

CITY COUNCIL MONTHLY MEETING CALENDAR

June-10

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		Council Candidacy 1 Election Packet Available 8:00 AM Fire Bd 8pm		EDC Noon 3 BUDGET COMMITTEE WORK SESS: SWOT ANALYSIS CANCELLED		
<i>BeLusko out May 30 - June 5</i>						
6	PLANNING COMM & COUNCIL JOINT WORK SESSION 7:00 pm - COMMUNITY AUDITORIUM	CCI 5:30pm Senior Ctr Bd 6:00pm Library 6:30pm		PAC 5pm	JWC Noon	
13	CITY COUNCIL 5:30 PM - WORK SESSION (B&C) 5:45 PM - WORK SESSION (CM Eval) 6:10 - WORK SESSION (Fire SWOT) 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM		P&R 7am CFC 5:15pm	Fernhill Wetlands 5pm	RV Dump Station Ribbon Ceremony	
20	Planning Comm 7pm	HLB 6pm	PSAC 7:30am			
<i>Lowe out June 20 - 26</i>						
27	CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM					
<i>Johnston out June 28 - August 3</i>						

July-10

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
<i>Johnston out June 28 - August 3</i>						
4	CITY OFFICES CLOSED HOLIDAY	1ST DAY TO FILE CANDIDACY PETITION 120-Days Before Election 8:00 AM Planning Comm 7pm Fire Bd 8pm		EDC Noon PAC 5pm	JWC Noon	
11	CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	CCI 5:30pm Senior Ctr Bd 6:00pm Library 6:30pm		Fernhill Wetlands 5pm		
18	Planning Comm 7pm		P&R 7am CFC 5:15pm			
25	NO CITY COUNCIL MEETING	HLB 6pm	PSAC 7:30am			
<i>Mayor Truax out July 28 - August 10 & Johnston out - August 3</i>						

August-10

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	Planning Comm 7pm	Fire Bd 8pm		EDC Noon		
<i>Johnston returns - August 3</i>			<i>Mayor Truax out - August 10</i>			
8	CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	CCI 5:30pm Senior Ctr Bd 6:00pm Library 6:30pm <i>Mayor Truax returns</i>		PAC 5pm		
15	Planning Comm 7pm		P&R 7am CFC 5:15pm	Fernhill Wetlands 5pm		
22	NO CITY COUNCIL MEETING	LAST DAY TO FILE CANDIDACY PETITION 70-Days Before Election 5:00 PM HLB 6pm	PSAC 7:30am		LAST DAY TO WITHDRAW CANDIDACY PETITION	
29						



FOREST GROVE CITY COUNCIL

Monday, June 14, 2010

5:30 PM – Work Session (B&C Interview)

Community Auditorium

5:45 PM – Work Session ((City Manager Evaluation Process)

1915 Main Street

6:10 PM – Work Session (Fire Strategic Plan SWOT Analysis)

Forest Grove, OR 97116

7:00 PM – Regular Meeting

Forest Grove City Council Meetings are broadcast by Tualatin Valley Community Television (TVCTV) Government Access Programming. To obtain the monthly programming schedule, please contact TVCTV at 503.629.8534 or call the City Recorder at 503.992.3235.

Thomas BeLusko, Jr.
Thomas L. Johnston
Victoria J. Lowe

PETER B. TRUAX, MAYOR

Camille Miller
Ronald C. Thompson
Elena Uhing

All meetings of the City Council are open to the public and all persons are permitted to attend any meeting except as otherwise provided by ORS 192. The public may address the Council as follows:

→ Public Hearings – Public hearings are held on each matter required by state law or City policy. Anyone wishing to testify should sign in for any Public Hearing prior to the meeting. The presiding officer will review the complete hearing instructions prior to testimony. The presiding officer will call the individual or group by the name given on the sign in form. When addressing the Council, please use the witness table (center front of the room). Each person should speak clearly into the microphone and must state his or her name and give an address for the record. All testimony is electronically recorded. In the interest of time, Public Hearing testimony is limited to three minutes unless the presiding officer grants an extension. Written or oral testimony is heard prior to any Council action.

→ Citizen Communications – Anyone wishing to address the Council on an issue not on the agenda should sign in for Citizen Communications prior to the meeting. The presiding officer will call the individual or group by the name given on the sign in form. When addressing the Council, please use the witness table (center front of the room). Each person should speak clearly into the microphone and must state his or her name and give an address for the record. All testimony is electronically recorded. In the interest of time, Citizen Communications is limited to two minutes unless the presiding officer grants an extension.

The public may not address items on the agenda unless the item is a public hearing. Routinely, members of the public speak during Citizen Communications and Public Hearings. If you have questions about the agenda or have an issue that you would like to address to the Council, please contact the City Recorder at 503-992-3235.

City Council meetings are handicap accessible. Assistive Listening Devices (ALD) or qualified sign language interpreters are available for persons with impaired hearing or speech. For any special accommodations, please contact the City Recorder at 503-992-3235, at least 48 hours prior to the meeting.

A G E N D A

Mayor Peter Truax 5:30

WORK SESSION: B&C INTERVIEW

Mayor Peter Truax 5:45

WORK SESSION: CITY MANAGER EVALUATION PROCESS

Michael Kinkade 6:10
Fire Chief

WORK SESSION: FIRE STRATEGIC PLAN SWOT ANALYSIS

The City Council will convene in the Community Auditorium - Conference Room to conduct the above work session(s). The public is invited to attend and observe the work session(s); however, no public comment will be taken. The Council will take no formal action during the work session(s).

- | | | | |
|---|--|---|---|
| 7:00 | <ol style="list-style-type: none"> 1. <u>REGULAR MEETING:</u> Roll Call and Pledge of Allegiance 2. <u>CITIZEN COMMUNICATIONS:</u> Anyone wishing to speak to Council on an item <u>not on the agenda</u> may be heard at this time. <i>Please sign-in before the meeting on the Citizen Communications form posted in the foyer.</i> In the interest of time, please limit comments to two minutes. Thank you. 3. <u>CONSENT AGENDA:</u> See Page 4 4. <u>ADDITIONS/DELETIONS:</u> 5. <u>PRESENTATION:</u> <ul style="list-style-type: none"> • <i>Inaugural of Art Work Recommendation, Public Art Commission (PAC), Kathleen Leatham, Chair</i> | | |
| 7:10 | <table border="0" style="width: 100%;"> <tr> <td style="width: 150px; vertical-align: top;"> Colleen Winters
Library Director </td> <td></td> </tr> </table> | Colleen Winters
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James Reitz
Senior Planner </td> <td style="vertical-align: top;"> <ol style="list-style-type: none"> 6. <u>CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2010-03 ADOPTING PROVISIONS TO REGULATE SHOPPING CARTS, AMENDING FOREST GROVE CODE, CHAPTER 5, PUBLIC PROTECTION, BY ADDING NEW CODE SECTION 5.236, SHOPPING CARTS</u> </td> </tr> </table> | Jon Holan
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City Recorder </td> <td style="vertical-align: top;"> <ol style="list-style-type: none"> 8. <u>CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2010-05 ADOPTING PROVISIONS IMPLEMENTING LIQUOR LICENSE ISSUANCE REVIEW GUIDELINES, AMENDING FOREST GROVE CODE CHAPTER 7, BUSINESS, BY ADDING NEW CODE SECTION 7.800 THROUGH 7.815 RELATING TO LIQUOR LICENSE ISSUANCE</u> </td> </tr> </table> | Michael Sykes
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- | | | |
|---|------|---|
| Paul Downey
Administrative Services
Director
Susan Cole
Assistant Finance Director | 8:00 | 10. <u>PUBLIC HEARING AND RESOLUTION NO. 2010-40 SETTING FEES AND CHARGES, EFFECTIVE JULY 1, 2010, AND REPEALING RESOLUTION NO. 2009-32`</u> |
| Paul Downey
Administrative Services
Director
Susan Cole
Assistant Finance Director | 8:10 | 11. <u>PUBLIC HEARING AND RESOLUTION NO. 2010-41 FIXING WATER RATES FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2010, AND REPEALING RESOLUTION NO. 2009-33</u> |
| Paul Downey
Administrative Services
Director
Susan Cole
Assistant Finance Director
Rob Foster
Public Works Director | 8:20 | 12. <u>PUBLIC HEARING AND RESOLUTION NO. 2010-42 INCREASING SEWER RATES FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2010, AND REPEALING RESOLUTION NO. 2007-30</u> |
| Paul Downey
Administrative Services
Director
Susan Cole
Assistant Finance Director
Rob Foster
Public Works Director | 8:30 | 13. <u>PUBLIC HEARING AND RESOLUTION NO. 2010-43 ESTABLISHING CERTAIN CLEAN WATER SERVICES UTILITY RATES AND CHARGES FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2010, AND REPEALING RESOLUTION NO. 2009-35</u> |
| Mayor Peter Truax | 8:40 | 14. <u>PUBLIC HEARING TO CONSIDER ADOPTING CITY MANAGER PERFORMANCE EVALUATION STANDARDS AND CRITERIA</u> |
| Michael Sykes
City Manager | 9:00 | 15. <u>CITY MANAGER'S REPORT:</u> |
| | 9:15 | 16. <u>COUNCIL COMMUNICATIONS:</u> |
| | 9:30 | 17. <u>ADJOURNMENT</u> |

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3. **CONSENT AGENDA:** Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda item(s).
- A. Approve City Council Work Session (Emergency Operations Plan) and Biomass Feasibility Study) Meeting Minutes of May 24, 2010.
 - B. Approve City Council Regular Meeting Minutes of May 24, 2010.
 - C. Accept Historic Landmarks Board Meeting Minutes of April 27, 2010.
 - D. Accept Planning Commission Meeting Minutes of March 15, 2010.
 - E. Accept Public Safety Advisory Commission Meeting Minutes of April 28, 2010.
 - F. Community Development Department Monthly Building Activity Informational Report for May 2010.
 - G. Library Department Monthly Circulation Statistics Report for June 2010.
 - H. RESOLUTION NO. 2010-39 MAKING APPOINTMENT TO PUBLIC SAFETY ADVISORY COMMISSION (JOHN RINIER, AT-LARGE, TERM EXPIRING DECEMBER 31, 2013).
 - I. RESOLUTION NO. 2010-44 AUTHORIZING MAYOR TO ENDORSE THE SECOND AMENDMENT TO WATER SERVICE AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND JOINT WATER COMMISSION.

MEMORANDUM

TO: Mayor Peter Truax and City Councilors

PROJECT TEAM: Anna D. Ruggles, CMC, City Recorder
Michael J. Sykes, City Manager

DATE: June 9, 2010

SUBJECT: Interview for Vacancy on Public Safety Advisory Commission

Attached you will find the following items for the Citizen Advisory Boards, Committees, and Commissions interview that is scheduled for June 14, 2010.

- Boards, Committees, Commissions Number of Vacancies;
 - Possible Interview Questions; and
 - Application (John Rinier)
-

RECOMMENDATION:

Conduct an interview of the applicant who expressed interest in serving on the Public Safety Advisory Commission. There currently is one at-large vacancy on the Public Safety Advisory Commission. Staff is recommending Council consider approving at the Council meeting of June 14, 2010, a resolution appointing John Rinier to the Public Safety Advisory Commission, term expiring December 31, 2013. (Consent Agenda Item 3. H.). John Rinier has been attending the Public Safety Advisory Commission meetings as a citizen and has significant experience in the field of public safety and a strong interest in contributing in the realm of public safety. If Council desires not to make this appointment, Council may reject placing this item on the Consent Agenda and/or discuss separately.

2010 – BOARDS, COMMITTEES & COMMISSIONS VACANCY

COMMISSION	REQUIREMENTS	# VACANCIES	TERM EXPIRES
BUDGET Meets in April/May	7-Members 3-Year Term All members must live in City per ORS		
COMMITTEE FOR CITIZEN INVOLVEMENT Meets 2 nd Tuesday 5:30 pm	7-Members 4-Year Term		
COMMUNITY FORESTRY COMMISSION Meets 3 rd Wednesday 5:15 pm	7-Members 3-Year Term Three members may live outside City – Currently four (one exception)	1 – Vacancy	12/31/11
ECONOMIC DEVELOPMENT COMMISSION Meets 1 st Thursday Noon	19-Members 3-Year Term 6 Public & Non-Profit 12 Business 1 At-Large		
HISTORIC LANDMARKS BOARD Meets 4 th Tuesday 6:00 pm	7-Members 4-Year Term Two members may live outside City – Currently none		
LIBRARY Meets 2 nd Tuesday 6:30 pm	7-Members 2-Year Term		
PARKS & RECREATION COMMISSION Meets 3 rd Wednesday 7:00 am	9-Members 4-Year Term Two members may live outside City – Currently one		
PLANNING COMMISSION Meets 1 st and 3 rd Monday 7:00 pm	7-Members 4-Year Term Two members may live outside City – Currently one One member in real estate for profit – Currently one Two members same trade/occupation – Currently none		
PUBLIC ARTS COMMISSION Meets 2 nd Thursday 5:00 pm	9-Members 3-Year Term Three At-Large Voting reps Chamber; School Dist; Pacific University; Senior Center; Theater In The Grove; and Valley Art		
PUBLIC SAFETY ADVISORY COMMISSION Meets 4 th Wednesday 7:30 am	7-Members 4-Year Term Two members within Rural Fire Dist – Currently two Non-voting reps Rural Fire Dist; Chamber; School Dist; and Pacific University	1 – Vacancy (At-large)	12/31/13

Possible Questions for B&C Applicant Interviews:

What can you offer the advisory board on which you would like to serve?

What do you hope to gain from your volunteer experience?

What ideas do you have for increasing citizen involvement in Forest Grove?

Is there an area in which you think the City may be letting its citizens down? If so, what would that be?

What do you see as a critical need that is currently facing the City?

Do you favor growth or do you feel the City is currently big enough?

How would you respond to an unpopular decision that is strongly criticized? Such as making an unpopular decision that may go against property owners' desire or that is not supported by your friends and neighbors.

Do you have any grant-writing experience? _____

In addition, Mayor, please ask:

Do you have any conflict with the meeting date(s) and time(s) of the advisory board to which you have applied? _____

If we cannot appoint you to your first choice, are there any other advisory boards that interest you? May we keep your application on file? _____

Do you have any questions for us? _____

Note: Once Council renders a decision on the status of the selected appointment(s), the City Recorder will notify immediately thereafter.

RESOLUTION NO. 2010-39**RESOLUTION MAKING APPOINTMENT
TO THE CITY OF FOREST GROVE
PUBLIC SAFETY ADVISORY COMMISSION**

WHEREAS, Resolution No. 2005-56 has provided for a Public Safety Advisory Commission; and

WHEREAS, Resolution Number 2006-10 provides that vacancies on City Advisory Boards, Committees, and Commissions brought about by resignation or removal shall be filled by appointment to fill the term of that seat by the City Council; and

WHEREAS, Resolution No. 2010-27 has amended Section IV to allow the Public Safety Advisory Commission's membership to increase from seven members to nine members; and

WHEREAS, the City Council has received applications from citizens desiring to serve on the Public Safety Advisory Commission, and subsequently interviewed citizens making application for service on this Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

That the following person is hereby appointed to the City of Forest Grove Public Safety Advisory Commission for the following term (new appointment noted in **CAPS** and **BOLD**)

<u>Last Name</u>	<u>First Name</u>	<u>Position:</u>	<u>Term Expires</u>
Aguilar	Susan	At-Large	December 31, 2012
Dierickx	Tim	Rural Fire	December 31, 2013
Garrison	Drue	At Large	December 31, 2013
Luciani	Bryan	At Large	December 31, 2013
Mills	Robert	At Large	December 31, 2012
Redmond	Russell	Rural Fire	December 31, 2012
RINIER	JOHN	At Large	December 31, 2013
Roedl	Randall	At Large	December 31, 2012
Sandusky	Chére	At Large	December 31, 2013

Section 2. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 14th day of June, 2010.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 14th day of June, 2010.

Peter B. Truax, Mayor

MEMORANDUM

TO: Mayor Truax and City Councilors

FROM: Anna D. Ruggles, CMC, City Recorder

DATE: June 14, 2010

SUBJECT: Standards and Criteria for City Manager Performance Evaluation

BACKGROUND: Pursuant to City Manager's Employment Agreement, Section 6, the City Council must evaluate the City Manager's annual performance, and establish the criteria for evaluation in accordance with the State's open meeting laws.

ISSUE: The purpose of the Work Session is to review the following attachments: 1) current City Manager Performance Evaluation Form; 2) tentative target dates for completing the City Manager's performance evaluation process; and 3) memorandum to department directors. In addition, attached are samples of performance evaluations from other cities for Council review.

As part of the current evaluation process, Council has provided a mechanism for Department Director input with an option to remain confidential. Last year, the Council named the City Attorney, as the third-party person, who will prohibit disclosure of information submitted in confidence as provided by ORS 192.502(4). The City Attorney compiles the submitted comments into a single document and distributes the results in a sealed envelope to Council. Council reviews the compiled responses with the City Manager, and the City Manager presents his self-evaluation to Council, which will occur in an Executive Session tentatively scheduled for June 28th. The deadline for Councilmembers to submit their individual evaluation form to Mayor is tentatively scheduled for July 7th and an Executive Session is tentatively scheduled for July 12th to discuss the finalized performance appraisal with the City Manager and return into open meeting to give a summary and discuss compensation.

After the Work Session and upon Council consensus, the Council will be asked to return to open session at the June 14th meeting to consider adopting the City Manager performance evaluation standards and criteria as presented or as amended and/or continue the matter to a later date.

RECOMMENDATION: 1) Council action is needed to adopt this year's evaluation standards and criteria for the City Manager to include the evaluation form and mechanism for Department Director input; 2) Council action is needed to send the attached letter to Department Directors, which has been prepared on behalf of Council; and 3) Attached is a tentative schedule for this year's evaluation process for your review.



June 3, 2010

NewsTimes

Legal Ads/Public Notice:

To be published: Wednesday, June 9, 2010

NOTICE OF PUBLIC HEARING

ADOPTION OF CITY MANAGER PERFORMANCE EVALUATION CRITERIA AND STANDARDS

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold a Public Hearing on **Monday, June 14, 2010, at 7:00 p.m. or thereafter**, in the Community Auditorium, 1915 Main Street, Forest Grove, to consider adopting the criteria and standards for City Manager performance evaluation.

This hearing is open to the public and interested parties are encouraged to attend. A copy of the proposed Performance Evaluation Form for the City Manager's performance evaluation is available for inspection before the hearing at the City Recorder's Office or by visiting the City's website at www.forestgrove-or.gov. Written comments or testimony may be submitted at the hearing or sent to the attention of the City Recorder's Office, P.O. Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing. For further information, please contact Anna Ruggles, City Recorder, at 503.992.3235, or via e-mail at aruggles@forestgrove-or.gov.

Anna D. Ruggles, CMC, City Recorder
City of Forest Grove

To be published June 9, 2010

CITY MANAGER PERFORMANCE REVIEW

Instructions:

This evaluation has two parts. Part I involves an evaluation of the annual performance of the City Manager during the evaluation period of **July 1, 2009, to June 30, 2010**. Part II concerns your expectations and goals for the City Manager during the coming year. In evaluating the Manager's past performance, you are asked to rate that conduct according to the following categories:

- (1) NI = Needs Improvement
- (2) M = Meets Standards
- (3) E = Exceeds Standards
- NO = Not observed

Following each performance standard, please provide any appropriate comments in that area.

Part I. Performance Standards

1. Personal Traits / Professionalism

NI	M	E	NO

Positive attitude, self-motivating; self-confident; creative; uses common sense; professional and personal integrity; emotional stability; takes initiative; receptive to new ideas and changes; maturity in relations with others; prepares quality products; willingness to seek personal growth and development; takes consistent position with different audiences; adherence to high professional ethical standards; exercises diplomacy; demonstrates high personal integrity.

Comments:

2. City Council Relationships

NI	M	E	NO

Effectively implements policies and programs approved by City Council; reporting to City Council is timely, clear, concise, and thorough; accepts direction or instructions in a positive manner; effectively aids the City Council in establishing long-range goals; keeps Council informed of current plans and activities of administration and new development; sensitive to and perceptive of Council needs and desires; maintains a relationship of trust with each Council member and the Mayor; available to members of the Council; properly orients new Council members.

Comments:

3. Technical Knowledge and Use

NI	M	E	NO

General overall knowledge of city operations and responsibilities; willing and able to learn; keeps current on professional issues, trends, techniques, and methods of operation; keeps current on legislation, funding opportunities and regulations; administrative knowledge (budget, personnel, grants, and purchasing rules and regulations); knowledge of city developments in public policy.

Comments:

4. Problem Solving and Decision Making:

NI	M	E	NO

Anticipates problems; identifies problems, issues and concerns; ability to analyze problems (to honestly identify and assess alternatives); develops and recommends creative, innovative and realistic solutions and implements and refines such solutions; considers alternatives and available facts before making decisions; resolves problems at lowest possible level (takes responsibility for decisions); gets affected parties involved in problem solving; reaches timely decisions; flexibility and receptiveness to suggestions; resolves problems under strained and unpleasant conditions; achieves goals set by or in conjunction with City Council; consults with Council when appropriate.

Comments:

5. External Relations

NI	M	E	NO

Projects positive public image; effectively handles citizens complaints and inquiries; educates public on city problems, programs and operations; keeps commitments to the public; maintains contact/liaison with community groups; maintains effective intergovernmental relations; maintains effective relations with media representatives.

Comments:

6. Fiscal Management

NI	M	E	NO

Prepares realistic annual budgets; seeks efficiency, economy and effectiveness in all programs; controls expenditures in accordance with approved budgets; keeps City Council informed about revenues and expenditures, actual and projected; is cost effective; assures that Budget Committee is well informed of short and long-term City financial status; involves Council in fiscal affairs.

Comments:

7. Personnel Management & Supervision

NI	M	E	NO

Maintains adequate levels of supervisions and internal control and communication; employees are given necessary guidance regarding responsibilities and tasks; follow-up is initiated to properly account for employee activities; disciplinary matters and corrective actions are appropriate and applied in a timely fashion. Management atmosphere encourages professional growth; encourages initiative and creativity; allows subordinates to grow professionally.

Comments:

Part II. Future Expectations

1. What objectives should the City Council set for the City Manager for the coming year?

Current Form

Concur
 Non-concur
 Minority Report

_____ Date _____

Peter B. Truax, Mayor

Concur
 Non-concur
 Minority Report

_____ Date _____

Thomas BeLusko, Jr., Councilor

Concur
 Non-concur
 Minority Report

_____ Date _____

Thomas L. Johnston, Councilor

Concur
 Non-concur
 Minority Report

_____ Date _____

Victoria J. Lowe, Councilor

Concur
 Non-concur
 Minority Report

_____ Date _____

Camille Miller, Councilor

Concur
 Non-concur
 Minority Report

_____ Date _____

Ron Thompson, Councilor

Concur
 Non-concur
 Minority Report

_____ Date _____

Elena Uhing, Councilor

Non-Concur may submit minority report.

City Manager Evaluation Process:

- June 14th Work Session to review City Manager performance evaluation criteria and establish the process.
- June 14th Public Hearing to adopt City Manager performance evaluation criteria. If approved: 1) a letter on behalf of the Council will be given to all Department Directors requesting comments on City Manager's annual performance; 2) Each Councilmember is given a performance evaluation form to complete; and 3) Council asks City Manager to prepare a self-evaluation.
- June 21st Deadline for Department Directors to submit comments to third-party person (City Attorney).
- June 23rd Compilation of Department Directors comments are submitted in a sealed envelope to Council.
- June 28th Executive Session (unless City Manager requests open hearing) is held to review compiled comments and City Manager's self-evaluation.
- July 7th Deadline for Councilmembers to submit their evaluation form, signed and dated, and returned to Mayor. Mayor and Council President tabulate and summarize the results of Council evaluations.
- July 12th Executive Session (unless City Manager requests open hearing) is held to discuss the performance appraisal with the City Manager.
- July 12th Return to open session and give a summary of the City Manager's performance appraisal; discuss compensation; consider adopting Resolution Amending/Setting City Manager's Compensation Plan, Amending Employment Agreement and Authorizing Compensation for Fiscal Year 2010-11.

Memorandum

TO: All Department Directors

CC: Michael Sykes, City Manager

FROM: Mayor Peter Truax and City Councilors

DATE: June 15, 2010

SUBJECT: City Manager Evaluation Input

The City Council approved the City Manager's evaluation performance standards and criteria, and as part of the evaluation process, the Council is seeking Department Director input. The Council's goal is to establish a thoughtful and considered process that also expedites the City Manager's evaluation. The Council recognizes the importance of giving Department Directors an option to remain confidential. To achieve this, the Council has named Pam Beery, City Attorney, as a third-party person, who will keep your name confidential upon your request. The City Attorney will remove the name of the evaluator, unless the evaluator waives the promise of confidentiality. Information submitted in confidence is exempt from public disclosure under ORS 192.502(4). The City Attorney will compile the submitted comments into a single document and distribute the results in a sealed envelope to Council. The Council will review the submitted comments with the City Manager in a special executive session.

The Council encourages you to submit comments and ask that your comments, for the evaluation period of July 1, 2009, through current date, be submitted **no later than June 21, 2010**, directly to Pam Beery, City Attorney, preferably by e-mail at: pam@gov-law.com. If submitting comments by e-mail and you wish to remain anonymous, please advise the City Attorney of your desire to remain anonymous.

Thank you for your sincere consideration of the above request.

SAMPLES

CITY MANAGER
PERFORMANCE
EVALUATION
FORMS

CITY OF LA GRANDE CITY MANAGER PERFORMANCE EVALUATION

City Manager

Please refer to evaluation instructions before completion.

Management Responsibilities/Skills

Evaluation

- | | | | | | | | |
|----|--|---|---|---|---|---|-----|
| 1. | Communication with City Council
Comments: | 5 | 4 | 3 | 2 | 1 | n/o |
| 2. | Planning, Organizing, Executing of Work
Comments: | 5 | 4 | 3 | 2 | 1 | n/o |
| 3. | Subordinate Personnel Supervision
Comments: | 5 | 4 | 3 | 2 | 1 | n/o |
| 4. | Personal/Professional Development
Comments: | 5 | 4 | 3 | 2 | 1 | n/o |
| 5. | Budget Development
Comments: | 5 | 4 | 3 | 2 | 1 | n/o |
| 6. | Project Accomplishment
Comments: | 5 | 4 | 3 | 2 | 1 | n/o |
| 7. | Communication with Public
Comments: | 5 | 4 | 3 | 2 | 1 | n/o |
| 8. | Press Relations
Comments: | 5 | 4 | 3 | 2 | 1 | n/o |

9. Delivery of City Services

Comments:

5 4 3 2 1 n/o

10. Intergovernmental Relations

Comments:

5 4 3 2 1 n/o

11. Community Relations/Service

Comments:

5 4 3 2 1 n/o

Personal/Interpersonal Skills

1. Leadership

Comments:

5 4 3 2 1 n/o

2. Integrity

Comments:

5 4 3 2 1 n/o

3. Imagination

Comments:

5 4 3 2 1 n/o

4. Cooperation

Comments:

5 4 3 2 1 n/o

5. Diplomacy

Comments:

5 4 3 2 1 n/o

6. Decisiveness

Comments:

5 4 3 2 1 n/o

7. Judgment

Comments:

5 4 3 2 1 n/o

8. Loyalty

Comments:

5 4 3 2 1 n/o

9. Coping with Stress

Comments:

5 4 3 2 1 n/o

10. Adaptability

Comments:

5 4 3 2 1 n/o

11. Speaking Ability

Comments:

5 4 3 2 1 n/o

12. Writing Ability

Comments:

5 4 3 2 1 n/o

Overall Evaluation

Comments:

5 4 3 2 1 n/o

Submitted By: _____

Date: _____

**Performance Evaluation Form
Medford City Manager**

Confidential

Instructions: On a scale of 0 to 5, use your best judgment and intuition to score the following items. Avoid the 3's. Take a position. Confidentiality and honesty are key.

		Don't Know	Definitely not	Definitely yes	
I. Strategic Priorities					
1. Evidence of (List Goal)	0	1	2	3	4 5
Comments: _____					
2. Evidence of (List Goal)	0	1	2	3	4 5
Comments: _____					
3. Evidence of (List Goal)	0	1	2	3	4 5
Comments: _____					
4. Evidence of (List Goal)	0	1	2	3	4 5
Comments: _____					

In addition, what major issues, problems or objectives, not envisioned or anticipated in the strategic priorities, has the City Manager either accomplished or made significant progress toward?

Don't Know Definitely not Definitely yes

II. Skills and Abilities

1. Problem Solving. Identifies challenges, opportunities, and problems clearly and analyzes a range of possible actions or responses. 0 1 2 3 4 5

Comments: _____

2. Communication. Communicates policy issues, ideas, resources and information to the Council and Mayor in a timely and complete manner. 0 1 2 3 4 5

Comments: _____

3. Decision-making. Has the vision, confidence and will to make decisions in the best long-term interest of the community. 0 1 2 3 4 5

Comments: _____

4. Results. Delivers consistent, high quality results. Commitments are met in a timely way. Patterns of action are productive rather than Symptomatic of deeper issues. 0 1 2 3 4 5

Comments: _____

From your perspective, what would improve the decision-making process in City Hall?

III. Relationships

Don't Know Definitely not Definitely yes

1. Mayor and City Council. Provides professional support to the Mayor and City Council and supplies them with professional judgments on matters affecting the city.

0 1 2 3 4 5

Comments: _____

2. Community. Builds positive relationships with the community, including businesses, non-governmental organizations, citizen groups and citizens at large.

0 1 2 3 4 5

Comments: _____

IV. Leadership and Management

1. Positive Change. Introduces, develops and implements new ideas that contribute toward positive change.

0 1 2 3 4 5

Comments: _____

2. Objectives, Standards, Continuous Improvement. Establishes well-developed performance objectives and standards for city management that are widely understood. There is an ongoing evaluation process for other members of the city management team which create a culture that encourages continuous improvement.

0 1 2 3 4 5

Comments: _____

3. Financial Management. Exercises sound fiscal and financial management practices leading to efficient and effective use of resources. Resources are allocated to achieve the city's annual goals.

0 1 2 3 4 5

Comments: _____



**CITY OF FAIRVIEW
PERFORMANCE EVALUATION
CITY ADMINISTRATOR**

PURPOSE

The purpose of the employee performance evaluation and development report is to increase communication between the City Council and the City Administrator concerning the performance of the City Administrator in the accomplishment of his/her assigned duties and responsibilities, and the establishment of specific work-related goals and objectives.

PROCESS

The City Council shall conduct an annual review and evaluation of the City Administrator's work performance. The results of such evaluation shall commend areas of good performance and point out areas for improvement. It can also be the basis for contract extension and compensation decisions by the City Council.

1. If the criteria, standards and policy directives change, a public process is to be followed as outlined in ORS 192.660(1) (i).
2. Evaluation forms are distributed to all Council members.
3. The City Administrator prepares a memorandum to the Council including his/her self-evaluation in a narrative format.
4. Each Council member completes the form, signs, dates and returns to the Mayor.
5. The Mayor and Council President tabulate the results of the evaluation forms. The Mayor and the Council President summarize the results of the evaluation forms as submitted.
6. A composite evaluation form and the City Administrator's self-evaluation are distributed to the Council prior to the executive session evaluation meeting.
7. The Council meets with the City Administrator in executive session to review the evaluation, unless the City Administrator requests an open hearing.

INSTRUCTIONS

Review the City Administrator's work performance for the entire period; try to refrain from basing judgment on recent events or isolated incidents only. Disregard your general impression of the City Administrator and concentrate on one factor at a time. Evaluate the City Administrator on the basis of standards you expect to be met for the job to which assigned considering the length of time in the job. Check the number which most accurately reflects the level of performance for the factor appraised using the rating scale described below. If you did not have an opportunity to observe a factor during this evaluation period, please indicate so in the N/O column next to the factor.

**CITY ADMINISTRATOR
PERFORMANCE EVALUATION**

DATE: _____

RATING SCALE DEFINITIONS (1-5)

Unsatisfactory (1)

The employee's work performance is inadequate and definitely inferior to the standards of Performance required for the job. Performance at this level can not be allowed to continue.

Improvement Needed (2)

The employee's work performance does not consistently meet the standards of the position. Serious effort is needed to improve performance.

Meets Job Standards (3)

The employee's work performance consistently meets the standards of the position.

Exceeds Job Standards (4)

The employee's work performance is frequently or consistently above the level of a satisfactory employee, but has not achieved an overall level of outstanding performance.

Outstanding (5)

The employee's work performance is consistently excellent when compared to the standards of the job.

N/O

No Opinion.

I. PERFORMANCE EVALUATION AND ACHIEVEMENTS

1. City Council Relationships

A. Effectively implements policies and programs approved by the City Council.	1___ 2___ 3___ 4___ 5___ N/O___
B. Reporting to the City Council is timely, clear, concise and thorough	1___ 2___ 3___ 4___ 5___ N/O___
C. Accepts direction/instructions in a positive manner	1___ 2___ 3___ 4___ 5___ N/O___
D. Effectively aids the City Council in establishing long range goals.	1___ 2___ 3___ 4___ 5___ N/O___
E. Keeps the City Council informed of current	

plans and activities of administration and new developments in technology, legislation, governmental practices and regulations, etc.	1___ 2___ 3___ 4___ 5___ N/O___
F. Provides the City Council with clear reports of anticipated issues that could come before the City Council.	1___ 2___ 3___ 4___ 5___ N/O___
G. Assists the City Council in resolving problems at the administrative level to avoid unnecessary Council action	1___ 2___ 3___ 4___ 5___ N/O___
H. Council agenda packet preparation is thorough and timely	1___ 2___ 3___ 4___ 5___ N/O___
I. Participates in City Council discussions and makes recommendations where appropriate, but allows the Council to make policy decisions without exerting undue pressure.	1___ 2___ 3___ 4___ 5___ N/O___

Comments:

2. Community/Public Relations

A. Represents City with positive outlook and image	1___ 2___ 3___ 4___ 5___ N/O___
B. Is courteous to public at all times	1___ 2___ 3___ 4___ 5___ N/O___
C. Seeks to use criticism of self or City in positive ways	1___ 2___ 3___ 4___ 5___ N/O___
D. Maintains effective relations with media representatives	1___ 2___ 3___ 4___ 5___ N/O___
E. Available and visible to citizens	1___ 2___ 3___ 4___ 5___ N/O___
F. Open to suggestions from the public concerning improvements in services	1___ 2___ 3___ 4___ 5___ N/O___
G. Resolves citizen complaints consistent with Council policy in a timely manner	1___ 2___ 3___ 4___ 5___ N/O___
H. Open and honest with citizens	1___ 2___ 3___ 4___ 5___ N/O___
I. Development of community correspondence and events to inform and involve the public	1___ 2___ 3___ 4___ 5___ N/O___

Comments:

3. Effective Leadership of Staff

A. Encourages Department Directors to make decisions within their own jurisdiction without City Administrator approval, yet maintains general control of administrative operations.	1___ 2___ 3___ 4___ 5___ N/O___
B. Instills confidence and initiative in subordinates and emphasizes support rather than restrictive controls for their programs.	1___ 2___ 3___ 4___ 5___ N/O___
C. Provides clear expectations and assignments, with deadlines, for Department Directors and holds them accountable.	1___ 2___ 3___ 4___ 5___ N/O___
D. Has developed a friendly and informal relationship with the workforce as a whole, yet maintains the prestige and dignity of the City Administrator office.	1___ 2___ 3___ 4___ 5___ N/O___
E. Recruits and retains competent personnel for City positions	1___ 2___ 3___ 4___ 5___ N/O___
F. Provides an overall environment that encourages good employee morale, lessens employee turnover, and creates employee satisfaction in ability to participate in decision-making	1___ 2___ 3___ 4___ 5___ N/O___

Comments:

4. Fiscal Management

A. Prepares and proposes in a timely manner a balanced, understandable and realistic budget	1___ 2___ 3___ 4___ 5___ N/O___
B. Budget is well documented and organized to assist City Council with policy decisions	1___ 2___ 3___ 4___ 5___ N/O___

C. Seeks efficiency, economy and effectiveness in all programs	1___ 2___ 3___ 4___ 5___ N/O___
D. Controls expenditures in accordance with the approved budget	1___ 2___ 3___ 4___ 5___ N/O___
E. Keeps City Council informed about revenues and expenditures, actual and projected.	1___ 2___ 3___ 4___ 5___ N/O___
F. Makes sound decisions that consider cost/benefit	1___ 2___ 3___ 4___ 5___ N/O___
G. Shows innovation in reducing expenses	1___ 2___ 3___ 4___ 5___ N/O___

Comments:

5. Personal Traits

A. Controls emotions effectively in difficult situations	1___ 2___ 3___ 4___ 5___ N/O___
B. Is creative in developing practical solutions to problems faced in the course of work	1___ 2___ 3___ 4___ 5___ N/O___
C. Is flexible in accepting and adjusting to change	1___ 2___ 3___ 4___ 5___ N/O___
D. Demonstrates personal honesty and frankness in day-to-day relationships.	1___ 2___ 3___ 4___ 5___ N/O___
E. Seeks to improve own skills and knowledge	1___ 2___ 3___ 4___ 5___ N/O___
F. Completes work in acceptable time periods	1___ 2___ 3___ 4___ 5___ N/O___
G. Anticipates problems and develops effective approaches for solving them	1___ 2___ 3___ 4___ 5___ N/O___
H. Invests sufficient efforts toward being diligent and thorough in the discharge of duties	1___ 2___ 3___ 4___ 5___ N/O___
I. Composure, appearance, and attitude fitting for an individual in his/her executive position.	1___ 2___ 3___ 4___ 5___ N/O___

Comments:

6. Communication

A. Written communications are clear, concise and accurate	1___ 2___ 3___ 4___ 5___ N/O___
B. Oral communications are clear, concise and expressed effectively	1___ 2___ 3___ 4___ 5___ N/O___
C. Keeps all City Councilors informed about important issues	1___ 2___ 3___ 4___ 5___ N/O___

Comments:

7. Decision Making

A. Attempts to obtain all available facts prior to making a decision	1___ 2___ 3___ 4___ 5___ N/O___
B. Is objective in decision making	1___ 2___ 3___ 4___ 5___ N/O___
C. Considers possible alternatives and their consequences before making a decision	1___ 2___ 3___ 4___ 5___ N/O___
D. Ability to reach timely decisions, and initiate action, without being compulsive	1___ 2___ 3___ 4___ 5___ N/O___
E. Uses common sense, tact and diplomacy	1___ 2___ 3___ 4___ 5___ N/O___
F. Notifies all affected parties prior to implementing decisions	1___ 2___ 3___ 4___ 5___ N/O___

Comments:

8. Intergovernmental Relationships

A. Represents City to intergovernmental bodies	1___ 2___ 3___ 4___ 5___ N/O___
B. Effective communication with local, regional, state and federal government agencies	1___ 2___ 3___ 4___ 5___ N/O___
C. Financial resources (e.g. cost sharing, grants,	

etc) from other organizations are pursued	1___ 2___ 3___ 4___ 5___ N/O___
D. Contributes to good government through participation in local, regional, and state committees and organizations	1___ 2___ 3___ 4___ 5___ N/O___
E. Lobbies effectively with legislators and state agencies regarding City programs and projects	1___ 2___ 3___ 4___ 5___ N/O___

Comments:

II. What have been the finest accomplishments of the City Administrator this past year?

III. What areas need the most improvement? Why? What constructive, positive ideas can you offer the City Administrator to improve these areas?

IV. SUMMARY RATING

Overall Performance Rating -Considering the results obtained against established performance standards as well as overall job performance, the following rating is provided:

- Unsatisfactory
- Improvement Needed
- Meets Job Standards
- Exceeds Job Standards
- Outstanding

Comments:

V. FUTURE GOALS AND OBJECTIVES

Specific goals and objectives to be achieved in the next evaluation period:

This evaluation was reviewed and discussed between the City Council and the City Administrator on: _____.

City Council

Concurrence

Mike Weatherby, Mayor

YES / NO

Larry Cooper, Council President

YES / NO

Barb Jones

YES / NO

Ken Quinby

YES / NO

Lisa Barton Mullins

YES / NO

Steve Owen

YES / NO

Rob Maricle

YES / NO

City Administrator

Joseph Gall

Next Evaluation Date

Memorandum

TO: Mayor Peter Truax and City Councilors

FROM: Michael Kinkade, Fire Chief
Michael Sykes, City Manager

DATE: June 14, 2010

SUBJECT: Fire Strategic Plan SWOT Analysis Exercise

The purpose of this work session exercise is gather input from stakeholders for the creation of a Fire Department Strategic Plan. The Fire Department is creating a strategic plan under direction from the City Manager, City Council and Rural Fire Board.

The exercise will consist of a SWOT analysis (strengths, weaknesses, opportunities and threats) to gather information from stakeholders on their perceptions of fire, emergency medical and rescue services and needs in the community. To date, SWOT analysis have been completed with career staff, volunteers, PSAC, administrative staff and the Forest Grove Rural Fire Protection District.

**FOREST GROVE CITY COUNCIL WORK SESSION
(EMERGENCY OPERATIONS PLAN AND BIOMASS ENERGY UPDATE)
MAY 24, 2010 – 5:45 P.M.
COMMUNITY AUDITORIUM
PAGE 1**

Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Peter Truax called the Work Session to order at 5:55 p.m. **ROLL CALL:**
COUNCIL PRESENT: Thomas BeLusko, Jr., Thomas Johnston, Camille Miller, Ronald Thompson, and Mayor Peter Truax. **COUNCIL ABSENT:** Victoria Lowe and Elena Uhing, excused. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Downey, Administrative Services Director; Michael Kinkade, Fire Chief; Kerry Aleshire, Police Chief; Janet Lonneker, Light and Power Director; and Bev Maughan, Executive Assistant to City Manager.

2. WORK SESSION: EMERGENCY OPERATIONS PLAN

Kinkade, Aleshire, and Sykes facilitated the work session, noting the purpose of the work session was to provide an overview of the City’s proposed Emergency Operations Plan, noting the proposed Plan would replace the existing Plan which was adopted in 1986. Staff reported the proposed Plan authorizes the City Manager to designate an Emergency Program Manager who is tasked to maintain and amend the Plan as necessary over the next four years, noting the Council and the Forest Grove Rural Fire Protection District will be asked to adopt the proposed Plan. Staff gave an overview of each section of the Plan, noting the Plan provides an overview of the preparedness and response strategies; describes expected hazards; outlines department roles and responsibilities; and explains how each jurisdiction will keep the Plan current, noting the Plan would be integrally linked to other Plans created by Washington County Office of Consolidated Emergency Management. Staff indicated the City’s proposed Plan also documents the guidelines and agreements that have been reached in order to integrate all emergency response systems into a program for comprehensive emergency management. In addition, staff noted the proposed Plan was created using the Federal Emergency Management Agency’s (FEMA) Comprehensive Preparedness Guide (CPG 101, March 2009). The CPG 101 integrates concepts from National Preparedness Guidelines (NPG), National Incident Management Systems (NIMS), National Response Framework (NRF), National Strategy for Information Sharing (NSIS), and National Infrastructure Plan (NIPP). In conclusion, staff affirmed the proposed Emergency Operations Plan complies with the criteria established by ORS, Chapter 401, and is divided in four phases: mitigation, preparedness, response and recovery.

Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued as staff gave an

**FOREST GROVE CITY COUNCIL WORK SESSION
(EMERGENCY OPERATIONS PLAN AND BIOMASS ENERGY UPDATE)
MAY 24, 2010 – 5:45 P.M.
COMMUNITY AUDITORIUM
PAGE 2**

overview of each section of the City's proposed Emergency Operations Plan. Staff addressed Council inquiries pertaining to the overall Plan and staff discussion ensued pertaining to the strategies established for utilizing all available resources for mitigating against, preparing for, responding to, and recovering from a natural or man-made emergency. In conclusion, staff indicated that a proposed ordinance requesting to formally adopt the proposed Plan would be presented for Council consideration at the next regular Council meeting of June 14, 2010.

3. WORK SESSION: BIOMASS ENERGY UPDATE

Lonneker, Downey, and Sykes facilitated the work session, noting the purpose of the work session was to provide an overview of the report titled "The Potential for Biomass Development in Northwest Oregon: Developing 25 megawatts of Biomass Fuel Energy near Forest Grove", noting the biomass assessment, transportation and facility analysis has been completed to determine the potential for biomass energy within 100 miles of Forest Grove. Staff reported the biomass assessment includes three categories of fuel: forest, agricultural and sawmill residues, and provides an estimate of the volumes of biomass available from 2013 to 2022. Staff outlined the findings for each fuel category, noting the assessment concluded that there is sufficient volume of materials to support a biomass facility and the potential to economically produce energy from biomass in Northwest Oregon; however, the most economical choice is to link with a partner who has bark residues and has a need for the process heat, because a stand alone power plant without cogeneration is the highest cost scenario.

Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued as staff gave an overview of the biomass assessment findings. Staff addressed Council inquiries pertaining to the overall biomass assessment and staff discussion ensued pertaining to potential locations of possible plants near Forest Grove and transportation analysis costs for transporting materials. In conclusion, staff indicated they would schedule a follow-up work session at a later date with Council to discuss if staff should proceed with conducting a financial feasibility study, which staff advised would be the next step in the process.

Council took no formal action nor made any formal decisions during the work session.

**FOREST GROVE CITY COUNCIL WORK SESSION
(EMERGENCY OPERATIONS PLAN AND BIOMASS ENERGY UPDATE)
MAY 24, 2010 – 5:45 P.M.
COMMUNITY AUDITORIUM
PAGE 3**

4. ADJOURNMENT

Mayor Truax adjourned the work session at 6:53 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

3B

**FOREST GROVE CITY COUNCIL REGULAR MEETING
MAY 24, 2010 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 1**

Minutes are unofficial until approved by Council.

1. **ROLL CALL:**
Mayor Peter Truax called the regular City Council meeting to order at 7:00 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas BeLusko, Jr., Thomas Johnston, Camille Miller, Ronald Thompson, and Mayor Peter Truax. **COUNCIL ABSENT:** Victoria Lowe and Elena Uhing, excused. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Downey, Administrative Services Director; Aaron Ashbaugh, Police Captain; Mandy Hayes, Police Support Unit Supervisor; James Reitz, Senior Planner; and Bev Maughan, Executive Assistant to City Manager.

2. **CITIZEN COMMUNICATIONS:** None.

3. **CONSENT AGENDA:** Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda item(s).
 - A. Approve City Council Work Session (Timber Harvest and Water Revenue) Meeting Minutes of May 10, 2010.
 - B. Approve City Council Regular Meeting Minutes of May 10, 2010.
 - C. Community Development Department Monthly Building Activity Informational Report for April 2010.
 - D. Library Department Monthly Circulation Statistics Report for May 2010.
 - E. Accept Parks and Recreation Commission Meeting Minutes of March 17, 2010.
 - F. Accept Public Arts Commission Meeting Minutes of April 8, 2010.
 - G. **RESOLUTION NO. 2010-36 AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND WASHINGTON COUNTY FOR MAJOR STREETS IMPROVEMENT PROGRAM FUNDS (MSTIP3) FOR B STREET TRAIL IMPROVEMENT.**

**FOREST GROVE CITY COUNCIL REGULAR MEETING
MAY 24, 2010 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 2**

MOTION: Councilor BeLusko, Jr., moved, seconded by Councilor Miller, to approve the Consent Agenda as presented. NOES: None. ABSENT: Councilor Lowe and Councilor Uhing. MOTION CARRIED 5-0 by voice vote.

4. ADDITIONS/DELETIONS: None.

5. PRESENTATION:

Washington County Partners for a Hunger-Free Oregon

Judith Auslander, MA, Senior Supplemental Nutrition Assistance Program (SNAP) Outreach Coordinator, presented a PowerPoint presentation outlining how hunger affects seniors and how SNAP can help, noting SNAP helps seniors buy healthy groceries when they are going through a financial hardship and SNAP also provides assistance for monthly telephone expenses and provides coupons to use at farmers' markets to purchase fresh fruit and vegetables. In conclusion, Auslander distributed pamphlet material and asked Council to help spread the word by telling others about the Senior Supplemental Nutrition Assistance Program.

6. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2010-03 ADOPTING PROVISIONS TO REGULATE SHOPPING CARTS, AMENDING FOREST GROVE CODE, CHAPTER 5, PUBLIC PROTECTION, BY ADDING NEW CODE SECTION 5.236, SHOPPING CARTS

Staff Report:

Reitz presented the above-proposed ordinance, noting the purpose of the proposed ordinance is to adopt provisions regulating retrieval and disposal of abandoned shopping carts and setting a fine for noncompliance. Reitz reported the 2007 legislature passed Senate Bill 645 authorizing local government agencies to adopt regulations prohibiting unauthorized removal of shopping carts from business premises or parking areas. In 2009, the legislature passed Senate Bill 533 authorizing local government agencies to assess penalties to shopping cart owners who do not comply with the local ordinance. Reitz explained the proposed program requires each shopping cart to be posted with contact information and requires retrieval of an abandoned shopping cart within 72 hours, noting the proposed ordinance allows staff to take custody of an abandoned shopping cart after 72 hours and sets a \$50 release fine per shopping cart. In conclusion, Reitz reported staff provided copies of the proposed

**FOREST GROVE CITY COUNCIL REGULAR MEETING
MAY 24, 2010 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 3**

ordinance to the Chamber of Commerce and managers of the four stores located in Forest Grove who have shopping carts, noting staff received two responses citing no objections to the proposed ordinance (refer below to written testimony).

Questions of Staff:

In response to Johnston's inquiry pertaining to custody of abandoned shopping carts, Reitz explained the shopping carts would be stored by the City and not be held as police evidence. In response to Johnston's inquiry pertaining to budgetary line item, Sykes explained the fines assessed for releasing abandoned shopping carts would go directly into the General Fund.

In response to Miller's inquiry pertaining to a complaint-driven process, Reitz explained that currently, staff handles code enforcement issues on a daily basis as well as complaint-driven.

Before proceeding with Council discussion and Public Hearing, Mayor Truax asked for a motion to adopt Ordinance No. 2010-03.

Sykes read Ordinance No. 2010-03 by title for first reading.

MOTION: Councilor Miller moved, seconded by Councilor Thompson, to approve Ordinance No. 2010-03 Adopting Provisions to Regulate Shopping Carts, amending Forest Grove Code, Chapter 5, Public Protection, by adding New Code Section 5.236, Shopping Carts.

The second reading of Ordinance No. 2010-03 by title and final vote will occur at the meeting of June 14, 2010.

Public Hearing Opened:

Mayor Truax opened the Public Hearing.

Written Testimony Received:

Reitz referenced two e-mails received from Goodwill Industries of the Columbia Willamette, dated April 13 and May 5, 2010, noting Goodwill advised they are already in compliance with the proposed ordinance and have no objection.

**FOREST GROVE CITY COUNCIL REGULAR MEETING
MAY 24, 2010 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 4**

Proponents:

Teri Koerner, Forest Grove Chamber of Commerce Executive Director, testified on behalf of the Chamber Board of Directors, noting the Board approves and supports the proposed ordinance.

No one else testified and no other written comments were received.

Opponents:

No one testified and no other written comments were received.

Others:

No one testified and no other written comments were received.

Public Hearing Recessed:

Mayor Truax recessed the Public Hearing to the next Council meeting of June 14, 2010.

7. **PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2010-04 ADOPTING PROVISIONS IMPLEMENTING A POLICY FOR ACCESS TO AND USE OF CRIMINAL RECORDS, AMENDING FOREST GROVE CODE CHAPTER 2, GENERAL PROVISIONS, BY ADDING NEW CODE SECTION 2.400 THROUGH 2.425 RELATING TO CRIMINAL RECORDS CHECK**

Staff Report:

Ashbaugh and Hayes presented the above-proposed ordinance, noting the purpose of the proposed ordinance is to adopt provisions implementing a policy for access to and use of criminal records. Staff reported the City currently does not have an existing Code policy that gives the Police Department the authority to conduct criminal and/or driver record checks on individuals who apply for licensure or other non-police-related employment, noting the Oregon State Police requires agencies who have a Law Enforcement Data System (LEDS) computer terminal to have an adopted policy pursuant to ORS that gives the governing body the legal basis to access and use the criminal history information that is accessible through LEDS.

Questions of Staff:

In response to BeLusko's inquiry pertaining to conducting random employee

**FOREST GROVE CITY COUNCIL REGULAR MEETING
MAY 24, 2010 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 5**

criminal history record checks, Ashbaugh explained the Police Department does not conduct random record checks on its employees unless it is for promotional purposes; however, the Human Resources Department may conduct record checks on City employees pursuant to other reasons and/or requirements.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2010-04.

Sykes read Ordinance No. 2010-04 by title for first reading.

MOTION: Councilor Johnston moved, seconded by Councilor Miller, to approve Ordinance No. 2010-04 Adopting Provisions Implementing a Policy for Access To and Use of Criminal Records, Amending Forest Grove Code Chapter 2, General Provisions, by adding New Code Section 2.400 through 2.425 Relating to Criminal Records Check.

The second reading of Ordinance No. 2010-04 by title and final vote will occur at the meeting of June 14, 2010.

Public Hearing Opened:

Mayor Truax opened the Public Hearing.

Written Testimony Received:

No written testimony was received.

Proponents:

No one testified and no written comments were received.

Opponents:

No one testified and no written comments were received.

Others:

No one testified and no written comments were received.

Public Hearing Recessed:

Mayor Truax recessed the Public Hearing to the next Council meeting of June 14, 2010.

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8. **PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2010-05 ADOPTING PROVISIONS IMPLEMENTING LIQUOR LICENSE ISSUANCE REVIEW GUIDELINES, AMENDING FOREST GROVE CODE CHAPTER 7, BUSINESS, BY ADDING NEW CODE SECTION 7.800 THROUGH 7.815 RELATING TO LIQUOR LICENSE ISSUANCE**

Staff Report:

Sykes presented the above-proposed ordinance, noting the purpose of the proposed ordinance is to adopt provisions implementing a policy for issuance and renewal of liquor licenses. Sykes reported the City currently does not have an existing Code policy that outlines the City's liquor license review guidelines, noting the Oregon Liquor Control Commission (OLCC) allows governing bodies to adopt liquor license review guidelines pursuant to ORS and allows governing bodies to establish fees that are reasonable and necessary to pay expenses for processing the City's written recommendation. In conclusion, Sykes noted the review guidelines allow the City to render sufficient information so that staff may submit an informed recommendation to Council for decision-making to grant, deny, or restrict a liquor license in the City.

Questions of Staff:

In response to Thompson's inquiry pertaining to issuance of special event liquor permits, Sykes referenced proposed Code Section 7.815, which outlined the review guidelines for special events.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2010-05.

Sykes read Ordinance No. 2010-05 by title for first reading.

MOTION: Councilor Johnston moved, seconded by Councilor Miller, to approve Ordinance No. 2010-05 Adopting Provisions Implementing Liquor License Issuance Review Guidelines, amending Forest Grove Code Chapter 7, Business, by adding New Code Section 7.800 through 7.815 Relating to Liquor License Issuance.

The second reading of Ordinance No. 2010-05 by title and final vote will occur

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at the meeting of June 14, 2010.

Public Hearing Opened:

Mayor Truax opened the Public Hearing.

Written Testimony Received:

No written testimony was received.

Proponents:

Teri Koerner, Forest Grove Chamber of Commerce Executive Director, testified on behalf of the Chamber Board of Directors, noting the Board approves and supports the proposed ordinance.

No one else testified and no written comments were received.

Opponents:

No one testified and no written comments were received.

Others:

No one testified and no written comments were received.

Public Hearing Recessed:

Mayor Truax recessed the Public Hearing to the next Council meeting of June 14, 2010.

9. PUBLIC HEARING AND RESOLUTION NO. 2010-37 DESIGNATING COMMUNITY ENHANCEMENT PROGRAM (CEP) PROJECTS FOR FISCAL YEAR 2010-11

Staff Report:

Downey presented the above-proposed resolution designating the 2010-11 Community Enhancement Program (CEP) projects and funding levels based on Council consensus at the meeting held May 10, 2010. Downey reported the City received 21 applications for a total of \$101,157, and Council allocated \$75,869 of CEP Funds. Downey noted in the past, Council has used the estimated funds received from Metro and up to 25 percent of the CEP Fund Reserves to fund projects. Downey advised that for Fiscal Year 2010-11, the Council collectively concurred to use the same formula, plus an additional \$1,069 from reserves to

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fund all projects at 75 percent of the requested amount, noting the percentage of CEP Fund Reserves to be used for Fiscal Year 2010-11 would be 28 percent. In conclusion, Downey affirmed that Metro received a Public Hearing Notice as required.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2010-37.

Sykes read Resolution No. 2010-37 by title.

MOTION: Councilor Miller moved, seconded by Councilor Thompson, to adopt Resolution No. 2010-37 Designating Community Enhancement Program (CEP) Projects (attached as Exhibit A) for Fiscal Year 2010-11.

Public Hearing Opened:

Mayor Truax opened the Public Hearing.

Proponents:

No one testified and no written comments were received.

Opponents:

No one testified and no written comments were received.

Others:

No one testified and no written comments were received.

Public Hearing Closed:

Mayor Truax closed the Public Hearing.

Council Discussion:

Johnston suggested appointing a sub-committee to review the CEP process, to which Mayor Truax concurred as well as other Council members, noting he would prepare a list of suggested names for Council consideration.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the above motion.

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ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Johnston, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. ABSENT: Councilor Lowe and Councilor Uhing. MOTION CARRIED 5-0.

10. **RESOLUTION NO. 2010-38 AUTHORIZING THE EXPENDITURE OF GRANT FUNDS FOR BUILDING LEASES IN THE GENERAL FUND AND FORFEITURE PROCEEDS IN THE FORFEITURE SHARING FUND**

Staff Report:

Downey presented the above-proposed resolution authorizing expenditure of grant funds for building lease and expenditure of forfeiture proceeds for computer equipment, noting the City is leasing space to WorkSource Employment Center and paying leasing expenses through a federal grant received from Portland Community College, and the Police Department is purchasing computer equipment to connect to the Portland Police Data System (PPDS) and paying related expenses using forfeiture proceeds. Downey advised there is no fiscal impact for the WorkSource Employment Center, and the costs to switch to PPDS would add approximately \$3,000 per year in additional licensing costs to the Police Department's budget. In conclusion, Downey advised that pursuant to budget law, the funds needed to be appropriated before the funds could be expended.

Before proceeding with the Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2010-38.

Sykes read Resolution No. 2010-38 by title.

MOTION: Councilor Miller moved, seconded by Councilor BeLusko, Jr., to adopt Resolution No. 2010-38 Authorizing the Expenditure of Grant Funds for Building Leases in the General Fund and Forfeiture Proceeds in the Forfeiture Sharing Fund.

Council Discussion:

Hearing no discussion from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Johnston, Miller, Thompson,

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Uhing, and Mayor Truax. NOES: None. ABSENT: Councilor Lowe and Councilor Uhing. MOTION CARRIED 5-0.

11. **CITY MANAGER'S REPORT:**

Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and events. Sykes reminded Council of the upcoming Joint Work Session (Urban Growth Expansion) with the Planning Commission scheduled for Monday, June 7, 2010. Sykes provided information on the upcoming Tualatin Basin and Clean Water Services tours. Sykes announced the ribbon cutting ceremony for the Recreational Vehicle Dump Station, located at the Forest Grove Elks, is scheduled for June 18, 2010. Sykes announced that Jack Hammond, City Attorney's Office, is retiring. In conclusion, Sykes reported on various meetings he attended and provided updates on various City department-related activities and projects.

12. **COUNCIL COMMUNICATIONS:**

BeLusko reported on the Parks and Recreation Commission meeting, noting a boy scout volunteer is installing fencing at Thatcher Park; thus, saving the City monies. BeLusko reported on the Public Arts Commission meeting, noting the PAC is reviewing the art acquisitions. In conclusion, BeLusko reported on various meetings he attended and upcoming meetings he was planning to attend.

Johnston reported on the Washington County proposed public safety levy and library levy, noting both levies are planned for the November ballot. In conclusion, Johnston reported on various meetings he attended and upcoming meetings he was planning to attend.

Lowe was absent.

Miller reported on various meetings and events she attended; various upcoming community-related events; and various upcoming meetings she was planning to attend.

Thompson reported on the Community Forestry Commission (CFC) meeting, noting CFC plans to raise additional funds to complete its Community Enhancement Program grant project and is conducting pruning demos at its

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booth located at the Farmers' Market. In conclusion, Thompson reported on Ride Connection-related activities and upcoming meetings he was planning to attend.

Uhing was absent.

Mayor Truax reported on various local, regional, Metro, and Washington County meetings he attended and reported on various upcoming meetings and community-related events he was planning to attend. In conclusion, Mayor Truax provided an update on the results of the Primary Election, held May 18, 2010, and clarified that the Washington County proposed public safety levy and library levy are continuation of existing levies.

13. ADJOURNMENT:

Mayor Truax adjourned the meeting at 8:17 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder



APPROVED

Members Present: George Cushing, Kevin Kamberg, Claude Romig, Holly Tsur, Larry Wade, Margie Waltz-Actor
Members Excused: Neil Poulsen
Staff Present: James Reitz
Council Liaison: Elena Uhing
Citizens Present: Sara Paulson, Libby Provost

1. **Call to Order:** In Poulsen's absence, Kamberg called the meeting to order at 6:05 p.m. **The March 23, 2010 meeting minutes were approved with minor corrections.**

2. **Citizen Communication:** None.

3. **Action Items/Discussion:**

(a) **Walker's/Naylor's Update Project:** Sara Paulson and Libby Provost work with Kim Fitzgerald and were present in her absence. They advised that although they were primarily researchers they had been thoroughly briefed on the immediate steps required to proceed with the application. Fitzgerald has spoken extensively with SHPO staff and they had offered their early involvement in the review process. Fitzgerald and her team have completed the basic application and sent it by e-mail to the Board for review, corrections and suggestions. They expect to send SHPO an initial draft of the application in early May. The Board asked many questions of Paulson and Provost to determine if the application process should be postponed due to Fitzgerald's temporary inability to be actively involved. Paulson and Provost assured the Board that the application was far enough along (essentially completed) that they would be able to do any of the remaining work required. They said that by the May 25 meeting they would have a more complete draft done including photos, and from that they could develop a presentation for the City Council's June meeting. This would enable a July submission to SHPO for review by the SACHP in October. The Board decided to review the application's status in May, and then decide whether to proceed or push out the submittal four months for review by the SACHP at its February 2011 meeting. They offered to help Paulson and Provost and asked them to contact Reitz for any help and he would forward requests onto the Board.

(b) **CEP Grant Application:** Uhing reported that Poulsen had presented to the Council and done an excellent job. She advised that the budget to spend this year was about \$74,000 and there were 21 applications.

(c) **Spring (May) Newsletter:** Romig said he was working with a Pacific University student who had done an article on the University Luau and he would edit that information into the May issue. Wade said he was working on a 30th Board anniversary article for the Summer issue. Cushing said he hoped to have completed an obituary article for the Fall issue.

(d) **Preservation Month Events/Eric Stewart Award:** After discussing possible recipients **Waltz-Actor/Cushing moved that the 2010 Stewart Award should go to the Committee for the Preservation of the A. T. Smith House Committee for their work in purchasing the house and paying off both mortgages. Motion carried unanimously.** It was also noted that the committee was disbanding and that future care of the house would be left to the Friends of Historic Forest Grove.

(e) **Board Retreat / Goal Setting:** Uhing advised that the City Manager has offered use of the auditorium for the retreat. He also offered to conduct a SWOT analysis with the Board to facilitate our goal setting. After noting that the SWOT might take several hours, Cushing suggested splitting the SWOT and goal setting into two shorter evening

sessions rather than one longer one; it might be less of a conflict with Board member's personal time. He noted that he now worked Saturdays so for him to attend would mean taking time off work. Discussion of the SWOT analysis and possible scheduling for the retreat will continue via e-mail for a decision at the May meeting.

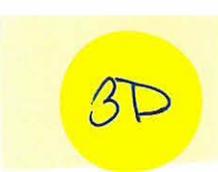
- (f) **Website Enhancements:** Tsur updated the Board on her research about window restoration and preservation as well as window replacement versus cost savings compared to other energy-saving expenditures. She is trying to find a definitive comparison or statements from authoritative sources. Wade suggested the Board consider hosting a forum on window replacement including architectural issues such as design, egress, etc. with non-removable storm windows.

4. Old Business/New Business:

- **Council Liaison Update:** Uhing reported that the Council was working on the budget.
- **A. T. Smith House:** Waltz-Actor noted that the Smith house committee was disbanding and that both mortgages had been paid off.
- **Staff Update:** Reitz reported that the school district was developing projects for a potential bond election later this year. One possible project would be to replace historic windows in Central School. The district's representatives were advised that the project would need to be reviewed and approved by the Board.
- **Design Guidelines:** Wade requested that future agendas include an update on progress toward adopting the design guidelines.
- **May 25 Meeting Agenda:** An update on the Walker's/Naylor's nomination, Summer issue newsletter, retreat planning, and a CEP grant application update.

5. Adjournment: The April 27, 2010 meeting adjourned at 7:57 p.m.

These minutes respectfully submitted by George Cushing, Secretary



APPROVED

**PLANNING COMMISSION MEETING MINUTES
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1. CALL TO ORDER:

Co-Chairman Miller called the meeting to order at 7:06 p.m.
Planning Commission Present: Carolyn Hymes, Fred Smith, Al Miller, Lisa Nakajima, Luann Arnott and Charles Kingston.
Absent: Tom Beck
Staff Present: Jon Holan, Community Development Director; James Reitz, Senior Planner; Marcia Phillips, Assistant Recorder.
City Attorney: Chris Crean

2. PUBLIC MEETING:

2.1 PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS: None.

2.2 PUBLIC HEARING:

A. Proposed Comprehensive Plan Amendment CPA-09-01 and Zone Change Map Amendment ZC-09-01 to redesignate 1.15 acres of land from Community Commercial plan and zoning designation to Medium Density Residential for purposes of expanding the Rose Grove Mobile Home Park. The subject site is located adjacent and north of Pacific Avenue at 4015 Pacific Avenue, Washington County Tax lot 1N332D-1400. (The applicant’s representative was granted a continuance to March 15, 2010.)

Co-chairman Miller opened the public hearing, read the hearing procedures, and asked for disclosure of any conflicts of interest, ex-parte contacts, bias or abstentions. There were none, and no objections from the audience. Miller called for the staff report.

Mr. Reitz stated that staff received a fax from Dean Sandow whose firm represents the Rose Grove Mobile Home Park. A copy was given to each of the commissioners. Reitz said staff had nothing further to say other than what is in the staff report, which addresses each criterion. Reitz explained that there was a typo on the agenda, and the acreage should be 1.15 acres.

Co-Chairman Miller requested that Mr. Reitz go through the conclusions in the staff report.

Mr. Reitz stated that the City of Forest Grove, like other jurisdictions, must go through Periodic Review, which is a time for review and analysis. Reitz said during the review, questions are asked about where we are today and where we might be thirty years from now. In the staff report, staff made reference to Economic Opportunity Analysis (EOA), which is available in its entirety for review. Reitz explained that staff referred to the EOA to determine how the goals apply to this application. Reitz said staff listed each goal, and then did an analysis to determine

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how state goals and city goals apply to this application. Reitz said there are some goals the application meets and there are some goals it does not meet, and it is the same with the city's Development Code. Reitz said the EOA was used as a reference, and the EOA indicates that there appears to be enough room to accommodate residential growth in Forest Grove for the next twenty years. Mr. Reitz stated that on the whole staff determined that the application did not meet criteria for the Comprehensive Plan Amendment and Development Code Zoning Map Amendment.

(7:21 pm)

Mr. Holan said it could be argued that the Multi-family Residential Low Density Zoning criteria could be met. Holan said staff agrees it could meet that criteria, but it meets the Community Commercial Zone criteria better; accessibility to traffic, access to mass transit, and within walking distance of high density residential. Holan said the size of the city's commercial area is consistent with market demands, and has access to full urban services. Holan stated that based on locational criteria the site in question is better suited with Community Commercial designation.

APPLICANT: Roger Alfred, Perkins Coie 1120 NW Couch, 10th floor, Portland, OR 97209. Mr. Alfred explained that he was standing in for the applicant's attorney, Michael Robinson. Alfred said the city granted site approval for a recreational vehicle park on a portion of the Rose Grove Mobile Home Park. Alfred stated that the approval expired, and the city granted a one year extension. Alfred explained that the applicant decided it would be a better use to expand the mobile home park. Alfred said a rezone to Residential Multi-Family Low Density would allow multi-family homes. Alfred added that a traffic study shows the number of trips to a residential zone would be less than to the commercial zone.

(7:30 pm)

Mr. Alfred said the goals and policies in Chapter Nine of the Comprehensive Plan state there is a need for affordable housing, and the fourteen homes on this site would meet that goal. Alfred stated that the city has not adopted the EOA as part of the Comprehensive Plan, so the EOA cannot be relied upon until it is adopted. Alfred stated that case law is pretty clear that until this process is completed and the EOA has been accepted by LCDC, it cannot be used as a guide for quasi-judicial applications such as this. Alfred gave the Rosemont case as an example.

Mr. Alfred stated that there are fewer locational criteria for the Residential Multi-Family Low Density (RML) zone district than the Community Commercial zone district, and the application meets those criteria. The applicant believes this is an appropriate use for this site. Alfred said his understanding is, whether or not this application is approved, the applicant will proceed with the RV park.

OPPONENT:

Scott Mary, Owner of Best Western Motel/Inn, 61547 Tom McArthur Loop,

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Bend, OR 97002. Mr. Mary stated that he sent staff a letter via email (Handout # 1) from his attorney who is representing BDS, LLC, the owner of the Best Western University Inn and Suites located at 3933 Pacific Avenue.

Mr. Reitz said a copy of the email was given to each of the Planning Commissioners.

Mr. Mary said the Rose Grove Mobile Home Park is currently zoned Community Commercial, and the owner of the mobile home park has requested a zone change from Community Commercial to Residential Multi-Family Low Density. Mary said the owner has twenty acres of mobile homes, and has been given approval for an RV park. Mary encouraged the Commissioners to remember that this site is critical to Forest grove, and should remain Community Commercial for the same reasons a zone change was denied in 2008.

(7:40 pm)

Mr. Mary said that in the RV Park approval agreement, the RVs are allowed to stay only thirty days, and Mr. Mary expressed his concern about who will enforce the time limit. Mary stated that, as a friendly neighbor, he does not want to enforce the 30-day stay. Mary stated that a certain criteria was used in the selection of the site for the hotel, and if it had been know there was even a hint of more mobile homes being allowed next door, they would have looked at a different site. Mary explained that it took a great deal to get this site for the hotel approved, because there are mobile homes on two sides. Mary said expansion of the mobile home park could put the hotel out of business. Mr. Mary encouraged the Commissioners to consider the highest and best use of the applicant's site. Mary said the Commissioners should consider what the entrance to Forest Grove will look like in twenty years if the application for rezone is approved. Mr. Mary said Forest Grove should deny the application and remain with the original zoning designation.

Teri Kroener, Executive Director F.G. Chamber of Commerce, 2417 Pacific Avenue, Forest Grove, OR 97116.

Ms. Kroener said she wanted to speak in opposition to the zone change, especially because this site is located in the Community Commercial zone. Kroener said Forest Grove has need for small parcels of commercial and industrial land. Ms. Kroener said surrounding property owners and members of the Chamber of Commerce are opposed to the rezone.

REBUTTAL: Mr. Alfred stated he disagreed that this is an eyesore. Alfred said if a piece of property is purchased next to an undeveloped lot, the purchaser takes his chances as to what will develop there. Alfred said it was purely speculation that extending the mobile home park will put the hotel out of business. Mr. Alfred stated that the application for rezone meets State Goal 10, and City Goals 1, 2 and 3, and asked the Planning Commission to approve the application.

Co-Chairman Miller closed the public hearing at 7:49 p.m.

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COMMISSION DISCUSSION:

Commissioner Kingston said he would like to hear from staff regarding the Economic Opportunity Analysis.

Mr. Crean said he was reluctant to make a statement without time to do research, but there may be sufficient distinction. Crean said it is staff's job to gather information and present the information to the Planning Commission, and staff was aware of the recent analysis. Crean said he must reserve judgement whether the Rosemont case applies here. Crean stated that without having looked in detail, there is sufficient distinction from the Rosemont case that may apply here. Crean said the Planning Commission can make its own determination regarding land use.

(7:45 pm)

Mr. Holan stated that the applicant has made a case for the need for more affordable housing. Holan said from staff's point of view there may be a future need, but there is currently enough potential capacity to meet projected affordable housing needs.

Commissioner Nakajima said the Community Commercial zone is Forest Grove's key commercial area, and the city has a limited amount of land zoned for commercial use. Nakajima stated that the RV Park is of a more commercial nature than an extension of the mobile home park would be. Nakajima said granting approval of the rezone for the mobile home park would not be consistent with prior decisions made on this property. Nakajima stated that the city has several approved developments that were supposed to be affordable housing that have not yet been built out.

Commissioner Arnott agreed with Commissioner Nakajima.

Commissioner Hymes said when a change like this is made based on need it is not always good, and there is not a need.

Commissioner Nakajima made a motion to deny the application for Comprehensive Plan Amendment CPA-09-01 and Zone Change Map Amendment ZC-09-01 to redesignate 1.15 acres of land from Community Commercial to Medium Density Residential for the purpose of expansion of the Rose Grove Mobile Home Park. Commissioner Kingston seconded. Motion to deny passed 6-0.

2.3 **ACTION ITEMS:** None.

2.4 **WORK SESSION ITEMS:** Training for Planning Commissioners with the

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City's Land Use Attorney, Chris Crean.

(8:01 pm)

Mr. Crean had provided the Planning Commissioners with two handouts for review, and stated that most of the time would be spent on Types of Land Use Decisions and Findings and Conditions of Approval.

Crean: The Planning Commission makes two kinds of decisions: quasi judicial and legislative. In a quasi-judicial decision the Commission applies regulations to the application. A legislative decision is policy based. The 120-day rule states that the city must make a decision within 120 days of the date of application. If an application meets criteria it is quasi judicial, and notice must be sent to adjacent property owners within a three hundred foot radius of the site. None of these procedures apply to legislative decisions, although the city may chose to send out a notice because it is good to inform people.

Crean: In the judicial process the applicant is allowed to present evidence and rebut. This is why evidence cannot be submitted after the public hearing is closed others cannot comment. The city has four types of land use applications. Type 1 – clear criteria are met, no notice is sent, the application is totally handled by staff. Type 2 – Director's determination for applications such as subdivisions or site review for a new home or building. Notice is sent to adjacent property owners, people can submit comments, and notice is sent to people who commented. If appealed it goes to the Planning Commission, and is called a De Novo hearing. At the first evidentiary hearing issues and evidence cannot be limited. When the appeal goes to City Council, the Council is presented with the record and that is all they can look at. The Council cannot look at any new evidence. In a quasi judicial decision Planning Commission decisions must be based on criteria. Commissioners cannot bring their own personal bias to the Planning Commission. Commissioners must disclose the following: ex parte evidence that others have not heard, conversations (so everyone can hear the evidence), newspaper articles read, even site visits should be disclosed. Conversations with staff are not considered ex parte. If disclosed, you are insulated from appeal. Type 3 – Planning Commission decision on a land use permit. These are typically quasi-judicial decisions. An example would be a conditional use permit. These decisions can be appealed to the City Council. Type 4 – City Council decisions with recommendations from the Planning Commission. All legislative decisions are Type 4 process and some quasi-judicial proceedings can be as well. An example would be a zoning text or map amendment. Any appeal on a Type 4 decision goes to the Land Use Board of Appeals (LUBA).

Crean: Ex parte and bias are different. For example, conflict of interest would be if you make a land use decision that would financially benefit you or a family member. You are not allowed to participate in such a decision. I would encourage you to not even be involved in the discussion. The Commission must always be

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conscious of how things are perceived. After the hearing and the twenty-one days are up, the decision is final. The 120-day rule is not ironclad. The applicant can waive the 120-day rule. When an application is determined complete, the code in effect on the day the application was submitted (vested) must be used. The Planning Commissioners are expected to put bias aside and look at the criteria.

(8:36 pm)

Crean: In legislative decisions, you may have your bias, and you may have been selected because of your bias. You are expected to bring those biases to the table. Even in legislative decisions, if you have conflicts of interest, expose them.

Crean: Conditions of Approval are most important to staff. Government cannot make a decision without explaining why. People need to know why we made the decision. LUBA will defer to a city's interpretation of its own code if the interpretation is made by the City Council. It is possible to approve an application with conditions if proof criteria will be met. Conditions cannot be used in place of findings. Conditions must be mandatory. Be clear about what you are telling the applicant to do, and put a deadline on the conditions. Do not try to inform the applicant through the Conditions of Approval.

3.0 BUSINESS MEETING:

3.1 APPROVAL OF MINUTES: Commissioner Kingston said there was a discrepancy in the acreage on page 2 of 6 in the minutes of the last meeting. Staff clarified that the acreage should be 1.15. Commissioner Nakajima made a motion to approve the minutes of the February 15, 2010 meeting with the acreage correction. Commissioner Hymes seconded. Motion passed with a voice vote.

3.2 REPORTS FROM COMMISSIONERS/SUBCOMMITTEES: None.

3.3 DIRECTOR'S REPORT: Mr. Holan said the next meeting would probably be a work session on the Transportation System Plan, but stated that it had not yet been scheduled because the Engineering Department needs to hold a meeting with the project advisory team. Mr. Holan gave a brief report on the status of the Rural/Urban Reserves decision.

3.4 ANNOUNCEMENT OF NEXT MEETING: The next meeting TBD.

3.5 ADJOURNMENT: The meeting was adjourned at 9:10 p.m.

Respectfully submitted by:
Marcia Phillips
Assistant Recorder

APPROVED

1. **ROLL CALL:**

Chair Russ Redmond called the meeting to order at 7:30 am

MEMBERS PRESENT: Randall Roedl, Russell Redmond, Drue Garrison, Tim Dierickx, Chere Sandusky, Bob Mills, and Bryan Luciani

IAISONS PRESENT: Bryon Schmildkofer, and Matt Pool

STAFF PRESENT: Police Chief Kerry Aleshire, Police Captain Ashbaugh, Fire Chief Michael Kinkade, and Carol Lorenz.

MEMBERS NOT PRESENT: Susan Aguilar

IAISONS NOT PRESENT: Brandon Hundley, Naomi Montelongo, Jason Philipp, and Tom Johnston

2. **CITIZEN COMMUNICATIONS:**

3. **APPROVAL OF MINUTES:** April 28, 2010

4. **ADDITIONS/DELETIONS:**

5. **ACTION ITEMS/DISCUSSION:**

6. **COMMISSIONER'S REPORTS:**

7. **STAFF REPORT:**

Police:

Police Department Report: Attached is a copy of the Quarterly Department Summary from January through March 2010.

Update on cases: Rose Grove Mobile shooting - was charged. Fitzgerald case - grand jury is scheduled for June. Shots fired in the park case - there is further investigation in this case.

Press Release: If any PSAC member is interested in being on the Press Log email list please let Carol Lorenz know.

Budget Committee: The budget committee meetings are scheduled in May and the department is trying to stay within the same budget as last year.

Ride-A-Longs: Citizens are always welcome to do a ride-a-long with an officer.

Fire:

Fire Department Report: Attached is a copy of the Fire Chief's Monthly Report.

Presentation: Fire Chief Kinkade gave a presentation to PSAC regarding “Understanding the Fire Service Mission”

PSAC:

Recommendation: PSAC recommended showing the fire department’s presentation to the Citizen Academy graduating class. It was also mentioned to see if anyone from the Citizen’s Academy would like to help with the next levy.

8. **OLD BUSINESS:**

Fire:

Fire Department Report: Attached is a copy of the Fire Chief’s Monthly Report.

Fire Department Presentation: Chief Kinkade asked PSAC if he could give a presentation on “Understanding the Fire Service Mission” at the next PSAC meeting. PSAC agreed to have it added to the agenda.

Police:

Recruits: Two new Recruits have been hired and the department hopes to have them attend the 16 week academy in May.

Defensive Tactics: The Defensive Tactics training will be held in April and May this year at Pacific University.

Citizens Academy: Great program and very well attended with 23 people in attendants.

Disability ID Program: The police department has started a Disability ID Program for citizens with disabilities. It will provide information to police if they come into contact with that person.

PIO Training: Forest Grove is hosting training for all west end agencies for PIOs on how to handle information to the Press.

Arrests: The police department has made arrests regarding gang members.

Murder Investigation: The investigation is ongoing due to the fact that more information continues to come into the department.

Lincoln Park Murder: The department is working on this case again due to the fact that the suspect has just been released after over 5 years in a mental facility.

Mental Health: Different agencies are working together to review the way mentally ill people are handled and will put the information together to send to legislation.

Search Warrant 19th Ave: The search warrant was very successful. The suspect was found to have methamphetamine on her at the time of the search warrant along with other drugs found on the premise which is within 1000 feet of a school.

Reserve Program: The department is looking at starting a reserve program that would consist of two reserve officers.

National Night Out: National Night out is set for August 3, 2010 and has been a very successful program over the last two years. The department is looking for ideas and volunteers to help with this event.

Neighborhood Watch: Neighborhood Watch is talking about disaster preparedness. They would like to gather information of people in their neighborhood that are trained in the event of an emergency.

PSAC:

Cops Grant: Tom Johnston reported that the cops grant has been rejuvenated in Washington DC and that the departments do not have to reapply.

Election: WA County is starting to promote their levy which will be a 5 year levy from 2012 through 2016. The Forest Grove School District will also be asking for their levy to be passed as well. These are both replacement levies.

911 System: There are some concerns regarding the percentage of the increase to the budget to 911. The question was also asked if it would be more feasible to have dispatch install and program all of the department's vehicles equipment.

9. **ANNOUNCEMENT OF NEXT MEETING:** May 26, 2010

10. **ADJOURNMENT:**

Russ Redmond adjourned the meeting at 8:55 a.m.

Respectfully submitted by:

Carol Lorenz

**Public Safety Advisory Committee
Fire Chief's Report
April 27, 2010
Reporting Period: March 24-April 30, 2010**

Notable Calls and Events

1. Responded to residential fire on Easterday Road early Friday morning (0200). A barbeque started a fire on a wrap around porch, about 30' of the porch was damaged, fire was stopped before it spread to the interior. Estimated loss was \$5000.
2. Responded to multiple motor vehicle accidents on Highway 6, including overturned vehicle just past the summit and a multiple car incident involving semi-trucks during a surprise snowfall.
3. Responded to major accident on Gales Creek road involving a sheared power pole, requiring significant extrication and transportation by Life Flight.
4. Responded with Boat 4 to drowning at Dorman Pond – Boat 4 successfully recovered body of fisherman.
5. Responded with Boat 4 to capsized sail boat on Hagg Lake in heavy winds and rain. The two hypothermic boys survived.
6. Case of note: Treated a male with a rare disease (chrug-strauss syndrome). This disease presents like acute asthma and can also involve several other organs. This patient is aware of his condition and was able to convey it to the crews. The patient was successfully treated with dexamethasone, a new medication that replaced solu-medrol in 2010.

Training

1. Dr. Daya provided two cases reviews during this time period.
2. Provided two confined space rescue classes – third scheduled for May 3 and 6.
3. Dr. Aaron Schoenkerman (cardiologist, St. Vincents) provided training on 12 lead and review of our STEMI protocol.
4. Division Chief O'Connor and Firefighter Brad Shinpaugh attended Fire Department Instructors Conference (FDIC) in Indianapolis (on scholarships).
5. Fire Chief and Training Chief attended annual Oregon Fire Instructors Conference.
6. Ian completed Health and Safety Officer training
7. Captain Nemeyer taught Hazmat Awareness and Operations to regional volunteer academy.
8. Captain Nemeyer received advanced PIO training in Joint Information Centers (EOP stuff).
9. Spring regional volunteer academy completed.

Fire Prevention/Community Risk Reduction

1. Researched exempt jurisdiction requirements and began work on annual report that is required by OSFM to maintain the exempt jurisdiction requirements. Annual report is 90% complete.
2. Captain Nemeyer served as lead presenter at State of Oregon sponsored ½ day seminar for Adult Foster Care Home Providers in Hillsboro
3. Worked with local LDS Church regarding emergency planning
4. Captain Nemeyer attended West Metro Regional PIO meeting Fire prevention worked with WCCCA to incorporate our new pre-plan system into the computer-aided dispatch system
5. Provided multiple station tours for Boy Scout Troops and pre-school classes.
6. FGFR conducted monthly child safety seat clinic on Wednesday.
7. Firefighter Shinpaugh and C Shift provided presentation to Senior Center on earthquake preparedness.
8. Lt. Woodford provided engine rides to the winners of our reading incentive program at Dilly School (On Fire for Literacy).
9. Received fund authorization from grant to begin providing Community Emergency Response Team (CERT) training. Classes will begin in June/July.

Projects and Administration

1. Received additional funding approval (\$5000) from the Local Emergency Planning Commission for additional confined space class in May.
2. Received notice that that FGFR did not receive any AFG grants this year – grant applications to open again on April 26, with intent to resubmit.
3. Forest Grove Fire participated in the “Welcome Home” ceremony for returning troops.
4. Fire Chief attended OR-OSHA Firefighter Advisory committee meeting; discussions on updates to Division 2L (firefighter rules).
5. Fire Chief attended Metro Fire Chiefs meeting – discussion on UASI grants, regional resource sharing, labor-management relations
6. Completed work on Emergency Operations Plan, EOC and upcoming wind exercise (May 12). EOP goes to City Council work session May 24.
7. Began research on community AED programs.
8. Participated in Washington County EMS Operations meeting, discussing fire department transport policies
9. Discussion with Public Works about hydrant maintenance and ISO requirements.
10. Held annual Fire Department Banquet.
11. Rural Fire Board meeting – staff proposed the Fire Board pay off their station bond early, which would save \$22,000.
12. Fire department budget proposal submitted to City Manager and Finance.
13. Received and inventoried the three Motorola mobile radios (800 MHz).
14. Continued work on mobile command post.
15. Met with Pacific University Facilities Manager and presented draft Incident Action Plan (IAP) for football games and discussed detailed planning for event. Received final

confirmation/agreement that Forest Grove Fire will be providing medical and safety coverage for these events.

Calls for March 2010

Medical calls – 135

Fire calls – 5

Motor Vehicle Accidents – 13

Other – 62

Total – 215

Back to back calls – 28

Quarterly Department Summary

Forest Grove Police Department

January—March 2010

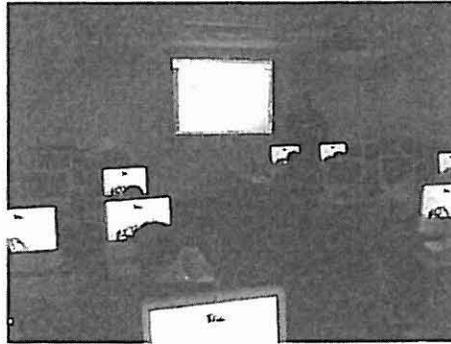
Department Highlights

Significant Cases/Events:

- ◆ Detectives made an arrest in a several-months long elder abuse investigation receiving significant regional media attention. Media reports generated additional leads and the investigation continues.
- ◆ On-going progress with Reserve Officer Program—over 35 applications received; closes on April 30th; next stage is ORPAT testing.

2010 Soar with Your Dreams

On March 14th, Chief Aleshire and Captain Williams led two presentations at a career day held at Pacific University and sponsored by the Forest Grove School District. Attendees had the opportunity to process a mock crime scene.

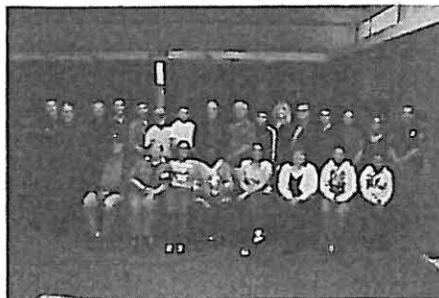


2009 Special Olympics Honor Roll

As a result of the outstanding efforts of Officer Clarice Gordon, the department was honored on the 2009 Special Olympics Honor Roll. The Tip-A-Cop fundraiser at the Prime Time Restaurant raised over \$1200 for Washington County Special Olympics.

2010 Citizen's Academy Graduation

On April 14th, 22 citizens graduated from the second convening of the Forest Grove Citizen's Academy. Topics included search of seizure, use of force, traffic enforcement and investigations, and public information.



By the Numbers:

Original Reports 727

Supplemental Reports 488

Traffic Citations 482

Traffic Warnings 115

Abandoned Vehicles Reported 38

Abandoned Vehicles Moved 92

CSO Meetings 41

CSO Contacts 231

Items of Evidence/Property Processed 1256

Dispatched Calls 2169

Self-Initiated Calls 2957

Total Calls for Service 5126

Forest Grove Police Department

2102 Pacific Avenue

Forest Grove, OR 97116

Office: (503) 992-3260

Dispatch: (503) 629-0111

Fax: (503) 359-3519



Monthly Building Activity Report

May-10

2009-10

Category	Period: May-09		Period: May-10	
	# of Permits	Value	# of Permits	Value
Man. Home Setup				
Sing-Family New	11	\$2,580,804	3	\$663,007
SFR Addition & Alt/Repair	9	\$407,492	4	\$210,183
Mult. Fam. New/At				
Group Care Facility				
Commercial New	1	\$375,876		
Commerical Addition				
Commercial Alt/Repair	2	\$6,930	4	\$202,800
Industrial New				
Industrial Addition				
Industrial Alt/Repair				
Gov/Pub/Inst (new/add)	1	\$2,500		
Signs				
Grading			1	
Demolitions				
Total	24	\$3,373,602	12	\$1,075,990

Year-to-Date

2008-09		2009-10	
Permits	Value	Permits	Value
145	\$13,279,650	180	\$24,762,879

**FOREST GROVE CITY LIBRARY
CIRCULATION STATISTICS REPORT: JUNE 2010**

36

	MAY 2010	APR 2010	MAY 2009
MONTHLY TRAFFIC			
Eye Count (Daily count of patrons for month)	18,941	19,336	14,415
Number of Days Open to the Public:	25	27	26
New Registrations (New Patron card issued)	135	121	129
CIRCULATION:			
Total Check-outs:	29,324	29,184	25,798
Total Check-ins:	23,157	22,776	21,614
ILLs (Inter-library loans/out of county):	117	149	105
COURIER:			
Intra-library Holds to Forest Grove:	11,048	10,819	9,715
Intra-library Holds from Forest Grove:	8,051	7,936	7,341
PROGRAMS:			
Adult Programs	1	2	0
Adult Attendance at Adult Programs	42	58	0
Youth Programs (Children and Teens):	17	28	17
Youth Attendance at Children's Programs	178	545	351
Adult Attendance at Children's Programs:	138	376	168
REFERENCE:			
Reference Questions	NA	NA	NA
SELF CHECK-OUT:			
Self-Check Out Patrons Accepted	1,083	971	1,041
Self-Check-Out Patrons Denied	134	109	247
Self-Check-Out Total Items	4,326	3,530	3,606
Self-Check-Out Items Denied	55	38	39
Self Check-Out Items Renewed	28	28	37
VOLUNTEERS:			
Number of volunteers	33	35	NA
Volunteer hours	452	322	NA
COMPUTER USE:			
# of sessions	2,686	2,783	2,772
Total user hours	1,640	1,728	1,514
Average session time in minutes	37	37	33

Memorandum

TO: Mayor Truax and City Councilors

FROM: Rob Foster, Public Works Director
Michael Sykes, City Manager

DATE: June 14, 2010

SUBJECT: Joint Water Commission Second Amendment to Water Services Agreement

BACKGROUND:

The Joint Water Commission (JWC) approved a proposed amendment to the JWC Water Service Agreement reflecting updates due to City of Tigard's withdrawal from the JWC (refer to Exhibit A – Amendment to Water Service Agreement).

RECOMMENDATION:

Staff recommends City Council adopt the attached resolution authorizing the Mayor to endorse the Second Amendment to the Water Service Agreement (attached as Exhibit A).

RESOLUTION NO. 2010-44**RESOLUTION AUTHORIZING MAYOR TO ENDORSE SECOND AMENDMENT TO WATER SERVICES AGREEMENT (WITHDRAWAL OF THE CITY OF TIGARD) BETWEEN THE CITY OF FOREST GROVE AND JOINT WATER COMMISSION**

WHEREAS, the City of Forest Grove (City) and the Joint Water Commission (JWC) and member cities have an existing Water Service Agreement; and

WHEREAS, in the first amendment to the Water Service Agreement, dated March 1, 2004, the City of Tigard became a member of JWC; and

WHEREAS, on January 26, 2010, the City of Tigard withdrew its membership from JWC; and

WHEREAS, Article III, Section 3, of the Water Service Agreement requires the parties to modify the agreement in order to withdraw the City of Tigard's membership from JWC.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1: The City Council of the City of Forest Grove hereby approves the Second Amendment to Water Service Agreement between the City of Forest Grove and Joint Water Commission as stated in the Agreement and subject to the conditions of this Agreement (attached as Exhibit A).

Section 2: The Mayor is hereby authorized to endorse the Agreement (attached as Exhibit A) on behalf of the City of Forest Grove.

Section 3: This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 14th day of June, 2010.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 14th day of June, 2010.

Peter B. Truax, Mayor

SECOND AMENDMENT TO WATER SERVICE AGREEMENT

This Second Amendment to Water Service Agreement (Second Amendment) is made this ninth day of April, 2010, by and between the members of the Joint Water Commission, consisting of the Cities of Hillsboro, Forest Grove, and Beaverton, and the Tualatin Valley Water District, a domestic water supply district organized pursuant to Chapter 264 (hereinafter "JWC") those parties individually (who also may be referred to as "Hillsboro," "Forest Grove," "Beaverton," and "TVWD").

RECITALS

On or about October 27, 2003, the individual members of JWC approved a Water Service Agreement, which replaced earlier agreements between these same parties creating the Joint Water Commission.

The Water Service Agreement provides a comprehensive agreement in all aspects of the System as defined therein, including among other things, operation, maintenance, repair, replacement, ownership and allocation of the System, including water rights, and mechanisms for governance and future capital improvements.

By the First Amendment to Water Service Agreement and Joinder Agreement dated March 1, 2004, the City of Tigard became a member of the JWC.

Effective January 26, 2010, Tigard withdrew from membership. The remaining parties wish to amend the Water Service Agreement accordingly, and being fully advised,

Now Therefore the Parties Agree as follows:

1. **Governance.** The parties agree that Tigard's withdrawal requires amendment to Article III, Section 3 of the Water Service Agreement. The parties agree to modify Article III of the Water Service Agreement as follows:

"3.1 **The Commission.** There is hereby continued pursuant to ORS 190 the Joint Water Commission-Hillsboro, Forest Grove, Beaverton, and the Tualatin Valley Water District (the "Commission"). The members of the Commission shall be three (3) persons from each of the parties who are from time to time appointed by their respective bodies pursuant to the laws and regulations of the governing bodies. Members of the Commission shall serve at the pleasure of their respective appointing bodies. The name of the Commission shall be the "Joint Water Commission-Hillsboro, Forest Grove, Beaverton, and the Tualatin Valley Water District." . . .

"3.4 **Meetings; Manner of Acting.** Meetings of the Commission shall be conducted in accordance with the provisions of the Oregon Public Meeting Law, ORS 192.610-192.710. The Commission shall hold meetings not less than quarterly. Such meeting may be cancelled by a vote of the Commission. Special meetings may be called by the Chairperson or by any Vice Chairperson. Seven (7) members of the Commission (including at least one (1) member appointed by

each party) shall constitute a quorum for the transaction of the business of the Commission. An affirmative vote of a simple majority of the members of the Commission, provided that one (1) affirmative vote is received from each of the parties to this Agreement shall be necessary to decide any issue before this Commission, unless a different voting requirement for a specific action is specified or allowed in this Agreement.” . . .

2. **Existing Agreement.** In all respects, and except as specifically modified by this Second Amendment, all terms and conditions of the Water Service Agreement and First Amendment are in full force and effect.

IN WITNESS WHEREOF, the parties have executed this First Amendment as of the date opposite their signatures.

CITY OF HILLSBORO, acting by and through its Utilities Commission

CITY OF FOREST GROVE

Chairman

Mayor

Dated

Dated

City Recorder

City Recorder

City Attorney

Dated

CITY OF HILLSBORO

Mayor

City Attorney

Dated

City Recorder

City Attorney

CITY OF BEAVERTON

TUALATIN VALLEY WATER DISTRICT

Mayor

President

Dated

Dated

City Recorder

Secretary

City Attorney

Dated

District Counsel

Dated

Memorandum

TO: Mayor Truax and City Councilors

FROM: Colleen Winters, Library Director
Tom Gamble, Parks Director
Michael Sykes, City Manager

DATE: June 7, 2010

SUBJECT: Public Arts Commission Public Art

Public Arts Commission:

Kathleen Leatham, Public Arts Commission Chair, would like to update Council on the Arts Commission's proposal for the acquisition of three public art benches. Ms. Leatham will be joined by Philip Thias, a member of the Public Arts Commission, who organized the selection process. Mr. Thias will give an overview of the process, including the selection committee, criteria for judging the submissions, and the coordination with the City regarding maintenance.

This project is the result of the gift from the Chamber of Commerce's two "Buy A Brick" campaigns and a Community Enhancement Program grant.

This presentation is a follow-up to the report given by Ms Leatham to the Council on May 10, 2009.

Recommendation:

The Public Arts Commission is seeking Council input on the Public Arts Commission's proposal for the acquisition of three public art benches.

ORDINANCE NO. 2010-03

**ORDINANCE ADOPTING PROVISIONS TO REGULATE SHOPPING CARTS,
AMENDING FOREST GROVE CODE CHAPTER 5, PUBLIC PROTECTION, BY
ADDING NEW CODE SECTION 5.236, SHOPPING CARTS**

WHEREAS, the City Council finds that abandoned shopping carts are a source of visual blight, reduces the aesthetic appearance of the City and constitutes a nuisance; and

WHEREAS, the City Council finds that abandoned shopping carts on both private and public property, including streets and public rights-of-way, can lead to the impediment of traffic, including emergency services, and constitute a threat to the public health, safety and welfare; and

WHEREAS, the City Council finds that local businesses sometimes fail to take steps to either prevent the removal of shopping carts or retrieve shopping carts in a timely manner; and

WHEREAS, the City Council finds that requiring local businesses be responsible for shopping cart abandonment is necessary in order to reduce the sources of visual blight in the City and to protect the public health, safety and welfare; and

WHEREAS, ORS 98.515 addresses and authorizes municipal regulation of the unauthorized appropriation of a shopping cart from the business premises of the person that owns the shopping cart and to provide for the salvage or reclamation of an abandoned shopping cart, shopping carts from business premises or parking areas of persons supplying shopping carts for public use; and

WHEREAS, ORS 98.520 authorizes local governments to establish penalties for shopping cart owners who do not comply with the local shopping carts ordinance; and

WHEREAS, the City of Forest Grove published notice of this proposed ordinance in the *News Times* on May 19, 2010; and

WHEREAS, the City Council held a duly-noticed Public Hearing on the proposed ordinance on May 24, 2010.

**NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS
FOLLOWS:**

SECTION 1. The Forest Grove City Council hereby approves implementing the shopping cart regulations as defined in the attached Exhibit A, Shopping Carts.

SECTION 2. Chapter 5 of the City of Forest Grove Code, titled Public Protection, is hereby amended to add a new Code Section 5.236 "Shopping Carts" as defined in the attached Exhibit A.

SECTION 3. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the 24th day of May, 2010.

PASSED the second reading the 14th day of June, 2010.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 14th day of June, 2010.

Peter B. Truax, Mayor

EXHIBIT A

Forest Grove Code Section 5.236, titled “**SHOPPING CARTS**”, is hereby adopted as follows:

5.236 SHOPPING CARTS.

(1) Definitions:

As used in this Section, the following terms mean as follows:

(a) "Abandoned cart" means any cart that has been removed from the cart owner's premises without written consent of the owner and is located on either public or private property.

(b) "Cart" or "Shopping Cart" means a basket that is mounted on wheels or a similar device that is provided by an owner to a customer for the purpose of transporting goods of any kind, including a basket used in a Laundromat or similar business.

(c) "Enforcement Officer" means any officer or person designated with the authority to enforce the provisions of this Code.

(d) "Owner" means any person or entity that in connection with the conduct of a business, provides carts available to the public for use at their business.

(e) "Premises" means the entire area owned, occupied or utilized by an owner, including any parking lot, loading area, and adjacent public rights-of-way, or any other property provided by or on behalf of an owner for customer parking or use.

(2) Cart Removal Warnings, Cart Identification, and Reporting Abandoned Carts.

A person that supplies shopping carts for public use at the person's business shall:

(a) Post signs in sufficient number to give notice to members of the public entering onto or leaving the business premises that unauthorized appropriation of a shopping cart is a crime under ORS 164.015, and provide a toll-free or local telephone number that members of the public may use to report abandoned shopping carts; and

(b) Identify the person's business on each shopping cart and post a sign on the shopping cart that:

1. Notifies any member of the public using the shopping cart that unauthorized appropriation of a shopping cart is a crime under ORS 164.015; and

2. Provides a toll-free or local telephone number for use in reporting an abandoned shopping cart; and

(c) Establish, maintain and make available to the public, at the person's own expense, a toll-free or local telephone line for the purpose of reporting abandoned shopping carts. If the person who provides the carts has a contractor who receives the calls concerning abandoned shopping carts, that contractor shall forward each report the contractor receives concerning an abandoned shopping cart to the owner of the shopping cart and to the City's Code Enforcement Office within one (1) business day after the contractor receives the report.

(3) Retrieval of abandoned shopping carts.

(a) Owner may agree with other persons to share and to pay expenses related to the toll-free or local telephone line described above. The agreement shall provide that any person designated to operate the toll-free or local telephone line and receive reports concerning abandoned shopping carts must forward the reports in accordance with subsection (2)(c) above.

(b) Owner shall retrieve a shopping cart within 72 hours after receiving notification that the shopping cart has been abandoned.

(c) If the City identifies, salvages or reclaims an abandoned shopping cart, it shall use the toll-free or local telephone line described in Section 5.236(2)(b)(2) to report the existence and location of an abandoned shopping cart to the owner of the shopping cart, if the owner is identifiable.

(4) Custody, Enforcement, and Disposal of Abandoned Shopping Carts.

(a) The City may take custody of an abandoned shopping cart and impose a penalty of \$50.00 on the owner of the shopping cart if the owner does not retrieve the shopping cart within 72 hours after the City makes a report under subsection (c) of this Section or after the owner receives a report under subsection 5.236(2)(c) above.

(b) The City may release a shopping cart held in the City's custody to the owner upon payment of the \$50.00 penalty.

(c) The City may take title to a shopping cart in the City's custody and dispose of the shopping cart as the City deems appropriate, if the owner does not claim the shopping cart within 30 days.

(d) The Enforcement Officer may issue citations for the commission of a violation of this Code Section. A violation proceeding under this Code Section shall be processed in accordance with ORS Chapter 153.

(5) Rulemaking Authority.

The City Manager or designee is authorized to promulgate any rules necessary for the implementation of this Section.

(6) Severability.

If any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance shall remain in force and effect.



ORDINANCE NO. 2010-04

ORDINANCE ADOPTING PROVISIONS IMPLEMENTING A POLICY FOR ACCESS TO AND USE OF CRIMINAL RECORDS CHECK, AMENDING FOREST GROVE CODE, CHAPTER 2, GENERAL PROVISIONS, BY ADDING NEW CODE SECTION 2.400 THROUGH 2.425 RELATING TO CRIMINAL RECORDS CHECK

WHEREAS, The Oregon Revised Statute (ORS) 181.555 and Oregon Administrative Rule (OAR) 257-010-0025 establish procedures for local justice agencies to access criminal records information possessed by the Oregon State Police (OSP) through the Law Enforcement Data System (LEDS) when the information is used for the administration of a local ordinance or administrative rule that refers to criminal conduct and contains requirements or exclusions expressly based on such conduct, or other demonstrated and legitimate needs; and

WHEREAS, The Forest Grove City Council finds that it is in the public and City's interest that the City has the Forest Grove Police Department conduct a criminal and/or driver records check on certain applicants for City employment, certain existing employees, volunteers, vendors, permit holders, liquor licenses applicants, and other certain individuals. The City Council finds that in order to proceed in accomplishing the above, the City Council must adopt an ordinance authorizing the Forest Grove Police Department to perform criminal records checks in accordance with the Oregon Revised Statutes and Administrative Rules; and

WHEREAS, The City Council held a duly-noticed Public Hearing on May 24, 2010, on this proposed ordinance.

NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1. The Forest Grove City Council does hereby approve implementing the access to and use of criminal records check policy as defined in the attached Exhibit A, Criminal Records Check.

Section 2. Chapter 2 of the Forest Grove Code, titled Government and Administration, is hereby amended to add a new Code Section 2.400 through 2.425, "Criminal Records Check", as defined in the attached Exhibit A.

Section 3. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the 24th day of May, 2010.

PASSED the second reading the 14th day of June, 2010.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 14th day of June, 2010.

Peter B. Truax, Mayor

EXHIBIT A

Forest Grove Code Section 2.400 through 2.425, titled “**CRIMINAL RECORDS CHECK**”, is hereby adopted as follows:

- 2.400** **Purpose.**
The purpose of this Code Section is to authorize the Forest Grove Police Department to access the Oregon State Police (OSP) criminal offender information through the Law Enforcement Data System (LEDS) to conduct criminal and/or driver records check on certain applicants for City employment, certain existing employees, volunteers, vendors, permit holders, liquor licenses applicants, and other certain individuals.
- 2.405** **Procedure.**
The procedure shall be conducted in accordance with Oregon Revised Statute (ORS) 181.555 and Oregon Administrative Rule (OAR) 257-010-0025, which establishes procedures for access to criminal record information possessed by the Oregon State Police (OSP) through Law Enforcement Data System (LEDS).
- 2.410** **Criminal Records Check Authorization.**
Certain applicants for City employment, certain existing employees, volunteers, vendors, permit holders, liquor license applicants, and other certain individuals subjected to a criminal records check, through notification process, will be required to authorize the City to conduct criminal and/or driver records check through LEDS. The City Manager is authorized to designate the types of individuals who are subjected to a criminal records check.
- 2.415** **Criminal Records Check Performed.**
The Police Chief, or designee who is authorized to perform criminal records checks through LEDS, is authorized, upon receipt of signed notification from the individual, to conduct a criminal and/or driver records check through LEDS on certain applicants for City employment, certain existing employees, volunteers, vendors, permit holders, liquor licenses applicants, and other certain individuals. The City Manager is authorized to designate the types of individuals who are subjected to a criminal records check.
- 2.420** **Criminal Records Check Results Reported.**
If the Chief of Police, or designee who is authorized to perform criminal records checks through LEDS, finds that a criminal record exists, the City shall, pursuant to ORS and OAR, request a written criminal history report from OSP Identification Services Section and pay the applicable fee for this service.
- 2.425** **Criminal Records Check Retention; Destruction; Disclosure; Policy.**
The City Recorder, or designee, shall administer the retention and destruction of confidential criminal and/or driver records checks in accordance with the Oregon retention and destruction laws (pursuant to OAR 166). The information contained in a criminal records check shall be kept confidential in accordance with Oregon public records laws (pursuant to OAR 192). All secondary dissemination of criminal records check information is strictly prohibited unless court ordered or otherwise provided by State law.

ORDINANCE NO. 2010-05**ORDINANCE ADOPTING PROVISIONS IMPLEMENTING LIQUOR LICENSE ISSUANCE REVIEW GUIDELINES, AMENDING FOREST GROVE CODE CHAPTER 7 BY ADDING NEW CODE SECTION 7.800 THROUGH 7.815 RELATING TO LIQUOR LICENSE ISSUANCE**

WHEREAS, The Oregon Liquor Control Commission (OLCC) requires that every applicant for issuance or renewal of a liquor license seek written recommendation from its local governing body; and

WHEREAS, The OLCC allows governing bodies to adopt liquor license issuance review guidelines if the guidelines are consistent with the Oregon liquor laws (pursuant to ORS 471); and

WHEREAS, The OLCC allows local governing bodies to establish fees that are reasonable and necessary to pay expenses for processing the City's written recommendation; and

WHEREAS, The Forest Grove City Council finds that it is in the public interest that the City implement guidelines that allow the City an opportunity to review and make written recommendation on liquor license applications before licenses are issued by the OLCC; and

WHEREAS, The City Council finds that in order to proceed in accomplishing the above, the City Council must adopt an ordinance implementing the guidelines for making written recommendation to the OLCC on issuance of liquor licenses in accordance with the Oregon liquor laws; and

WHEREAS, The City Council held a duly-noticed Public Hearing on May 24, 2010, on this proposed ordinance.

NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1. The Forest Grove City Council does hereby approve implementing the liquor license issuance review guidelines as defined in the attached Exhibit A, Liquor License Issuance.

Section 2. Chapter 7 of the Forest Grove Code, titled Business, is hereby amended to add a new Code Section 7.800 through 7.815, "Liquor License Issuance", as defined in the attached Exhibit A.

Section 3. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the 24th day of May, 2010.

PASSED the second reading the 14th day of June, 2010.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 14th day of June, 2010.

Peter B. Truax, Mayor

EXHIBIT A

Forest Grove Code Section 7.800 through 7.815, titled “**LIQUOR LICENSE ISSUANCE**”, is hereby adopted as follows:

7.800

Purpose.

The purpose of this Section is to implement guidelines that allow the City of Forest Grove (City) an opportunity to review and make written recommendation on liquor license applications before licenses are issued by the Oregon Liquor Control Commission (OLCC). A new liquor license or annual renewal liquor license application shall be processed in accordance with Section 7.805 through 7.810. Special event winery and/or grower permits and temporary sales liquor licenses shall be processed in accordance with Section 7.815.

7.805

Liquor License Issuance; Renewal; Rules; Fees.

Any person or business requesting City Council recommendation for a liquor license must submit a signed criminal records check form provided by the City, in accordance with Section 2.410, Criminal Records Check, along with the applicable OLCC liquor license application. The City’s criminal records check form shall contain:

- a) The type of license applied for and a description of the nature of the business for which the application is made.
- b) The name or trade name of the business; address of the business; and business telephone number.
- c) The full name of the applicant or licensee; mailing address; date of birth; physical description; driver license number and state issued; applicant’s or licensee’s signature; and date signed.
- d) The applicant or licensee must list the name(s) of any person who is an employee, volunteer, or agent of the holder of the liquor license and/or who manage the business or event.
- e) The applicant or licensee must verify if applicable that they have obtained a valid City business license or temporary business license in accordance with Section 7.015, Business License Required.
- f) Any other information the City Manager deems necessary for making recommendation.
- g) The applicant or licensee shall pay prior to processing the liquor license application, an application fee, set in the maximum amount allowed by State law, and as specified by Council resolution. The City’s application processing fee shall be nonrefundable.
- h) Pursuant to State liquor laws, the OLCC allows the City 45 days from the date a new liquor license application is date stamped by the City to make written recommendation to OLCC. The City may request up to an additional 45 days to conduct further investigation

- if considering an unfavorable recommendation.
- i) Pursuant to State liquor laws, the OLCC allows the City 60 days from the date the OLCC notifies the City that an application for renewal of a liquor license is due to make written recommendation to OLCC. The City may request up to an additional 60 days to conduct further investigation if considering an unfavorable recommendation.
 - j) The applicant or licensee shall be responsible to submit the city-endorsed liquor license application and receipt issued by the City to the OLCC.

7.810

Liquor License Issuance; Notice; Recommendation; Hearing.

The OLCC requires that an applicant or licensee give notice to the City when an application is made for issuance of a liquor license. The City's liquor license issuance and recommendation shall be as follows:

1. The City Manager, or designee, shall provide the applicable City form(s) and shall maintain a record of liquor license applications in accordance with State laws.
2. The City Manager, or designee, shall accept liquor license applications only when the conditions of Section 7.805 through 7.815 have been met.
3. The City Manager, or designee, shall cause the liquor license application to be reviewed by the Chief of Police, or designee, and/or any other department manager, for the purpose of obtaining information necessary to make recommendation.
4. Pursuant to Section 2.415, Criminal Records Check, the Chief of Police, or designee who is authorized to perform criminal records check through LEDS, is authorized, upon receipt of a signed criminal records check form, to conduct a criminal and/or driver records check on the applicant or licensee requesting a liquor license in the City, including persons who are an employee, volunteer, or agent of the holder of the liquor license.
5. The Chief of Police, or designee, shall review the suitability of the liquor license application, including criminal and/or driver records, and make recommendation to the City Council based on the findings.
6. If the Chief of Police, or designee, finds no bases for an unfavorable recommendation, the matter shall be scheduled as a Consent Agenda item before the City Council.
7. If the Chief of Police, or designee, finds there are valid grounds to make an unfavorable recommendation, based on substantial evidence relevant to the license refusal bases as prescribed by State liquor laws (ORS 471), the matter shall be scheduled as a Public Hearing before the City Council and notice to the applicant or licensee shall be given by registered mail, postmarked no later than seven (7) business days prior to the Public Hearing at which the matter will be considered.
8. The Public Hearing Notice shall state the time and place of the hearing and reason(s) for making an unfavorable recommendation.
9. Any person wishing to present testimony at the Public Hearing shall be given an opportunity to do so before the closing of the hearing.

10. After due consideration of pertinent information and testimony, the City Council shall make its recommendation.
11. In case of an adverse recommendation, based on substantial evidence relevant to the license refusal basis as prescribed by State liquor laws (ORS 471), findings shall be produced and forwarded to the OLCC along with the City Council recommendation.

7.815

Delegation of Authority; Issuance; Rules; Fees; Recommendation; Special Event Permit and Temporary Sales Liquor License.

In order to expedite service to applicants or licensees seeking written recommendation for a special event winery and/or grower permit or temporary sales liquor license, the City Council delegates to the City Manager, or designee, its authority to review special event winery and/or grower permits and temporary sales liquor license applications and make recommendation to OLCC. The City's special event winery and/or grower permit and temporary sales liquor license rules, fees, and recommendation shall be as follows:

- a) The applicant or licensee shall pay prior to processing a special event winery and/or grower permit or temporary sales liquor license application, an application fee, set in the maximum amount allowed by State law, and as specified by Council resolution. The City's application processing fee shall be nonrefundable.
- b) The applicant or licensee must verify if applicable that they have obtained a valid City temporary business license for an event held in the City. Special events are subject to the provisions of Sections 7.105 through 7.130, Business License Required.
- c) In case of an adverse recommendation, the City Manager, or designee, shall comply with the guidelines prescribed in Section 7.805 and 7.810.
- d) The City Manager, or designee, may refuse to accept any liquor license application if the applicant or licensee has not allowed at least seven (7) days before the event date to obtain recommendation from the City and/or the liquor license application was not submitted in the form prescribed in Section 7.805.
- e) In case of refusal to accept a liquor license permit or application, the City Manager, or designee, shall prepare a written letter addressed to the OLCC stating the reason(s) for refusal or non-acceptance of the liquor license permit or application.



June 14, 2010

**STAFF REPORT AND ORDINANCE ADOPTING
CITY OF FOREST GROVE EMERGENCY OPERATIONS PLAN
BASIC PLAN AND HAZARD-SPECIFIC APPENDICES**

PROJECT TEAM: Michael Kinkade, Fire Chief
Michael Sykes, City Manager

ISSUE STATEMENT:

The current Emergency Operations Plan was created in 1985 and has been updated annually with new contact information but does not comply with ORS 401 nor is it consistent with the National Incident Management System (NIMS). The new Emergency Operations Plan will comply with ORS 401 and is consistent with the NIMS as implemented in the National Response Framework adopted January 2008.

BACKGROUND:

The Plan describes the roles and responsibilities of emergency responders in the City of Forest Grove, the Forest Grove Rural Fire Protection District, and the areas that they serve. It sets forth a strategy and documents the guidelines and agreements that have been reached in order to integrate all emergency response systems into a program for comprehensive emergency management. The Emergency Management Plan provides a framework to mitigate, prepare for, respond to and recover from major emergencies or disasters.

The Plan was created using multiple references, the primary reference being the Federal Emergency Management Agency's (FEMA) Comprehensive Preparedness Guide (CPG 101, March 2009). CPG 101 integrates concepts from the National Preparedness Guidelines (NPG), National Incident Management System (NIMS), National Response Framework (NRF), National Strategy for Information Sharing (NSIS) and National Infrastructure Plan (NIPP).

This Plan is integrally linked to plans created by Washington County Office of Consolidated Emergency Management.

The Basic Plan provides an overview of the preparedness and response strategies. It describes expected hazards, outlines department roles and responsibilities, and explains how the jurisdiction keeps the Plan current.

The Hazard-Specific Appendices describe strategies for managing missions for a specific hazard.

The Washington County Functional Annexes are adopted and incorporated within this Plan. These annexes describe the actions, roles, and responsibilities that groups have for completing a task. They discuss how the jurisdiction manages the function before, during and after the emergency.

The Forest Grove Rural Fire Protection District Board asked Director Howell to review the Plan on their behalf. The concerns and questions he had were explained and answered, and on June 1, 2010, the Forest Grove Rural Fire Protection District Board adopted the Forest Grove Emergency Operations Plan.

FISCAL IMPACT:

There is no fiscal impact .

RECOMMENDATION: Staff is recommending that the City Council approve the attached ordinance adopting the City of Forest Grove Emergency Operations Plan; Basic Plan and Hazard-Specific Appendices as the Official Plan for the City (Attached as Exhibit A).



June 3, 2010

NewsTimes

Legal Ads/Public Notice:

To be published: Wednesday, June 9, 2010

**NOTICE OF PUBLIC HEARING
PROPOSED ORDINANCE ADOPTING
FOREST GROVE EMERGENCY OPERATIONS PLAN**

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will holding a Public Hearing on **Monday, June 14, 2010, at 7:00 p.m. or thereafter**, in the Community Auditorium, 1915 Main Street, Forest Grove, to consider enacting an ordinance that would adopt the Forest Grove Emergency Operations Plan as the official Plan for the City and repeal the existing Plan. The proposed ordinance, if enacted by the City Council, will take effect on the thirtieth day (30th) after enactment.

This hearing is open to the public and interested parties are encouraged to attend. A copy of the report and proposed ordinance is available for inspection before the hearing at the City Recorder's Office or by visiting the City's website at www.forestgrove-or.gov. Written comments or testimony may be submitted at the hearing or sent to the attention of the City Recorder's Office, P.O. Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing. For further information, please contact Anna Ruggles, City Recorder, at 503.992.3235, or via e-mail aruggles@forestgrove-or.gov.

Anna D. Ruggles, CMC, City Recorder
City of Forest Grove

To be published June 9, 2010

ORDINANCE NO. 2010-06

ORDINANCE ADOPTING THE CITY OF FOREST GROVE
EMERGENCY OPERATIONS PLAN AS THE OFFICIAL PLAN
FOR THE CITY OF FOREST GROVE

WHEREAS, The Forest Grove City Council recognizes the need to prepare for, respond to, and recover from natural and manmade disasters; and

WHEREAS, The City of Forest Grove has a responsibility to provide for the safety and well-being of its citizens and visitors; and

WHEREAS, The City of Forest Grove has established and appointed an Emergency Program Manager; and

WHEREAS, This Emergency Operations Plan complies with the Oregon Revised Statutes 401 and is consistent with the National Incident Management System as implemented in the National Response Framework, adopted January, 2008; and

WHEREAS, The City Council held a duly-noticed Public Hearing on this ordinance on June 14, 2010.

NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1. The City of Forest Grove City Council hereby adopts this Emergency Operations Plan, dated June 28, 2010, as the official Emergency Operations Plan for the City of Forest Grove.

Section 2. The City Forest Grove City Council hereby authorizes the City Manager, or designee of the City Manager who is tasked as the Emergency Program Manager, to maintain and amend the Plan as necessary over the next four (4) year period or until such time is ordered to come before the City Council to ensure the continued health and safety of the residents and property of Forest Grove.

Section 3. The City Council of the City of Forest Grove hereby directs that a copy of this Plan be available in the office of the City Recorder and in the Forest Grove Library.

Section 4. Ordinance No. 1994-04, and all other former ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency and conflict.

Section 5. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first read the 14th day of June, 2010.

PASSED the second reading the 28th day of June, 2010.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 28th day of June, 2010.

Peter B. Truax, Mayor

June 14, 2010

**STAFF REPORT AND RESOLUTION
SETTING FEES AND CHARGES, EFFECTIVE JULY 1, 2010**

PROJECT TEAM: Paul Downey, Director of Administrative Services
Michael Sykes, City Manager

ISSUE: During FY 01-02, the City completed a cost-of-service study and the City Council approved fee increases based on that study. City Code Section 2.601 states the licenses, permits, and fees will be adjusted by Council Resolution in July each year. It further states that subsequent adjustments prior to completion of the next required cost-of-service study shall be made in accordance with Section 2.605. That section states that adjustments to fees and charges shall be based on the CPI or the percentage of the wage adjustment for City employees. Staff has prepared a resolution setting fees for Council consideration.

DISCUSSION: Staff has prepared the proposed fee schedules using a general cost increase of 4% based on wage and benefit increases. The fees have been rounded slightly in many instances to eliminate creating change issues for some departments.

Aquatic fees are not included in this resolution as the Council established those fees at its May 10, 2010, meeting. Building permits fees are not proposed to be changed as part of this resolution. Current building fund revenue is not sufficient to cover the current operating expenses of that fund. As staff has indicated at previous meetings, staff will be analyzing building permit revenue to determine if an increase in building permit fees is needed or will activity rebound sufficiently to cover the costs of the program and prevent further reductions.

New fees or changes in current fees other than the 4% increase are:

Planning Fees

The current appeal fee of \$323.00 is being split into two fees: 1) Appeal of Administrative Decision Fee of \$250.00 which is the limit of this fee per ORS 227.175(10), and 2) Appeal of Planning Commission Fee of \$340.00 which is the current fee increase by 4%.

Parks and Recreation

A fee for Lighting at Lincoln Practice Field Fee is being added as lighting is being added to that field.

Water

The regular and after hours fees in this section and Light & Power's fee section have been better defined to read During Regular Business Hours and After Regular Business Hours. Business hours are described on the back of the utility bill so a customer can see the times for regular business hours.

The Water Shut-Off/On Fee was increased to \$25.00 and the fee for the first service in a calendar year is proposed to be waived. This was at the request of the Public Works Director and is intended to encourage residents to call Public Works to shut off the water instead of doing it themselves and potentially damaging the water meter. Also, staff is recommending that no fee be assessed for shut-offs due to leaks or pipe breaks.

The Meter Tamper/Damage Fees for Water and Light & Power were increased from \$115.00 plus the cost to repair/replace the meter to \$150.00 plus the cost to repair/replace the meter. Meter tampers can be time consuming issues to deal with as the customer is usually not cooperative. The higher fee reflects the additional work load caused by meter tampers.

The After Regular Business Hours Water Shut-Off/On Fee was increased from \$43.00 to \$75.00 to reflect the costs of providing this service since a minimum callback period at overtime rates is required to provide this service.

Police

Some miscellaneous copy fees have been added to reflect different types of copies the department makes and would like to recover the cost of making the copy.

The department is also requesting the Dance Permit Fee be removed as it has not been used. The Chief is working on the Loudspeaker Permit Fee as part of reviewing that section of the Code and may be recommending a change to that fee at a later date.

REPORT ON FEE RECOMMENDATIONS

June 14, 2010

PAGE 3

Library

The City Council adopted the Library Late Fine which was implemented during the current fiscal year. The fee has been added to the FY 2010-11 Fee Schedule with the fee set at "per WCCLS schedule" since different late fines are charged based on the type of material checked out.

City Recorder

The proposed fees for Liquor Licenses for FY 2010-11 are based on the fees prescribed by State statute. The Code ordinance pertaining to liquor license issuance, which is on the agenda for second reading on June 14, 2010, states the application fees shall be set in the maximum amount allowed by State law and as specified by Council resolution.

On the current fee schedule, there is a Document Research and Copy Fee. The City Recorder has requested the fee be split apart. For some copy requests, there is no research involved as the customer is requesting a specific document. For other requests, the City Recorder has to do research because the customer does not identify the specific document being requested. For FY 2010-11, the Document Copy Fee of \$13.60 +\$0.20/p over 10 is being added to this section. For the Research Fee, an All Departments section has been added for the proposed fee of \$48.50 an hour since this fee is applicable to all departments.

Administrative Services

An NSF Check Processing Fee was added to the schedule in the amount of \$25.00. The City previously has been charging \$15.00 for a check returned for insufficient funds. Staff is proposing to increase the fee to recover costs which includes the fee charged to the City by its bank and staff's time to process the NSF check in its billing system.

FISCAL IMPACT: The proposed 4% fee increase should increase fee revenue to the City but the projected revenue increase is dependent on the volume of transactions that occur.

RECOMMENDATION: Staff recommends that the City Council approve the attached resolution setting fees and charges, effective July 1, 2010.



June 3, 2010

NewsTimes

Legal Ads/Public Notice:

To be published: Wednesday, June 9, 2010

**NOTICE OF PUBLIC HEARINGS
PROPOSED RESOLUTIONS INCREASING VARIOUS FEES
AND CHARGES; INCREASING WATER RATES; AND INCREASING
SEWER RATES FOR THE CITY OF FOREST GROVE**

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold Public Hearings **Monday, June 14, 2010, at 7:00 p.m. or thereafter**, in the Community Auditorium, 1915 Main Street, Forest Grove, to consider enacting resolutions that would increase various fees and charges by four (4%) percent or slightly higher, excluding building fees; increase water rates for all customer classes to achieve an overall eight percent (8%) water revenue increase and water service outside the City would be the new rate, plus 100 percent (100%); and increase sanitary sewer rates by 5.5 percent (5.5%) per month. The sanitary sewer rate increase includes a pass-through increase of 5.5 percent (5.5%) by Clean Water Services; a \$500.00 pass-through increase by Clean Water Services for sewer system development charges; and a \$0.50 per Dwelling Unit Equivalent per month pass-through increase by Clean Water Services for surface water management. Upon approval by the City Council, the proposed fees and charges and rate increases would be effective July 1, 2010.

These hearings are open to the public and interested parties are encouraged to attend. A copy of the reports and list of the proposed fees and charges and rates are available for inspection before the hearing at the City Recorder's Office or by visiting the City's website at www.forest-grove-or.gov. Written comments or testimony may be submitted at the hearing or sent to the attention of the City Recorder's Office, P.O. Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing. For further information, please contact Anna Ruggles, City Recorder, at 503.992.3235, or via e-mail aruggles@forestgrove-or.gov.

Anna D. Ruggles, CMC, City Recorder
City of Forest Grove

To be published Wednesday, June 9, 2010

RESOLUTION NO. 2010-40

**RESOLUTION SETTING FEES & CHARGES, EFFECTIVE JULY 1, 2010,
AND REPEALING RESOLUTION 2009-32**

WHEREAS, the City Code Section 2.601 requires fees and charges be adjusted annually in July of each year in accordance with City Code Section 2.605; and

WHEREAS, the certain fees and charges have been previously set by Resolution 2009-32; and

WHEREAS, staff is proposing some fee adjustments in accordance with City Code Section 2.605; and

WHEREAS, staff has prepared the resolution with the proposed fees and charges attached as Exhibits 1 and 2; and

WHEREAS, a duly-noticed Public Hearing was held on June 14, 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE FOREST GROVE CITY COUNCIL AS FOLLOWS:

Section 1. The planning fees listed on Exhibit 1 of this resolution are hereby adopted as of July 1, 2010.

Section 2. Other fees listed on Exhibit 2 of this resolution are hereby adopted as of July 1, 2010.

Section 3. Resolution 2009-32 is hereby repealed upon the effective implementation of date of the foregoing fees.

Section 4. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 14th day of June, 2010.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 14th day of June, 2010.

Peter B. Truax, Mayor

Exhibit 1 - Planning Fees

	ADOPTED FEES AS OF JULY 1, 2009	ADOPTED FEES AS OF JULY 1, 2010
Amendment to Map	\$63.00/hour with a \$2,700 deposit*	\$66.00/hour with a \$2,800 deposit*
Amendment to Text	\$63.00/hour with a \$2,150 deposit*	\$66.00/hour with a \$2,250 deposit*
Annexation	\$63.00/hour with a \$600 deposit (City); \$2,600 (Metro)	\$66.00/hour with a \$650 deposit (City); \$2,600 (Metro)
Appeal of Administrative Decision		\$250.00
Appeal of Planning Commission Decision	\$323.00	\$340.00
Commercial Design Review	\$63.00/hour with a \$2,900 deposit*	\$66.00/hour with a \$3,000 deposit*
Conditional Use	\$63.00/hour with a \$2,150 deposit*	\$66.00/hour with a \$2,250 deposit*
Preliminary Expedited Land Division	\$1,034.00	\$1,075.00
Final Expedited Land Division	\$310.00	\$325.00
Historic Designation	\$30.00	\$33.00
Lot Line Adjustment	\$135.00; follow-up required	\$141.00; follow-up required
Preliminary Partition	\$1,034.00	\$1,075.00
Final Partition	\$310.00	\$325.00
Plat and Street Vacation	\$1,550.00	\$1,615.00
Preliminary Planned Development	\$63.00/hour with a \$4,225 deposit*	\$66.00/hour with a \$4,300 deposit*
Final Planned Development	\$1,671.00	\$1,740.00
Renovation Grant	\$0.00	\$0.00
Sign Permit	\$64.00 + \$2.83/sq. ft. (maximum fee of \$1,755)	\$67.00 + \$2.94/sq. ft. (maximum fee of \$1,825)
Site Plan Review		
Non-Residential over 1 acre	\$63.00/hour with a \$2,900 deposit*	\$66.00/hour with a \$3,000 deposit*
Non-Residential under 1 acre	\$63.00/hour with a \$2,900 deposit*	\$66.00/hour with a \$3,000 deposit*
Residential		
New Residential	\$278.00 + \$97.85/unit over 1	\$290.00 + \$101.76/unit over 1
Residential Additions & Accessory Structures	\$63.00	\$66.00
Addition	\$916.00	\$953.00
Preliminary Subdivision	\$63.00/hour with a deposit* of \$1,930 + \$64.00/lot over 3 lots	\$66.00/hour with a deposit* of \$1,950 + \$67.00/lot over 3
Final Subdivision	\$735.00	\$765.00
Street Tree Fee	\$327.00	\$340.00
Tree Permit Fee	\$0.00	\$0.00
Erosion Control Review	fee schedule set by CWS	fee schedule set by CWS
Variance from Regulations	\$63.00/hour with an \$1,930 deposit*	\$66.00/hour with an \$1,950 deposit*

*Plus all incidental costs associated with processing a permit including but not limited to legal notice publication, copying and postage.

Forest Grove Fee Schedule Exhibit 2

Adopted Fees - 7/1/09

Adopted Fees - 7/1/10

PARKS AND RECREATION

Facility Reservation (not including Light Charge)

Lincoln Park Stadium & Turf Field (in-City)	\$41.20 per hour: \$329.60 max	\$43.00 per hour: \$344.00 max
Lincoln Park Stadium & Turf Field (Out of City)	\$82.4 per hour: \$659.20 max	\$85.75 per hour: \$686.00 max
Bond Field (every 2 hour rental)	\$31.00 (in-city); \$62.00 (out)	\$32.25 (in-city); \$64.50 (out)
Sherman Field (every 2 hour rental)	\$25.75 (in-city); \$51.50 (out)	\$26.80 (in-city); \$53.60 (out)
Thatcher Park Soccer Field (every 2 hour rental)	\$20.60 (in-city); \$41.20 (out)	\$21.50 (in-city); \$43.00 (out)
Lincoln Park Practice Soccer Field (every 2 hour rental)	\$20.60 (in-city); \$41.20 per hour (out)	\$21.50(in-city); \$43.00 per hour (out)
Thatcher Park Softball Field (every 2 hour rental)	\$10.30 (in-city); \$20.60 (out)	\$10.75 (in-city); \$21.50 (out)
Shelter (4 Hour Period)	\$38.60 (in-city); \$77.20 (out)	\$40.20 (in-city); \$80.40 (out)

Light Charge

Soccer Field - Lincoln Park or Thatcher	\$36.00 per hour	\$37.50 per hour
Bond Field	\$36.00 per hour	\$37.50 per hour
Sherman Field & Thatcher Park Softball (per field)	\$18.00 per hour	\$18.75 per hour
Lincoln Park Practice Field		\$18.75 per hour

ENGINEERING

Permit to Construct Public Improvements	139.00 per hour	139.00 per hour
Excavation Permit	27.00	28.00
Permit to Deposit on Streets (per permit)	40.00	41.60
Engineering Plans & Specifications (Copies)		
Standard	51.00	53.00
Mail	51.00	53.00
Disk	26.75	28.00
Copies per Sheet (Copy Machine)		
8.5x11	0.15	0.20
Larger than 8.5x11	0.20	0.25
Auditron Copies	6.00	6.00

WATER

Water Shut-Off/On During Regular Business Hours (First Call in Calendar Year Waived)	21.50	25.00
After Regular Business-Hours Water Shut-Off/On	43.00	75.00
Leaks/Pipe Break Shut-Off/On		no charge
Non Payment Reconnection Service -		
During Regular Business Hours	40.00	42.00
After Regular Business Hours	126.00	135.00
Water Meter Tamper/Damage Fee	\$115.00 plus cost to repair/replace	\$150.00 plus cost to repair/replace
Water Connections - Drop In		
3/4-inch Meter	258.00	270.00
1-inch Meter	309.00	325.00
1 1/2-inch Meter	616.00	641.00
2-inch Meter	996.00	1036.00
3-inch Meter	actual cost	actual cost
4-inch Meter	actual cost	actual cost
> 4-inch Meter	actual cost	actual cost
Water Connections - Full Service		
3/4-inch Meter	1103.00	1150.00
1-inch Meter	1152.00	1200.00
1 1/2-inch Meter	1358.00	1415.00
2-inch Meter	1463.00	1525.00
3-inch Meter	actual cost	actual cost
4-inch Meter	actual cost	actual cost
> 4-inch Meter	actual cost	actual cost

Forest Grove Fee Schedule Exhibit 2

Adopted Fees - 7/1/09

Adopted Fees - 7/1/10

SEWER

Sewer Connection Inspection	51.50	54.00
Sewer Dye Test	69.25	72.00

LIGHT AND POWER

Main Street Auditorium Rental		
Non-Profit Group (per hour)	32.25 min; \$77.00max	34.00 min; \$95.00max
For-Profit Group(per hour)	\$45.00 min; \$122.00 max	\$47.50 min; \$133.00 max
Non Payment Reconnection Service -		
During Regular Business Hours	40.00	42.00
After Regular Business Hours	126.00	135.00
Electric Meter Tamper/Damage Fee	\$115.00 plus cost to repair/replace	\$150.00 plus cost to repair/replace

POLICE

Special Liquor License Permit	19.50	20.25
Copies		
Reports	\$13.00 + \$.20/p over 10	\$13.60 + \$.20/p over 10
Audio/Video	27.00	28.00
Compact Disc	\$6.50 + \$0.50 per picture	\$7.00 + \$0.50 per picture
Color Photograph Print		\$5.00 per sheet
Citation Copy		\$5.00
Radar Certification Copy		\$5.00
Fingerprinting	16.50	17.25
Record Check Letter	33.00	34.50
Release Impounded/Immobilized Vehicle	84.50	100.00
After-Hours Release Impounded/Immobilized Vehicle	127.00	132.00
Damage to Boot Immobilizer Fee	\$84.50 plus cost to repair/replace	\$90.00 plus cost to repair/replace
Miscellaneous Permits		
Parade Permits	no fee	no fee
Temporary Street Closure	11.00	15.00
Loudspeaker	11.00	15.00
Dance	11.00	no fee

FIRE

Report Copies (after 1 free copy to customer)	\$13.00 + \$.20/p over 10	\$13.60 + \$.20/p over 10
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LIBRARY

Processing Fee - Lost & Damage	\$5.00 per WCCLS	\$5.00 per WCCLS
Restocking Fee	20% of refund	20% of refund
Collection Agency	\$10.00 per WCCLS	\$10.00 per WCCLS
Rogers Room Rental Fee		
Whole Room (per hour)	11.00	11.50
One Half (Divider Closed - per hour)	5.50	5.75
Inter-Library Loan	\$0 per WCCLS	\$0 per WCCLS
Library Late Fine	per WCCLS schedule	per WCCLS schedule
Public Online Printing	\$.10/page	\$.10/page
Public Copy Service	\$.10/page	\$.10/page

Forest Grove Fee Schedule Exhibit 2

Adopted Fees - 7/1/09

Adopted Fees - 7/1/10

CITY RECORDER

City Council Packet Subscription (per 6 mos.)	129.00	135.00
City Council Agenda Annual Subscription	25.00	26.00
Liquor License	\$25; per state	
Original Application		100.00
Change: Ownership, Location, Privilege Application		75.00
Renewal or Temporary Application		35.00
Copies		
Audio/Video	27.00	28.00
Compact Disc	\$6.50 + \$0.50 per picture	\$7 + \$0.50 per picture
Document Copy	\$46.60/hour + \$.10/p	\$13.60 + \$.20/p over 10

ADMINISTRATIVE SERVICES

Hydrant Permit	40.00	42.00
Bicycle License	11.00	11.50
Lien Search	21.00	22.00
Reserve Parking (monthly)	19.00	20.00
Utility Bill Inserts	161.00	168.00
Utility Billing Account Set-Up Fee - In-City	16.00	16.75
Utility Billing Account Set-Up Fee - Out-of-City	32.00	33.50
Door Hanger Fee - In-City	11.00	11.50
Door Hanger Fee - Out-of-City	22.00	23.00
Online Payment Maintenance Fee	1.25	1.25
NSF Check Processing Fee	15.00	25.00
Passport Processing Fee	Fee set by State Department	Fee set by State Department

ALL DEPARTMENTS

Research Fee	\$46.60 per hour	\$48.50 per hour
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June 14, 2010

STAFF REPORT AND RESOLUTIONS RELATING TO RATE INCREASES FOR THE PUBLIC WORKS' FUNDS OF WATER, SEWER, SEWER SDC, AND SURFACE WATER MANAGEMENT

PROJECT TEAM: Rob Foster, Director of Public Works
Susan Cole, Assistant Director of Administrative Services
Paul Downey, Director of Administrative Services
Michael Sykes, City Manager

ISSUE STATEMENT: Each year, staff evaluates the various funds in Public Works to determine if the revenue requirements in each fund are being met. Additionally, Clean Water Services reviews sewer and surface water revenue requirements and adopts District-wide rates, and the City establishes those rates by resolution.

This staff report encompasses the three proposed rate resolutions pertaining to the Public Works' funds as follows:

- Water - City staff has completed the annual financial review of the water fund revenue requirements for fiscal year 2010-11. This review indicates an overall eight percent (8%) rate increase is necessary in order to adequately fund operations and necessary capital improvements to the water treatment plants and distribution systems.
- Sewer – Both Clean Water Services and the City have reviewed the revenue requirements for sewer operations and capital expenditures. Due to the increasing costs of meeting federal water quality requirements, along with the costs for power and chemicals used at the wastewater treatment plants, CWS is increasing sanitary sewer rates 5.5% and Forest Grove is increasing its surcharge by 5.5%.
- Sewer SDC – Clean Water Services is proposing to increase the Sewer System Development Charges (SDC) by \$500, from \$3,600 to \$4,100, to cover the increasing costs of capacity expansion.
- Surface Water Management (SWM) fee – Clean Water Services is proposing to increase the monthly SWM fee by \$0.50.

BACKGROUND:

Water: The Water Fund has recently experienced a drop off in revenues due to the recession. Revenues from the industrial and commercial customer classes are down as businesses effected by the recession close, relocate and restructure. In addition, the recession has damped timber harvest revenues as the market for lumber has taken a hit. At the same time, revenues received for leasing excess stored water and excess treatment capacity have discontinued because Joint Water Commission (JWC) partners no longer have

fund water operations and planned infrastructure requirements at the JWC water treatment plant, as well as the City's plant and distribution system, a water rate increase of 8.0% is proposed for July 1, 2010.

Two new sections are added to the Water Rate Resolution as a matter of housekeeping. Section 4 closes a loophole on charges for meters set on stand-by service for more than 12 months, meaning the meter is available for future use. The stand-by charge currently in practice is \$25 annually. Section 5 closes a loophole for meters coded as "Fire" service, and exempts them from charges, which is the current practice. Without these new sections, both stand-by service and fire service would need to pay the monthly charges outlined in the rate tables, which would add up to be much higher. All water charges, including for these two services, will be re-evaluated in the rate study proposed for FY 10-11.

Sewer: The City of Forest Grove collects rates and charges for sanitary sewer pursuant to the Intergovernmental Agreement (IGA) with Clean Water Services (CWS). The agreement sets forth that CWS will set rates for the fundamental service and that member cities can select to add a portion for additional local operation costs.

For FY 10-11, CWS is increasing sanitary sewer rates 5.5%, raising a monthly residential bill from approximately \$30.92 to \$34.46. Additionally, Forest Grove is increasing its surcharge by 5.5%, from \$3.15 per Equivalent Dwelling Unit (EDU) to \$3.32 per EDU. These increases are needed in order to cover the increasing costs of meeting regulations, as well as the increases in costs to labor, chemicals and utilities.

Sewer SDC: For FY 10-11, CWS is raising the sanitary sewer System Development Charge by \$500. This will raise the fee from the current \$3,600 per EDU to \$4,100. Forest Grove is not adding any additional amount to this increase. Forest Grove retains 20% of the SDC revenue, and passes-through the rest to CWS.

Surface Water Management (SWM): The City of Forest Grove collects rates and charges for storm water (SWM) pursuant to the Intergovernmental Agreement (IGA) with Clean Water Services (CWS). The agreement sets forth that CWS will set rates for the fundamental service and that member cities can select to add a portion for additional local operation costs.

For FY 10-11, CWS is raising the monthly SWM fee by \$0.50. This will raise the current rate CWS charges from \$4.25 to \$4.75. Forest Grove currently has in place a surcharge of \$0.75 that is added to this, to make the new rate \$5.50 per month per Equivalent Service Unit (ESU). SWM fees cover the cost of leaf-pick up, catch basin cleaning, and street sweeping, programs which lessen the pollution in local streams and rivers.

FISCAL IMPACT: The attached tables display the fiscal impact to residential customers of the proposed operating rates, by utility.

Table 1 displays various jurisdictions, including Forest Grove, and their respective residential utility estimated charges for FY 10-11 for water, sewer, surface water and electricity. These estimated charges are then calculated into an estimated monthly, residential utility bill.

Table 1 assumes water consumption and sewer use of 8 ccf, (ccf = 100 cubic feet) or 5,984 gallons, the average household use for the jurisdictions shown. A chart is included comparing the total estimated monthly bill.

The fiscal impact to Forest Grove customers of the proposed rate increases can be seen in the section for Forest Grove. At the assumed quantity of 5,984 gallons, (8 ccf, the approximate average for the jurisdictions shown), raising water rates by 8% will cost Forest Grove customers approximately \$1.63 more per month.

Both CWS and Forest Grove are proposing to raise sewer rates by 5.5%. This will cost Forest Grove customers residential customers approximately \$1.97 more each month. The increase proposed by CWS to surface water management fees will cost Forest Grove residential customers \$0.50 more per month.

Tables 2 and 3 compare water bills only for the JWC partners plus the city of Cornelius. The JWC is made up of Forest Grove, Tualatin Valley Water District, Hillsboro and Beaverton. Both tables deliberately use a higher consumption estimate than Table 1, 15 ccf, (11,220 gallons) an amount that triggers Forest Grove's 3rd tier, in order to compare estimated water bills if our 3rd tier is triggered. Table 2 uses the current rates for the current fiscal year. Table 3 is identical to Table 2, but builds in the estimated rate increases for fiscal year 2010-11.

The details of the revenue raised from these rate increases, and the uses of the revenue, can be found in the recently proposed FY 10-11 budget. The water rate increase will yield approximately \$92,000 more in revenue for the water fund, and used to fund operations and save up for future capital investments. The sewer rate increase will yield approximately \$157,000 more in revenue, but of this amount, \$133,000 is passed on to CWS. The remaining \$24,000 is retained by Forest Grove and will be used to fund operations. The SWM rate increase will yield approximately \$78,000 more in revenue, \$20,000 of which is passed on to CWS. The remaining funds are retained by Forest Grove to fund operations.

RECOMMENDATION: Staff recommends the City Council adopt the attached resolutions as follows:

- Resolution No. 2010-41 increases water rates by 8%.
- Resolution No. 2010-42 increases Forest Grove's sewer surcharge by 5.5% to \$3.32 per EDU.
- Resolution No. 2010-43 passes through the rates and charges from CWS, increasing Sewer rates by 5.5%, increasing SWM rates by \$0.50 per Equivalent Service Unit per month for Surface Water Management, and increasing the Sewer System Development Charge by \$500.

Table 1

Table 1

**Monthly Residential Utility Bill Comparison
FY 10-11 Rate Comparison Estimates**

Jurisdiction (Rank, high to low)	Utility Service	Proposed Fixed Base Charge	Proposed 1st Tier Rate	Unit	1st Tier Block	City Surcharge	Monthly Customer Bill (Water/Sewer - 8 ccf; Electric - 2,000 kWh)	FY 10-11 % Increase From Prior Yr	FY 10-11 \$\$ Increase From Prior Yr	Notes
Newberg (Highest)	Water	\$4.37	\$3.54	Per CCF	0-10 CCF		\$32.69	10.5%	\$3.20	
	Sewer	\$14.37	\$6.26	Per CCF	0-8 CCF		\$64.45	16.4%	\$9.07	
	SWM	\$4.48	--	Per EDU	1 EDU		\$4.48	18.0%	\$0.68	
	Electric (PGE)	\$10.50	\$0.09018	Per kWh	0-500 kWh		<u>\$231.44</u>	<u>14.2%</u>	<u>\$28.80</u>	
	Total Estimated Utility Bill						\$333.06	14.3%	\$41.75	
Cornelius (2nd)	Water	\$29.28	\$2.82	Per 1,000 Gal	0-6,000 GAL		\$46.15	8.5%	\$3.63	
	Sewer	\$22.46	\$1.50	Per CCF	0-8 CCF	\$6.90	\$41.36	4.6%	\$1.80	CWS increase=5.5%, but surcharge not changing
	SWM	\$4.75	--	Per ESU	1 ESU	\$4.30	\$9.05	11.7%	\$0.50	CWS increase=\$0.50, but surcharge not changing
	Electric (PGE)	\$10.50	\$0.09018	Per kWh	0-500 kWh		<u>\$231.44</u>	<u>14.2%</u>	<u>\$28.80</u>	
	Total Estimated Utility Bill						\$328.00	11.8%	\$34.73	
Sherwood (3rd)	Water	\$16.76	\$0.46	Per 100 Gal	0-21000 GAL		\$44.29	0.0%	\$0.00	
	Sewer	\$22.46	\$1.50	Per CCF	0-8 CCF	\$0.38	\$34.84	5.5%	\$1.80	
	SWM	\$4.75	--	Per ESU	1 ESU	\$7.52	\$12.27	0.0%	\$0.00	CWS is increasing, but Sherwood had to correct their surcharge, so no net increase.
	Electric (PGE)	\$10.50	\$0.09018	Per kWh	0-500 kWh		<u>\$231.44</u>	<u>14.2%</u>	<u>\$28.80</u>	
	Total Estimated Utility Bill						\$322.83	10.3%	\$30.60	
Tigard (4th)	Water	\$6.85	\$2.86	Per CCF	0-10 CCF		\$29.73	6.4%	\$2.21	
	Sewer	\$22.46	\$1.50	Per CCF	0-8 CCF		\$34.46	5.5%	\$1.80	
	SWM	\$4.75	--	Per ESU	1 ESU	\$2.00	\$6.75	11.7%	\$0.50	
	Electric (PGE)	\$10.50	\$0.09018	Per kWh	0-500 kWh		<u>\$231.44</u>	<u>14.2%</u>	<u>\$28.80</u>	
	Total Estimated Utility Bill						\$302.37	12.1%	\$33.31	
Beaverton (5th)	Water	\$8.00	\$2.32	Per CCF	0-10 CCF		\$26.56	3.1%	\$0.80	
	Sewer	\$22.46	\$1.50	Per CCF	0-8 CCF	\$2.00	\$36.46	5.2%	\$1.80	CWS increase=5.5%, but surcharge not changing
	SWM	\$4.75	--	Per ESU	1 ESU	\$2.00	\$6.75	11.7%	\$0.50	CWS increase=\$0.50, but surcharge not changing
	Electric (PGE)	\$10.50	\$0.09018	Per kWh	0-500 kWh		<u>\$231.44</u>	<u>14.2%</u>	<u>\$28.80</u>	
	Total Estimated Utility Bill						\$301.21	11.8%	\$31.90	
Tualatin (6th)	Water	\$6.90	\$2.29	Per CCF	0-10 CCF		\$25.22	0.0%	\$0.00	
	Sewer	\$22.46	\$1.50	Per CCF	0-8 CCF		\$34.46	5.5%	\$1.80	
	SWM	\$4.75	--	Per ESU	1 ESU	\$0.11	\$4.86	11.7%	\$0.50	CWS increase=\$0.50, but surcharge not changing
	Electric (PGE)	\$10.50	\$0.09018	Per kWh	0-500 kWh		<u>\$231.44</u>	<u>14.2%</u>	<u>\$28.80</u>	
	Total Estimated Utility Bill						\$295.98	11.7%	\$31.10	
Hillsboro (7th)	Water	\$9.81	\$1.20	Per CCF	0-8 CCF		\$19.41	9.5%	\$1.65	
	Sewer	\$22.46	\$1.50	Per CCF	0-8 CCF		\$34.46	5.5%	\$1.80	
	SWM	\$4.75	--	Per ESU	1 ESU		\$4.75	11.7%	\$0.50	
	Electric (PGE)	\$10.50	\$0.09018	Per kWh	0-500 kWh		<u>\$231.44</u>	<u>14.2%</u>	<u>\$28.80</u>	
	Total Estimated Utility Bill						\$290.06	12.7%	\$32.75	

Continued

Table 1

Table 1

Jurisdiction (Rank, high to low)	Utility Service	Proposed		Unit	1st Tier Block	City Surchage	Monthly Customer Bill (Water/Sewer - 8 ccf; Electric - 2,000 kWh)	FY 10-11 %	FY 10-11 \$\$	Notes
		Fixed Base Charge	Proposed 1st Tier Rate					Increase From Prior Yr	Increase From Prior Yr	
Forest Grove (8th)	Water	\$13.28	\$1.35	Per 1,000 Gal	0-5,000 GAL		\$22.20	8.0%	\$1.63	
	Sewer	\$22.46	\$1.50	Per CCF	0-8 CCF	\$3.32	\$37.78	5.5%	\$1.97	
	SWM	\$4.75	--	Per ESU	1 ESU	\$0.75	\$5.50	10.0%	\$0.50	
	Electric (FG Light & Power)	\$12.60	\$0.04830	Per kWh	0-1000 kWh		\$117.60	0.0%	\$0.00	
	Total Estimated Utility Bill						\$183.08	2.3%	\$4.10	
McMinnville (lowest - 9th)	Water	\$20.02	\$1.30	Per CCF	0-10 CCF		\$30.44	6.2%	\$1.77	
	Sewer	\$17.05	\$4.40	Per CCF	per CCF		\$52.25	0.0%	\$0.00	
	SWM	\$0.00	--		--		\$0.00	0.0%	\$0.00	
	Electric (McMinn. Water & Light)	\$9.75	\$0.03815	Per kWh	0-1000 kWh		\$93.61	4.3%	\$3.90	
	Total Estimated Utility Bill						\$176.30	3.3%	\$5.67	

Average Estimated Utility Bill

\$281.43

CCF = 100 cubic feet; 1 CCF is 748 gallons
Gal = Gallons
ESU = Equivalent Service Unit
EDU = Equivalent Dwelling Unit

kWh = kilowatt hour
A 100-watt bulb left on for 10 hours would use the equivalent of 1 kilowatt hour.
An average household in Forest Grove consumes 1,700 kilowatt hours in a month.
Includes all taxes, adjustments, Capital Improvement charges, etc

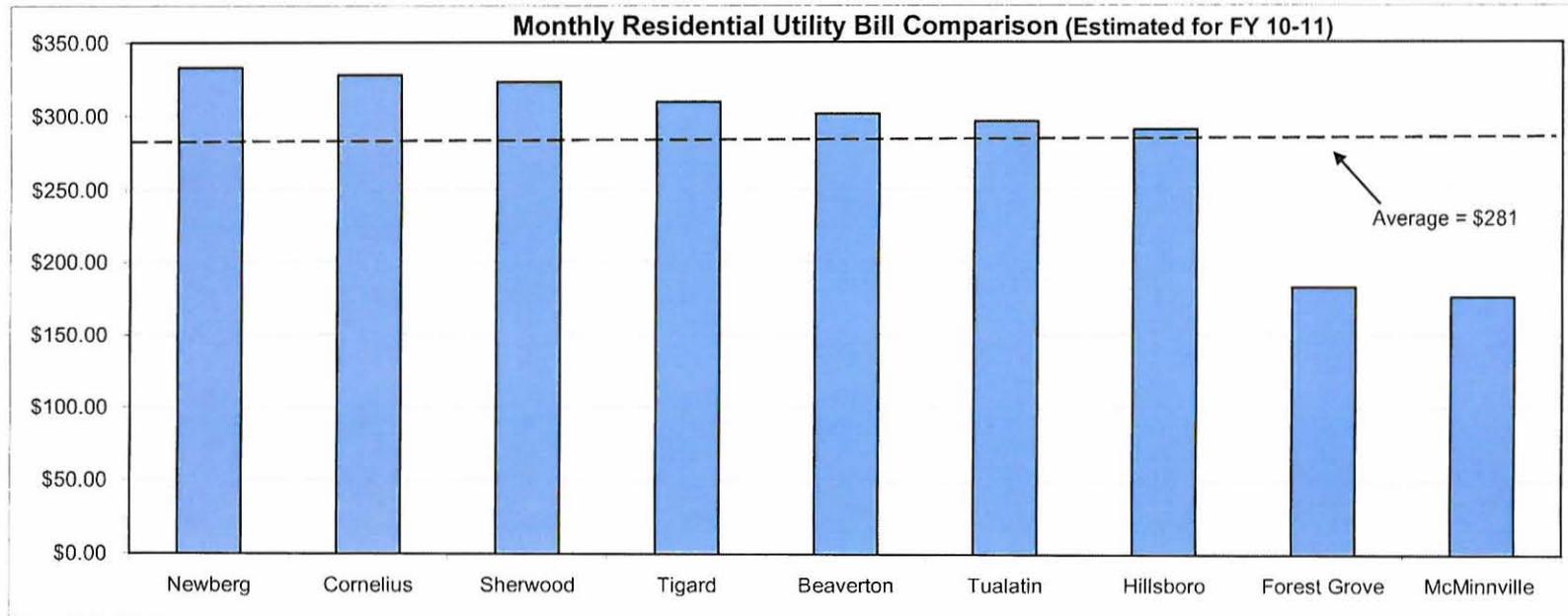


Table 2

Monthly Water Rate Actuals 2009-10

For a residential water customer using 11,220 gallons per billing cycle (15 ccf)

CITY	RATE				TOTAL	Notes
	Volume					
	Base	Tier 1	Tier 2	Tier 3		
Cornelius	\$26.96	\$15.60	\$19.68	<i>not triggered in example</i>	\$62.24	(1)
Beaverton	\$8.00	\$33.30	<i>None</i>	<i>None</i>	\$41.30	(2)
TVWD	\$6.73	\$36.75	<i>not triggered in example</i>	<i>None</i>	\$43.48	(3)
Forest Grove	\$12.30	\$6.25	\$10.25	\$3.67	\$32.47	(4)
Hillsboro	\$8.96	\$8.80	\$11.90	<i>not triggered in example</i>	\$29.66	(5)

1 ccf = 100 cubic feet of water, or 748 gallons.

(1) Cornelius' third tier is \$5.56 per 1,000 gallons over 12,000 gallons.

(2) Beaverton does not have tiered rates.

(3) Tualatin Valley Water District's second tier is \$3.50 per ccf over 29 ccfs, or 21,692 gallons.

(4) Forest Grove's third tier is \$3.01 per 1,000 gallons over 10,000 gallons.

(5) Hillsboro's third tier is \$2.30 per ccf over 19 ccfs, or 14,212 gallons.

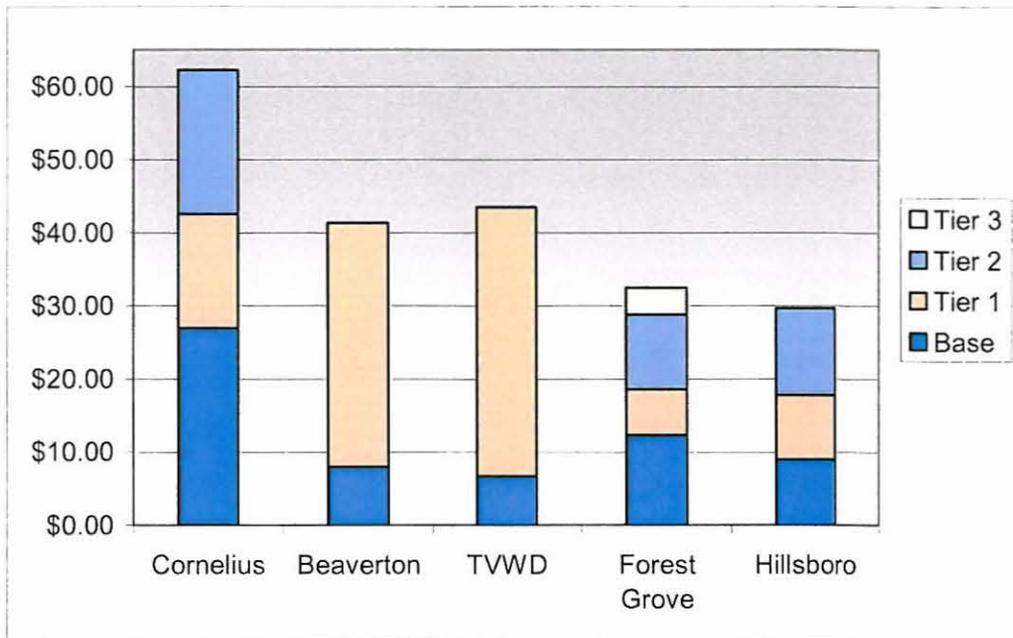


Table 3

Monthly Water Rate Comparison 2010-11

Estimated rate increases included, for a residential water customer using 11,220 gallons (15 ccf) per billing cycle

CITY	RATE				TOTAL	Notes
	Volume					
	Base	Tier 1	Tier 2	Tier 3		
Cornelius	\$29.28	\$16.92	\$21.34	<i>not triggered in example</i>	\$67.54	(1)
Beaverton	\$8.00	\$34.80	None	None	\$42.80	(2)
TVWD	\$6.73	\$36.75	<i>not triggered in example</i>	None	\$43.48	(3)
Forest Grove	\$13.28	\$6.75	\$11.05	\$3.96	\$35.04	(4)
Hillsboro	\$9.81	\$9.64	\$13.03	<i>not triggered in example</i>	\$32.48	(5)

1 ccf = 100 cubic feet of water, or 748 gallons.

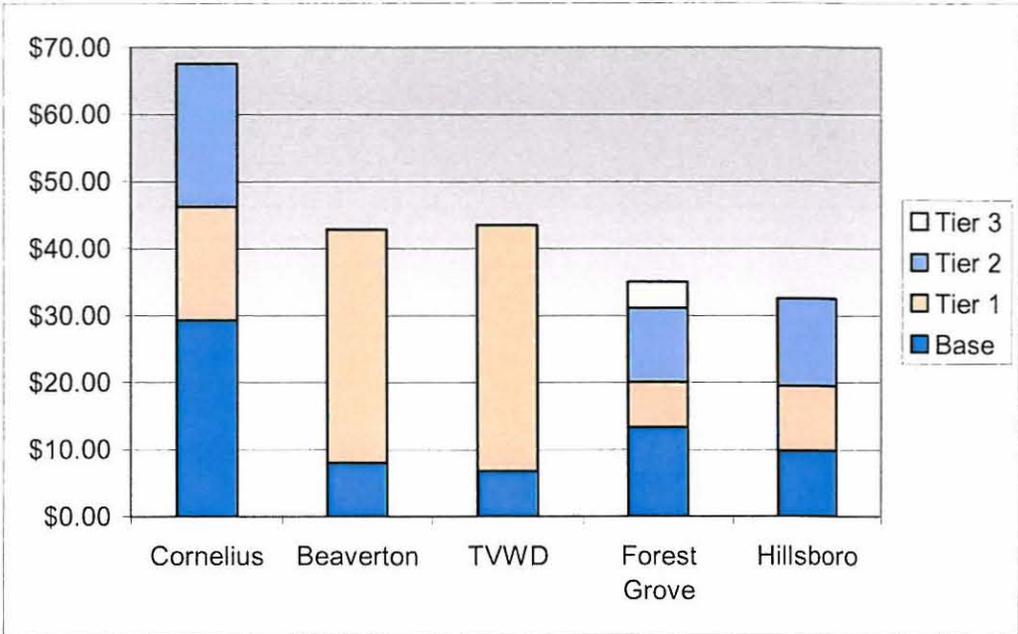
(1) Cornelius' third tier is \$6.03 per 1,000 gallons over 12,000 gallons. Proposed rate increase of roughly 8.5% goes into effect on July 1, 2010.

(2) Beaverton does not have tiered rates. Estimated rate increase is \$0.10 per ccf; not yet approved.

(3) Tualatin Valley Water District's second tier is \$3.50 per ccf over 29 ccfs. Proposed rate analysis goes to Board in June. At this time, (May 2010) TVWD has no plans to increase rates.

(4) Forest Grove's third tier is \$3.25 per 1,000 gallons over 10,000 gallons. FG proposing 8% increase for all rates, all customer classes.

(5) Hillsboro's third tier is \$2.52 per ccf over 19 ccfs, or 14,212 gallons. Estimated rate increase is 9.5%, not yet approved.





RESOLUTION NO. 2010-41

RESOLUTION FIXING WATER RATES FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2010, AND REPEALING RESOLUTION NO. 2009-33

WHEREAS, Forest Grove Code Section 4.035 and 3.800 authorizes the City Council to fix water rates, water connection charges, and system development charges by resolution; and

WHEREAS, The City Council has determined that water fund revenue requirements will necessitate that water rates be increased; and

WHEREAS, A duly-noticed Public Hearing was held June 14, 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1: That the water rates within the city limits of Forest Grove shall be as follows:

SF RESIDENTIAL CUSTOMER CLASS				
METER SIZE	MONTHLY FIXED RATE	USAGE RATES		
		TIER 1	TIER 2	TIER 3
		0 kgal to 5	5 kgal to 10	10 kgal & over
3/4" & less	\$13.28	\$1.35	\$2.21	\$3.25
1"	\$18.31	\$1.35	\$2.21	\$3.25
1.5"	\$26.69	\$1.35	\$2.21	\$3.25
2"	\$36.72	\$1.35	\$2.21	\$3.25

MF RESIDENTIAL CUST CLASS			COMMERCIAL CUST CLASS		
METER SIZE	MONTHLY FIXED RATE	USAGE RATE kgal	METER SIZE	MONTHLY FIXED RATE	USAGE RATE kgal
3/4" & less	\$13.28	\$1.89	3/4" & less	\$14.17	\$1.83
1"	\$18.31	\$1.89	1"	\$20.53	\$1.83
1.5"	\$26.69	\$1.89	1.5"	\$31.10	\$1.83
2"	\$36.72	\$1.89	2"	\$43.82	\$1.83
3"	\$63.51	\$1.89	3"	\$77.72	\$1.83
4"	\$93.67	\$1.89	4"	\$115.82	\$1.83
6"	\$177.34	\$1.89	6"	\$221.71	\$1.83
8"	\$277.80	\$1.89	8"	\$348.80	\$1.83

INDUSTRIAL CUSTOMER CLASS		
METER SIZE	MONTHLY FIXED RATE	USAGE RATE kgal
3/4" & less	\$14.96	\$1.73
1"	\$22.53	\$1.73
1.5"	\$35.12	\$1.73
2"	\$50.23	\$1.73
3"	\$90.53	\$1.73
4"	\$135.86	\$1.73
6"	\$261.80	\$1.73
8"	\$412.88	\$1.73

Section 2: That the following rules shall govern the definition of various customers classes:

- a. Whenever one water meter serves more than one type of customer class, the higher of the two rates shall be charged for all water used.
- b. In order to be classified as a residential water user, the water customer must meet the following definition:

The term residential user is applicable to all single-family, multiple-family, and mobile home buildings where residential customers receive metered water service, and which structures house family dwelling units. A residential dwelling unit is defined to include dwelling units designed for permanent occupation by family and which include kitchens and bathroom facilities.

- c. In order to be classified as an industrial water user, a water utility customer must meet all three requirements listed below:
 - (1) A water system customer's status is determined by using the Standard Industrial Classification Manual and the customer must belong to a major industrial group in Division A (agriculture, forestry, and fishing), Division B (mining), Division D (manufacturing), or Division F (wholesale trade) as defined in most current Standard Industrial Classification Manual.
 - (2) A water system customer's historical annual water use, documented by City of Forest Grove Water Utility water billing records, must equal or exceed an average of 10,000 gallons per day.
 - (3) A water system customer's water meter size must equal or exceed two inches in diameter.

- d. A water user who does not meet the requirements contained in Section 2(b) residential user of section 2(c) industrial user shall be classified and billed for water as a commercial class customer.
- e. Any water taken from fire hydrant or other unmetered facility other than for an authorized city use, shall be charged at the rate of \$2.21 per 1000 gallons plus current overhead charge.

Section 3: That the monthly charge when there is no water consumption shall be the monthly fixed rate contained in Section 1 of the meter size and customer class for the service being provided.

Section 4: That meters set on "stand-by" service shall be charged an annual rate of \$25.00.

Section 5: That meters coded "fire" service shall be exempt from charges for Fiscal Year 2010-11.

Section 6: That the applicable rate for water service outside the City limits shall be those contained in Section One (1) through Section Three (3), plus 100%, except as otherwise noted.

Section 7: Gales Creek Waterline grantors/customers that hold easement agreements (through 2015) with the City shall pay rates equal to the rates inside the City, plus the cost of debt service associated with the Gales Creek Waterline as follows:

<u>Meter Size (inches)</u>	<u>Monthly Debt Service Payment</u>
3/4	\$ 21.37
1	\$ 53.43
2	\$170.96

Section 8: The above water rates shall become effective July 1, 2010.

Section 9: Resolution No. 2009-33 is hereby repealed upon the effective implementation date of the foregoing water rates.

Section 10: This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 14th day of June, 2010.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 14th day of June, 2009.

Peter B. Truax, Mayor

RESOLUTION NO. 2010-42

**RESOLUTION INCREASING SANITARY SEWER RATES
FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2010,
AND REPEALING RESOLUTION NO. 2007-30**

WHEREAS, Forest Grove Code Section 3.705 and as set forth in the agreement with Clean Water Services, formerly known as Unified Sewer Agency, page 8 section 4.#.4 of the agreement authorizing the City to charge and collect a service charge at a higher rate by resolution; and

WHEREAS, The City Council has determined that sewer fund revenue requirements will necessitate that sewer rates be increased above the rates established by Clean Water Services;

WHEREAS, A duly-noticed Public Hearing was held June 14, 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1: That the monthly sewer rates for the City of Forest Grove shall be increased to \$3.32 per Equivalent Dwelling Unit per month above the sewer rates established by Clean Water Services. The additional revenue raised by the \$3.32 surcharge will be fully retained by the City of Forest Grove.

Section 2: The above sewer rates shall become effective July 1, 2010.

Section 3: Resolution No. 2007-30 is hereby repealed upon the effective implementation date of the foregoing sewer rates.

Section 4. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 14th day of June, 2010.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 14th day of June, 2010.

Peter B. Truax, Mayor



RESOLUTION NO. 2010-43

**RESOLUTION ESTABLISHING CERTAIN CLEAN WATER SERVICES
UTILITY RATES AND CHARGES FOR THE CITY OF FOREST GROVE,
EFFECTIVE JULY 1, 2010**

WHEREAS, Forest Grove Code Section 3.705 and as set forth in the agreement with Clean Water Services, formerly known as Unified Sewer Agency, Page 5, Section 4. B., of the agreement requires the City to collect rates and charges set by Clean Water Services; and

WHEREAS, Clean Water Services provides the City of Forest Grove sanitary sewer treatment and surface water management billed on per dwelling unit; and

WHEREAS, Clean Water Services Board of Directors approved on June 1, 2010, to increase its sewer rate by 5.5 percent (5.5%) and the surface water management rate by \$0.50; and

WHEREAS, Clean Water Services Board of Directors approved on June 1, 2010, to increase its Sanitary Sewer System Development Charges (SDC) by \$500, raising the SDC from \$3,600 to \$4,100; and

WHEREAS, the City of Forest Grove will retain 20 percent (20%) of the Sanitary Sewer System Development Charges as set forth by Clean Water Services Board of Directors on June 1, 2010.

WHEREAS, Clean Water Services has held Public Hearing(s) notifying customers of the above- proposed rate increases.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE
AS FOLLOWS:**

Section 1: The City Council authorizes the City to collect sewer rates and charges as set forth by Clean Water Services Board of Directors on June 1, 2010.

Section 2: The City Council authorizes the City to collect surface water management rates and charges as set forth by Clean Water Services Board of Directors on June 1, 2010.

Section 3: The City Council authorizes the City to collect Sanitary Sewer System Development Charges as set forth by Clean Water Services Board of Directors on June 1, 2010.

Section 4: The City of Forest Grove shall retain 20 percent (20%) of the Sanitary Sewer System Development Charges as set forth by Clean Water Services Board of Directors on June 1, 2010.

Section 5: The above rates shall become effective July 1, 2010.

Section 6: Resolution No. 2009-35 is hereby repealed upon the effective implementation date of the foregoing water rates.

Section 7: This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 14th day of June, 2010.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 14th day of June, 2010.

Peter B. Truax, Mayor

MEMORANDUM

TO: Mayor Truax and City Councilors

FROM: Anna D. Ruggles, CMC, City Recorder

DATE: June 14, 2010

SUBJECT: Standards and Criteria for City Manager Performance Evaluation

BACKGROUND: Pursuant to City Manager's Employment Agreement, Section 6, the City Council must evaluate the City Manager's annual performance, and establish the criteria for evaluation in accordance with the State's open meeting laws.

ISSUE: The purpose of the Work Session is to review the following attachments: 1) current City Manager Performance Evaluation Form; 2) tentative target dates for completing the City Manager's performance evaluation process; and 3) memorandum to department directors. In addition, attached are samples of performance evaluations from other cities for Council review.

As part of the current evaluation process, Council has provided a mechanism for Department Director input with an option to remain confidential. Last year, the Council named the City Attorney, as the third-party person, who will prohibit disclosure of information submitted in confidence as provided by ORS 192.502(4). The City Attorney compiles the submitted comments into a single document and distributes the results in a sealed envelope to Council. Council reviews the compiled responses with the City Manager, and the City Manager presents his self-evaluation to Council, which will occur in an Executive Session tentatively scheduled for June 28th. The deadline for Councilmembers to submit their individual evaluation form to Mayor is tentatively scheduled for July 7th and an Executive Session is tentatively scheduled for July 12th to discuss the finalized performance appraisal with the City Manager and return into open meeting to give a summary and discuss compensation.

After the Work Session and upon Council consensus, the Council will be asked to return to open session at the June 14th meeting to consider adopting the City Manager performance evaluation standards and criteria as presented or as amended and/or continue the matter to a later date.

RECOMMENDATION: 1) Council action is needed to adopt this year's evaluation standards and criteria for the City Manager to include the evaluation form and mechanism for Department Director input; 2) Council action is needed to send the attached letter to Department Directors, which has been prepared on behalf of Council; and 3) Attached is a tentative schedule for this year's evaluation process for your review.



June 3, 2010

NewsTimes

Legal Ads/Public Notice:

To be published: Wednesday, June 9, 2010

NOTICE OF PUBLIC HEARING

ADOPTION OF CITY MANAGER PERFORMANCE EVALUATION CRITERIA AND STANDARDS

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold a Public Hearing on **Monday, June 14, 2010, at 7:00 p.m. or thereafter**, in the Community Auditorium, 1915 Main Street, Forest Grove, to consider adopting the criteria and standards for City Manager performance evaluation.

This hearing is open to the public and interested parties are encouraged to attend. A copy of the proposed Performance Evaluation Form for the City Manager's performance evaluation is available for inspection before the hearing at the City Recorder's Office or by visiting the City's website at www.forestgrove-or.gov. Written comments or testimony may be submitted at the hearing or sent to the attention of the City Recorder's Office, P.O. Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing. For further information, please contact Anna Ruggles, City Recorder, at 503.992.3235, or via e-mail at aruggles@forestgrove-or.gov.

Anna D. Ruggles, CMC, City Recorder
City of Forest Grove

To be published June 9, 2010

CITY MANAGER PERFORMANCE REVIEW

Instructions:

This evaluation has two parts. Part I involves an evaluation of the annual performance of the City Manager during the evaluation period of **July 1, 2009, to June 30, 2010**. Part II concerns your expectations and goals for the City Manager during the coming year. In evaluating the Manager's past performance, you are asked to rate that conduct according to the following categories:

- (1) NI = Needs Improvement
- (2) M = Meets Standards
- (3) E = Exceeds Standards
- NO = Not observed

Following each performance standard, please provide any appropriate comments in that area.

Part I. Performance Standards

1. Personal Traits / Professionalism

NI	M	E	NO

Positive attitude, self-motivating; self-confident; creative; uses common sense; professional and personal integrity; emotional stability; takes initiative; receptive to new ideas and changes; maturity in relations with others; prepares quality products; willingness to seek personal growth and development; takes consistent position with different audiences; adherence to high professional ethical standards; exercises diplomacy; demonstrates high personal integrity.

Comments:

2. City Council Relationships

NI	M	E	NO

Effectively implements policies and programs approved by City Council; reporting to City Council is timely, clear, concise, and thorough; accepts direction or instructions in a positive manner; effectively aids the City Council in establishing long-range goals; keeps Council informed of current plans and activities of administration and new development; sensitive to and perceptive of Council needs and desires; maintains a relationship of trust with each Council member and the Mayor; available to members of the Council; properly orients new Council members.

Comments:

3. Technical Knowledge and Use

NI	M	E	NO

General overall knowledge of city operations and responsibilities; willing and able to learn; keeps current on professional issues, trends, techniques, and methods of operation; keeps current on legislation, funding opportunities and regulations; administrative knowledge (budget, personnel, grants, and purchasing rules and regulations); knowledge of city developments in public policy.

Comments:

4. Problem Solving and Decision Making:

NI	M	E	NO

Anticipates problems; identifies problems, issues and concerns; ability to analyze problems (to honestly identify and assess alternatives); develops and recommends creative, innovative and realistic solutions and implements and refines such solutions; considers alternatives and available facts before making decisions; resolves problems at lowest possible level (takes responsibility for decisions); gets affected parties involved in problem solving; reaches timely decisions; flexibility and receptiveness to suggestions; resolves problems under strained and unpleasant conditions; achieves goals set by or in conjunction with City Council; consults with Council when appropriate.

Comments:

5. External Relations

NI	M	E	NO

Projects positive public image; effectively handles citizens complaints and inquiries; educates public on city problems, programs and operations; keeps commitments to the public; maintains contact/liaison with community groups; maintains effective intergovernmental relations; maintains effective relations with media representatives.

Comments:

6. Fiscal Management

NI	M	E	NO

Prepares realistic annual budgets; seeks efficiency, economy and effectiveness in all programs; controls expenditures in accordance with approved budgets; keeps City Council informed about revenues and expenditures, actual and projected; is cost effective; assures that Budget Committee is well informed of short and long-term City financial status; involves Council in fiscal affairs.

Comments:

7. Personnel Management & Supervision

NI	M	E	NO

Maintains adequate levels of supervisions and internal control and communication; employees are given necessary guidance regarding responsibilities and tasks; follow-up is initiated to properly account for employee activities; disciplinary matters and corrective actions are appropriate and applied in a timely fashion. Management atmosphere encourages professional growth; encourages initiative and creativity; allows subordinates to grow professionally.

Comments:

Part II. Future Expectations

1. What objectives should the City Council set for the City Manager for the coming year?

Current Form

Concur
 Non-concur
 Minority Report

_____ Date _____

Peter B. Truax, Mayor

Concur
 Non-concur
 Minority Report

_____ Date _____

Thomas BeLusko, Jr., Councilor

Concur
 Non-concur
 Minority Report

_____ Date _____

Thomas L. Johnston, Councilor

Concur
 Non-concur
 Minority Report

_____ Date _____

Victoria J. Lowe, Councilor

Concur
 Non-concur
 Minority Report

_____ Date _____

Camille Miller, Councilor

Concur
 Non-concur
 Minority Report

_____ Date _____

Ron Thompson, Councilor

Concur
 Non-concur
 Minority Report

_____ Date _____

Elena Uhing, Councilor

Non-Concur may submit minority report.

City Manager Evaluation Process:

- June 14th Work Session to review City Manager performance evaluation criteria and establish the process.
- June 14th Public Hearing to adopt City Manager performance evaluation criteria. If approved: 1) a letter on behalf of the Council will be given to all Department Directors requesting comments on City Manager's annual performance; 2) Each Councilmember is given a performance evaluation form to complete; and 3) Council asks City Manager to prepare a self-evaluation.
- June 21st Deadline for Department Directors to submit comments to third-party person (City Attorney).
- June 23rd Compilation of Department Directors comments are submitted in a sealed envelope to Council.
- June 28th Executive Session (unless City Manager requests open hearing) is held to review compiled comments and City Manager's self-evaluation.
- July 7th Deadline for Councilmembers to submit their evaluation form, signed and dated, and returned to Mayor. Mayor and Council President tabulate and summarize the results of Council evaluations.
- July 12th Executive Session (unless City Manager requests open hearing) is held to discuss the performance appraisal with the City Manager.
- July 12th Return to open session and give a summary of the City Manager's performance appraisal; discuss compensation; consider adopting Resolution Amending/Setting City Manager's Compensation Plan, Amending Employment Agreement and Authorizing Compensation for Fiscal Year 2010-11.

Memorandum

TO: All Department Directors

CC: Michael Sykes, City Manager

FROM: Mayor Peter Truax and City Councilors

DATE: June 15, 2010

SUBJECT: City Manager Evaluation Input

The City Council approved the City Manager's evaluation performance standards and criteria, and as part of the evaluation process, the Council is seeking Department Director input. The Council's goal is to establish a thoughtful and considered process that also expedites the City Manager's evaluation. The Council recognizes the importance of giving Department Directors an option to remain confidential. To achieve this, the Council has named Pam Beery, City Attorney, as a third-party person, who will keep your name confidential upon your request. The City Attorney will remove the name of the evaluator, unless the evaluator waives the promise of confidentiality. Information submitted in confidence is exempt from public disclosure under ORS 192.502(4). The City Attorney will compile the submitted comments into a single document and distribute the results in a sealed envelope to Council. The Council will review the submitted comments with the City Manager in a special executive session.

The Council encourages you to submit comments and ask that your comments, for the evaluation period of July 1, 2009, through current date, be submitted **no later than June 21, 2010**, directly to Pam Beery, City Attorney, preferably by e-mail at: pam@gov-law.com. If submitting comments by e-mail and you wish to remain anonymous, please advise the City Attorney of your desire to remain anonymous.

Thank you for your sincere consideration of the above request.

SAMPLES

CITY MANAGER
PERFORMANCE
EVALUATION
FORMS

CITY OF LA GRANDE CITY MANAGER PERFORMANCE EVALUATION

City Manager

Please refer to evaluation instructions before completion.

Management Responsibilities/Skills

Evaluation

- | | | | | | | | |
|----|--|---|---|---|---|---|-----|
| 1. | Communication with City Council
Comments: | 5 | 4 | 3 | 2 | 1 | n/o |
| 2. | Planning, Organizing, Executing of Work
Comments: | 5 | 4 | 3 | 2 | 1 | n/o |
| 3. | Subordinate Personnel Supervision
Comments: | 5 | 4 | 3 | 2 | 1 | n/o |
| 4. | Personal/Professional Development
Comments: | 5 | 4 | 3 | 2 | 1 | n/o |
| 5. | Budget Development
Comments: | 5 | 4 | 3 | 2 | 1 | n/o |
| 6. | Project Accomplishment
Comments: | 5 | 4 | 3 | 2 | 1 | n/o |
| 7. | Communication with Public
Comments: | 5 | 4 | 3 | 2 | 1 | n/o |
| 8. | Press Relations
Comments: | 5 | 4 | 3 | 2 | 1 | n/o |

9. Delivery of City Services

Comments:

5 4 3 2 1 n/o

10. Intergovernmental Relations

Comments:

5 4 3 2 1 n/o

11. Community Relations/Service

Comments:

5 4 3 2 1 n/o

Personal/Interpersonal Skills

1. Leadership

Comments:

5 4 3 2 1 n/o

2. Integrity

Comments:

5 4 3 2 1 n/o

3. Imagination

Comments:

5 4 3 2 1 n/o

4. Cooperation

Comments:

5 4 3 2 1 n/o

5. Diplomacy

Comments:

5 4 3 2 1 n/o

6. Decisiveness

Comments:

5 4 3 2 1 n/o

7. Judgment

Comments:

5 4 3 2 1 n/o

8. Loyalty

Comments:

5 4 3 2 1 n/o

9. Coping with Stress

Comments:

5 4 3 2 1 n/o

10. Adaptability

Comments:

5 4 3 2 1 n/o

11. Speaking Ability

Comments:

5 4 3 2 1 n/o

12. Writing Ability

Comments:

5 4 3 2 1 n/o

Overall Evaluation

Comments:

5 4 3 2 1 n/o

Submitted By: _____

Date: _____

**Performance Evaluation Form
Medford City Manager**

Confidential

Instructions: On a scale of 0 to 5, use your best judgment and intuition to score the following items. Avoid the 3's. Take a position. Confidentiality and honesty are key.

	Don't Know	Definitely not	Definitely yes			
I. Strategic Priorities						
1. Evidence of (List Goal)	0	1	2	3	4	5
Comments: _____						

2. Evidence of (List Goal)	0	1	2	3	4	5
Comments: _____						

3. Evidence of (List Goal)	0	1	2	3	4	5
Comments: _____						

4. Evidence of (List Goal)	0	1	2	3	4	5
Comments: _____						

In addition, what major issues, problems or objectives, not envisioned or anticipated in the strategic priorities, has the City Manager either accomplished or made significant progress toward?

Don't Know Definitely not Definitely yes

II. Skills and Abilities

1. Problem Solving. Identifies challenges, opportunities, and problems clearly and analyzes a range of possible actions or responses. 0 1 2 3 4 5

Comments: _____

2. Communication. Communicates policy issues, ideas, resources and information to the Council and Mayor in a timely and complete manner. 0 1 2 3 4 5

Comments: _____

3. Decision-making. Has the vision, confidence and will to make decisions in the best long-term interest of the community. 0 1 2 3 4 5

Comments: _____

4. Results. Delivers consistent, high quality results. Commitments are met in a timely way. Patterns of action are productive rather than symptomatic of deeper issues. 0 1 2 3 4 5

Comments: _____

From your perspective, what would improve the decision-making process in City Hall?

III. Relationships

Don't Know Definitely not Definitely yes

1. Mayor and City Council. Provides professional support to the Mayor and City Council and supplies them with professional judgments on matters affecting the city.

0 1 2 3 4 5

Comments: _____

2. Community. Builds positive relationships with the community, including businesses, non-governmental organizations, citizen groups and citizens at large.

0 1 2 3 4 5

Comments: _____

IV. Leadership and Management

1. Positive Change. Introduces, develops and implements new ideas that contribute toward positive change.

0 1 2 3 4 5

Comments: _____

2. Objectives, Standards, Continuous Improvement. Establishes well-developed performance objectives and standards for city management that are widely understood. There is an ongoing evaluation process for other members of the city management team which create a culture that encourages continuous improvement.

0 1 2 3 4 5

Comments: _____

3. Financial Management. Exercises sound fiscal and financial management practices leading to efficient and effective use of resources. Resources are allocated to achieve the city's annual goals.

0 1 2 3 4 5

Comments: _____



**CITY OF FAIRVIEW
PERFORMANCE EVALUATION
CITY ADMINISTRATOR**

PURPOSE

The purpose of the employee performance evaluation and development report is to increase communication between the City Council and the City Administrator concerning the performance of the City Administrator in the accomplishment of his/her assigned duties and responsibilities, and the establishment of specific work-related goals and objectives.

PROCESS

The City Council shall conduct an annual review and evaluation of the City Administrator's work performance. The results of such evaluation shall commend areas of good performance and point out areas for improvement. It can also be the basis for contract extension and compensation decisions by the City Council.

1. If the criteria, standards and policy directives change, a public process is to be followed as outlined in ORS 192.660(1) (i).
2. Evaluation forms are distributed to all Council members.
3. The City Administrator prepares a memorandum to the Council including his/her self-evaluation in a narrative format.
4. Each Council member completes the form, signs, dates and returns to the Mayor.
5. The Mayor and Council President tabulate the results of the evaluation forms. The Mayor and the Council President summarize the results of the evaluation forms as submitted.
6. A composite evaluation form and the City Administrator's self-evaluation are distributed to the Council prior to the executive session evaluation meeting.
7. The Council meets with the City Administrator in executive session to review the evaluation, unless the City Administrator requests an open hearing.

INSTRUCTIONS

Review the City Administrator's work performance for the entire period; try to refrain from basing judgment on recent events or isolated incidents only. Disregard your general impression of the City Administrator and concentrate on one factor at a time. Evaluate the City Administrator on the basis of standards you expect to be met for the job to which assigned considering the length of time in the job. Check the number which most accurately reflects the level of performance for the factor appraised using the rating scale described below. If you did not have an opportunity to observe a factor during this evaluation period, please indicate so in the N/O column next to the factor.

**CITY ADMINISTRATOR
PERFORMANCE EVALUATION**

DATE: _____

RATING SCALE DEFINITIONS (1-5)

Unsatisfactory (1)

The employee's work performance is inadequate and definitely inferior to the standards of Performance required for the job. Performance at this level can not be allowed to continue.

Improvement Needed (2)

The employee's work performance does not consistently meet the standards of the position. Serious effort is needed to improve performance.

Meets Job Standards (3)

The employee's work performance consistently meets the standards of the position.

Exceeds Job Standards (4)

The employee's work performance is frequently or consistently above the level of a satisfactory employee, but has not achieved an overall level of outstanding performance.

Outstanding (5)

The employee's work performance is consistently excellent when compared to the standards of the job.

N/O

No Opinion.

I. PERFORMANCE EVALUATION AND ACHIEVEMENTS

1. City Council Relationships

A. Effectively implements policies and programs approved by the City Council.	1___ 2___ 3___ 4___ 5___ N/O___
B. Reporting to the City Council is timely, clear, concise and thorough	1___ 2___ 3___ 4___ 5___ N/O___
C. Accepts direction/instructions in a positive manner	1___ 2___ 3___ 4___ 5___ N/O___
D. Effectively aids the City Council in establishing long range goals.	1___ 2___ 3___ 4___ 5___ N/O___
E. Keeps the City Council informed of current	

plans and activities of administration and new developments in technology, legislation, governmental practices and regulations, etc.	1___ 2___ 3___ 4___ 5___ N/O___
F. Provides the City Council with clear reports of anticipated issues that could come before the City Council.	1___ 2___ 3___ 4___ 5___ N/O___
G. Assists the City Council in resolving problems at the administrative level to avoid unnecessary Council action	1___ 2___ 3___ 4___ 5___ N/O___
H. Council agenda packet preparation is thorough and timely	1___ 2___ 3___ 4___ 5___ N/O___
I. Participates in City Council discussions and makes recommendations where appropriate, but allows the Council to make policy decisions without exerting undue pressure.	1___ 2___ 3___ 4___ 5___ N/O___

Comments:

2. Community/Public Relations

A. Represents City with positive outlook and image	1___ 2___ 3___ 4___ 5___ N/O___
B. Is courteous to public at all times	1___ 2___ 3___ 4___ 5___ N/O___
C. Seeks to use criticism of self or City in positive ways	1___ 2___ 3___ 4___ 5___ N/O___
D. Maintains effective relations with media representatives	1___ 2___ 3___ 4___ 5___ N/O___
E. Available and visible to citizens	1___ 2___ 3___ 4___ 5___ N/O___
F. Open to suggestions from the public concerning improvements in services	1___ 2___ 3___ 4___ 5___ N/O___
G. Resolves citizen complaints consistent with Council policy in a timely manner	1___ 2___ 3___ 4___ 5___ N/O___
H. Open and honest with citizens	1___ 2___ 3___ 4___ 5___ N/O___
I. Development of community correspondence and events to inform and involve the public	1___ 2___ 3___ 4___ 5___ N/O___

Comments:

3. Effective Leadership of Staff

A. Encourages Department Directors to make decisions within their own jurisdiction without City Administrator approval, yet maintains general control of administrative operations.	1___ 2___ 3___ 4___ 5___ N/O___
B. Instills confidence and initiative in subordinates and emphasizes support rather than restrictive controls for their programs.	1___ 2___ 3___ 4___ 5___ N/O___
C. Provides clear expectations and assignments, with deadlines, for Department Directors and holds them accountable.	1___ 2___ 3___ 4___ 5___ N/O___
D. Has developed a friendly and informal relationship with the workforce as a whole, yet maintains the prestige and dignity of the City Administrator office.	1___ 2___ 3___ 4___ 5___ N/O___
E. Recruits and retains competent personnel for City positions	1___ 2___ 3___ 4___ 5___ N/O___
F. Provides an overall environment that encourages good employee morale, lessens employee turnover, and creates employee satisfaction in ability to participate in decision-making	1___ 2___ 3___ 4___ 5___ N/O___

Comments:

4. Fiscal Management

A. Prepares and proposes in a timely manner a balanced, understandable and realistic budget	1___ 2___ 3___ 4___ 5___ N/O___
B. Budget is well documented and organized to assist City Council with policy decisions	1___ 2___ 3___ 4___ 5___ N/O___

C. Seeks efficiency, economy and effectiveness in all programs	1___ 2___ 3___ 4___ 5___ N/O___
D. Controls expenditures in accordance with the approved budget	1___ 2___ 3___ 4___ 5___ N/O___
E. Keeps City Council informed about revenues and expenditures, actual and projected.	1___ 2___ 3___ 4___ 5___ N/O___
F. Makes sound decisions that consider cost/benefit	1___ 2___ 3___ 4___ 5___ N/O___
G. Shows innovation in reducing expenses	1___ 2___ 3___ 4___ 5___ N/O___

Comments:

5. Personal Traits

A. Controls emotions effectively in difficult situations	1___ 2___ 3___ 4___ 5___ N/O___
B. Is creative in developing practical solutions to problems faced in the course of work	1___ 2___ 3___ 4___ 5___ N/O___
C. Is flexible in accepting and adjusting to change	1___ 2___ 3___ 4___ 5___ N/O___
D. Demonstrates personal honesty and frankness in day-to-day relationships.	1___ 2___ 3___ 4___ 5___ N/O___
E. Seeks to improve own skills and knowledge	1___ 2___ 3___ 4___ 5___ N/O___
F. Completes work in acceptable time periods	1___ 2___ 3___ 4___ 5___ N/O___
G. Anticipates problems and develops effective approaches for solving them	1___ 2___ 3___ 4___ 5___ N/O___
H. Invests sufficient efforts toward being diligent and thorough in the discharge of duties	1___ 2___ 3___ 4___ 5___ N/O___
I. Composure, appearance, and attitude fitting for an individual in his/her executive position.	1___ 2___ 3___ 4___ 5___ N/O___

Comments:

6. Communication

A. Written communications are clear, concise and accurate	1___ 2___ 3___ 4___ 5___ N/O___
B. Oral communications are clear, concise and expressed effectively	1___ 2___ 3___ 4___ 5___ N/O___
C. Keeps all City Councilors informed about important issues	1___ 2___ 3___ 4___ 5___ N/O___

Comments:

7. Decision Making

A. Attempts to obtain all available facts prior to making a decision	1___ 2___ 3___ 4___ 5___ N/O___
B. Is objective in decision making	1___ 2___ 3___ 4___ 5___ N/O___
C. Considers possible alternatives and their consequences before making a decision	1___ 2___ 3___ 4___ 5___ N/O___
D. Ability to reach timely decisions, and initiate action, without being compulsive	1___ 2___ 3___ 4___ 5___ N/O___
E. Uses common sense, tact and diplomacy	1___ 2___ 3___ 4___ 5___ N/O___
F. Notifies all affected parties prior to implementing decisions	1___ 2___ 3___ 4___ 5___ N/O___

Comments:

8. Intergovernmental Relationships

A. Represents City to intergovernmental bodies	1___ 2___ 3___ 4___ 5___ N/O___
B. Effective communication with local, regional, state and federal government agencies	1___ 2___ 3___ 4___ 5___ N/O___
C. Financial resources (e.g. cost sharing, grants,	

etc) from other organizations are pursued	1___ 2___ 3___ 4___ 5___ N/O___
D. Contributes to good government through participation in local, regional, and state committees and organizations	1___ 2___ 3___ 4___ 5___ N/O___
E. Lobbies effectively with legislators and state agencies regarding City programs and projects	1___ 2___ 3___ 4___ 5___ N/O___

Comments:

II. What have been the finest accomplishments of the City Administrator this past year?

III. What areas need the most improvement? Why? What constructive, positive ideas can you offer the City Administrator to improve these areas?

IV. SUMMARY RATING

Overall Performance Rating -Considering the results obtained against established performance standards as well as overall job performance, the following rating is provided:

- Unsatisfactory
- Improvement Needed
- Meets Job Standards
- Exceeds Job Standards
- Outstanding

Comments:

V. FUTURE GOALS AND OBJECTIVES

Specific goals and objectives to be achieved in the next evaluation period:

This evaluation was reviewed and discussed between the City Council and the City Administrator on: _____.

City Council

Concurrence

Mike Weatherby, Mayor

YES / NO

Larry Cooper, Council President

YES / NO

Barb Jones

YES / NO

Ken Quinby

YES / NO

Lisa Barton Mullins

YES / NO

Steve Owen

YES / NO

Rob Maricle

YES / NO

City Administrator

Joseph Gall

Next Evaluation Date