

**2018-19**  
**COMMUNITY ENHANCEMENT PROJECT**  
**APPLICATION INSTRUCTIONS**

The following is the process schedule for the Community Enhancement Projects Grant Program:

- March 1 Applications for project proposals will be available. (Application form is attached)
- April 6 Applications must be completed and returned to City Hall, 1924 Council St., by 5 pm.
- April 19 CEPC will hold meeting to hear sponsor presentation of proposed project. Meeting will be held in the Community Auditorium, 1915 Main Street. Presentations should be limited to 4 minutes after which the Council will opportunity to ask questions.
- May 4 CEPC's completed allocation worksheets due to staff.
- May 14 Allocations of Grant funds approved at CEPC meeting.
- July 1 Contracts for awarded projects will be distributed to Sponsors. Contracts must be executed by September 30, 2018, or grant is forfeited.

**General Instructions**

- All projects must be within the City's Urban Growth Boundary (UGB) or benefit citizens within the UGB to be eligible for funding. Attached is a map with the City's Urban Growth Boundary outlined in black.
- Applicants must be from non-profit organizations, schools or City Advisory Committees to be eligible for a grant.
- Projects must not promote or inhibit religion or discriminate based on race, ethnicity, age, gender or sexual orientation.
- Each project must meet one of eight Metro-approved goals listed on the application. Priority will be given to projects that best meet these goals.
- **Each application may request a maximum limit of \$10,000.**
- **Each organization or group is limited to two (2) applications.**
- Projects will be evaluated on how the project enhances sustainability in the City while achieving the values described in the City's Vision Statement and City Council Goals (attached). Sustainability is intended to have a broad definition under this program.
- Each project is evaluated by CEPC members individually and reviewed by the CEPC together to determine funding which may be as fully funded, partly funded, or not funded.
- Responses are limited to the spaces provided on the application. Additional information may be provided during the presentation of the proposed project. Every question should have a response. If question does not apply to your proposed project, indicate this response in the appropriate space.

Application packets will be available on the website at [www.forestgrove-or.gov](http://www.forestgrove-or.gov) or at City Hall, 1924 Council Street, from 8:00 am to 5:00 pm Monday through Friday. Any questions regarding the application should be directed to Paul Downey, Administrative Services Director, at 503-992-3200.

# COMMUNITY ENHANCEMENT PROJECT APPLICATION

Sponsor: Community Forestry Commission Tax ID # N/A  
 (N/A for City Board or Commission)

Contact Person: Mark Nakajima, CFC Chair Daytime Phone: [REDACTED]

Address: [REDACTED] Email Address: [REDACTED]

City: Forest Grove State: OR Zip: 97116

Signature: Mark Nakajima Digitally signed by Mark Nakajima  
Date: 2018.04.03 15:38:55 -07'00'

## PROJECT INFORMATION

### A. Project Title

Downtown Street Tree Assessment and Enhancement Project

### Amount Requested:

\$ \$ 10,000.00

### B. Mark all of the goals below which your project meets and explain how:

✓	Goals	How project meets this goal (be clear & specific)
<input checked="" type="checkbox"/>	Improve the appearance or environmental quality of the community	This project will help improve the urban forest by promoting planting appropriate street trees in the downtown as well as better care and installation of new trees. This project will enhance community appearance and improve environmental quality through improvements to the urban forest.
<input checked="" type="checkbox"/>	Reduce the amount or toxicity of waste	The City's urban forest helps to improve air quality by storing pollutants and sequestering carbon dioxide and harmful particulates.
<input type="checkbox"/>	Increase reuse and recycling opportunities	Not applicable
<input type="checkbox"/>	Result in rehabilitation or upgrade of real or personal property owned or operated by a nonprofit organization having 501(c)(3) status under the Internal Revenue Service code	Not applicable
<input checked="" type="checkbox"/>	Result in the preservation or enhancement of wildlife, riparian zones, wetlands, forest lands and marine areas, and/or improve the public awareness and the opportunities to enjoy them.	The urban forest provides habitat for a variety of wildlife species, reduces stormwater runoff flow improving water quality, reduces infrastructure needs.
<input type="checkbox"/>	Result in improvement to, or an increase in, recreational areas and programs	Not applicable
<input checked="" type="checkbox"/>	Result in improvement in safety	This project will help safety by addressing tree conflicts with sidewalks and signs
<input checked="" type="checkbox"/>	Benefit youth, seniors, low income persons and/or underserved populations.	This project benefits the entire community by improving the quality of the built and natural environment for all to enjoy regardless of age or income.

**C. Brief Project Description and Explanation of how the CEP funds will be used:**

**Proposed schedule:** Project Start Date: July 1, 2018 Project Completion Date: June 30, 2019

The purpose of this project is to enhance downtown Forest Grove by improving the streetscape for property and business owners, residents and visitors alike. This project focuses on street trees a significant element of the downtown streetscape. The street trees downtown were planted decades ago. Over time problems with conflicts between street trees, sidewalks, signs and buildings have occurred. In some cases pedestrian safety has been compromised due to sidewalk damage causing tripping hazards. This is most notable along Main Street which is a high pedestrian area. Adjacent property owners have generally not kept up with maintenance of the street trees. As a result several trees have grown too large and roots have caused damage to sidewalks, sewer and water lines.

A baseline of information is needed to fully assess the situation and to serve as basis for preparing recommendations for managing street trees in the downtown. At a minimum, information is needed about street tree location, tree type, height, size, condition and presence of conflicts with buildings, sidewalks and signs if any. Assessment of conditions requires expertise by trained professionals certified in performing visual tree assessments based on generally accepted practices sanctioned by the organizations such as the International Society of Arboriculture. A portion of CEP funding would be used to pay for a consultant with this expertise. The consultant will be selected through a competitive selection process.

Information gathered by the consultant will be entered in the City's GIS and used to develop policy recommendations for management of the downtown street trees for consideration by the Community Forestry Commission and City Council. Recommendations will address appropriate tree varieties to plant in a downtown environment, locations for additional tree planting, location of trees recommended for removal based on the tree assessment and policies for ongoing maintenance and shared responsibility for tree care between the City, property and business owners. The scope of the project is scalable based on the amount of CEP funding awarded.

**D. Estimate how many Forest Grove residents will benefit if this project is funded.**

Who will benefit if this project is funded?

N/A

This project benefits the entire community including residents and visitors.

Has the sponsor received a Community Enhancement grant for this project in the past? Yes If so, amount received \$ <u>\$ 3,500.00</u>
Has the sponsor received a Community Enhancement grant for the <u>current year</u> ? No If so, is the project completed? <u>Yes</u>
Please provide a brief summary of services for <u>current year</u> grant, i.e. what was the impact on the community, how many people benefited from the project, have the total funds been spent, etc. Not applicable

**E. PROJECT BUDGET**

How were these costs estimated (quotes, catalog, previous projects, etc.)?  
previous projects

**Breakdown estimated costs by source:**

	<b>CEP</b>	<b>Sponsor</b>	<b>Other #1</b>	<b>Other #2</b>
Personnel Services	\$ 10,000.00			
Supplies				
Capital				
Materials				
Other (please explain):				
Volunteer Time (CFC Members)				
<b>Total</b>	<b>\$ 10,000.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>

Total Estimated Costs: \$ 10,000.00

% of Total Budget provided by Sponsor: 0.00%

**F. Is there secure funding for Sponsor's share of the total costs including funding from other public or private agencies and what are the sources of funding?**

Volunteer members of the CFC will support this project by providing oversight, reviewing work products and preparing recommendations for consideration by City Council. Efforts of the CFC will be completed at no cost to the City.

**G. Will the project be completed with the proposed funding or will future funding be necessary?**

This identified scope of work will be completed with the proposed funding. Additional funding may be needed for later phases such as planting additional trees in the Town Center or resolving tree conflicts with sidewalks and signs. This project is scalable to reflect available funds.

**H. Explain how the project would enhance sustainability in Forest Grove, either economically, environmentally, or socially while achieving the values described in the Forest Grove Vision Statement and City Council Goals? Sustainability is intended to have a broad definition under this program.**

Environment: This project provides the basis for improving the natural environment in the Forest Grove Town Center through better street tree management. Research indicates street trees improve environmental quality by improving air quality, reducing the rate of stormwater runoff and providing a cooling effect during hot summer months.

Economy: This project promotes the vitality of the Forest Grove Town Center. Research suggests street trees improve property values and enhance the quality of business districts by providing shade thereby making business districts more attractive places to shop and gather.

This project complements the Forest Grove Vision Statement by promoting "A community recognized for its commitment to conserve, preserve, protect and restore our natural assets." Enhancement to the urban forest in a highly visible area such as downtown Forest Grove does just that. In addition this project supports City Council's goal to "Promote Safe, Livable and Sustainable Neighborhoods and a Prosperous Dynamic Green City."

## **PROJECT MANAGEMENT**

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**A. Provide a brief narrative outlining the major tasks and projected time schedule for completing of each task.**

Tasks are below. The project is scalable based on CEP funds awarded. Duration: 4 months.

1. Prepare Request For Qualifications
2. Conduct inventory of all street trees in the Town Center including tree variety, size, condition and conflicts present with buildings, sidewalks, or signs
3. Prepare GIS layer with tree data and tree locations using GPS
4. Prepare recommendations to reduce conflicts if present
5. Identify trees to retain or remove and cost for removal including excavation
6. Identify locations where street trees are missing or could be planted
7. Identify appropriate tree varieties for planting as street trees in the Town Center and recommendations for ongoing tree care and maintenance
8. CFC lead presentation of recommendations to City Council

**B. Describe prior experience managing similar projects. Include prior Community Enhancement Projects.**

The Community Forestry Commission has successfully managed a variety of Community Enhancement Projects including the Neighborwoods street tree infill planting project and arborist inspections of trees on the City's Register of Significant Trees.

**C. Does this project require coordination with other public and private organizations? Has the necessary coordination been completed? If yes, please describe.**

This project requires coordination with the City's Community Development Department and Public Works Department. Outreach to property and business owners is also necessary and will be conducted as needed during the project.

**D. If the project is located on private land, discuss the public benefit of the project and provide landowner permission for the project with this application.**

This project does not involve private land and will take place entirely within the public right-of-way.

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**Applications must be submitted by 5:00 pm, April 6, 2018, at Forest Grove City Hall, 1924 Council Street. Please limit question responses to the spaces provided.**



*A place where families and businesses thrive.*

# PROCLAMATION

## **Celebrate Arbor Month 2018 and Forest Grove's Designation as a 2017 Tree City USA®**

**WHEREAS**, Arbor Day was first observed in 1872 with the planting of more than one million trees in Nebraska; and

**WHEREAS**, the Forest Grove community continues this tradition of environmental stewardship by conserving, preserving, and restoring our local urban forest; and

**WHEREAS**, the Forest Grove community values trees and the good they provide including reducing the erosion of our precious topsoil, reducing heating and cooling costs, cleaning our air, producing oxygen, and providing wildlife habitat; and

**WHEREAS**, trees in our community also increase property values, enhance the economic vitality of our business areas and beautifies our city; and

**WHEREAS**, the National Arbor Day Foundation named Forest Grove as a 2017 Tree City USA® to recognize our community's commitment to effective urban forest management during the year; and

**WHEREAS**, 2017 marks the 28<sup>th</sup> consecutive year Forest Grove received Tree City USA® designation.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOREST GROVE DOES HEREBY PROCLAIM AS FOLLOWS:**

**Section 1.** The Forest Grove community is urged to support the City's community forestry program and efforts by the City's Community Forestry Commission to preserve and expand our urban forest.

**Section 2.** The Forest Grove City Council encourage your participation in the City's Local Arbor Week Activity, including planting the Official City Tree, "Oregon White Oak", at Reuter Farms Park Green Space, 480 Willamina Avenue, at 11:00 a.m., on Tuesday, April 24, 2018.



**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of Forest Grove, Oregon, to be affixed this 9<sup>th</sup> day of April, 2018.

*Peter B. Truax, Mayor, City of Forest Grove*

## City of Forest Grove Boards and Commissions Update

Ashley O. Driscoll, Attorney  
Beery Elsner & Hammond, LLP  
1750 SW Harbor Way, Suite 380  
Portland, OR 97201

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[www.gov-law.com](http://www.gov-law.com)

## Citizen Involvement

- The City of Forest Grove has 11 advisory boards, committees and decision-making commissions appointed by the Mayor with the consent of the City Council.
- Each is unique in its size, meeting schedule, and specific function; however, the overall mission is the same: to make Forest Grove “A Place Where Families and Businesses Thrive”.

## Role of the Appointed Official

- Council-appointed groups are directly *responsible to* and *advisory to* the City Council, unless the Council has delegated specific responsibilities to the group for independent actions
- Generally, these groups make recommendations to the City Council on specific issues

## Role of the Appointed Official

- Appointed officials participate in making important decisions regarding how this government will run and therefore are accountable to the public. *Big responsibility!*
- My role here tonight is to walk you through some of the laws that govern your role with the city

- Public Officials and Ethics
- Public Meetings
- Political Activities
- Charter and Council Policies

# Government Ethics

- Do Oregon's government ethics laws apply to me?
  - The policy is “that service as a public official is a public trust, and that, as one safeguard for that trust, the people require all public officials to comply with the [the law]”
  - The law has six parts:
    - **Abuse of office**
    - Reporting requirements
    - **Conflicts of interest**
    - Nepotism
    - The ethics commission
    - **Penalties**

# Government Ethics

- Abuse of Office
  - Public officials may not use or attempt to use their position to obtain financial gain or avoid financial detriment that would not otherwise be available but for holding of the official position.
  - Applies to the public official and “relatives” of the public official

# Government Ethics

- Examples of abuse of office:
  - A library committee member using his role on the Library Committee to lobby the City to award the library janitorial agreement to his sister.
  - Members of the Parks and Recreation Board receive free VIP passes to the local softball tournament (valued at \$200) from the company organizing the event. *(But the company just wants local officials to see the event firsthand! Doesn't matter.)*

# Government Ethics

- What is a conflict of interest?
  - A conflict of interest arises when a decision or recommendation you are making **would or could** result in a financial benefit or detriment to you, your relatives, or a businesses with which either you or your relatives are associated. Conflicts of interest come in two forms – actual conflicts and potential conflicts.
- What is the difference between an actual and potential conflict of interest?
  - An actual conflict of interest arises when any decision or act by you **would** result in a financial benefit or detriment to you, your relatives or an associated business; while a potential conflict arises when a decision or act by you **could** result in such an outcome.

# Government Ethics

- What do I do if I have a conflict?
  - For actual conflicts you must:
    1. publicly announce the conflict; and
    2. refrain from participation in any official action on the issue including **any discussion** of the matter.
  - For potential conflicts you must:
    1. publicly announce the potential conflict every time the issue arises; and
    2. after disclosure you may participate in any official action on the issue, **including discussions and votes**.

# Government Ethics

- Are there exceptions?
  - Yes. The definition of a “business” does not include nonprofits where the associated public official receives no remuneration.
  - Class exception. Seek legal advice prior to relying on this exceptions.
  - Gifts of less than \$50.

# Government Ethics

- Penalties:
  - Civil penalty up to \$5,000
  - Removal from office
  - If the public official benefitted from a violation, he or she may be required to forfeit twice the amount of the profit
  - In rare cases, criminal sanction (bribes, misuse of confidential information for personal financial benefit)

# Open/Public Meetings

- Generally
  - Under ORS 192.660 *et seq.*, elected and appointed officials must meet in public to deliberate and decide matters of public policy.
  - The purpose of the statute is to encourage transparency in government.

## What is a “meeting”?

- Oregon law addresses two issues related to public meetings:
  - All official meetings of a public body must be in public (ORS 192.630(1))
  - All private meetings of a public body are prohibited (ORS 192.630(2))

# Legal Requirements of Public Meetings

- Notice
  - Notice of time and place must be “reasonably calculated” to inform interested persons – usually at least 24 hours in advance.
  - Personal notice must be given to those who have requested it.
  - Notice should address accessibility requirements for the disabled.
  - Principal subjects to be discussed.
    - Specific enough to permit a person to decide if she feels it is necessary to attend.
    - Public body is not precluded from considering additional items during the meeting.

# Legal Requirements of Public Meetings

- Location considerations
  - Must be within jurisdictional boundaries, unless . . .
    - Attending a “training” where no deliberations will occur.
    - Meeting with another governing body.
  - Must be of a sufficient size relative to expected interest in the meeting.
  - Need not be held in a government building, but may not be held in a location where discrimination based on race, creed, color, sex, age, national origin or disability is practiced.
  - Must be accessible to disabled persons.

# Legal Requirements of a Public Meeting

- Voting
  - Votes must be tallied and attributed to each member of the governing body.
  - May use paper ballots, but cannot be secret.
- Minutes/recordkeeping
  - Do not need to keep minutes if an audio or video record of the meeting will exist. (NOTE: City of Forest Grove requires written minutes due to record retention concerns)
  - Records of executive session discussion must be kept.
  - Minutes need not be verbatim, but must contain:
    - Roll call (including at executive sessions)
    - Motions, resolutions, actions, etc.
    - Results of votes
    - Substance of all discussions

# Legal Requirements of Public Meetings

- Attendance vs. participation
  - Public meetings law does not guarantee any person the right to participate.
  - Meant to give public the right to observe the work and deliberations of public bodies.
  - However, other statutes, rules or local laws may grant persons the right to participate:
    - Land use hearings
    - Right of way vacation hearings
    - Increase of fees or charges

## Prohibition on Private Meetings

- A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating towards a decision on any matter except for [Executive Sessions]. 192.630(2)
- A decision is “any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which quorum is present. 192.610(1)

## Prohibition on Private Meetings

- **In plain English:**
  - If more than a majority of your commission meets outside an official public meeting and you are discussing a matter that you will also discuss and vote in your role as a commissioner that is a public meeting violation.
  - Example: If five of seven members of the Public Safety Commission are all at the same school play and start discussing what they would like to see the City do regarding marijuana regulations (and the commission will make recommendations on that matter to the Council), those members have violated the public meetings law.

## Social Gatherings

- Can a quorum of a governing body meet in social settings?
- Yes, with a few caveats:
  - Must be purely social.
  - Governing body should avoid any discussion of official business.
  - At some point, such discussion may turn a social gathering into a meeting.
  - NB: attendance at a conferences, trainings, etc. excluded from the definition of “meeting.”

## Serial Communications

- Members of a governing body may violate the Oregon Public Meeting Law's prohibition on meeting in private even if a quorum never gather contemporaneously.
- A recent court decisions have held that the prohibition against meeting in private includes both when a quorum meets contemporaneously *and* when a series of non-contemporaneous communications between members of the governing body, in the aggregate, include a quorum and the purpose of the communications is to decide or deliberate on a matter that may come before the governing body.

## Serial Communications

You may violate the Oregon Public Meetings Law:

1. Non-contemporaneous communications (i.e. email, social media postings, text messaging);
2. Involving a majority of your governing body in the aggregate;
3. Discussing or deliberating on a topic that you may later discuss or deliberate in a public meeting.

## Public Meeting Best Practices

- Board members should refrain from using the “reply all” function on emails.
- Board members should refrain from “serial communications” via e-mail, telephone, face-to-face or even social media postings, such as Facebook.
- Board members should not use staff as intermediaries.

## Political Activity

- Under Oregon law, appointed officials may not promote or oppose election petitions, candidates or measures while acting in their official capacity
- Appointed officials are acting in their official capacity when they are:
  - At a meeting of the board or commission;
  - Working on a duty assigned by the board or commission;
  - Working on an official publication for the board or commission; or
  - When appearing at an event in their official capacity.

## Political Activity

- Appointed officials may use personal time-- essentially time they are not acting in their role with the City—to participate in voluntary political activity.
- It is advised that appointed officials keep records when appropriate to verify any such political activity actually occurs while off-duty.

# Political Activity

- Example:
  - During a commission meeting, members of the Public Safety Advisory Committee cannot craft a letter to the editor in support of an upcoming police levy
  - Individual members of the commission, while not at a meeting, may write a letter to the editor in support of an upcoming police levy

## City of Forest Grove Charter and Council Policies

- Attendance
  - See the individual bylaws for the Board or Commission
- Staff Liaison Role
  - Bring expertise of the City to the board or commission
  - Bring back desires of the board or commission to staff/council
  - Non-voting member
  - Involved in special projects
- Council Liaison Role
  - Non-voting member of the board/commission
  - Reflect the collective goals and interests of the City Council

- Thank you!

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