

CITY COUNCIL MONTHLY MEETING CALENDAR

June-14						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	Council Elections Packets Available 9am	2	3	Municipal Court	5	7
Historic Garden Tour Noon-4pm	Planning Comm 7pm	Deadline to Submit CM Eval	Council Creek Open House 6pm - 8pm Comm Aud	RWPC-CB 7pm Rural Fire 8pm	EDC Noon - Canceled Ford Institute 4pm	Daybreak Rotary 4pm Comm Aud
8	CITY COUNCIL 5:30 PM - EXECUTIVE SESSION (Labor) 6:00 PM - EXECUTIVE SESSION (CM Eval) 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	9	10	11	12	14
		Red Cross Blood Drive 1pm - 6pm - Comm Aud	Library 6:30pm	MPAC 5pm	Employee Breakfast (Fire) PAC 5pm	LOC Board - Yachats JWC - TBA
15	Chamber Luncheon - Noon FGS&CC Bd Mtg 6:30pm Planning Comm 7pm	16	17	18	19	21
		Fernhill Wetlands 5pm	Municipal Court P&R 7am CFC 5:15pm CWAC 5:30pm		CCI 5:30pm Dairy Creek Food 7:30pm	
22	CITY COUNCIL 5:30 PM - WORK SESSION (Backyard Burn) 6:00 PM - WORK SESSION (Fire Services) 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	23	24	25	26	28
		HLB 7:15pm <i>Johnston out thru 07/29</i>	PSAC MPAC 5pm		Sustainability Comm 6pm	WC Mayors' Luncheon
29	30					
July-14						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	CITY HALL CLOSED	5
	<i>Johnston out thru 07/29 a</i>		Municipal Court CCRT Trail Plan PAC Mtg 4pm - Comm Aud Rural Fire 8pm	EDC Noon	FGS&CC 1st Friday 5pm	
6	1st Day to File Declaration (120 Days) Council Candidate Petition (SEL101) General Election - November 4th Planning Comm 7pm	7	8	9	10	12
		Red Cross Blood Drive 1pm - 6pm - Comm Aud Library 6:30pm	Reg Mayors&Chairs Mtg Noon, Tualatin MPAC 5pm (GroveLink Tour)	PAC 5pm	JWC Noon	Farm Your Yard FGS&CC
13	CITY COUNCIL 7:00 PM - REGULAR MEETING (TENTATIVE) COMMUNITY AUDITORIUM	14	15	16	17	19
		Fernhill Wetlands 5pm	P&R 7am CFC 5:15pm CWAC 5:30pm	CCI 5:30pm Dairy Creek Food 7:30pm Nyuzen Welcome 5pm		Cruis'n In Grove
20	Chamber Luncheon - Noon FGS&CC Bd Mtg 6:30pm Planning Comm 7pm	21	22	23	24	26
Concours Nyuzen Departs		HLB 7:15pm	Municipal Court PSAC MPAC 5pm		ODF 8am - Comm Aud Sustainability Comm 6pm	ODF 9am - Comm Aud WC Mayors' Luncheon
27	NO COUNCIL MEETING	28	29	30	31	
		<i>← Johnston returns</i>				
August-14						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
					FGS&CC 1st Friday 5pm	
3	4	5	6	7	8	9
Planning Comm 7pm			Municipal Court Rural Fire 8pm	EDC Noon		
10	CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	11	12	13	14	16
		Red Cross Blood Drive 1pm - 6pm - Comm Aud Library 6:30pm	MPAC 5pm		PAC 5pm	
17	Planning Comm 7pm Chamber Luncheon - Noon FGS&CC Bd Mtg 6:30pm	18	19	20	21	23
		Ford Leadership 4pm Fernhill Wetlands 5pm	Municipal Court P&R 7am CFC 5:15pm CWAC 5:30pm		CCI 5:30pm Dairy Creek Food 7:30pm	WC Mayors' Luncheon
24	NO COUNCIL MEETING	25	26	27	28	30
		<i>Last Day to File (70 Days) Candidate Petition (SEL101)</i> HLB 7:15pm	PSAC MPAC 5pm		Sustainability Comm 6pm	<i>Last Day to Withdraw Candidacy</i>
31						

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FOREST GROVE CITY COUNCIL

Monday, June 23, 2014

Meeting Agenda

5:30 PM – Work Session (Backyard Burning)
6:00 PM – Work Session (Fire Services Partnership Study)
7:00 PM – Regular Meeting

Community Auditorium
1915 Main Street
Forest Grove, OR 97116

Forest Grove City Council Meetings are televised live by Tualatin Valley Community Television (TVCTV) Government Access Programming, Ch 30. To obtain the programming schedule, please contact TVCTV at 503.629.8534 or visit <http://www.tvctv.org/government-programming/government-meetings/forest-grove>.

PETER B. TRUAX, MAYOR

Thomas L. Johnston, Council President
Richard G. Kidd III
Victoria J. Lowe

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.

<p>Michael Kinkade, Fire Chief Michael Sykes, City Manager</p>	<p>5:30</p> <p>6:30</p>	<p><u>WORK SESSION: BACKYARD BURNING</u></p> <p><u>WORK SESSION: FIRE SERVICES REVIEW OF PARTNERSHIP STUDY</u> 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).</p>
<p>Jon Holan, Community Development Director Dan Riordan, Senior Planner Michael Sykes, City Manager</p>	<p>7:00</p> <p>7:05</p>	<p>1. <u>REGULAR MEETING:</u> Roll Call and Pledge of Allegiance</p> <p>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.</p> <p>3. <u>CONSENT AGENDA:</u> See Page 5</p> <p>4. <u>ADDITIONS/DELETIONS:</u></p> <p>5. <u>PRESENTATIONS:</u> None.</p> <p>6. <u>CONTINUE PUBLIC HEARING FROM JUNE 9, 2014: SECOND READING OF ORDINANCE NO. 2014-07 MAKING CERTAIN DETERMINATIONS AND ADOPTING THE CITY OF FOREST GROVE URBAN RENEWAL PLAN</u></p>
<p>Paul Downey, Administrative Services Director Michael Sykes, City Manager</p>	<p>7:10</p>	<p>7. A. <u>PUBLIC HEARING AND RESOLUTION NO. 2014-49 ADOPTING BUDGET FOR FISCAL YEAR COMMENCING JULY 1, 2014, AND ENDING JUNE 30, 2015</u></p>
<p>Paul Downey, Administrative Services Director Michael Sykes, City Manager</p>	<p>7:20</p>	<p>7. B. <u>RESOLUTION NO. 2014-50 MAKING APPROPRIATIONS FOR THE CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON, FOR THE FISCAL YEAR COMMENCING JULY 1, 2014, AND ENDING JUNE 30, 2015</u></p>
<p>Paul Downey, Administrative Services Director Michael Sykes, City Manager</p>	<p>7:25</p>	<p>7. C. <u>RESOLUTION NO. 2014-51 LEVYING AND CATEGORIZING TAXES FOR FISCAL YEAR COMMENCING JULY 1, 2014, AND ENDING JUNE 30, 2015</u></p>

Paul Downey, Administrative Services Director Michael Sykes, City Manager	7:30	8.	<u>RESOLUTION NO. 2014-52 ADOPTING FISCAL YEAR 2014-19 CAPITAL IMPROVEMENTS PROGRAM</u>
Paul Downey, Administrative Services Director Michael Sykes, City Manager	7:35	9. A.	<u>PUBLIC HEARING AND RESOLUTION NO. 2014-53 DECLARING CITY'S ELECTION TO RECEIVE STATE REVENUES</u>
Paul Downey, Administrative Services Director Michael Sykes, City Manager	7:40	9. B.	<u>PUBLIC HEARING AND RESOLUTION NO. 2014-54 CERTIFYING SERVICES PROVIDED BY THE CITY OF FOREST GROVE</u>
Paul Downey, Administrative Services Director Michael Sykes, City Manager	7:45	10.	<u>PUBLIC HEARING AND RESOLUTION NO. 2014-55 ADOPTING CAPITAL IMPROVEMENTS PROGRAM EXCISE TAX AND REPEALING RESOLUTION NO. 2013-49</u>
Paul Downey, Administrative Services Director Michael Sykes, City Manager	7:50	11.	<u>RESOLUTION NO. 2014-56 AUTHORIZING THE EXPENDITURE OF ADDITIONAL FIRE SAFER GRANT FUNDS IN FISCAL YEAR 2013-14</u>
Paul Downey, Administrative Services Director Michael Sykes, City Manager	7:55	12.	<u>RESOLUTION NO. 2014-57 TRANSFERRING APPROPRIATIONS WITHIN VARIOUS FUNDS FOR FISCAL YEAR 2013-14</u>
Rob Foster, Public Works Director Paul Downey, Administrative Services Director Michael Sykes, City Manager	8:00	13. A.	<u>PUBLIC HEARING AND RESOLUTION NO. 2014-58 INCREASING SANITARY SEWER RATES FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2014, AND REPEALING RESOLUTION NO. 2013-36</u>
Rob Foster, Public Works Director Paul Downey, Administrative Services Director Michael Sykes, City Manager	8:05	13. B.	<u>PUBLIC HEARING AND RESOLUTION NO. 2014-59 INCREASING SURFACE WATER MANAGEMENT (SWM) RATES FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2014, AND REPEALING RESOLUTION NO. 2009-34</u>
Rob Foster, Public Works Director Paul Downey, Administrative Services Director Michael Sykes, City Manager	8:10	13. C.	<u>RESOLUTION NO. 2014-60 ESTABLISHING CERTAIN CLEAN WATER SERVICES UTILITY RATES AND CHARGES (Sanitary Sewer, Surface Water Management, Sewer System Development Charges) FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2014, AND REPEALING RESOLUTION NO. 2013-37</u>

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- | | | | |
|---|------|-----|---|
| Brenda Camilli
Human Resources Manager
Paul Downey
Administrative Services Director
Michael Sykes, City Manager | 8:15 | 14. | <u>RESOLUTION NO. 2014-61 AUTHORIZING EXECUTION OF A WAGE AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, (AFSCME), LOCAL 3786, COUNCIL 75, EFFECTIVE JULY 1, 2014, THROUGH JUNE 30, 2017</u> |
| Michael Sykes, City Manager | 8:25 | 15. | <u>RESOLUTION NO. 2014-62 APPROVING TO CANCEL JULY 14, 2014, REGULAR CITY COUNCIL MEETING</u> |
| Michael Sykes, City Manager | 8:30 | 16. | <u>CITY MANAGER'S REPORT:</u> |
| | 8:45 | 17. | <u>COUNCIL COMMUNICATIONS:</u> |
| | 9:00 | 18. | <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 Meeting Minutes of May 27, 2014.
 - B. Approve City Council Executive Session (Labor Negotiations) Meeting Minutes of June 9, 2014.
 - C. Approve City Council Executive Session (City Manager Performance Evaluation) Meeting Minutes of June 9, 2014.
 - D. Approve City Council Regular Meeting Minutes of June 9, 2014.
 - E. Accept Parks and Recreation Commission Meeting Minutes of May 21, 2014.
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June 23, 2014

REPORT ON BACKYARD BURNING IN THE CITY OF FOREST GROVE

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

ISSUE STATEMENT

This report was first discussed at a City Council Work Session in May 2010. At that time it was decided to delay the discussion on backyard burning until after the decision on island annexation. The island annexation is now completed, and this report was resubmitted to the City Council for discussion in December 2013. From that meeting there appeared to be a consensus for a modified backyard burn ban. Staff has drafted a proposed ordinance that would discontinue the fall burn schedule, but allow a yearly spring open burning that will still be in compliance with DEQ rules.

DISCUSSION

This report is being drafted to assist in determining if changes to backyard burning regulations are warranted within the City of Forest Grove. We complete this report based on a five year statistical analysis and our predictions for future response from the public based on the actions taken.

Statistics for the time period we are discussing:

2008

Responses: 2472

Unauthorized Burning Calls (City and RFPD): 33 (.013% of all calls)

2009

Responses: 2255

Unauthorized Burning Calls (City and RFPD): 52 (.02% of all calls)

2010

Responses: 2640

Unauthorized Burning Calls (City and RFPD): 35 (.01% of all calls)

2011

Responses: 2640

Unauthorized Burning Calls (City and RFPD): 41 (.01% of all calls)

2012

Responses: 3088

Unauthorized Burning Calls (City and RFPD): 50 (.01% of all calls)

Technically speaking the Oregon Fire Code (OFC) (which the City of Forest Grove has adopted) does not regulate all aspects of backyard burning. The OFC has standards that must be followed for all open burning, be it backyard, agricultural, or recreation. These standards are found in section 307 and basically pertain to the fire safety considerations (such as size of fire, attendance of the fire, location on the property, etc.). The reference regarding air quality is deleted from the 2010 code update, and it references that the ultimate responsibility for air quality is the DEQ. This makes enforcement of open burning violations difficult for FGF&R. See our attached Standard Operating Guideline for clarification about the rules and regulations and what our response to these types of calls entails. DEQ also has a metro area burn ban (see attached map) that covers from the east side of Hillsboro to the Gresham area. This burn ban area has not been adjusted in over 20 years (according to Clackamas County Fire District Officials).

Our current standard response to a reported "illegal burn" is to determine the following:

- ✓ Is it an unauthorized burn day and time?
- ✓ Are the materials being burned allowed by the Oregon DEQ?
- ✓ Is there any fire safety concerns related to the burn in question?

If we determined the answer to any of those questions to be yes, we ask the responsible party to extinguish the fire. In the event that they can't (or won't) we extinguish the fire for them. We refer all burn complaints found to be truly "illegal" to the DEQ office for further enforcement or follow up.

The 2010 edition of the Oregon Fire Code has changed how we respond to an illegal burn. Gone is the provision from the code that allows the fire official to regulate burning based on smoke complaints and concerns over air quality. We have no authority under the new code to require that the burning is extinguished unless a fire safety violation is present. Other metro area fire departments already have stopped responding to noxious smoke complaints, and this code change will likely require us to do the same.

Other means of yard debris removal is readily available to residents of Forest Grove. Currently the City provides free leaf pick up throughout the City. As part of their waste disposal service, Waste Management, Inc. provides a 64 gallon can to every customer. Additional cans can be rented for \$3.70 per month. In some areas, neighbors will rent several additional cans together to further reduce this cost. Commercial yard debris recycling is also available at S&H Landscape, located at 1045 N. 4th Avenue in Cornelius (behind Walmart). They charge \$12 for a standard pickup load, and \$6 a yard

after the initial load. We also examined the option of the City providing limited mulching of residential backyard waste/debris. In a discussion with Parks Director Tom Gamble in January 2011, it would be possible to provide this opportunity to Forest Grove residents, but we do not recommend it. The current workload requirements on the Park's Department and the available commercial disposal service make this option unnecessary.

In 2012, we received a letter from Oregon DEQ (attached) stating "We are taking steps to reduce our workload and will not be investigating or responding to "Low Priority" complaints or referrals from residents, fire departments or other agencies."

We believe the City of Forest Grove has three options regarding backyard burning within the city limits. These are straightforward solutions, each with their own considerations.

Option 1:

Outright ban on all burning within the city limits

Option 2:

Maintain the status quo of spring and fall burning as regulated by the Oregon DEQ

Option 3:

A modified ban on backyard burning limiting further the dates/times burning can occur

The positive and negative aspects of each are outlined in the following:

Option 1: An all out ban on all backyard burning within the city limits of Forest Grove.

Positive aspects to this option (in no particular order)

- Fits with the "green" image that is popular with some city residents.
- Decreases smoke odor and visibility during the burn season, with subsequent decrease in complaints.
- Decreased opportunities for fire spread from backyard burns.
- As the population increases smaller residential lots make it easier for smoke to affect more neighbors than in the past. Even though these small lot residents typically do not have the accumulation of yard waste to burn, many of these higher density areas are mixed in with the large lots and undeveloped areas of the city where burning is necessary to clear the amount of debris from your property.
- Eventual reduction on illegal burn calls once the word is out and becomes known (this may take a number of years).

Negative aspects to this option (in no particular order)

- Perception of government intervention.
- Initial confusion may last for years because burning has always been allowed, and will continue to be allowed in by our direct neighbors like the Forest Grove Rural Fire District, Gaston, Cornelius, and Banks.
- Our proximity to the rural areas where homes are built also means that we may likely continue to have smoke/odor issues because rural residents will still be allowed to burn.
- Residents may not want to use the current options of curb side yard debris disposal, or may feel they are inadequate for their property.
- Possible initial increase in illegal burn calls as neighbors who can't/won't burn call in those that are.

Option 2: Maintain the Status Quo:

Positive Aspects:

- Positive image for city government in the eyes of those that do currently burn
- Positive image for those that want less government intervention in their lives
- Leaves long standing system in place, helps eliminate confusion of changing laws
- Allows for easy disposal of yard debris by city residents

Negative Aspects:

- Negative image for city government in the eyes of those that support a ban on burning
- Continued minimal fire safety risk.
- Continuing smoke complaints from our citizens.
- Inability to enforce.

Option 3: A modified ban on burning:

An example would be allowing burning for shorter periods of time during the year. Staff is proposing eliminating the fall open burning period and maintaining the spring open burning period.

Positive Aspects:

- Taking the moderate approach to try and allow residents to burn
- Tries to make all parties partially happy
- Limits smoke/odor in the city to shorter time frames over the course of the year.

- Limits the potentially unsafe situations to shorter periods of time that can be more controlled, for example, allowing burning later in the fall season after dry conditions are gone, and earlier in the spring season before dry conditions begin.

Negative Aspects:

- Still allows burning and creates smoke/odor issues
- Logistical and enforcement challenge for the fire department and the community. We already get a number of calls to the station directly asking if it is a burn day. This is a huge problem – how to communicate this to the residents. This is already confusing to them. This is perhaps the largest problem with this option.
- Potential for fire spread
- Because of DEQ air quality it may provide less opportunities for residents to burn. For example if we say burning is open from November 1 to November 15 and because of atmospheric conditions DEQ only allows burning a total of 3 days during that time period people may be frustrated.
- Still presents the negative impression that government is attempting to control peoples lives

FISCAL IMPACT:

There is no fiscal impact to this proposal.

STAFF RECOMMENDATION:

Staff recommends a ban of backyard burning in the fall, and recommends continuing to allow the spring open burning.

ATTACHMENT:

Draft Code Ordinance

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ORDINANCE NO. 2014-

ORDINANCE AMENDING FOREST GROVE CODE CHAPTER 5, PUBLIC PROTECTION OFFENSES, BY ADDING NEW CODE SECTION XX, TITLED “OUTDOOR BURNING” AND ADDING NEW CODE SECTION XX, TITLED “VIOLATIONS AND PENALTIES”

WHEREAS, this ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Forest Grove and other persons by regulating the air pollution and fire hazards of Outdoor Burning; and

WHEREAS, the City Council finds that unregulated Open Burning increases the risk of property damage caused by fires and threatens the safety and well-being of the residents and other persons; and

WHEREAS, the Council further finds that greater regulation of Open Burning is necessary because of residential density and because smoke from Open Burning (particularly burning leaves) exacerbates breathing difficulties for many individuals; and

WHEREAS, notice of the City Council hearing on this ordinance was published in the *News Times* on XX, 2014; and

WHEREAS, the City Council held a duly-noticed Public Hearing on the proposed ordinance on XX, 2014.

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

Section 1. The Forest Grove City Council does hereby approves and adopts the provisions regulating Outdoor Burning and amends Forest Grove Code Chapter 5 by adding new Code Section XX, titled “Outdoor Burning, and new Code Section XX, titled” Violations and Penalties”, as set forth in the attached Exhibit A.

Section 2. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the XX day of XX, 2014.

PASSED the second reading the XX day of XX, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this XX day of XX, 2014.

Peter B. Truax, Mayor

ORDINANCE NO. 2014-XX
“EXHIBIT A”

CHAPTER 5 – PUBLIC PROTECTION OFFENSES

CITY OF FOREST GROVE CODE AMENDMENTS
NEW CODE SECTION XX
OUTDOOR BURNING
NEW CODE SECTION XX
VIOLATIONS AND PENALTIES

5.XXX Outdoor Burning.

The purpose of this Code Section is to control outdoor burning within the City; however, nothing in this Code shall allow burning in violations of burning bans imposed by the State or any other prohibitions enacted by the City Council.

- (1) It is unlawful for any person to cause or allow outdoor burning within the City, except as provided in this Code Section. Outdoor burning is allowed within the City only during the MONTH/DATE through MONTH/DATE, or such alternative dates as are established by the Fire Chief or designee based on air quality conditions of the day or extreme fire danger.
- (2) Outdoor burning means the combustion of material of any type in an open fire or in an outdoor container, which includes:
 - (a) Yard waste fire burned for the purpose of disposing leaves, clipping, pruning's and other natural yard and gardening refuse, except as allowed under Subsection 1.
 - (b) Land clearing fires burned for the purpose of clearing lands of larger quantities of natural vegetation, including trees, branches and stumps, except as allowed under Subsection 1.
 - (c) Any other outdoor burning, except as allowed under Subsection 1 and not specifically exempted in Subsection 3.
- (3) Notwithstanding any other code provisions to the contrary, this Code Section shall not apply to the following:
 - (a) Fires which are burned for firefighter training;
 - (b) Recreational, ceremonial fires, or cooking purposes contained within fireplaces, barbecue grills or pits, or other enclosure designed for outdoor recreation or cooking; and
 - (c) Burn permits for agriculture burning purposes (issued either by the City or by DEQ).

5.XXX

Violations and Penalties.

- (1) Any person violating Sections 5.XXX is subject to a civil penalty in the amount of not less than \$100 and not more than \$250.
- (2) The Enforcement Officer may cite into Municipal Court for the violations.

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June 23, 2014

**REPORT ON FIRE CHIEF SERVICES FOR THE CITY OF CORNELIUS
AND REVIEW OF PARTNERSHIP STUDY**

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

ISSUE STATEMENT: The Fire Department has been providing Fire Chief Services for the City of Cornelius for the last four years. The Fire Chief will provide a presentation on these services, discuss the status of the RFP for the cooperative services study, and provide an opportunity to answer any questions.

DISCUSSION: The City of Forest Grove, City of Cornelius, Forest Grove Rural Fire Protection District, and Cornelius Rural Fire Protection District, Banks Rural Fire Protection District and the Gaston Rural Fire Protection District are participating in a joint cooperative procurement for a study to determine what shared cooperative services between these city and rural identities are feasible; what fiscal and service level impacts are for each of the options; and which options are recommended for agencies to pursue.

The City of Forest Grove shall be the administering contracting agency and will use an open procurement selection method that is substantially equivalent to those specified in ORS 279C for professional personal services.

FISCAL IMPACT: There is no fiscal impact to this presentation – this informational only.

STAFF RECOMMENDATION: Staff is providing a presentation for information only.

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RESOLUTION NO. 2012-71

RESOLUTION AUTHORIZING MAYOR AND CITY MANAGER
TO ENDORSE INTERGOVERNMENTAL AGREEMENT
BETWEEN CITY OF FOREST GROVE AND CITY OF CORNELIUS
FOR FIRE ADMINISTRATIVE SERVICES

WHEREAS, The City entered into an Intergovernmental Agreement (IGA) between the City of Forest Grove and City of Cornelius for Fire Administrative Services pursuant to Forest Grove Resolution No. 2010-81, adopted November 8, 2010; and

WHEREAS, This IGA is designed to promote efficient coordination and provision of fire and rescue service (Fire Department Services or FDS) to the citizens of Cornelius and Forest Grove as well as adjoining rural districts while making efficient use of local fiscal resources; and

WHEREAS, The IGA provides for certain conditions that both parties agreed were necessary for the City of Forest Grove to leadership and administrative services for the City of Cornelius Fire Department; and

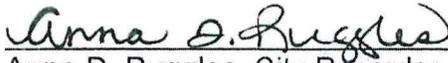
WHEREAS, Section 10, Term of the existing IGA, is scheduled to expire December 31, 2012, unless both Cities agree to extend this IGA. It is the desire of both Cities to modify this IGA to an automatic renewal each January 1, or until such time the IGA is terminated by either party upon 30 days notice.

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

Section 1. That the City Council hereby approves and authorizes the Mayor and City Manager to endorse the Intergovernmental Agreement (Exhibit A), between the City of Forest Grove and City of Cornelius for Fire Administrative Services to an automatic renewal each January 1, or until such time the IGA is terminated by either party upon 30 days notice until such time the IGA is terminated by either party.

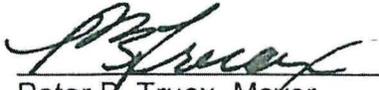
Section 2: This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 13th day of November, 2012.



Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of November, 2012.



Peter B. Truax, Mayor

**CITY OF CORNELIUS – CITY OF FOREST GROVE
INTERGOVERNMENTAL FIRE DEPARTMENT SERVICES AGREEMENT**

This Agreement is between the City of Cornelius (Cornelius) and the City of Forest Grove (Forest Grove), both of which are municipal corporations duly existing under Oregon law.

This Agreement is designed to promote efficient coordination and provision of fire and rescue service (Fire Department Services or FDS) to the citizens of Cornelius and Forest Grove as well as adjoining rural districts while making efficient use of local fiscal resources.

FINDINGS

- a. This Agreement is made pursuant to ORS Chapter 190 that permits local government units to enter agreements to further economy and efficiency.
- b. This Agreement provides a structure for collaboration of Cornelius and Forest Grove Fire Department Services through the use of cooperative administration. Stage One addresses needs occurring in Cornelius upon the retirement of the Cornelius Fire Chief. Stage Two will evaluate initial efficiencies and benefits. A third stage may work toward further integration of Fire Department Services under various models.
- c. Cornelius and Forest Grove provide FDS to their citizens and surrounding rural fire districts and each provides mutual aid on a daily basis for fire and emergency services to the other. Both intend to continue these services to their constituents
- d. Cooperation between Cornelius and Forest Grove is believed by both cities to facilitate firefighter safety as well as the promotion of administrative and operational efficiencies all of which result in cost effective delivery of FDS.
- e. Each department will continue to rely upon a combination of paid staff, volunteers and interns in the provision of services.

AGREEMENT

1. Management

As a result of the retirement of its Fire Chief, Cornelius is in need of experienced, capable and progressive management services; resources for provision of said services are available through the Forest Grove Fire Department and Forest Grove is willing to provide said services to Cornelius at a reasonable cost.

The management services provided will include (among others) consultation, problem-solving, budget guidance with Cornelius' management and City Council as well as mentoring and supervision for Cornelius fire personnel. Forest Grove will monitor Cornelius

staff and review/comment on the standard operating guidelines and operational procedures. Cornelius fire employees may attend Forest Grove Fire staff development and training sessions.

Forest Grove's Fire Chief will (in addition to his duties for Forest Grove) attend and represent the Cornelius Fire Department at Washington County Fire Defense Board meetings and will attend Cornelius City Council, Cornelius Rural Fire Protection District and such other meetings as may be needed or requested by either the Cornelius or Forest Grove City Manager.

2. Leadership

Forest Grove will assist Cornelius in analyzing FDS structural and management concerns as well as evaluating the cost and benefit of this Agreement in coordination with Cornelius management and public safety staff. Topics to be reviewed by Forest Grove include but are not limited to:

- a. Command and organizational options within the management structure and practices;
- b. Fire department strategic planning including staffing patterns, response times and future ISO challenges and opportunities such as fire prevention and community risk reduction programs;
- c. Emergency management and development of emergency operation plans;
- d. Financial planning and budgeting;
- e. Coordinated delivery of FDS for both Cities and the Districts.
- f. Training, safety, medical surveillance and fitness programs;
- g. Volunteer and intern programs, focusing on recruitment, retention and incentive programs; and
- h. Fleet maintenance program

3. Compensation

- a. The total to be paid by Cornelius to Forest Grove for the matters encompassed with Sections 1 and 2 above will be the equivalent of 25% of the salary and benefits of the Fire Chief for each quarter, and \$200 per month for operational costs. This compensation will include any professional development, travel or incidental expenses of Forest Grove personnel necessary for implementation of this Agreement.
- b. Cornelius will budget for and reimburse Forest Grove each quarter for the costs of such services. Forest Grove will invoice Cornelius within 30 days of the end of the calendar quarter and Cornelius will pay the invoice within 30 days of receipt.

4. Cornelius Operations

- a. All Cornelius Fire employees will remain employees of Cornelius under the supervisory authority of the Forest Grove Fire Chief. The Cornelius Captain will report to the Forest Grove Fire Chief or designee.

- b. Cornelius will continue to operate (and be responsible for costs connected thereto) its fire department and remain in ownership of all real property and personalty connected therewith.
- c. Proposed changes to Cornelius Fire Department procedures will be reviewed with the Cornelius City Manager.
- d. The Cornelius City Manager will consult with the City Council and Rural Fire District Board as necessary to keep them apprised as to the progress of the relationship envisioned by this Agreement.

5. Records

Cornelius and Forest Grove will maintain separate fiscal records relating to this Agreement in accordance with state law and generally accepted public accounting principles. Each agrees that the other and its authorized representatives will have free access to such records and to other books, documents, papers, plans and writings relating to this Agreement to perform examinations and audits, and to make excerpts and transcripts for a period of 3 years.

6. Waiver; No Third Party Beneficiary

The failure of either City to enforce any provision of this Agreement does not constitute a waiver of it or any other provision. Cornelius and Forest Grove are the only parties to this Agreement and as such are the only parties entitled to enforce its terms. Nothing in this Agreement gives or shall be construed to give or provide any benefit (direct, indirect or otherwise) to any third party.

7. Compliance with Laws

Cornelius and Forest Grove will comply with all applicable laws in performing their obligations under this Agreement.

8. Hold Harmless and Indemnification

Cornelius and Forest Grove each agree to defend, indemnify and hold harmless the other, their respective officers, employees, agents against any and all claims arising from any act(s) relating to services described in this Agreement.

9. Dispute Resolution

Cornelius and Forest Grove agree to make good faith efforts to informally resolve any dispute relating to this Agreement. Any dispute or claim that arises out of or that relates to this agreement, or to the interpretation or breach thereof, or to the existence, scope, or validity of this Agreement shall be resolved by arbitration in accordance with the then

effective arbitration rules of (and by filing a claim with) Arbitration Service of Portland, Inc., and judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof.

10. Term, Review and Amendment

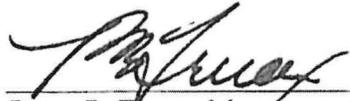
This Agreement shall be effective as of the last date approved by either city council. It contains all the agreements of Cornelius and Forest Grove on this subject. Either city may at any time request a meeting with the other within 30 days of the request to discuss any provision. This Agreement automatically renews annually on January 1. Any amendment to this Agreement must be in writing and signed by any authorized representative of each city. This Agreement may be terminated prior to expiration by either party upon 30 days notice. Upon such early termination, the compensation provided for in Section 3 shall be prorated.

Performance of the parties under this Agreement will be reviewed according to the following, non-exclusive criteria:

- a) Effect on management staff and communications between Forest Grove and Cornelius;
- b) Consistency in meeting or exceeding response service level standards;
- c) Perceived effectiveness by the respective City Councils as well as the respective Rural Fire District Boards;
- d) Accomplishment of projects identified by the parties including training goals

Signatures:

FOR THE CITY OF FOREST GROVE



Peter B. Truax, Mayor

FOR THE CITY OF CORNELIUS



Jeff Dalin, Mayor

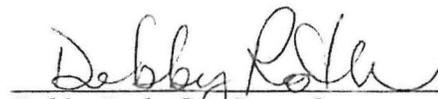


Michael J. Sykes, City Manager

ATTESTED:



Anna D. Ruggles, City Recorder



Debby Roth, City Recorder

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**FOREST GROVE CITY COUNCIL REGULAR MEETING
MAY 27, 2014 – 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 7:01 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Camille Miller; Ronald Thompson; Elena Uhing; and Mayor Peter Truax. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Downey, Administrative Services Director; Tom Gamble, Parks and Recreation Director; Jon Holan, Community Development Director; Janie Schutz, Police Chief; Jeff King, Economic Development Coordinator; George Cress, Light and Power Director (in the audience); and Anna Ruggles, City Recorder.

Mayor Peter Truax expressed his sincere appreciation to everyone who sent well wishes, noting he is recuperating from his injuries sustained in his motor scooter accident, which occurred the evening of Wednesday, May 7, 2014.

1. A. PLANNING COMMISSION RECOGNITION:

Councilor Miller presented a Certificate of Appreciation to Carl "Al" Miller who was honored by Council for his dedicated years of service and exceptional leadership on the Planning Commission. Miller served on the Planning Commission as Vice Chair since 1998.

2. CITIZEN COMMUNICATIONS:

Kathleen Shaw, Forest Grove, addressed Council pertaining to various neighborhood concerns, i.e., installing sidewalks and curbs, right turn lane on Highway 47/Maple Street, allowing portable garages, and rezoning a mobile home located on 12th Avenue, to which Mayor Truax deferred Shaw's concerns to City Manager Sykes.

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 (B&C Interview)

**FOREST GROVE CITY COUNCIL REGULAR MEETING
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PAGE 2**

Meeting Minutes of May 12, 2014.

- B. Approve City Council Executive Session (Labor Negotiations) Meeting Minutes of May 12, 2014.
- C. Approve City Council Work Session (Retirement) Meeting Minutes of May 12, 2014.
- D. Approve City Council Regular Meeting Minutes of May 12, 2014.
- E. Accept Planning Commission Meeting Minutes of May 5, 2014.
- F. Library Department Monthly Circulation Statistics Report for May 2014.
- G. **RESOLUTION NO. 2014-41 MAKING APPOINTMENT TO PUBLIC SAFETY ADVISORY COMMISSION (PSAC) (APPOINTING CHAS HUNDLEY, RURAL FIRE DISTRICT CITIZEN, TERM EXPIRING DECEMBER 31, 2016).**

MOTION: Councilor Miller moved, seconded by Councilor Lowe, to approve the Consent Agenda as presented. MOTION CARRIED 7-0 by voice vote.

- 4. **ADDITIONS/DELETIONS:** None.
- 5. **PRESENTATIONS:** None.
- 6. **PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2014-06 AMENDING FOREST GROVE CODE, CHAPTER 5, PUBLIC PROTECTION OFFENSES, BY ADDING NEW CODE SECTION 5.485, TITLED SMOKING AND TOBACCO USE PROHIBITED, AND ADDING NEW CODE SECTION 5.490, TITLED VIOLATIONS AND PENALTIES AND AMENDING CODE SECTION 5.405**

Staff Report:

Gamble and Police Chief Schutz presented the above-proposed ordinance requesting to adopt a new Code Section 5.485 that would prohibit smoking and tobacco use in designated City parks and City-sponsored events, noting the proposed code would prohibit any tobacco products, cigarettes, cigars, pipe tobacco, marijuana, smokeless tobacco, chewing tobacco, and electronic smoke devices. Gamble advised the original proposed code provisions presented to the Parks and Recreation Commission (P&R) and Public Safety Advisory

**FOREST GROVE CITY COUNCIL REGULAR MEETING
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PAGE 3**

Commission (PSAC) prohibited smoking and tobacco use in city-owned properties; however, after further discussion, staff determined it would be too cumbersome to enforce all city-owned properties, excluding streets and sidewalks, noting the ban would only apply to streets and sidewalks within the designated areas of City-sponsored events. Gamble added that staff currently spends at least two hours a week collecting litter, picking up cigarette buds and disinfecting drinking fountains from remains of smokeless tobacco in City parks. Chief Schutz reported on law enforcement-related matters, noting the proposed code provisions would allow law enforcement to contact persons smoking in areas designated as City parks and City-sponsored events, noting if the proposed ordinance is adopted by Council, there will be an implementation period with warning citations issued during the one-month educational period. In addition, Gamble introduced Carla Bennett, Washington County Health and Human Services, who reported on the County's efforts to reduce the impact of tobacco and nicotine addiction and health risks of secondhand smoke and applauded the City for its efforts to support a healthier, smoke-free community. In conclusion of the above-noted staff report, Gamble and Police Chief Schutz advised staff is recommending adoption of the proposed Code amendments as outlined in Exhibit A of Ordinance No. 2014-06.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2014-06.

Sykes read Ordinance No. 2014-06 by title for first reading.

MOTION: Councilor Lowe moved, seconded by Councilor Kidd, to adopt Ordinance No. 2014-06 Amending Forest Grove Code, Chapter 5, Public Protection Offenses, by Adding New Code Section 5.485, Titled Smoking and Tobacco Use Prohibited, and Adding New Code Section 5.490, Titled Violations and Penalties and Amending Code Section 5.405. (Refer to Motion to Amend below).

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Written Testimony:

Gamble referenced the following written testimony received.

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PAGE 4**

Shirley Bates, Forest Grove, (Attachment A to the staff report), submitted a letter thanking the Parks and Recreation Commission for taking public comment and for caring about the issue of secondhand smoke and how it affects people, citing she suffers from severe allergic reactions if within 50' to 100' of someone smoking.

Susan and Jerry Munger, Forest Grove, submitted a letter thanking the Parks and Recreation Commission for encouraging public input on the above issue, citing they can attest to the fact that cigarette debris is the number one litter problem and they appreciate knowing that special events, such as the Farmers' Market will be included in the policy.

Ann Barr-Gillespie, DPT, PhD, Pacific University Vice Provost and Executive Dean, submitted a letter urging Council to adopt a tobacco and smoke-free outdoor policy for city properties and downtown areas, citing Pacific University is working on adopting a smoke-free policy for their campus. If approved, Pacific University's policy would prohibit smoking on all campuses, including cars, parking lots, and outdoors on University grounds.

Bridget Cooke, Adelante Mujeres Executive Director, submitted a letter urging Council to adopt a tobacco and smoke-free outdoor policy for city properties and downtown areas, citing the policy could be confusing and potentially challenging if the policy is only enforced during the Farmers' Market.

Marni Kuyl, RN, MC, Washington County Health and Human Services Manager, submitted a letter urging Council to adopt a tobacco and smoke-free policy in outdoor public places and expand the policy to include all city properties for comprehensive protection and consistency.

No other written testimony was received prior to the published deadline of May 27, 2014, 7:00 p.m.

Proponents:

Susan Munger, Forest Grove, testified in support of the proposed code provisions as noted above in her written testimony. Munger stated while walking to this evening's Council meeting, she encountered a bunch of cigarette buds along the way, noting it is truly a widespread problem. In addition, Mayor Truax acknowledged receiving written testimony directly from Munger. When asked by Mayor Truax, Munger replied she

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supports expanding her testimony to include provisions for city-owned properties.

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

Opponents:

No one testified and no written comments were received.

Others:

No one testified and no written comments were received.

Council Discussion:

In response to Lowe's concerns pertaining to staff focusing only on City parks and City-sponsored events and excluding City-owned properties, Gamble explained the City Attorney's opinion is enforcement would likely be difficult, especially in streets and sidewalks, noting the City does not own streets and sidewalks, rather the City holds easements for the benefit of the public. Sykes added it came down to the ability to enforce provisions effectively, noting efforts are to support a healthier, smoke-free community in places and areas where children are present and large public gatherings occur, such as City parks and Farmers' Market, and not enforcement for that one person or employee who may smoke on occasion in City-owned parking lots or streets and sidewalks.

Kidd indicated he is having a difficult time supporting the proposal if code provisions exclude City-owned properties, noting the provisions should be all or none. In response to Kidd's inquiry pertaining to provisions imposed by other cities, Bennett indicated it is common for cities to adopt a tobacco and smoke-free policy to include all city-owned properties and city-owned parking lots.

Council President Johnston indicated both the P&R and PSAC supported the original proposed code provisions prohibiting smoking and tobacco use within all city-owned properties, excluding streets and sidewalks unless it was a city-sponsored event.

Uhing indicated she concurs with staff and City Attorney's opinion to exclude streets and sidewalks, noting she could support code provisions that prohibit smoking and tobacco use within all city-owned properties, excluding streets and sidewalks unless it is a city-sponsored event.

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Thompson indicated he has concerns excluding City-owned properties, noting he could support code provisions that prohibit smoking and tobacco use within all city-owned properties, excluding streets and sidewalks unless it is a city-sponsored event.

Mayor Truax voiced concern if the provisions exclude city-owned properties, i.e., the public could smoke inside City-owned facilities, including meetings held in the Community Auditorium.

Hearing no further discussion from the Council, Mayor Truax acknowledged the following motion to amend as noted below.

MOTION TO AMEND: Councilor Lowe moved, seconded by Councilor Kidd, to amend Ordinance No. 2014-06 by adding language to Exhibit A to prohibit smoking and tobacco use within all city-owned properties, excluding streets and sidewalks unless it was a city-sponsored event.

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

MOTION TO AMEND ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

Hearing no further discussion from the Council, Mayor Truax recessed the Public Hearing, noting the second reading of Ordinance No. 2014-06 by title and final vote as amended will occur at the meeting of Monday, June 9, 2014.

Public Hearing Recessed:

Mayor Truax recessed the Public Hearing until the next Council meeting of Monday, June 9, 2014.

7. PUBLIC HEARING AND RESOLUTION NO. 2014-42 DESIGNATING COMMUNITY ENHANCEMENT PROGRAM (CEP) PROJECTS (EXHIBIT A) FOR FISCAL YEAR 2014-15

Staff Report:

Downey presented the above-proposed resolution designating Fiscal

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PAGE 7**

Year 2014-15 Community Enhancement Program (CEP) projects (Exhibit A) and allocating funding levels based on individual Council allocations proposed at the Council meeting of May 12, 2014. Downey reported the City received 21 applications totaling \$87,936 and Council allocated \$56,604 in CEP funds. In conclusion of the above-noted staff report, Downey affirmed that Metro received a Public Hearing Notice as required.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-42.

Sykes read Resolution No. 2014-42 by title.

MOTION: Councilor Kidd moved, seconded by Councilor Miller, to approve Resolution No. 2014-42 Designating Community Enhancement Program (CEP) Projects (Exhibit A) for Fiscal Year 2014-15.

Public Hearing Opened:

Mayor Truax opened the Public Hearing.

Written Testimony Received:

No written testimony was received prior to the published deadline of May 27, 2014, 7:00 p.m.

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:

Hearing no 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 Johnston, Kidd, Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

8. RESOLUTION NO. 2014-43 AUTHORIZING THE CITY OF FOREST GROVE TO APPLY FOR A MATCHING GRANTS PROGRAM GRANT FROM THE OREGON TRAVEL COMMISSION DBA TRAVEL OREGON FOR DEVELOPMENT AND PROMOTION OF FARMS, FOOD AND BEVERAGE TOURISM

Staff Report:

King presented the above-proposed resolution requesting authorization to submit a grant proposal to Oregon Travel Commission, Travel Oregon for Development and Promotion of Farms, Food and Beverage Tourism, to help identify, develop and market local small businesses and farms. King reported total project costs are estimated at \$38,000, of which the grant requires a local match of \$16,000. In conclusion of the above-noted staff report, King advised the matching funds will be paid from cash and in-kind resources from private sector organizations and \$5,000 from Community Enhancement Program Grant as noted in the staff report.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-43.

Sykes read Resolution No. 2014-43 by title.

MOTION: Council President Johnston moved, seconded by Councilor Uhing, to adopt Resolution No. 2014-43 Authorizing the City of Forest Grove to Apply for a Matching Grants Program Grant from the Oregon Travel Commission DBA Travel Oregon for Development and Promotion of Farms, Food and Beverage Tourism.

Council Discussion:

In response to Council President Johnston's concern pertaining to budgetary impact, King advised there is no budgetary impact to the City, noting some staff time will be required as part of the grant proposal.

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 Johnston, Kidd, Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

9. **RESOLUTION NO. 2014-44 AUTHORIZING THE CITY MANAGER TO ENDORSE THE REVISED INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF FOREST GROVE (CITY) AND WASHINGTON COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEARS 2015-2017**

Staff Report:

Sykes presented the above-proposed resolution authorizing the City to endorse a revised Intergovernmental Agreement (IGA) between the City and Washington County for Community Development Block Grant (CDBG) Program Years 2015-2017, noting the revised IGA continues the County's CDBG Program and Policy Advisory Board of which the City is member and reflects changes required by the Department of Housing and Urban Development (HUD). In conclusion of the above-noted staff report presentation, Sykes advised there is no budgetary impact to the City, noting City staff will provide some project management as needed.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-44.

Sykes read Resolution No. 2014-44 by title.

MOTION: Councilor Lowe moved, seconded by Councilor Thompson, to adopt Resolution No. 2014-44 Authorizing the City Manager to endorse the revised Intergovernmental Agreement (IGA) between the City of Forest Grove and Washington County for Community Development Block Grant Program Years 2015-2017.

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 Johnston, Kidd, Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

**FOREST GROVE CITY COUNCIL REGULAR MEETING
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COMMUNITY AUDITORIUM
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10. CITY MANAGER'S REPORT:

Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and community-wide events as noted in the City Manager's Report. Sykes announced the Budget Committee plans to hold its second meeting on Thursday, May 29, 2014, 7pm in the Community Auditorium, noting he anticipates the Budget Committee will complete its work at this meeting. Sykes announced the Council Creek Regional Trail Open House is June 4, 2014, 6pm to 8pm, Community Auditorium. Sykes reported the Citizens' Survey would be mailed this year in June utility bills, noting the City normally sends out its Citizens' Survey every two years in October or November. Sykes reported a new button has been added to the City's website homepage that allows customers to pay utility bill payments online, noting the new button is much easier to navigate and is more user friendly. In addition, Sykes distributed a copy of his written report, which outlined various meetings he attended and provided updates on various City department-related activities, projects, and upcoming city-wide events.

11. COUNCIL COMMUNICATIONS:

Council President Johnston reported he plans to attend the next Public Safety Advisory Commission meeting. Johnston commended Al Miller, noting it was an honor honoring Al this evening for his many years of service on the Planning Commission. Johnston reported on the Celebration of Life for Beverly (Anderson) Bergee, who died recently, noting Bergee worked for Stimpson Lumber for over 30 years and was a very active community member serving as a volunteer at the Forest Grove Senior and Community Center and Forest Grove Library. In addition, Johnston reported on other matters of interest and upcoming meetings he was planning to attend.

Kidd reported he was unable to attend the Historic Landmarks Board meeting (HLB), due to HLB's meeting date/time coincided with this evening's Council Meeting. Kidd reported attending the League of Oregon Cities Transportation Policy Advisory Committee meeting. In addition, Kidd reported on other matters of interest and upcoming meetings he was planning to attend.

Lowe reported on matters of community interest and upcoming meetings she was planning to attend.

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Miller reported on matters of community interest and upcoming meetings she was planning to attend.

Thompson reported attending the League of Oregon Cities Energy Policy Advisory Committee meeting. In addition, Thompson reported on other matters of interest and upcoming meetings he was planning to attend.

Uhing reported Mayor Truax would be attending the next Economic Development Commission meeting in her absence. In addition, Uhing reported on other matters of interest and upcoming meetings she was planning to attend.

Mayor Truax announced dates of various upcoming activities and meetings as noted in the Council Calendar. Mayor Truax reported the League of Oregon Cities would be asking city officials to submit their top four issues to recommend to be added to the priorities for the League's 2015 Legislative Agenda. In addition, Mayor Truax reported on other various local, regional, Metro, and Washington County meetings he attended and community-related events he was planning to attend.

12. ADJOURNMENT:

Mayor Truax adjourned the meeting at 8:16 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

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**FOREST GROVE CITY COUNCIL EXECUTIVE SESSION
ORS 192.660(2)(D) LABOR
JUNE 9, 2014 – 5:30 P.M.
COMMUNITY AUDITORIUM – CONFERENCE ROOM
PAGE 1**

Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Peter Truax called the Executive Session to order at 6:00 p.m. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Camille Miller; Ronald Thompson; Elena Uhing; and Mayor Peter Truax. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Downey, Administrative Services Director; Brenda Camilli, Human Resources Manager; and Anna Ruggles, City Recorder.

2. EXECUTIVE SESSION:

The City Council met in Executive Session in accordance with:

ORS 192.660(2)(D) to conduct deliberations with person designated by the governing body to carry on labor negotiations.

3. ADJOURNMENT

Mayor Truax adjourned the Executive Session at 5:40 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

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**FOREST GROVE CITY COUNCIL EXECUTIVE SESSION
ORS 192.660(2)(I) CITY MANAGER EVALUATION
JUNE 9, 2014 – 6:00 P.M.
COMMUNITY AUDITORIUM – CONFERENCE ROOM
PAGE 1**

Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Peter Truax called the Executive Session to order at 6:00 p.m. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Camille Miller; Ronald Thompson; Elena Uhing; and Mayor Peter Truax. **STAFF PRESENT:** Michael Sykes, City Manager.

2. EXECUTIVE SESSION:

The City Council met in Executive Session in accordance with:

ORS 192.660(2)(I) to review and evaluate the employment-related performance of the City Manager.

3. ADJOURNMENT

Mayor Truax adjourned the Executive Session at 6:40 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JUNE 9, 2014 – 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 7:01 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Camille Miller; Ronald Thompson; Elena Uhing; and Mayor Peter Truax. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Downey, Administrative Services Director; Tom Gamble, Parks and Recreation Director; Jon Holan, Community Development Director; Janie Schutz, Police Chief; Dan Riordan, Senior Planner; Jeff King, Economic Development Coordinator; and Anna Ruggles, City Recorder.

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 Executive Session (City Manager Evaluation) Meeting Minutes of May 27, 2014.
- B. Accept Community Forestry Commission Meeting Minutes of April 16, 2014.
- C. Accept Historic Landmarks Board Meeting Minutes of April 22, 2014.
- D. Accept Library Commission Meeting Minutes of March 11 and April 8, 2014.
- E. Accept Parks and Recreation Commission Meeting Minutes of April 16, 2014.
- F. Accept Planning Commission Meeting Minutes of May 19, 2014.
- G. Accept Resignation on Public Safety Advisory Commission (Mike Bernhardt, At-Large, Term Expiring December 31, 2016).
- H. Community Development Department Monthly Building Activity Informational Report for May 2014.

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JUNE 9, 2014 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 2**

- I. Fire Chief Monthly Report for May 10 – May 23, 2014.
- J. Police Chief Monthly Report for May 2014.

MOTION: Councilor Miller moved, seconded by Councilor Kidd, to approve the Consent Agenda as presented. MOTION CARRIED 7-0 by voice vote.

4. ADDITIONS/DELETIONS:

Mayor Truax added Agenda Item 11 to the meeting agenda (refer below).

5. PRESENTATIONS:

Quarterly Financial Report for Period Ending March 31, 2014

Downey presented a PowerPoint presentation outlining the quarterly financial report ending March 31, 2014, noting this is the third quarter of the City's fiscal year ending June 30, 2014. Downey explained the first part of the report is a graphical representation of the quarterly status of the City's major operating departments and funds; the second part of the report contains comments on other funds where material events have or are projected to occur; and the third part of the report is the line item detail, noting the actual revenues received or expenditures disbursed through the end of the quarter are compared to the quarterly budget allotment and expressed in the detail report as both a dollar variance and percent variance. In conclusion of the above-noted presentation, Downey highlighted graphs pertaining to the General Fund, Building Services Fund, Information Systems Fund, Light Fund, Street Fund, Sewer Fund, Water Fund, Surface Water Management Fund, Equipment Fund and other funds, noting the General Fund is still running very well through three quarters and overall, revenues are above the allocation and expenditures are tracking lower than expected over three quarters into the Fiscal Year. Downey also noted the quarterly report is available online via the City's website.

6. CONTINUE PUBLIC HEARING FROM MAY 27, 2014: SECOND READING OF ORDINANCE NO. 2014-06 AMENDING FOREST GROVE CODE, CHAPTER 5, PUBLIC PROTECTION OFFENSES, BY ADDING NEW CODE SECTION 5.485, TITLED SMOKING AND TOBACCO USE PROHIBITED, AND ADDING NEW CODE SECTION 5.490, TITLED VIOLATIONS AND PENALTIES AND AMENDING CODE SECTION 5.405

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First Reading of Ordinance No. 2014-06 and motion to adopt occurred at the Council meeting of May 27, 2014.

Staff Report:

Gamble and Police Chief Schutz presented the above-proposed ordinance for second reading, noting staff has amended Exhibit A to prohibit smoking and tobacco use within “all city-owned properties”, excluding streets and sidewalks unless it is a city-sponsored event, pursuant to the motion approved by Council at the May 27, 2014, Council meeting. In conclusion of the above-noted staff report presentation, Gamble highlighted a map showing the areas of all city-owned properties.

Sykes read Ordinance No. 2014-06 by title for second reading.

Public Hearing Continued:

Mayor Truax continued the Public Hearing from the Council meeting of May 27, 2014, and explained hearing procedures.

Written Testimony:

No additional written testimony was received prior to the hearing date of June 9, 2014, 7:00 p.m.

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.

Council Discussion:

In response to Uhing’s concern pertaining to public education, Police Chief Schutz explained staff will publish notice of the new code provisions in the City utility billing insert, as well as engage citizen outreach through the Public Safety Advisory Commission and Farmers’ Market, noting officers are a little leery about initial enforcement; however, officers will do the best they can and use discretion. Chief Schutz added that officers would initially issue warning citations during the implementation period and patrol Lincoln, Bard and Rogers Parks.

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Gamble added staff also plans to engage public outreach using local newspapers, distribute printed material and post information about the new code provisions via the City's website and Facebook accounts.

In response to Lowe's concern pertaining to Forest Grove Senior and Community Center, Gamble affirmed the Senior Center is city-owned property, so the code provisions would apply to the Senior Center as well. In response to Lowe's inquiry pertaining to Safeway's parking lot, Police Chief Schutz affirmed the code provisions do not apply to privately-owned property; however, other criminal offenses could occur, such as criminal trespassing.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the motion made at the Council meeting of May 27, 2014.

ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

7. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2014-07 MAKING CERTAIN DETERMINATIONS AND ADOPTING THE CITY OF FOREST GROVE URBAN RENEWAL PLAN

Staff Report:

Holan and Riordan presented the above-noted ordinance (Attachment A) for first reading requesting to adopt the Forest Grove Urban Renewal Plan (Exhibit 1) as proposed by the Urban Renewal Agency, noting Exhibit 2 contains the legal description for the urban renewal boundary; Exhibit 3 contains the urban renewal report, essential background information on the urban renewal area and proposed urban renewal projects identified in the Plan; and Exhibit 4 contains the Comprehensive Plan Consistency Analysis. Riordan reported the renewal area is approximately 250 acres in total land area, includes approximately 6.6 percent of the City's land area and 9.5 percent of taxable assessed value, noting up to 25 percent of a City's total land area may be within a renewal area. In addition, Riordan presented a PowerPoint Presentation providing an overview of the proposed Plan; proposed renewal area and projects identified in the Plan; proposed maximum amount of bonded indebtedness authorized by the Plan; estimated fiscal impacts to taxing districts; steps in the adoption process of the Plan; and next steps required for establishing the urban renewal area. In conclusion of the

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above-noted staff report, Holan and Riordan advised staff is recommending adoption of the Forest Grove Urban Renewal Plan as outlined in Exhibit 1 of Ordinance No. 2014-07.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2014-07.

Sykes read Ordinance No. 2014-07 by title for first reading.

MOTION: Councilor Kidd moved, seconded by Councilor Miller, to adopt Ordinance No. 2014-07 Making Certain Determinations and Adopting the City of Forest Grove Urban Renewal Plan.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Written Testimony Received:

Martha Bennett, Metro Chief Operating Officer, submitted a letter dated May 20, 2014, (Attachment B), expressing support of the City moving forward using urban renewal as a financing strategy for capital projects intended to stimulate private investment, create jobs and strengthen property values while promoting the efficient use of land in the downtown and commercial areas.

Riordan reported Metro's Community Planning and Development Grant Program provided funding for the City's feasibility study and urban renewal plan.

No other written testimony was received prior to the published deadline of June 9, 2014, 7:00 p.m.

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.

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Council Discussion:

Uhing voiced concern of the low number of property owners (15) who attended the Community Open House on May 29, 2014, which was held to provide property owners within the urban renewal area an opportunity to ask questions of staff, to which Riordan pointed out the City's website page on urban renewal has had over 600 visits.

Mayor Truax noted people are finding other creative ways to be involved, i.e., visiting the City's website for information that is important to them.

Public Hearing Recessed:

Mayor Truax recessed the Public Hearing until the next Council meeting of Monday, June 23, 2014.

8. PUBLIC HEARING AND RESOLUTION NO. 2014-45 SETTING FEES AND CHARGES, EFFECTIVE JULY 1, 2014, REPEALING RESOLUTION NO. 2013-34

Staff Report:

Downey presented the above-proposed resolution increasing fees and charges by 3.5%, rounded to the nearest increment, effective July 1, 2014. Downey reported the Police Department is proposing a new fee, Event Security – Officer Reimbursement, noting the authority to set the fee is pursuant to recent City Code amendments (Section 6.135, Event Permit), noting the Code allows the City to set reimbursement if the permit applicant requests officers to provide event security, such as large run/walk/bicycle events. Downey advised the new fee would be set at \$89 per hour, which is a Step 6 officer overtime cost, plus 10% administrative overhead fee with a four-hour minimum per officer. Downey reported the City Recorder is proposing to increase Council Packet printed 6-month subscription from \$148.75 to \$200.00, noting the Council Packet is available online on the City's website and the fee increase is designed to encourage users to print the packet from the City's website. In addition, Downey reported Administrative Services is proposing a new fee of \$10.00, Failure to Keep Payment Arrangement, noting staff spends a considerable amount of time contacting customers who setup payment arrangements and then fail to keep their payment agreements. In conclusion of the above-noted staff report, Downey highlighted various fees as outlined in the proposed fee resolution (Exhibit 2), noting based on Fiscal Year 2014-15 budget proposal, the Planning Fees as outlined in Exhibit A will remain the same.

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Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-45.

Sykes read Resolution No. 2014-45 by title.

MOTION: Councilor Miller moved, seconded by Councilor Lowe, to adopt Resolution No. 2014-45 Setting Fees and Charges, Effective July 1, 2014, excluding Planning Fees, and Repealing Resolution No. 2013-34.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Written Testimony Received:

No written testimony was received prior to the published deadline of June 10, 2013, 7:00 p.m.

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:

Council President Johnston indicated he would like to see the fee schedule show the actual amount for water connection fees on Exhibit 2 instead of stating fees are "Based on Actual Cost", to which Downey noted. In response to Johnston's concern pertaining to printing costs, Downey explained the cost is for a six-month printed subscription and the subscription is at least two fully printed Council packets per month.

Uhing indicated she is diligent when it comes to fee increases, noting she does not see any fees set that are unreasonable.

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In response to Miller's concern pertaining to event security standards, Police Chief Schutz indicated the fee is common among other cities, noting with three officers on duty, if a priority call comes in, the officer assisting the event has to leave quickly to respond to the priority call and when this scenario occurs, the City is in a greater liability. Chief Schutz explained the fee would allow the Police Department to assign officer(s) to event security, noting the applicant, not the City, makes the formal request when applying for the event permit.

Mayor Truax added the fee is conservative compared to fees imposed by other cities and paid by other entities, such as school districts.

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

ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

9. PUBLIC HEARING AND RESOLUTION NO. 2014-46 FIXING WATER RATES FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2014, AND REPEALING RESOLUTION NO. 2013-35

Staff Report:

Foster and Downey presented the above-proposed resolution increasing water rates for all customer classes by eight percent (8%) effective July 1, 2014. Foster reported the City underwent a cost-of-service analysis in 2011 on the City's water utility to ensure that rates were recovering adequate revenue in an equitable manner, noting the rate analysis demonstrated that water utility needs system-wide average rate increases of approximately eight (8%) percent per year for the next several years in order to afford on-going operations and required investments in maintaining the water capital infrastructure. Foster referenced graphs in the staff report showing the monthly water bill for a residential customer using 7,000 gallons of water and a residential customer using 20,000 gallons of water in comparison to other cities, noting the City will continue to remain competitive in comparison to other neighboring cities. In conclusion of the above-noted staff report, Foster and Downey outlined the significant changes to the water rates as noted in the staff report and proposed resolution (Exhibit A), noting for the

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average residential user, the proposed water rate increase would be approximately \$2.46 per month.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-46.

Sykes read Resolution No. 2014-46 by title.

MOTION: Councilor Lowe moved, seconded by Councilor Kidd, to adopt Resolution No. 2014-46 Fixing Water Rates for the City of Forest Grove, Effective July 1, 2014, and Repealing Resolution No. 2013-35.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Written Testimony Received:

No written testimony was received prior to the published deadline of June 9, 2014, 7:00 p.m.

Proponents:

No one testified and no written comments were received.

Opponents:

No one testified and no written comments were received.

Others:

Carrie Niemlec, Forest Grove, addressed Council with questions and concerns regarding project allocations and how long the City plans to raise water rates as part of the cost study, to which Foster addressed and explained the City is in its fourth year based on the cost study, noting the cost study recommends an 8% water rate increase for the next 10 years. Foster reported the City is being proactive in planning for the City's participation and ownership in future water projects, i.e., Scoggins Dam retrofit at Hagg Lake, and other capital infrastructure improvements to the existing systems, noting the City was hit with roughly \$400,000 in unexpected repairs to the City's aging water system from the year before and is anticipating significant repairs at the water plant this year to repair the main filters, which have been leaking at a rate of 50 gallons per minute.

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No one else testified and no written comments were received.

Public Hearing Closed:

Mayor Truax closed the Public Hearing.

Council Discussion:

Lowe commented she will support the proposed 8% water rate increase, pointing out long-term planning and future financial obligations in the City's participation and ownership in future water projects.

Uhing commented she struggles with rate increases every year, particularly how it affects low-income families and elderly residents, noting she has learned it is similar to a savings account; otherwise, the City would end up being in the red.

Thompson commented he believes an 8% rate increase is the right decision in order for the City to build revenue for its future project obligations and the City's infrastructure.

Council President Johnston commented the rate increase is necessary in order to maintain the level of service that the City provides, noting as the City gets ahead in its savings, it will be a cost savings to consumers in the end.

Mayor Truax added we pride ourselves as a full-service city, noting Council's decision-making today is to ensure the highest possible water quality for its citizens in the future.

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

ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

10. **RESOLUTION NO. 2014-47 AUTHORIZING EXTENDING BUSINESS INCENTIVE PROGRAM FOR TWELVE MONTHS, AND REESTABLISHING THE PROGRAM REQUIREMENTS**

Staff Report:

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King presented the above-proposed resolution for Council consideration, noting the proposed resolution is requesting extending the Business Incentive Program, which is scheduled to expire June 30, 2014, for an additional 12 months to help encourage additional economic activity and help businesses during this slow and uneven post-recession recovery. King reported the Council adopted the Business Incentive Program in early 2011 to support existing business expansion and encourage new business development by waiving certain fees and charges. King advised since July 1, 2013, six businesses have used the program and occupied previously vacant space, noting the fees foregone by the City remain under \$1,500 per project. In conclusion of the above-noted staff report, King indicated the City needs to stay competitive, as other cities are extending business incentive programs as well.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-47.

Sykes read Resolution No. 2014-47 by title.

MOTION: Council President Johnston moved, seconded by Councilor Thompson, to approve Resolution No. 2014-47 Authorizing Extending Business Incentive Program for Twelve Months to June 30, 2015, and Reestablishing the Program Requirements.

Council Discussion:

Lowe commented she would support the program for additional year, since the program comes back each year for Council consideration, noting it is difficult shutting the program off but perhaps by next year, it has reached a point where Forest Grove is being sought because of what it has to offer, i.e., utility rates.

Uhing commented she likes the flexibility of the program, noting the program has brought businesses into the community.

Thompson commented the program has created job growth and is bringing great benefits to the City.

Council President Johnston commented he sees no reasons not to support the program.

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Mayor Truax commended the work of the Economic Development Commission (EDC), noting EDC supports the Business Incentive Program. Mayor Truax added he respects EDC's advice and their participation.

Hearing further discussion from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

11. **RESOLUTION NO. 2014-48 AMENDING CITY MANAGER'S COMPENSATION PLAN AND EMPLOYMENT AGREEMENT AND AUTHORIZING COMPENSATION FOR THE CITY MANAGER FOR FISCAL YEAR 2014-15, EFFECTIVE JULY 1, 2014, THROUGH JUNE 30, 2015**

Staff Report:

Mayor Truax presented the above-proposed resolution authorizing to amend the City Manager's Employment Agreement and setting compensation for the City Manager for Fiscal Year 2014-15, effective July 1, 2014, through June 30, 2015. Mayor Truax advised the proposed resolution contains a cost-of-living salary increase for the City Manager of three percent (3%) and sets at \$350 per month vehicle allowance in lieu of using a city-owned vehicle for City business purposes, noting language has been added to Section 9, Automobile, stating "The Employee shall maintain a log showing each date, time and mileage that Employee uses personal vehicle for City business purposes". In conclusion of the above-noted Council report, Mayor Truax advised the proposed resolution (Exhibit A) is amending Sections 5 and 9 of the City Manager's Employment Agreement to reflect the above-proposed amendments.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-48.

Mayor Truax read Resolution No. 2014-48 by title.

MOTION: Councilor Kidd moved, seconded by Council President Johnston, to adopt Resolution No. 2014-48 Amending City Manager's Compensation Plan and Employment Agreement and Authorizing Compensation for the City Manager for Fiscal Year

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2014-15. Amending Section 5, Compensation, City Manager's salary shall be \$11,463/monthly / \$137,556/annually, Effective July 1, 2014, through June 30, 2015. The City Manager's monthly vehicle allowance will be \$350/monthly / \$4,200/annually effective July 1, 2014, through June 30, 2015. Adding new language to Section 9, Automobile, stating "The Employee shall maintain a log showing each date, time and mileage that Employee uses personal vehicle for City business purposes".

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 Johnston, Kidd, Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

12. CITY MANAGER'S REPORT:

Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and community-wide events as noted in the City Manager's Report. Sykes thanked Council for their vote of confidence in renewing his employment contract. Sykes reported the 2014 Citizen Attitude Survey will be going out this month, noting some of the questions being asked in this year's survey pertain to medical marijuana dispensaries, GroveLink and sustainable practices. Sykes reported the City has been asked by the League of Oregon Cities to host City Hall Day, which will be held in September. Sykes indicated staff is compiling letters of support to take to the Oregon Department of Transportation Speed Study Review Panel meeting on June 19th regarding Highway 47 and Fern Hill Road. Sykes announced the City has a hired a temporary employee to help cover the front desk during the summer at City Hall, Second Floor, and Community Development has a new intern on staff from Portland State University who is assisting staff with sustainability and conservation programs. In addition, Sykes distributed a copy of his written report, which outlined various meetings he attended and provided updates on various City department-related activities, projects, and upcoming city-wide events.

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13. COUNCIL COMMUNICATIONS:

Council President Johnston thanked staff, noting he was pleased to see a Forest Grove-related event finally posted in the League of Oregon Cities' Event Calendar. Johnston reported attending the Public Safety Advisory Commission (PSAC) meeting, noting PSAC discussed conducting a SWOT analysis with City Manager Sykes and PSAC asked to be included on the interview board, Traffic Review Committee, Neighborhood Watch, National Night Out and attend other public safety functions in which the fire chief and police chief could use extra help. Johnston reported five units from Washington County, two were from Forest Grove, were sent to Bend to help fight fires. In addition, Johnston reported on other matters of interest and upcoming meetings he was planning to attend.

Kidd voiced concern of increase of graffiti occurring, to which Sykes noted. In addition, Kidd reported on other matters of interest and upcoming meetings he was planning to attend.

Lowe asked if Council would consider submitting a letter of support for one of the family members of one of the Portland teen's fatally injured in the Verboort Road/Purdin Road traffic accident, noting she would draft the letter for Council's consideration, along with additional information. In addition, Lowe reported on other matters of interest and upcoming meetings she was planning to attend.

Miller reported on Public Arts Commission (PAC)-related activities, noting PAC's fundraiser event was well attended. Miller reported attending a program at the Community School, along with Mayor Truax and Councilor Lowe. In addition, Miller reported on matters of community interest and upcoming meetings she was planning to attend.

Thompson reported attending the Council Creek Regional Trail Open House, held on June 4, 2014, noting the meeting was well attended. Thompson announced the National Summer Lunch Program starts June 24, 2014. In addition, Thompson reported on other matters of interest and upcoming meetings he was planning to attend.

Uhing reported on matters of interest and upcoming meetings she was planning to attend. In response to Uhing's concern pertaining to budget adoption, Sykes indicated the final budget adoption is scheduled for June 23, 2014, Council meeting, to which Uhing advised she plans to submit a "white paper" to be included as part of the Council packet.

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Mayor Truax announced dates of various upcoming activities and meetings as noted in the Council Calendar. Mayor Truax encouraged Council members to attend the Employee Breakfast on June 12, 2014, 7am, Fire Department. Mayor Truax distributed a copy of a document titled "Oregon Department of Transportation Projects in Washington County (2012-2018)", noting Forest Grove projects listed are Highway 47/Highway 8 Intersection Improvements (estimated construction in 2017) and Verboort Road/Purdin Road Safety Project (estimated construction in 2015). In addition, Mayor Truax reported on other various local, regional, Metro, and Washington County meetings he attended and community-related events he was planning to attend.

DETERMINE CITY COUNCIL'S TOP FOUR LEGISLATIVE ISSUES TO BE SUBMITTED TO THE LEAGUE OF OREGON CITIES FOR THE 2015 LEGISLATIVE AGENDA

Mayor Report:

Mayor Truax reported the Council has had an opportunity to review the 22 legislative objectives set forth by the League of Oregon Cities (LOC) for the 2015 Legislative Agenda, noting the Council was asked to select its top four issues that they would like to see the LOC focus on during the 2015 legislative session. At the conclusion of the above-noted discussion, Council reached consensus to submit the following four issues: Community Development, Item B. Support Capitalization of the industrial site readiness loan program at \$10 million and the industrial site readiness assessment program at \$200,000.; Finance and Taxation, Item H. Improve the fairness of how new and improved property is added to the tax roll.; Telecommunications, Item R. Oppose legislation preempting the ability of cities to manage and receive compensation for the use of a public ROW; and Transportation, Item S. Pass a comprehensive transportation funding and policy package.

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14. **ADJOURNMENT:**

Mayor Truax adjourned the meeting at 9:40 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder



APPROVED

**PARKS AND RECREATION COMMISSION REGULAR MEETING
WEDNESDAY, MAY 21, 2014
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1) ROLL CALL:

- a) **Commissioners** – Ralph Brown, Mike Olson, Howard Sullivan, Susan Taylor, Jeremiah Toews, Glenn VanBlarcom, Paul Waterstreet and Todd Winter.
Absent – Quinn Johnson
- b) **Staff** – Tom Gamble, Steve Huffman and Cindy Donoven
- c) **Student Advisor** – Jonathan Faris

2) CITIZEN COMMUNICATIONS:

3) APPROVAL OF MINUTES: The minutes of the April 16, 2014 meeting were approved.

4) ADDITION/DELETIONS: None

5) INTRODUCTIONS:

New Members Jeremiah Toews and Todd Winters were introduced to the commissioners who were absent at the last meeting.

6) OLD BUSINESS:

a) Playgrounds

- i) Bard Park
 - i) The contractor begun work on May 20 and it will take a couple of weeks to complete at a cost of \$7,000.
- ii) Talisman Park
 - i) A tentative work date of June 28 was set, starting at 9:00 a.m.
 - ii) Prep work will be ahead of time, such as the post holes being dug.

b) Volunteer Recognition and Report

- i) Kari Middleton is the volunteer coordinator for the City, working with various departments (fire, library, parks and some police).
 - i) The Parks Department has quite a few individuals and groups helping with maintenance, improvement projects and the Adopt-A-Park program. This translates into dollars saved and less work our crew has to do, but it does take staff time to manage the volunteers.
- ii) Volunteer Recognition will take place on September 20th at the Corn Roast.
 - i) We hope to have help from the media and facebook along with commissioners input for nominations.

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c) Tobacco Policy Next Step

- i) The Public Safety Advisory Committee recommended forwarding the policy to the City Council.
- ii) The policy was presented at the City department head meeting and an hour and a half discussion ensued. Some felt the policy was over-reaching and some small changes in wording were made.
 - (a) Not to include all City properties, just parks, open spaces, trails and City sponsored events.
 - (b) Not to include all City buildings and parking lots.
 - (c) Most sidewalks are not City owned, but easements.
- iii) There will be two readings, June 3 and June 9. The policy will go into effect 30 days after the second reading.

7) NEW BUSINESS:

a) Ford Foundation Project Presentation

- i) Roylene Reed presented a model of a public art project the Foundation committee, comprised of 30 individuals, would like to install somewhere in the City. Thatcher Park seems like the best location.
- ii) They chose an interactive sundial comprised of a cement slab with mosaic tiles and a 10 foot tall column.
- iii) The budget for the project is \$13,000 with the Ford Foundation supplying \$5,000 of that. The rest must be fundraised.
- iv) There will be a booth at the Farmers Market where people can design tiles to be included in the project.
- v) The Recreation Commission gave their approval for the concept.

b) Aquatic Center Attendance and Revenue Report

- i) Revenue is up and the goal is to reach \$300,000.
- ii) We strive for 60 percent revenue verses expenses.

8) COMMISSIONER'S REPORTS:

a) Ralph:

- i) Presented the annual report to the school board.

b) Glenn:

- i) There will be an open house for the Council Creek Regional Trail (CCRT) on June 4 from 6:00 to 8:00 p.m. at the City Auditorium. You can view maps and displays about the project. There are three viable routes between Hillsboro, Forest Grove and Banks for this bike, hike or walking trail. Derek Robbins is the coordinator for this project.

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9) STAFF REPORTS:

a) Steve:

- i) This is the Parks Departments busiest time of the year and they rely on everyone to be their eyes and ears. If you see a problem, let them know.
- ii) The bathroom signs on the doors at Thatcher Park keep disappearing, so they will probably be replaced by ones mounted above the doors, or painted on them.
- iii) There are four Eagle Scout projects taking place at Forest Glen

b) Tom:

- i) We have put a link to the Activities/Events List on our website.
- ii) The Gales Creek Terrace project is in the permitting stage. It will include 198 single family residences. We are working with the developer to build the trail behind the properties before the houses go in.
- iii) North of the high school the Silver Stone development will include 178 units.
- iv) June 14 the pool will be closed for Staff Training.
- v) The Summer program at the pool starts June 16.

10) ANNOUNCEMENT OF NEXT MEETING: The next meeting will be Wednesday, June 18, 2014 at 7:00 a.m.

11) ADJOURNMENT: The meeting was adjourned at 8:21 p.m.

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**ORDINANCE MAKING CERTAIN DETERMINATIONS AND
ADOPTING THE FOREST GROVE URBAN RENEWAL PLAN**

WHEREAS, the Urban Renewal Agency of the City of Forest Grove (“Agency”), as the duly authorized and acting urban renewal agency of the City of Forest Grove, is proposing to undertake certain redevelopment activities in a designated area of the City of Forest Grove pursuant to ORS Chapter 457 (Urban Renewal); and

WHEREAS, the Agency, pursuant to ORS Chapter 457, prepared an urban renewal plan (“Plan”) which is attached to this Ordinance as Exhibit 1, and incorporated herein by this reference; and

WHEREAS, the Plan authorizes urban renewal projects to be undertaken by the Agency within the Forest Grove Urban Renewal Area as described therein and by Exhibit 2; and

WHEREAS, the Plan provides an outline for accomplishing the urban renewal projects described in the Plan pursuant to ORS Chapter 457.085; and

WHEREAS, the Agency prepared a report (“Report”) accompanying the Plan as required by ORS 457.085, attached to this Ordinance as Exhibit 3 and incorporated herein by this reference; and

WHEREAS, opportunities for public involvement were provided during development of the Plan through community open houses in September 2012 and May 2014, and a stakeholder advisory committee that included property owners, business owners and other interested persons; and

WHEREAS, the City Council forwarded the Plan and Report to the governing body of each overlapping taxing district potentially affected by the plan on May 2, 2014, and the City provided opportunities for consultation and comment with the taxing districts pursuant to ORS Chapter 457.085(5); and

WHEREAS, the City Council and Agency received written comments from Portland Community College and Metro; and

WHEREAS, Portland Community College requested clarification regarding the Plan adoption process and proposed maximum amount of indebtedness; and

WHEREAS, staff responded to Portland Community College’s request for clarification on May 15, 2014; and

WHEREAS, Metro provided a letter dated May 20, 2014 supporting adoption of the proposed Forest Grove Urban Renewal Plan; and

WHEREAS, On May 5, 2014, the City Council forwarded the Plan and Report to City of Forest Grove Planning Commission for recommendation and determination of

Plan's conformance with the Forest Grove Comprehensive Plan and Economic Development Strategy (Exhibit 4); and

WHEREAS, on May 5, 2014, the City of Forest Grove Planning Commission adopted a motion finding the Plan to be in conformance with the Forest Grove Comprehensive Plan and Economic Development Strategy; and

WHEREAS, on May 5, 2014, the City of Forest Grove Planning Commission also adopted a motion and recommended that the City Council adopt the Plan; and

WHEREAS, during May 2014, the City provided notice of the hearings to be held before the City Council on the Plan, including the required statements of ORS 457.120(3), to all City utility billing customers pursuant to 457.120(1)(c); and

WHEREAS, on June 9 and June 23, 2014, the City Council held duly-noticed public hearings to review and consider the Plan, Report, recommendation of the Planning Commission, and the public testimony received; and

WHEREAS, the City Council finds the Plan complies with all requirements of ORS Chapter 457 including ORS Chapter 457.095(1) through ORS Chapter 457.095(7):

1. The area identified in the Plan as the Plan Area meets the statutory definition of "blight" as defined by ORS 457.010(1) and is therefore eligible for inclusion in the Plan due to: depreciated land and improvements values, obsolescence, deterioration, mixed character and shifting of uses, the existence of inadequate streets and other rights of way, open spaces and utilities, and a growing lack of proper utilization of land resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety and welfare of the City;
2. The rehabilitation and redevelopment described in the Plan to be undertaken by the Agency is necessary to address the conditions identified above by removing barriers to private property investment, improving general economic conditions and promoting increases in property values;
3. The Plan provides an outline for accomplishing the urban renewal projects described in the Plan;
4. The Plan conforms to the Forest Grove Comprehensive Plan generally and the policies, goals and objectives of the Land Use, Housing, Economic Development, Urbanization, and Sustainability chapters specifically. The Plan also conforms to the Forest Grove Economic Development Strategy including recommendations to promote development on vacant land and establishing an urban renewal area;
5. The Plan does not include provisions to acquire real property, and therefore no residential displacement is anticipated as the result of real property acquisition or disposition and redevelopment activities proposed in the Plan;

6. Adoption and carrying out the Plan is economically sound and feasible; and
7. The City shall assume and complete any activities prescribed to it by the Plan; and

WHEREAS, the City has complied with all notice and hearing requirements and the City Council has considered comments received on the Plan and Report and findings of fact.

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

Section 1. The City Council approves the Forest Grove Urban Renewal Plan attached hereto as Exhibit A, and it incorporates that Plan by reference.

Section 2. The City Council adopts as its determinations and findings in support of the Ordinance the Report accompanying the Plan attached hereto as Exhibit B and the staff report dated June 9, 2014 attached hereto as Exhibit C.

Section 3. The City Recorder shall forward to the Agency and Washington County Recorder's Office certified copies of this Ordinance and the Plan upon adoption by City Council to be recorded into the Deed Records of Washington County, Oregon.

Section 4. In accordance with ORS 457.095 and ORS 457.115, the City Recorder shall place a notice of the adoption of this Ordinance and the provisions of ORS 457.135, in the *Forest Grove NewsTimes* no later than four days following the adoption of this ordinance.

Section 5. In accordance with ORS 457.135, the Plan has been adopted in conformance with all applicable legal requirements and shall be conclusively presumed valid for all purposes 90 days after adoption of this ordinance. No direct or collateral attack on the action may thereafter be commenced.

Section 6. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading this 9th day of June, 2014.

PASSED the second reading this 23rd day of June, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 23rd day of June, 2014.

Peter B. Truax, Mayor

CITY OF FOREST GROVE

URBAN RENEWAL PLAN

PART 1

MAY 2014

Prepared For:
CITY OF FOREST GROVE, OREGON

By:
THE BENKENDORF ASSOCIATES
JOHNSON REID, LLC



EXHIBIT 1

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June 23, 2014

REPORT ON A RESOLUTIONS ADOPTING BUDGET FOR FISCAL YEAR COMMENCING JULY 1, 2014, AND ENDING JUNE 30, 2015; LEVYING AND CATEGORIZING TAXES FOR THE CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON FOR THE FISCAL YEAR COMMENCING JULY 1, 2014, AND ENDING JUNE 30, 2015; AND MAKING APPROPRIATIONS FOR THE CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON, FOR THE FISCAL YEAR COMMENCING JULY 1, 2014 AND ENDING JUNE 30, 2015

Project Team: Paul Downey, Director of Administrative Services
Matthew Brown, Senior Management Analyst
Michael Sykes, City Manager

ISSUE STATEMENT: The Budget Committee approved the Proposed FY 2014-15 Budget of \$88,450,917 on May 29, 2014. The City Council now needs to adopt the FY 2014-15 Approved Budget, levy the property taxes for FY 2014-15, and make the appropriation that set the legal expenditure level in each fund. After proposed staff changes, the Adopted Budget will total \$88,557,457 for an increase in \$106,540 over the Approved Budget. Staff has prepared resolutions for the Council's consideration.

DISCUSSION: Staff is proposing changes to several funds. Some of the changes correct minor input errors that were discovered and do not have any material effect on the budget or operations. These changes are not discussed in this report. Other changes are more significant and will be discussed in this staff report. The first two changes discussed below resulted in the \$106,540 increase to the Approved Budget. The other changes moved expenditures between categories within the same fund but do not increase the total budget.

In the Sewer SDC Fund, staff is increasing SDC revenue by \$100,000 and allocating \$80,000 of that increase to Intergovernmental Services and \$20,000 to Capital Outlay. Almost every year, staff has to do an appropriation transfer at year-end to be able to pay Clean Water Services its 80% of system development charges (SDC) because the initial SDC revenue is too conservative. By increasing the revenue at the beginning of the fiscal year, staff hopes to avoid the appropriation adjustment at the end of the year.

The Information Systems Fund budget is being increased by \$6,540 due to the addition of software licensing fees for the Fire Department volunteers to be able to be on the City's e-mail system. The license count during the initial budget preparation was undercounted and this change is necessary to collect the proper software licensing fees from the Fire Department. The payment for information system charges in the Fire Department has been increased by \$6,540 to pay for the increased license fees.

A proposed change involves staffing in the Light & Power Department and the Building Permits Fund. Building Permits staff is falling behind on plan review checks and other functions. Plan review checks can now take up to four weeks. Building Inspectors are performing clerical tasks such as pulling inspection requests on the inspection request message line in the morning. In order to maintain timely review of plan checks and inspections, the Community Development Director has requested additional clerical staff to free up Building Inspectors to do inspections and plan review checks. The need for clerical staff will vary throughout the year as building volume varies throughout the year. At the same time, staff has been reviewing ways to improve the effectiveness of administrative support staff for economic development. The support staff and the Economic Development Coordinator are in different buildings. An Administrative Specialist in Light & Power was increased from 0.50 FTE to 1.0 FTE a few years ago principally to provide administrative support for economic development staff. To address both needs, staff is proposing to restructure the Administrative Specialist position at Light & Power by moving that person to City Hall for four hours per day. While at City Hall, this person will spend two hours per day providing support to building permits and two hours per day providing support to the Economic Development Coordinator. The Building Permits Fund will pay for 0.25 FTE of that position and the Light & Power Department will continue to pay the remaining 0.75 FTE. This change added \$14,196 to Building Permits Fund's personnel services and lowered Light and Power's personnel services by the same amount. If the current Administrative Specialist at Light & Power elects not to accept the 0.50 FTE position supporting building permits and economic development, then the position at Light & Power will be reduced to 0.50 FTE and a new 0.50 FTE Administrative Specialist will be created to work in building permits and economic development.

The costs for the AFSCME contract settlement has been incorporated into the Adopted Budget. This change affects many departments' personnel services although for most departments the change ranges from a few hundred dollars to a few thousand dollars. The one significant change an increase in Library personnel services of \$29,756 due to the increase in retirement costs since the Library has a significant number of part-time employees who will receive retirement benefits under the new contract.

As the City continues to expand the use of electronic-read electric and water meters, the meter readers are beginning to perform other duties in the Light & Power Department such as assisting in the meter shop. Currently meter readers are allocated 0.66 FTE to L&P and 0.34 FTE to the Water Fund. To reflect that less time is being spent reading meters, one of the meter reader's allocation is being changed to 0.80 FTE in L&P and 0.20 FTE in the Water Fund. This change reduced the Water Fund's personnel services by \$12,432 and increased Light and Power's personnel services by the same amount.

Staff has been reviewing how to address: 1) the sustainability issue with the addition of the Sustainability Commission and the need for staff support through several departments; and 2) needs in the Light and Power Department to address conservation issues and providing more information to the public. Consideration had been given to requesting additional staff to address these needs. To address the immediate needs

and give staff more time to assess how to meet these needs in the future, staff is proposing to hire a recent graduate student through the Mark Hatfield Fellowship from Portland State University. This person will work on sustainability and helping staff to analyze the proposed Sustainability Plan, assist L&P to assess the needs of the conservation program and help with public information, and to do some economic development research when assistance is needed. The internship will be for thirty-two hours per week for eight months starting in mid-July. The cost will be \$35,000 and has been allocated to as follows in Professional Services: 1) \$21,000 or 60% to Light & Power Department; \$8,750 or 25% to the Water Fund; \$3,500 or 10% to the Planning Department in the General Fund; and 4) \$1,750 or 5% to the Building Permits Fund.

FISCAL IMPACT: The fiscal impact of the changes has been discussed above.

STAFF RECOMMENDATION: The City Council should adopt the attached resolutions to adopt the FY 2014-15 Budget, levy the appropriate taxes for FY 2014-15, and set the legal appropriations for FY 2014-15.

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RESOLUTION NO. 2014-49

**RESOLUTION ADOPTING BUDGET FOR FISCAL YEAR
COMMENCING JULY 1, 2014, AND ENDING JUNE 30, 2015**

WHEREAS, the Budget Committee of the City of Forest Grove has approved a budget for the City for the Fiscal Year commencing July 1, 2014, pursuant to the provisions of the Oregon Local Budget Law; and

WHEREAS, staff has not proposed any change to the Budget approved by the Budget Committee, and

WHEREAS, a hearing has been held before the City Council as required by law and it appears to the Council that the Budget approved by the Budget Committee should be adopted.

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

Section 1. That the City Council hereby adopts the FY 2014-15 Budget approved by the Budget Committee of the City of Forest Grove in the amount of \$88,557,457.

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

PRESENTED AND PASSED this 23rd day of June, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 23rd day of June, 2014.

Peter B. Truax, Mayor

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RESOLUTION NO. 2014-50**RESOLUTION MAKING APPROPRIATIONS FOR
THE CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON, FOR
THE FISCAL YEAR COMMENCING JULY 1, 2014 AND ENDING JUNE 30, 2015**

WHEREAS, the City Council has adopted the FY 2014-15 Budget now on file in the office of the City Recorder.

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

Section 1. That the amounts shown below are hereby appropriated for the fiscal year beginning July 1, 2014, and for the following purposes are hereby appropriated as follows:

<u>General Fund</u>	
Legislative & Executive	\$ 523,826
Administrative Services	2,506,044
Library	1,066,602
Planning	582,548
Engineering	771,708
Police Services	5,158,542
Fire Department	3,265,402
Aquatics	659,320
Parks and Recreation	720,138
Municipal Court	340,871
Transfers	615,000
Contingencies	<u>1,250,000</u>
Total General Fund Appropriations	\$ <u>17,460,001</u>

Light Fund

Electric Services	\$ 17,376,158
Transfers	907,276
Contingencies	<u>850,000</u>
Total Light Fund Appropriations	\$ <u>19,133,434</u>

Sewer Fund

Sewer Services	\$ 4,745,061
Debt Service	94,005
Transfers	101,237
Contingencies	<u>750,000</u>
Total Sewer Fund Appropriations	\$ <u>5,690,303</u>

Sewer SDC Fund

Sewer Infrastructure Construction	\$ 1,123,200
Debt Service	121,994
Contingencies	<u>300,000</u>
Total Sewer SDC Fund Appropriations	\$ <u>1,545,194</u>

Water Fund

Water Services	\$ 4,183,872
Debt Service	435,888
Transfers	233,078
Contingencies	<u>1,173,250</u>
Total Water Fund Appropriations	\$ <u>6,026,088</u>

Water SDC Fund

Water Infrastructure Construction	\$ 292,000
Transfers	5,000
Contingencies	<u>100,000</u>
Total Water SDC Fund Appropriations	\$ <u>397,000</u>

Surface Water Management Fund

SWM Services	\$ 1,066,147
Transfers	105,979
Contingencies	<u>40,000</u>
Total SWM Fund Appropriations	\$ <u>1,212,126</u>

SWM SDC Fund

SWC Infrastructure Construction	200,000
Contingencies	<u>255,076</u>
Total SWM SDC Fund Appropriations	\$ <u>200,000</u>

Street Fund

Street Services	\$ 1,899,301
Contingencies	<u>100,000</u>
Total Street Fund Appropriations	\$ <u>1,999,301</u>

Building Permits Fund

Building Permit Services	\$ 620,523
Contingencies	<u>250,000</u>
Total Building Permits Fund Appropriations	\$ <u>870,523</u>

Community Enhancement Fund

Materials & Services	\$ <u>61,686</u>
Total Community Enhancement Fund Appropriations	\$ <u>61,686</u>

Library Endowment Fund

Materials & Services	\$ <u>475</u>
Total Library Endowment Fund Appropriations	\$ <u>475</u>

Street Tree Fund

Materials & Services	\$ 46,001
Transfers	<u>6,750</u>
Total Street Tree Fund Appropriations	\$ <u>52,751</u>

Transportation System Fund

Materials & Services	\$ <u>570,000</u>
Total Transportation System Fund Appropriations	\$ <u>570,000</u>

Public Arts Donations Fund

Materials & Services	\$ <u>16,785</u>
Total Public Arts Donations Fund Appropriations	\$ <u>16,785</u>

Fire SAFER Fund

Fire Safer GRANT Services	\$ 284,503
Total Forfeiture Sharing Fund	
Appropriations	\$ 284,503

Facility Major Maintenance Fund

Capital Outlay	\$ 500,000
Total Facility Major Maint. Fund	
Appropriations	500,000

Equipment Fund

Vehicle Services	\$ 1,220,446
Contingencies	250,000
Total Equipment Fund Appropriations	\$ 1,470,446

Fire Equipment Replacement Fund

Capital Outlay	\$ 397,250
Contingencies	70,275
Total Fire Equip. Replacement Fund	
Appropriations	\$ 467,525

Information Systems Fund

Information System Services	280,795
Transfers	83,000
Contingencies	23,358
Total Information Systems Fund	
Appropriations	\$ 387,153

City Utility Fund

Materials & Services	\$ 190,645
Total City Utility Appropriations & Fund	\$ 190,645

Risk Management Fund

Risk Management Services	\$ 481,468
Transfers	40,000
Contingencies	50,000
Total Risk Management Fund	
Appropriations	\$ 571,468

<u>Bikeway Improvements Fund</u>	
Capital Outlay	\$ 21,165
Total Bikeway Improvements Fund Appropriations	\$ 21,165

<u>Park System Development Fund</u>	
Park System Construction	\$ 2,080,028
Total Park System Develop. Fund Appropriations	\$ 2,080,028

<u>Traffic Impact Fund</u>	
Capital Outlay	\$ 3,152,541
Total Traffic Impact Fund Appropriations	\$ 3,152,541

Transportation Development Tax Fund	
Capital Outlay	\$ 3,800,225
Total Traffic Impact Fund Appropriations	\$ 3,800,225

<u>Capital Projects Fund</u>	
Capital Outlay	\$ 1,836,180
Total Capital Projects Fund Appropriations	\$ 1,836,180

<u>CIP Excise Tax Fund</u>	
Capital Outlay	\$ 168,125
Transfers	276,386
Total CIP Excise Tax Fund Appropriations	\$ 444,511

<u>General Debt Service Fund</u>	
Debt Service	\$ 511,600
Total General Debt Service Appropriations	\$ 511,600

<u>SPWF Debt Service Fund</u>	
Debt Service	26,118
Total SPWF Debt Service Appropriations	\$ 26,118

Total APPROPRIATIONS, All Funds \$ **71,204,851**

Total Unappropriated Amounts, All Funds \$ **17,352,606**

TOTAL ADOPTED BUDGET \$ **88,557,457**

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

PRESENTED AND PASSED this 23rd day of June, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 23rd day of June, 2014.

Peter B. Truax, Mayor



RESOLUTION NO. 2014-51

RESOLUTION LEVYING AND CATEGORIZING TAXES FOR THE CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON FOR THE FISCAL YEAR COMMENCING JULY 1, 2014, AND ENDING JUNE 30, 2015

WHEREAS, the City Council has adopted the FY 2014-15 Budget now on file in the office of the City Recorder.

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

Section 1. That the following ad valorem property taxes are hereby imposed and categorized for tax year 2014-15 upon the assessed value of all taxable property within the district for tax year 2013-14: 1) at the rate of \$3.9554 per \$1,000 of assessed value for the permanent rate tax; 2) at the rate of \$1.60 per \$1,000 of assessed value for the local option tax; and 3) in the amount of \$523,280 for debt service on general obligation bonds.

Section 2. The taxes imposed are hereby categorized for purposes of Article XI section 11b as:

from	Subject to the General <u>Government Limitation</u>	Excluded <u>the Limitation</u>
General Fund – Permanent Rate	\$3.9554/\$1,000	
General Fund – Local Option Levy	\$1.6000/\$1,000	
General Debt Service Fund		\$523,280
Category Total	----- \$5.5554/\$1,000	----- \$523,280

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

PRESENTED AND PASSED this 23rd day of June, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 23rd day of June, 2014.

Peter B. Truax, Mayor

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June 23, 2014

REPORT ON ADOPTION OF FY 2014-19 CAPITAL IMPROVEMENTS PROGRAM

Project Team: Paul Downey, Director of Administrative Services
Matthew Brown, Senior Management Analyst
Michael Sykes, City Manager

ISSUE STATEMENT: The Capital Improvements Program (CIP) for FY 2014-19 was approved by the Budget Committee and now needs to be approved by the City Council.

DISCUSSION: The CIP forms the basis of the capital projects that the City is planning to accomplish over the next five years. Projects funded by SDC funds need to be listed in the CIP in order for SDC funds to be expended on those projects.

FISCAL IMPACT: Projects to be completed in FY 2014-15 are reflected in the appropriate funds in the FY 2014-15 Budget that the Council will be asked to adopt tonight.

STAFF RECOMMENDATION: Staff recommends that the City Council adopt the Capital Improvements Program for fiscal years 2014-19.



RESOLUTION NO. 2014-52

**RESOLUTION ADOPTING THE FY 2014-19
CAPITAL IMPROVEMENTS PROGRAM**

WHEREAS, the Capital Improvements Program is an ongoing five-year schedule of physical improvements and major equipment purchases; and

WHEREAS, the Capital Improvements Program is a planning and budgeting tool used to ensure residents continue to receive services in the future; and

WHEREAS, the Budget Committee has reviewed and approved the Capital Improvements Program, and

WHEREAS, staff is proposing a change to the Capital Improvements Program in the Water Fund for the purchase of land adjacent to the City's watershed.

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

Section 1. That the City Council hereby adopts the FY 2014-19 Capital Improvements Program.

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

PRESENTED AND PASSED this 23rd day of June, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 23rd day of June, 2014.

Peter B. Truax, Mayor

MEMORANDUM

TO: CITY COUNCIL

FROM: Paul Downey, Director of Administrative Services
Matthew Brown, Senior Management Analyst
Michael Sykes, City Manager

DATE: June 23, 2014

SUBJECT: State Revenue Sharing

ISSUE STATEMENT: In order to receive State Revenue Sharing, the City is required by the State to elect to participate in the State Revenue Sharing Program and to certify services. The attached resolutions fulfill the requirement of certifying the services provided by the City and electing to receive state revenues for FY 2014-15.

DISCUSSION: Before the City can elect to participate in the State Revenue Sharing Program, the City is required to hold two hearings on the use of the funds. The Budget Committee meeting of May 22, 2014, was one of those meetings and the second will occur June 23, 2014, when the Council holds its public hearing on the budget. For fiscal year 2014-15, the City is projected to receive \$318,345 in alcohol tax revenue, \$27,925 in cigarette tax revenue and \$222,842 in State Revenue Sharing. For budgetary purposes, the Alcohol Tax is allocated to the Police Department, the Cigarette Tax is allocated to the Fire Department, and the State Shared Revenue is put in General Fund Discretionary Revenue.

STAFF RECOMMENDATION: Staff recommends that the City Council adopt the two attached resolutions so the City can receive State Shared Revenue in FY 2014-15.

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RESOLUTION NO. 2014-53

**RESOLUTION DECLARING THE CITY'S ELECTION
TO RECEIVE STATE REVENUES**

The City of Forest Grove resolves as follows:

Section 1: Pursuant to ORS 221.770, the City hereby elects to receive state revenues for Fiscal Year 2014-15.

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

PRESENTED AND PASSED this 23rd day of June, 2014.

Anna D. Ruggles, City Recorder

APPROVED By the Mayor this 23rd day of June, 2014.

Peter B. Truax, Mayor

I certify that a Public Hearing before the Budget Committee was held May 22, 2014, and a Public Hearing before the City Council was held June 23, 2014, giving citizens an opportunity to comment on use of State Revenue Sharing.

Attested: _____
Anna D. Ruggles, City Recorder

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RESOLUTION NO. 2014-54



**RESOLUTION CERTIFYING SERVICES PROVIDED BY
THE CITY OF FOREST GROVE**

WHEREAS, ORS 221.760 provides as follows:

Section 1: The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

- (1) Police Protection
- (2) Fire Protection
- (3) Street Construction, Maintenance and Lighting
- (4) Sanitary Sewer
- (5) Storm Sewers
- (6) Planning, Zoning and Subdivision Control
- (7) One or more Utility Services

WHEREAS, City officials recognize the desirability of assisting the State Officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760;

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

Section 1: That the City of Forest Grove hereby certifies that it provides the following municipal services enumerated in Section 1, ORS 221.760:

- (1) Police Protection
- (2) Fire Protection
- (3) Street Construction, Maintenance and Lighting
- (4) Sanitary Sewer
- (5) Storm Sewers
- (6) Planning, Zoning and Subdivision Control
- (7) Municipal Electric and Water Utility Services

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

PRESENTED AND PASSED this 23rd day of June, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 23rd day of June, 2014.

Peter B. Truax, Mayor

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June 23, 2014

REPORT ON CAPITAL IMPROVEMENTS PROGRAM EXCISE TAX

Project Team: Paul Downey, Director of Administrative Services
Matthew Brown, Senior Management Analyst
Michael Sykes, City Manager

ISSUE STATEMENT: The ordinance creating the Capital Improvements Program Excise tax requires the tax be re-authorized each fiscal year. The attached resolution increases the CIP Excise Tax for FY 2014-15.

BACKGROUND: The CIP excise tax was initiated in 1990. The City Code restricts the use of the revenue generated by the CIP excise tax to the General Government and Public Safety programs within the Capital Improvements Program. The Code requires the tax be reviewed on an annual basis by the Budget Committee and be approved each year by the City Council. If the tax is not reauthorized, the City cannot collect the revenue.

DISCUSSION: The City last increased the rate on July 1, 2014. The monthly fees were increased on each electric meter for FY 2013-14 as follows: 1) Residential from \$2.00 to \$2.80; 2) Commercial – Single Phase from \$5.00 to \$7.00; and 3) All Others from \$10.00 to \$14.00. The City expects to collect about \$294,000 in revenue from the CIP excise tax in FY 2013-14 based on the current fee levels. The majority of the fee increases will allow the City to continue to accumulate sufficient funds for the purchase of fire apparatus, police vehicles, and other public safety equipment according to the replacement schedule for those items.

Staff analyzed the effect of the fee increase for FY 2013-14. The fee increase did provide the additional funding for the increased costs for police and fire vehicle replacements as projected. During fiscal year 2013-14, the City learned it needed to upgrade its Police Department's mobile data consoles as part of the a new regional police data system that will be implemented during FY 2014-15 at a cost of approximately \$80,000. The City will need to accumulate funds to replace these mobile data consoles and other police equipment in future years. It has been the City's practice to build replacement funds for vehicles and equipment when possible. Staff is proposing to increase the CIP Excise Tax as of July 1, 2014, to begin accumulating funds for the eventual replacement of this equipment. For fiscal year 2014-15, staff is

proposing to increase the fees as of July 1, 2014, as follows: 1) Residential from \$2.80 to \$3.00; 2) Commercial – Single Phase from \$7.00 to \$7.50; and 3) All Others from \$14.00 to \$15.00. The increased fees will generate approximately \$20,000 in additional revenue each fiscal year.

Most of the excise tax is used to fund public safety capital needs particularly police and fire vehicle replacements. As in prior years, 90% of the revenue will be used in the Fire and Police Departments, while the other 10% will be used in General Government Programs.

The CIP Excise Tax is accounted for in a separate fund to ensure that the tax proceeds are spent as required by the resolution.

STAFF RECOMMENDATION: The Capital Improvements Program Excise Tax provides funding for Public Safety and General Government programs within the City's General Fund. Given the importance of these programs, it is recommended Council adopt the attached resolution.



RESOLUTION NO. 2014-55

**RESOLUTION ADOPTING THE CAPITAL IMPROVEMENTS PROGRAM
EXCISE TAX AND REPEALING RESOLUTION 2013-49**

WHEREAS, the Budget Committee has reviewed and the City Council has adopted the FY 2014-19 Capital Improvements Program (CIP); and

WHEREAS, the City has an ordinance to impose a CIP Excise Tax to fund the Public Safety and General Government programs within the Capital Improvements Program; and

WHEREAS, the City Council recognizes the relationship between quality service delivery and investments in capital equipment and facilities; and

WHEREAS, funding for capital equipment and facilities is necessary to ensure residents of Forest Grove continue to receive quality services in the future.

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

Section 1: Resolution 2013-49 is repealed effective June 30, 2013.

Section 2: The City shall impose a CIP Excise Tax for the purpose of funding the Public Safety and General Government Programs within the CIP.

Section 3: The tax shall be based on the amount of required revenue distributed among residential, general service and industrial classes of utility customers. The tax will appear on each utility bill. The CIP Excise Tax shall be fixed as follows:

<u>CLASS</u>	<u>MONTHLY RATE</u>
Residential	\$3.00
Commercial – Single Phase	\$7.50
All Others	\$15.00

Section 4: The CIP Excise Tax will be effective July 1, 2014.

Section 5: This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 23rd day of June, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 23rd day of June, 2014.

Peter B. Truax, Mayor

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June 23, 2014

**REPORT ON RESOLUTION AUTHORIZING THE EXPENDITURE OF ADDITIONAL
FIRE SAFER GRANT FUNDS IN FY 2013-14**

Project Team: Paul Downey, Director of Administrative Services
Michael Sykes, City Manager

ISSUE STATEMENT The City will receive additional Fire SAFER Grant funding in FY 2013-14 since funds to be expended on the grants in the current fiscal year were higher than the funds budgeted to be spent. The expenditures to be incurred through June 30, 2014, are now known. A budget resolution authorizing the expenditure of the additional funds has been prepared.

DISCUSSION Local Budget Law (ORS 294.326(3)) allows the expenditure of proceeds from grant or gifts to be made during the current fiscal year after the enactment of a resolution or ordinance. A supplemental budget including a public hearing is not required because the receipt of these types of grant funds is an exception to the supplemental budget process.

FISCAL IMPACT There is no impact on the City budget as these Federal grant funds are paying for the costs of the positions funded by the grants.

STAFF RECOMMENDATION Staff is recommending that the City Council approve the resolution so the additional funds can be expended in accordance with Local Budget Law.



RESOLUTION NO. 2014-56

**RESOLUTION AUTHORIZING THE EXPENDITURE OF
ADDITIONAL FIRE SAFER GRANT FUNDS IN FY 2013-14**

WHEREAS, the Local Budget Law (ORS 294.326(3)) allows the expenditure of proceeds from grant or gifts to be made during the current fiscal year after the enactment of a resolution or ordinance; and

WHEREAS, the costs of the two Captains funded by the grant were higher than originally budgeted; and

WHEREAS, the City can receive reimbursement for the actual costs incurred in FY 2013-14; and

WHEREAS, the expenditure of the additional grant funds needs to be appropriated before the funds can be expended in FY 2013-14.

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

Section 1. In the General Fund, Fire Department Homeland Security Grant Revenue (revenue line item 100-22-10-430214) will be increased by \$15,000 to \$270,984 and Fire SAFER Grant Fund Regular Employee Wages (100-22-10-511005) will be increased by \$15,000 to \$171,229.

Section 2. Total Fire SAFER Grant Fund appropriations for FY 2013-14 will be increased from \$255,984 to \$270,984.

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

PRESENTED AND PASSED this 23rd day of June, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 23rd day of June, 2014.

Peter B. Truax, Mayor

June 23, 2014

**REPORT ON A RESOLUTION TRANSFERRING APPROPRIATIONS
WITHIN VARIOUS FUNDS FOR FISCAL YEAR 2013-14**

Project Team: Paul Downey, Director of Administrative Services
Matthew Brown, Senior Management Analyst
Michael Sykes, City Manager

ISSUE STATEMENT: The adopted budget for a fiscal year is based upon best estimates at the time the budget is adopted. During the fiscal year, unanticipated events may occur and actual expenditures become known.

At the end of the fiscal year, it is standard procedure to review expenditures throughout the budget and to modify appropriations, which are legal expenditure limits, for expenditures which may exceed the appropriated levels by the end of the fiscal year. ORS Chapter 294 permits the governing body to transfer appropriations within a fund so the budgeted appropriations are not exceeded. The attached resolution authorizes the appropriation transfers necessary for FY 2013-14.

DISCUSSION: Upon review of the preliminary year-to-date expenditures as of June 10, 2014, staff has prepared a resolution for Council consideration to avoid potential appropriation overexpenditures at the end of FY 2013-14. Transfers are required for several funds. Some transfers are proposed because the expenditures are projected to be close to their budgeted amounts and staff wants to avoid a potential overexpenditure. The proposed amounts to be transferred for transfers' numbers 1, 2, 7, and 10 are to avoid potential overexpenditures of appropriations.

The reasons for the remaining proposed transfers are discussed below. The numbers for the reasons correspond to the transfer numbers in the proposed resolution:

3. In the Building Permits Funds, the 12% surcharge paid to the State of Oregon on building permits issued is greater than the amount budgeted. This expenditure is based on actual building permit revenue which is significantly higher than the amount originally budgeted.

4. In the Street Fund, the Personal Services section will be over the total budgeted amount based on this fund's monthly payroll expenditures. The Public Works staff is allocated between several funds in the Public Works Department when the budget is prepared. When the actual work is performed, the time spent in each fund is charged to that fund. Staff spent more time in this Fund than was estimated when the budget was prepared.

5. In the Light & Power Fund, Purchased Power will be overspent by June 30, 2014. Other line items in the Materials and Services category will also be overspent as well but underexpenditures in other line items will offset those overexpenditures. Purchased Power will be significantly higher than budgeted due to the winter months being significantly colder than usual. The Light & Power Department purchased more electricity than expected and the department was also charged significant demand charges by the Bonneville Power Administration during those winter months.

6. Intergovernmental Services in the Sewer SDC Fund will be overspent at June 30, 2014. This expense pays the 80% of Clean Water Services' (CWS) share of the sewer system development charges (SDC) that are collected during the fiscal year. Since SDC revenue is significantly higher than originally budgeted, the corresponding payment to CWS is significantly higher than budgeted and an appropriation transfer is necessary.

8. Material and Services in the Water SDC are overspent due to a consultant completing analysis of Water SDC in early FY 2013-14 instead of by June 30, 2013. Staff did not budget enough expenditures for FY 2013-14 so an adjustment in appropriations is required.

9. The transfer to Small Equipment in the Information Systems Fund is to fund the early replacement of the computers that were scheduled to be replaced in FY 2014-15. As part of the City's conversion to Windows 7, the decision was made to replace next year's scheduled computer replacement in the current fiscal year to make the conversion to Windows 7 more efficient for staff. The transfer to Professional Services is to fund a consultant that was hired to do an assessment of the City's information technology services and to manage the information technology services while the City's new Information Technology Manager was being hired.

STAFF RECOMMENDATION: The City Council should adopt the Resolution Transferring Appropriations within Various Funds for the Fiscal Year 2013-14.



RESOLUTION NO. 2014-57

RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN VARIOUS FUNDS FOR THE FISCAL YEAR 2013-14

WHEREAS, the City Council has determined that due to unforeseen expenditures it is necessary to increase the appropriations for the operation of the General, Building Permits, Street, Light & Power, Water, Surface Water Management, SWM SDC, Information Systems, and Equipment Funds.

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

Section 1. The following appropriations transfers for FY 2013-14 will be made:

1. Transfer \$10,000 from General Fund Contingency (100-18-10-580206) to Legislative & Executive Department Regular Employee Wages (100-11-10-511005).
2. Transfer \$25,000 from General Fund Contingency (100-18-10-580206) to Police Department Regular Employee Wages (100-21-10-511005).
3. Transfer \$20,000 from Building Permits Fund Contingency (205-32-10-580206) to Building Permits Fund Intergovernmental Services (205-32-10-520557).
4. Transfer \$40,000 from Street Fund Contingency (210-52-10-580206) to Street Fund Regular Employee Wages (210-52-20-511005).
5. Transfer \$950,000 from Light and Power Fund Contingency (610-41-10-580206) to Light and Power Fund Purchased Power (610-41-40-520560).
6. Transfer \$150,000 from Sewer SDC Fund Contingency (622-54-91-580206) and \$225,000 from Sewer SDC Fund Construction Projects (622-54-91-550760) to Sewer SDC Fund Intergovernmental Services (622-54-91-520557).
7. Transfer \$30,000 from Water Fund Contingency (630-53-10-580206) to Water Fund Regular Employee Wages (630-53-20-511005).
8. Transfer \$500 from Water SDC Fund (SWM SDC Fund) Contingency (632-53-91-580206) to Water SDC Fund Professional Services (632-53-51-521150).

9. Transfer \$40,000 from Information Systems Fund Contingency (710-12-30-580206) to Information Systems Fund Small Equipment (710-12-30-520220). Transfer \$60,000 from Accounting System (710-12-30-550460) to Information Systems Fund Professional Services (710-12-30-521150).
10. Transfer \$15,000 from Equipment Fund Contingency (720-56-10-580206) to Equipment Fund Regular Employee Wages (720-56-20-511005).

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

PRESENTED AND PASSED this 23rd day of June, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 23rd day of June, 2014.

Peter B. Truax, Mayor

June 23, 2014

**STAFF REPORT AND RESOLUTIONS INCREASING
SANITARY SEWER AND STORM WATER MANAGEMENT
RATES AND SEWER SYSTEM DEVELOPMENT CHARGES
FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2014**

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

ISSUE STATEMENT: Each year, Clean Water Services proposes to increase sewer and storm water management rates and sewer system development charges, and Forest Grove adopts a resolution passing these charges through to rate payers.

BACKGROUND: The City of Forest Grove collects rates and charges for sanitary sewer and storm water management (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 operational costs.

For FY 14-15, CWS approved an increase of sanitary sewer rates of 3.0% or \$1.15, from \$38.46 to \$39.61, for a typical residential consumption of 8ccf, at their Budget Committee meeting on June 17, 2014. Additionally, Forest Grove is proposing to increase its surcharge by 3.0% or \$0.11, from \$3.70 to \$3.81. These rate changes are needed to cover the work required to meet current regulations, as well as the increases in costs to labor, chemicals and utilities.

For FY 14-15, CWS approved an increase to the sanitary sewer system development charge of \$100 at their Budget Committee meeting on June 17, 2014. This will raise the fee from the current \$4,800 per EDU (Equivalent Dwelling Unit) to \$4,900. Forest Grove is not adding any additional amount to this increase. Forest Grove will retain 20% of the SDC revenue, and pass-through the rest to CWS.

For FY 14-15, CWS approved an increase to the surface water management (SWM) rates of 50¢ per month per EDU at their Budget Committee meeting on June 17, 2014.

This will raise the current rate CWS charges from \$6.25 to \$6.75. Forest Grove currently has in place a surcharge of 75¢ that is added to this, and will be increasing it by 25¢, for a City surcharge total of \$1.00, resulting in the new rate for SWM of \$7.75 per month per EDU. SWM fees cover the cost of leaf-pick up, catch basin cleaning, flood control, and street sweeping, and other programs which lessen the pollution in local streams and rivers.

FISCAL IMPACT: These rates are built into the FY 2014-15 budget, which outlines the fiscal impact of these rate increases.

STAFF RECOMMENDATION: Staff recommends the City Council approve the attached resolutions increasing sanitary sewer rates, storm water management rates and sewer system development charges for the City of Forest Grove.

NOTICE OF PUBLIC HEARINGS

**PROPOSED RESOLUTIONS INCREASING SEWER RATES
AND SURFACE WATER MANAGEMENT RATES
FOR THE CITY OF FOREST GROVE**

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold Public Hearings **Monday, June 23, 2014, at 7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, to consider enacting resolutions that would increase sanitary sewer rate by 3% and \$0.25 per dwelling unit equivalent per month surface water management fee increase. Pass-through rate increases proposed by Clean Water Services (www.cleanwaterservices.org) include a 3% per month sanitary sewer rate increase; \$0.50 per dwelling unit equivalent per month surface water management fee increase; and \$100 increase sanitary sewer system development charges. If enacted by City Council, the proposed rate increases would be effective July 1, 2014.

These hearings are open to the public and interested parties are encouraged to attend. A copy of the reports and list of the proposed 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

Published in NewsTimes, Wednesday, June 18, 2014

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RESOLUTION NO. 2014-58

**RESOLUTION INCREASING SANITARY SEWER RATES
FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2014,
AND REPEALING RESOLUTION NO. 2013-36**

WHEREAS, Forest Grove Code Section 3.705 and as set forth in the agreement with Clean Water Services, 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; and

WHEREAS, a duly-noticed Public Hearing was held June 9, 2014.

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 \$3.81 per Equivalent Dwelling Unit per month above the sewer rates established by Clean Water Services. The additional revenue raised by the \$3.81 surcharge will be fully retained by the City of Forest Grove.

Section 2: The above sewer rates shall become effective July 1, 2014.

Section 3: Resolution No. 2013-36 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 9th day of June, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 9th day of June, 2014.

Peter B. Truax, Mayor

RESOLUTION NO. 2014-59

RESOLUTION INCREASING SURFACE WATER MANAGEMENT (SWM) RATES FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2014, AND REPEALING RESOLUTION NO. 2009-34

WHEREAS, Forest Grove Code Section 3.705 and as set forth in the agreement with Clean Water Services, Page 8, Section 4.E.4. of the agreement authorizing the City to charge and collect a service charge (*surcharge*) at a higher rate by resolution; and

WHEREAS, The City is now required to pay disposal costs for street sweeping debris; and

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

WHEREAS, A duly-noticed Public Hearing was held on June 23, 2014.

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

Section 1: The monthly surface water management utility rate (*surcharge*) for the City of Forest Grove shall be increased by \$0.25. This is added to the current City surcharge of \$0.75 for a total surcharge of \$1.00 per Equivalent Dwelling Unit per month for all customer classes. The City's surcharge is added to the Clean Water Services rate for a combined surface water management monthly fee of \$7.75.

Section 2: The above surface water management rates shall become effective July 1, 2014.

Section 3: Resolution No. 2009-34 is hereby repealed upon the effective implementation date of the foregoing surface water management utility rates.

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

PRESENTED AND PASSED this 23rd day of June, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 23rd day of June, 2014.

Peter B. Truax, Mayor



RESOLUTION NO. 2014-60

**RESOLUTION ESTABLISHING CERTAIN CLEAN WATER SERVICES
UTILITY RATES AND CHARGES FOR THE CITY OF FOREST GROVE,
EFFECTIVE JULY 1, 2014, AND REPEALING RESOLUTION NO. 2013-37**

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 a budget with a 3% sewer rate increase and a \$0.50 surface water management rate increase on June 17, 2014; and

WHEREAS, Clean Water Services Board of Directors also approved to increase its Sanitary Sewer System Development Charges (SDC) by \$100, raising the SDC from \$4,800 to \$4,900 per EDU on June 17, 2014; 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 17, 2014; and

WHEREAS, Clean Water Services held its 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 17, 2014.

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 17, 2014.

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 17, 2014.

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 17, 2014.

Section 5: The above rates shall become effective July 1, 2014.

Section 6: Resolution No. 2013-37 is hereby repealed upon the effective implementation date of the foregoing rates.

Section 6: This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 23rd day of June, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 23rd day of June, 2014.

Peter B. Truax, Mayor

June 23, 2014

REPORT ON RESOLUTION ADOPTING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), EFFECTIVE JULY 1, 2014 THROUGH JUNE 30, 2017.

Project Team: Michael Sykes, City Manger
Brenda Camilli, Human Resources Manager

Issue Statement: The current labor agreement between the City of Forest Grove and the American Federation of State, County, and Municipal Employees (AFSCME) expires on June 30, 2014. The parties have reach agreement on a subsequent collective bargaining agreement, which is attached as Exhibit A. It has been ratified by the AFSCME members, and needs to be approved by the Council.

Background: Representatives of the City of Forest Grove and AFSCME have reached tentative agreement on certain modifications to the agreement summarized below, pending approval of the City Council. The substantive agreement modifications are as follows:

- Three year agreement.
- Cost of living adjustments were bargained for all classifications covered within the agreement at two point three percent (2.30%) the first year (7/01/2014); and a range of 1.0%-2.0% based on CPI for each of the two successive years of the agreement.
- Agreement was made to offer regular, part-time employees retirement benefits under the City's Defined Contribution Plan.
- Agreement was made that the Union will participate in a city-wide health insurance committee for the purpose of evaluating potential changes in structure and/or types of health plans offered by the City.

Fiscal Impact: The costs to implement this agreement are within the parameters set by Council and funds have been identified in the budget, and within the 5 year fiscal plan.

Staff Recommendation: The staff recommendation is that Council adopt the resolution authorizing the City Manager to execute the collective bargaining agreement outlined in Exhibit A made between the parties for the term July 1, 2014 through June 30, 2017.

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RESOLUTION NO. 2014-61

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE WAGE AGREEMENT, BETWEEN CITY OF FOREST GROVE AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, (AFSCME), LOCAL 3786, COUNCIL 75, EFFECTIVE JULY 1, 2014, THROUGH JUNE 30, 2017

WHEREAS, representatives of the City of Forest Grove and AFSCME, Local 3786, Council 75, have met in good faith and negotiated a wage agreement between both parties, effective July 1, 2014, through June 30, 2017; and

WHEREAS, the wage agreement provides for certain compensation adjustments.

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

Section 1: That the City Manager is authorized to execute the attached wage agreement (Exhibit A) between the City of Forest Grove and AFSCME, Local 3786.

Section 2: That the wage adjustments contained in this agreement are approved, effective July 1, 2014, and expiring June 30, 2017.

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

PRESENTED AND PASSED this 23rd day of June, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 23rd day of June, 2014.

Peter B. Truax, Mayor

AGREEMENT

BETWEEN THE
CITY OF FOREST GROVE

and

CITY OF FOREST GROVE EMPLOYEES LOCAL 3786

Affiliated With

OREGON AFSCME COUNCIL 75

of the

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES, AFL-CIO

July 1, 2014 – June 30, 2017

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PREAMBLE

This Agreement is entered into by the City of Forest Grove, hereinafter referred to as the “City” and the City of Forest Grove Employees Local 3786, affiliated with Council 75, American Federation of State, County and Municipal Employees, AFL-CIO, hereinafter referred to as the “Union”.

The purpose of this Agreement is to set forth those matters pertaining to wages, hours of work, fringe benefits and other conditions of employment and the establishment of an equitable and peaceful procedure for the resolution of disputes.

ARTICLE 1 - RECOGNITION

- 1.1 The City recognizes the Union as the sole and exclusive collective bargaining agent for the purpose of establishing wages, hours of work, benefits and conditions of employment for all employees of the City of Forest Grove excluding supervisory and confidential employees, employees presently represented in any other bargaining unit, Fire Division Chiefs, Project Engineers, Accountant, temporary employees, and employees who are normally scheduled to work less than twenty (20) hours per week.

The classifications listed in Addendum “A” are covered by the bargaining unit and are for descriptive purposes only. Their inclusion is neither an indication nor a guarantee that these classifications or titles shall continue to be utilized by the City.

- 1.2 Definitions:

- a. SUPERVISORY EMPLOYEE. As defined in Oregon Revised Statutes 243.650, Paragraph (23).
- b. CONFIDENTIAL EMPLOYEE. As defined in Oregon Revised Statutes 243.650, Paragraph (6).
- c. TEMPORARY EMPLOYEE. An employee hired to meet a short-term or seasonal need. A temporary employee shall remain in this category for no more than one thousand forty (1040) hours in a twelve (12) month period. Time served in a temporary employee status shall count toward fulfilling the probationary period requirement if it is within the same classification.

- 1.3 Classification changes:

The City shall notify the Union of its decision to change any of the classifications as covered by this agreement. If the successor classifications are not significantly changed or duties significantly increased from the existing classification, the

classification shall be automatically recognized as part of this Agreement.

- 1.4 When a new classification is created by the City, the City shall forward such new classification and wage scale to the Union. The City shall advise the Union as to whether or not it regards the new or revised classification to be included in the bargaining unit. If the City and the Union cannot agree as to whether such new or revised classification should be included in the bargaining unit, the dispute shall be submitted to the Employment Relations Board for unit clarification. If both parties agree the classification appropriately belongs in the Union, the Union shall have fourteen (14) days to request to bargain on the wage scale; but in any event, the City shall not be barred from implementing the classification during the term of negotiations.

ARTICLE 2 - MANAGEMENT RIGHTS

The Union recognizes and agrees that responsibility for management of the City and direction of its work force is vested solely in the City and responsible Department Heads. The Union recognizes and agrees that in order to fulfill this responsibility, the City shall retain the exclusive right to exercise the regular and customary functions of management, including, but not limited to, directing the activities of departments, determining standards and levels of service and methods of operation, including subcontracting subject to Article 32 and the introduction of new equipment; the right to hire, layoff, transfer and promote, including determining procedures and standards thereof, to discipline and discharge employees for just cause or while on new hire probation; to determine work schedules including overtime and to assign work; and to exercise any other right not specifically abridged by this Agreement. Nothing in this clause shall have the effect of nullifying agreements entered into under other sections of this Agreement, provided that management rights and prerogatives, except where abridged by a specific provision of this Agreement, are not subject to the grievance procedure specified in Article 24. It is further agreed that the City retains all rights, powers and privileges not expressly specified in this section.

ARTICLE 3- EMPLOYEE RIGHTS

- 3.1 It is recognized that employees have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on matters of employee relations. Employees covered by this Agreement also shall have the right to refuse to join the activities of the Union or any other employee organization. No employee shall be interfered with, intimidated, restrained, coerced or discriminated against by the City or by the Union because of their exercise of these rights.
- 3.2 The provisions of this Agreement shall be applied equally to all employees in the

bargaining unit without discrimination as to marital status, sex, race, color, creed, national origin, age, sexual preference, Union affiliation or political affiliation. Discrimination on the basis of relationship of mental or physical handicap are prohibited except in the instance of valid occupational qualification as allowed under the provisions of the Americans with Disabilities Act. The Union shall work with the City in applying the provisions of this Article.

ARTICLE 4 - PEACEFUL PERFORMANCE OF CITY SERVICE

- 4.1 It is recognized that continuous and uninterrupted service by the City and its employees to the citizens, and orderly collective bargaining relations between the City and its employees being essential considerations of this Agreement, the Union agrees on behalf of itself and its members, individually and collectively, that there shall not be any strikes, picketing, boycotting, work stoppages, sit down or slowdown strikes, or a concerted refusal to render services or to work including overtime or any other curtailment or restriction of work at any time during the term of this Agreement.
- 4.2 In the event of a violation of this Article by the Union and/or the employees, the City may, in addition to other remedies, discipline such employees up to and including discharge.
- 4.3 There shall be no lockout of employees in the bargaining unit by the City as a consequence of any dispute arising during the period of this Agreement.

ARTICLE 5 - UNION SECURITY

- 5.1 Membership or non-membership in the Union shall be the individual choice of the employees covered by this Agreement. Employees that are not members of the Union shall make payments in lieu of dues to the Union. Such payments shall be in an amount determined by the Union in accordance with constitutional and statutory requirements.
- 5.2 The City agrees to deduct from the paycheck of each employee Union dues or "fair share." The City shall not be held liable for check off errors, but shall make proper adjustments with the employee and the Union for errors as soon as practicable and upon notification from the Union. The Union agrees to indemnify and hold harmless the City from any action arising under this Article. The amount to be deducted shall be certified to the City by the Union.
- 5.3 An employee who is a member of a church or religious body having bona fide religious tenets or teachings which prohibit association with a labor organization or the payments of dues to it, shall pay an amount of money equivalent to the Union

dues required of members. Such payment shall be made to a non-religious charity or another charitable organization mutually agreed upon by the employee affected and the Union. The employee shall furnish written proof to the Union that payment has been made.

- 5.4 The City agrees to furnish bulletin board space at each regular work location in a convenient place to be used and maintained by the Union. The Union shall limit its posting or notices and bulletins to such bulletin boards. The Union shall periodically clear the board of outdated material and shall restrict posting to matters of Union business, which are of a non-political, non-inflammatory nature.
- 5.5 The City agrees to provide the Union with the name, social security number, mailing address and position of all new hires within the bargaining unit.

ARTICLE 6 - HOURS OF WORK

- 6.1 **WORK WEEK.** The work week for full time employees shall consist of forty (40) hours. The work week shall normally consist of five (5) consecutive eight (8) hour days. However, the City reserves the right to determine the work week based on the needs of the City and services to the public. Work schedules may be instituted which consist of four (4) ten (10) hour days. Work schedules for employees covered by this Agreement, who normally work fewer than forty (40) hours per week, shall be determined at the discretion of the Department Head or designee.

ALTERNATE WORK WEEKS. 9-80's are considered a work schedule and shall be determined at the discretion of the Department Director and based on the needs of the City and services to the public. Alternate work week schedules are defined as seven (7) consecutive calendar days beginning at 12:01 p.m. on Monday and ending the following Monday at 12:00 noon, or beginning at 12:01 p.m. Friday and ending on the following Friday at 12:00 noon.

Library Reference Staff. At the discretion of the Department Director, the work week for Library Reference staff will begin on Thursday at 12:01 a.m. and run through the following Wednesday at midnight.

- 6.2 **WORK SCHEDULES.** All shifts shall have an established starting and quitting time as determined by the Department Head or designee. Except for emergency situations, the Department Head or designee shall give employees in the department forty-eight (48) hours notice of any change in the work schedule. Employees are normally expected to provide forty-eight (48) hours notice of any schedule change request. This does not apply to employees flexing their schedule per Article 6.3. Schedule changes for the convenience of the employee, by mutual agreement or for unanticipated operational needs, shall not be subject to the notification requirements set forth above.

6.3 FLEX SCHEDULE. Subject to advance mutual agreement between an employee and the City, employees may adjust their work schedules to something other than the normal work schedule stated in Article 6.1.

6.4 MEAL PERIODS. Employees shall be granted either a thirty (30) or sixty (60) minute unpaid meal period during each work shift which shall not be considered on-duty work time. The meal period shall be scheduled as near as possible to the midpoint of the employee's shift.

Only those employees who work more than five (5) hours are entitled to a meal period. Employees who are required to work beyond their normal eight (8) or more hour shift shall be given the option of taking a second thirty (30) minute unpaid meal period.

6.5 REST PERIODS. Rest periods of fifteen (15) minutes for each four (4) hours of consecutive work shall be provided whenever practicable in accordance with the operating requirements of each employee's duties. Rest periods shall be scheduled as near the middle of each four (4) hour shift as possible and shall be considered on-duty time.

6.6 Water Treatment Plant employees who combine hours worked with stand-by hours under the provisions of Article 16 in order to maintain a forty (40) hour week, shall be considered full time and are eligible for the same benefits provided to other full time employees.

ARTICLE 7 - OVERTIME

7.1 The City shall have the right to assign overtime work as required in a manner consistent with the requirements of each department. Under no circumstances shall an employee work overtime without receiving prior approval from their supervisor.

7.2 Hours worked in excess of an eight (8) or ten (10) hour day (where the City has initiated a 4/10 work schedule) or forty (40) hours in a work week shall be considered as overtime and shall be compensated at one and one-half (1-1/2) times the employee's regular rate of pay. Employees assigned to a 9-80 schedule shall earn overtime and shall be compensated at one and one-half (1-1/2) times the employee's regular rate of pay for hours worked in excess of their regular scheduled daily hours (either nine (9) or eight (8)) depending upon the regularly scheduled work hours for that day or forty (40) hours in a work week. Hours which would have been considered overtime under the previous sentences, but which occur due to a flex schedule which has been mutually agreed to between the employee and the supervisor, shall not be subject to overtime. For purposes of

determining overtime, hours of work shall be defined to include

vacation, holidays and compensatory time. Sick leave shall not be considered hours of work for overtime purposes.

- 7.3 Overtime shall be computed to the nearest quarter (1/4) hour. Under no circumstances shall overtime be paid twice for the same hours worked.
- 7.4 All overtime worked shall be paid or the employee shall receive compensatory time based upon Department Head discretion. If budgeted funds are not available for the payment of overtime, such overtime shall be allowed in compensatory time off. Compensatory time off may be scheduled by mutual agreement of the employee and the supervisor based upon the needs of the department.
- 7.5 An employee may accrue compensatory time to a maximum of eighty (80) hours. Any overtime accumulation beyond eighty (80) hours shall be paid on the next paycheck.
- 7.6 Inclement Weather. In the event that weather considerations cause the City Manager, or her/his designee, to curtail all but essential operations, any employee required to remain on duty during the curtailment shall receive an additional one-half (1/2) hour of compensatory time for each hour or the major portion thereof for work performed after the official announcement is made.

Should the employee be at the maximum accrual of compensatory time, as defined in this agreement, the employee will be paid for the additional time worked.

- 7.7 Call Back. Employees called back to work more than one (1) hour prior to their normal shift shall be compensated at one and one half (1-1/2) times their normal rate of pay for a minimum of two (2) hours. Call back hours worked beyond two (2) hours and outside of the employees' normal shift shall be paid at the normal overtime rate.
- 7.8 As is consistent with the Fair Labor Standards Act, the following positions qualify as exempt and shall not be subject to the overtime provisions of this article:

Associate Planner
Network Administrator

Sr. Planner

In exchange for the elimination of overtime eligibility, the City agrees to credit the employees covered by these classifications with an additional week of vacation per year.

- 7.9 The division of overtime among Public Works employees shall be made as equitably as possible. A department overtime list shall be posted quarterly.

ARTICLE 8 - ON THE JOB INJURY

- 8.1 Employees who are injured while in the performance of duty, shall report such injury to their supervisor immediately.
- 8.2 Employees who sustain an injury or illness compensable by Workers' Compensation and who are unable to perform their normal duties as a result of such injury or illness shall be compensated by the City's insurance carrier according to the provisions of ORS 656.202 to 656.245. The City agrees to pay the employee his or her regular straight time wages during the three (3) day waiting period referenced in ORS 656.210(3) except in the event the disability is for more than fourteen (14) days or the injured employee is hospitalized as an inpatient. Upon claim acceptance, an employee shall not be required to use their personal sick leave for a period not to exceed ninety (90) calendar days.
- 8.3 The difference between the Workers' Compensation payments and the employee's regular, straight-time wages, less any payroll deductions, will be supplemented by the use of a pro-rated share of the employee's accrued leave time until such leave time is exhausted after the employee has been off work for ninety (90) calendar days. Leave time may be used for an absence of less than (90) days. Whenever an employee receives a check from the City's insurance carrier, the employee shall report the amount and the period which it represents to the City's payroll department. Employees shall continue to accrue vacation and sick leave during the disabling period including City payment of health and welfare premiums up to twelve (12) months per Article 13.
- 8.4 It is in the mutual interest of the parties to return an injured employee to work as soon as practicable. When possible, the City shall provide limited duty assignments within the City for injured employees. With the concurrence of the attending physician, an injured employee shall return to work in the limited duty assignment if work is available, until such time as he is released for normal duties or becomes stationery.

ARTICLE 9 - SICK LEAVE

- 9.1 Employees shall accrue sick leave at the rate of three point six nine two four (3.6924) hours per pay period of service beginning with the date of employment. Partial pay periods shall be pro-rated. Sick leave accrual shall not exceed fourteen hundred (1400) hours. Part-time employees shall earn sick leave and maximum accrual on a pro-rated basis. For purposes of the sick leave conversion at retirement, the cap shall remain at one thousand (1000) hours.

9.2 Employees shall be eligible to use their sick leave hours for the following reasons:

- Personal illness or disability
- Medical and dental appointments (every effort shall be made to schedule medical/dental appointments outside of normal working hours.)
- Illness or injury in the employee's immediate family or household for a reasonable period requiring the employee's attendance. Immediate family is defined as mother, father, spouse, children or other person residing in the employee's immediate household.
- As specified in Article 12.4, Family and Medical Leave (FMLA) or Oregon Family Leave (OFLA).

Employees shall keep their supervisor informed as to their status to qualify under this provision. Sick leave shall not be used for absence due to illness or injury which is the result of outside employment.

9.3 When an employee is unable to report to work due to illness or injury, the supervisor shall be notified as soon as possible prior to the beginning of the shift.

9.4 An employee who is on an approved FMLA or OFLA qualifying leave shall be allowed to save a total of twenty (20) hours of sick leave in their bank to be available upon their return from leave.

9.5 a. Return to Work: The City may request a doctor's release to return to work if the City can provide a reasonable explanation for doing so.

b. Verification of Use:

- **FMLA/OFLA Qualifying:** Pursuant to City Resolution 2003-18, Family and Medical Leave, the City must require the completion of a certification form by the employee's health care provider and any other verifications required for under the provisions of the FMLA, OFLA, or their successors.
- **Non-FMLA/OFLA Qualifying:** The City may require verification of absence due to non-FMLA and non-OFLA covered illness or injury under the following conditions:
 1. The employee has been absent for more than three (3) consecutive days; or
 2. The employee has exhausted all sick leave; or
 3. The City believes that the absence may not be bona fide and can provide a reasonable explanation for doing so.

9.6 Payment for unused accrued sick leave shall be made only upon separation from

employment by retirement of active participants in the City of Forest Grove Retirement Plan (Defined Benefit Plan) at the time of retirement. This provision does not apply to employees enrolled in the Defined Contribution Plan established July 1, 2011. Upon retirement from the City of Forest Grove Retirement Plan, an employee's accrued unused sick leave shall be converted to the employee's retirement account to be withdrawn in a lump sum or in the form of a monthly annuity. The amount to be credited at retirement shall be based on the following table:

<u>Sick Leave Hours</u>	<u>Conversion at Retirement</u>
Up to 700	50%
701-775	55%
776-850	60%
851-925	65%
926-1000	70%

ARTICLE 10 - VACATION

10.1 All employees shall receive vacation time in accordance with the following schedule. After six (6) months of continuous service, employees shall be entitled to use accrued vacation time.

<u>Length of Continuous Service</u>		<u>Amount Earned</u>	
<u>Months</u>	<u>Years</u>	<u>Hours per Pay Period</u>	<u>Days per Year</u>
0 up to 24	0 up to 2	3.0770	10
24 up to 60	2 up to 5	3.6924	12
60 up to 120	5 up to 10	4.6154	15
120 up to 180	10 up to 15	6.1539	20
180 or more	15 or more	7.6924	25

Part-time employees shall earn vacation leave on a pro-rata basis.

10.2 Vacation accrual shall be calculated on a pay period basis beginning with the employee's date of hire. Employees hired or terminating mid-pay period shall have their vacation hours pro-rated for that pay period. Vacation time shall accrue during all hours of employment at straight time (not including overtime), including paid leave and time off due to an occupational disability.

10.3 At least one (1) hour of vacation must be taken. Vacation leave in excess of one hour may be taken in increments of one-quarter (1/4) hour. For example, an employee may take one and one-fourth (1 ¼) hours of vacation leave, but not just one-half (1/2) hour as it doesn't meet the minimum requirement.

- 10.4 Continuous Service shall be defined as an employee's length of consecutive service as a full time or part time employee with the City from their last date of hire less any adjustment due to leaves of absence without pay for more than sixty (60) days.
- 10.5 Employees are encouraged to take vacation time on a yearly basis and vacation accrual shall not exceed forty-five (45) days (three hundred sixty (360 hours)) without the approval of the City Manager. Maximum vacation accrual for part-time employees shall be pro-rated.
- 10.6 Upon termination, an employee shall be paid for unused vacation accrued as of the date of termination, not to exceed maximum accrual per Article 10.5. Such time shall be paid at the employee's current rate of pay. Employees who terminate during their probationary period shall not be entitled to payment for any accrued vacation. In the event of an employee's death, compensation for accrued vacation shall be paid in the same manner as the salary and fringe benefits due the deceased are paid.
- 10.7 Vacations must be scheduled in advance with the approval of the employee's supervisor. If the nature of the work makes it necessary to limit the number of employees on vacation at the same time, the employee with the greater seniority who has made their choice by April 1 (for the following twelve (12) months) shall be given their choice of vacation period. Selections made after April 1 shall be on a first-come first-served basis.

ARTICLE 11 - HOLIDAYS

11.1 All employees shall be entitled to the holidays listed below. Holiday pay shall be based on eight (8) hours. Part time employees shall receive pay for holiday hours in an amount equal to their normal weekly base schedule divided by five (5). In the event an employee is required to work on a holiday, they shall receive time and one-half (1 ½) for all hours worked plus their regular day's pay, or if so requested by the employee, shall receive time and one-half (1 ½) for all hours worked plus receive another day off scheduled by mutual agreement between the employee and their supervisor.

- | | |
|-----------------------------------|-----------------------------------|
| New Year's Day | Veteran's Day |
| Martin Luther King Jr.'s Birthday | Thanksgiving Day |
| Memorial Day | Friday following Thanksgiving Day |
| Independence Day | Christmas Day |
| Labor Day | |
| Two (2) Personal Holidays | |

Personal holiday hours shall be pro-rated for part time employees.

- 11.2 When a holiday falls on a Sunday, it shall be observed on the following Monday. When a holiday falls on a Saturday, it shall be observed on the previous Friday.
- 11.3 Employees assigned to work a 4/10 or 9-80 schedule whose normal day off falls on the holiday, shall receive another day off in the week of the holiday. When feasible this day off shall be connected to the employee's normal days off.
- 11.4 An employee may take a personal holiday of his/her choosing with prior approval of his/her supervisor. Personal holidays shall be credited at the beginning of each calendar year and shall be prorated to the nearest hour for newly hired employees. Personal holidays must be used within the year credited and except for probationary employees, shall be payable at termination. Employees may use personal holiday time in increments of one-quarter (1/4) hour or more.
- 11.5 Holidays which occur during vacation or sick leave shall not be charged against such leave.
- 11.6 Employees on unpaid leave of absence are ineligible to receive holiday pay.

ARTICLE 12 - LEAVE OF ABSENCES

12.1 LEAVE OF ABSENCE WITH PAY

Employees may request a leave of absence with pay for the following purposes. Each request must be in writing and approved by the Department Director or designee after an evaluation of the request on its own merits.

BEREAVEMENT LEAVE. In the event of the death of an employee's immediate family member, (family members defined using OFLA definitions) the employee may be granted leave not to exceed the number of hours normally scheduled to work in a one (1) week period. Bereavement leave is intended for the purpose of attending the funeral and/or attending to the affairs of the deceased. Bereavement Leave taken under the provisions of this Section, 12.1, and Section 12.4 will be combined and credited against the employee's 12 weeks of family leave allowed under OFLA.

WITNESS OR JURY DUTY. An employee shall be granted leave with pay for service on a jury or upon being subpoenaed as a witness provided, however, that the employee is required to seek all fees due the employee for jury or witness duty, except mileage reimbursement, and turn said fees over to the City. The employee is not eligible for this compensation if the employee is a party to the dispute (not

including disputes for which the City is obligated to defend the employee) or if the dispute is between the City and the employee of the City and Union with the exception of grievance arbitrations and unfair labor practice hearings. Upon being excused from jury duty for any portion of a day, an employee shall immediately contact their supervisor for assignment for the remainder of their regular work day.

12.2 LEAVE OF ABSENCE WITHOUT PAY

Employees may request a leave of absence without pay for the purposes specified in the following paragraphs. Each request must be in writing and approved by the Department Director or designee after an evaluation of the request on its own merits, after considering the needs of the department, and on the basis of the guidelines in this section.

EDUCATIONAL LEAVE. Regular employees may request a leave for purposes of furthering their education or training in an area of study which shall benefit their service to the City. Each leave request shall not exceed one (1) year.

TEMPORARY DISABILITY. Regular employees who are temporarily unable to work due to illness or injury and have used all accrued leave time may request a leave of absence for a period not to exceed six (6) months.

- 12.3 Employees granted a leave of absence without pay may maintain some of their insurance coverage through the City by remitting premium payments to the City on a schedule provided by the City.

12.4 OTHER LEAVES OF ABSENCE

FAMILY AND MEDICAL LEAVE. Family and medical leave shall be granted in accordance with the requirements of the Federal Family and Medical Leave Act (FMLA) and the Oregon Family Leave Act (OFLA), as incorporated into the City of Forest Grove Employee Handbook. Employees may utilize sick leave, vacation leave, or compensatory leave during a period of approved leave. Unless prohibited by law, benefits, leave accrual and seniority credits shall not continue to accrue for any period in which the employee is on unpaid leave status.

OFLA BEREAVEMENT LEAVE (unpaid). Employees may use additional time as allowed by the state OFLA provisions effective January 1, 2014. Bereavement Leave taken under the provisions of Section 12.1 and this Section, 12.4, will be combined and credited against the employee's 12 weeks of family leave allowed under OFLA. All of the rules for requesting, accounting for and accruing OFLA leave as incorporated into the City of Forest Grove Employee Handbook will apply.

MILITARY LEAVE. Employees shall be granted a military leave of absence according to the provisions of State and Federal law.

ARTICLE 13 - INSURANCE

- 13.1 The City shall provide health insurance benefits to the employee and their dependents comparable to Blue Cross Copay Plan B, PPP, including Well-Baby care and Physical Examination riders, ODS dental insurance, and the VSP Vision insurance through the EBS Trust. The City shall also offer Kaiser medical, prescription, dental, vision and alternate care insurance as an alternative to Blue Cross. The City's premium for full-time employees shall be set at ninety five percent (95%) of either the full Blue Cross premium cost or the full Kaiser premium cost as elected by the employee during benefits enrollment. The City's premium for part-time employees shall be fifty percent (50%) of the caps established for full-time employees.

The City will establish a medical savings account Voluntary Employees' Beneficiary Association (hereinafter VEBA) plan, under Section 501 (c) (9) of the Internal Revenue Code for each employee of the Union who is eligible for, and enrolls in, one of the City's Health Insurance Plans. The City shall make monthly contributions of \$52.50 to said account. This contribution amount shall be indexed yearly on July 1 by the CPI formula used in Article 15: Wages.

A full time employee is defined as an employee who is normally scheduled to work forty (40) hours per week. The City shall also provide to full time employees:

Life and accidental death in an amount equal to the employee's annual salary rounded to the nearest thousand dollars.

Long-term disability after a ninety (90) day waiting period, with a maximum of sixty percent 60% of the first four thousand dollars (\$4,000) of monthly salary up to age sixty-five (65) or until the employee is able to return to work.

- 13.2 Effective upon execution of this Agreement, employees shall be eligible for the insurance coverage noted in Article 13.1 the first of the following month following their hire date.
- 13.3 The City shall provide workers' compensation coverage to employees effective upon date of hire. The City shall pay the full cost of these premiums.

Upon retirement from City service, employees may elect to continue their group medical and dental insurance at their own expense. Such cost shall be the full amount of premium.

- 13.4 The City agrees to provide each employee with liability coverage, providing protection for possible claims arising out of acts committed by employees in the discharge of their duties within the scope of their position and in the course of their employment, provided the claims do not result in a judgment resulting from the

willful and wrongful act or gross negligence of such employees.

Such insurance shall cover all costs, including attorney fees, connected with proposed, threatened or actual suits and negotiated settlements, in addition to covering the amount of possible judgment.

- 13.5 The City agrees to offer to members the same Section 125 plan it offers to other employees.
- 13.6 Employees are required to notify the City within thirty (30) days if a dependent is no longer eligible for coverage under the City's health insurance plans. An employee who fails to notify the City within thirty (30) days shall be responsible for any cost difference and premium payments which the City is unable to recoup from the insurance carrier.
- 13.7 The union agrees to participate fully in any City-established Employee Benefits Committee in recognition of the significance of health insurance costs as an aspect of total compensation.
- 13.8 The City and the Union agree to negotiate the impact of any changes in health insurance that may be mandated by Federal health care legislation during the life of this agreement.

ARTICLE 14 - RETIREMENT

14.1 Defined Benefit Plan

All employees hired prior to July 1, 2011 shall continue to participate in the City of Forest Grove Retirement Plan (Defined Benefit Plan). The City shall pay the employee's contribution to the retirement plan.

Any full-time employee who is a participant in the City of Forest Grove Retirement Plan (Defined Benefit Plan) and who changes to a regular part-time position will become ineligible to participate in the Defined Benefit Plan as only qualified full-time employees may participate in the Defined Benefit Plan. That employee will be placed in the Defined Contribution Plan. If that employee returns to a regular full-time position, the employee will remain in the Defined Contribution Plan as he/she is not eligible to return to the Defined Benefit Plan under the terms of that Plan.

14.2 Defined Contribution Plan

All employees hired after July 1, 2011 shall be enrolled into a defined contribution plan. The employer shall contribute an amount equal to ten percent (10%) of base wages to the employees retirement account. Additionally, the City will match dollar for dollar any additional contribution the employee makes up to

a maximum of 2% of base wages. Employees will be eligible to enroll after six months of continuous employment.

Effective July 1, 2014, eligibility for retirement benefits under the Defined Contribution Plan will include all regular employees regularly scheduled to work twenty (20) or more hours per week.

ARTICLE 15 - WAGES

15.1 A. Effective July 1, 2014 all employees covered by this agreement shall receive a general wage increase of 2.30%.

B. Effective July 1, 2015 and July 1, 2016 all employees covered by this agreement shall receive a general wage increase based upon January-December Portland CPI – All Urban Consumers, BLS with a minimum of 1.00%, maximum of 2.00% increase.

15.2 Employees temporarily assigned by a supervisor to a higher classification for a minimum of no less than eight (8) hours shall receive a minimum of an additional five percent (5%) increase in their base salary for the total time of such assignment.

Library positions assigned duties of preparation and presentation of youth services and outreach programs are exempted from the minimum eight (8) hour qualification listed in 15.2 above. This exclusion is limited to Library positions only and as designated by the Library Director.

15.3 A new or promoted employee is eligible for advancement to the next step of the salary range based on performance, following completion of twelve (12) months of service and each twelve (12) months thereafter until the employee reaches the top step of the salary range.

ARTICLE 16 - STAND-BY

16.1 Stand-by time is defined as any time an employee is required to carry a pager unit or phone and to remain in the City-prescribed geographical area, for the purpose of being called to duty while off duty.

16.2 Employees required to be on standby will be on stand-by for a seven-day period, and will be compensated for such standby as follows:

A. Public Works employees required to work stand-by from 12:01 p.m. Wednesday and ending on the following Wednesday at 12:00 noon shall be

compensated thirteen (13) hours straight time pay or thirteen (13) hours straight time compensatory time at the employee's choice.

B. Water Treatment Plant employees shall receive two (2) hours of compensation for each day of call coverage at the straight time pay or two (2) hours of straight time compensatory time at the employee's choice.

- 16.3 If the payment of stand-by hours results in a more than forty (40) hour week, the stand-by hours shall be credited as compensatory hours at straight time.
- 16.4 Employees assigned to stand-by duty shall be provided with a pager or phone. They shall be required to be available to receive emergency phone calls during periods outside of their normal working hours. Failure to be available or to respond to a page while on stand-by shall result in the loss of stand-by pay.
- 16.5 Employees assigned stand-by duty over a holiday shall be compensated for an additional five (5) hours.

ARTICLE 17 - TRAVEL REIMBURSEMENT

- 17.1 When an employee is required to report for work outside of the City limits, he/she shall use a City vehicle whenever possible. If he must use his personal vehicle, he/she shall be reimbursed for the use of his personal transportation at the prevailing IRS mileage rate. Whenever an employee is required to travel as part of their regular work he/she shall be reimbursed actual costs for lodging and travel expenses and meals shall be compensated at per diem based upon City policy. All expenses shall be prepaid whenever possible.
- 17.2 When an employee attends an approved, non-required training outside the City, the employee shall be compensated for the actual hours spent in training or for the normal workday, whichever is greater.

ARTICLE 18 - BOOKS AND TUITION

Any courses which are required by the City shall be paid in full. Employees may request compensation for the cost of college level course work relevant to their role in the City. Tuition reimbursement is subject to the following guidelines:

1. Requests must be made in writing to the Department Head using the form provided by the City's Human Resources Office prior to enrollment or participation.
2. Reimbursement shall be made only if a grade of "C" or better is received, or a "P" if the class is graded on a Pass/No Pass basis. Documentation is required.

3. The maximum amount payable per course is two hundred dollars (\$200) including books. Receipts must be provided.
4. College level course work directly relating to the employees current position may be compensated at one hundred percent (100%) within the designated maximum. The City must determine the coursework will benefit the City.
5. College level course work may be compensated at less than one hundred percent (100%) if it is indirectly related to the employee's position. The decision to reimburse a percentage of the costs rests with the Department Head. The City must determine the coursework will benefit the City.

ARTICLE 19 - CERTIFICATION/LICENSE

The City shall pay the fees associated with obtaining and maintaining a DMV/CDL License (including CDL physical), Water Certification, Sewer Certification, Pesticide Certification license, Back Flow Certification, Arborist Certification or other license/certification when such license and/or certification is required of an employee to perform their job excluding the cost of a regular driver's license. The City shall not be responsible for paying late fees for renewals of certification or licenses; nor reinstatement charges if the employee allows the certification or license to lapse. Exceptions will be reviewed by the supervisor and may be granted if warranted by circumstances.

ARTICLE 20 - PAY PERIODS

Employees shall be paid on a bi-weekly basis. The City agrees to offer to employees covered by this agreement, the same direct deposit option offered to any other employees. Employees shall be paid according to State and Federal law, with a frequency of no greater than every 35 days.

ARTICLE 21 - SENIORITY

- 21.1 For the purpose of this Agreement, seniority shall be defined as an employee's length of continuous service as an employee with the City plus their time in the current department plus their time in their current classification as a part-time or full-time employee from their last date of hire less any adjustments due to leave of absence without pay for more than sixty (60) days.
- 21.2 If an employee has a break in service for a voluntary reason and returns to employment within twelve (12) months of the break in service, all previous seniority shall be restored less the amount of the break in service.

- 21.3 Layoff Procedures - If an employee has a break in service due to layoff and is recalled within twenty-four (24) months, he shall suffer no break in service for seniority purposes nor shall an employee who is off on workers' compensation and returns to employment with the City.
- 21.4 Bargaining unit employees shall not be laid off if the City is using temporary employees to do their work.
- 21.5 The City may layoff employees due to changes in the duties of the organization, lack of work, or lack of funds. An employee and the Union shall be given written notice of layoff or pay in lieu of notice at least thirty (30) days before the effective date, stating the reasons for the layoff and options the employee has. The employee shall have five (5) working days from the receipt of the layoff letter to notify the City of the employee's selected option. Employees shall have the following options:
1. Accept the layoff.
 2. Request assignment to a vacant position within the City for which he/she possesses the necessary qualifications.
 3. Displace the employee with the lowest seniority in the same classification in the department if the employee is qualified for that position.
 4. Displace an employee with less seniority with the lowest seniority in a classification with a lower pay range in the department if the employee is qualified for the position.
 5. Displace the employee with the lowest seniority in any department in a classification in which the employee has prior service.

Displaced employees shall be allowed to select Option 1 through 3 above. If there is no position available via those options, the employee may select either Option 4 or 5. The qualification of an employee to bump shall depend upon that employee's current possession of required certification, the knowledge, skill and ability to perform the job at an acceptable level of performance with on the job orientation.

- 21.6 Employees who displace an employee in a lower classification shall go to the step closest to their current salary.
- 21.7 Ties in seniority shall be broken by date of application. If a tie still exists, it shall be broken by lot.
- 21.8 Employees who are laid off shall be placed on a layoff list by the classifications from which the employees are laid off. Employees shall be recalled to available vacancies from which they were laid off in seniority order beginning with the employee with the highest seniority. If the position is not filled in that manner, it shall be offered in seniority order to other employees on the layoff list provided the employee is qualified to perform those duties.

A laid off employee who is recalled by the City shall have five (5) days from receipt of notice by certified mail, sent to the last address provided to the City by the employee, in which to accept the assignment and two (2) weeks to report if employed elsewhere. Return of the notice as undeliverable because the employee has moved without notifying the City shall constitute rejection of the assignment.

If an employee is offered a position from the layoff list, the employee shall have one (1) right of refusal. A second refusal shall result in the loss of any re-hire rights.

An employee's name shall remain on the layoff lists for twenty-four (24) months.

21.9 A transfer is defined as a change of an employee from one position to another in the same classification.

1. Requests from employees for transfers from one department to another shall be made in writing and shall be directed to the Human resources manager.
2. Requests for transfer shall be given consideration when a suitable vacancy occurs. Transfers may be granted without an open selection process with the approval of the affected Department Heads.

ARTICLE 22 - PROBATIONARY PERIOD

22.1 The probationary period for original and re-hired employees shall be twelve (12) months of employment with the City and within the classification, except when the employee's termination of employment with the City of Forest Grove was less than one year prior to the rehire date and the employee is being rehired into the same classification held before separation.

If the Department Director believes an extension of probation is warranted, the Department Director may present the reasons for the extension to the Union and the employee and request an extension of probation for up to an additional 6 months. Lack of agreement by the Union and employee to said extension shall result in the City either deeming the probation as completed or failed, at the discretion of the Department Director.

22.2 During the probationary period, a new employee may be disciplined or discharged at the sole discretion of the City without any reason or cause being shown and without recourse to the grievance procedure. Probationary employees will be covered by all other provisions of the contract and may file a grievance if an alleged violation is not related to discipline or just cause termination.

- 22.3 Except for the positions noted in 22.4, the probationary period for employees promoted to a higher classification within promotional lines shall be six (6) consecutive months. During this probationary period, a probationary employee shall be protected in discipline and discharge procedures on the same basis as other regular employees. However, a promoted employee serving the probationary period may be demoted to their previous position by the City without appeal.
- 22.4 The probationary period for employees promoted to the following positions shall be twelve (12) consecutive months.

Youth Services Librarian
Library Associate (Acquisitions position)

ARTICLE 23 - DISCIPLINE AND/OR DISCHARGE

- 23.1 No employee who has passed the probationary period shall be disciplined without just cause. An employee shall be entitled to due process where discipline is imposed. Disciplinary action may include the following steps and shall normally be progressive as outlined below, but the disciplinary process may be entered at any step depending upon the severity of the incident causing the disciplinary action:
- a. oral reprimand
 - b. written reprimand
 - c. suspension without pay
 - d. reduction in pay
 - e. demotion
 - f. discharge
- 23.2 Oral reprimands shall not be subject to the grievance procedure. Written reprimands may be processed up through step III of the grievance procedure, but may not proceed to arbitration (step IV).
- 23.3 The appeal of a discharge may be filed at Step 3 of the grievance procedure contained in Article 24. All other disciplinary actions may be appealed beginning at Step 2 of the grievance procedure. The information required in Step I must be included in the grievance regardless of the step at which the grievance process is entered.
- 23.4 This article shall not apply to any employee on original and re-hire probations as defined in Article 22.
- 23.5 If the City has reason to reprimand an employee, it shall be done in a manner that is least likely to embarrass the employee. Employees shall be entitled to Union representation whenever disciplinary action is being considered.

ARTICLE 24 - GRIEVANCE PROCEDURE

It is the intention of the parties to this agreement that all disputes between said parties regarding the application, meaning or interpretation of this contract be settled by their submission to the established grievance procedure as herein provided.

STEP I. After first attempting to resolve the grievance informally, the Union or any employee with notice to the Union may claim a breach of this agreement in writing to the employee's immediate supervisor within fifteen (15) days from the occurrence thereof or the employee's knowledge thereof. The notice shall include: 1. a statement of the grievance and relevant facts; 2. provisions of the agreement violated; and 3. remedies sought. The supervisor shall respond to the grievance in writing within ten (10) days with a copy to the Union.

STEP II. If the grievance remains unadjusted after the supervisor's response, the grievance may be submitted within ten (10) days to the Department Head. The Department Head may meet with the aggrieved party, who may request Union representation at the hearing. The Department Head shall respond to the grievance within ten (10) days with a copy to the Union.

STEP III. If the grievance remains unadjusted after the Department Head's response at Step II, the grievance may be submitted within ten (10) days of the Department Head's response to the City Manager or his/her designee. He/She shall meet with the aggrieved party, the Department Head, and a Union representative and shall respond to the grievance in writing within thirty (30) days.

STEP IV. If the grievance is not resolved after the City Manager's response at Step III, it may be submitted within ten (10) days of the City Manager's response to a mediator by mutual agreement. The mediator shall be selected by mutual agreement of the parties. If the parties cannot agree upon a mediator within ten (10) days, a mediator will be requested from the Employment Relations Board, Conciliation Service Division. Costs of the mediation shall be split by the parties equally.

STEP V. If the grievance is not resolved after the City Manager's response at Step III or by mediation at Step IV, it may be submitted within ten (10) days of the City Manager's response or the end of mediation to an arbitrator. The arbitrator shall be selected by mutual agreement of the parties. If the parties cannot agree upon an arbitrator within ten (10) days, he shall be chosen in the following manner:

- A. A list of seven (7) Oregon or Washington arbitrators from the State Employee Relations Board shall be requested and the parties shall alternately strike one (1) name from the list until only one (1) name is left. The Union shall strike the first name, and the one remaining shall be the arbitrator.

- B. The arbitrator shall render a decision within a reasonable time. The decision of the arbitrator shall be binding on both parties.
- C. The cost of the arbitrator shall be borne equally by both parties. Each party shall be responsible for costs of presenting its own case to arbitration.
- D. The arbitrator shall be limited to the interpretation and application of the specific provisions of this agreement and shall have no authority or jurisdiction to add or revise the agreement of the parties.

Any time limits specified in the grievance procedure may be waived by mutual consent of the parties. Failure to submit or process the grievance in accordance with these time limits without such waiver shall constitute abandonment of the grievance. Failure of the City to respond to a grievance in a timely fashion shall automatically advance the grievance to the next step. A grievance may be terminated at any time upon receipt of a signed statement from the Union or the employee that the matter has been resolved.

For purposes of this Article, “days” shall mean Monday through Friday, excluding holidays.

ARTICLE 25 - EMPLOYEE EVALUATIONS

- 25.1 Each employee shall be evaluated in writing by their supervisor at six (6) months from date of hire and annually from date of hire or promotion thereafter. Evaluations may be written on a more frequent basis if deemed necessary and appropriate by either the employee or the supervisor. Both parties agree that an employee has the right to agree or disagree with an evaluation and that the employee has the right to provide a written response to an evaluation. Such response, along with the original evaluation, shall become a permanent part of the employees’ personnel file.
- 25.2 Neither the evaluation process nor the contents of employee evaluations are subject to the grievance process of the agreement. An employee may request a review of the evaluation by the City Manager and/or Human Resources Manager.

ARTICLE 26 - PERSONNEL RECORDS

- 26.1 The City shall maintain an official personnel file on each employee of the City. No material shall be placed in an employee’s personnel file without the knowledge of the employee. Any employee, or representative with written permission of the employee, shall have the right to review the contents of their own personnel file and obtain copies of the content of said file. At their option, they may request to

be accompanied by a Union representative of their choosing. An employee may respond in writing to any item placed in their personnel file and said response shall become part of their personnel file.

- 26.2 Written reprimands and any response written by the employee shall be considered temporary contents of the personnel file and shall be removed, upon the request of the employee, anytime after eighteen (18) months have passed from the date of the reprimand if there are no related problems during that period. All other disciplinary actions shall be removed, upon request of the employee, at the end of three (3) years from the date of the disciplinary action, provided there is no subsequent related disciplinary action taken during the intervening period of time.

ARTICLE 27 - SAFETY PROGRAM

- 27.1 City and employees agree to abide by federal and state safety regulations per Oregon Administrative Rules, Chapter 437, Division 40.
- 27.2 Employees observing an unsafe act or condition are responsible for reporting the act or condition to a management employee as soon as possible.
- 27.3 Effective upon signing this agreement, the City shall provide at no cost to employees, a hepatitis prevention program for employees of public works.

ARTICLE 28 - CLOTHING

- 28.1 Protective clothing shall be furnished to all employees whenever it shall be deemed necessary for health and safety reasons including such items as hard hats, safety vests, safety glasses, ear plugs or masks. In addition, the City shall furnish appropriate rain gear to those employees required to work in inclement weather conditions.
- 28.2 Mechanics shall be furnished overalls. The cleaning of overalls shall be the responsibility of the City.
- 28.3 The City shall provide Utility Workers I and II, Public Works Program Specialist, Building Inspectors and WTP Operators with a yearly \$325 allowance payable as gross wages for the purchase of boots and jeans.

The City will supply shirts, jackets, raingear and suspenders, gloves and safety equipment, upon hiring for Public Works and Parks personnel. Such clothing and equipment shall be replaced on demonstration of failure of equipment or clothing.

ARTICLE 29 - SUBSTANCE ABUSE POLICY

The City and the Union agree to abide by the provisions of the Substance Abuse Policy as approved by the City Council.

ARTICLE 30 - DEFERRED COMPENSATION

Employees shall have the option of participating in any deferred compensation plan sponsored by the City. The deferred compensation plan shall be of no direct cost to the City and employee participation shall be voluntary. Employees shall have the option of having deferred compensation deductions withheld from their paycheck as a percentage of gross wages upon completion and submission of appropriate paperwork to the City. Employees who are enrolled in the City's Defined Contribution Retirement Plan as outlined in Article 14.2, and who elect to participate in the City match, must elect to have their deferred compensation deductions withheld from their paycheck as a percentage of gross wages.

ARTICLE 31 - UNION BUSINESS

- 31.1 Union representatives and shop stewards shall be allowed access to employee work locations for the purpose of meeting with the City or with supervisory personnel and aggrieved employees. Union representatives shall make their presence known to the supervisor. Access shall be restricted so as to not interfere with the normal operations of the Department and employees shall not perform Union business on work time without the prior approval of the appropriate supervisor(s).
- 31.2 Members of the bargaining unit selected to serve as authorized representatives/shop stewards shall be certified in writing to the City.
- 31.3 The City shall pay up to three (3) members of the Union negotiating team for their time spent in contract negotiations. Pay for time spent negotiating shall not be or cause overtime. Total hours paid by the City for negotiations shall not exceed fifty (50) hours.

ARTICLE 32 - CONTRACTING/SUBCONTRACTING

The Union recognizes that the City retains the right to contract and subcontract work as it determines; provided that as to work presently and regularly performed by members of the bargaining unit, the City agrees to afford an opportunity to the Union to meet and discuss the effect of such action on the employment level of its members prior to finalizing and implementing its decision. The City agrees to give consideration to

alternatives such as work force reduction by attrition, transfers to open vacancies and preferential rehiring when such contracting action shall affect the employment level. Such considerations shall be within the City's primary requirement to maintain broad authority over its operations in order to provide efficient and economic services to the citizens of the community.

ARTICLE 33 - OUTSIDE EMPLOYMENT

33.1 In order for employees to engage in outside employment, the position must:

- be compatible with the employee's City duties
- in no way detract from the efficiency of the employee in performing City duties
- present no conflict of interest with City affairs
- not take preference over extra duty required by City employment.
-

33.2 Employees engaging in outside employment shall notify their Department Head in writing and shall specify the nature of the work and number of hours to be worked.

33.3 Employees who become injured or ill through any outside employment shall not be eligible to receive workers' compensation or sick leave from the City.

ARTICLE 34 - FUNDING

34.1 The parties to this agreement recognize that revenue needed to fund this agreement must be approved annually by established budget procedures and in certain circumstances by a vote of the citizens of the City of Forest Grove. All such wages and benefits are therefore contingent upon sources of revenue and, in certain instances, the voters of the City.

34.2 In the event of budget reductions by the Budget Committee or the City Council or lack of approval by the voters, the parties agree to meet and confer to seek the best possible alternatives to layoff and/or cutback services with the desired end result to be to offer employment opportunities to existing bargaining unit members whenever and wherever possible.

ARTICLE 35 - SCOPE OF AGREEMENT

35.1 The City and the Union shall not be bound by any requirement which is not specifically stated in this agreement. Specifically, but not exclusively, the City and the Union are not bound by any unwritten past practices of the City or the Union, unless such past practices or understandings are specifically stated or referred to in this agreement.

35.2 Conditions of employment not covered by this agreement and which are considered mandatory subjects for bargaining under Oregon Law shall be maintained without change during the life of this agreement, unless modified by mutual agreement between the City and the Union.

ARTICLE 36 - SAVINGS CLAUSE

36.1 Should any section or portion thereof of this agreement be held unlawful and unenforceable by any court of competent jurisdiction, such decision of the court shall apply only to the specific portion thereof directly specified in the decision. Upon the issuance of a decision, the parties agree immediately to negotiate a substitute, if possible, for the invalidated section or portion thereof.

36.2 In the event of a conflict between the provisions of this agreement and the Personnel Manual of the City, the provisions of this agreement shall be deemed controlling. If a subject is not addressed by this agreement, the Personnel Manual of the City shall be controlling.

ARTICLE 37 - TERM OF AGREEMENT

37.1 This Agreement shall be effective July 1, 2014 and shall remain in effect until June 30, 2017.

37.2 After June 30, 2017 this Agreement shall be automatically renewed from year to year thereafter unless either party shall notify the other in writing between January 1 and March 1 that they wish to modify this Agreement. This Agreement shall remain in full force and effect during the period of negotiations.

37.3 This Agreement shall not be modified in whole or in part by the parties covered by instrument, in writing, duly executed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this _____ day of _____, 2014.

FOR THE UNION:

FOR THE CITY:

Becky Steward, Council 75 Rep

Michael Sykes, City Manager

Marvin Vandervelden, Local 3786 President

ADDENDUM A

Accounting Technician	
Administrative Assistant	A24
Administrative Specialist I	A17
Administrative Specialist II	A19
Adult Services Librarian	A27
Aquatic Program Specialist	A15
Assistant Planner	
Associate Planner	A34
Building Inspector I	A32
Building Inspector II	A36
Economic Development Program Manager	A41
Engineering Technician	A27
Electrical Engineer	A47
Fire Logistics Technician	A17
Janitor	A16
Library Assistant	A15
Library Associate	A18
Lead Mechanic	
Mechanic	A23
Network Administrator	A41
Payroll Specialist	A25
PC Technician	A26
Permit Coordinator	A21
Public Works Program Specialist	A29
Senior Planner	A41
Utility Worker I	A20
Utility Worker II	A21
Utility Worker II/Water Treatment Plant Operator	A28
WTP Operator	A31
Youth Services Librarian	A22

ADDENDUM B
CLASSIFICATION AND WAGES
Effective July 1, 2014

Classification		Monthly Rate					
A16	Aquatics Program Specialist Library Assistant	2,807	2,918	3,034	3,154	3,281	3,412
A17	Janitor Fire Logistics Technician	2,905	3,020	3,141	3,266	3,397	3,532
A17.1	Administrative Specialist 1	2,920	3,036	3,156	3,282	3,414	3,550
A19	Library Associate	3,141	3,266	3,397	3,533	3,675	3,822
A19.1	Administrative Specialist 2	3,215	3,344	3,478	3,617	3,762	3,912
A20	Utility Worker 1	3,233	3,364	3,498	3,638	3,782	3,934
A22	Accounting Technician	3,490	3,630	3,775	3,926	4,083	4,246
A23	Permit Coordinator Utility Worker 2	3,652	3,797	3,950	4,106	4,272	4,445
A23.1	Youth Services Librarian	3,671	3,817	3,969	4,128	4,293	4,466
A24	Mechanic	3,778	3,927	4,086	4,247	4,418	4,594
A25	Administrative Assistant	3,853	4,006	4,168	4,332	4,505	4,685
A26	Payroll Coordinator	3,889	4,045	4,207	4,374	4,549	4,731
A26.1	PC Technician	3,965	4,124	4,289	4,459	4,638	4,823
A28	Adult Services Librarian	4,044	4,206	4,373	4,548	4,730	4,920
A28.1	Engineering Technician	4,054	4,215	4,383	4,558	4,742	4,929
A28.2	Utility Worker 2 / WTPO	4,065	4,228	4,397	4,573	4,756	4,946
A28.3	PW Program Specialist	4,084	4,246	4,416	4,594	4,776	4,966
A30	Water Treatment Plant Operator	4,342	4,512	4,694	4,883	5,078	5,280
A32	Building Inspector 1	4,415	4,590	4,773	4,966	5,163	5,371
A34	Associate Planner	4,580	4,763	4,955	5,153	5,358	5,573
A36	Building Inspector 2	4,857	5,053	5,253	5,463	5,682	5,910
A41	Economic Development Program Mgr Network Administrator Senior Planner	5,371	5,585	5,809	6,042	6,282	6,531
A44	Electrical Engineer	5,947	6,184	6,432	6,688	6,955	7,234

Note: Monthly Amounts Shown

June 23, 2014

REPORT ON RESOLUTION PROVIDING PARTICIPATION FOR REGULAR PART-TIME NON-REPRESENTED EMPLOYEES IN THE CITY'S DEFINED CONTRIBUTION RETIREMENT PLAN AS OF JULY 1, 2014

Project Team: Paul Downey, Director of Administrative Services
Michael Sykes, City Manager

ISSUE STATEMENT: The City Council has ratified the new contract with AFSCME. That contract extended eligibility for participation of regular part-time AFSCME employees in the City's Defined Contribution retirement Plan as of July 1, 2014. The City has traditionally offered the same level of retirement benefits to AFSCME and non-represented employees. Staff has prepared a resolution to include regular part-time non-represented employees in the Defined Contribution Plan as July 1, 2014.

DISCUSSION: Prior to the AFSCME contract which becomes effective July 1, 2014, the City did not offer retirement benefits to part-time employees. As of July 1, 2014, regular part-time AFSCME employees will participate in the City's Defined Contribution Retirement Plan. Part-time is defined as working at least 20 hours but less than 40 hours per week. The City has traditionally offered the same level of retirement benefits that AFSCME receives to non-represented staff. Staff is proposing that regular part-time non-represented employees also be eligible to participate in the City's Defined Contribution Plan as of July 1, 2014. This change will apply to one employee.

FISCAL IMPACT: The FY 2014-15 Budget includes funding for the retirement benefits for part-time non-represented employees as of July 1, 2014 so no budget adjustment will be required for this change. The additional cost of adding retirement for the non-represented part-time employees is \$4,900.

STAFF RECOMMENDATION: The City Council should adopt the attached resolution to provide participation in the City's Defined Contribution Retirement Plan for part-time non-represented employees as of July 1, 2014.

RESOLUTION NO. 2014-63**RESOLUTION PROVIDING PARTICIPATION FOR REGULAR PART-TIME
NON-REPRESENTED EMPLOYEES IN THE CITY'S DEFINED CONTRIBUTION
RETIREMENT PLAN AS OF JULY 1, 2014**

WHEREAS, the City has agreed to cover regular part-time AFSCME employees (20 hours or more but less than 40 hours per week) in the City's Defined Contribution Retirement Plan as of July 1, 2014; and

WHEREAS, the City has traditionally provided the same level of retirement benefits received by AFSCME employees for regular non-represented employees; and

WHEREAS, funding has been included in the FY 2014-15 Budget to provide retirement for non-represented part-time employees.

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

Section 1. That regular part-time non-represented employees will be eligible for participation in the City's Defined Contribution Retirement Plan as of July 1, 2014.

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

PRESENTED AND PASSED this 23rd day of June, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 23rd day of June, 2014.

Peter B. Truax, Mayor

June 23, 2014

**REPORT AND RESOLUTION REQUESTING TO CANCEL
JULY 14, 2014, REGULAR CITY COUNCIL MEETING**

Project Team: Michael Sykes, City Manager
Anna D. Ruggles, CMC, City Recorder

BACKGROUND:

Section III(1) of the Forest Grove City Council Rules and Procedures requires the Council to designate by resolution the meeting dates of the Council. Council adopted Resolution No. 2014-01 setting Council meeting dates for 2014.

DISCUSSION:

Management staff is seeking City Council approval to cancel July 14, 2014, regular City Council meeting due to a lack of Agenda Items and Councilmembers who are unable to attend. The next regular City Council meeting is scheduled for August 11, 2014.

RECOMMENDATION:

Management staff is requesting that City Council consider approving the attached resolution cancelling July 14, 2014, regular City Council meeting.



RESOLUTION NO. 2014-62

**RESOLUTION APPROVING TO CANCEL
JULY 14, 2014, CITY COUNCIL MEETING**

WHEREAS, Section III(1) of the Forest Grove City Council Rules and Procedures requires the Council to designate by resolution the meeting dates of the Council; and

WHEREAS, Council adopted Resolution No. 2014-01 setting Council meeting dates for 2014; and

WHEREAS, the Council desires to cancel the July 14, 2014, regular City Council meeting due to a lack of Agenda Items and Councilmembers who are unable to attend this meeting.

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

Section 1. The Forest Grove City Council hereby approves cancelling the regular City Council meeting for Monday, July 14, 2014.

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

PRESENTED AND PASSED this 23rd day of July, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 23rd day of July 14, 2014.

Peter B. Truax, Mayor