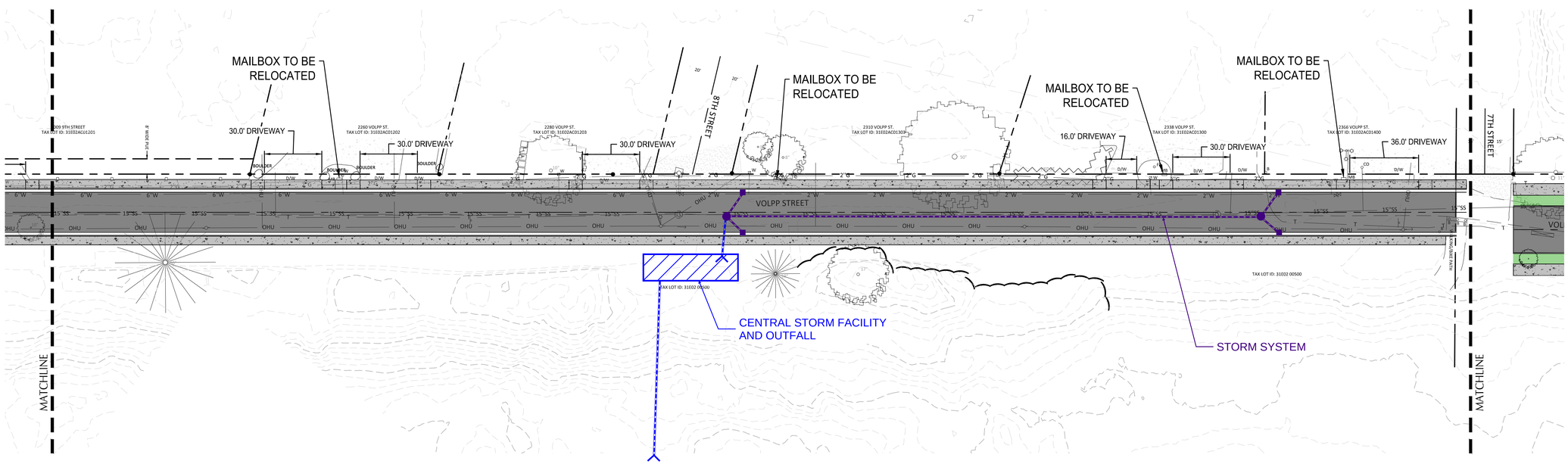


SHEET LEGEND

- PROPERTY LINE
- CONCRETE SIDEWALK
- STANDARD ASPHALT PAVEMENT
- ASPHALT PAVEMENT BIKE PATH
- LANDSCAPING
- NEW STREET TREE
- TREES AFFECTED
- STORM SYSTEM
- STORM FACILITY - OPTION 1
- STORM FACILITY - OPTION 2

Legend

Description	Quantity	Unit
× Trees Removed	5	Count



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SCALE 1 INCH = 30 FEET
30 0 30 60

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CITY OF WEST LINN

ALTERNATIVES ANALYSIS
VOLPP ST CORRIDOR
CITY OF WEST LINN, OREGON

VOLPP STREET DESIGN CONCEPT (10TH TO 7TH)
OPTION 1

SHEET NO. C2.0

SHEET 3 OF 8

RECORD NO. 2100458

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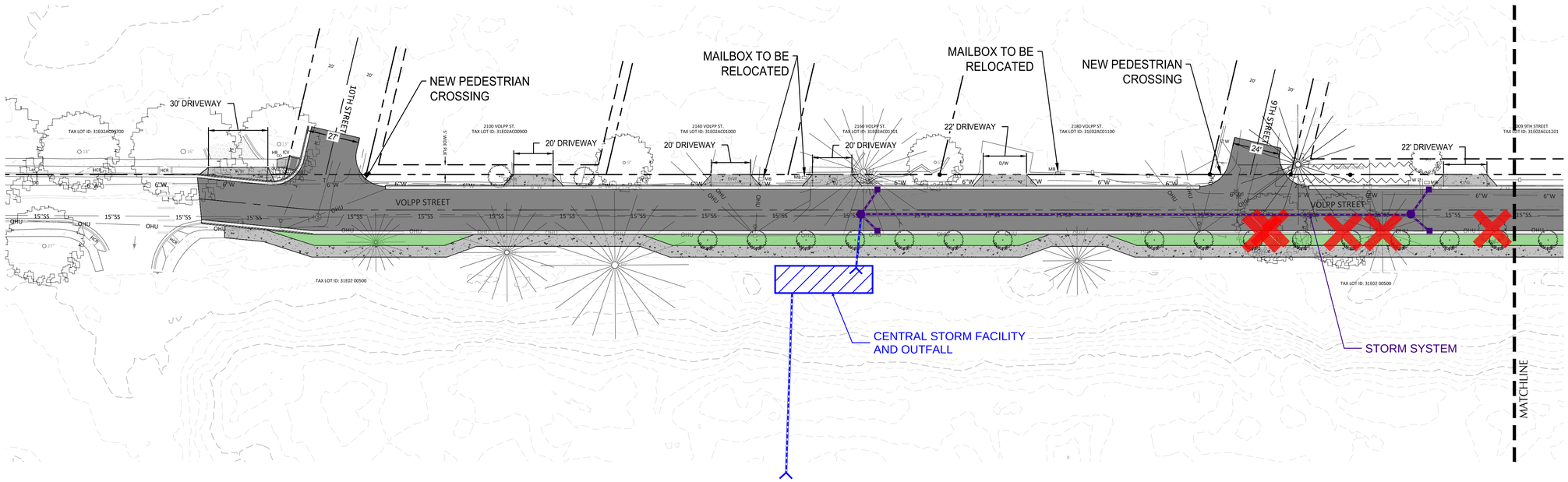

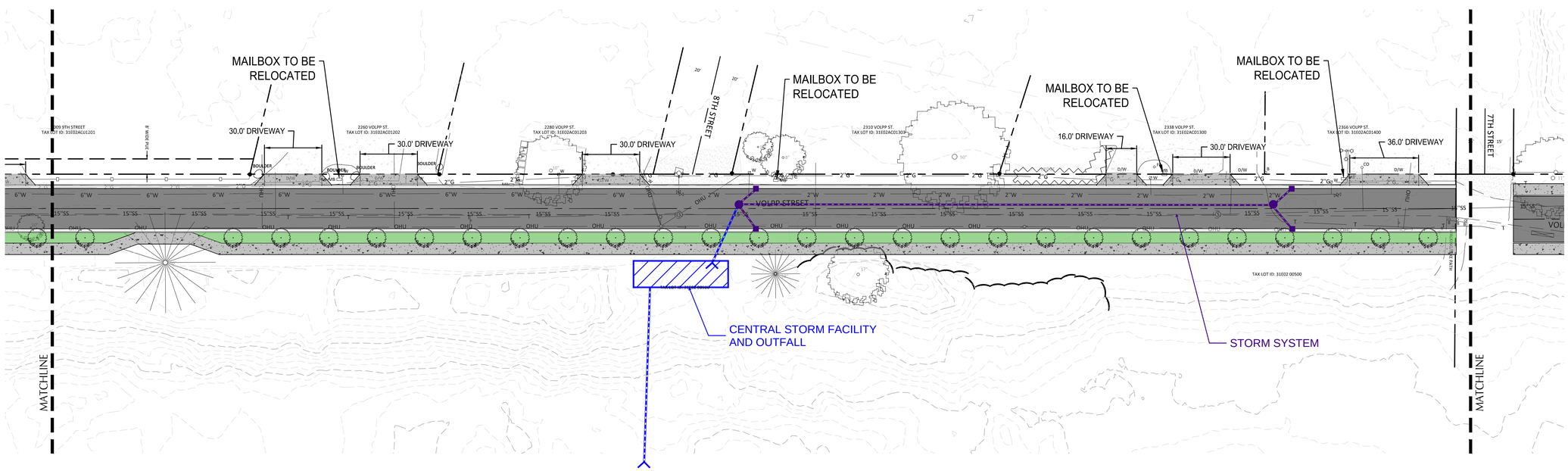

SHEET LEGEND

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- CONCRETE SIDEWALK
- STANDARD ASPHALT PAVEMENT
- ASPHALT PAVEMENT BIKE PATH
- LANDSCAPING
- NEW STREET TREE
- TREES AFFECTED
- STORM SYSTEM
- STORM FACILITY - OPTION 1
- STORM FACILITY - OPTION 2

Legend

Description	Quantity	Unit
× Trees Removed	5	Count

REVISION	DATE	DESCRIPTION	BY

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CITY OF WEST LINN

ALTERNATIVES ANALYSIS
VOLPP ST CORRIDOR
CITY OF WEST LINN, OREGON

VOLPP STREET DESIGN CONCEPT (10TH TO 7TH)
OPTION 2

SHEET NO.
C2.1
SHEET 4 OF 8
RECORD NO. 2100458

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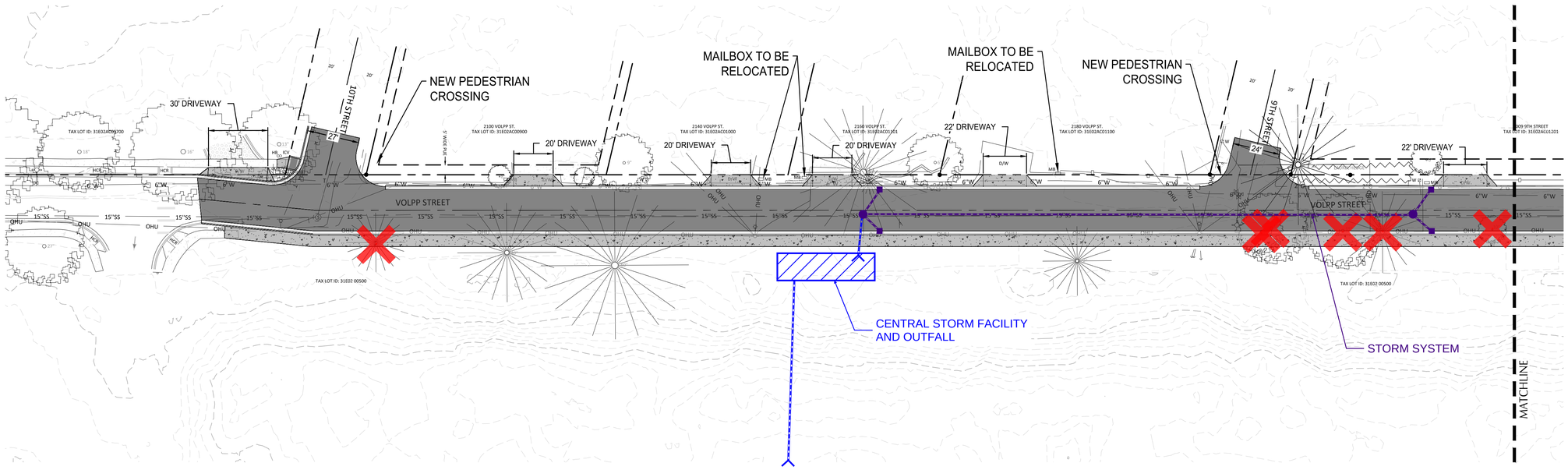

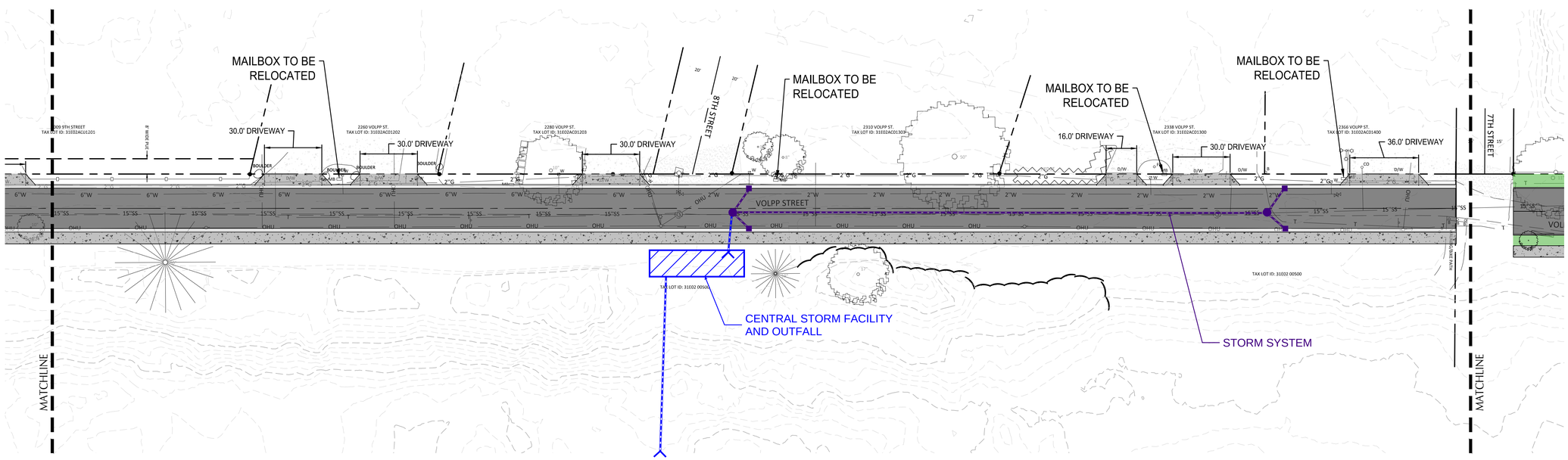

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- STORM FACILITY - OPTION 1
- STORM FACILITY - OPTION 2

Legend

Description	Quantity	Unit
× Trees Removed	6	Count

REVISION	DATE	DESCRIPTION	BY

SCALE 1 INCH = 30 FEET
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CITY OF WEST LINN

ALTERNATIVES ANALYSIS
VOLPP ST CORRIDOR
CITY OF WEST LINN, OREGON

VOLPP STREET DESIGN CONCEPT (10TH TO 7TH)
OPTION 3

SHEET NO.
C2.2
SHEET 5 OF 8
RECORD NO. 2100458

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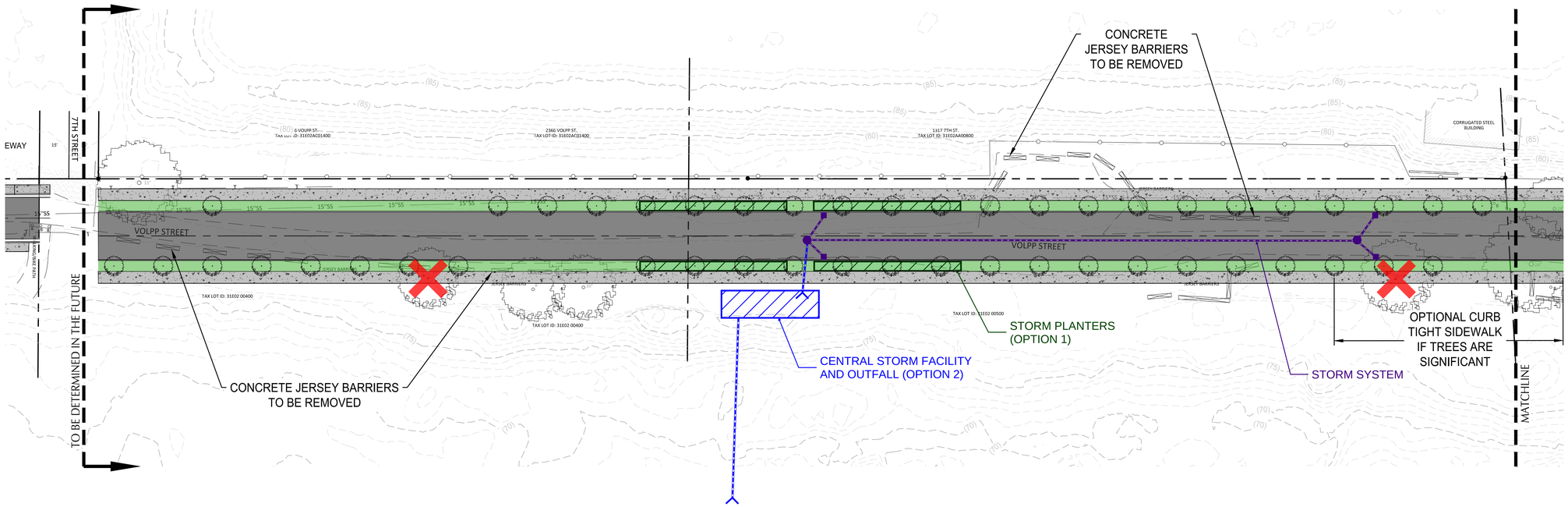

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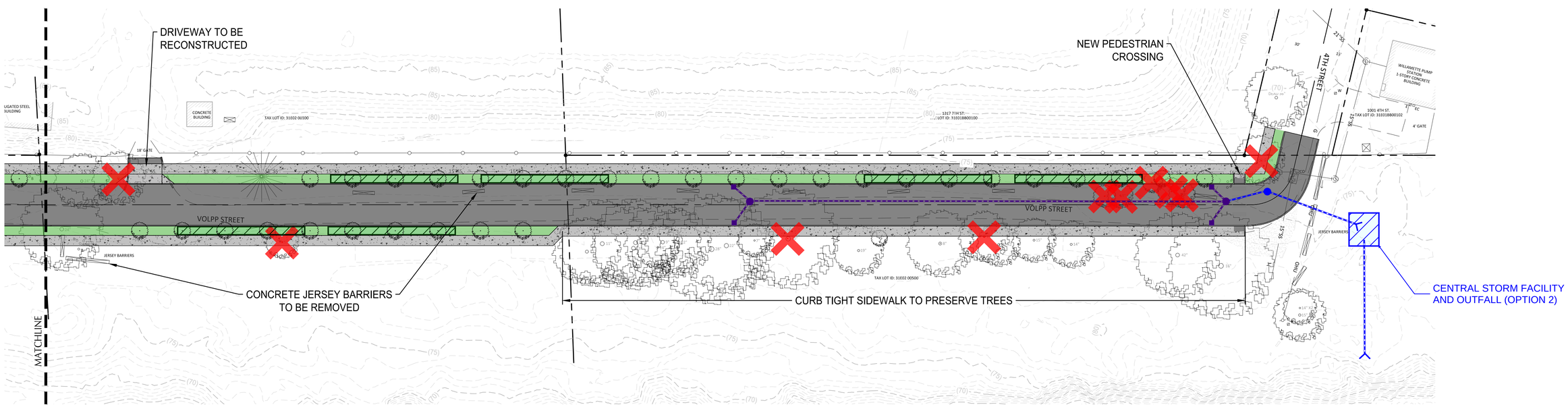
Legend

Description	Quantity	Unit
× Trees Removed	12	Count



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TAB NAME:	C2.3

CITY OF WEST LINN

ALTERNATIVES ANALYSIS
VOLPP ST CORRIDOR
CITY OF WEST LINN, OREGON

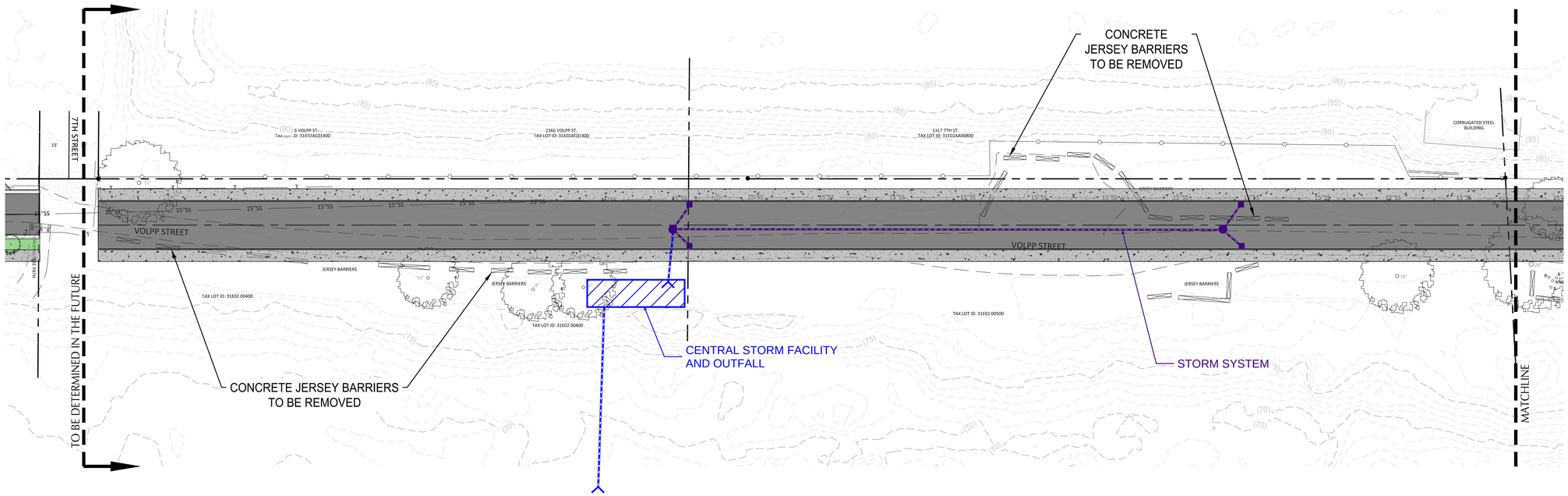
VOLPP STREET DESIGN CONCEPT (7TH TO 4TH)
OPTION 1

SHEET NO. C2.3

SHEET 6 OF 8

RECORD NO. 2100458

22x34 Plotted: 8/29/23 at 9:06am By: ckniphuisen File: \\civilqdx1\civil-projects\cp\2021\2100458-cwi-volpp-st-imps\CAD\PLOT\2100458-EXH-Alt.dwg TAB:C2.3

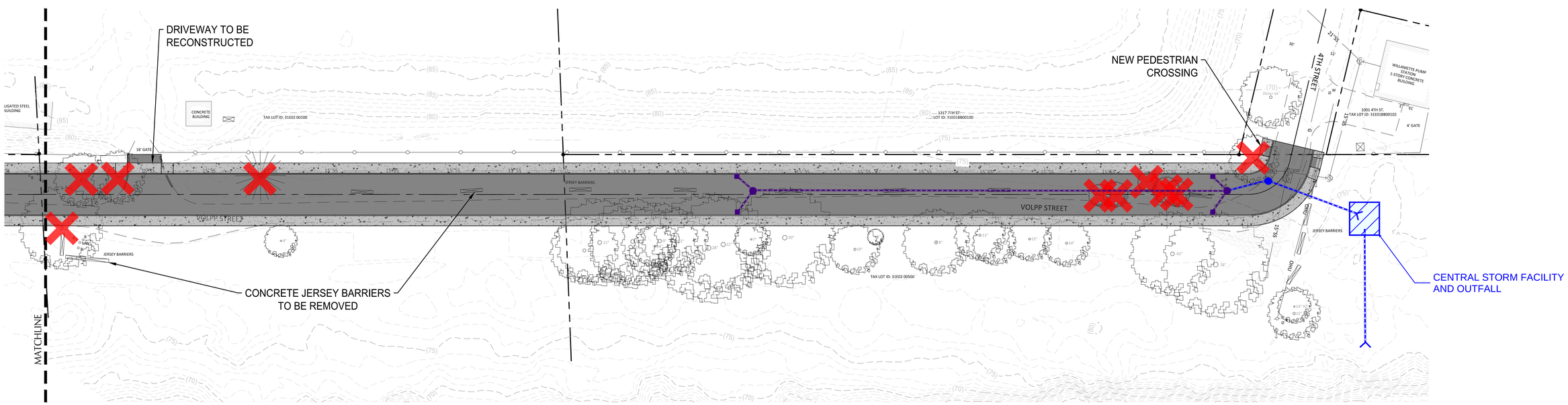


SHEET LEGEND

- PROPERTY LINE
- CONCRETE SIDEWALK
- STANDARD ASPHALT PAVEMENT
- ASPHALT PAVEMENT BIKE PATH
- LANDSCAPING
- NEW STREET TREE
- TREES AFFECTED
- STORM SYSTEM
- STORM FACILITY - OPTION 1
- STORM FACILITY - OPTION 2

Legend

Description	Quantity	Unit
× Trees Removed	10	Count



REVISION	DATE	DESCRIPTION	BY

SCALE 1 INCH = 30 FEET
30 0 30 60

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Portland, OR 97204
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DESIGNED BY:	CAK
DRAWN BY:	CAK
CHECKED BY:	CV
PLOT DATE:	8/29/23 9:06am
PLOTTED BY:	ckniphuisen
DWG NAME:	2100458-EXH-Alt.dwg
TAB NAME:	C2.4

CITY OF WEST LINN

ALTERNATIVES ANALYSIS
VOLPP ST CORRIDOR
CITY OF WEST LINN, OREGON

VOLPP STREET DESIGN CONCEPT (7TH TO 4TH)
OPTION 2

SHEET NO. C2.4

SHEET 7 OF 8

RECORD NO. 2100458

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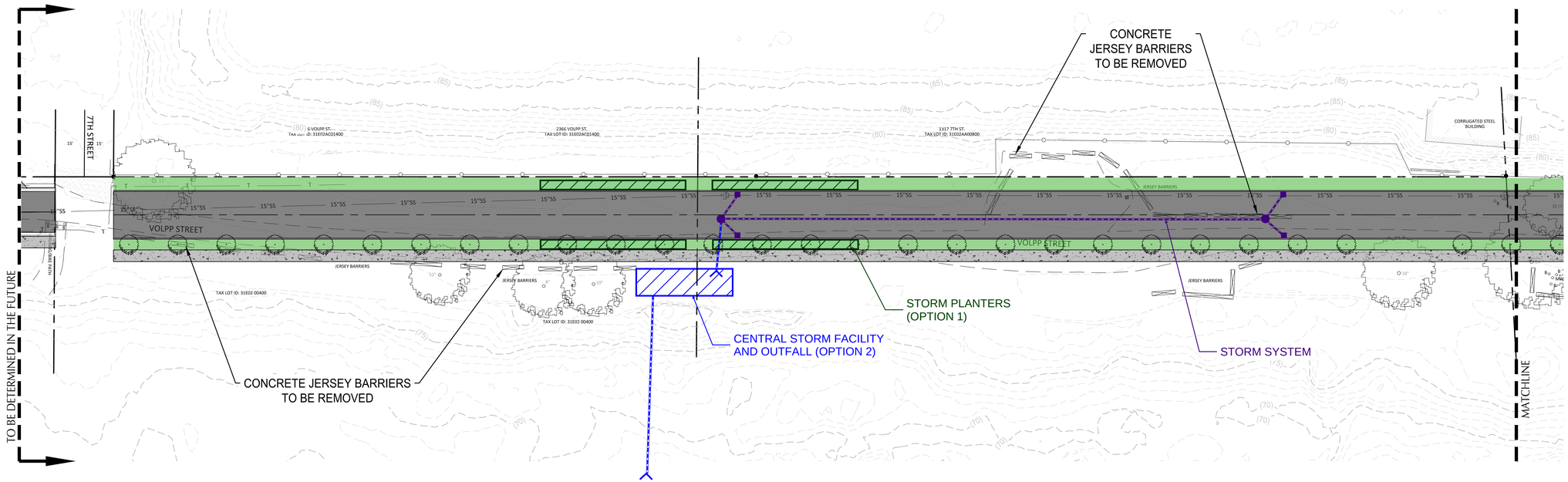

SHEET LEGEND

- PROPERTY LINE
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- STANDARD ASPHALT PAVEMENT
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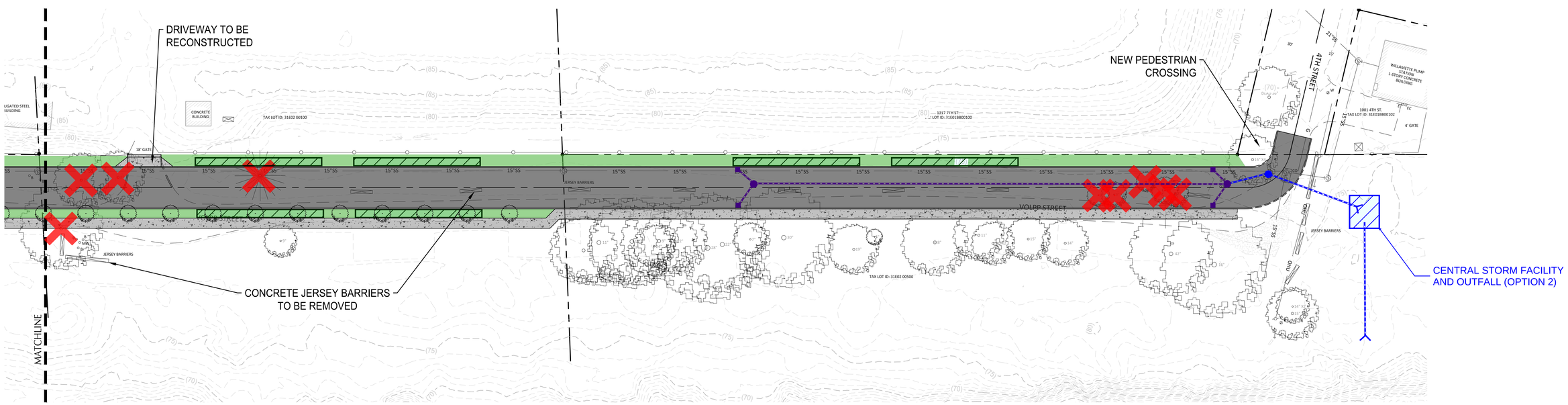
- LANDSCAPING
- NEW STREET TREE
- TREES AFFECTED
- STORM SYSTEM
- STORM FACILITY - OPTION 1
- STORM FACILITY - OPTION 2

Legend

Description	Quantity	Unit
× Trees Removed	9	Count



REVISION	DATE	DESCRIPTION	BY

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JOB No.:	2100458
DESIGNED BY:	CAK
DRAWN BY:	CAK
CHECKED BY:	CV
PLOT DATE:	8/29/23 9:07am
PLOTTED BY:	ckniphuisen
DWG NAME:	2100458-EXH-Alt.dwg
TAB NAME:	C2.5

CITY OF WEST LINN

ALTERNATIVES ANALYSIS
VOLPP ST CORRIDOR
CITY OF WEST LINN, OREGON

VOLPP STREET DESIGN CONCEPT (7TH TO 4TH)
OPTION 3

SHEET NO. C2.5

SHEET 8 OF 8

RECORD NO. 2100458

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City of West Linn

Work Session Agenda Bill

Date: September 18, 2023

To: Rory Bialostosky, Mayor

Through: John Williams, City Manager *JRW*

From: Doug Erickson, Director Library & Community Services *DME*

Subject: Overnight Camping

Purpose: Recommendation from the City Task Force for Overnight Camping.

Question(s) for Council:
City Council directed the Task Force to recommend a city owned location for overnight camping as designated by Council to time, place, and manner.

Background & Discussion:
After reviewing all the City of West Linn owned properties and other properties under control by the City, and discussing in detail the various options available, the Task Force for Overnight Camping voted unanimously at their last meeting on September 7, 2023 to recommend that the City Council and City Administration pursue the property at 4001 Willamette Falls Drive (currently on a year-to-year lease from PGE as a Public Works facility used for recycling and other Public Works operations) for a portion of that property be considered for overnight camping.

This property is flat, fenced, and partially paved, and on an accessible frontage for access by emergency services and public safety. It is relatively close to the Arch Bridge/Oregon City (1.3 miles). It is also located in an area that would limit the impact to neighborhoods, business, and provide a secure and safe area for the overnight camping. 5 spots of 10' x 10' would be recommended for overnight camping.

The recommendation is for an area for 5 camp spots (10x10). The Camping Task Force recommend putting this on the West side of the property, and to secure fencing around the section to be used as an overnight camping facility. The Task Force believes this meets the legal requirement of providing "objectively reasonable" accommodations for overnight camping.

The Task Force wants to emphasize to Council the need for resources for this, (or any site. Financial resources will be needed to create a safe and accessible site for overnight camping. The Task Force recommends working with Public Works, Parks, and Community Services to identify the costs for infostructure, and maintenance that will need to be budgeted for this project.

Council Options:

1. Accept the Task Force recommendation and pursue working with PGE.
2. Reject the Task Force recommendation and give them direction on finding other camping site(s).
3. Reject the Task Force recommendation and Council decides on other camping site(s).

Staff Recommendation:
Working with PGE on revising the lease on the property located at 4001 Willamette Falls Drive for a portion of the property to be used for overnight camping. PGE has been contacted about this possibility but the City has not received a formal response at this time.

Attachments: None

City of West Linn

COUNCIL RULES

Adopted ~~June 24, 2019~~September 2023

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Section A: Authority, Council Vacancies, and Terminology

1) **Authority.** Pursuant to Chapter IV, Section 13, of the West Linn City Charter ("the Charter"), the Council shall adopt Council Rules. The Council shall review its rules at least once every two years. Amendments shall be adopted by a majority vote. The Council rules are established protocols for conducting business in accordance with the City Charter. They are not intended to replace or supersede any applicable federal or state laws or regulations, or provisions of the Charter. Any conflict between these Rules or those laws and regulations previously mentioned will result in the laws and regulations taking precedence. These rules may be suspended upon an affirmative vote of the Council.

2) **Council Vacancies. Pursuant to Chapter VII, Section 30 of the Charter, t**The office of a member of the Council becomes vacant:
   a. Upon the Councilor's:
      i. Death;
      ii. Adjudicated incompetence; or
      iii. Recall from the office; or
   b. Upon declaration by the Council of the vacancy in case of the Councilor's:
      i. Failure, following election or appointment to the office, to qualify for the office within ten (10) days after the time for the term of office to begin;
      ii. Absence from the City for 30 days without Council's consent or from all meetings of the Council for a 60-day period;
      iii. Ceasing to reside in the City;
      iv. Ceasing to be a qualified elector under Oregon law;
      v. Conviction of a public offense punishable by loss of liberty; or
      vi. Resignation from the office.

   The Council will fill the vacancy of the office in accordance with Chapter VII, Section 31 of the Charter.

3) **Terminology.** The terms “Council” and “Councilors” include the Mayor. The “Mayor” is noted specifically when they have a duty or responsibility in addition to their role as a member of “Council.” The term “Council” means City Council.

Section B: Meeting Time, Location, and Frequency

1) **Public Meetings Law.** A public meeting is any meeting conducted by a state, regional or local governing body to decide or consider any matter. Thus, any meeting conducted by this Council in which a matter is decided or considered must comply with Oregon's Public Meetings Law (ORS 192.610 – 192.690).

2) **Regular Meeting.** In accordance with the Chapter IV, Section 13 of the Charter, the Council shall hold a regular meeting to conduct Council business at least once each month in the City. This meeting will usually be on the second Monday of the month, beginning at 6:~~3~~00 p.m., unless otherwise designated. If necessary, a second regular meeting may be scheduled, usually on the fourth Monday of the month. Such meetings will be preceded by a pre-meeting session at 5:~~0~~30 p.m. unless changed by consent of the Council. These pre-meetings are intended to be procedural and administrative, not deliberative.

3) **Work Sessions.** Work sessions are permitted to present information to the Council ahead of regular or special meetings. Work sessions are subject to Oregon's Public Meetings Law, ORS 192.610 to 192.690, and the Council shall not take any formal or final action on any matter during the work session. Work sessions are typically scheduled on the first and third Monday of the month, with the first work session beginning at 1:00 p.m. and the second work session beginning at 6:00 p.m. If circumstances require an additional work session, it shall be called by the Mayor, City Manager, or two or more Councilors and scheduled when a quorum of the Council is available and when staff and a public venue for the session are available. Public comment will be taken at the beginning of each Work Session or at another time if allowed by the Mayor.

4) **Executive Sessions.** An executive session (meeting closed to the public) may be held in accordance with the appropriate statutory limits of ORS 192.660(2). All proposed executive sessions shall be attended by the City Attorney or designated legal advisor. All Councilors shall be consulted for availability before an executive session is scheduled. Staff shall properly arrange and notice the executive session on the City's online meetings/agenda page within 24 hours after being scheduled. All executive sessions shall be audio recorded as provided for in ORS 192.650(2) unless the Council determines that written minutes should be taken. Material discussed during an Executive Session shall be governed by ORS 192.610 and 192.660. Representatives of the news media shall be allowed to attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation. No executive session may be held for the purpose of taking any final action or making any final decision.

5) **Special Meetings.** Special meetings are to be utilized only when absolutely necessary, and public comment shall be taken at all special meetings. The Mayor, or in the Mayor's absence the President of the Council, may, or at the request of two or more Councilors, call a special meeting for the Council in accordance with state law. Special meetings will typically be scheduled in a similar manner as a regular meeting, including a pre-meeting.

   a. Written notice of a special meeting shall be given to the Council, media and public, with as much advance (up to ~~10~~ 6 days) notice as possible, and no less than 24 hours in advance of the meeting. The notice shall be served on each Councilor personally or electronically~~, or if the Councilor is not found, left at their place of residence~~. All notice requirements of ORS 192.640 shall be satisfied before any special meeting can be conducted.

6) **Emergency Meetings.** Emergency meetings are special meetings called on less than 24 hours' notice. Such meetings may be called by consent of all available Councilors upon such notice as is appropriate to the circumstances. Council shall identify why the meeting was called on an emergency basis immediately upon calling the meeting to order. This shall also be specifically identified in the minutes of the meeting. The City shall attempt to contact the media and other interested persons to inform them of the meeting. Councilors are responsible to inform staff of how they can be reached when out of town.

   a. Special meetings of the Council may also be held at any time by common consent of all Councilors subject to notice requirements being met. Councilors shall keep the City Manager informed of their current telephone numbers.

7) **Televising of Council Meetings.** Acknowledging that the citizenry of West Linn is generally a sophisticated and interested viewing audience, regular business meetings of the Council will be covered gavel-to-gavel live on the City's government access cable channel. Video recordings will be kept permanently.

   a. To enhance viewer interest and understanding of the subject matter, televised meetings of the Council shall, whenever practical, employ the highest technical quality and techniques, such as multiple camera angles and informational captioning. The producer/camera operator should set the scene for the viewer of each agenda item with a planned series of shots in accordance with the City's camera operator's guide.
   b. It is intended that Council meetings be televised in an unbiased, even-handed manner, using camera shots that are appropriate for individual Councilors, witnesses and audience members and are relevant to the discussion.
   c. Video and audio shall be deleted only for the purpose of conforming with applicable laws governing public broadcasts. Editing for the above purpose and for the insertion of informational titles and graphics will be allowed. Portions of videotaped Council

meetings may be used in other news and informational broadcasts provided they are not portrayed out of context.

d. Regular business meetings of the Council shall be televised live and simultaneously videotaped for subsequent replay on the government access channel. Meetings shall be televised and taped in accordance with policies and procedures approved by the City Manager, including the camera operator's guide.

7) **Location**. Council meetings shall be held at City Hall. In the event City Hall is not available for a meeting, the Council shall meet at a venue open to the public which is located within the jurisdictional limits of the City.

Section C: Meetings and Protocols

1) **Parliamentary Procedure.** The Council shall use the latest version of Robert's Rules of Order (http://www.rulesonline.com/rror-12.htm as of 5-22-19) as a guideline for parliamentary procedure unless these rules provide a different guideline or Council changes them pursuant to Section A 1), above.

2) **Presiding Officer.** The Mayor shall be the Presiding Officer and conduct all meetings, preserve order, enforce the rules of the Council, and determine the order and length of discussion on any matter before the Council, subject to these rules. The Council President shall preside in the absence of the Mayor. The Presiding Officer shall not be deprived of any of the rights and privileges of a Councilor. In case of the absence of the Mayor and the Council President, the City Manager shall call the meeting to order and the Council shall elect a President pro tempore for the meeting by majority vote.

3) **Agenda.** The City Manager shall coordinate with the Presiding Officer on the preparation of an agenda of the business to be presented at every Council meeting. This agenda should be consistent with the City's business needs, Council's priorities, and prior scheduling discussions. City staff will publish Council ~~Work Session~~ agendas and packets ~~will be published the Thursday~~6 days prior to the ~~Work Session~~Meeting. Items needing urgent Council attention may be added to the agenda after publishing for increased public transparency~~ which shall vote to approve the agenda at the beginning of each Council meeting. The agenda packet containing all agenda bills will be available for the Council and public ten calendar days before a regular Council meeting. No items will be added to or removed from the agenda after the agenda packet is published without the approval of the Council, which shall vote to approve the agenda at the beginning of each Council meeting.~~

   a. When two or more Councilors present an item to be put on a future agenda, the Mayor and City Manager shall schedule it as soon as possible, but within four weeks unless the Council majority agrees on a later date.
   b. A Councilor may place or remove an item on a current Council agenda by motion at the beginning of each Council meeting, additions and deletions to the agenda must be approved by a majority of the Council. No action shall be taken on items that are not on the agenda without first modifying the agenda by motion. Councilors will endeavor to have subjects they wish considered submitted in time to be placed on the agenda and shall attempt to notify the City Manager in advance of proposing changes to the agenda.
   c. A Councilor who desires major policy or ordinance research should first raise the issue at a work session or meeting under Council Business. The Council should consider items in light of City priorities and workload and agree to proceed with an

issue or ordinance before staff time is spent preparing a report. The Councilor may present information or a position paper or ask for a department report or committee recommendation. Councilors who agree that staff time can be spent on a particular item are not bound to support the issue when it comes before the Council for a vote.

d. Council and staff will discuss upcoming agendas and competing priorities at each meeting including the possibility of a future meeting without full background materials from staff or make an interim decision on timing and process.

4) Agenda Bill. Each item of Council business requiring Council action shall be accompanied by an Agenda Bill in a format approved by the Council.

5) Order of Business. The City Manager shall have the authority to arrange the order of business as is deemed necessary to achieve an orderly and efficient meeting with final approval of the Presiding Officer. In general, the order of business will be as follows:

a. Call to Order and Pledge of Allegiance to the Flag
b. Approval of Agenda
c. Public Comments (~~five~~ three minutes per speaker)
d. Mayor and Council Reports
~~Announcements~~, Proclamations, and Recognitions
~~d.~~e. Scheduled Presentations to the Council
~~e.~~f. Consent Agenda
~~f.~~g. Business Meeting
    i. Items removed from the Consent Agenda
    ii. Public Hearings
    iii. Ordinances and Resolutions
    iv. Other Business
~~g.a.Mayor and Council Reports~~
h. City Manager Report
i. City Attorney Report
j. Adjourn

The Presiding Officer may use the gavel to commence the meeting, to maintain order, after each vote, and to close the meeting.

6) Quorum. A majority of members of the Council shall constitute a quorum for its business. In the event a quorum is not present, the Councilors present shall adjourn to some fixed time.

7) **Order and Decorum**. All members of the public are encouraged to follow the Council's Guidance for Civil Discourse (https://westlinnoregon.gov/citycouncil/council-guidelines-civil-discourse) and are expected to follow all points of order as set forth by the Presiding Officer during public comment session and throughout entirety of the Meeting.

The Presiding Officer shall preserve order and decorum and decide all points of order, subject to appeal in the Council.

a. Any of the following shall be sufficient cause for the Sergeant-at-Arms to, at the direction of the Presiding Officer, remove any person from the Council chamber for the duration of the meeting:
    i. Engaging in disruptive, dangerous, or threatening behavior. A person disrupts a meeting of the Council if the person engages in any conduct that obstructs or impedes the orderly carrying on of the business of the meeting. Such conduct includes, but is not limited to:
        1. Any conduct that substantially prevents any other person from hearing, viewing or meaningfully participant in the meeting;
        2. Any conduct that substantially interferes with ingress or egress to or free movement within the Council meeting;
        3. Shouting over or otherwise disrupting, any person who is recognized by the Presiding Officer;
        4. Any conduct that substantially interferes with City business conducted by the City staff present at the session; or
    ii. Failure to obey any reasonable direction of the Presiding Officer.
b. Before the Sergeant-at-Arms is directed to remove any person from a Council meeting for conduct described in this section, the Presiding Officer shall give a warning to cease and desist from such the conduct. If a meeting is disrupted by members of the audience, the Presiding Officer or a majority of the Council present may declare a recess and/or order that the Council chamber be cleared.
c. Any person removed from the Council meeting may still submit written testimony or materials to the Council Clerk for inclusion in the record.
d. A law enforcement officer of the City may be Sergeant-at-Arms of the Council meetings. The Sergeant-at-Arms shall carry out all orders and instructions given by the Presiding Officer for the purposes of maintaining order and decorum at the Council meeting.

8) **Consent Agenda.** In order to make more efficient use of meeting time, the City Manager shall place all items of a routine nature on which no debate is expected on a consent agenda. Any item placed on the consent agenda shall be approved by a single motion "to adopt the

consent agenda" which shall not be debatable. Any Councilor can request to move an item from the Consent Agenda to the regular Agenda for further discussion.

9) **Ordinance Reading and Adoption.** All ordinances and resolutions shall be prepared under the supervision of the City Manager and reviewed and approved as to form by the City Attorney. Ordinances and resolutions may be introduced by a Councilor, the City Manager, the City Attorney, or any department head. Unless the motion for adoption provides otherwise, resolutions shall be adopted by reference to the title only and effective upon adoption.

Per Charter Chapter VII, Section 33.

(a) Except as paragraphs (b) and (c) of this section provide to the contrary, every ordinance of the Council shall, before being put upon its final passage, be read fully and distinctly in open Council meeting on two different days.

(b) Except as paragraph (c) of this section provides to the contrary, an ordinance may be enacted at a single meeting of the Council by unanimous vote of the Council members present, upon being read first in full and then by title.

(c) Any of the readings may be by title only if no Council member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each Council member and three copies are provided for public inspection at the City offices not later than one week before the first reading of the ordinance, and if notice of their availability is given forthwith upon the filing, by written notice posted at City Hall and two other public places in the City or by advertisement in a newspaper of general circulation in the City. An ordinance enacted after first being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.

(d) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings.

(e) Upon the enactment of an ordinance the custodian of records shall sign it with the date of its passage and the endorser's name and title of office and thereafter the Mayor, or President of the Council acting pursuant to Section 18 of the City Charter, shall sign it with the date of its passage and the endorser's name and title of office. Failure of the Mayor or the President of the Council to sign it shall not invalidate it.

(f) Ordinances shall be effective on the thirtieth (30th) day following the date of adoption, unless the ordinance provides that it will become effective at a later time. An emergency ordinance, which shall include a statement of explanation regarding the basis for the declaration of emergency, shall become effective upon adoption.

~~Unless the motion for adoption provides otherwise, resolutions shall be adopted by reference to the title only and effective upon adoption.~~

~~a. The Council may adopt an ordinance in any of the following circumstances:~~

~~. Before being considered for adoption, the ordinance has been read fully and distinctly in opening Council meetings on two different days.~~

~~. At a single meeting by unanimous vote of the whole Council, after being read twice by title only, as long as no Council member requests the ordinance to be read in full. In the event such request is made, the ordinance may be adopted at a single meeting by unanimous vote of the Council upon being read first in full and then by title.~~

~~. Any of the readings may be by title only if no Councilor present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each Councilor and three copies are provided for public inspection at the City offices not later than one week before the first reading of the ordinance, and if notice of their availability is given forthwith upon the filing, by written notice posted at City Hall and two other public places in the City or by advertisement in a newspaper of general circulation in the City. An ordinance enacted after first being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.~~

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~~a. Ordinances and resolutions shall be adopted by roll-call vote.~~

~~9)~~10) **Exhibits.** Exhibits presented before the Council in connection with its deliberations on a legislative, quasi-judicial or other substantive matter shall be accepted by the Council and made part of the record. The exhibit shall be marked for identification and referenced in the minutes. The exhibit or a copy thereof shall be provided to the meeting recorder.

~~10)~~11) **Motions.** When a motion is made, it shall be clearly and concisely stated by its maker. Councilors are encouraged to exercise their ability to make motions and to do so prior to debate in order to focus discussion on an issue and speed the Council's proceedings. The Presiding Officer will state the name of the Councilor who made the motion and the name of the Councilor who made the second. When the Council concurs or agrees to an item that does not require a formal motion, the Presiding Officer will summarize the agreement at the conclusion of discussion. The following rules shall apply to motions during proceedings of the Council:

a. A motion may be withdrawn by the maker at any time without the consent of the Council.
b. If a motion does not receive a second, it dies. Certain motions can proceed without a second, including nominations, withdrawal of motion and agenda order.
c. A motion that receives a tie vote fails.
d. A motion to table is not debatable unless made during a land-use hearing and precludes all amendments or debate of the issue under consideration. If the motion prevails, the matter may be taken from the table only by adding it to the agenda of the next regular Council meeting at which time discussion will continue. If an item is tabled, it cannot be reconsidered at the same meeting.
e. A motion to postpone to a certain time is debatable and amendable, and it may be reconsidered at the same meeting. The question being postponed shall be considered at a later time, at the same meeting, or at a specified time in the future.
~~e.~~f. A motion to postpone indefinitely is debatable and is not amendable and may be reconsidered at the same meeting only if it received an affirmative vote. The object of this motion is not to postpone, but to reject the question without risking a direct vote when the maker of this motion is in doubt as to the outcome of the question.
~~f.~~g. A motion to call for the question shall close the debate on the main motion and is not debatable. This motion must receive a second and fails without a majority vote. Debate is reopened if the motion fails.
~~g.~~h. A motion to amend can be made to a motion that is on the floor and has been seconded. An amendment is made by inserting or adding, striking out, striking out and inserting, or substituting.
~~h.~~i. Motions that cannot be amended include motion to adjourn, agenda order, lay on the table, reconsideration, and take from the table.
~~i.~~j. A motion to amend an amendment is in order.
~~j.~~k. Amendments are voted on first, then the main motion as amended.
~~k.~~l. Council will discuss a motion only after the motion has been moved and seconded.
~~l.~~m. The motion maker, Presiding Officer, or meeting recorder should repeat the motion prior to voting.

~~m.~~n. A motion to continue or close a public hearing is debatable.

~~n.~~o. A point of order, after being addressed by the Presiding Officer, may be appealed to the body.

The City Attorney will attend all regular Council meetings unless excused and will provide either written or oral advice and opinions on legal matters. The City Attorney shall act as the Council's parliamentarian.

~~11)~~12) **Speaking by a Councilor.** Any Councilor desiring to be heard shall be recognized by the Mayor and shall confine their remarks to the subject under consideration or to be considered. Councilors will be direct and candid. Councilors will speak one at a time, allowing one another to finish. All Councilors and the Mayor shall have an equal amount of time to speak specifically and succinctly on a subject.

~~12)~~13) **Voting.** Every Councilor, when a question is taken, shall vote. Secret ballots are prohibited. Absent compelling circumstance, Councilors should not abstain from voting. ~~If a Councilor is planning to abstain, the Councilor must declare the intent to abstain prior to the vote~~When abstaining, the council member should state their reason for abstaining.

a. No Councilor shall be permitted to vote on any subject in which they have a conflict of interest.
b. The concurrence of a majority of Councilors present at a Council meeting shall be necessary to decide any question before the Council. The meeting recorder shall call the roll, and the order of voting shall be rotated on each question such that each Councilor, excluding the Mayor, has an equal opportunity to vote first and second to last. Since the Mayor acts as chair, the Mayor in all instances shall vote last.

~~13)~~14) **Reconsideration of Actions Taken.** A Councilor who voted with the majority may move for a reconsideration of an action at the same or the next regular meeting. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Council.

~~14)~~15) **Minutes.** Written minutes of Council regular meetings will be taken by staff. Additionally, Council shall provide an audio, video, or digital recording of its meetings, which are the official records of the City.

Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law. The written minutes or recording must give a true reflection of the matters

discussed at the meeting and the views of the participants. Minutes shall include the following information:

a. Members present;
b. Motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
c. Results of all votes and the vote of each member by name;
d. The substance of any Council discussion on any matter; and
e. a Couple of sentences summarizing Public Comments;
~~e.~~f. A reference to any document discussed at the meeting.

Staff will post draft notes online within two weeks of the meeting. Minutes will remain draft until approved. They will be posted on the agenda for approval at the next regular business meeting. Minutes made available to the public must be made available to persons with disabilities in a form usable by them.

~~15)~~16) **Meeting Staffing.** The City Manager shall attend all meetings of the Council unless excused therefrom by the Council or the Mayor. The City Manager should advise Council if unable to attend a meeting. The City Manager may make recommendations to the Council and shall have the right to take part in all Council discussions but shall have no vote. The City Manager shall designate a staff or contract person as a meeting recorder who will attend all Council meetings and keep the official journal (minutes) and perform such other duties as may be needed for the orderly conduct of meetings. Department directors or other staff will attend Council meetings upon request of the City Manager.

~~16)~~17) **Questioning of Staff by Council.** Councilors desiring to question the staff during a Council meeting shall address the questions to the City Manager, who shall be entitled to either answer the inquiry or designate a staff member to do so.

~~17)~~18) **News Media.** The Council recognizes the important role of the news media in informing the public about the decisions, activities, and priorities of government. Workspace shall be reserved for members of the press at Council meetings so that they may observe and hear proceedings clearly. See also Executive Sessions. The terms “news media” “press” and “representative of the press” for the purpose of these rules are interchangeable and mean someone who:

a. Represents an established channel of communication, such as a newspaper or magazine, radio, or television station; and either
b. Regularly reports on the activities of government or the governing body; or

c. Regularly reports on the particular topic to be discussed by the governing body in executive session.

~~18)~~19) **General Public Comment.** The Council shall maintain a forum allowing citizens to testify regarding City-related issues, policies, Council decisions, or any other matter. General public comment is established to allow members of the public to speak for ~~five~~ three minutes at the beginning of each Council meeting and work session on any community matter ~~other than specific items on the agenda~~. If a large number of public commentors are present, they may be asked to voluntarily reduce their public comment time to respect the overall meeting efficiency (e.g., by stating agreement with prior commentors or designating a spokesperson to represent the group if on a shared topic). Councilors are expected to be respectful of a member of the public during public comment. Councilors should not engage in discussions while receiving public comments as this part of the agenda is not meant for debate; however, Councilors may comment at the conclusion of the public comment period to correct the record as to any inconsistent or inaccurate information stated. Councilors may ask clarifying questions with the Presiding Officer's permission and may discuss concerns and direct questions raised by the public to the City Manager with the understanding that answers from staff may not be immediately available.

~~19) **Specific Agenda Item Comments.** Comments on specific agenda items will be taken during the time Council discusses them. The Mayor may adjust comment time according to the length of the agenda, but not the number of speakers without Council consent.~~

20) **Verbal Comments and Testimony.**

Each member of the public who desires to speak during public comment shall first complete a testimony form and give it to the City Recorder. A separate form must be completed for each item to be addressed.

When called by the City Recorder, each speaker shall come to the designated area and state their name and city of residence in an audible tone.

No member of the public will be allowed to speak more than once on a particular agenda item, except when speaking as a representative of a Neighborhood Association or Citizens Advisory Group. No member of the public will be allowed to cede their minutes to another person. Questions from the public shall be asked of a Councilor, City Attorney, or staff through the Presiding Officer.

No person, other than a Councilor and the person having the floor, shall be permitted to enter into any discussion, either directly or through a Councilor, without the permission of the Presiding Officer.

21) Written Comments, Documents, and Testimony Forms.

a. Any speaker who wishes to make an electronic presentation, must deliver the presentation to City staff at least two business days prior to the meeting or work session in order to be posted on the agenda. No speaker(s) shall be allowed to make an electronic presentation without it being posted two (2) business days prior to our meeting for computer security purposes; however hard copies may be provided at the meeting for each Councilor, City Recorder, City Manager, City Attorney and one (1) for the public.

b. Written comments and documents must be submitted to the City Recorder by 4:00 PM, two business days before the meeting in order to ~~have the comments posted on a particular agenda item prior to the meeting (City Hall is closed every other Friday)~~give Councilors enough time to read the comments. Council will still receive written comments after this deadline but may not have time to read it before the meeting. ~~All written material submitted after the deadline or during a meeting, will be added to the record.~~ (this is stated below in c.)

c. Any person bringing written comments or materials to the meeting shall give them to the City Recorder who will hand them to the Council and place them in the record.

d. ~~Comments submitted shall be read into the record upon request of the commentator or any member of Council subject to Section D 2), above.~~

e. The testimony forms for land use hearings will have a place for citizens to mark if they are for, against, or neutral on the topic.

22) Neighborhood Association/~~Citizen~~ Community Advisory Group Comments. ~~A~~ One designated representative of a Neighborhood Association or a ~~Citizen~~ Community Advisory Group shall be granted up to ~~10~~ 5 minutes to speak on items voted on or discussed by the neighborhood association, unless the time allotted for that agenda item was previously adjusted. A member of the public who has testified in their individual capacity is not disqualified from speaking in their representative capacity, as long as the person identifies the capacity at the beginning of their comments. A~~n~~ Neighborhood Association or Community Advisory Group can request to be on the Council Agenda.

23) Flags, Signs and Posters. Flags, posters, placards, signs, or other similar items may be brought into Council chambers provided that such items do not impede the orderly carrying on of the business of the meeting.

Section D: Quasi-Judicial Land Use Matters

1) **Bias and Disqualification.** Prior to the commencement of a quasi-judicial hearing, each Councilor must disclose their previous pre-judgment, personal interest or participation in any manner or action on the matter to be heard and shall state whether they can participate in the hearing with an open mind. If the Councilor is unable to hear the matter impartially, the Councilor has a duty to step down from the hearing and participate as a citizen, if so desired.
    a. Any person may challenge the qualifications or impartiality of any Councilor about to participate in the discussion and decision. The challenger must state facts relied upon from which the party has concluded that the Councilor will not likely participate and/or make a decision in an impartial manner. Such challenges shall be made prior to the commencement of the public hearing. The Presiding Officer shall then give the challenged Councilor an opportunity to respond. Any such challenge to a Councilor shall require a vote of the Council to accept or deny the challenge. The Councilor being challenged shall not vote unless required by the law of necessity to do so. Such challenges shall be recorded into the record of the hearing. If the Council majority determines that the Councilor is biased, it may disqualify the Councilor by majority vote from participating in a decision. In which case, the Councilor may participate in the proceedings as a private citizen if the Councilor is a party with standing.

2) **Conflict of Interest**. Councilors shall adhere to State laws concerning conflicts of interest. Conflicts of interest arise in situations where a Councilor has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Councilor, a relative or a business with which the Councilor is associated. ORS 244.020. A Councilor must publicly announce potential and actual conflicts of interest, and, in the case of actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue unless allowed by state law. ORS 244.120.

3) **Ex Parte Communications.** When Council receives any ex parte communication, Council should inform the citizen that the Council is interested in their perspective; however, because the Council is hearing the associated land use application, Council are advised to refrain from reading and responding to information outside of the public hearing process. Council should inform the citizen that the information received is being forwarded to staff for inclusion in the public record. Council shall then forward all ex parte correspondence received by staff as soon as possible for inclusion in the land use file and the record.

4) **Ex-Parte Contacts and Disqualifications**. In the case of quasi-judicial decisions, Ex-parte contacts consist of being party to any written or verbal communication by a party about a fact that relates to any issue of the hearing that occurs when other interested parties are not present or able to receive the information.

Councilors are advised to refrain from engaging in discussions about a pending quasi-judicial decision outside of the public hearing. However, if a Councilor partakes in or receives written or oral ex-parte contact prior to any such hearing, the Councilor shall disclose the communication for the record and/or reveal the contact and substance of the contact prior to the commencement of the hearing. The Councilor will state whether such contact affects their ability to vote on the matter in an impartial manner and whether they will participate or abstain. The presiding officer shall then announce the right of interested parties to rebut the substance of the communication. if the Council determines that the Councilor should step down for the hearing by a majority vote, the Councilor would then be allowed to participate in the proceedings as a private citizen.

5) **Planning Commission Testimony.** In an effort to maintain the impartiality of the Planning Commission, especially in cases where issues can be remanded by the Council back to the Planning Commission for review, the following rules are established. For legislative land use matters before the Council, Commissioners may testify as a Commissioner, as a Commission Representative if so designated by the Commission, or as a citizen. For quasi-judicial hearings or petitions for review before the Council, Commissioners who have participated in the preceding Commission decision may not testify before the Council on the respective matter.

Section E: Council Expectations

1) **Code of Conduct.** All business of the City shall be conducted in a civil manner where the dignity and rights of individuals and organizations are respected and honored pursuant to the Council's Guidelines for Civil Discourse (https://westlinnoregon.gov/citycouncil/council-guidelines-civil-discourse) and the City's Personnel Policies (https://westlinnoregon.gov/humanresources/personnel-policies).

   The description of "Prohibited Conduct", as set forth in Section 2, Policy Against Harassment of the City's Personnel Policies, will be applied to determine whether harassment occurred. Upon a finding that a violation has occurred, the Council may, upon unanimous vote of the balance of the Council not accused, proceed with censure or other appropriate sanctions.

2) **Ethics.** All Councilors shall review and observe the requirements of state ethics law (ORS 244.010 to 244.390) and shall constantly strive to meet the highest ethical standards in their role of Councilor. The Council may act to discipline a Councilor for ethical violations, up to and including approving a resolution censuring the Councilor.

3) **Communication with Staff.** Councilors shall respect the separation between policy making and administration by:

   a. At all times attempting to work together with staff in a spirit of mutual confidence and support and uphold the City Charter and Municipal Code by respecting the administrative functions of the City Manager and City Departments.
   b. Limiting all inquiries and requests for information from staff or department heads to those questions that may be answered readily or with only the most minimal of research. Questions of a more complex nature shall be addressed to the City Manager or City Attorney. Such questions should, whenever possible, be put in writing. Questions requiring significant staff time or resources (one hour or more) shall require the approval of the majority of the Council. All pertinent information given by the City Manager or City Attorney to one Councilor should be distributed to all the Councilors.
   c. Limiting individual contacts with City officers and employees so as not to influence staff decisions or recommendations, to interfere with their work performance, to undermine the authority of supervisors or to prevent the full Council from having benefit of any information received.
   d. Respecting the roles and responsibilities of staff as hired professionals when and if expressing criticism in a public meeting or email communications. Instead, engage in civil, respectful, and constructive conversations that uphold the integrity of the City.

e. Noticing councilor/staff member prior to meeting when a council or staff member is planning to be publicly critical of another to allow for fair response.

4) **Confidentiality.** Councilors will keep all written materials marked as confidential in complete confidence to ensure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Councilors, the City Manager or City Attorney.

   a. If the Council, in executive session, provides direction or consensus to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Councilor will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.
   b. All public statements, information, or press releases relating to a confidential matter will be handled by designated staff or a designated Councilor.
   c. The Council, by resolution, may censure a Councilor who discloses a confidential matter.

5) **Councilor Statements to Media or Other Organizations.** When a Councilor represents the City before another governmental agency, an organization or the media, the Councilor shall state the official position of the City, as approved by the majority of Council. When a Councilor appears in their personal capacity before another governmental agency, an organization or the media, the Councilor shall state they are expressing their own opinion and not that of the City before giving their statement.

   The effectiveness of City lobbying in Salem or in Washington, D.C. depends on the clarity of the City's voice. When Councilors represent the City in a "lobbying" situation, it is appropriate that the Councilors avoid expressions of personal dissent from an adopted Council policy.

6) **Censure and Discipline.**

   a. The Council has the right to make and enforce these rules and to ensure compliance with those rules generally applicable to public bodies. The Council, acting as a whole, may reprimand or discipline to the extent provided by law, any member(s) of the Council, or any member(s) of a board, commission or committee directly associated with the Council for a violation of these rules, city policies, city ordinances, the Charter, or state laws applicable to governing bodies.
   b. To exercise such right, the alleged offender(s) must first be notified of a finding that reasonable ground exists that a substantial violation has occurred prior to referral

for investigation of the Council. Council may hold an executive session to consider the complaints or charges unless the person requests an open hearing according to ORS 192.660(2)(b).

c. The accused member(s) shall have the right to present a defense to the allegations, including the right to have legal representation at such meeting.

d. Upon finding that a substantial violation has occurred, the Council may, upon unanimous vote of the balance of the Council not accused, proceed with censure or other appropriate sanctions.

Section F: General Policies and Procedures

1) **Attendance.** Councilors shall inform the City Manager and all fellow Councilors if they are unable to attend a Council meeting either in person or virtually. Scheduled meetings will be held if there is a quorum unless the Council agrees to reschedule. Additionally, the Mayor will inform the Council President and the City Manager regarding any absence by the Mayor.

2) **City Communications.** As a general policy, the City communication tools (including, but not limited to newsletter, website, mailers, postcards, bulletin boards, email newsletters and videos) should be used solely for City government related content. Events not sponsored entirely or partially by the City should not be allowed space in City communications. Requests for placement of articles in City communications shall be approved by the City Manager or designee. All Meeting agenda and tentative agendas shall be dated as to when changes have been made so the Council, City Staff, and Public can easily recognize what is the most up to date information.

3) **Conferences, Seminars and Regional Meetings.** Councilors are urged to educate themselves about local and regional government issues and to participate in appropriate conferences, seminars, and regional meetings.

    a. Council will set an annual allotment for expenses for government related activities at the beginning of each year for Council members, including expenses for serving on a board or a committee not covered by the organization. Councilors must obtain Council approval for expenses if it may exceed the Councilor's annual allotment.
    b. Councilors shall share information about the conference or share information of interest from these events within a month of attending if possible.
    c. City Manager will similarly share important information learned at conferences and regional meetings.

4) **Council Reports.** Councilors will report on the regional meetings they attend on behalf of the city.

5) **Compensation, Expenses and Reimbursement.** Councilors receive salaries per Chapter III, Section 11 of the Charter for their service to elected office, which is adjusted annually according to CPI-W per City Ordinance 1690. Federal tax regulations consider elected officials to be "public employees" for tax and payment purposes, which is explained at: https://www.irs.gov/government-entities/federal-state-local-governments/tax-

withholding-for-government-workers. In contrast, an elected official is not an employee for purposes of Fair Labor Standards Act (wage & hour laws), ORPLRA (labor relations), Title VII of the Civil Rights Act (employment discrimination based on protected class), Age Discrimination in Employment Act, the Affordable Care Act (healthcare reform), or the Unemployment Insurance Act.

With the exception of quarterly salaries, Councilors will follow the same rules and procedures for reimbursement as those which apply to City employees, set forth in the policy manual. Councilor expenditures for other than routine reimbursable expenses (e.g. conference registration, travel, etc.) will require advance Council approval according to the purchasing rules which apply City wide. Councilors may utilize a city-issued credit card, if desired, for City-related expenses pursuant to adopted budget guidelines.

6) **Gifts.** A gift is defined as something of economic value given to a public official, for which the official does not pay an equal value. ORS 244.020(7). No member of the Council, their relatives or household members, shall solicit or receive any gift(s) with a total value of more than $50 from any single source who could reasonably be known to have a financial interest in the official actions of the Council. On occasion, and within the approved budget, the Council may approve the purchase a gift or honorarium using City funds. Expenditures of this type shall receive prior approval from the majority of the Council.

Section G: Legal Inquiries, Litigation and Custody of Public Records

1) **Legal Inquiries.** Councilors may make legal inquiries to the City Attorney. The City Attorney will determine if the inquiry requires more than approximately ~~fifteen~~ thirty minutes of legal research. If it does, that inquiry will not be answered until the Council approves it. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City Manager to ascertain whether the request or action can be accomplished more cost-effectively by alternate means, unless the inquiry is related to the performance of the City Manager or a unique and sensitive personal matter to City business. The City Attorney shall, in either case, provide any written response to the full Council and City Manager, except as noted above.

2) **Litigation.** The Council will meet in Executive Session with the City Manager and City Attorney within 30 days of the City's receipt of:

   a. A statutory notice of claim, or
   b. A judicial or administrative filing which initiates action against the City.

3) **Public Records Law.** A public record is any writing with information about the conduct of public business that is prepared, owned, used, or retained by a public body. This Council and any board, department, or commission thereof are considered a public body and thus must comply with Oregon~~'~~'s Public Records Law (ORS 192.410-192.505).

4) **Custodian of Public Record.**

   In accordance with Section 23(C)(3) of the Charter, the City Manager shall designate a custodian of records to create, maintain, care for or control public records.

Section H: Boards, Committees, Citizen Advisory Groups and Neighborhood Associations

1) **Annual Report of Boards, Commissions, Committees, and Neighborhood Associations.** Each board, commission, committee, and neighborhood association will annually report to the Council on its activities for the previous year, including their recommendations. The report will be prepared in a format prescribed by the Council.

2) **Filling Vacancies on Boards, Commissions and Committees.** When a vacancy occurs on any standing commission, board or committee, a public announcement of the vacancy will be made with sufficient time and information provided regarding the duties of the positions and the process of filing an application. The Council will interview applicants for the Planning Commission, Budget Committee, and Historic Review Board and may also include interviews for other Boards and Committees. The Mayor, with the approval of the Council, shall fill all vacancies of City committees, boards, and commissions.

3) **Liaison to Boards, Commissions and Committees.** See also Municipal Code 2.020. To facilitate the exchange of information between the Council and its advisory bodies and standing committees, the Mayor will at least annually make liaison appointments with Council approval to City boards, commissions, and committees. Councilors shall respect the separation between policy making and advisory boards, commissions, and committees by:
    a. Not attempting to lobby or influence boards, commissions, and committees on any item under their consideration.
    b. It is important for the advisory body to make objective recommendations to the Council on items before them.
    c. Attending meetings of assigned liaison bodies but should avoid becoming involved in the body's discussions without first explaining their role as a Council liaison.
    d. Not voting at the body's meeting on any item.

4) **Minutes of ~~Citizen~~ Community Advisory Group Meetings.** Written minutes of ~~citizen~~ community advisory group meetings are the official permanent record of CAGs and will be taken by the staff liaison and if not available, the Chair or their designated substitute. However, ~~citizen~~ community advisory groups shall also provide an audio recording of their meetings which will be retained for 1 year after approval of the written minutes per OAR 166-200-0235(5)(c).

~~4)~~5) Minutes shall include the following information:

a. Members present;
b. Motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
c. Results of all votes and the vote of each member by name;
d. The substance of any discussion on any matter; and
e. A reference to any document discussed at the meeting.

Staff will post Draft Minutes online within two weeks of the meeting. Minutes will remain draft until approved. Minutes will be posted on the agenda for approval at the next regular business meeting.

~~5)~~6) **Minutes of Neighborhood Associations Meetings.** Neighborhood Associations are required to take minutes when they have been asked to advise the Council or they act on their own accord in an advisory capacity to the City per West Linn Code 2.100(4)(c)(2). ~~https://westlinnoregon.gov/sites/default/files/fileattachments/city_council/page/5641/chapter-2.pdf~~). Council prefers that Neighborhood Associations provide a record of attendance, quorum, and recommendation.

Section I: Other Provisions

1) **City Manager and City Attorney Evaluation.** The evaluation of the City Manager will be performed under the terms of the Manager's contract and City Charter. The Council shall perform an annual evaluation on the City Attorney under the terms of the City Attorney's contract.

CITY OF West Linn

Public Comment Form

I wish to speak during Public Comment on a topic not related to an agenda item (comments are limited to five minutes):

Please specify topic (*required*): PUBLIC COMMENT

I wish to speak on the agenda item listed below (comments are limited to five minutes):

Please specify agenda report number(s) or topic(s) (*required*):

_____

Please print:

Name: ED SCHWARZ

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: WEST LINN State: OR Zip: 97068

Email (Optional): _____ Phone (Optional): _____

Please submit this form to the City Recorder along with copies of any material to be handed out to the Council.

This form is subject to public records laws. If requested, it may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law.

CITY OF West Linn

Public Comment Form

I wish to speak during Public Comment on a topic not related to an agenda item (comments are limited to five minutes):

Please specify topic (*required*): ✓

I wish to speak on the agenda item listed below (comments are limited to five minutes):

Please specify agenda report number(s) or topic(s) (*required*):

_____

Please print:

Name: Alice Richmond

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 3939 Parker Rd

City: W.L. State: OR. Zip: 97068

Email (Optional): _____ Phone (Optional): _____

Please submit this form to the City Recorder along with copies of any material to be handed out to the Council.

This form is subject to public records laws. If requested, it may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law.

CITY OF
West Linn

Public Comment Form

I wish to speak during Public Comment on a topic not related to an agenda item (comments are limited to five minutes):

Please specify topic (*required*): Community Comment

I wish to speak on the agenda item listed below (comments are limited to five minutes):

Please specify agenda report number(s) or topic(s) (*required*):

_____

Please print:

Name: Teri Cummings

Phonetic spelling, if difficult to pronounce: address on file

Address (Optional): _____

City: West Linn State: _____ Zip: _____

Email (Optional): _____ Phone (Optional): _____

Please submit this form to the City Recorder along with copies of any material to be handed out to the Council.

This form is subject to public records laws. If requested, it may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law.

CITY OF
West Linn

Public Comment Form

I wish to speak during Public Comment on a topic not related to an agenda item (comments are limited to five minutes):

Please specify topic (*required*): ~~Can~~ Tent Site

I wish to speak on the agenda item listed below (comments are limited to five minutes):

Please specify agenda report number(s) or topic(s) (*required*):

_____

Please print:

Name: Claire Vaeth

Phonetic spelling, if difficult to pronounce: Vāth

Address (Optional): _____

City: _____ State: _____ Zip: _____

Email (Optional): _____ Phone (Optional): _____

Please submit this form to the City Recorder along with copies of any material to be handed out to the Council.

This form is subject to public records laws. If requested, it may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law.

CITY OF
West Linn

Public Comment Form

I wish to speak during Public Comment on a topic not related to an agenda item (comments are limited to five minutes):

Please specify topic (*required*): Dyslexia Awareness Proclamation

I wish to speak on the agenda item listed below (comments are limited to five minutes):

Please specify agenda report number(s) or topic(s) (*required*):

_____

Please print:

Name: Julie Frazier

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 2000 Conestoga Ln

City: West Linn State: OR Zip: 97068

Email (Optional): _____ Phone (Optional): _____

Please submit this form to the City Recorder along with copies of any material to be handed out to the Council.

This form is subject to public records laws. If requested, it may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law.

Mollusky, Kathy

From: Wyss, Darren
Sent: Friday, September 29, 2023 2:50 PM
To: Mollusky, Kathy
Cc: Williams, John; Preston, Elissa
Subject: FW: CAG Meeting Report Format and Recommendation to City Council

Kathy,
Please find below the CCI's recommendation on proposed changes to Council Rules. The CCI also recommended some changes to the draft CAG Meeting Information form that is being discussed as a way to provide CAG input to CC. Let me know if you have questions. Thanks.

From: Robert McCarthy <remcc11@gmail.com>
Sent: Friday, September 29, 2023 10:35 AM
To: Wyss, Darren <dwyss@westlinnoregon.gov>
Cc: Knight, Shannen <sporteyes@yahoo.com>; Christina Fadenrecht <Christina.Fadenrecht@gmail.com>; Tanner Woody <tanner.l.woody@gmail.com>; Owen Zentil <owzen@protonmail.com>; Vicki Olson <tvolson2@msn.com>
Subject: CAG Meeting Report Format and Recommendation to City Council

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hi Darren.

Here is both our recommended CAG format and recommendation to the City Council regarding Council Rules.

Best, Bob

CCI Meeting Report 9/26/2023
6PM Hybrid

In Attendance: 4 CCI members, no public, 1 staff and Council liaison, Mary Baumgardner

Public Comments: No public testimony.

Topics discussed:

- **Council Rule Changes**: CCI looked at the proposed rule changes as well as some testimony council received. Recommendations were made to council (see recommendations section)

- **CAG Meeting Report:** CCI made suggestions on the draft document. Recommendations included adding the number of people in attendance (staff, public, members, etc.), include a section for public comments, and include a section for making recommendations to council.

Recommendations to Council:

CCI would like to make the following recommendations to council in regards to their council rules:

- There should be some discretion involved in the public testimony time limit. While 3 minutes is generally acceptable, council should have the option to extend that time if they feel that the member of the public does not have enough time to adequately finish their thoughts. Also, since council rules

apply to planning commission, CCI recommends that the 5 minute time limit be kept for quasi-judicial hearings as the public must have enough time to get all their points on the record for any appeals to LUBA.

- Similarly, Neighborhood Associations testimony being held to 5 minutes is acceptable, but again with council having the discretion to increase that time should the NA need additional time.

- CCI discourages public comments being summarized in the minutes. CCI feels this could create issues as testimony must be subjectively interpreted by a 3rd party. Instead, we recommend that the council encourage the public to turn in written testimony along with their oral testimony. That way the written testimony can then be added to the minutes.

- CCI agrees that the 6 days notice is adequate. While we understand that some members of the public would like 10 days, looking at other cities, 6 days does seem to be in line with what other municipalities do. Also, if an agenda item needs to be carried over from one week to the next, 10 days would not be enough time to get the notice out, thus forcing agenda items out two weeks or more. This could cause unnecessary delays in the public process.

Prepared by: Shannen Knight, Vice Chair and approved by CCI

Darren Wyss
Planning Manager
Planning

#6064

City of West Linn

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October 2, 2023

Dear Mayor Bialostosky and City Council,

My name is Ed Schwarz and I am a resident of West Linn. I want to discuss a recent interaction with the West Linn Police Department which has led me to suggest to you that additional officer training is needed.

On September 3, 2023, my wife and I were notified by a friend and neighbor of ours that he had observed two people removing fern plants from the White Oak Savanna Park in West Linn. This neighbor contacted my wife and me because we were instrumental in raising $3.5 million to purchase the 20 acres for this park starting in 2005. Since then, we have also been active in guiding restoration of the park. Thus far, we have overseen almost 20,000 hours of volunteer time in the park. This park is near and dear to our hearts.

The neighbor talked to the people removing the ferns who stated their understanding was that, per Oregon Department of Forestry rules, they are allowed to remove ferns from certain state parks. The White Oak Savanna Park is a city park and not subject to the state rules regarding removal of plants. The city of West Linn does not allow removal of any plants from city parks other than invasive plants. This was confirmed in emails from City Manager Williams and Parks Director Warner.

The neighbor who observed the removal of the ferns did not report this incident to the police but photographed the people's automobile license plate and the ferns inside the vehicle. Since I did not have any way to get in touch with these people, I called the West Linn Police Department non-emergency number, gave them the license plate number, and requested that they talk to the people who had removed the ferns and tell them this is not allowed. The police dispatched an officer to interview the people who removed the ferns from the park.

After the interview, one of the two people who removed the ferns posted a message on a popular social media website stating that they had a visit from the police and that whoever contacted the police should "Get a life." In a subsequent post they stated that the officer "apologized for bothering us on a Sunday on behalf of the `erratic' neighbor who commonly calls the police without good reason." They went on to state that, "He [the officer] wasn't sure if city parks are ok, but he saw the amount of ferns (5) we transplanted and did not even think it was worth his (or our) time to investigate." As a Neighborhood Association President for ten years, I occasionally passed along to the police concerns from the members of our NA. I don't think this should be perceived as calling the police without good reason.

I am not foolish enough to take what was posted on a social media platform as the absolute truth, but I was concerned about the statements reportedly made by the officer. To learn the truth about the conversation between the officer and the people who removed the ferns from the park I submitted a public records request to the police for all information related to this incident. Starting in March 2023, West Linn Police implemented body-worn cameras for all officers. My public records request included video and audio from the officer's body worn camera.

According to Policy 447 of the West Linn Police Policy Manual (https://westlinnoregon.gov/police/mission-statement), body-worn cameras are to be turned on during interactions with the public when investigating incidents except in very specific circumstances when

they may be turned off to preserve the privacy of crime victims and in other specific situations. None of the exceptions apply to this routine investigation of this incident, so the camera worn by the officer should have been on and recording his interaction with the people who removed the ferns from the park. Section 447.8.1(a) of the policy manual states that the cameras shall remain on continuously until the event has concluded.

In responding to my public records request, the police provided copies of the incident report but denied my request for the camera footage. I appealed this decision to the Clackamas County District Attorney's office. A Deputy District Attorney reviewed my request, viewed a copy of the video provided by the police, and ruled that I was entitled to the body worn camera video and audio. The police subsequently complied with this ruling and provided me with a copy of the video and audio which had been redacted to protect the identity of the people who removed the ferns from the park.

In reviewing the video, I was struck by the officer's comments during his interview of the people who removed the ferns. He was apologetic to them for disrupting their Sunday and made several statements which denigrated the person who called in to report the removal of the ferns. Here are a few statements made by the officer during the interview when speaking about the person who called in the report.

"When people are calling in and irate and demanding things…"

"People are going to be upset always, no matter what you do."

"I have better things to be doing versus coming out here and talking to you all about enforcement of fern zones."

"When he heard about that you guys had taken ferns from his prize whatever, he got upset and wanted to grab a pitchfork."

I find these characterizations of my call to the police to be offensive. I simply called the police non-emergency number, reported the incident, and asked the police to investigate the removal of plants from a city-owned park. If everyone suddenly decided to transplant ferns from our city parks into their yards for their own personal use, I shudder to think what our parks would look like. Eventually, the interviewees were instructed by another officer to replant the removed ferns in the park.

The entire interview video is 6 minutes and 47 seconds long. Unfortunately, the officer prematurely ended the recording before he finished the interview. As I stated above, this appears to be a violation of the police policy manual which requires that the camera remain on until the "event" has concluded (the event being, in this case, the interview). Because the recording was prematurely terminated, I am unable to determine if the officer made the statements attributed to him in the social media posts.

I would also like to point out that during the interview, the officer accepted the word of the interviewees that the person who reported their behavior had tried to break into their car. This is not true. First, I was not the person who interacted with them when they were removing the ferns. That was my neighbor. He stated to me that he wiped off the window of their car with his sleeve so that he could get a better photo of the ferns inside their car (see attached photo). The officer seemed to have a misunderstanding of the chain of events that led to my call to the police. When I called, I was very clear that I had not interacted with these people and that I was simply passing along what I had been told by a

concerned neighbor. To my knowledge, no effort was made after the interview to investigate or clarify any of the statements made by the interviewees.

Based on the officer's statements in the recording, his premature termination of the recording, and his apparent acceptance of everything he was told by the interviewees, I think that additional training would be beneficial to our police force. That training should include proper use of the body-worn cameras and proper interview and investigative techniques. I think it would also be helpful to review with officers the statements made by the investigating officer during the interview to help them understand that statements made with no foundation are not helpful to the interview process.

In closing, I ask that you discuss this incident with the City Manager and the Police Chief and direct that it be reviewed by the West Linn Police Review and Recommend Committee. I would like to participate in the discussion of this incident when it is reviewed by the committee. I also believe I am owed an apology by the officer because of his mischaracterization of me during his interview of the people who removed the ferns. Lastly, I paid the police $164.18 for the body camera video. Given that the Clackamas County District Attorney agreed with me that the video is in the public interest, I request that I be reimbursed this amount.

Thank you for considering my request.

Regards,

Edward Schwarz, West Linn

Mollusky, Kathy

From: Teri Cummings <[redacted]>
Sent: Monday, October 2, 2023 5:22 PM
To: Bialostosky, Rory; Baumgardner, Mary; Bryck, Carol; Groner, Lou; Erwin, Scott; Lais, Erich; Mollusky, Kathy; Williams, John; Holly Bartholomew
Subject: Re: Please add tis to the reord of tonight's work session- questions re certificate of occupancy and delayed Willamette Falls Drive improvements at Fields Bridge
Attachments: October 2 2023 letter to City Council_ questions about certificate of occupancy ect..docx

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

I apologize for too many typographical errors in this email.
Please see the attached letter instead.

Dear Mayor Bialostosky and fellow City Council members, I just wanted you to let you know in advance that I plan to present the following information and questions tonight.

People have been asking why West Linn allowed WLWV school district to occupy its new Athey Creek middle school building even though all the required Concitions of Approval were not completed yet. Especially concerning is the City's choice to direct the public to use a non-conforming access road with a non-conforming intersection to get to the school. Did City Council authorize a change to its adopted Conditional Approvals for Athey Creek MS?

As a reminder, Condition of Approval (COA) #2 , adopted in 2021, requires construction to be completed according to the approved plan, and according to City Code, **prior** to issuance of occupancy permits, and that includes all transportation improvements. Please answer or ask staff to answer the following questions

1. Did the City issue a certificate of occupancy like it does before other buildings can be occupied?
2. If not, was there a legitimate emergency or legally defensible reason for failing to follow COA? Does that increase the City's liability?
3. After having done this, does City Council plan to allow other developers to ignore West Linn Community Development Codes, Municipal Codes and approved plans from now on?

Conditions of Approval (COA) for WLWV's new Athey Creek Middle School.

Please note: ***COA 2. Engineering Standards****. All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code.* ***These must be designed, constructed, and completed prior to the issuance of occupancy permits for each phase of the project.***

Also: ***COA 8. School Speed Zone****. The applicant shall implement a school speed zone limit of 20 mph on Willamette Falls Drive, Brandon Place, and Dollar Street. Flashing beacons will be installed to alert vehicle traffic of the school speed zone.*

4. Please explain what process West Linn used to obtain permission to install temporary signage instead of complying with COA 8 and allow multiple public transportation and environmental safety improvements required in the approved plan for Athey Creek MS to not be completed prior to opening the MS;

1. Brandon Place public access road from Willamette Falls Dr. to the public parking lot has not been built. Instead a hastily constructed emergency vehicle access is being used. What does TVFR have to say about how this might affect its ability to respond to emergenies at the school?

2. There are no painted crosswalks at the intersection with Fields Bridge when school started. Is the City liable for failing to provide required safety measures?

3. The required 20 mph signs with flashing beacons and street lights were not installed on Willamette Falls Drive before school started. Again, raising questions of liability due to inadequate transportatoin safety.

4. The lack of athletic fields impacts student access to P.E. and sports

5. Storm water facilities remain incomplete despite multiple DEQ violations due to unconbtrolled runoff from the project site last year.

6. Is it true that West Linn Municipal Code Chapter 8- Building Code Standards prohibits violations of Federal, State or City statute, rule, regulation or ordinance is being violated?

Municipal Code 8.050 (3) Validity of Permit- *The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction or any other federal, state, or local law, statute, rule, regulation, or ordinance.*

The issuance of a permit based on plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on when in violation of this code or of any other ordinances of the City of West Linn.

7. Please explain whether an emergency exists that justifies violating COAs and City law?

For example, the former Athey Creek middle school building on Borland Road is large enough to accommodate over 750 students. The current Riverside High School site is housing approximately 20 staff members, including a Principal and Vice Principal and approximately 120 Riverside HS students this fall. (Oregon Department of Education's eenrollement figures should be avaialable within a week or two.) Meanwhile, approx. 525 students started school at the unfinished new Athey Creek middle school, built to accomodate over 800 students. Simple math tells us the original Athey Creek building is large enough to accomodate both sets of students , or maybe the small number of Riverside HS could have been housed in another under-capacity building.

WLWV's dwindling enrollment figures come no surprise because the district's enrollment has been declining since 2018. IF only voters knew about that prior passing WLWV's 2019 capitol improvement bond.

Declining enrollment is also not surprising because the US Census Bureau reported, for the first time in US history, that older adults are projected to outnumber children by 2034.

Meanwhile, West Linn's median age of 44.2 , considerably higher than average, won't be increasing tudent enrollment. (uspopulation.org).

West Linn's population growth has been almost negligible over the last ten years from 2012 to 2022, when it only increased by 1853. West Linn is now more than 80% built out.

So is it reasonable to beleive that our new Athey Creek MS and Riverside HS buildings will ever be filled to capacity? Nope. Do you agree that WLWV needs to start planning to consolidate their buildings instead of sinking money into more buildings?

One more question please, does the delayed roundabout construction have anything to do with the fact that PGE owned the property under and adjacent to the proposed roundabout when WLWV's application was approved. And that transfer of said property was not signed off until February of 2023.(see attached) So, is is true that the statement in West Linn's final approval of WRA protection permits for Willamette Falls Drive, which claimed WLWV had previously obtained WRA protection permits for the proposed roundabout when its MS application was approved is false?
If so, what does the City Council plan to do about that?

Thank you in advance for your time. I look forward to receiving answers to these questions.
Teri Cummings, West Linn resident

October 2, 2023

Dear West Linn Mayor Bialostosky and fellow City Council members.

People have been asking why West Linn allowed WLWV school district to occupy its new Athey Creek middle school building even though all the required Concitions of Approval were not completed yet.

Especially concerning is the City's choice to direct the public to use a non-conforming access road with a non-conforming intersection to get to the school**.**

1. **Did City Council authorize a change to its adopted Conditional Approvals for Athey Creek MS?**

As a reminder, Condition of Approval (COA) #2 , adopted in 2021, requires construction to be completed according to the approved plan, and according to City Code, prior to issuance of occupancy permits, and that includes all transportation improvements. Please answer or ask staff to answer the following questions

2. **Did the City issue a certificate of occupancy like it does before other buildings can be occupied?**
3. **If not, was there a legitimate emergency or legally defensible reason for failing to follow COA? Does that increase the City's liability?**
4. **Does City Council plan to allow other developers to ignore West Linn Community Development Codes, Municipal Codes and approved plans from now on?**

Please note**:** ***COA 2. Engineering Standards:*** *All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code.* ***These must be designed, constructed, and completed prior to the issuance of occupancy permits for each phase of the project****.*

Also**:** ***Falls Drive COA 8: School Speed Zone.*** *The applicant shall implement a school speed zone limit of 20 mph on Willamette, Brandon Place, and Dollar Street. Flashing beacons will be installed to alert vehicle traffic of the school speed zone.*

5. **Please explain what process West Linn used to obtain permission to install temporary signage instead of complying with COA 8 and allowed school to start without completing multiple public transportation and environmental safety improvements required in the approved Athey Creek MS plan**

Brandon Place public access road from Willamette Falls Dr. to the public parking lot has not been built. Instead a hastily constructed emergency vehicle access is being used.

6. **What does TVFR have to say about how this might affect its ability to respond to emergencies at the school?**

There are no painted crosswalks at the intersection with Fields Bridge when school started.

7. **Is the City liable for failing to provide required safety measures?**

The required 20 mph signs with flashing beacons and street lights were not installed on Willamette Falls Drive before school started.

8. **Is West Linn liable for harm caused by inadequate transportation safety?**
9. **Will the lack of an athletic field impact student curriculum for P.E. and sports?**
10. **Will West Linn be exposed to even more DEQ violations due to incomplete Storm water facilities?**

Please note: ***Municipal Code 8.050 (3) Validity of Permit****- The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction or any other federal, state, or local law, statute, rule, regulation, or ordinance.*

The issuance of a permit based on plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on when in violation of this code or of any other ordinances of the City of West Linn.

11. Is it true that West Linn failed to comply with Municipal Code Chapter 8- Building Code Standards that require compliance with Federal, State or City statute, rule, regulation or ordinances?

It is difficult to understand why City would compromise public and environmental safety and the integrity of Federal, State and City Codes and regulations.

12. **Does an emergency exists that justifies violating COAs, Fed, State and City regulations?**

There does not appear to be a justifiable reason. The former Athey Creek middle school building on Borland Road is large enough to accommodate **over 750 students**. The current Riverside High School site is housing approximately **20 staff members**, including a Principal and Vice Principal and **approximately 120 Riverside HS students** this fall. (Oregon Department of Education's enrollment figures should be available within a week or two.) Meanwhile, **approx. 525 students** started school at the unfinished new Athey Creek middle school, built to **accommodate over 800 students**. Simple math tells us the original Athey Creek building is large enough to accommodate both sets of students , or maybe the small number of Riverside HS could have been housed in another under-capacity building.

WLWV's dwindling enrollment figures come as no surprise because the district's enrollment has been declining since 2018. If only voters knew about that prior passing WLWV's 2019 capital improvement bond.

WLWV's declining enrollment also reflects the US Census Bureau report; for the first time in US history, older adults are projected to outnumber children by 2034. Ten years from now, yet West Linn's median age of 44.2, which is considerably higher than average, also predicts decreased student enrollment. (uspopulation.org). Plus West Linn's population growth has been almost negligible and only increased by 1853 over the last ten years. Our City is now more than 80% built out.

13. **Do you think it is reasonable to believe that our new Athey Creek MS and Riverside HS buildings will ever be filled to capacity?**
14. **Or do you agree that WLWV needs to start planning to consolidate their buildings instead of sinking money into more buildings?**

Please note the Dedicated Deed to West Linn Road ROW, signed in February 2023. Since PGE owned the ROW property up until this date, it appears that WLWV could not have actually obtained any WRA type permits for constructing the proposed roundabout at the time its Athey Creek MS application was approved in 2021.

15. **Does the delayed roundabout construction have anything to do with an uncertain status of required WRA permits for the proposed roundabout?**
16. **Is the statement in West Linn's final approval of three WRA protection permits for Willamette Falls Drive that claimed WLWV already obtained WRA protection permits for the proposed roundabout true or false?**
17. **If it's false, what does the City Council plan to do about that?**

Thank you in advance for your time. I look forward to receiving answers to these questions.

Teri Cummings, West Linn resident

Mollusky, Kathy

From: Karie Oakes <[redacted]
Sent: Saturday, September 30, 2023 1:24 PM
To: Bialostosky, Rory
Cc: Baumgardner, Mary; Groner, Lou; Erwin, Scott; Bryck, Carol; Williams, John; Mollusky, Kathy
Subject: Council Rules Discussion

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Dear Mayor Bialostosky,

I am writing with concerns about the noticing of the October 2nd work session as it relates to Agenda item 9.b. Council Rules Discussion and also to propose an amendment to Council Rules. Please submit these comments to the record of the meeting.

1. The October 2nd Work Session agenda has been changed since it was originally posted on Thursday. Today I noticed that the Council Rules red-lined version was posted to the agenda. While the addition of the information was likely well intended, it was not without harm. I began preparation of my comments to Council on this item on Thursday evening based on the original agenda. It was only by chance that I looked at the agenda today and saw it was revised. This forced me to rearrange my schedule to take additional time to revise my comments, otherwise they were rendered nonsensical. It is not fair to the people and Council to have an uncertain agenda and incomplete agenda packet. This agenda item was scheduled on August 7th. Two months was plenty time for the City Manager to prepare information about this item for the agenda packet.
2. The recently posted red-line version of Council Rules contain amendments that were added to the red-line version posted on August 7, but they are not distinctly marked. There is no agenda bill or memo from the City Manager to explain the changes. Is it fair to expect people, Council included, to compare the two red-lined versions to know the changes? Did Council members work behind closed doors, likely by email, to add the amendments? How are people to comment without the benefit of knowing the arguments of Council members for the newly added amendments? Remember, Council allows comments before Council discussion, therefore, this practice of not providing timely information is detrimental to meaningful and effective public comments.

Comments prepared before the agenda was revised.

The "Council Rules Discussion" item on the October 2, 2023 Council Work Session agenda is pretty vague and no information is posted. How are people who don't know what Council Rules are or haven't followed the discussion continued over the course of four meetings to know what Council is considering? Is the description specific enough to understand the intent of the Council? Does it engage people with sufficient information? I am disappointed by it, especially since the purpose of continued discussion was to get input from more people.

Furthermore, it is confusing that the item was listed under "Mayor and Council Reports" instead of as a business item with an accompanying "work session" agenda bill. Agenda Bill 2023-08-07-05: Adoption of Amended Council Rules was sent back to this work session at the meeting on August 7th. The City Manager could have updated this agenda bill for the work session so people would have the background information and the proposed amendments in the red-lined copy of Council Rules.

This brings up the question of what is the intended use for the agenda item "Mayor and Council Reports?" I think a person would expect to hear reports, not discussion of business items. Council Rules Section F.4., page 23, states "Councilors will report on the regional meetings they attend on behalf of the city" as a policy. Under Order of Council Business, Section C.5. page 10, "Mayor and Council Reports" is listed separate from "Business Items." This is consistent with the template agenda in Robert's Rules of Order.

Based on this analysis, the "Council Rules Discussion" on the October 2nd Work Session agenda would have been better communicated if it had been properly listed as a business item with a work session agenda bill. I hope as you coordinate with the City Manager to set the agenda, that you will review it like someone unfamiliar about the business of Council and City processes to ensure no one will be left out because of not having information.

Finally, Council Rules Sec.F.4. Council Reports need amending to include council members will report on the community advisory group meetings that they attended as Council liaisons.

Thank you for considering my comments. Please let me know if you need any clarifications. I look forward to your reply.

Sincerely,

Karie Oakes