CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

CITY COUNCIL – REGULAR MEETING

Troutdale Police Community Center – Kellogg Room
234 SW Kendall Court
Troutdale, OR 97060-2078

Tuesday, September 22, 2020 – 7:00PM

Mayor
Casey Ryan

City Council
David Ripma
Randy Lauer
Jamie Kranz
Glenn White
Nick Moon
Zach Hudson

City Manager
Ray Young

City Recorder
Sarah Skroch

Meeting Participation During COVID-19 Social Distancing Order

Watch on T.V: City Council Regular Meetings will be broadcast live on Comcast Cable Channel 30 (HD Channel 330) and Frontier Communications Channel 38 and replayed on the weekend following the meeting - Friday at 4:00pm and Sunday at 9:00pm.

Watch on Zoom: Submit an email to info@troutdaleoregon.gov by **5:00pm on Monday, September 21st** to request to be sent an invitation to watch via Zoom.

Submit Written Public Comment: Written public comment can be submitted via email to info@troutdaleoregon.gov and must be received by **5:00pm on Monday, September 21st.**

In-Person Public Attendance: Members of the public may attend the meeting in person. Attendees will be required to wear a mask and be spaced a minimum of 6 feet apart. The number of people in the room shall not exceed 25.

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.

2. PUBLIC COMMENT: Public comment on non-agenda and consent agenda items is welcome at this time. *Public comment on agenda items will be taken at the time the item is considered. Public comments should be directed to the Presiding Officer, and limited to matters of community interest or related to matters which may, or could, come before Council. Each speaker shall be limited to 5 minutes for each agenda item unless a different amount of time is allowed by the Presiding Officer, with consent of the Council.*

3. CONSENT AGENDA:

3.1 MINUTES: August 25, 2020 City Council Regular Meeting.

3.2 RESOLUTION: A resolution approving an updated Employee Handbook and rescinding prior versions.

4. PRESENTATION: An introduction of the Multnomah County Sheriff's Office Command Staff that will be serving as the City's Chief of Police as well as an update on Summer Beach Patrol. ***Ray Young, City Manager***

5. UPDATE: Transportation Bond update. ***Shirley Craddick, Metro Councilor***

6. PUBLIC HEARING / ORDINANCE (Introduced 9/8/20): An ordinance amending Troutdale Municipal Code Section 2.20 relating to Committees and Commissions. ***Ray Young, City Manager***

7. **ORDINANCE (Introduced 8/25/20, 2nd Hearing 9/8/20):** An ordinance adopting text amendments to Chapters 1, 3, 4, 8 and 9 of the Troutdale Development Code.
Chris Damgen, Community Development Director

8. **RESOLUTION:** A resolution authorizing the City Manager to sign a master agreement with the University of Oregon for participation in the Sustainable City Year Program.
Chris Damgen, Community Development Director

9. **RESOLUTION:** A resolution approving the 2020 City Council priorities and tactical direction
Ray Young, City Manager

10. **STAFF COMMUNICATIONS**

11. **COUNCIL COMMUNICATIONS**

12. **ADJOURNMENT**

Casey Ryan, Mayor
Dated: September 16, 2020

City Council Regular Meetings will be replayed on Comcast Cable Channel 30 (HD Channel 330) and Frontier Communications Channel 38 on the weekend following the meeting - Friday at 4:00pm and Sunday at 9:00pm.

Further information and copies of agenda packets are available at: Troutdale City Hall, 219 E. Historic Columbia River Hwy. Monday through Friday, 8:00 a.m. - 5:00 p.m.; on our Web Page www.troutdaleoregon.gov or call Sarah Skroch, City Recorder at 503-674-7258.

The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to: Sarah Skroch, City Recorder 503-674-7258.

DRAFT

MINUTES
Troutdale City Council – Regular Meeting
Troutdale Police Community Center – Kellogg Room
234 SW Kendall Court
Troutdale, OR 97060

Tuesday, August 25, 2020 – 7:00PM

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Council President Ripma called the meeting to order at 7:00pm.

PRESENT: Council President Ripma, Councilor Lauer, Councilor Kranz, Councilor White, Councilor Moon and Councilor Hudson.

ABSENT: Mayor Ryan (excused).

STAFF: Ray Young, City Manager; Sarah Skroch, City Recorder; Ed Trompke, City Attorney; Chris Damgen, Community Development Director and Ryan Largura, Environmental Specialist.

GUESTS: See Attached.

Council President Ripma asked if there are any agenda update.

Ray Young, City Manager, replied there are no updates.

2. PUBLIC COMMENT: Public comment on non-agenda and consent agenda items is welcome at this time.

<0:02:03>
Lynn Burditt, Forest Service Area Manager, Columbia River Gorge National Scenic Area, stated she visited previously with Ray about some of the work she has been doing to increase access in the Multnomah Falls area. She wanted to give Council a brief update and answer questions. Multnomah Falls Lodge has re-opened in a somewhat limited basis and has provided access to visitors. The fences are still up, and they are being used to control traffic. There will be a trial basis for a ticketed reservation system and the idea is for people to know they can access the site. The reservation system will be done through rec.gov. Right now, the Lodge and the lower viewing platform are open. Most recreation sites within the Gorge has open access. There are a few limited sites that are not open. Bi-weekly meetings are being held to get insight from the County, City, Sheriff's Office and the Port about how to do things in a least confusing way for visitors. A website that's available for visitors to access to see what sites are open and the available access to those sites is: readysetgorge.com. The website is managing an updated list of access sites within the Gorge that people can get to.

3. CONSENT AGENDA:

3.1 RESOLUTION: A resolution recognizing the completion of the public improvements associated with the Columbia Ridge residential subdivision and accepting the improvements into the City's fixed asset system.

MOTION: Councilor Hudson moved to approve the consent agenda. Seconded by Councilor Moon.
Motion Passed 6-0.

4. PROCLAMATION: Home Inventory Week

<0:10:24>
Council President Ripma read the proclamation.

5. PUBLIC HEARING / ORDINANCE (Introduction): An ordinance amending Chapter 12.07 of the Troutdale Municipal Code revising the City's legal authority to implement the federally mandated sanitary sewer pretreatment program.

<0:12:40>
Ryan Largura, Environmental Specialist, gave a brief overview of the staff report.

<0:15:34>
Councilor White asked if the increase in the fine is federally mandated.

Ryan Largura replied yes.

Councilor White asked if Troutdale has any businesses that might be at risk in meeting the threshold.

Ryan Largura replied he's not aware of any businesses at risk. He stated that the EPA and DEQ both emphasized that the minimum fine of $1000.00 doesn't necessarily mean that there's a violation of some sort that an industrial user would be fined immediately. It's setting the parameters for the civil and criminal penalties for the "bad actors" who are not following through with the permit or ordinance stipulations.

<0:18:12>
Councilor Moon asked about the pH being changed from a 9 to a 12. He asked if that was a normal level of a 12.0 pH within standards of Oregon.

Ryan Largura replied the EPA only sets a 4 or a minimum range as a 5. Any discharge below a 5 is not allowed and a violation of regulations. A ceiling is considered a 12.5 and anything more basic than 12.5 is then considered a hazardous waste.

<0:20:08>
Council President Ripma asked if notification was given to those that do pre-treatment.

Ryan Largura replied he has not informed them yet.

Council President Ripma asked Ed Trompke if there was any reason that the City shouldn't inform the users.

<0:21:48>
Ed Trompke, City Attorney, replied he doesn't think there's any problem at all. Expanding the pH range may allow some of the users to treat basic waste that they release so it could save them a little bit of money. The only problem that anyone could object to is the fines increasing and it doesn't look like the City has any discretion in doing that. It might be appropriate to let them know that the fines are going up but at the same time the regulations are being loosened a little bit.

Councilor President Ripma opened the public hearing at 7:24pm.

Councilor President Ripma closed the public hearing at 7:24pm.

6. PUBLIC HEARING / ORDINANCE (Introduction): An ordinance adopting text amendments to Chapters 1, 3, 4, 8 and 9 of the Troutdale Development Code.

<0:24:50>
Chris Damgen, Community Development Director, gave a brief overview of the staff report and presented a PowerPoint presentation (attached as Exhibit A to these minutes).

<0:49:16>
Councilor Kranz asked what the concerns of the Planning Commission members that voted in opposition were.

Chris Damgen replied there were some concerns about the design, how to define portability and the visual impact of the types of properties.

Councilor White declared a potential conflict of interest. He had rented storage from the owner of the property at a different location but is no longer a tenant. The City has such a watchful eye on industrial land for the job creations and it sounds like that goal has been achieved by getting some big players in. He's wondering if there should be a more holistic approach to this and include the property owners in the discussion.

Chris Damgen replied that wasn't necessarily an approach contemplated by staff. When the initial ideas to move it forward the text amendment seemed to be of interest to the folk's staff talked to. That is also a potential route. There might be pushback from Metro or the State on that though.

<0:52:52>
Ray Young stated half of the property in the area is owned by the Port of Portland and most of the parcels are already developed to a certain degree, other than the Port of Portland parcels. The City isn't looking at any amount of property that's just sitting there vacant and ready to be developed. It's a very small area.

<0:53:55>
Council President Ripma stated he understands that some properties are non-conforming, but some other properties in that block are making uses that are inconsistent with the underlying zone. He asked if there is some way to approve their continuing use on their property in that zone without having to change all the rest of the light industrial to permit self-storage facilities. It is not a good use of the City's valuable industrial land. It produces very few jobs, uses up a lot of land and is not the highest and best use the City can make of it. He would be willing to just do something in the one upper right-hand corner on the map to legalize it and leave the rest of it unchanged. He thinks that would be a better compromise. He asked Chris and Ed Trompke if there is something they think could work.

<0:56:50>
Chris Damgen replied nothing comes to mind unless maybe there was consideration of rezoning the balance of the other properties to something else and limiting it to that area, but you may run that risk of the other property owner's not wanting to rezone.

Ed Trompke said an idea that may or may not work because pure spot zoning isn't allowed, but because there are some non-conforming uses there, if you were to add an overlay district on Harlow Road on those properties the City probably wants to do it to the whole parcel and make it a continuous overlay zone and that would bring in Rip Caswell's foundry. That might do it and maybe consider one or two of the other areas as potential overlay in the light industrial. That wouldn't then bring all the light industrial in and might take some pressure off the Port who will be getting those phone calls that Chris Damgen has been getting to put in the storage businesses.

<1:00:02>
Councilor Kranz stated she likes the concept of an overlay district for the parcel up on Harlow. She thinks it's important to be sensitive to the City's light industrial properties in terms of having more employment centers.

Councilor Hudson stated he needs to think on the subject further. He tends to dislike picking winners and losers among things that consumers and the market that would be able to decide. He hears the concerns about what storage units would provide. If people are wanting to build storage units, it's because they're at least betting that people will want to rent storage units.

<1:02:46>
Ed Trompke stated there is a market for storage units.

Council President Ripma disclosed he owns a self-storage business in The Dalles. It is a good business, so he's not opposed to self-storage businesses in principle. The Council's decision on any zoning involves some winners and losers, but he wants the winners to be Troutdale and to develop the land the best it can be.

Council President Ripma opened the public hearing at 8:06pm.

Tracy Brown, Sandy resident, stated he represents the property owner of one of the parcels on Harlow Road. He's been a land use Planning Consultant for the past 3 years and prior to that

the Planning Director for the City of Sandy for 15 years and very involved in code writing. When he considers code, he thinks about the need for the amendment and then also considers the details of the code language which is very important. In his opinion, the code language that was presented addressed the need that had been identified for providing some of the small area for the type of use in the ordinance. Often, it's the case where it's kind of being used as ancillary storage for existing businesses in Troutdale or the vicinity that may not have their own storage capacity on site. He thinks there can be an argument made that it is helping small businesses because some of these businesses don't have the storage capacity. Rather than moving their business to a larger spot somewhere else they're running to the storage units periodically to get more product or things like that.

<1:10:50>
Chris Damgen stated staff received an email from the property owner of the Comfort Inn, Jatin Patel, which is in the zoning district (attached as Exhibit B to these minutes).

<1:12:09>
Brian Haslip, Troutdale resident, stated he lives across the street from Wolcott Plumbing. His concern with one of the lots is that it's too small for any sort of development along the lines of storage units. He's also concerned with contamination and traffic that would be brought in on top of the current traffic.

<1:16:27>
Rich Allen, Troutdale resident, stated he is currently a non-voting member of the Planning Commission and he is speaking on behalf of himself. He reminded Council that the current Council and previous Council have put a lot of time, effort and money into developing the Urban Renewal Area (URA) and the Enterprise Zone. One of the ideas was to attract people to Troutdale and the downtown area and support downtown businesses and future development of the URA. Another thing that was discussed was whether Troutdale allows higher structures. There was also an underpass put in where the freeway is along the river with the idea of extending the 40-Mile Loop to bring bike tourism into Troutdale. He would like Council to be mindful of aesthetics. He is concerned with container boxes that are used for shipping freight being stacked on top of each other and being within the view of important development activities in Troutdale to improve the economic liability of other areas within Troutdale. He asked Council to consider the visual impact.

Council President Ripma closed the public hearing at 8:12pm.

<1:19:28>
Ray Young read the written public comment from Jatin Patel.

Councilor Lauer asked if staff is getting calls from residents specifically asking to store storage containers 45 feet high or if it's just a worse case scenario for the situation.

Chris Damgen replied he doesn't think they've had a specific call for stacking 45 feet high. He thinks what Mr. Patel is referring to is the building height allowance in the zoning district.

<1:23:03>
Council President Ripma stated his understanding is that one of the lots has shipping containers that are used as individual storage units where people come and go in and out and they are not stacked on top of each other. The other lot that has a storing activity is storing box trucks from Amazon that are just parked outside. Neither of those lots seem to require that shipping containers be stacked. He asked if it's possible to craft the overlay or the ordinance to prohibit stacking the shipping containers.

Councilor Moon stated he agrees with Council President Ripma on the stacking aspect.

<1:25:54>
Councilor Hudson stated Troutdale should develop and zone based on some principle. He understands the hesitation concerning storage sites both for the aesthetics and the employment that they provide. His concern is that he doesn't think the Council should make a decision that they are against the usage except for what's already there. He doesn't like grandfathering things in. He doesn't like a situation where the only reason why the Council chooses this usage and not another usage is that they were already there.

Council President Ripma stated his understanding of the principle of grandfathering is if you don't allow a grandfathered use then you're prohibiting the land owner from using it the way they've been using it and then they're entitled to some sort of compensation for taking their business. Grandfathering is a way of splitting the difference.

<1:28:17>
Ed Trompke stated it's more limited as far as the right to compensation. The use must have been lawful when it was commenced.

Council President Ripma suggested staff bringing back an overlay proposal and a Plan B.

Chris Damgen stated if that's the direction Council is more comfortable with, that might be fine, but it would have to be a separate land-use application. An overlay contemplation is a different text amendment and zoning map amendment that staff would have to bring before Planning Commission.

Council Kranz stated as the ordinance is written it's not exclusive for just the parcel on Harlow.

<1:33:11>
Chris Damgen stated there may be another solution on how staff may be able to geographically sequester that area. I reminded the Council that that is kind of a departure from what the Planning Commission forwarded to Council.

Ray Young stated one of Jatin's concerns was a shipping container is 45 feet high. The code says that structures can go up to 45 feet high. A shipping container would not be considered a structure under the code. For code and practicality, shipping containers will not be stacked 45 feet high. This is a conditional use, not a permitted use.

7. STAFF COMMUNICATIONS

<1:39:54>

Ray Young provided the following staff communications:

- The City of Portland has allowed the 4 eastern county cities a share of their Cares Act Federal money. The City of Troutdale is in negotiations with Portland for an IGA that would give Troutdale access to a little over $500,000.00 for costs incurred from COVID.
- League of Oregon Cities conference is coming up, get a hold of Sarah Skroch if interested in attending.
- Candidate Filing deadline has passed.
- Next City Council meeting is September 8th, the Tuesday after Labor Day.

8. COUNCIL COMMUNICATIONS

Councilor Lauer stated it's exciting and cool to see all the people that turned out to file for election in Troutdale this year. When he decided to announce to run for the position of Mayor and Council President Ripma did as well, he sent him an email congratulating him and pledged to him that the campaign is a fun one and that the race is something they both can be proud of in representing Troutdale. He added there has been talk of an organized demonstration that will be happening on Saturday evening in front of the Multnomah County Sheriff's office in Troutdale. He encourages people to spread their message, listen, learn and do so with grace.

Councilor Kranz pointed out that 10 people filed for the Council election and 4 filers are women.

Council President Ripma asked Council and Troutdale citizens to continue to respect fellow citizens.

9. ADJOURNMENT

MOTION: Councilor Lauer moved to adjourn. Seconded by Councilor Moon. Motion passed unanimously.

Meeting adjourned at 8:48pm.

DRAFT

Casey Ryan, Mayor
Dated:

ATTEST:

Kenda Schlaht, Deputy City Recorder

CITY OF TROUTDALE

City Council – Regular Meeting
7:00PM
Tuesday, August 25, 2020

PLEASE SIGN IN

Name – Please Print	Address	Phone #
Brian Haslip (Zoom)	Troutdale Resident	
Paul Wilcox (Zoom)	" "	
Lynn Burditt (Zoom)	Col. Rvr. Gorge National	Scenic Area
Hillary Engwall (Zoom)		
Rich Allen (Zoom)		
Tracy Brown (Zoom)		

TEXT AMENDMENT APPLICATION

Case File 75-04

Storage Facilities

City Council Hearing

August 25, 2020

TROUTDALE
OREGON

SUMMARY OF TEXT AMENDMENTS PROPOSED

- Updated Definitions
  - Establish a definition for **accessory storage**
  - Establish a definition for **storage facility**
  - Amend the definition for **warehouse**
- Amend purpose statement for Light Industrial (LI) zoning district
- Establishing storage facility as a conditional use in LI district
  - Conditional Uses are case-by-case applications reviewed and approved by Planning Commission with a Type III public hearing
  - Conditions may be applied to the approval, including design considerations
- Minor edits to Chapters 4, 8 and 9

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OREGON

BACKGROUND / RATIONALE FOR APPLICATION

- Previously allowed in the City under former interpretations of warehousing, but have since been clarified to be no longer been allowed in the City.
  - City Council has a majority of different members since the last time this was under formal consideration
  - Development Code update in 2017 did not include a definition for storage facilities

- Business interest
- Clarifying definitions
- Non-conforming properties

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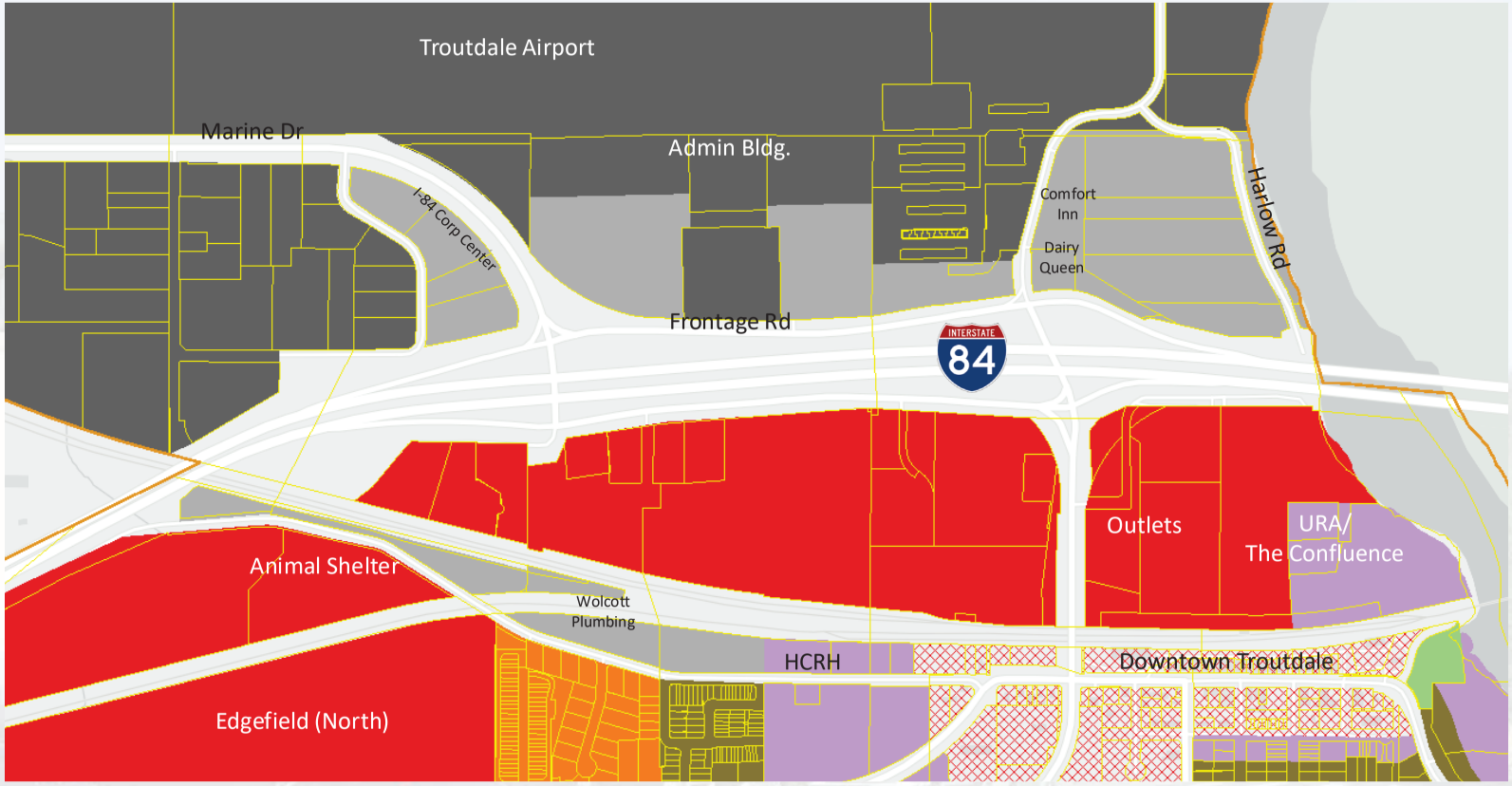
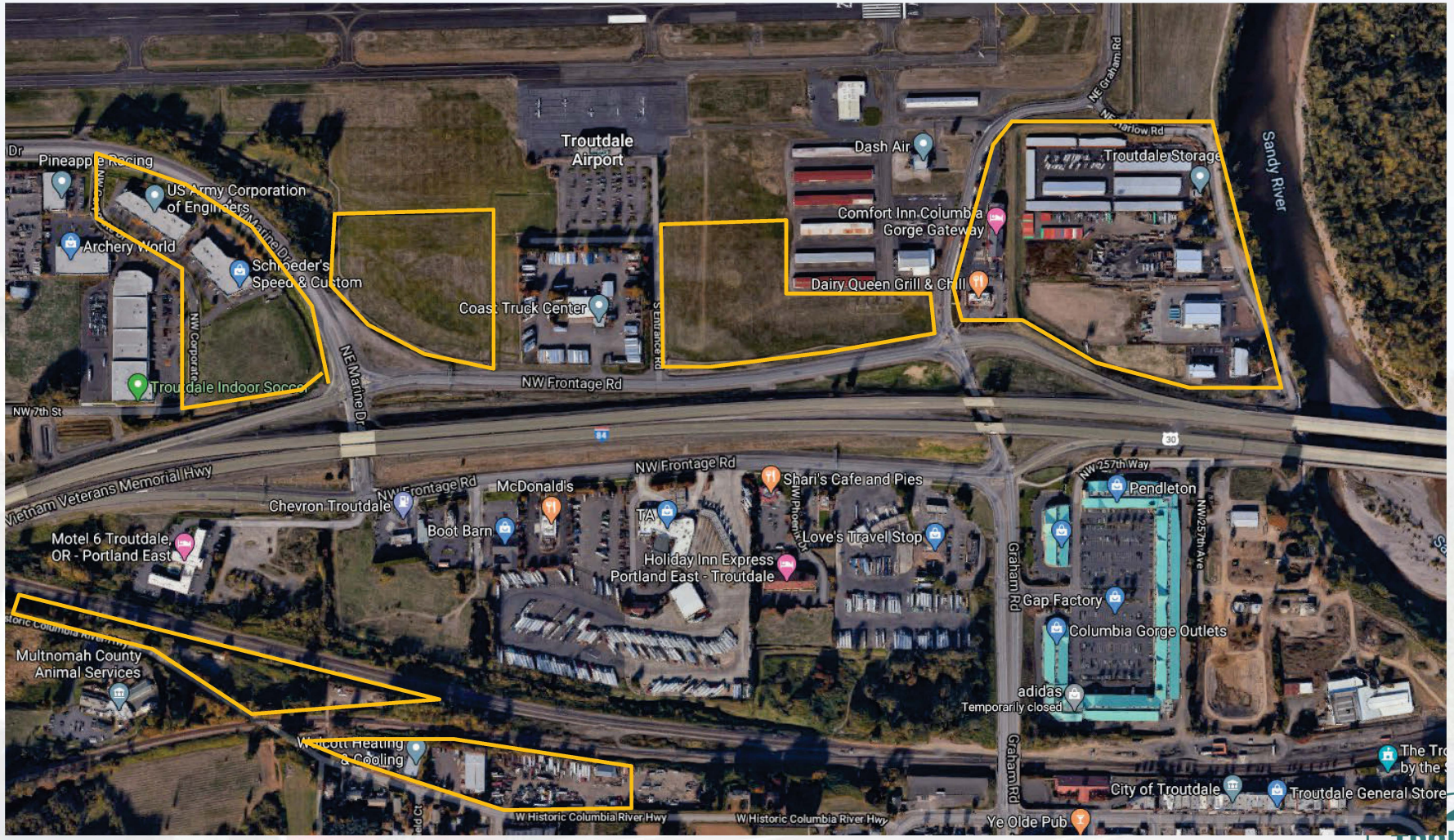


TROUTDALE
OREGON



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OREGON

STORAGE FACILITIES AS DEFINED

- **.127 Storage Facility.** An establishment of which the principal use is providing leasable space to the public where materials and goods may be stored by lessees in an outdoor, indoor, or portable setting, but not including tents. Storage facilities include self-storage establishments that cater to residential and non-residential clientele but shall not include commercial or industrial warehouses (See Warehouse).

- Typical: Mini-warehousing (fortress style)
- Trending: shipping containers, single-building self-storage

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DEFINITION DIFFERENTIATIONS

- Storage facilities have a primary business purpose that has leasable space/area for rent for the general public.

- Accessory storage is storage that occurs on property that is incidental/secondary to the primary land use

- Warehousing: A building used primarily for the storage of materials or goods for use on the site or later distribution that is controlled by a single operator with public access restrictions.

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DETAILS OF CODE CHANGES

- Exhibit B in Staff Report – Chapter 1 & 3 Changes
- Exhibit A in Staff Report – Chapter 4, 8, & 9 Changes – minor

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DECISION CRITERIA

A. The proposed change to the Development Code does not conflict with applicable Comprehensive Land Use Plan goals or policies.

The amendments proposed seek to define and distinguish storage as a concept. Accessory storage occurs on properties in most existent land use designations and zoning districts. The application seeks to define a storage facility and to distinguish it from accessory storage and warehousing. By seeking to establish a conditional use designation for storage facilities in only one zoning district (Light Industrial), the City is provided with additional protections to evaluate any future proposals to determine its conformance with the Comprehensive Land Use Plan goals and policies in addition to the purpose statement in the LI zoning district. The slight modifications proposed to the purpose statements do not drastically change the spirit and intent of the district. **The criterion is met.**

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DECISION CRITERIA

B. The proposed change is consistent with the applicable Statewide Planning Goals.

The majority of the amendments proposed in this application are not substantive in a way that would alter or jeopardize conformance to Statewide Planning Goals. In particular, Goal 9 (Economic Development) speaks to the need for cities to have enough land available to realize economic growth and development opportunities. Based on citizen and Staff testimony that suggests there is economic interest in storage facilities, providing an opportunity through a conditional use process for such a land use to exist in the City meets the spirit of the statewide planning goal. **The criterion is met.**

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DECISION CRITERIA

C. The proposed change is consistent with the applicable provisions of Metro Code.

Chapter 3.07 of the Metro Code contains the Urban Growth Management Functional Plan ("Functional Plan"). Title 4 of the Functional Plan contains standards for "Industrial and Other Employment Area". Title 4 "seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas." The zoning districts that are directly affected by this application are industrial zoning districts in a designated Employment Area according to Metro's 2040 Growth Concept Map.

The City acknowledges that storage facilities is not a land use that generates significant employment; however, this land use is still instrumental in supporting capacities and economic opportunities for adjacent land uses, including industrial ones. By listing storage facilities as a conditional use in the Light Industrial zoning district and not allowing for it in the General Industrial zoning district, the City remains in conformance with the spirit and intent of Title 4. It allows for a case-by-case analysis of each application. Furthermore, a significant majority of the City's Employment Area designation is zoned for General Industrial in which storage facilities would not be allowed, thus significantly limiting any concerns about losing "highest and best use" potential in this area. **The criterion is met.**

TROUTDALE
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DECISION CRITERIA

D. Public need is best satisfied by this particular change.

Providing clear definitions for storage facilities, accessory storage, and warehouses improves the public's understanding and expectation for these three land uses. Historic precedent has suggested that certain kinds of storage facilities have not been popular in Troutdale and were thus no longer allowed in the City. However, the economic situation and repeated expressed interest by investors looking to establish this type of business in Troutdale suggests that a limited area of the City would be appropriate for this type of use. An existing storage facility is currently in nonconformance within the Light Industrial zoning district. Two other storage facilities are in commercial zoning districts where there is less popular appeal for introducing this land use. Therefore, allowing this use to be better defined and allowed with conditional use approval provides a level of compromise that balances the community concern with economic interest and demand. **The criterion is met.**

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DECISION CRITERIA

E. The change will not adversely affect the health, safety, and welfare of the community.

It is not anticipated that there are health concerns that stem from the introduction and establishment of storage facilities as a conditional land use. Standards are in place that would restrict hazardous materials from being stored in these locations, often relying upon fire and life safety codes to provide regulations. In the realm of safety, there is an inherent need to secure these types of facilities. Most facilities will often rely on perimeter fencing, security check-ins, and caretaker units to provide security for goods and materials that are stored within a facility.

Lastly, providing an additional way for individuals or companies to store their goods and materials may also improve the general welfare of their community. As an example, offering additional areas for storage could then reduce storage burdens on residential and commercial properties. It benefits not only those properties but also those around them, as unsightly or objectionable storage could potentially be located on a premise that more effectively screens them. **The criterion is met.**

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RECOMMENDATION / HEARING SEQUENCING

- Approval
- 2 Hearings (2nd Reading on 9/8/20)

- Proponents
- Opponents
- Neutral Parties
- Clarifications

TROUTDALE
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Sarah Skroch

From: Jatin Patel <jatin@lodgingmgmt.com>
Sent: Tuesday, August 25, 2020 5:17 PM
To: info
Cc: Sarah Skroch; Ray Young; Casey Ryan; Jatin Patel; Donele Fowler
Subject: Written Public Comment-CITY COUNCIL – REGULAR MEETING Tuesday, August 25, 2020

Dear City Council Members,

I would like to provide Written Public Comment to Agenda Items # 6: An ordinance adopting text amendments to Chapters 1, 3, 4, 8, and 9 of the Troutdale Development Code.

Jatin Patel, Owner, Comfort Inn 1000 NW Graham Rd. Troutdale, OR 97060

My property Comfort Inn 1000 NW Graham Rd is adjacent to Light Industrial property which houses temporary storage units.
If this ordinance were to pass then the adjacent property would be able to stack containers up to 45 feet high.

This would not be good for my business and for the Tourist that stay with us; can you imagine opening your curtains to hundreds of containers stacked up to 45 feet in height?
We collect thousands of dollars in Lodging Tax that goes into the City's General Fund from Travelers and we need them to come back and stay with us in Troutdale.

I am in agreement with the "Past Philosophy" Historically Troutdale has had aversions to storage facilities for a variety of reasons and has taken actions in the past to remove them from the Development Code.

The staff reports states that Staff has fielded number of calls for storage facilities and the same report also states that there are only about two dozen sites in the City this would effect.
If we only have about 2 dozen sites left then do we really want them to be used for storage facilities? I would rather save those sites for usages which would create more jobs.

What economic benefit does a storage facility provide to other businesses in the City that pay property taxes and employment?

I really feel that Cons to this change are stronger then the Pros.

• Storage facilities do not employ many people and have in the past not been seen as development that is of the highest and best use for commercial/industrial property.

• Previous storage facility development has not been seen as attractive development and have not been well-received by past City Councilors and the public at large.

Jatin N. Patel | Principal/Regional | Office: 503-482-5129 | Fax: 503-907-1009 | Email: jatin@lodgingmgmt.com

AGENDA ITEM # 3.2

CITY OF TROUTDALE

STAFF REPORT

SUBJECT / ISSUE: A Resolution Approving An Updated Employee Handbook And Rescinding Prior Versions

MEETING TYPE: City Council Regular Mtg. **MEETING DATE:** September 22, 2020	**STAFF MEMBER:** Erich Mueller, City Personnel Officer **DEPARTMENT:** Executive
ACTION REQUIRED: Consent Agenda - Resolution **PUBLIC HEARING:** No	**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:** N/A **Comments:**

STAFF RECOMMENDATION: Adopt the proposed resolution approving the updated Employee Handbook

EXHIBITS: A. 2006 version of the Employee Handbook

SUBJECT / ISSUE RELATES TO:

☐ Council Goals ☐ Legislative ☒ Other (describe)

- ***Improve compliance with State and Federal employment law***

ISSUE / COUNCIL DECISION & DISCUSSION POINTS:

- The City as an employer is subject to a wide range of employment law obligations.
- The Employee Handbook provides a collection of various guidelines and policies governing all City employees, including employer expectations and employee conduct.
- Numerous changes to State and Federal employment law and regulations should be reflected in an updated Employee Handbook as the "current" version of the Employee Handbook was adopted in 2006 and has grown stale.
- An outdated Employee Handbook increases employment practices legal liability exposure.

Reviewed and Approved by City Manager:

BACKGROUND:

In 1977 the City Personnel System was established as Troutdale Municipal Code (TMC) Chapter 2.36. Ordinance No. 240 established *"…a comprehensive personnel system with an equitable and uniform policies and procedures for dealing with personnel matters; to attract to municipal service and to retain the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit and fitness; and to provide a reasonable degree of job security and fairness for employees."*

City personnel policies are from varying sources including the Collective Bargaining Agreement with American Federation of State, County and Municipal Employees (AFSCME) Local 3132, Standard Operating Procedures, administrative rules from the US Department of Labor (DOL), the Internal Revenue Service (IRS), the Equal Employment Opportunity Commission (EEOC), as well as from the Oregon Bureau of Labor and Industries (BOLI).

The Employee Handbook is an important tool to communicate to employees a set of general guidelines and policies governing all City employees, including employee conduct, policies that implement State and Federal employment laws, and other aspects of public employment and City service.

The Employee Handbook is intended to be a tool for employees by gathering policies from the various sources into a primary reference document. In a nutshell, it sets clear expectations for employees while also stating our employer legal obligations and defining employee rights.

Current Status:

The "current" Employee Handbook was adopted in 2006, with a few subsequent minor amendments, and is included as Exhibit A of the Staff Report. The 2006 version is outdated and may no longer be consistent with local, State and Federal laws and policies and is in need of updating to reflect changes to City practices, alignment with the City's Collective Bargaining Agreement, and numerous changes in both State and Federal employment law.

The content of the updated Employee Handbook <u>are not new</u> policies, but rather existing City policies, procedures and practices, obligations of the adopted collective bargaining agreement, and existing obligations from DOL, IRS, and BOLI and other State and Federal employment laws. The updated Employee Handbook is included as Attachment A of the Resolution.

Just some of the numerous changes in both State and Federal employment law which the City is subject to and included in this update:

- Oregon Workplace Harassment Policies in Public Employment

- Oregon Workplace Fairness Act
- Oregon Whistleblower Act updates
- Oregon Sick Leave law updates
- Genetic Information Non-discrimination Act
- Employment Eligibility Verification updates
- Family Medical Leave Act (FMLA) updates
- Americans with Disabilities Act (ADA) updates
- Crime Victim Leave and Domestic Violence updates
- and more…

Risk Management:

The City as an employer is subject to a wide range of employment law obligations. Employment practices is one of the City's greatest legal liabilities. City County Insurance Services (CIS) provides our employment practices liability insurance coverage subject to the City taking appropriate steps to comply with the wide variety of obligations as an employer generally, and the additional requirements of being an Oregon public employer. A thorough and compliant employee handbook helps to demonstrate that an employer has exercised "reasonable care" towards its employees. CIS risk management representatives have been encouraging the City to update the Employee Handbook.

The updated Employee Handbook has been drafted by the City's Employment Law and Labor Relations legal counsel to ensure compliance with our obligations under State and Federal employment law. TMC 2.36.040 delegates the administration and implementation of City personnel policies, procedures and rules to the City's Personnel Officer, subject to the City Manager's delegation of appointment. Additionally, the HR Generalist has worked extensively with Employment Law legal counsel to prepare the updated Employee Handbook.

SUMMARY:

- The resolution tonight is on the Consent Agenda because the City <u>is already subject</u> to the content of the updated Employee Handbook.
- The updated Employee Handbook simply gathers together information from many various sources to provide a more useful reference document for both employees and management.
- The updated Employee Handbook also reduces the City's legal liability for employment practices lawsuits for rights protected under various State and Federal employment law.

PROS AND CONS:

A. Approve the proposed resolution approving the updated Employee Handbook providing a useful current reference document for employees and helping to demonstrate that the City strives to be compliant with State and Federal employment law regulations and reducing the City's legal liability.

B. Not approve the proposed resolution leaving the City with the outdated Employee Handbook and elevated legal liability casting doubt on the City's commitment to comply with State and Federal employment law regulations.

Current Year Budget Impacts: ☐ Yes *(describe)* ☒ N/A

Future Fiscal Impacts: ☐ Yes *(describe)* ☒ N/A

City Attorney Approved: ☒ Yes ☐ N/A Text drafted by the Employment Law Legal Counsel.

Community Involvement Process: ☐ Yes *(describe)* ☒ N/A

Exhibit A
Agenda Item 3.2
Council Mgt 09-22-2020

CITY OF TROUTDALE

Employee Handbook

Adopted December 2006 - Resolution 1850
Amended May 2007 - Resolution 1873
Amended December 2008 - Resolution 1974
Amended July 2011 - Resolution 2116

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Definitions

Acknowledgement and Receipt Form

EMPLOYEE HANDBOOK

PURPOSE

This Personnel Handbook is created to establish a comprehensive personnel system with equitable and uniform policies and procedures for dealing with personnel matters and conduct. It is designed to be used as a supplement to your Collective Bargaining Agreement. In the event of a conflict the Collective Bargaining Agreement shall be the superior document. This handbook applies to all City employees.

I. ORGANIZATIONS AFFECTED

A. All City Departments and their respective personnel shall be equally affected by, and responsible for conformance with, this handbook.

B. All employees co-employed by the City and another agency and hired by or paid by other agencies shall be considered to be regular City employees in the application of these policies, procedures and rules, except where specifically agreed in writing by the City, the agency, and the employee to be different from these policies, procedures and rules.

II. POLICY

A. It is the policy of the City of Troutdale that all of its personnel actions shall be based on principles of fairness and merit. Such policies, procedures and rules are necessary to assure the efficient and effective provision of City services and further, such services, procedures and rules shall be developed into a written system of administration for all personnel actions.

B. Uniform personnel practices shall apply at all levels of the personnel system. In no way shall any of the City's policies, practices or rules unduly affect the property or liberty of its employees. Rules and procedures are to be established to set standards governing recruitment, examination, selection, appointment, compensation, training, promotion, retention, tenure, transfer, layoff, discipline and termination. The basis for action, pursuant to such standards, will be impartial and equally applied.

C. Policies, procedures and rules are only as good as the human nature employed in their administration. The City's personnel and managerial

staff as provided by these rules, and such administrative rules as necessary for good administration, may implement such administrative variances so long as such rules are not in conflict with this policy.

D. Equal employment opportunity at the City of Troutdale is defined as a policy of approaching all employment-related decisions based on the skills, experience, education, and demonstrable ability to perform the essential functions of the position being offered, without reference to age, sex, race, color, religion, national origin, or physical or mental ability.

Employment applications, job descriptions, advertising, and interviews for job openings will be confined to whether the applicant can perform particular job functions. Should it appear that an applicant might have difficulty with an essential function of the job, due to a qualifying disability as defined by the Americans with Disabilities Act, every effort will be made to provide reasonable accommodation, as required by law.

Should a current employee suffer a qualifying disability, every reasonable accommodation, including reassignment to a vacant position for which the employee is qualified, will be considered.

Offers of employment, including promotions, may, depending on the physical requirements of the essential functions of the particular job, require the applicant(s) to have an appropriate medical examination. In all such instances, information obtained as a result of medical examination will be maintained in a separate, confidential file.

It is the intent of the City of Troutdale to apply these policies to all employment practices, including, but not limited to: job applications procedures and testing, hiring, termination, advancement, promotion, compensation, training, recruitment, advertising of job openings, layoff and recall, leaves of absence, fringe benefits, and all other employment-related activities.

Any alleged violation of this policy should immediately be brought to the attention of the City Administrator or his/her designee, who will institute an appropriate investigation as deemed necessary to substantiate the facts surrounding the alleged violation. Based upon this information, appropriate disciplinary action to correct the violation will be taken as indicated by the facts of the case. A written record will be maintained containing the results of the investigation for any proven violation.

E. Compensation shall be based on principles of fairness and financial ability of the City. Employees shall be compensated from a pay range based on a median pay policy whereby the City pays a comparable rate for comparable work by most comparable employers. The City reserves the

right to reduce service levels and to reclassify, reassigns, or lay off personnel if financial constraints so necessitate. The City will provide such benefits, as Council deems necessary to remain competitive as an employer in attracting, retaining and motivating good employees; and to recognize outstanding ability or different responsibilities among employees or classes of employees. Establishment of the ranges within this pay policy and benefits programs shall be reserved to the City Administrator.

F. Safety is a policy of the City of Troutdale. Each employee is expected to use good judgment and to follow established procedures on all jobs, and in so doing is expected to protect his or her own safety and that of other employees and of the public. All supervisors or managers are responsible for assuring the safety of the workplace and all of the equipment used by their personnel. Appropriate disciplinary action will be taken if violations of the safety policy or City safety procedures or rules have occurred.

The Safety Committee will review all accidents or near accidents involving any City vehicles or equipment in accordance with the established accident investigation policy.

G. Productivity and honesty are required by the City of all employees. Discipline or termination only will occur when reasonable positive motivational and managerial practices have failed to achieve a reasonable level of productivity and honesty from an employee. Team building is desired as a means of achieving productivity as a group beyond the composite of the individual employees within the group. No employee shall be disciplined for actions or failures of an employee group, but individual action may be taken against any or all individuals for their individual responsibilities within the group. Managerial and supervisory personnel may be evaluated in accordance with the overall productivity and goal achievement of the employee group they supervise and manage. Dishonesty, including abuse of sick leave, which is time theft, or corruption, and abuse of authority for personal gain or favor, will not be tolerated. Proven violations will result in disciplinary action up to and including termination of employment.

III. PROCEDURES

A. The City Administrator, or designee, shall maintain a Personnel Record for each employee of the City. Personnel Records will be kept in a central Personnel file contained in the Human Resources division of the Executive Department.

B. The Personnel Record shall contain all of the employee's official records including but not limited to: title of position held, job description, items relating to promotion, changes in pay status, disciplinary actions or recognition awards, training received, and other information considered pertinent or job related.

C. A separate file will be maintained which contain materials of a sensitive nature that are not directly related to an employee's job performance, such as: workers compensation information, medical records, garnishments, etc.

D. Departments, at their discretion, may maintain departmental personnel records to assist in the development and implementation of employee job-related training programs.

E. Supervisors may maintain employee files to be used for evaluation or disciplinary purposes. This material shall be kept confidential. Material maintained for evaluation purposes shall be made part of the next evaluation and forwarded to Human Resources to become part of the personnel record. Material used for disciplinary purposes shall be made part of the disciplinary record and forwarded to Human Resources as soon as possible to become part of the personnel record. Supervisors shall not retain material that has been used in an evaluation or disciplinary action for a period of more than one year. At the end of one-year, material will be purged from the employee's working file.

F. Employee personnel records shall be considered confidential and shall be accessible in the following manner:

1. Contents of an employee's personnel record shall not be disclosed to anyone other than the City Administrator or staff designee, appointing or supervising authority, the employee, or the employee's specially authorized representative, or as may be required by court order.

2. No derogatory material may be placed in an employee's personnel record unless the employee has been allowed to read it and has indicated, by signature, that the employee knows the material is being placed in the employee's file.

3. The employee may submit a written response regarding any material, which the employee disagrees with being placed in the employee's file.

4. No portion of any employee's file shall be reproduced without written authorization of the City Administrator or designee.

5. The contents of the employee's personnel file are to be considered City property; however employees have the right to review and obtain copies of their personnel record. Employees will be charged the current rate the City charges citizens for such a copies. Separated employees may request one copy of their personnel file at no charge for a period of up to one year from date of separation.

G. The Personnel Record shall be designed with a retention cycle in accordance with the City's record retention schedule. Human Resources shall review the employee's personnel record when each performance or salary review is due and shall remove all material in expiration of the retention period specified.

H. In the event any allegations are made against an employee for conduct which would lead to disciplinary action, all evidence, memorandums, allegations and other materials relating thereto shall be kept confidential and shall not be placed in the personnel file until the allegation is substantiated and appropriate disciplinary action has been determined.

IV. INVESTIGATIONS

It is the policy of the City of Troutdale to investigate all complaints of any employee misconduct and to equitably determine whether the allegations are valid or invalid. The City Administrator shall be advised of any and all written complaints against any City employee. An investigation will be completed by the City Administrator and/or designee in order for appropriate action to be determined.

V. DEPARTMENTAL RULES AND PROCEDURES

A. Each department of the City may establish written departmental rules, regulations and procedures applicable to that particular department. Such rules, regulations and procedures shall be subject to approval by the City Administrator as consistent with the needs of the City and with the provisions of this handbook, and all collective bargaining agreements. [A copy shall be furnished to the Executive Department and updates supplied by the department as changes are made.]

VI. CLASSIFICATION

A. Position Classification Plan

1. A position classification plan shall be enforced as part of these rules. Copies of this plan and of specifications for individual positions shall be available in the Executive Department.

2 The classification plan shall establish the ranges and steps of pay.

B. Purpose of Classification:

1. The purpose of the classification plan shall be to provide like pay for similar responsibilities and job functions.

C. Class:

1. A class shall comprise one or more positions that are so similar in the basic character of their duties and/or responsibilities that the same pay scale can be applied. The same classification requirements shall be generally applied to all positions in a class regardless of the department in which the position is located.

D. Class Specification:

1. The class specification shall state the characteristic duties, responsibilities, and qualification requirements, which distinguish a given class from other classes. The specification shall be descriptive but not restrictive; that is, the class specification shall describe the more typical types of work which may be allocated to the given class but shall not be construed to restrict the assignment of other duties related to the individual positions within a class.

E. Job Descriptions:

1. Job descriptions shall be developed for each authorized position.

F. New Positions and Job Titles:

1. The Human Resource Manager or a designee shall be responsible for keeping the classification plan current through periodic studies of the positions within the City service.

2. No position or class shall carry an official title, which has not been approved by the City Administrator.

3. Only the City Administrator may create new positions and allocate the positions to an appropriate class.

G. Reclassification:

1. Positions may be reclassified by the Human Resource Manager or a designee whenever the duties of the position change materially, provided the reclassification can be accomplished within the limitation of the current budget of the City.

2. Reclassification of a position shall not be used to circumvent the effects of disciplinary action or to avoid restriction concerning compensation.

3. Employees may request a reclassification when they believe the duties of the position may have significantly changed. Requests, with supporting documentation including current job description signed by the immediate supervisor, shall be submitted to the Department Head. The Department Head shall review the request and forward it with a recommendation to the Human Resource Manager for review and decision. An employee requesting a reclassification shall receive a determination within 90-days of the request.

H. Appointment Rate:

1. New employees will be hired at Step "A" of the salary range established for their position. Appointment at any step greater than Step "A" will require approval of the City Administrator.

I. Step Pay Increases – Merit:

1. The City Administrator shall have the authority to award merit increases within established pay ranges for all employees; however, this authority shall not be greater than five percent (5%) of the budget estimate.

2. It is the intent of the City to base all step pay increases on merit. Step increases shall be based on performance reviews and shall be approved by the City Administrator.

3. The first step pay increase may occur at the end of the new employee's trial service period and further merit increases may be granted twelve months from the employee's previous step increase. Merit increases are not automatic and are based on annual performance reviews indicating an above average performance for the previous year. Supervisors are responsible for making the recommendation for merit increases and approval is authorized

only upon the City Administrator's approval of the recommendation.

4. Employees who achieve the top step within a range shall remain at the top step until such time as they are promoted, demoted, or transferred to a position in a different pay range, or when the classification plan is adjusted. Employees shall be evaluated every 12 months for merit increases until they reach the top step within a range, at which time they will receive, an annual performance evaluation.

J. Acting Pay:

1. Employees assigned substantially all of the duties and responsibilities of a higher classification for more than ten (10) consecutive working days shall be paid retroactively to the first day of the assignment, at least the entry step in the higher range or five percent (5%) above their current rate of pay, whichever is greater. The "acting pay" shall remain in effect until the employee resumes his or her normal responsibilities and duties.

2. The acting assignment request must be made in writing by the Department Head and approved by the City Administrator.

3. Acting assignments shall not continue beyond six (6) months unless the City Administrator approves a written request by the Department Head. The request may extend the acting assignment for a maximum period of three (3) months and must also contain a course of action to alleviate the "acting" status of the position.

4. The employee may be eligible for merit reviews in the higher range but the employee shall revert to the original pay range (plus any merit reviews for which he or she may be eligible) at the end of the acting assignment.

5. Refusing to accept an acting appointment or removal from the acting position after not being selected for permanent appointment shall not be reflected in the employee's performance evaluation record in any negative fashion.

K. Pay Periods:

1. There are twenty-six (26) pay periods per year. Paydays are every other Friday. An employee may request an emergency partial salary payment, outside the regular payday. The maximum partial payment an employee may receive shall not exceed fifty percent

(50%) of the employee's net bi-weekly earnings. An employee shall be limited to one emergency partial payment in each six-month period. The City Administrator must approve all requests. Repayment of advance will be in full on the next scheduled pay date.

2. The City can implement 12 pay periods per year, if agreed upon by the City Administrator, the AFSCME Union and the Troutdale Police Officers Association.

L. Non-represented Employees:

It is the policy of the City that Non-represented Employees have the same benefits and compensation adjustments that are equal to those provided to AFSCME employees, which included cost of living adjustments (COLA's), health care, leave (such as vacation, holiday and sick), and retirement benefits. The exception to this benefit compensation package is that Department Heads begin with three weeks of vacation time and then will accrue vacation time on continued years of service. Department Heads and managers that do not receive overtime compensation will receive "like-time" which will accrue on an hour per hour basis.

VII. GENERAL POLICIES & PROCEDURES

A. Appointment:

1. All original appointments to job vacancies shall be made solely on the basis of merit, efficiency, and demonstrated ability to perform the essential functions of the position.

2. No question in any test or application form shall be framed in such a manner as to ask for information concerning sex, race, color, national origin, age, political or religious affiliation, sexual orientation or physical disabilities.

3. Any statements submitted on the employment application or attached resume are subject to investigation and verification prior to appointment and during employment.

B. Position Vacancies:

1. Vacancies within the department shall be filled by the Department Head by submitting a personnel request form to the Executive Department. If the position is not budgeted, the Department Head must also receive approval of the Finance Director.

C. Physical and Mental Examinations:

1. If a physical and/or mental examination is required by the City, the City will pay for the cost of the examination so long as the City Administrator has previously authorized the examination

D. Trial Service (Employment or Promotion):

1. All employees are subject to working test period during which the employee is required to demonstrate his or her fitness for the duties to which he or she is appointed, by actual performance of the duties of the position. This period is twelve (12) full-time months for department heads, eighteen (18) full-time months for uniformed police personnel and six (6) full-time months for all other personnel. The appointing authority may end the trial service period earlier if deemed appropriate. The employee may be terminated with or without cause by the appointing authority at any time during the trial service period without cause if in the opinion of the appointing authority, the individual is not suitable for the position.

2. There will be no extension of the trial service period for police officers. Police officers will have a merit increase at six months of employment, which if successful recruit police officer will move to the next step of the salary range. The six-month date will become the annual evaluation date for future performance reviews.

3. During a six-month trial service period, the employee shall not be eligible for vacation benefits, but shall earn vacation credit to be taken at a later date if the trial service period is successfully completed. All department personnel in trial service must have the City Administrator's approval prior to vacation time being taken. Vacation credit shall not be awarded until the end of the trial service period, unless pre-approved by the Department Heal. The employee will not receive cash out of vacation credit if the employee does not meet the trial service period.

4. Upon completion of the trial service period, the employee shall be considered as having satisfactorily demonstrated his or her qualifications for the position shall attain regular status, and shall be so informed by the Department Head at the time of the performance review.

5. During the trial service period, the employee may be terminated for any reason, at any time, and without appeal. If the employee is

terminated either voluntarily or involuntarily during the trial service no information will be released without a written release from the terminated employee. The City will only release the dates of employment. In case of promotion the City may re-assign the employee to his/her former position if the employee is not successful in the trial service period.

E. Hours of Work:

1. The hours during which the City offices and departments shall be open for business shall be determined by the City Council and the Mayor. The City Administrator or his/her designee to provide maximum efficiency and public service may vary the specific hours of work for individual employees from the normal business hours.

2. One hour for meals is allowed on the employee's time during any regular 8:00 a.m. to 5:00 p.m. workday. Normally, this meal period will be scheduled after four hours work. The City Administrator, or Department Head, may reduce a meal break to one half hour for maximum efficiency and public service. Members of the Troutdale Police Officers Association are allowed one half hour meal break as outlined in the labor agreement.

3. A regular eight-hour, or ten-hour, workday allows for fifteen-minute breaks twice a day, approximately two hours after beginning work and two hours after returning to work following the lunch period.

F. Attendance:

1. An employee shall not be absent from work for any reason other than those specified in the Employee Handbook without making prior arrangements with his or her supervisor. Unless such prior arrangements are made, an employee who for any reason fails to report to work shall immediately notify his or her supervisor of the reason for being absent. If absenteeism continues beyond the first day, the employee shall notify the supervisor on a daily basis. If absenteeism continues beyond three-days the City may require the employee to submit a doctor's letter outlining the nature of the illness/injury and the anticipated date the employee will return to work.

2. Time sheets shall be completed and signed by each employee and approved by the employee's supervisor

3. Unauthorized absence of an employee from duty shall be deemed to be absent without pay and may be cause for disciplinary action.

G. Layoff:

1. If there are changes of duties in the organization, lack of work or lack of funds, the City Administrator may lay off employees. Merit shall be the criterion for the basis of layoff. If, based on previous merit reviews, a ranking cannot be agreed upon by division, department, and City Administrator, then seniority, per the labor contract, in the position and total time with the City will be ranked. A final determination by the Administrator shall be on the overall cost and benefit to the City. A minimum of two (2) weeks and preferably thirty (30) days notice shall be provided in all cases of layoffs

H. Outside Employment:

1. In an effort to provide maximum protection to both the City and its employees against claims of conflict of interest or liability suits, any employee wishing to accept outside employment must first obtain the written approval of the City Administrator prior to accepting such outside employment. Each change in outside employment shall require separate approval.

2. To be approved, or to continue as approved, outside employment shall:

   a) Be compatible with the schedule of the employee's City work;

   b) In no way detract from the efficiency of the employee in his or her City work; and,

   c) In no way conflict with the interest of the City or be a discredit to the City.

I. Residency:

1. Residency in the City of Troutdale is not a condition of initial appointment or continued employment. However, employees whose job description may require an on-call or response time must establish living arrangements to meet such on-call or response time prior to completion of their trial service period. Employees who do not do so will be terminated prior to the end of the trial service period. The response time will be no longer than 30 minutes to the City.

2. Employees who establish living arrangements in compliance with Section 1 may be terminated if they subsequently alter their living arrangements so that they no longer meet their on-call or response time requirements.

3. Employees who establish living arrangements not in conformance with the above requirements prior to the effective date of this provision may still be required to perform the on-call or response duties.

J. Travel Expense:

1. When employees are required to travel outside the City on City business, reimbursement for travel expenses incurred shall be determined as follows:

   a) Prior to traveling outside the immediate City vicinity (60 miles from City Hall), the employee shall obtain approval for the trip and the mode of travel for the trip from the City Administrator or Department Head.

   b) Travel on official business outside the City by a single City employee should be via public carrier or City-owned vehicle if one is available. If the employee is authorized to use a private vehicle because a city owned vehicle is unavailable, mileage shall be paid at the I.R.S. rate. This rate includes all travel, insurance, and storage expense of the vehicle. Parking fees/costs are not included in the IRS reimbursement rate.

   c) When travel by City-owned vehicle or public carrier is practical but the employee elects to use his or her own vehicle for personal reasons, the employee shall be reimbursed an amount equal to the fare of the public carrier that would have been deemed by the City Administrator to be most practical to provide the service.

   d) Reimbursement for meals on official trips that require an overnight stay shall be only the amount of actual and reasonable expenses incurred during the performance of official duties as a City employee for the City's benefit. Reasonable meal expenses are defined in the City's Travel Standard Operating Procedure.

   e) The City will not reimburse for alcoholic beverages.

2. Employees are responsible for their own transportation to and from their primary place of work within the City. Paid or compensatory overtime is intended to compensate any extra cost of travel to and from work for extra time worked outside of a regular shift when traveling for official business.

3. City vehicles shall not be used for private purposes. City vehicles shall be used for City purposes instead of private vehicles whenever City vehicles are available, unless approved in advance by the City Administrator or Department Head.

K. In-Service Training:

1. A new employee orientation and general information program shall be established by the City's Human Resource Manager. A formal training program shall be established within each department of the City and coordinated by Department Head. Human Resources will receive copies of all training records and the Finance Department will keep a copy of all required licenses. Each department will maintain training files on required training. Each City employee shall be encouraged to participate in identifying his or her training needs.

2. The City Administrator shall encourage training opportunities for employees and supervisors so that services rendered to the City will be more effective. Department Heads will be assisted by Human Resource Department in meeting training needs in their department and in developing training programs designed to meet immediate citywide personnel needs and to prepare employees for promotion to positions of greater responsibility.

3. Training sessions may be conducted during regular working hours at the discretion of the Department Heads.

L. Professional Associations:

1. The City Administrator shall develop a Standard Operating Procedure or Policy Statement regarding participation in professional association of City employees.

M. Employee Organizations and Representation:

1. City employees shall have the right to form, join, and participate in the activities of labor organizations of their own choosing for the purposes of representation and collective bargaining on matters relating to wages, hours, and working conditions pursuant to the

rules established by the National Labor Relations Act, as amended and adopted by the Oregon Employment Relations Board.

N. Selling and Peddling:

1. No peddling, solicitation, or sales for charitable purposes or other reasons will be allowed among or by City employees during work hours unless approved by the City Administrator.

O. Political Activity:

1. No employee shall engage in political activity during the employee's hours of work.

2. No employee may use official authority or influence to further the cause of any political party or candidate for political office.

3. No City employee, official, or private person shall solicit any assessments, contributions, or services for any political party from any City employee on City time.

4. Nothing contained within this section shall affect the right of the employee to hold membership in and support a political party, candidate or issue, to vote as he or she chooses, to privately express his or her opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings.

P. Relatives:

1. Two members of an immediate family shall not be employed in the same division unless authorized by the City Administrator and acknowledged by the related employees that counter-productive working conflicts due to family relations are subject to disciplinary action, including but not limited to termination.

2. Two members of an immediate family shall not be employed by the City when one has personnel responsibilities (such as, but not limited to, wage and salary administration, evaluation, transfers, promotion, supervision, discipline) affecting the other employee.

Q. Clothing and Cleaning:

1. Uniforms or uniform-type clothing may be required by the City if stated in the job description. If the job description specifies that uniforms or uniform-type clothing is required for the performance of the job, the City will provide such clothing.

2. Employees in positions not requiring uniforms or uniform-type clothing are required to provide clothing suitable for their work and will be responsible for their own clothing and cleaning expenses.

3. Specific clothing rules may be further established by Department Head relating to clothing suitability as to safety, or to a productive and professional work environment.

4. City employees who are provided City clothing (clothing with the City name, logo or uniforms) as part of their job requirement may not wear City clothing at non-business related functions or when off-duty, except in the normal course of travel to and from work.

VIII. GENERAL CONDUCT, DISCIPLINE, TERMINATION AND APPEAL

A. Standards of Conduct:

1. Citizens, customers, suppliers, and outside agency representatives who contact the City are always to be treated with the respect due them as citizens. Since the public is our customer, the conduct of our employees is always on display. Therefore, employees are expected to dress appropriately for the work they are performing, and act in a professional manner. Courtesy to fellow employees, supervisors, elected officials, other agency representatives, and citizens of our community, combined with a cheerful, positive attitude, makes everyone's job easier.

2. Employees are expected to maintain high standards of honesty, integrity, and impartiality in the conduct of City business.

3. Personal Gains. Official positions and confidential information shall never be used to personal advantage or gain.

4. Conflict of Interest. An employee shall not participate in any contract, sale purchase, service, or other transaction between the City and a business firm in which the employee has a financial interest. Employees shall be required to disclose such financial interest, if any, at the time of hiring and this information shall become a part of their official personnel file.

5. Gifts. An employee shall not accept or solicit anything of economic value, such as a gift, gratuity, favor, entertainment, or loan, which may appear to influence his or her official conduct. This does not prohibit the acceptance of unsolicited advertising materials of insignificant value or refreshments or lunch in the ordinary course of a meeting, or the solicitation of loans on customary financial terms.

6. General Conduct. Employees shall conduct themselves in a manner that will reflect credit upon the City. Such conduct shall be free of indiscretions or actions that would bring embarrassment to the City or individual employees.

7. Confidentiality. Employees shall hold confidential all information deemed not to be for public consumption as determined by City and department policy. Employees shall also respect the confidentiality of people served in the course of the employees' duties and use information gained in a responsible manner.

8. Statements. Employees shall carefully distinguish between public statements made as an individual and those made as a representative of City government.

9. General Property Use. An employee shall not, directly or indirectly, use or allow the use of City property, supplies, or equipment, either owned or leased, for purposes other than the official conduct of City business and activities.

B. Sexual Harassment

1. The City of Troutdale prohibits sexual harassment of its employees in any form. Such conduct may result in disciplinary action up to and including termination, depending on the seriousness of the violation. Offensive sexual flirtations, advances, propositions, verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words or phrases used to describe an individual, or the display of sexually suggestive objects or pictures may be constitute sexual harassment, and are strictly prohibited.

2. No employee, supervisor, or public official shall threaten or insinuate, either implicitly or explicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee or applicant in any aspect of employment. It is the intent of the City of Troutdale to apply these policies to all employment-related practices, including, but not limited to: job termination,

compensation, training, recruitment, advertising of job openings, tenure, layoff and recall, leaves of absence, fringe benefits, and all other employment-related activities.

3. Any violation of this policy should immediately be brought to the attention of the City Administrator, Human Resource Manager or any Department Head or supervisor in the City who will immediately institute an appropriate investigation as deemed necessary to substantiate the facts surrounding the alleged violation. Based upon this information, disciplinary action to correct the violation will be taken as indicated by the facts of the case, and a written record will be maintained containing the results of the investigation.

C. Discipline

1. Discipline is the establishment, maintenance, and reinforcement of standards of performance high enough to secure for the residents of Troutdale the best and most efficient service possible. Any discussion with an employee designed to help him or her develop or improve skills and abilities is considered coaching. Coaching should be used before taking more formal action and should always be used to follow up after formal action. Whenever possible, disciplinary action should aim at improving the situation rather than be solely punitive in nature.

D. Causes for Disciplinary Action

1. It is the responsibility of all employees to observe the regulations necessary for the proper operation of City government functions. Discipline shall follow the presentation of specific issues to the employee, which shall include, but not be wholly limited to, those listed below:

   a) Drinking intoxicating beverages or use of illegal drugs on the job or arriving on the job under the influence of intoxicating beverages or drugs;

   b) Violation or neglect of lawful duty;

   c) Insubordination defined as refusal to follow direct, lawful orders by the City Administrator or department management personnel, whether direct or indirect;

   d) Being habitually absent or late for work;

e) Failure to comply with established departmental and City rules and regulations;

f) Accepting outside gratuities in the performance of the employee's official duties for the City;

g) Using religious, political, or fraternal influence or openly engaging in political activity in an attempt to influence City policy or employees;

h) Discourteous treatment of the public or other employees while in performance of duties;

i) Fraud in securing appointment or promotion;

j) Willful misuse of City property, funds, or records;

k) Inability or unwillingness to perform assigned job;

l) Willful inefficiency or ineffectiveness in job assignments;

m) Unauthorized possession of weapons, ammunition and/or explosives, including inert or expended items, stun gun, TAZER, metal knuckles, straight razor, nunchaku, sap or sap gloves, any type of knife other than an ordinary pocket knife or Leathermen type tool is prohibited on City property. City property means any real or personal property that is owned or leased by the City.

n) Theft of City Property or Resources.

E. Absence Without Pay or Permission

1. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action. In the absence of such disciplinary action, any employee who is absent for three or more consecutive days without authorized leave shall be deemed to have resigned.

2. An employee shall be determined to have resigned his or her position if the employee fails to report to work for three consecutive working days without authorization, or fails to provide proper notice to the employee's supervisor if sick. An employee may be reinstated in full and good standing with the recommendation of the supervisor to the City Administrator.

3. Further departmental rules and regulations may be developed by each Department Head relating to the unique concerns of that department so long as departmental rules are not in conflict with these rules. In the case of any inadvertent conflict, the City Employee Handbook shall apply.

F. Minor Disciplinary Actions

1. A minor disciplinary action shall be either an oral or written warning by the supervisor and may result in a half-day or day off without pay.

2. An oral warning is verbal notice to the employee that his or her behavior or performance must be improved. It defines areas where improvement is needed, sets goals, and informs the employee that failure to improve may result in more serious action. The supervisor should record the date and content of the oral warning record which shall be placed in the employee's personnel file.

3. A written warning is formal notice to the employee that his or her performance or behavior must be improved. It contains the same elements as the oral warning. When appropriate, it should be used in conjunction with a plan for individual improvement. Any employee who receives a written warning may respond to the warning in writing and the response shall be attached to the warning for whatever period of time the warning remains in the employee's personnel file. Written warnings shall remain in an employee's file for no longer than one year unless there is a repeat of the same or similarly related offense within one year of the original offense. A written warning may be accompanied by up to two days off without pay. The employee must make a written request to the Department Head to have a written warning removed from his or her file.

G. Major Disciplinary Actions

1. Major disciplinary actions resulting in three or more day's suspension, demotion, or dismissal shall result in an automatic review by the City Administrator or a designee.

2. A major disciplinary action shall be a written reprimand and may be accompanied by up to three days off without pay.

3. Employees may have their original employment or promotional trial service periods extended or may be given a trial service period not to exceed three months as a result of a disciplinary action. The

City Administrator shall authorize all disciplinary trial service periods given.

4. At the end of the disciplinary trial service, the employee shall be returned to regular employee status or shall be terminated. If the employee is terminated for disciplinary purposes, such information may be released to future employers upon written release from the terminated employee.

5. A reprimand is the Department Head's official written notice to the employee that his or her performance or behavior is seriously below standard and that continuation of such behavior will subject the employee to disciplinary action, including, but not limited to termination. A reprimand should not be issued until after the employee has been informed of the charges and has an informal opportunity to respond. Any employee may respond to a written reprimand that they receive.

6. The City Administrator or his/her designee may suspend an individual immediately pending the outcome of an investigation. Such suspension shall be with or without pay but subject to full pay restitution if investigation findings are in the employee's favor. If no action, or if minor disciplinary action, is taken during the suspension period, then the employee shall be eligible for retroactive pay, even though it was for time not worked. If major disciplinary action, or termination, results during the suspension period, the employee shall not be eligible for retroactive pay.

7. The City Administrator or his/her designee shall base termination or dismissal of a regular employee based on cause, by due process by proper authority, and subject to appeal by the employee. The employee is to be given a written warning and notified that termination may result if policies or the Employee Handbook are violated. A pre-termination hearing shall be held prior to any final decision. The decision by the City Administrator or his/her designee shall be final, subject to appeal. A post-termination hearing, informing the employee of the decision and the right to appeal, shall be held unless the employee refuses to appear, in which case the employee shall be notified of the decision and right to appeal in writing.

H. Appeal

1. All regular employees shall have the right to appeal disciplinary action taken against them within four days after the effective date of disciplinary action.

I. Grievance Procedure

1. The purpose of this grievance procedure is to establish a channel of communication between employees and management, whereby an employee with a grievance may receive prompt attention.

2. The City shall promptly consider and equitably adjust employee grievances relating to employment conditions and relationships. The City desires to resolve the causes of grievances informally; both supervisors and employees are expected to discuss problems as they arise.

3. Informal Grievance Procedure:

   An employee or group of employees, who have a problem or complaint, should first try to get it settled through discussion with their immediate supervisor without delay. If after this discussion, the employee does not believe the problem has been satisfactorily resolved, the employee shall have the right to discuss it with his supervisor's immediate supervisor. Every effort should be made to find an acceptable solution by informal means at the lowest possible level. If the employee is not in agreement with the decision reached by discussion with the supervisor, the employee shall have the right to file a formal grievance in writing within five (5) calendar days after receiving the informal decision of his or her immediate supervisor.

4. Formal Grievance Procedure:

   (Step 1) If the grievance is not settled in the informal process, it shall be prepared in detail; shall be reduced to writing; shall be dated; shall be signed by the aggrieved employee or group of employees; and shall be presented to the Department Head within five working days after the supervisor's informal decision is given, not including the day the answer is given. The Department Head shall reply in writing to the grievance within five working days of the date of the presentation of the written grievance, not including the day of presentation.

   (Step 2) If the grievance is not settled in Step 1, the written grievance shall be presented, along with all pertinent correspondence, records, and information accumulated to date, to the City Administrator within five working days after the Department Head's response is given, not including the day the response is given. The City Administrator shall meet with the

aggrieved employee or group of employees, the immediate supervisory personnel, and the Department Head. The City Administrator shall reply to the grievance in writing within five working days of the date of presentation of the written grievance. The decision of the City Administrator shall be final and binding on the employee or the group of employees.

5. If the grievance procedures are not initiated within the time limits established by this section, the grievance shall be considered not to have existed.

6. Any grievance not taken to the next step of the grievance procedure shall be considered settled on the basis of the last reply made and received in accordance with the provisions of this section.

7. If the City fails to meet or answer any grievance within the time limits prescribed for such action by this section, such grievance shall automatically advance to the next step. If the City fails to meet or answer any grievance on the last step of the grievance procedure within the time limits prescribed for such action by this section, it shall be deemed that the City has considered the grievance to be in favor of the grievant and shall resolve the matter accordingly.

8. The limits prescribed in this section for the initiation and completion of the steps of the grievance procedure may be extended by mutual consent of the parties so involved. Likewise, any step in the grievance procedure may be eliminated by mutual consent. Mutual consent shall be indicated in writing and shall be signed by all parties involved.

9. No employee shall be disciplined or discriminated against in any way because of the employee's proper use of the grievance procedure.

J. Resignation

1. To resign in good standing, an employee shall give the Department Head not less than ten working days notice of such resignation unless the Department Head agreed to permit a shorter period of notice because of extenuating circumstances. The notice of resignation shall be in writing and shall contain the reasons for leaving the City service. The City Administrator shall require an exit interview.

K. Cost Consciousness

1. City employees shall practice every economy practical in the execution of their duties.

2. Employees are encouraged to recommend to their supervisors any work procedures which will result in a cost saving or improved service to the public.

IX. SAFETY RULES

A. Industrial Accidents

1. All employees shall be covered under State-approved insurance for industrial accidents and disease. Such insurance shall meet all requirements set forth in the Oregon Revised Statutes relating to Public Employers and to Workers Compensation. Benefits include medical treatment and care as well as disability compensation during periods of time lost from the job.

2. The City Administrator, or a designee, shall act as the City Safety Officer. The Safety Officer shall be responsible for the development and maintenance of a safety program. Such program shall include the following safety regulations and discipline controls:

   a) Report all injuries immediately to your supervisor.

   b) Proper work clothing should be worn to prevent accidents.

   c) Tricks, practical jokes, and horseplay are prohibited. What may be meant as fun may not be received that way and could result in serious injury.

   d) Keep equipment, tools, materials and work areas neat, clean and orderly.

   e) Wear personal protective equipment where required. If in doubt, ask the supervisor.

   f) Report all unsafe conditions immediately to the supervisor.

   g) Learn to lift properly. Know the basic steps of lifting. If an item is too heavy or bulky, get assistance.

h) Possessing, using, or being under the influence of alcoholic beverages, illegal drugs, or intoxicants during work time or on City premises are prohibited. Accommodations will be made for off duty use of medical marijuana for employees registered with the Oregon Department of Human Services for individuals with a debilitating medical condition, with the exception of Police Officers.

i) If you do not know the safe way to perform your job functions, ask your supervisor.

j) Pay special attention to helping new employees. Teach them safe ways to perform tasks in order to prevent future accidents.

B. Accident Investigation Procedure

1. Employees shall report all accidents immediately to their supervisor and an investigation will be conducted as soon as practical. When a person is injured, proper first aid or medical attention shall be the first priority before beginning the investigation procedures.

2. Any employee, who creates a hazardous situation, either for themselves or, for other employees, or the general public, may be subject to disciplinary action for violation of City safety practices. A series of warnings or disciplinary actions for safety violations may result in disciplinary action, up to and including termination.

3. When accidents occur on City premises or to City property, the employee shall contact the supervisor immediately and the employee shall complete an accident report. In case of a motor vehicle accident involving City vehicles, the Police Department shall be notified immediately. The Police Department shall be responsible for investigating all accidents which involve City and/or private vehicles, or where there is damage to private property as a result of a City vehicle accident.

4. In cases of accidents involving personal injuries, the primary concern shall be for the safety and prompt medical attention of the injured. As soon as practical, the injured employee shall contact his or her supervisor. The employee's supervisor shall be responsible for ensuring that the Human Resource Manager is informed of the injury so that the proper personnel procedures may be initiated.

5. The City Administrator or Human Resource Manager shall be notified of all accidents involving City employees and City property as soon as possible, but not later than the next workday.

6. Only the City Administrator or a designee shall be authorized to contact the immediate family in cases where the injuries sustained are serious, or in the case of a fatality.

7. An employee shall not earn vacation or sick leave credits when on leave due to a job-related injury. An employee shall not earn vacation or sick credit when leave is due to a non-job related injury/illness, once all earned leave is exhausted, or when an employee is on long-term disability.

C. Legal Liability

1. Employees shall abide by all laws and regulations, which govern the performance of their duties, and shall perform their duties as reasonable, prudent persons. Employees who are reasonable, cautious, and prudent in the performance of their duties are not negligent and, therefore, neither legally nor morally liable for accidents or injuries which may occur.

2. Expenditure or commitment of City funds in any form requires a proper identification of the expenditure, purpose, amount, and authorizing individual. To do otherwise is an unlawful expenditure for which the employee may be held personally responsible.

APPENDIX A

DEFINITIONS

The following terms shall apply specifically within the context of the City's Personnel Policies, Procedures and Rules, and generally apply throughout the City's personnel system for administrative purposes.

Appeal: An appeal shall be a complaint against the decision of management pursuant to the rules.

Appointing Authority: Is the City Administrator or his/her designee.

City Administrator: The Council-appointed chief management and administrative officer of the City who works directly for the Mayor and City Council as the officer responsible for the overall administration of all City functions and direct supervision of all Department Heads and city staff. The City Administrator is also responsible for the specific administration of these rules. The City Administrator or designee is the appointing authority.

Class: A position or group of positions which are sufficiently similar in respect to duties, responsibilities, and authority that they may properly be designated by the same broad title and equitably compensated from the same pay range under substantially equivalent employment conditions.

Classification Plan: A schematic list of classes for all departments supported by class specifications.

Compensatory Time: The hours authorized to be absent from duty as part of base salary granted to compensate for overtime worked but not otherwise paid.

Confidential Employee: One who assists and acts in a confidential capacity to a person who formulates, determines, and effectuates personnel management policies in the area of collective bargaining.

Demotion: The movement of an employee from one class to another class with a lower range of pay or from one step to a lower step within a class having a lower rate of pay.

Departmental Procedures: Those subsidiary procedures established by the department in conformance with these City policies and procedures or Administrative Rules.

Department Head: A senior management employee appointed by the City Administrator to exercise direct supervision over departmental employees and functions. The Department Head is

responsible to the City Administrator for overall conformance with City policies and procedures, as well as direct responsibility for departmental operations.

Employee Full-Time/Regular: Employees who have successfully completed the trial service period and are regularly scheduled to work at least 40 hours per week. Full time regular employees are eligible for City provided benefits.

Employee, Part-Time: Regular employees who have successfully completed the trial service period and are regularly scheduled to work less that 40 hours per week. Part time regular employees are eligible for pro-rated city provided benefits unless restricted by contract with benefit provider.

Employee, Probationary: An employee who has not yet completed the trial service period and may be terminated at the sole discretion of the employer.

Employee, Temporary: An employee filling a position with a set time limit (e.g. project) or duration (e.g., covering for a permanent employee's absence or leave). Temporary employees may be terminated at the employer's discretion with or without cause. Temporary employees are not eligible for City provided benefits.

Evaluation Date: The date on which an employee's work is evaluated to determine satisfactory performance, fitness for appointment to permanent status, or worthiness for a merit increase.

Grievance: A formal or informal complaint brought by an employee to allege a violation of policies or the Employee Handbook or by a supervisor or other employee, including, but not limited to, disagreements or misunderstandings concerning interpretation and application or authority.

Human Resource Manager: The City Administrator, Human Resources Manager, or their designee.

Job Description: The written description of the tasks, duties, essential functions, and responsibilities, minimum qualifications for the job and assignment. The City Administrator shall approve all job descriptions and shall designate appointing and supervising authority therein.

Just Cause: Sufficient justification for taken employment related actions include but not limited to: neglect of duty; negligence; performance; dishonesty; intoxication; disobeying the City of Troutdale Employee Handbook, or departmental orders/procedures; insolence or disrespect; disloyalty to the City of Troutdale's interest; immoral, disrespectful, or unbecoming conduct.

Layoff: A separation from employment because of organizational changes, lack of work, lack of funds, or other reasons not reflecting discredit upon an employee.

Leave of Absence: An authorized absence from regularly scheduled work hours, which has been approved or directed by appointing or supervising authority. Leave may be paid or non-paid.

Overtime: Hours or days an employee is approved to work in excess of the normal workweek.

Pay Range: The minimum, intermediate, and maximum rates of pay established for a class in the classification and pay plans.

Personnel Action: Any action taken with reference to appointment, compensation, promotion, transfer, layoff, leave, trial service, discipline, dismissal or any other action affecting an employee's status with the City.

Position: Any special office, employment or job, legally established, whether occupied or vacant, calling for the performance of certain duties and carrying of certain authority and responsibilities performed by one person, in a full, part-time or temporary capacity. **Note**: Authorized position: A position authorized in the budget.

Progressive Discipline: Discipline, which usually follows a standard course of events depending on the severity of violation. The City reserves the right to initiate discipline at any level warranted by the situation.

Promotion: The movement of an employee from one class and job position to another class and job position which has a higher maximum rate of pay.

Reasonable: What a prudent individual would do under similar circumstances.

Reclassification: A change in location of an individual position by either raising it to a higher class or step or reducing it to a lower class or step on the basis of significant changes in the kind, difficulty, or responsibility of the work performed in said position.

Reprimand: A written warning to an employee that the supervisor believes a deficiency exists in the employee's work performance or conduct and improvement is needed. This is kept in the employee's personnel file for a period of time specified in the written warning, but not to exceed two years.

Separation: The termination of employment for any reason.

Shift Work: Any routinely assigned work outside of a standard 8:00 a.m. – 5:00 p.m. or 8:00 a.m. – 4:30 p.m. work shift. A four (4) day, ten (10) hour day, forty (40) hour workweek shall not constitute shift work.

Step Increases: Merit pay increases allowed within the pay ranges as set forth in the current fiscal year's Salary and Classification Plan.

Supervising Authority: Authority granted to management personnel to assign and evaluate work; to schedule hours of work; to take disciplinary action necessary short of demotion or termination; and to recommend promotion or step increases.

Suspension: An involuntary absence with or without pay imposed on an employee for disciplinary acting pending final outcome of appeal and during which the employee is relieved of all authority and responsibility.

Temporary or Acting Appointment: An appointment of a person to a position, temporarily vacant.

Transfer: The movement of an employee from one position of the same class or to another class having the same maximum rate of pay, involving the performance of similar duties, and requiring essentially the same basic qualifications, but with different specific job assignments.

Termination: Termination of employment by the City for reasons of cause attributable to the employee. Also may be referred to as dismissal, firing or similar terms meaning involuntary termination from employment by the City.

Trial Service Period: A working test period, normally of at least six (6) full-time months [12 months for Department Heads; 18 months for uniformed police personnel], during which an employee is required to demonstrate his or her fitness for the duties to which he or she is appointed by actual performance of the duties of the position. The appointing authority may end the trial service period earlier if deemed appropriate. The employee may be terminated with or without cause by the appointing authority at any time during the trial service period without cause if in the opinion of the appointing authority the individual is not suitable for the position.

Vacancy: An authorized position which is not occupied and for which funds have been provided in the current budget.

Verbal Warning: An oral disciplinary action by the employee's supervisor regarding specific deficiencies in an employee's work performance or conduct.

Work Week: Those hours within a Sunday through Saturday period for which an employee is hired and agrees to work, up to forty (40) hours on five (5) eight (8) hour days, or four (4) ten (10) hour days. EXCEPTION: Police shift change periods are excluded from this and defer to a pay period <u>not to exceed</u> 80 hours in a fourteen-day period

RESOLUTION NO. 2116

A RESOLUTION PROVIDING FOR CHANGES IN NONREPRESENTED EMPLOYEE HEALTH INSURANCE BENEFITS

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The cost of insurance benefits for employees can increase dramatically from year to year and create instability in the City's proposed budget.

2. The City requires flexibility in selecting a cost-effective manner to provide insurance benefits for non-represented employees, in order to promote the efficient and effective provision of City services, and flexibility in negotiating collective bargaining agreements with the City's unions.

3. The City's current policy for non-represented employees, requiring the City to provide insurance benefits "equal to those provided to AFSCME employees," limits the City flexibility.

4. Resolution No. 1839 adopted on September 26, 2008 established the City Council desires to provide equitable and comparable compensation to non-represented employees, as incorporated into the Employee Handbook adopted December 9, 2009 by Resolution No. 1974.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. the second paragraph below shall be incorporated into the City's Policy, page 9 of the Employee Handbook, regarding compensation and benefits for non-represented employees:

VI.L. Non-represented Employees
"It is the policy of the City that Non-represented Employees have the same benefits and compensation adjustments that are equal to those provided to AFSCME employees. Which included cost of living adjustments (COLA's), health care, leave (such as vacation, holiday and sick), and retirement benefits. The exception to this benefit compensation package is that Department Heads begin with three weeks of vacation time and then will accrue vacation time on a continues years of service. Department heads and managers that do not receive overtime compensation will receive "like-time" which will accrue on an hour per hour basis."

> *<< insert >>*
> *"However, non-represented employees need not be provided the same insurance benefits as AFSCME employees, but may be provided with other insurance benefits as the City deems to be cost-effective and appropriate in order to attract*

and retain qualified non-represented employees. The City reserves the right to modify or discontinue its insurance plans for non-represented employees as it deems necessary, and employees shall receive advance notice of such changes before they become effective."

Section 2. The City Manager or his designee is authorized to take necessary action to implement and administer, select, negotiate and enter into arrangements for insurance benefits for non-represented employees consistent with Section 1 above.

Section 3: This resolution is effective upon passage.

YEAS: 7
NAYS: 0
ABSTAINED: 0

Mayor Jim Kight

Mayor Jim Kight

July 5, 2011

Date

Sarah Skroch

Sarah Skroch, Deputy City Recorder
Adopted: June 28, 2011

CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

CITY OF TROUTDALE

EMPLOYEE HANDBOOK ACKNOWLEDGEMENT RECEIPT FORM

EXECUTIVE DEPARTMENT

Fax: (503) 665-7265

Administration
City Administrator
City Recorder

Human Resources

Community Service

As an employee of the City of Troutdale, I acknowledge the following:

I have received a copy of the Employee Handbook dated December 2006. I understand that the handbook contains important information about the City's policies, work rules, and my benefits. I also understand that the handbook outlines my responsibilities as an employee of the City of Troutdale. I understand that this handbook supersedes all previous employee handbooks. I understand that I have the responsibility to read and understand the information in the handbook, and to ask my supervisor for clarification about any information I do not understand.

I understand that this handbook is not a contract of employment or a guarantee of specific treatment in specific situations. Except for any supplemental safety policies and rules that apply to employees in certain jobs or work areas, or otherwise stated in a written employment contract, I understand that this supersedes all prior, policies, and understandings on the subjects contained in it.

I understand that unless stated in an employment contract or collective bargaining agreement, the City has the right to change, modify, add to, substitute, eliminate, interpret, and apply in its sole judgment, the policies, rules, and benefits described in this. I understand that should the content be changed in any way, the City will require an additional signed acknowledgement from me to indicate that I am aware of the changes.

Unless otherwise stated in a written labor agreement or employment contract, I understand that my employment relationship with the City is at will and either the City or I can terminate the relationship at any time, with or without reason or notice.

I understand that only the City Council is authorized to make changes in the policies, rules, and benefits described in this handbook and that all such changes must be in writing to be valid. I also understand that only the City Administrator or City Attorney have the authority to enter into an employment contract, and that all such contracts must be in writing and signed by both parties to be valid.

I also acknowledge that, before signing this form, I have asked for and received clarification on any of the items listed on it that I did not understand.

_____ _____

Employee Signature Date

_____

Print Employee's Name

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RESOLUTION NO.

A RESOLUTION APPROVING AN UPDATED EMPLOYEE HANDBOOK AND RESCINDING PRIOR VERSIONS.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. That by Ordinance No. 240, the Personnel System Ordinance, established in 1977 summarizes City personnel policies, procedures and rules which are to provide means to recruit, select, develop and maintain an effective and responsive work force, and includes policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge and other related personnel administration activities.

2. That the Employee Handbook is an important part of City personnel policies to provide a set of general guidelines and policies governing all City employees, including employee conduct, workplace conditions, drug and alcohol policies, policies that implement state and federal employment laws, and other aspects of public employment and City service.

3. That the Employee Handbook, which has been updated and amended since 1977 and most recently in 2006, is now outdated and may no longer be consistent with local, state and federal laws and policies and is in need of updating to reflect changes to City practices, alignment with the City's Collective Bargaining Agreement with American Federation of State, County and Municipal Employees (AFSCME) Local 3132, and numerous changes in both State and Federal employment law.

4. That pursuant to Troutdale Municipal Code (TMC), 2.04.010 B.2. the City Personnel Officer is delegated the authority for administration of City personnel policies, procedures and rules.

5. That pursuant to TMC 2.36.030 it is in the best interest of the City to ensure that City Personnel policies, procedures and rules are in compliance with Federal and State mandated employment law and regulations.

6. That pursuant to TMC 2.36.040 C. the Employee Handbook has been updated in consultation with the employment practice risk management service of City County Insurance Service, and drafted by the City's labor and employment law legal counsel.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. That pursuant to TMC 2.36.030 the City hereby adopts the personnel policies, procedures and rules in the attached City of Troutdale Employee Handbook, as in substantial conformity with Attachment "A", which is incorporated herein by reference.

Section 2. That based on the findings above, the City Council declares the updated Employee Handbook serves the public interest, and is necessary, desirable, and prudent to address employment and personnel matters that apply to City employees.

Section 3. That further based on the findings above, the City Council declares the terms and conditions of the updated Employee Handbook shall be effective upon adoption unless preempted by state or federal law, or in conflict with an existing employment contract or collective bargaining agreement.

Section 4. That all previous personnel rules and past practices which might be found to be in conflict or inconsistent with these personnel policies, procedures and rules of the City Personnel System, TMC 2.36, are hereby voided and superseded by this Resolution.

Section 5. That the City Council authorizes and directs the City Manager, Ray Young, and Finance Director and designated City Personnel Officer, Erich Mueller, (each a “City Official”) in consultation with employment law counsel, each to act on behalf of and in the best interest of the City to implement the personnel policies, procedures and rules of the City and the adopted updated Employee Handbook.

Section 6. Further, that pursuant to TMC 2.36.040, the City Official is authorized to execute and implement any necessary supporting documents, and to take any other action as may be advisable, convenient, necessary, or appropriate to give full force and effect to the terms and intent of this resolution, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 7. That further, pursuant TMC 2.36.040 and in the best interest of the City, the City Official is authorized to determine any subsequent updates, changes, addendums, extensions, revisions, modifications, or successor documents of the Employee Handbook, without further action by the City Council, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 8. That the Finance Director is authorized and directed to disburse funds, subject to annual appropriations, as necessary to fulfill the intent of this resolution and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 9. Resolution Nos.1974 and 2116 are rescinded effective upon adoption of this Resolution.

Section 10. This Resolution shall take effect immediately upon adoption.

YEAS:
NAYS:
ABSTAINED:

_____
Casey Ryan, Mayor

_____
Date

_____
Sarah Skroch, City Recorder
Adopted:

Attachment "A" to
Resolution #

THE CITY OF

TROUTDALE

OREGON

EST. 1907

EMPLOYEE HANDBOOK

September 22, 2020

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I. USING THIS HANDBOOK

The City has developed this Employee Handbook to provide answers to questions that frequently arise regarding its general employment policies and rules and to help employees (you) understand more fully what is expected of them and what can be expected from the City.

This Handbook becomes effective September 22, 2020 and covers all Departments and employees of the City. The policies in this handbook supersede all prior personnel policies, procedures, and practices, written or verbal, including but not limited to all conflicting Standard Operating Procedures (S.O.P's). However, the policies in this Handbook may be supplemented by additional rules and procedures established by individual departments, provided those rules or procedures do not conflict with the policies outlined in this Handbook.

In the event of a conflict between an applicable Collective Bargaining Agreement (CBA) and the City's policies and procedures (including this Handbook and any supplemental policies), the CBA shall be the controlling document and the provisions of the Handbook (or supplemental policies) do not apply on that issue.

Also, while it is the City's hope that every employee's association with it is successful and rewarding, <u>this Handbook is not a guarantee or contract for continued employment or benefits at any level</u>. Rather, *except as otherwise provided in an applicable CBA or written individual employment agreement signed and dated by the City Personnel Officer (or City Council if applicable to the City Manager's position),* all employment with the City is "at will." This means that either you or the City may terminate this relationship at any time, for any reason, with or without cause or notice, and without appeal rights or due process procedures other than those expressly provided for in this Handbook or required by law.

This Handbook is a summary of the City's current employment policies and practices for informational purposes. The City reserves the right to change or discontinue any policy, procedure, practice or benefit plan, at any time as it determines appropriate for efficient operations. In order to avoid misunderstandings, any written or verbal promises or statements different from or in addition to the policies and practices outlined in this Handbook (including but not limited to any supplemental departmental rules and individual employment agreements) must be approved in writing by the City Personnel Officer (or the City Council if applicable to the City Manager's position) in order to be valid. Likewise, changes to this Handbook can only be made by the City Manager.

As an employee of the City, you are expected to familiarize yourself with the information provided in this Handbook as well as any supplemental policies applicable to your department. If you have any questions, please contact your supervisor or Human Resources.

II. EQUAL EMPLOYMENT OPPORTUNITY POLICIES

The City of Troutdale takes its Equal Employment Opportunity policies seriously. These policies and expectations apply to all employees, volunteers, interns and Public Officials for the City in accordance with applicable law.

A. NON-DISCRIMINATION POLICY

It is the City's policy to provide equal employment opportunities to all qualified persons without regard to regard to race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, mental or physical disability, uniformed/military service or veteran's status, use of the worker's compensation system, expunged juvenile records, or any other protected status or activity in accordance with applicable law. It is the City's policy to make employment, volunteer, internship, etc. decisions based on its evaluation of an individual's qualifications, ability and contribution to the success of the City. It is the responsibility of all covered individuals to understand and comply with our policy.

B. POLICY AGAINST HARASSMENT

It is also the City's policy that its employees and other covered individuals should work in an environment where individual dignity is respected. For that reason, we expect all employees and others covered by this policy to accomplish their work in a business-like manner with concern for their coworkers and others they come into contact with through their jobs. Any conduct that could reasonably be viewed as harassment of employees, volunteers, interns, citizens/customers, vendors, etc. by employees and others covered by this policy is not permitted, regardless of working relationship or supervisory status. Likewise, the City does not permit others on our worksites to engage in any conduct that could reasonably be viewed as harassment of our employees, volunteers, interns and Public Officials.

Specifically forbidden is conduct related to an individual's race, color, national origin, ancestry or ethnic background, religion, sex, sexual orientation, gender identity, mental or physical disability, age, veteran status, marital status, or other legally protected status or activity.

Prohibited conduct of a sexual and gender-based nature includes conduct such as:

- Unwelcome sexual advances; innuendoes; requests for dates
- Unwelcome touching
- Unwelcome visual conduct, such as leering or making sexual gestures
- Telling dirty jokes
- Making offensive or derogatory comments about a person's gender
- Making derogatory remarks about alternative lifestyles, including comments about individuals who are gay, lesbian, or transgender
- Talking about your sex life or asking about other people's sex lives
- Spreading rumors or telling stories about other people's (such as a coworker's) sex life
- Displaying sexually suggestive objects, pictures, cartoons or posters
- Use of City computers or other communication systems to access, send, receive or store material of a sexual/gender, etc. based nature
- Any other verbal, graphic, electronic or physical conduct of a sexual or gender-based nature, which has the purpose or the effect of creating a hostile or offensive work

environment or otherwise unreasonably interfering with another employee or covered individual's work.

Prohibited conduct of a **racial, ethnic, religious, age or disability, etc. based** nature includes conduct such as the following:

- Making racial slurs or offensive ethnic comments
- Telling racial or ethnic jokes
- Displaying cartoons, printed material or other objects which are racially or ethnically offensive
- Displaying racist symbols
- Making derogatory comments or jokes about, or mimicking a person's physical or mental limitations
- Unwelcome pushing of your religious beliefs on others
- Criticizing or making fun of another person's religious beliefs
- Making derogatory age-based comments or jokes
- Using City computers or communications systems to access, send, receive or store racially, ethnically, age-related, disability related or religiously, etc. offensive material; and
- Other verbal, graphic, electronic, physical or other conduct of a racial, religious, ethnic, age or disability related nature, which creates a hostile or offensive work environment or unreasonably interferes with another employee's work.

These are just examples of conduct that is prohibited by this policy. Employees and other covered individuals are expected to exercise common sense and refrain from other similar kinds of conduct. Also, conduct of this nature is prohibited even if it occurs off-duty, if it creates an offensive work environment or unreasonably interferes with another employee's or covered individual's work. ***You should assume that conduct of this nature is unwelcome and will offend others.*** Therefore, you are expected to refrain from engaging in such conduct, regardless of the circumstances. It is not an acceptable excuse that others participated in the conduct or did not appear to be offended. In addition, no one should suggest or threaten that an individual's cooperation with or tolerance of conduct of this nature will have any effect on that person's employment or status as a volunteer, intern or Public Official. The City does not make decisions on that basis.

C. POLICY AGAINST RETALIATION

The City respects the rights of its employees and others in our workplace to raise harassment and discrimination concerns and expects individuals in our workplace to participate in investigations. The City does not permit employees or others to retaliate against individual(s) who report harassment or discrimination, cooperate with investigations, testify in harassment proceedings or assist in enforcement of our policies against discrimination and harassment.

"Retaliation" is broadly construed and may include on-duty or off-duty conduct, whether related to employment or not, that could discourage an employee or other covered individual from making a complaint of discrimination, harassment or retaliation, or from testifying, assisting or participating in an investigation, proceeding or hearing. Retaliation includes treating another employee or covered individual differently because they or someone close to them reported harassment, complained about discrimination or engaged in any of these types of activities.

It also includes giving an employee or covered individual "the cold shoulder" or treating an employee or covered individual rudely because they or someone close to them reported harassment, withholding information or cooperation necessary for them to do their job, changing work assignments or hours, because of their complaint or participation in enforcement of this policy etc. are examples of retaliation. Retaliation also includes discouraging an employee or other covered individual from reporting harassment or criticizing an employee or other covered individual who reports harassment or cooperates in an investigation. Examples of this kind of retaliation include telling someone not to "rat" on another employee or covered individual who is committing harassment.

D. REPORTING PROCEDURES

If you believe you have been subjected to conduct in violation of these policies, including:

- Discrimination in violation of City policy or equal employment opportunity laws;
- Any type of harassment or conduct prohibited by the Policy Against Harassment, whether by an employee, volunteer, intern, Public Official or by anyone else you come into contact with through your job (vendors, citizens/customers, or other business visitors, etc.);
- Retaliation for the reporting of discrimination or harassment, opposing discrimination or harassment or cooperating with investigations; or
- If you have observed behavior or overheard comments that raise concerns regarding compliance with the City's Non-Discrimination Policy, Anti-Harassment Policy, or Policy Against Retaliation toward others

You should promptly contact Human Resources, the City Personnel Officer or the City Manager, whomever you are most comfortable reporting to. Do not report your concern only to the person who you believe has (or is accused of having) violated this policy. If your concern involves one of the people listed above, you are expected to report the concern to a different person on this list. Any supervisor or manager who receives information about conduct that may violate these policies is required to immediately notify Human Resources, the City Personnel Officer or the City Manager and to provide the employee/covered individual with a copy of this policy. When Human Resources, the City Personnel Officer or the City Manager receives a report of alleged discrimination, harassment or retaliation, he/she must document what is reported and provide the employee/covered individual with a copy of this policy. All employees and covered individuals who believe that they have been subject to or witnessed conduct in violation of the City's Equal Employment Opportunity Policies are also advised to document those incidents.

We encourage employees and others in our workplace to report complaints and work with us to voluntarily disclose and report information regarding incidents of workplace harassment and informally resolve problems involving violations of our Equal Employment Opportunity policies. *We do not place any time limits on the ability to report violations through the City's internal complaint procedures*. Our ability to resolve these kinds of problems is dependent on your cooperation in reporting incidents that create an offensive or hostile work environment for you. We believe that all of our employees, volunteers, interns and Public Officials have an affirmative obligation to promptly report violations of our policy and cooperate with investigations.

All employees and other individuals covered by applicable laws regarding harassment, discrimination and retaliation should also be aware that they have the right to make complaints to and seek remedies through the Oregon Bureau of Labor and Industries' complaint resolution process or by filing claims in court as well as to pursue their rights under other available laws, whether civil or criminal. The City does not provide any employee or other covered individual with

legal advice. However, all employees and covered individuals should be aware that time limits apply to the ability to pursue civil and criminal complaints. For example, claims made with the Oregon Bureau of Labor and Industries for alleging discrimination or harassment under Oregon law [based on race, color, religion, disability, uniformed/military service, sex, sexual orientation, national origin, marital status or age (18 or older), (or because of this status of anyone the employee associates with), or because of an individual's expunged juvenile record], must generally be filed within 5 years from the date of the alleged unlawful practice. This same statute of limitations applies to such claims filed in court when no Bureau of Labor and Industries claim has been filed. However, conduct that occurred prior to October 2019 is subject to a shorter (1 year) statute of limitations and different statutes of limitations apply under federal law (*generally* claims must be filed within 180 days with the federal EEOC or within 300 days if state or local law prohibits the same conduct and a state or local agency enforces a law that prohibits employment discrimination on the same basis). The statute of limitations for criminal complaints vary based on the nature and degree of the conduct. Please also be aware that Oregon law requires that individuals bringing claims against a Public Official, employee or agent of a public body or a public body (e.g. the City) must first provide a notice of claims (often referred to as a Tort Claims Notice). Except as otherwise provided by ORS 30.275 (such as for minority, incompetency or other incapacity), the Tort Claims Notice must generally be provided within 180 days of the alleged loss or injury.

Covered individuals who want more information may contact the Oregon Bureau of Labor and Industries (https://www.oregon.gov/boli), local law enforcement, or contact an attorney of their choosing. The Oregon State Bar provides a referral service through which employees may be connected with attorneys. Information regarding this service can be found at: https://www.osbar.org/public/ris/. Employees and covered individuals who believe they need counseling or other support services are encouraged to use the City's Employee Assistance Program (EAP). The Oregon Health Authority or the Oregon Board of Licensed Professional Counselors and Therapists may also have additional information to help connect you with counseling and other support services. More information can be found on the websites for these agencies at: https://www.oregon.gov/oha/pages/index.aspx
and https://www.oregon.gov/oblpct/Pages/Websites.aspx.

E. INVESTIGATIONS AND VIOLATIONS

All complaints of violations of the City's Equal Employment Opportunity policies are promptly investigated. If the City finds that an employee has violated its policy, appropriate disciplinary action up to and including immediate discharge is taken. Action will also be taken to address violations made by volunteers, interns, Public Officials and others who violate our policies, which may include discharge from the volunteer or intern position. In addition, other corrective action, such as individualized training and other steps may be taken as the City determines appropriate. For employees and others whose legal rights are determined to have been violated, additional remedies, such as back pay, counseling or medical costs; attorney fees, pain and suffering, and punitive damages may be available.

Notices of leave pending investigation, notice of interviews, due process notices and disciplinary notices are generally maintained in personnel files. Other documents related to complaints and investigations are maintained in confidential files for a *minimum* period of the 5-year statute of limitations or the minimum retention period required under Oregon law, whichever is longer. Such records are generally released only as the City determines appropriate to defend against legal claims, establish consistency and lack of discrimination, to establish that an employee or covered

individual received notice of standards of conduct required under this policy, and when otherwise required by applicable law.

The City prides itself on its commitment to equal employment opportunities and restricts the types of behavior outlined in its policies, above, regardless of whether that conduct constitutes a legal violation. It is our policy to follow up with the victim of alleged harassment at least once every three months for the calendar year following the date on which we received the report to ensure that any harassment or other policy violations have stopped and that the victim is not subject to retaliation. These follow-up contacts will occur unless the victim objects in writing to this practice. The City may, in its discretion, also follow up with witnesses and others who cooperated in an investigation, including employees and other covered individuals who reported conduct that was not determined to be a violation of this policy, for the purpose of enforcing anti-retaliation prohibitions.

Employees who have questions or concerns about our Equal Employment Opportunity policies are encouraged to contact Human Resources or the City Personnel Officer or follow the Complaint Procedures outlined in those policies.

F. OTHER INFORMATION

Also, effective October 1, 2020 all employees and other covered individuals should be aware that, The City of Troutdale will not require or coerce any employee or covered individual to enter into any non-disclosure (confidentiality) or non-disparagement (e.g. agreement not to bad-mouth or criticize) agreement that would prohibit them from discussing alleged discrimination, harassment (including sexual assault) in the workplace. This includes any conduct that occurs between employees/covered individuals, between an employer and the employee/covered individual in the workplace or at a work-related event coordinated by the City, or that occurs between an employee/covered individual and the employer off of City property.

Except as otherwise provided by applicable law, effective October 1, 2020, employees and other covered individuals claiming to be aggrieved by workplace harassment may, however, voluntarily request to enter into an agreement (e.g. separation, severance or settlement agreements) containing a confidentiality, non-disparagement and/or no-rehire provision. Although the City is not obligated to offer or agree to any such separation, severance or settlement agreement, an employee or other covered individual who enters into such an agreement on or after October 1, 2020 will also have the option to revoke the agreement within seven days after it is signed.

G. PREGNANCY AND DISABILITY ACCOMMODATION POLICY

The City of Troutdale is also committed to complying fully with state and federal pregnancy and disability accommodation laws. If you require workplace modifications or other assistance to accommodate your pregnancy (including but not limited to pregnancy, childbirth or a related medical condition, such as lactation) or disability, it is your responsibility to contact your supervisor and Human Resources to make sure we are aware of not only your pregnancy or disability, but also your need for accommodation.

Reasonable accommodations may include acquisition or modification of equipment or devices, schedule modifications, and other job modifications that are intended to enable a pregnant or disabled employee to perform his/her essential job duties. For more information, see Appendix C.

When you advise us of a condition that you believe requires accommodation, we work with you to analyze your medical condition, job limitations, etc., and discuss the matter with you to determine what, if any, reasonable accommodations can be made to enable you to perform your job duties in a safe and satisfactory manner. All employees are expected to cooperate with this process, including our requests for medical confirmation of their condition and the nature and extent of any limitations on their ability to perform their job duties. The City of Troutdale does not create positions that do not exist to accommodate employees. However, if, even after any required reasonable accommodation, an employee is unable to perform their essential job duties, we then explore opportunities to place disabled employees in other existing and available positions that are, with or without reasonable accommodation, suited to their skills and limitations. If you have been provided an accommodation that you feel is not effective for any reason, you should promptly notify your supervisor and Human Resources.

III. EMPLOYEE CLASSIFICATIONS

All employees are classified as Trial Service, Regular (full-time or part-time), Casual Part-time, or temporary as explained below. All employees are also classified as exempt or non-exempt for overtime and other purposes. Employee classifications are used to determine wages, benefit eligibility, and other employment conditions but do not change any employee's at-will employment status. If you have any questions about your position or classification, please contact your supervisor or Human Resources.

***Please Note*: Employees covered by a CBA should refer to their CBA for information on the trial service/probationary period, classifications, and benefits applicable to their employment, which may vary from the policies outlined in this Handbook. For such employees, the CBA (& not this policy) outlines the trial service/probationary period and benefits applicable to your position.**

A. TRIAL SERVICE EMPLOYEES (Employment or Promotion)

All employees who are hired or promoted into a position for ongoing employment are subject to a trial service period during which the City evaluates all areas of the employee's performance in the new position (such as behavior, aptitude, job skills, work habits, efficiency, ability to learn, ability to get along with people, attendance, etc.). This trial service period also provides the employee with an opportunity to evaluate whether the work for which they were hired, the people with whom they work, and the general conditions of the position meet their expectations.

The trial service period for Department Head positions is currently twelve (12) full months of employment from the most recent date of hire or promotion (with at least 1040 hours worked) unless otherwise provided in an applicable written individual employment agreement. Except as otherwise lengthened or shortened by the terms of an applicable CBA, the trial service period for all other personnel is currently six (6) months of employment from the most recent date of hire or promotion (with at least 520 hours worked for .5 FTE positions and 1040 hours worked for 1.0 FTE). The City may extend the length of any trial period up to 90 days as it determines appropriate based on its evaluation of employee performance, and notifies employees in writing if their trial service period is extended. The trial service period is currently twelve (12) full months of employment from the most recent date of promotion.

All employees should understand the City has no obligation to continue their employment for the entire trial service period. *Rather, except as otherwise provided by the terms of an applicable CBA, all employees in their trial period of employment are employed on an* ***at-will basis*** *and may be terminated with or without cause at any time as the City determines appropriate, and without appeal rights or appeal procedures as outlined on page 51 of this Handbook*. This includes employees who have obtained regular status in another position but who are serving a new trial service in a promotion position. Such employees may be removed from the new position during the trial service period for that position at the City's discretion without cause or appeal/due process procedures. Likewise, you are free to resign if you feel your new job is not meeting your expectations.

Employees in their initial trial service period are generally not eligible for employment benefits except as required by applicable law, CBA, these policies or an applicable employment agreement to the contrary. For newly hired and rehired employees, the initial trial service period is measured from your most recent date of hire with the City, or the date of appointment to the

new position, whichever is later. Employees in their trial service period for a promoted position continue to be eligible for any benefits they were already earning at the time of promotion provided they are also applicable to their new position and the employee continues to meet all eligibility criteria for that benefit.

B. REGULAR EMPLOYEES

Regular employees are employees who have been hired by the City for an ongoing employment position and have successfully completed the trial service period.

1. **REGULAR FULL-TIME**: A regular full-time employee is a regular employee whose position is budgeted at 1.0 FTE (to work a regular schedule of at least 40 hours per week). Regular full-time employees are eligible for all City employee benefits provided they meet the specific eligibility requirements for that benefit outlined in these policies or applicable insurance/other formal plan documents, which are controlling.

2. **REGULAR PART-TIME**: A regular part-time employee is one whose position is budgeted at less than 1.0 FTE (to work a regular schedule of less than 40 hours per week) but at least 0.5 FTE (to work a regular schedule of at least 20 hours per week). Regular part-time employees are eligible for pro-rated employee benefits only as provided in this Handbook (provided they meet any requirements in applicable insurance policies and other formal plan documents, which are controlling) and as required by law.

C. CASUAL PART-TIME EMPLOYEES

A casual part-time employee is one whose position is budgeted at less than 0.5 FTE (i.e. scheduled to work fewer than 20 hours per week on a regular and consistent basis or on an intermittent, on-call, or other as needed, basis). Casual part-time employees are not eligible for employee benefits except as provided in this Handbook (provided they meet any requirements in applicable insurance policies and other formal plan documents, which are controlling) and as required by law.

D. TEMPORARY EMPLOYEES

Temporary employees are those who have been hired directly by the City or through a temporary employment agency to work on an interim relief basis or as needed for a limited period of time such as to complete specific projects or assignments that are not anticipated to be required on an ongoing basis (for example, internships and other seasonal work). Temporary employees hired directly by the City are not eligible for any City employment benefits except as outlined in this Handbook (provided eligibility is consistent with the terms of any formal benefit plan documents, which control) and as required by law.

Temporary employees hired through a temporary employment agency are subject to the City's performance expectations for the services they perform as well as the City's conduct policies in our workplace. Temporary employment agency employees are not, however, eligible for City wage rates/incentives or any other employment benefits through the City. Rather, the City reports your hours of service and other information to your employing agency, which controls your pay and benefits. As a result, all questions regarding your pay and benefits should be directed to the employment agency.

E. CHANGES IN CLASSIFICATION STATUS

A temporary assignment of a regular part-time employee to additional hours of work (such as for special projects and/or during busy periods), or the extension of a temporary employee's assignment does not change the employee's classification status for benefit eligibility purposes except when otherwise required by an applicable CBA. To avoid misunderstandings, all changes in employment status from one classification to another must be confirmed in writing by the City Personnel Officer in order to be valid.

F. EXEMPT AND NON-EXEMPT STATUS

In addition to the above classifications, the City also classifies all employees as exempt or non-exempt from overtime pay. Non-exempt employees, including but not limited to all hourly employees, are eligible to earn overtime pay or compensatory time off as outlined in the City's Compensation policies and to the extent otherwise required by applicable law. Employees who hold supervisory/managerial, professional and certain high-level administrative positions are generally classified as exempt based upon their job duties and level of responsibility. Employees who the City has classified as exempt are paid a salary that covers all of their hours worked (regardless of how many) and are not legally entitled to additional pay or benefits for overtime.

G. VOLUNTEERS

As a public entity, the City may use the service of volunteers. Volunteers are individuals who donate their services to the City for civic or humanitarian reasons without contemplation or expectation of compensation in accordance with applicable law. Individuals who have been hired into paid employment positions with the City (employees) are strictly prohibited from volunteering to perform the same or similar work to the work they perform in their paid positions and from performing any volunteer work during their normal working hours. In order to avoid misunderstandings, City employees must obtain approval in writing from the City Personnel Officer before performing any volunteer services for the City. If you are a City employee and also want to volunteer with the City, please contact Human Resources.

Although the City expects volunteers to meet our conduct and behavior standards (as well as any performance needs related to the nature of their volunteer services), volunteers are not considered employees of the City and are not paid for their services or eligible for benefits. Volunteers may choose to discontinue their volunteer services at any time. The City may also discontinue volunteer services at-will at any time for any reason without appeal rights or due process procedures.

IV. WAGE AND COMPENSATION POLICIES

A. PAYDAYS AND PAYCHECKS

The City maintains a bi-weekly (two-week) pay period, ending at midnight every other Sunday. Paychecks are issued every other Friday, following the close of the pay period. When a regularly scheduled payday falls on a holiday, paychecks are issued on the last business day before the holiday.

1. **DEDUCTIONS FROM PAY:** The City takes deductions from employee paychecks as required by law for FICA, federal and state taxes, garnishments, etc. Other items, (e.g. benefit contributions) are only deducted as outlined in an applicable CBA or otherwise as permitted by law and/or upon written authorization from you.

2. **CORRECTIONS TO PAY:** If you have questions or feel your paycheck is not accurate, promptly notify the Payroll Specialist. The City's goal is to pay employees correctly every pay period. By bringing mistakes in payment of your wages to the City's attention as soon as possible, you help it make sure you are properly paid for all the work you perform. In the event that an error results in an underpayment of 5% or more, pay is corrected within three (3) business days from when the error is realized. Any other underpayments are generally corrected on the next regular payday. Hours worked on the last two (2) days of the pay period will be paid out on the following pay day.

3. **DIRECT DEPOSIT**: It is the City's policy to provide employee paychecks through direct deposit into their bank accounts. Direct deposit is a convenient way to have your paycheck immediately available on payday. For more information, please see the Payroll Specialist. Employees who do not have direct deposit and want to have their paycheck released to any other person must provide the City with a signed authorization for the release.

B. OVERTIME AND COMPENSATORY TIME PAY

For employees covered by a CBA, overtime rules applicable to your employment are established and governed by the terms of that CBA, and not this policy.

The City strives to limit unnecessary overtime for employees and may adjust employee work schedules as needed to minimize the need for overtime. However, on occasion it may be necessary for an employee to work overtime to meet City needs. Non-exempt employees are paid at the rate of one and one-half times their regular rate of pay for all hours worked over 40 hours in a workweek. The City's workweek for overtime purposes begins at 12:00 a.m. (midnight) on Monday and continues through 11:59 p.m. Sunday.

Overtime is not pyramided or otherwise paid more than once for the same hours worked. However, hours for paid vacation time off, holidays, compensatory time off, paid personal time, and jury duty time are counted as hours worked in calculating overtime. Otherwise, only actual hours worked are counted for overtime purposes. Hours for sick leave, donated leave, bereavement, and any other time off are not counted toward the computation of overtime.

In lieu of overtime pay, non-exempt employees may elect to receive compensatory time off at the rate of 1½ hours of compensatory time per hour of overtime worked, up to a maximum of eighty (80) hours of compensatory time. *Note*: Non-exempt employees are paid for overtime hours worked unless they designate the hours as compensatory time on their time sheet. For information on using accrued compensatory time, see the Compensatory Time Off Policy in the Employee Benefits section in this Handbook.

Although employees are expected to perform overtime when required, *all overtime must be authorized by your supervisor before it is worked*, unless emergency or other circumstances beyond your control prevent prior approval. Regardless of whether it has been pre-approved, the City pays non-exempt employees for all overtime worked when required by law. Therefore, non-exempt employees are expected to accurately record their time worked, including overtime, on their time records. If there are questions about whether any unauthorized overtime was necessary and appropriate to conduct City business or should have been approved, the City may meet with you to evaluate whether you are meeting City standards and expectations, and you may be subject to disciplinary action for unauthorized overtime.

If the assignment of overtime work presents a hardship for you, discuss your concern with your supervisor. The City considers particular employee needs and desires to the extent we feel it is practical and fair to your coworkers. Failure to work required overtime may result in disciplinary action.

C. EXEMPT EMPLOYEE 'LIKE TIME'

Employees who the City has classified as exempt are paid a salary that covers all of their hours worked and exempt employees are not entitled to any additional pay for overtime. However, because the City's exempt employees are dedicated employees who are often called upon to work long hours, the City currently provides a limited benefit, called "Like Time" for exempt supervisory and management employees. Eligible exempt employees who work beyond their regularly scheduled workday or workweek currently receive 'Like Time' on an hour for hour basis. For example, if you are regularly scheduled to work M-F, for 8 hours each day, and you work 10 hours each day for three of those days, you receive 6 hours of 'Like Time' under this policy. 'Like Time' may be used to schedule time off consistent with department operational needs. Unused exempt employee "Like Time" is not paid out at termination.

D. ON-CALL AND CALL BACK PAY

The City provides non-exempt, non-represented employees with "On-Call Compensation" as well as "Unscheduled Call Back Pay" at the same rates and under the same conditions as provided to AFSCME represented employees. For additional information refer to the AFSCME collective bargaining agreement or contact Human Resources.

E. WAGE RATES AND POSITION CLASSIFICATION PLANS

It is the City's policy to pay wages and salaries that it determines fairly takes into account its geographic location, comparable rates being paid for similar work in the community and other similarly sized communities, as well as the City's budgetary constraints and fiscal responsibilities. To facilitate these efforts, the City has established position classification plans, including designated steps for wage and salary advancement. If you have questions about the wage range for your position, contact Human Resources.

1. **POSITION CLASSIFICATION PLANS**: The City has established pay classification plans designed to provide consistency in our pay scales and similar pay for similar responsibilities and job functions. Positions are generally grouped by 'class' and a pay scale is established for each 'class' of position based on the duties and responsibilities of the positions in the class. A "class specification" for each class of jobs provides a general outline of the characteristic duties, responsibilities, qualification requirements, etc. that are applicable to that 'class' of positions and that distinguish a given class from other classes of jobs. More detailed information about a particular position may be found in the job description for that position. *However, nothing in this policy, the City's class specifications, or job descriptions restricts the City from assigning additional or different duties to employees as it determines appropriate*.

   The City periodically reviews its pay scales and class specifications and may make changes to its pay scales or class specifications as it determines appropriate. However, no City employee is authorized to change a class specification or pay scale, create new positions, or allocate positions to any class except the City Personnel Officer or his/her designee, subject to any applicable collective bargaining obligations.

2. **RECLASSIFICATIONS**: When the City determines that the duties and responsibilities of a position have changed significantly, the City may elect to reclassify the position and assign a new pay scale if the change is also consistent with the City's determination of budgetary needs. Reclassifications may be to a higher or lower pay scale as appropriate to the nature of the position, and an employee's wages may be adjusted as appropriate to the reclassification. Wage adjustments to a lower pay rate/scale as a result of a reclassification of the position are not considered disciplinary in nature and are not subject to appeal or other due process procedures. *For bargaining unit positions, it is the City's policy and practice to bargain with the applicable union in accordance with its public employee collective bargaining obligations.*

   If you believe your position duties have changes sufficiently to warrant a reclassification, you may submit a request for reclassification to your Department Head. All requests should include a copy of the current job description, comparator position job descriptions and wage scales and other appropriate documentation showing how the position has changed. Department Heads review such requests with the City's Personnel Officer, and a decision is generally issued within 90 days of the request. However, in order to avoid misunderstandings, all employees should recognize that no supervisor or manager, other than the City Personnel Officer, has the authority to reclassify a position.

3. **APPOINTMENT RATE**: Except as otherwise approved in writing by the City Personnel Officer, it is the City's policy to hire/appoint all employees at Step "A" (the first step) of the wage/salary range established for their position.

F. WAGE INCREASES

For employees covered by a CBA, your wage rates and pay increases are established and governed by the terms of that CBA, and not this policy.

1. **MERIT STEP INCREASES**: Employees should recognize that wage increases at the City are not automatic or guaranteed. Rather, all wage/step increases are based on individual

performance and merit and must be consistent with the City's budgetary needs and the wage scale applicable to the position based on performance. Merit step increases are recommended by the employee's supervisor. However, all recommended merit step increases are subject to authorization by the City Personnel Officer, which must be in writing to be valid. The City generally conducts a review of employee performance at the end of the trial service period and quarterly thereafter. In addition to the above considerations, employees are generally only considered for a merit pay increase if they have received an overall "satisfactory" performance review for the past year. Employees who have reached the top step within the pay range for their position are not eligible for merit increases while they remain in that position unless the pay range for their position is modified to include higher wages than they are currently earning.

2. **COST OF LIVING ADJUSTMENTS (COLA) INCREASES**: The City periodically reviews its pay scales and employee wages for consistency with current costs of living and may provide COLA wage increases to employee wages as it determines appropriate and consistent with fiscal responsibility and budgetary constraints. The City generally provides COLA increases for non-represented employees at a rate consistent with the COLA increases provided to AFSCME represented employees.

G. OUT-OF-CLASS PAY

For employees covered by a CBA, your wage rates (including eligibility for out-of-class and other premium pay, etc.) are established and governed by the terms of that CBA, and not this policy.

In order to provide opportunities for employee growth and to meet temporary City needs, the City currently provides out-of-class pay to employees who are assigned substantially all of the duties and responsibilities of a higher paid classification for ten (10) or more consecutive working days. In order to be eligible for out-of-class pay, the assignment must be approved in writing by the Department Head and City Personnel Officer. In such cases, the City pays the employee either the first step in the higher paid range or five percent (5%) above their current rate of pay (up to a maximum of the top step of the higher paid classification), whichever is greater. Out-of-class pay is generally paid retroactively to the first day of the assignment and continues for the duration of the assignment.

Out-of-class assignments are generally not approved for a period in excess of six (6) months. An extension of up to a maximum of three (3) months may be approved at the discretion of the City Personnel Officer, provided the Department Head has submitted a written extension request that includes a course of action to eliminate the need for the out-of-class assignment. Employees who are acting out of class may be eligible for merit reviews in the higher range, but should understand that their pay rate will be reduced to the applicable rate under their original pay range (including any merit reviews for which he or she may be eligible) at the end of the acting assignment. Any time off (e.g. sick, vacation, holidays, etc.) during the acting pay assignment is paid at the employee's original regular pay rate, not the out of class pay rate.

H. TRAVEL EXPENSES

In order to best utilize our public funds, all City business related travel must be conducted in the most efficient and cost-effective manner. Prior to incurring any costs and/or traveling on City business, employees must obtain approval from their supervisor or Department Head.

Management evaluates all requests and determines the necessity, available resources, and justification for the need for and the method of travel and related expenses. When employees are authorized to travel outside the City on City business, the following rules apply:

1. **MEALS, GRATUITIES, AND TRAVEL EXPENSES**: Employees who travel more than 30 miles out-of-town on City-approved business overnight or for extended work hours as determined by the City, may request to receive a meal expense reimbursement for their actual meal costs. Reimbursements are limited to the federal per diem rate established by the US. General Services Administration (GSA). For meals, gratuities (not exceeding twenty percent (20%) of the cost of the meal) are considered part of the actual cost of a meal. Gratuities are not separately reimbursed. Detailed receipts identifying the food purchased as well as the gratuity must accompany any request for reimbursement. The City does not reimburse for alcoholic beverages. Also, meal reimbursements are not available for meals that are served as part of a conference or training, or are otherwise provided and meals are only eligible for reimbursement if the employee is traveling at the following times: for breakfast - 6:00 a.m., for lunch - 12:00 noon, for dinner - 6:00 p.m. The City does not reimburse employee entertainment, laundry, or similar personal expenses.

2. **TRANSPORTATION AND MILEAGE**: Employees who travel outside the City on City business are expected to utilize City owned vehicles whenever possible. If a City vehicle is not available, or the employee is approved to use a personal vehicle, the City's reimburses employee mileage for business travel at the established IRS rate at the time of travel, which covers all vehicle related expenses except parking, which may be separately reimbursed with approved itemized receipts. Employees are required to comply with all applicable laws while driving on City business. Costs associated with traffic violations (e.g. traffic citations, parking tickets, court costs and fees) are not paid by or reimbursed by the City. Employees who choose to use a personal vehicle when a City vehicle is available or when the City has determined that another method of transportation is more efficient for the circumstances are not eligible for mileage reimbursement. Mileage and parking reimbursements are made only for pre-approved travel for City business and are not provided for travel to and from work. Travel by common carrier such as a plane, train, etc., must be booked and paid in advance by the City.

3. **LODGING**: Lodging is allowed only for travel on official City-approved business that involves an overnight stay. Lodging expenses are allowed at the actual cost for single room rate and must be booked at government or commercial rates, unless unavailable, and should be paid in advance with a City credit card or check.

4. **OTHER INFORMATION**: Upon returning from approved travel, employees who have received any travel advance money and/or who are seeking reimbursement for any travel expenses must complete and submit a travel expense form, together with itemized receipts of actual expenses to their supervisor. Any unused portion of a travel advance must be returned to the City. Time spent in approved business travel is paid as hours worked when required by applicable law. For additional information on how travel time should be recorded on your time records, see Human Resources prior to your travel date.

   Employees who are accompanied or joined by personal companion(s) during approved City business travel are responsible for all meal, additional lodging, and all other added travel costs for their companion(s). The City does not pay or reimburse any travel companion expenses.

V. EMPLOYMENT BENEFITS

The following policies outline the City of Troutdale's employment benefits for non-represented employees only. For employees covered by a CBA, employee benefits information applicable to your employment is established and governed by the terms of that CBA and applicable law, and not this policy (unless expressly noted). Such employees should consult their current CBA or Human Resources for information about benefits applicable to their employment.

These policies are intended to provide a general description of the current benefits that non-represented employees may be eligible to receive. This Handbook does not change or otherwise interpret the terms of the official plan documents. To the extent that any of the information contained in this Handbook is inconsistent with applicable official plan documents, the provisions of the official plan documents control. Also, nothing contained in the benefit plans described in this handbook creates any promise of employment or future benefits at any level, or a binding contract between the City and its employees, retirees or their dependents, for benefits or for any other purpose. Rather, this is a summary of the currently available benefits. In order to avoid misunderstandings, employees should understand that the City reserves the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefits and benefit plans described in this Handbook, including any health benefits that may be extended to retirees and their dependents, as well as to what extent, if any, employees may be required to share in the costs of such plans.

For more complete information regarding any of our current benefit programs, please refer to the Summary Plan Descriptions or contact Human Resources.

A. PAID HOLIDAYS, VACATIONS, SICK LEAVE AND OTHER BENEFITS

The City of Troutdale desires to provide its non-represented employees with the equitable compensation and benefits that are comparable to those provided to its AFSCME represented employees. Therefore, *except as otherwise provided by this handbook or a written individual employment agreement*, it is the policy of the City that non-represented employees earn paid Holidays, paid Vacation benefits, paid Sick Leave benefits, Life and Disability Insurance benefits, PERS pick up contributions, paid bereavement time off, paid witness/jury duty benefits, and educational/training reimbursement benefits at the same rates and under the same conditions as provided to AFSCME represented employees. For additional information refer to the current AFSCME collective bargaining agreement or contact Human Resources.

1. **PAID HOLIDAYS**: As a limited exception to the rules outlined in the CBA, salaried exempt employees who are required to work on a recognized holiday do not earn any additional pay for such work. Instead, the City currently provides salaried exempt employees who work on a recognized holiday with one hour of 'like-time' for each hour worked on the holiday in addition to their regular salary as consistent with the Exempt Employee 'Like-Time' policy.

   Veteran's Day Holiday: The City respects the service of our veterans and allows qualified veterans to take the day off on Veteran's Day as outlined in this policy. Qualified veterans who are not eligible for paid holiday benefits may take the day as an *unpaid* holiday day off or use any earned and unused vacation, paid personal days (previously referenced as 'floating holiday'), comp time or like time benefits. If you would like to take advantage of this

benefit, you should submit your request for time off to the City as far in advance as possible (generally at least 21 days in advance) and provide verification of your veteran's status. In rare cases, where granting Veteran's Day off creates a significant economic or operational disruption or other undue hardship to the City, qualified veterans are given the option to select, with management approval, an alternative unpaid day off within the year following Veteran's Day as a replacement day. For more information on this benefit, please see Human Resources.

2. **PAID VACATION BENEFITS**: *The following rules supersede any conflicting provisions of the AFSCME CBA policy for non-represented employees:*

Trial Service Period Employees: Newly hired City employees are not eligible for and do not earn any paid vacation benefits during the first 6-months of employment. After successful completion of the 6-month trial service period, otherwise eligible employees are credited with a lump sum amount of vacation benefits equivalent to what they would have earned during the trial service period if they had been eligible. Thereafter, vacation benefits are earned upon completion of each of the first 2 pay periods of employment in each month during City employment. Vacation benefits are not earned for the third pay period, if applicable, of a month.

Department Head Earning Rate: Except as otherwise provided by the terms of a written individual employment agreement, employees who hold full-time "Department Head" positions or higher currently earn vacation at the following rates (*and not the rates outlined in the AFSCME agreement*) based on their length of continuous service with the City as follows:

LENGTH OF SERVICE	***AMOUNT OF PAID VACATION BENEFITS***
1st day* through completion of year 10	5 hours per pay period (up to a maximum of 10 hours/month) **note: vacation benefits may not be used in the first 6 months of employment.*
11th year through completion of year 15	6.67 hours per pay period (up to a maximum of 13.34 hours/month)
16th year through completion of year 20	7.67 hours per pay period (up to a maximum of 15.34 hours/month)
Beginning of year 21 or more	8.335 hours per pay period (up to a maximum of 16.67 hours/month)

Increases in vacation benefit rates become effective with the first pay period after the employee's anniversary date.

Part-time Employees: Regular part-time employees who are regularly and consistently scheduled to work at least 20 hours per week (at least 0.5 FTE) are eligible to earn pro-rated vacation benefits based on the percentage of full time (40 hours) budgeted for their position.

Vacation Benefits During Leave: Paid vacation benefits are intended to reward periods of productive employment on behalf of the City. Therefore, employees who are absent for more than 50% of their scheduled workdays in the month for any reason (for which they are not using previously earned vacation, sick leave, compensatory time, 'like time,' or paid personal day benefits), do not earn any vacation benefits for that month.

Scheduling Rules: Vacation benefits may be used at any time after they are earned consistent with the City's other scheduling rules. All vacation requests must be approved by your supervisor and are subject to the City's operational and workload needs except where otherwise required by applicable law. Because of the nature of the work or to fairly allocate vacation time off between employees, it may be necessary to limit the number of employees using vacation at the same time, to prohibit an employee from taking time off during a particular period of time, or to cancel or reschedule employee vacation time during particular periods of time. In order to allow the City to effectively plan ahead for your absence, employees should be sure to submit time off requests as far in advance as possible. In the event of conflicting requests for time off, the City generally approves vacation on a first come first serve basis.

Please remember that all earned and unused paid vacation benefits must be used before unpaid time off is taken (except when otherwise provided by applicable law, such as during periods of military leave, jury duty leave, and domestic violence leaves, when employees may elect to save such benefits.) However, vacation benefits may only be used to backfill for the number of hours you would otherwise be regularly scheduled to work on the day the benefits are used.

Maximum Accumulation: The City believes that both employees and the public benefit when employees take personal time away from work to relax. As a result, the City limits the amount of earned vacation benefits that employees may accumulate. Employees who reach their maximum vacation benefit accumulation (as outlined in the AFSCME CBA) do not earn any additional vacation benefits until their vacation accumulation is dropped below the maximum. Employees may, however, cash out vacation benefits during employment as outlined in the AFSCME CBA. Employees are encouraged to schedule time off each year.

Payment on Termination: Upon termination of employment for any reason, all unused vacation benefits that have been earned through the last full pay period of employment are paid with the final paycheck. *Note: Employees who have not successfully completed their trial service period of employment with the City do not earn and are not paid out for any vacation benefits on termination of employment*.

3. **PAID SICK LEAVE BENEFITS**: *The following rules supersede only the conflicting provisions of the AFSCME CBA policy for non-represented employees and are intended to clarify permissible uses of sick leave for ALL employees (including CBA employees) in accordance with applicable law:*

Eligibility: All employees hired directly by the City of Troutdale (including trial service, regular full-time, regular part-time, casual part-time and temporary employees) are eligible to earn paid sick leave benefits with the City of Troutdale. *Temporary employees hired through an employment agency are not eligible to receive paid sick leave benefits from Troutdale and should consult their employing agency for information on benefits applicable to their employment. The City does, however, comply with time off and reinstatement obligations for all employees, including agency employees to the extent required by applicable law.*

Amount and Accumulation of Paid Sick Leave Benefits: Trial Service period employees hired for ongoing employment of at least 0.5 FTE (20 or more hours per week) and regular full-time and regular part-time employees earn, carry over, and accumulate paid sick leave benefits at the same rates and under the same conditions as provided to AFSCME represented employees. In all cases, benefits are accrued and available for use in accordance with applicable law, including Oregon's paid sick time rules, which protects the first 40 hours of use per year from attendance and other disciplinary action. Once an employee has earned at least 40 hours of paid sick leave benefits in the calendar year, benefits are earned and can be used only at the rates and under the conditions provided in the AFSCME CBA, without any minimum guarantees.

Employees who do not meet the eligibility criteria to earn paid sick leave benefits under the provisions of the AFSCME CBA policy (i.e. Casual part-time and temporary employees hired directly by the City of Troutdale) earn paid sick leave benefits at the rate of 1 hour of paid sick leave for every 30 hours worked, up to a maximum of 40 hours of sick leave benefits per calendar year. Such benefits are earned based on actual hours worked only, beginning on the employee's first day of employment. Casual part-time and temporary employees are permitted to carry over a maximum of 40 hours of paid sick leave benefits from one calendar year to the next in accordance with applicable law.

Use of Paid Sick Time Benefits (*ALL employees*): Trial Service period employees hired for ongoing employment of at least 0.5 FTE (20 or more hours per week) and regular full-time and regular part-time employees may use paid sick leave benefits as outlined in the AFSCME CBA. In addition, ALL employees may use paid sick leave benefits for the purposes outlined below.

Newly hired casual part-time and temporary employees hired directly by the City of Troutdale may not use any paid sick leave benefits during their first 60-days of employment. Upon completion of the 60-day eligibility period, you may begin using the benefits earned under this policy during the waiting period. Thereafter, benefits may be used immediately as they are earned consistent with this policy; however, sick leave must be used in increments of 1/4 hour or more. Paid Sick Leave benefits for casual part-time and temporary employees are intended to provide eligible employees with compensation when absences from work only for the following purposes:

- For your own illness, injury or health condition (including diagnosis, care, treatment and preventive medical care)
- To care for a family member as defined by Oregon paid sick time rules (spouse, registered domestic partner, son/daughter/stepchild, parent-in-law, mother/father/stepparent, children and of same-sex domestic partner, and grandparents and grandchildren) with an illness, injury or health condition (including diagnosis, care, treatment and preventive medical care)

- For any OFLA or FMLA leave as well as for any purpose for which you could take Family leave (OFLA) (regardless of whether or not you are eligible for OFLA)
- For any purposes covered by Oregon's domestic violence leave rules;
- For time off due to a public health emergency such as the closure of your child's school or place of care by order of a Public Official due to public health emergency or the closure of our business due to a public health emergency;
- For time off caused by a determination by a public health authority or healthcare provider that your presence or the presence of your family member in the community would jeopardize the health of others such that you must provide self-care or care for the family member;
- If you are excluded from the workplace by the City under any law or rule requiring your exclusion for health reasons.
- For any other reason when required by applicable law.

Please note that the same absence may be covered by more than one of the sections outlined above and/or more than one type of leave under City policies (e.g. an employee's own illness or injury may qualify for OFLA/FMLA). In such cases, all applicable types of leave run concurrently. Use of the first 40 hours of paid sick leave benefits for any of the purposes listed above in a calendar year is protected (not countable) for attendance and discipline purposes. Additional time may be protected when required by law. For more information, contact Human Resources.

Employees who need time off for qualifying purposes under this policy must follow the City's written attendance reporting procedures as outlined in this Employee Handbook. If it is not possible to provide notice prior to your shift due to unforeseeable circumstances, you must provide notice as soon as practicable. If the need for leave is for a purpose covered by Oregon paid sick leave rules and is known in advance, you must notify the City at least 10 days in advance or as soon as possible if you learn of the need for leave with less than 10 days' notice.

Verification of Absences: All employees are expected to be honest and complete in reporting the circumstances surrounding absences. Abuse of the sick leave benefits policy, including dishonesty in reporting the reasons for an absence or need to be absent, patterned use adjacent to weekends, scheduled days off, holidays, etc. is addressed as a serious disciplinary matter up to and including termination of employment. In the event that the City has a reason to suspect that an employee has abused or otherwise been dishonest in reporting the reasons for an absence, the City may require medical or other verification of your need for leave.

Verification of the reasons for absence is also required under this policy whenever the City determines it necessary to ensure compliance with applicable laws regarding time off from work such as for absences covered by Oregon's paid sick leave law (e.g. for absences of more than three consecutive days of work for employee or family member illnesses), by state or federal family leave rules, or domestic violence rules, etc.). Employees who fail to provide timely verification when required may be denied payment of benefits and/or may be subject to discipline. For extended absences from a sick leave of three (3) work days or more days due to illness or injury, a release from the employee's healthcare provider is generally also required to ensure the employee can safely return to work.

Payment of Sick Time Benefits: Sick leave benefits are paid out at the employee's regular straight time hourly rate of pay (or base salary rate for salaried employees) for the hours the employee would otherwise be required to work the day the benefits are used. Employees are not permitted to use or be paid for sick leave benefits that have not yet been earned. Also, please note that employees are required to use any earned and unused paid sick leave benefits for all absences covered by this policy, except when otherwise prohibited law. If an employee has insufficient paid leave to cover the full period of absence, other leave accruals must be used before unpaid time off may be taken. Sick leave may only be used to backfill hours up to the employee's regularly scheduled work shift.

Sick leave benefits are not vested and are not paid out on termination of employment. Employees who leave City employment (including those who leave in the first 60 days of employment) and are rehired within 180 days are given credit for previously earned and unused sick leave benefits to the extent required by law (which may be used immediately if eligible) as well as for the length of prior service for purposes of sick leave benefits eligibility and use.

4. **DONATIONS FOR CATASTROPHIC ILLNESS OR INJURY**: The City has developed this leave donation policy to give employees an opportunity to contribute donations of paid vacation, paid personal days, like time and/or compensatory leave time to other City employees who meet the eligibility criteria outlined below.

   In order to be eligible to RECEIVE Donated Leave, the employee must meet ALL of the following criteria:

   - In the event of foreseeable leave, the employee has not scheduled any paid time off in the 60 days prior to beginning leave (excluding sick, jury duty, bereavement)

   - The employee has exhausted all of their own paid leave banks (including vacation, sick, holiday, paid personal days, compensatory, etc.).

   - The employee has been continuously absent from work for a period of at least fourteen (14) calendar days due to their own catastrophic illness or injury or the need to care for their spouse, registered domestic partner or child (including biological, adopted, step-children, foster children, registered domestic partner's children) with a catastrophic illness or injury. "Catastrophic illness or injury" is defined as a significant, incapacitating unexpected/unplanned medical condition (i.e. a serious health condition).

   - The employee has applied for and is eligible to receive FMLA/OFLA benefit coverage under applicable law.

   - The employee is not eligible for Short Term Disability Benefits (STD).

   - If the absence is for an employee's own catastrophic injury or illness, the employee must also have applied for Long Term Disability (LTD), Social Security disability and PERS disability benefits, must not yet be receiving those benefits, and must not have enough paid leave to cover until the disability benefits become available. Donated leave is not available for any period an employee is receiving STD, LTD, Social Security or PERS disability benefits.

- The employee has made a written request for donated leave.

Employees are only eligible to receive leave donations up to the amount of time that the healthcare provider has certified that he/she is unable to work as a result of his/her own or family member's catastrophic illness or injury, until reaching the limit of the employee's OFLA/FMLA leave, or until the employee becomes eligible to receive STD, LTD, social security disability or PERS disability benefits, whichever time period is the shortest.

In Order to be eligible to DONATE leave, the employee must meet ALL of the following criteria:

- The donating employee must maintain a minimum of forty (40) hours of accrued vacation benefits after the donation.

- The donating employee must be donating paid vacation benefits, paid personal time off, like time or compensatory time off only. Other forms of leave may not be donated.

- The donating employee must submit a written request to the City Personnel Officer or his/her designee stating their desire to donate leave as well as the amount and type of paid benefits being donated.

All donations of paid leave benefits are voluntary and irrevocable, and donors remain anonymous. However, paid leave donations are converted to a dollar amount based on the hourly wage of the person donating the leave. This amount is then converted back to hours based on the hourly wage of the employee receiving the donated leave.

All donated leave is placed into a catastrophic leave bank that is made available to any employee(s) who meet all of the above eligibility requirements and make a written request for donated leave. If more than one employee is determined to be eligible during the same period of time, both/all such employees receive leave from the bank while they continue to be eligible and while leave continues to be available in the bank. The City does not guarantee any employee how much, if any, donated leave benefits will be available for any employee. Even when donated leave is available, there is no guarantee that sufficient leave donations will be received to cover any employee's entire period of eligibility.

B. COMPENSATORY TIME OFF

Employees are encouraged to take accumulated compensatory time on a timely basis. Employees who request use of accumulated compensatory time are permitted to use such time within a reasonable period after making the request provided, in the City's determination, the granting of compensatory time would not unduly disrupt the operations of the department or the City. Employees who wish to take compensatory time off should request the time off at least one day in advance. However, in order to minimize disruption to operations, employees are encouraged to provide as much advance notice as possible when requesting the use of compensatory time. Requests for use of compensatory time should be made to your supervisor and must generally be taken in increments of at least ¼ hour.

Employees who wish to cash out accrued compensatory time during employment should submit a written request to payroll at least 10 days in advance for payment with the next regular payroll. Any accumulated and unused compensatory time is paid out on termination of employment at either your final regular rate of pay at termination of employment or your average regular rate of pay during your last 3 years of employment with the City, whichever is higher.

C. HEALTH INSURANCE

The City currently provides medical, dental and vision health insurance benefits to regular and trial service full-time and part-time employees (who meet the eligibility requirements in the applicable plan documents) beginning on the first day of the month following thirty (30) days of continuous employment, provided the employee has timely enrolled.

The City provides non-represented employees with health insurance benefits as the City deems to be cost-effective and appropriate in order to attract and retain qualified employees. These benefits, including benefit plans and terms, may be different than those provided to employees covered by a CBA, including the AFSCME CBA. Please see Human Resources and refer to the plan documents for detailed information on current benefits and coverage for non-represented employees.

1. **CONTRIBUTIONS TO PREMIUMS:** The City currently shares the cost of health insurance premiums with non-represented employees. Employees who wish to participate in the City's plan(s), or to provide coverage for eligible family members (as defined by the terms of the applicable plan documents) may authorize deductions from their paychecks for their portion of the cost of the benefit. For additional information on current cost sharing rates, please see Human Resources.

2. **VOLUNTARY EMPLOYEE BENEFIT ACCOUNT (VEBA)**: Non-represented City employees who are enrolled in certain City health insurance plan(s) are also enrolled in the City's VEBA plan. The City makes contributions to employee VEBA accounts based on the employee's tier of coverage for insurance benefits. For more information, please contact Human Resources.

3. **TERMINATION OF COVERAGE:** Coverage through City paid contributions ends on the last day of the month in which an employee resigns, is terminated, laid off or otherwise stops working as an eligible employee pursuant to applicable plan terms. The City does, however, continue to pay its portion of the premium for employees who are on Family Leaves, jury duty leave, etc. as required by law. Employees who lose their coverage may elect to self-pay the premium for continued coverage in accordance with applicable law.

4. **CHANGES IN COVERAGE AND BENEFITS:** The City reserves the right to change plans, providers, or to otherwise modify or discontinue any insurance plan(s) for non-represented employees as it deems necessary. The City provides employees advance notice of such changes before they become effective.

VI. WORK SCHEDULES AND HOURS

The City's business hours are generally 8:00 a.m. to 5:00 p.m., Monday through Friday. However, the hours during which the City offices and departments are open for business are determined by the City Manager. Also, individual employee schedules vary by department and position as the City determines necessary to provide maximum efficiency and public service. The hours you are required to work are established by your supervisor or Department Director.

Except as otherwise provided in an applicable collective bargaining agreement, the City also reserves the right to change the schedules and/or hours of all or any employee(s), to provide for efficient public services. Although the City strives to provide employees with stable work schedules, its ability to do so depends on management's assessment of work needs and budgetary considerations. Nothing in this Handbook creates any guarantee of any specific work schedule or of employment on certain days of the week or for a specified number of hours per day or week. Employee schedules and hours may be changed, reduced, or they may be laid off as the City determines appropriate for efficient provision of City services, budgetary, workload or other reasons.

A. ATTENDANCE AND TARDINESS

All employees are expected to be on time and prepared to begin work at the scheduled starting time. Likewise, all employees are expected to work until their scheduled quitting time and to limit their lunch and break periods to the designated times. If you need to leave work during your scheduled working time, you are expected to clear it with your supervisor in advance. Punctual, reliable and predictable attendance of City employees is necessary for efficient operations. Therefore, while some allowances may be made for occurrences beyond the employee's control, unauthorized, habitual, patterned, or excessive countable absenteeism or tardiness, as determined by the City, is subject to disciplinary action up to and including discharge. *Countable absences and tardies include all absences and tardies that are not scheduled and approved in advance or otherwise protected by applicable law*.

1. **REPORTING PLANNED ABSENCES**: If you know in advance that you need to be late or absent on a particular day, you must obtain approval as far in advance as possible so that substitute arrangements can be made to cover your work.

2. **REPORTING UNPLANNED ABSENCES**: Unplanned absences and tardiness also must be reported to your supervisor before your scheduled starting time in accordance with department reporting procedures. If your supervisor is unavailable, you must leave a message or contact Human Resources. Reporting to a coworker is insufficient.

3. **KEEP US INFORMED**: When you are off work due to an illness, injury or any other reason, you must keep your supervisor informed of your ability to return to work on a daily basis, unless you receive approval to be absent until a specific date. The reporting policy for employees on extended leaves of absence, including employees off work on family leaves and workers' compensation leaves, is addressed under the Leaves of Absence section of this Handbook.

4. **NO-CALL/NO-SHOW:** Employees who fail to report to work or call in within 2 hours after their scheduled starting time are considered to be a no-call/no-show. Employees who no-call/no-

show for three (3) consecutive workdays are considered to have voluntarily resigned their employment, unless the City determines special circumstances beyond your control excuse the lack of notice.

5. **VERIFICATION OF ABSENCES**: The City may require employees to provide verification of the nature and need for absences from work to properly designate employee leaves and administer benefits as well as when management has a suspicion that an employee has falsified the reasons for an absence or otherwise abused its leave policies and benefits.

B. MEAL AND REST BREAKS

1. **MEAL BREAKS**: Non-exempt City employees who work six (6) continuous hours or more are scheduled for an *unpaid* meal break of at least thirty (30) minutes (or otherwise as outlined in an applicable collective bargaining agreement). Meal breaks are generally provided near the middle of the scheduled workday, consistent with applicable law. However, meal breaks are also scheduled to meet the particular needs of your department.

2. **REST BREAKS**: The City also provides non-exempt employees with a paid 15-minute rest break for every four (4) hours worked (or otherwise as outlined in an applicable collective bargaining agreement). Rest breaks are scheduled to avoid disruption of work or interference with the needs of your department. However, rest breaks are usually provided between the 2nd and 3rd hours worked (or as nearly as practicable to the middle of each four (4) hours of work). *Rest periods cannot be combined with lunch breaks or used to shorten your workday or add to your vacation and are to be limited to the time allotted in this policy*.

3. **BREASTFEEDING MOTHER BREAKS**: The City provides employees (exempt and non-exempt) who are breastfeeding a child aged eighteen (18) months or younger with reasonable rest breaks as needed to express breast milk in accordance with applicable law. Generally, employees who need to express breast milk are expected to do so during their regularly scheduled meal and rest breaks. However, if it is not feasible to utilize your regularly scheduled meal and rest breaks, additional time (unpaid) may be available. The City also provides employees with a private location (other than a bathroom) to express milk. If you need breastfeeding breaks or locations, please contact Human Resources.

C. TIME SHEETS

In order to properly administer employee pay and benefits, the City requires all employees to accurately record all hours worked. You must also review and sign your time sheet to verify that it is accurate and your manager or supervisor must approve all time records. Misrepresenting hours worked/falsification of time records, including assisting any other employee to do so, is considered a serious violation of City policy, and is subject to discipline up to and including discharge.

VII. GENERAL WORKPLACE POLICIES AND EXPECTATIONS

The City of Troutdale expects all employees to use common sense, sound judgment, and to conscientiously perform their work duties while abiding by the City's policies and management directives in the performance of their jobs. All employees are expected to become familiar with and keep informed of changes in our safety rules, operational policies, etc. In the event you have questions about your position, your employment status, your job requirements, or any other matter, please discuss your questions with your Supervisor, Department Head, or contact Human Resources.

A. COMPLIANCE WITH LAWS AND ETHICS

The public trust and proper operation of the City require that all employees and representatives of the City demonstrate the highest degree of ethical conduct. Employees should conduct themselves so as not to impair their working relationship with other employees, volunteers, officials or the public.

1. **PUBLIC EMPLOYEE ETHICS & GIFTS**: All City employees must comply with the public employee ethics rules. This includes but is not limited to refraining from using or attempting to use their position for improper financial gain or to avoid any financial detriment (for example: use of City time, equipment, services or influence). Employees are also strictly prohibited from using any confidential information they obtained because of their employment with the City to advance the financial or other private interest of themselves or others.

   Also, employees should be aware that the public employee ethics rules restrict employees from accepting gifts in many situations. For example, City employees must not accept favors or solicit or receive gifts (in aggregate of more than $50 per year) from any source that could reasonably be known to have an interest in City matters over which the employee has or may have decision-making authority. For more information on your ethical obligations as a public employee, contact Human Resources or the Oregon Government Ethics Commission.

2. **POLITICAL ACTIVITY AT WORK**: The City does not restrict the right of its employees to express their personal political views. However, City employees are strictly prohibited from using their official authority or position with the City to further the cause of any political party or candidate. Further, in accordance with Oregon law, City employees are strictly prohibited from coercing, requiring or attempting to coerce or require any other public employee to influence or give money, service or any other thing of value to promote or oppose any political committee or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder. City employees are likewise prohibited from soliciting any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures or on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours.

3. **USE OF CITY PROPERTY AND EQUIPMENT**: All City owned property and equipment (including City vehicles, office equipment and supplies) are for City business purposes only.

Accordingly, employees are prohibited from using City property or equipment for personal or other private use. As a limited exception, off-duty City employees may be approved to use City tools and equipment on a case-by-case provided, 1) such use occurs on City property during business hours, 2) does not delay or interfere with any City functions, 3) does not cause any damage or unusual wear and tear on the tools/equipment, 4) does not incur any cost to the City, and 4) does not violate any public employee ethical obligations or otherwise violate or interfere with any other employee obligations.

4. **OTHER UNLAWFUL/UNETHICAL CONDUCT**: All City employees are expected to be honest in their dealings with and on behalf of the City and to demonstrate high standards of integrity and impartiality in the conduct of all City business. In the event an employee reasonably believes that anyone at the City is engaging in unethical or unlawful business activities, including but not limited to: violations of federal, state or local laws; gross waste of funds; mismanagement or other abuse of authority; that there is a substantial and specific danger to the public health and safety created by the City's actions; or other conduct prohibited by law, you are encouraged to report those concerns to the City Personnel Officer, or the City Manager. Employees who are aware that a person receiving services, benefits or assistance from the state (including any agency or subdivision) is subject to a felony or misdemeanor warrant for arrest anywhere in the United States are required to report such information in compliance with applicable law. The City respects the right of employees to raise such matters. It is the City's policy to investigate and address any concerns reported. Retaliation against anyone who makes a good faith report of information they believe is evidence of a violation of state or federal law, rules or regulations, unethical conduct, or who cooperates with City, state or federal investigations under this policy is strictly prohibited.

   City employees also have the right to discuss the activities of the City, the state, or any agency or political subdivision of the state (including the activities of any person authorized to act on behalf of these entities) with any member of the Legislative Assembly (or their legislative committee staff as directed by the Assembly), and other elected officials. Employees are not obligated to give the City advance notice of any reports made under this policy. Employees should, however, be aware that nothing in this policy prohibits the City from requiring disclosures when authorized by law. Further, except as otherwise required by law, employees are not permitted to leave their assigned workstation or duties to make such reports, except as provided in ORS 659A.206.

   Employees making reports of unlawful or unethical conduct as outlined in this policy must continue to comply with applicable public records confidentiality laws in making such disclosures. In the event that exempt/confidential materials are disclosed, a limited defense for unlawful disclosures of confidential/exempt information may be available, provided the disclosure is made to: a state or federal regulatory agency; a law enforcement agency; a City Manager; or a licensed Oregon attorney for the purpose of obtaining legal services for the employee. An attorney employed by the City may report violations of law to the Attorney General, subject to rules of professional conduct.

   The City strictly prohibits all managers, supervisors, and other employees, etc. from engaging in any form of retaliation against employees who make good faith reports of unethical or unlawful conduct, cooperates with City, state or federal investigations under this policy or otherwise exercise their rights under this policy. Any employee who believes they are being subjected to any form of retaliation, or who believes that another employee is

being subjected to retaliation, should promptly contact the City's Personnel Officer, the City Manager, or his/her designee.

The City promptly investigates reports under this policy and the identity of the employee who discloses information listed above is strictly confidential during any investigation of the information provided by the employee and is not disclosed without the reporting employee's written consent. The City maintains the confidentiality of other information and participants in its investigations to the extent that it determines confidentiality can be maintained while allowing it to comply with its investigation obligations. Any employee who violates the provisions and procedures outlined in this policy is subject to disciplinary action, up to and including termination of employment.

5. **VIOLATIONS**: Violation of the City's ethics policies, including but not limited to the public employee ethics rules is grounds for discipline up to and including discharge from employment. Because compliance with the ethical rules is also required by Oregon law, employees may also be subjected to individual civil fines and penalties if they are found to have violated these rules. For more information on the public employee code of ethics or if you have any questions about your obligations as a City employee, please contact Human Resources or the Oregon Government Ethics Commission.

B. COOPERATION AND TEAMWORK

In addition to performing job functions in a manner that meets our standards, all employees are required to be professional in their relations with other City employees, officials, members of the public and others they come into contact within the performance of their responsibilities with the City. Teamwork and cooperation are independent job requirements for all positions.

1. **ANTI-BULLYING POLICY**: Workplace bullying conduct generally includes repeated verbal and/or non-verbal conduct, (including through the Internet, email, social media, etc.) that is malicious, vindictive, cruel, or deliberately hurtful, etc. to others in the workplace. Bullying behaviors include those that have the effect or purpose of threatening, embarrassing, humiliating, intimidating, insulting, offending or sabotaging / undermining another employee; and/or interfering with an employee's performance. Some examples of bullying behaviors include, but are not limited to:
   - *Verbal Bullying*: Use of derogatory remarks, insults and epitaphs, slandering, ridiculing, abusive or offensive remarks, name calling, spreading negative gossip and rumors, etc.
   - *Physical Bullying*: Pushing, shoving, kicking, poking, tripping; physical pranks or damage to a person's work area or property.
   - *Gesture Bullying*: Non-verbal gestures which are mocking or convey threating or intimidating messages, etc.
   - *Exclusion*: Purposefully excluding a person from meetings that they have a business need to attend, ignoring or disregarding a person's ideas and input in work related activities, such as meetings, social exclusion/isolation of the individual in the workplace, work related activities or functions, etc.
   - *Sabotage*: Providing incomplete information or withholding information necessary for the person to do their job, assignment of impossible targets or deadlines, unwarranted removal of responsibilities or otherwise engaging in behaviors that undermine an employee's work performance or opportunity to advance.

Please note that bullying does not include legitimate workplace disciplinary or other restrictions or corrective action, delivered in a professional manner, by your supervisor or City Management.

Bullying behaviors negatively impact the health and well-being of individuals and the workplace as a whole and are prohibited. Bullying behaviors based on or directed at a person's protected status or activity as outlined in the Non-Discrimination Policy, above, are considered to violate both this policy and the other applicable Equal Employment Opportunity policies (such as Non-Discrimination, Anti-Harassment, etc.).

All employees and others in our workplace are expected to conduct themselves professionally in the workplace and in their interactions with others at work and refrain from engaging in bullying behaviors. This includes being aware of and making any necessary adjustments to your tone, volume, body language, and other manner of communication in the workplace. If you believe you need assistance in communicating or resolving disputes and differences with coworkers or others in our workplace you are encouraged to contact Human Resources or the City Personnel Officer. Employees who believe that they are being subject to bullying behaviors or witness others being subject to bullying behaviors should contact their supervisor, Department Director, Human Resources or the City Personnel Officer.

C. CUSTOMER SERVICE AND PUBLIC RELATIONS

All employees should remember that they are part of a team of public employees, and public satisfaction with the City depends upon good service. Citizens, customers, suppliers, and outside agency representatives who contact the City are always to be treated in a polite, professional, and respectful manner, including but not limited to being prompt and responsive to citizen/customer questions, concerns, complaints, etc. If a citizen/customer or workplace visitor becomes abusive or argumentative, you are expected to remain calm and professional, and to refer the person to your Department Head or the City Manager.

In addition, all employees are expected to assist in maintaining a professional public image on behalf of the City. For employees whose workspaces are visible to the public, this means that your workspace must be kept neat and tidy at all times. Personal pictures, postings and mementos, plants, etc. that are visible to the public must be discrete and professional in appearance. Personal postings are not permitted on the outside/public facing walls of any cubicle or workspace. Also, personal pictures, postings, mementos, plants, etc. must not damage any City property.

D. CONFIDENTIALITY

Although the City is a public entity, some information obtained in the course of your employment is confidential and may not be subject to public disclosure. Certain information about members of the public (individual citizens, businesses, etc.) obtained through the performance of your job duties as well as employee medical information obtained as a result of your job duties are typical examples of information that is considered confidential. Note: information about employee wages is not confidential. All employees are prohibited from discussing confidential information with persons outside the City and persons in the City who do not have a legitimate business need to know unless you have been expressly authorized to release the information. If you have a

question about whether information should be disclosed, contact the City Recorder before making the disclosure.

E. COST CONSCIOUSNESS

As a public entity, the City's funds are a limited public resource. As a result, all City employees are expected to be conscious of costs and avoid unnecessary waste of resources in the performance of their jobs. If you have any suggestions for ways to improve City cost efficiency and service to the public, you are encouraged to contact your supervisor or Department Head.

F. DATING AND WORKPLACE RELATIONSHIPS

The City considers employee personal relationships to be their personal business. However, when personal relationships develop between employees, they have the potential to impact working relationships and City operations. Therefore, the City has developed this policy to avoid conflicts of interest, favoritism, special treatment, harassment and retaliation, and to help ensure continued excellent services to our community.

Romantic/sexual relationships between management employees and subordinate employees are strictly prohibited. This includes but is not limited to employees who are married and/or living together. Subordinate employee means an employee in the same chain of supervisory authority even if there is not a direct reporting relationship. If such a situation develops, both individuals are required to notify the City Personnel Officer or City Manager at the earliest opportunity (including at the application process if one of the involved parties is applying for City employment). In such cases, the City makes personnel decisions as it determines appropriate to the management and protection of the City, which may include declining to hire, or the transfer, reassignment, request for resignation, or termination of one or both individuals.

Other consensual romantic/sexual relationships between individuals who work for the City, as well as romantic personal relationships between an employee and an individual employed by a customer, vendor, supplier, etc. are not prohibited. However, all employees are expected to act professionally in the workplace and during the course of their employment. Sexual/romantic conversations, text or instant messaging; inappropriate touching (kissing, hugging, massaging, sitting on laps, etc.); etc. is strictly prohibited in the workplace, even when it is consensual.

All employees are expected to comply with the City's policies against harassment and retaliation and to maintain appropriate professional working relationships. In the event a consensual romantic relationship between two employees is discontinued, both parties must respect that decision. Employees who continue to pursue romantic relationships in the workplace, or retaliate in violation of City policies after they have been advised that the other employee wishes to end the relationship should be reported pursuant to the City's policy against harassment.

Lastly, even where there is no romantic involvement, employees are expected to behave in a manner that does not raise claims of favoritism or create a negative or unprofessional work environment. If you have any questions about your obligations under this policy, contact Human Resources.

G. DRESS CODE/UNIFORMS

Public relations are an integral part of each employee's job. All employees are expected to present themselves in a way that helps generate trust, confidence and respect from the public they serve. As a result, all employees are required to be neatly groomed and wear clothing that is clean, in good repair, fits properly (including properly covering chest, stomach, back and other intimate areas), and is professional and appropriate for their position and job duties, whether in the office, a City vehicle, or other worksite.

Some positions with the City may be required to wear a uniform or other job specific attire. Your supervisor will inform you of any specific uniform or dress code requirements for your position. For positions that are required to wear a uniform, the City provides employees with uniforms at City expense. City uniforms and attire (with City logo, etc.) may not be worn off-duty except in the normal course of travel to and from work. All City uniforms and attire must be returned on separation from employment.

In the event a concern arises regarding employee compliance with this policy, the City will make the final determination regarding what is appropriate dress for our workplace in its discretion. In addition to discipline, employees arriving for work with an appearance that significantly disregards City standards or creates a safety hazard may be asked to return home for immediate correction. If you have any questions regarding the specific standards for your job, please contact your Supervisor.

H. DRIVING AND USE OF CITY VEHICLES

Some positions with the City require employees to operate vehicles as part of their jobs. The following rules are applicable to all employees who drive on City business:

1. **DRIVER'S LICENSE AND INSURABILITY**: Employees whose job requires the use of a City vehicle or their own vehicle on City business must maintain insurability with the City's insurer [including a driving record acceptable to the City and our insurer(s)] at all times, and a current valid driver's license. If your position requires you to drive and you have any driving restrictions or your license status changes in any way, you must inform Human Resources immediately. Only employees who are properly licensed, insured and have been authorized by the supervisor are permitted to drive City vehicles. In order to ensure compliance with this policy, and the safety of other employees, passengers and the public, the City receives automatic reporting from the DMV and may check the driving records of employees who drive for the City at any time as permitted by applicable law.

2. **COMPLIANCE WITH THE LAW, TRAFFIC VIOLATIONS, AND GOOD JUDGMENT**: All employees who drive on behalf of the City are expected to use good judgment and caution in the operation of the vehicle at all times. All employees who drive on behalf of the City are also required to be aware of and comply with all applicable traffic laws and regulations at all times. This includes using safety belts for drivers and passengers at all times. The City does not pay for employee traffic violations. If you receive a traffic or parking citation, etc. while using any automobile on City business, you are responsible for all fines, court costs, etc.

3. **CELL PHONES WHILE DRIVING**: For employees who drive any vehicle on behalf of the City, your first responsibility is to drive safely at all times. All employees are expected to be aware of weather, traffic, pedestrians, and other driving conditions and to use caution and

good judgment at all times. Employees are prohibited from using hand-held cell phones for any purpose while driving on City of Troutdale authorized or City of Troutdale related business. *Employees who must take a call while driving are required to use a hands-free device at all times, including voice dialing*. If you do not have an appropriate hands-free device available, or if weather or other driving conditions warrant extra caution even with a hands-free device, you must safely pull off the road and have the vehicle in park before engaging in any call. This policy also prohibits employees from using a cell phone or other device to read, send or receive text or "instant" messages while driving or engaging in any other reading, browsing of social media, internet, etc. while driving on City of Troutdale business. Taking notes (including writing down phone numbers or other information) is also strictly prohibited while driving. All employees who drive must also be aware of and adhere to all state and local laws regarding cell phone use while driving. Violation of this policy will subject the employee to discipline, up to and including termination.

4. **REPORTING ACCIDENTS AND TRAFFIC CITATIONS**: All accidents, traffic citations and damage, however small, must be reported immediately to the supervisor. This applies to all types of accidents and damage, including damage to the property of others as well as City property and equipment. Employees are required to cooperate fully with City accident and damage investigations.

5. **USE OF CITY VEHICLES**: Employees are prohibited from transporting any unauthorized passengers in City vehicles or while on City business, unless specifically authorized by the supervisor. This includes friends, family members, etc. Personal use of City vehicles is prohibited.

I. FAMILY MEMBERS AT WORK / EMPLOYMENT OF RELATIVES

The City's policy is to utilize fair and equitable hiring practices to hire the best-qualified candidate for each job. Although the City permits hiring of immediate relatives, it also recognizes that the employment of relatives in the same area of an organization has the potential to cause serious conflicts and problems with favoritism and employee morale. As a result, immediate relatives are not allowed to hold positions of supervisory, appointment or grievance adjustment authority over the other. Immediate relatives are also not hired when the employment would cause the City to violate public employee ethics rules or any other applicable law, including violating public funding rules, etc.

It is the City's policy to decline applications where employment would conflict with this policy. Likewise, it is the City's current policy to remove employees from their position if a relationship is established that would violate this policy or if they are mistakenly hired or appointed to a position that violates this policy. Immediate relatives include spouse, registered domestic partners, children, children-in-law, siblings, siblings-in-law, parents, parents-in-law, niece/nephew, aunt/uncle, step parents/children and grandparent/grandchildren.

With regard to other relatives or any other similar situation that we determine to be damaging to morale or operations, the City retains discretion in placement of those individuals.

J. INCLEMENT WEATHER

When ice, snow, freezing rain or other inclement weather occurs, the City manager or his/her designee may determine, in his/her discretion, to close some or all City services to the public.

1. **PROCEDURES FOR NOTIFICATION**: The City has set up an "Employee Weather Line" at 503-674-7202 to communicate with non-essential employees about closure of City services in case of inclement weather. The employee weather line is updated by 6:30 a.m. on inclement weather days. Unless the City Manager or his/her designee notifies employees that the City is closed to the public and non-essential employees on the weather line, all employees are expected to report to work as outlined below.

2. **NON-ESSENTIAL EMPLOYEES**: On an inclement weather day when the City is open Non-essential employees (*those whose positions are not essential to perform road, maintenance, or other necessary services as determined and designated in writing by the City*) should use their good judgment to determine whether they can safely get to and from work. Non-essential employees who determine that they cannot safely travel to/from work on an inclement weather day when the City is open may utilize compensatory time, paid personal days or vacation pay to cover missed hours. In the event an employee does not specify which paid time off bank he/she prefers to use, compensatory time will be used first, followed by paid personal days, then vacation pay. Non-essential employees are required to notify their supervisor of anticipated delays or inability to report to work as soon as possible, but no later than thirty (30) minutes before their scheduled start time.

3. **ESSENTIAL EMPLOYEES**: The City posts a list of positions that it has designated as "essential" by October 1 of each year. However, the City reserves the right to revise the list as it determines necessary. Therefore, employees are encouraged to check the list regularly. Employees in a designated essential position on an inclement weather day are expected to report to their work location or reporting location as regularly scheduled or within sixty (60) minutes as directed by their supervisor.

   Essential employees who fail to report as set forth above are not eligible for inclement weather pay for that day and are required to use any accrued and unused paid time off benefits (compensatory time, paid personal days or vacation pay) for the time missed. Again, in the event an employee does not specify which paid time off bank he/she prefers to use, compensatory time will be used first, followed by paid personal days, then vacation pay. Failure to timely report when required as an essential employee may also result in disciplinary action.

4. **COMPENSATION IN THE EVENT OF CLOSURE**: In the event the City Manager determines that the City will be closed to the public and non-essential employees during all or part of an inclement weather day and announces the closure on the "Employee Weather Line", or directs employees who have reported to work to leave before the end of their regularly scheduled shift, the City compensates employees as follows:

   - Non-Essential Employees: The City compensates non-essential employees at their regular straight-time rate of pay for the regularly scheduled hours missed from work due to the City's closure, with no deduction from compensatory time, vacation pay or paid personal days.

     - For non-essential employees scheduled to work 8 hours, their total pay for an inclement weather day (inclement weather pay hours combined with actual hours worked) is not permitted to exceed 8 hours at straight time pay.

Inclement weather pay hours that are not worked are not counted for overtime pay purposes.

- The total pay for non-essential employees who work an alternative work schedule and are scheduled to work *more than* 8 hours on an inclement weather day receive inclement weather pay hours up to the number of hours City Hall was closed on that day (up to 8 hours). However, inclement weather pay hours, when combined with their actual hours worked are not permitted to exceed the number of straight time hours the employee was regularly scheduled to work that day. If there is a shortfall of hours (i.e. inclement weather hours and actual hours worked combined are less than the regular scheduled hours for that day), the employee must use compensatory time, vacation pay or paid personal days to make up the difference.

- The total pay for non-essential employees who work a part-time schedule or an alternative work schedule and are scheduled to work less than 8 hours on an inclement weather day are not permitted to exceed the number of hours the employee was regularly scheduled to work that day.

- Essential Employees: The City compensates non-exempt essential employees at their regular rate of pay (straight time or overtime as applicable) for their actual hours worked on an inclement weather day. In addition, essential employees who report to work as directed receive inclement weather pay hours (at straight time rates) for the number of hours City Hall was closed by the City Manager that day, up to a maximum of 8 hours of inclement weather pay. Salaried exempt essential employees who report to work as directed receive a continuation of salary for such work as well as 1 hour of Like-Time for the number of hours City Hall was closed by the City Manager that day, up to a maximum of 8 hours of inclement weather pay. An essential employee's hours worked do not need to overlap with the operational hours of City Hall to be eligible for up to eight (8) hours of inclement weather pay. Employees whose positions are considered essential but do not report to work due to inclement weather are not provided with inclement weather pay and are required to use accrued paid leave benefits as noted above.

K. OUTSIDE EMPLOYMENT

For employees covered by a CBA, Outside Employment rules applicable to your employment are established and governed by the terms of that CBA, and not this policy

In order to avoid conflicts of interest and disruption to City services and operations, the City requires regular employees to obtain written approval from the City Personnel Officer before accepting outside employment. Employees are not permitted to engage in off-duty work activities that create conflicts of interest with their City employment or public employee ethical responsibilities. Employees who are approved for outside employment continue to be expected to meet all City performance, attendance, overtime and other requirements of their City employment. All employees are judged by the same performance standards and are subject to the City's scheduling demands, regardless of any outside work requirements.

If the City determines that an employee's outside work activities interfere with performance or the ability to meet the other job requirements of the City, the City may require the employee to resign from their outside employment as a condition of their continued employment with the City.

L. PERSONAL PROPERTY

The City does not provide protection or payment for lost, damaged or stolen personal items (including vehicles and their contents) brought onto City premises (including parking lots) or other work locations. You are strongly encouraged not to bring valuables to work. Employees are, however, expected to show concern and respect for the rights and property of others. Employees who find lost items are required to immediately report the items to the supervisor.

M. PERSONNEL RECORDS

For employees covered by a CBA, the City complies with its legal obligations regarding access to and confidentiality of personnel records. For additional information on personnel record retention, use in discipline, etc. applicable to your employment, please see the CBA, and not this policy.

1. **UPDATING RECORDS**: In order to comply with government regulations and to ensure that employees receive all available benefits, it is important that personnel records be kept up to date. Employees should notify Human Resources of any change in their address or phone number, person to be notified in case of accident, legal name, marital status or dependents for benefits purposes, number of insurance beneficiaries, changes in visa or work authorization status, etc., when such changes occur.

   Likewise, if your job requires licensure and/or certifications, you must document compliance with these minimum qualification requirements by keeping your personnel records up-to-date. Provide a copy to your supervisor and Human Resources each time they are renewed. If there will be any delay in obtaining a required license or certification (or renewal), you must also notify your supervisor and Human Resources of the reason in advance.

2. **ACCESS AND PRIVACY**: The City considers employee personnel files to be private and access to personnel files is restricted. Employees who wish to review their own personnel file may contact Human Resources to arrange for an appointment. No files may be removed from the office, but may be reviewed with a human resources representative. Requests for copies of your own personnel file must be submitted in writing to Human Resources. The City's policy is to provide copies within 45 days from the time the request is submitted. Employees may be charged for copies in accordance with applicable law. If you have any questions, please contact Human Resources.

   In addition, the City does not permit any employee's social security number or other protected personal information to be posted, displayed, transmitted over the Internet without encryption, or otherwise made available to coworkers, etc. Information containing employee social security numbers and other personal information must be kept in locked files with limited access at all times. The City has also implemented safeguards to ensure continued security of any information that is disposed. If you have any questions, please contact Human Resources.

N. PUBLIC RECORDS REQUESTS

As a public entity, the City of Troutdale is obligated to comply with public records inspection requests. Although the City is committed to public transparency and compliance, not all records are subject to public review. In order to ensure that the City consistently maintains the confidentiality of exempt records and complies with applicable requirements for public records disclosures, all employees who receive a request for public records must forward such requests to the City Recorder. No employee, other than the City Recorder, is authorized to respond to public records requests on behalf of the City.

O. RESIDENCY RULES

Residency in the City of Troutdale is not a condition of initial appointment or continued employment. However, employees whose positions require designated on-call or other response times (generally 30 minutes) must establish any necessary living arrangements to meet such on-call or response time prior to completion of their trial service period. Employees who do not do so are subject to termination prior to the end of the trial service period.

P. SMOKING/TOBACCO USE

The City of Troutdale provides a tobacco-free environment for all employees and visitors. For purposes of this policy, “tobacco” includes the smoking of any tobacco-based product, smoking in any form (including, without limitation, cigars and vapor or e-cigarettes), and the use of oral tobacco products or “chew/spit” tobacco. All City buildings and vehicles are tobacco-free. If you wish to smoke or use tobacco products, you must do so outside of the City’s facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances, exits, windows and air intakes; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows. Also, all smoking/tobacco use areas must be kept clean and all trash (including cigarette butts and smokeless tobacco waste) must be properly disposed of in appropriate trash receptacles.

Q. TRAINING

The City of Troutdale provides employees with ongoing training throughout employment. Generally, new employees are provided with orientation training. In addition to mandatory trainings, which may be assigned by the City at its discretion, all employees are encouraged to participate in identifying his or her training needs. If you believe you need additional training, please contact your Supervisor or Human Resources. Educational reimbursement benefits may be available for employees who participate in voluntary training as outlined in the AFSCME collective bargaining agreement.

R. WORK PERFORMANCE

Employees are responsible to perform their duties with care and attention to citizen/public needs and the City’s quality and performance standards and requirements. Carelessness or negligence that leads to mistakes, physical injury or property damage, and other failures to meet the City’s quality or performance standards or requirements is cause for disciplinary action.

VIII. ELECTRONIC EQUIPMENT AND COMMUNICATIONS

A. OWNERSHIP & ACCESS

All electronic and telephonic communication systems and equipment, and all communications and information transmitted by, received from, or stored in these systems, including electronic mail (e-mail) and voice-mail, are the property of the City of Troutdale. These systems are provided to employees at City expense to assist them in carrying out business activities. Consequently, all information transmitted through or stored in the system, including e-mail messages, is considered business information.

The City's systems routinely gather logs for most electronic activities. To ensure that the use of our electronic communication systems is consistent with the City's policies and business interests, we reserve the right to monitor the use of such equipment and to access, review, copy, modify, delete, or disclose information transmitted through or stored in the system, including e-mail messages, at any time as we deem appropriate. Consequently, *employees using the City's electronic communication systems and equipment should have no expectation of privacy in connection with the use of this equipment or with transmission, use, or storage of information in the equipment, including stored e-mail or voice-mail messages*.

Employees should also be aware that all information on electronic office equipment, network storage devices, or personal computers is a public record if the content of the information would be a public record in any other format. As such, it is subject to disclosure under the public records law.

B. USE OF EQUIPMENT AND SYSTEMS

A computer, workstation, or other computer-related equipment may be assigned to an employee for the City's business purposes. An employee's use of our electronic communication systems should be restricted to business activities and should never interfere with employees' duties. It is important to remember that transmitting, retrieving, downloading, or storing messages or images that are offensive, derogatory, off-color, or sexual in content, or otherwise in violation of the City's Equal Employment Opportunity policies (Non-Discrimination, Anti-Harassment, Anti-Retaliation, etc.) is inappropriate and is not tolerated in a business environment. Likewise, conveying or knowingly receiving messages that are threatening, disruptive, disparaging, or otherwise unlawful or illicit is strictly prohibited.

Employee use of our internet for personal use must be limited to necessary, occasional communication conducted only during meal and break periods. Also, regardless of whether the material is intended to be personal or is viewed, downloaded, and/or forwarded, our internet account is not to be used to access sexually explicit, indecent, or illegal materials or any other sites we consider contrary to the expectations set forth in our policies prohibiting discrimination and harassment, etc. Individuals who use the City's internet for personal use are reminded that this policy does not change the City's right to monitor the use of such equipment and to access, review, copy, modify, delete, or disclose information transmitted through or stored in the system, to ensure compliance with our policies as we deem appropriate. Therefore, you should not conduct any personal business using our systems, which you would not want others to see or disclose. Please conduct yourself accordingly.

C. SOFTWARE AND UPGRADES

Employees are not permitted to perform any unauthorized upgrades, modification, or repairs to any computer, workstation, or other electronic equipment assigned to them, unless authorized to do so by the City. All upgrades or additional equipment or support for problems that may result in troubleshooting or repairs must be requested through the IT Department. Similarly, employees should not perform any action in the use of any computer workstation or other electronic equipment that is in violation of copyright laws. To avoid violations, employees are prohibited from removing or making copies of City computer software under any circumstances. As noted above, the City may audit, change, or remove any software on any computer or workstation at any time as it deems appropriate.

Likewise, employees are prohibited from loading or using, without prior approval from the City, any software that is not licensed to the City. Such software includes copies licensed personally to the employee, "shareware," "freeware," product demonstration copies (demos), or software obtained from electronic bulletin boards. Employees are not permitted to install any illegal copies of software on City computers or other electronic equipment.

D. SECURITY

If you are assigned a computer or other electronic communication device, you may be issued a log-on and/or password, which you must keep confidential. Employees are prohibited from creating unauthorized usernames and passwords and from using any other person's username or log-on. Passwords help protect the City's communication and computer systems against misuse by restricting access to only authorized users. Each user is responsible for the security granted them and all activity logged under their access identification. If you believe that your log-in information has been compromised, you must immediately notify the IT Department as to the nature of the compromise.

Use or access of another person's log-on, e-mail account, or other account or computer without their knowledge, including but not limited to intercepting communications intended for another person, is also prohibited. Likewise, bypassing or disabling any firewall or security systems (including accessing blocked sites) is strictly prohibited.

To eliminate unwanted "spam" e-mail, employees are not permitted to use their City e-mail address or City computers to register for personal use on commercial websites. Because of the risk of viruses and other harmful programs transmitted through e-mail, employees should avoid opening up e-mail attachments if they do not know the sender, as these can disrupt or slow the network and cause harm to our electronic resources. If unsure, discuss with your immediate supervisor or contact the IT Department.

E. SOCIAL NETWORKING AND PERSONAL ONLINE ACTIVITY

The City generally believes that your off-duty activities are your own business. However, certain types of off-duty activities, in particular certain online and social networking conduct by our employees, have the potential to affect our business and working environment. As a result, we have developed this policy to provide employees with information about what is expected of them when they engage in personal social networking and other online activity.

In general, employees should remember that they may be subject to personal liability in addition to employment discipline for their online conduct. Therefore, always use good judgment in posting content in any online forum. Additionally, all employees are expected to comply with the following:

1. **COMPLY WITH CITY POLICIES**: Access to and use of personal online social networking, blogs and other online social media while at work must be done only on your break or lunch time and must comply with all other provisions of the City's Electronic Equipment and Communications Policies. Use of City email addresses for personal online social networking, blogging or other personal online activity is prohibited.

2. **BE RESPECTFUL**: Employees who "friend" or otherwise engage in online social networking, blogging, etc., with co-workers or other City business associates, or who post comments or information in online public forums, should remember that their personal online activity, even off duty, can impact our business and the work environment. Any online activity that violates our equal employment opportunity policies (including our policy against harassment and retaliation), workplace violence policies or other conduct policies may result in discipline up to and including discharge, regardless of whether the conduct occurs on or off-duty or in a personal online forum.

3. **BE AWARE OF CONFIDENTIALITY OBLIGATIONS**: Remember that the City takes the confidentiality of its non-public information seriously. Employees are prohibited from posting non-public/confidential information on any website, blog, social networking site, etc.

4. **RESPECT THE RIGHTS OF OTHERS**: Respect all copyright and other intellectual property laws. It is important that you show proper respect for the laws governing copyright, fair use of copyrighted material owned by others, trademarks and other intellectual property, including the City's own logos, brand names, taglines, slogans or other trademarks.

5. **IDENTIFY YOURSELF**: In order to avoid misunderstandings when making personal postings related to the City's services, consider identifying your role at the City and the City's lack of involvement in your posting. Note: the City operates its own website and has an official presence on some social networking sites. Except for authorized members of management assigned to maintain such sites, employees are not allowed to make postings on behalf of/in the name of the City or to create social networking accounts or websites that represent to be on behalf of or in the name of the City.

Note: This policy is not intended to prevent employees from engaging in any activity protected by applicable law.

F. VIOLATIONS

The use of a computer, the internet, or other electronic communication system to engage in any communications that are in violation of this or other City policies (or federal, state, or local law), including but not limited to the transmission of defamatory, obscene, offensive, or harassing messages, is prohibited. We consider misuse of our electronic communication systems and equipment to be a serious matter.

IX. WORKPLACE SAFETY

The City of Troutdale takes the safety of our employees very seriously and believes that safety is the mutual obligation and responsibility of the City and its employees. The City relies on employees to work in a manner that does not produce injury to them, persons working with them, customers or the public. Employees are expected to demonstrate a positive attitude toward safety and to show responsibility for their own well-being. This includes familiarizing yourself with the safety rules below as well as additional safety rules specific to your position or found in the City's Safety Program policies and forming the habit of being safety-minded for yourself and your coworkers. The best safety measure is a thoughtful, safety-minded employee.

A. REPORTING WORKPLACE INJURIES AND ACCIDENTS

Work related injuries and accidents must be reported to your supervisor and Human Resources immediately after they become known to you (generally no later than 24 hours after you become aware that you may have been injured or ill on-the-job). Even though a work-related injury may appear to be minor, it is important that it be reported to verify the incident in case of complications. Please see your supervisor or Human Resources for the necessary forms and instructions.

All employees are also required to report any accident involving other persons or their property, or injuries to the public immediately and complete an accident report. All accidents and injuries to other persons or their property should be reported in sufficient detail to allow the City to respond. Employees are required to cooperate fully with all accident investigations.

B. REPORTING UNSAFE WORKING CONDITIONS AND PRACTICES

It is the responsibility of all employees to report any unsafe working condition promptly. Reports should be made to your supervisor or Department Head. The City encourages employees to work with us to maintain safety by alerting us to potentially unsafe conditions. If you see an unsafe or dangerous working condition that you can easily correct within the scope of your authority (such as a cord lying across a walkway), you should fix the problem immediately. We also encourage employees to bring general concerns and recommendations for improving workplace safety to our attention. General concerns and recommendations can be made to the Safety Committee or your supervisor. Your concerns and recommendations are welcomed and carefully considered.

C. ANTI-RETALIATION POLICY

It is important for all employees to understand that the City expects its employees to report all workplace accidents, injuries and unsafe working conditions and to participate in investigations. The City does not allow supervisors, managers or other employees to retaliate against employees who comply with our safety reporting policies. Employees should bring complaints of retaliation to the City Personnel Officer. These types of complaints are promptly investigated, and violators are subject to appropriate disciplinary action, up to and including termination of employment.

D. OPERATION OF EQUIPMENT

Employees are strictly prohibited from driving or operating any equipment unless they have been authorized by management to do so. Also, employees should not, under any circumstances, operate equipment or vehicles that they reasonably feel are not in safe operating condition. If you

feel that equipment is not in safe operating condition, you must comply with the City's lock-out/tag-out procedures and promptly notify your Supervisor.

E. USE OF SAFETY EQUIPMENT

The City provides employees with a variety of protective safety equipment such as gloves, eye protection, protective clothing, and other necessary safety equipment to do their jobs. Employees are required to use good judgment and follow City rules and safety regulations for wearing proper safety gear. Failure to wear assigned safety gear as required or instructed results in disciplinary action. Any item furnished by the City must be turned in upon termination or reduction in force.

F. PRANKS, HORSEPLAY AND HOUSEKEEPING

Pranks, practical jokes and/or horseplay that violate the City's safety rules and procedures or may otherwise result in injury or damage to property are strictly prohibited and subject to disciplinary action. Also, all employees are responsible for maintaining a safe, clean and well-kept work area. Please keep the lunch facilities, work surfaces, floors, passageways, parking lots, and common areas clear of refuse, debris, spills, or other obstacles which could cause an accident.

G. WORKPLACE VIOLENCE

The City is committed to preventing workplace violence and to maintaining a safe work environment. As a result, the City has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

1. **PROHIBITED CONDUCT**: This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:
   - Provoking, participating in or encouraging fights or other physical altercations.
   - Threatening the safety or well-being of another employee, citizen/public, vendor (or others you come into contact with through your job) whether directly or indirectly.
   - Vandalizing City property, citizen/public property, or the property of other employees.
   - Screaming, or other violent, vulgar, abusive or harassing outbursts of temper, particularly when directed at another employee.
   - Advocating or encouraging acts of violence toward others.
   - Being in possession of guns, weapons, explosives, or any other object that could reasonably be perceived as a weapon on City property, including parking lots or in City vehicles without the City's written authorization.
   - Distributing "hate" literature or engaging in other communications that advocate violence.
   - Engaging in any other conduct the City considers menacing, intimidating, threatening or violent.

2. **REPORTING:** Employees should immediately report incidents that involve violations of this policy to their Supervisor, Department Head, or the City Personnel Officer. *If you are in immediate fear for your safety or the safety of another person, call 911*. Likewise, all suspicious individuals or activities should also be reported as soon as possible to a Supervisor, Department Head, or the City Personnel Officer. The City promptly investigates all reports of violations of this policy. Investigations, including the identity of

the person reporting, are kept confidential to the extent we determine confidentiality can be maintained while allowing us to comply with our investigation obligations.

3. **VIOLATIONS**: Violators are subject to discipline, up to and including discharge. Retaliation against those who report incidents or provide information in connection with an investigation will not be tolerated. Employees who engage in retaliation are subject to discharge.

H. SAFETY COMMITTEE

The City maintains a Safety Committee in accordance with applicable law. The Committee is responsible for making recommendations on improving safety and health in the workplace. In particular, the Committee has been charged with the responsibility to identify problems and obstacles to loss prevention; identify hazards and suggest corrective actions; and help identify employee safety training needs and develop accident investigation procedures. The Safety Committee consists of management and employee representatives who have an interest in the general promotion of safety and health for the City. Employee members may be elected or volunteer from each work group. Management members are appointed. Each member is generally a member of the Committee for two (2) years, beginning in January. If you are interested in participating in our Safety Committee, contact Human Resources for more information. The Safety Committee meets regularly and keeps written records of meetings. Copies of meeting records are available for employee review upon request. Employees who have general suggestions for improving workplace safety should write out their suggestion(s), sign and submit them to any member of the Safety Committee for review at an upcoming meeting.

I. OTHER SAFETY RULES

The public trust and proper operation of the City require that all employees and representatives of the City demonstrate the highest degree of ethical conduct. Employees should conduct themselves so as not to impair their working relationship with other employees, volunteers, officials or the public.

X. DRUG AND ALCOHOL POLICY

For employees covered by a CBA, Drug and Alcohol policy rules applicable to your employment are established and governed by the terms of that CBA, and not this policy.

The City is a drug free workplace and is committed to maintaining high standards of safety, productivity, and reliability for employees and the public we serve. In order to promote these standards and provide a safe working environment, the following Drug and Alcohol Policy has been adopted and applies to all employees of the City. Employees who engage in any conduct prohibited under this policy are subject to discharge.

A. PROHIBITED CONDUCT

The following conduct is strictly prohibited:

1. Buying, selling, consuming, manufacturing, distributing or possessing drugs or alcohol while on City Property. City property includes all property rented, leased, owned, or controlled by the City, including parking lots. City property also extends to City equipment and vehicles on or off City property at any time.

2. Buying, selling, consuming, manufacturing, distributing or possessing drugs or alcohol while on duty, including rest and meal periods. As a narrow exception, employees may purchase on meal and rest periods, alcohol to be consumed during non-working hours provided they transport and store the alcohol in their personal vehicles.

3. Reporting for work or being at work with prohibited levels of alcohol or drugs present in the body as set forth in the “Drug and Alcohol Thresholds” table in Appendix A to this Handbook.

4. Failing to comply with disclosure and notification obligations, as set forth in the Medications Section, below.

5. Failing to promptly report arrests, convictions and/or plea-bargains for an alcohol or drug related criminal offense. All drug and alcohol-related convictions and plea bargaining agreements must be promptly (within five (5) business days) reported to the Department Head and City Personnel Officer.

6. Failing to comply with City directives regarding enforcement of this Policy, including but not limited to refusing to promptly submit to required testing; giving false, diluted or altered samples; obstructing the testing process; failing to comply with rehabilitation conditions imposed by rehabilitation counselors or by the City pursuant to this Policy.

7. Engaging in any other violation of this Policy.

For the purpose of this Policy "drugs" refers to all controlled substances regulated under the federal Controlled Substances Act**,** including but not limited to marijuana, synthetic or semi-synthetic opioids and designer drugs not approved for use by the US Food and Drug Administration. “Drugs” does not include lawful prescription and non-prescription medications

obtained, used, transferred, possessed and reported consistently with the label, physician instructions, applicable law and Medications sections of this Policy.

B. REQUIRED TESTING

1. **PRE-EMPLOYMENT**: As a condition of employment, including rehire, the City requires a drug test of all applicants for safety sensitive positions (for example, jobs that require an employee to operate field vehicles and heavy equipment, etc.). All applicants who are required to undergo testing must report to the collection site and submit to such testing within the specified time period after they are notified of their obligation to be tested. Applicants testing positive for drugs, or providing a false, altered or diluted sample, etc., or testing positive for any type of masking substance, will be disqualified from employment except as prohibited by law.

2. **REASONABLE SUSPICION**: Employees are required to immediately submit to testing for drugs whenever the City has a reasonable suspicion to believe that the employee has reported to work, returned to duty or is working with drugs in his/her system. Likewise, employees are required to immediately submit to testing for alcohol whenever the City has reasonable suspicion to believe that the employee has reported to work, returned to duty or is working with drugs or alcohol in his/her system.

   "Reasonable suspicion" is a belief based on articulated observations and/or information from a reliable source concerning the employee's appearance, unusual behavior, speech, breath odor, body movements, abrupt changes in pattern of conduct, involvement in an accident which results in physical injury or property damage and which, in conjunction with other facts, suggest that the employee may be impaired by drugs or alcohol or other reliable indicators that would lead a reasonable person to suspect that the employee has reported to work or returned to duty with drugs or alcohol in his/her system.

   Employees who are required to submit to reasonable suspicion testing are prohibited from transporting themselves to the collection site. A supervisory employee will arrange for/provide transportation and will arrange for the employee to be taken home after testing, unless the employee's test results have been confirmed as negative.

3. **POST ACCIDENT**: A CDL employee who is involved in any work-related accident is required to submit to testing for drugs and alcohol in compliance with DOT regulations.

   Employees who are not in CDL positions are subject to testing for drugs, but not alcohol if they are involved in an accident, which results in property damages estimated by the City to be $2,500 or more or a fatality or an injury which is treated away from the scene while they are involved in safety sensitive activity. "Safety sensitive" activities include driving, operating heavy equipment or machinery and handling hazardous substances or materials. The City may waive testing if it concludes that the employee's actions or inactions were clearly not a factor causing the accident. Employees who are involved in such accidents may also be tested for alcohol if there is reasonable suspicion to believe that they had prohibited levels of alcohol present in his/her body when the accident occurred under reasonable suspicion testing as set forth above.

   In the event an employee is injured and is therefore unable to promptly consent to testing, the employee is required to authorize a release of medical records to reveal whether drugs

and/or alcohol were in his/her system at the time of the accident. The employee is further prohibited from consuming alcohol or taking drugs (excluding prescribed drugs consistent with a physician's instructions) between the time of the accident and testing.

4. **LAST CHANCE AGREEMENT**: Employees may be required to submit to testing for drugs and/or alcohol as required pursuant to a Last Chance Rehabilitation and Return to Work Agreement and as recommended by the employee's rehabilitation counselors and approved by the City Personnel Officer in accordance with applicable law.

5. **DOT AND OTHER REQUIRED TESTING**: Employees are subject to drug and alcohol testing when otherwise required by law based on the nature of their job duties with the City, such as DOT drug and alcohol testing. Failure of a legally required test, such as a DOT test, is also a violation of this policy.

C. SAFEGUARDS

All testing is conducted at a laboratory certified by the Department of Health and Human Services (DHHS) under the National Laboratory Certification Program (NLCP) to conduct DOT testing. Oral fluid specimen testing is generally used to detect marijuana under circumstances where the testing is not required by the DOT. All oral fluids tested are collected by facilities whose personnel are trained to collect fluid specimens in accordance with the current Mandatory Guidelines for Federal Workplace Drug Testing Programs issued by the DHHS as of the date of testing. Additionally, all oral fluids specimen testing is conducted by DHHS laboratories using scientifically recognized oral fluids testing procedures. All drug tests are conducted through collection of a split sample. All positive drug tests are confirmed by a second confirming test from the same sample using GCMS or superior testing methodology before the test result is reported as positive.

Employees with positive tests are provided with an opportunity to discuss the confirmed results with the MRO before the result is reported to the City. Lawful medication used consistently with a prescription is treated as a negative test under this policy, and employee medical information is not disclosed to the City by the testing organization.

Drug test results are reported to Human Resources and are considered confidential and released only on an "as needed" basis. An employee who tests positive for drugs may request a second test of the remaining portion of the split sample within 72 hours of notification of a positive test result. The cost of the retest is borne by the employee, unless the retest shows the original positive result was in error.

The time spent by an employee in traveling to and from the collection site as well as time spent in testing is treated as hours worked for pay purposes.

D. MARIJUANA

Marijuana is an illegal drug under the federal Controlled Substances Act. The use of marijuana which is inconsistent with the “Prohibited Conduct” listed above is considered a violation of this policy, even if an employee has a prescription for medical marijuana or is consuming marijuana recreationally consistent with Oregon state law. Any buying, selling, consuming, possession or use of marijuana on work time or City property is prohibited. Likewise, reporting to work with prohibited levels of marijuana present in the body as set forth in the “Drug and Alcohol Thresholds”

table attached to this Policy is also considered a violation of this policy, even if the employee has authorization for the use of marijuana under state medical marijuana law(s).

Employees who believe they have a disability requiring accommodation should contact Human Resources to determine whether some other reasonable accommodation can be made that would allow them to continue being employed without violating this Policy.

E. MEDICATIONS

This policy is not intended to prohibit the appropriate use of legally prescribed or over-the-counter medications containing controlled substances. However, employees using prescribed drugs or non-prescription medications are responsible for carefully reviewing side effects warnings (including any warnings pertinent to the effects of use of a combination of substances) and for consulting with their prescribing physician and/or pharmacist to determine whether there are any side effects that could impair the employee's ability to safely or competently perform his/her job duties whether that medication is being used alone or in combination with other prescription or over-the-counter medications. If the employee or his/her doctor feels that the employee is experiencing any such side effects, the employee must notify Human Resources of the side effects before reporting to work or continuing to perform his/her job duties. The employee is not required to disclose the medical condition for which the medication is being taken unless the City determines that this is necessary to comply with its legal obligations (such as properly designating leaves and/or evaluating reasonable accommodation options). However, medical verification of the ability to safely perform job duties may be required before the employee is allowed to continue his/her work assignment.

It is a violation of this Policy for an employee to use medication inconsistently with the prescription or label, to unlawfully transfer prescription medication (including but not limited to selling or giving prescription medications to another person), and to use medication that is unlawfully obtained (including but not limited to using medication prescribed to another person). Please also note that if you test positive for alcohol or show signs of having alcohol present in your body (e.g. odor on your breath), it will not be an acceptable excuse that you used a medication containing alcohol, such as Nyquil.

F. REHABILITATION ASSISTANCE

The City encourages employees who have drug and/or alcohol use problems or think they may have such problems to seek assistance voluntarily. When an employee voluntarily reports a drug or alcohol dependency to the City Personnel Officer and seeks assistance before violating this policy, that employee is placed on a leave of absence or adjusted working hours to allow for inpatient or outpatient rehabilitation treatment. The employee will not be permitted to work until the employee provides written verification from a qualified healthcare provider that he/she can safely return to work. In addition, employees who are covered by DOT regulations will not be permitted to return to work until they have complied with all return to work conditions required by applicable law.

The time an employee is off work undergoing rehabilitation is not work time and is not paid. However, employees may draw their unused, accumulated sick leave, compensatory time, like time, vacation pay and/or paid personal day pay. Also, employees who are receiving health insurance coverage are eligible for continuation of health insurance benefits with City contributions in accordance with the provisions of the City's plan, health insurance and leave

policies. Such time off may also qualify for family leave or other leaves in accordance with City policy and applicable law.

Being engaged in treatment for a substance abuse problem does not relieve an employee from normal performance, safety, or attendance standards when they are not otherwise scheduled to be off work for treatment. It also does not relieve an employee from the obligation to comply with this Policy.

G. VIOLATIONS

Any violation of this Drug and Alcohol policy will result in discipline up to and including termination, even for a first offense. Employees who claim drug or alcohol use problems after being selected for testing or otherwise violating this Policy or other City standards may be subject to discharge, irrespective of such problems.

The City may however, at its discretion, allow an employee a one-time opportunity to undergo evaluation and rehabilitation in lieu of discharge, provided the employee agrees to all rehabilitation treatment, education, testing and other conditions as set forth in a written Last Chance Agreement provided by the City. Any employee who violates the terms of the Agreement is subject to immediate discharge. The City considers the following factors in exercising its discretion: the overall circumstances, including the nature of the violation, the employee's length of service, the employee's work record, the safety-sensitivity of the individual's position, the consequences of the violation, whether the individual's behavior violated any other City policy and any other circumstances offered by the employee that mitigate against discharge.

XI. EMPLOYMENT DISCIPLINE AND DISCHARGE

***Except as specifically provided otherwise in a current collective bargaining agreement covering your employment or a current written employment agreement covering your employment*, all employees are employed on an "at-will" basis regardless of their employment status or classification**. Aside from the City's right and your right to terminate our employment relationship at any time, the City may issue verbal or written warnings, suspend, demote, or take other disciplinary action against employees as it determines appropriate to the circumstances.

To avoid misunderstandings, the City has grouped examples of unacceptable conduct into two (2) basic categories: Minor and Major infractions. When the City believes that a regular employee has committed a first minor infraction of our policies/standards, the employee is generally issued a verbal and/or written warning prior to discipline or termination of employment. Probationary and temporary employees are not generally given a written warning prior to termination. When we feel an employee has committed a major infraction, that employee is subject to immediate suspension or discharge.

However, all employees should understand that progressive discipline is not guaranteed. Rather, each situation is evaluated according to the circumstances involved, and the type of discipline administered may vary from that listed in each group based upon the City's determination of the seriousness of the offense. Also, warnings for different minor infractions may be combined to determine the type and severity of discipline administered. An employee's overall record may be considered in determining the appropriate degree of discipline to be imposed in a particular case. The City will determine what the facts are, whether discipline is warranted, how serious the violation is, and what level of discipline is appropriate.

A. MINOR (NON-MAJOR) INFRACTIONS

These types of infractions include, but are not limited to, the following:

- Unsatisfactory attendance, including unauthorized or excessive absenteeism, tardiness, and failure to notify us of intended absence or tardiness or failure to comply with other reporting policies.
- Careless, inaccurate, unreliable, or otherwise unsatisfactory work performance or productivity.
- Violation of the City's Teamwork and Cooperation or Customer Service and Public Relations policies.
- Violation of the City's Dress Code/Uniforms policy.
- Performing other than City work during paid working time.
- Failure to follow safe working practices and rules. (Note: When we feel an employee has committed a serious safety violation, that employee is subject to immediate discharge).

- Violation of the City's Cost Consciousness policy, using City property for personal use, or other minor violations of the City's ethical practices expectations that the City determines are not serious enough to warrant discharge.

- Violation of the Equal Employment Opportunity policies, which, in our view, is not serious enough to warrant discharge.

- *Violating any City policy that is presently in effect or subsequently issued or any other conduct that the City determines warrants disciplinary action, but not discharge*.

B. MAJOR INFRACTIONS

These types of infractions include, but are not limited to, the following:

- Insubordination, including failure to follow any (legal) verbal or written job instructions issued by a person in the position of authority as determined by the City.

- Threatening, intimidating, coercing or assaulting another employee, volunteer, supervisor, member of the public, or business associate.

- Provoking or instigating arguments, dissension or fights during working hours or on City premises or engaging in horseplay which results in injury or property damage.

- Other violations of the workplace violence policy, including but not limited to possession of weapons, firearms or explosives on City premises.

- Dishonesty of any kind, including but not limited to theft, falsifying any reports or records, such as applications, absence and sickness reports, time records, accident reports, or patient records.

- Deliberately delaying or limiting work tasks or inciting others to delay or limit work tasks.

- Any careless or deliberate act of destroying, or damaging City property, tools or equipment, or the property of others on City premises or while on City business.

- Committing violations of safety rules or safe working habits that the City determines to be repeated or serious.

- Violations of the City's Equal Employment Opportunity policies (e.g. discriminatory behavior, harassment, retaliation) that the City determines to be repeated or serious enough to warrant immediate discharge.

- Violation of the Drug and Alcohol Policy.

- Violation of our ethical practices policies that the City determines to be repeated or serious.

- Criminal activity that interferes with the employee's ability to perform their duties or the City's ability to maintain the public trust.

- *Violating any other City policy presently in effect or subsequently issued that the City determines is serious enough to warrant immediate discharge.*

- *Any other conduct that is, in the view of the City, serious enough to warrant discharge or suspension*.

C. OTHER CONDUCT

The City believes its rules are clear and require little explanation. However, if you have any questions concerning the application or intent of these rules, please consult your supervisor, Human Resources or the City Personnel Officer. Obviously, rules cannot be listed to cover every situation. The above lists are intended to give you examples of some of the types of conduct that will lead the City to exercise its termination options. Conduct not specifically mentioned is disciplined according to the standards followed for what City Management determines to be the most equivalent type of conduct listed.

D. DISCIPLINE PROCEDURES

An employee's overall record may be considered in determining the appropriate degree of discipline to be imposed in a particular case. The City will determine what the facts are, whether discipline is warranted, how serious the violation is, and what level of discipline is appropriate in all cases. If you feel you have been unfairly disciplined or discharged, we encourage you to utilize the Complaint Procedures in Section XI of this Handbook.

As noted elsewhere in this Handbook, trial service period, casual part-time, and temporary employees are subject to discipline and discharge without notice at the City's sole discretion.

For Minor Infractions by regular employees, the City generally applies the following steps of discipline:

1. Documented oral reprimand
2. Written reprimand
3. Final Written Warning with or without Last Chance Agreement, Demotion, or Suspension Without Pay, as solely determined by the City;
4. Discharge.

To progress through the above steps of discipline, the infraction(s) need not be for the same or similar offense. Also, the level of discipline, up to and including discharge, may vary from these steps at the City's sole discretion based on City Management's evaluation of the circumstances and the employee's overall work record. Regular status employees are generally offered an opportunity to respond to management's decision to terminate employment prior to termination. This response may be made to the City Personnel Officer. *Except as otherwise provided by an applicable collective bargaining agreement or written employment contract signed and dated by the City Personnel Officer (or City Council if applicable to the City Manager's position)*, *however, nothing in this policy changes an employee's* *at-will employment relationship with the City. Employees do not hold any property rights in, or ownership of, their job*. The above lists are intended to give you examples of some of the types of conduct that will lead the City to exercise its employment "at will" termination options.

XII. COMPLAINT PROCEDURES

The City recognizes that in any workplace relationship, disagreements and problems may develop. However, the City can only deal effectively with problems or complaints of which it is made aware. As a result, it is the City's policy to provide its employees with an orderly process through which they may have their workplace problems and complaints considered fairly and rapidly.

A. OPEN DOOR POLICY

City management, including Department Heads, the City Personnel Officer, Human Resources, and City Manager maintain an Open-Door policy and encourage employees to contact them at any time if they have any workplace questions or concerns. The City cannot guarantee that an employee's point of view will prevail. However, City management is committed to listening and making every effort to ensure that problems are resolved fairly and in the public interest.

B. COMPLAINT / APPEAL PROCEDURES

In addition to maintaining an open-door policy, the City has also established the following complaint procedures, which may be used by employees who have workplace concerns. Except as provided below, this policy may be used for general non-disciplinary workplace concerns as well as to appeal disciplinary decisions.

Please note: *Bargaining Unit employees who have concerns regarding disciplinary action or other potential violations of the collective bargaining agreement must use the grievance procedure found in the collective bargaining agreement and not this Complaint Procedure.*

Also, any employee who has a concern about discrimination, harassment or retaliation should follow the reporting methods described on in the Equal Employment Opportunity policies section of this Handbook and need not comply with the time limits and requirements found in this Complaint Procedure. Likewise, employees who have concerns regarding retaliation for raising ethical concerns, safety concerns or reporting workplace injuries and accidents should follow the reporting methods outlined in those sections of this Handbook and *not* this Complaint Procedure.

1. **STEP 1: SUPERVISOR**: Discuss the matter with your immediate supervisor as soon as possible after the event prompting the complaint. Your supervisor reviews your problem and attempts to resolve the complaint as quickly as possible, generally within ten (10) workdays of the complaint. You should be prepared with a proposed solution/resolution when meeting with your supervisor. If your concern involves your supervisor, and you are uncomfortable speaking with your supervisor, you can proceed directly to step 2.

2. **STEP 2: DEPARTMENT DIRECTOR:** Employees who are not satisfied after receiving their supervisor's decision may appeal that decision to their Department Director with a copy to the City Personnel Officer. Appeals should be made as soon as possible but no later than three (3) workdays after your supervisor's response. Appeals must be made in writing and must include a statement outlining your complaint, all relevant documents and other information you want the Department Director to consider, the results of the discussion with your supervisor and your proposed resolution to the problem. The Department Director reviews the complaint and available information and may meet with

the employee and/or the supervisor, to attempt to resolve the matter. The Department Director generally responds within ten (10) workdays, unless he/she determines additional investigation and review time is necessary.

3. **STEP 3: CITY PERSONNEL OFFICER OR DESIGNEE:** Employees who have been suspended without pay, issued a disciplinary pay reduction, or discharged from employment and are not satisfied with the results of the Step 2 appeal may file an appeal in writing to the City Personnel Officer. Appeals to the City Personnel Officer must be made within five (5) workdays of receipt of the Step 2 decision. Appeals to City Personnel Officer must be in writing and must set forth the grounds upon which the complaint is based and the reasons why the employee considered the decision rendered at Step 2 to be unacceptable. Copies of the written decision and statement of reasons from Step 2 above must be filed with the appeal. The City Personnel Officer (or his/her designee) may meet with the employee, the supervisor, and/or the Department Director, or conduct any other investigation as the City Personnel Officer determines appropriate. The City Personnel Officer's decision is final.

XIV. LEAVES OF ABSENCE

The City recognizes that personal circumstances occasionally require employees to take temporary periods of absence from employment. During any unpaid leave of absence, no wages or benefits are accrued or paid, *unless specifically stated in this handbook or required by an applicable CBA or applicable law*. Employees must, however, use all earned and unused paid leave benefits, except when provided otherwise by applicable law. Employees who wish to continue their medical insurance benefits during an unpaid leave of absence should consult Human Resources and review the Health Insurance section of this Handbook for an explanation of how long the City continues to pay its portion of the insurance contribution. Employees on medical leaves of absence are also prohibited from entering into new outside employment or engaging in any outside employment or activities that conflict with their work restrictions and limitations with the City.

Leaves of absence must generally be requested by the employee in writing and approved by the Supervisor and Department Head in order to allow the department to make arrangements for proper staffing during the employee's absence. Please note: the City provides its employees with generous paid leave benefits. Unpaid leaves of absence are generally not approved unless required by applicable law or unless the City determines that extraordinary circumstances (not vacations) exist to warrant approval. All unpaid leaves must be approved by the City Personnel Officer. Employees who do not notify the City and obtain approval for leaves of absence are generally considered absent without authorization, and subject to discipline or discharge.

A. FAMILY MEDICAL LEAVE UNDER FEDERAL LAW (FMLA)

The City is covered by the Oregon Family Leave Act (OFLA), as well as the Federal Family Medical Leave Act (FMLA). Employees may be eligible for leave under one or both of these laws. Please note that if you are entitled to leave under both the state and federal law, your leaves will run concurrently except when prohibited by law. While these laws are similar, there are some differences. In all circumstances, the City interprets and applies its policy in accordance with applicable law, including updates as they occur.

1. **ELIGIBILITY AND AMOUNT OF LEAVE**: To be eligible for federal FMLA benefits, you must have worked for the City for a total of 12 months (need not be consecutive) and have worked at least 1,250 hours during the previous 12 months immediately before beginning your leave. You must also work at a location where the City employs 50 or more employees within 75 miles. An eligible employee is entitled to a total of 12 work weeks of unpaid leave in any twelve-month calendar year. FMLA leave is available to qualifying employees for one or more of the following reasons:

    - For the birth or placement of a child for adoption or foster care;
    - To care for an immediate family member (spouse, child or parent), with a serious health condition.
    - To care for a covered service member with a serious injury or illness, if the employee is the spouse, son, daughter, parent or next-of-kin of the service member. (Note: an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service-member is entitled to a total of 26 work weeks of leave for this

purpose during a single 12-month period, measured forward from the first date the employee uses covered service member leave as required by law);

- To take medical leave when the employee is unable to work because of their own serious health condition; or
- Because of a qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is on covered active duty with deployment to a foreign country (or has been notified of an impending call or order to such covered active duty) in the Armed Forces in support of a contingency operation as required by law.

Please note: In the event that an employee utilizes both covered service member and one or more other types of leave during the same leave year, the employee is granted a maximum combined total of 26 work weeks of leave. However, no more than 12 work weeks can be used for any purpose other than covered service member leave. Additional restrictions apply to the use of qualified exigency leave, as outlined below.

Spouses employed by the City are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition. Leave for birth or placement of a child for adoption or foster care must conclude within twelve (12) months of the birth or placement. Likewise, spouses employed by the City, taking leave for a covered service-member are jointly entitled to a combined total of 26 weeks of leave during the single 12-month period in accordance with applicable law.

2. **DEFINITIONS**: For information on what qualifies as a serious health condition, qualifying exigency, who qualifies as a covered service member, next-of-kin, and other definitions applicable to FMLA, please see the FMLA poster located in Appendix B, which is and will continue to be updated to remain current with applicable law and regulations.

3. **INTERMITTENT USE OF LEAVE**: Under some circumstances, employees may take leave intermittently, which means taking leave in blocks of time or by reducing their normal weekly or daily work schedule. If leave is for a birth or placement of a child for adoption or foster care, use of intermittent leave is subject to the City's approval. However, FMLA leave may be taken intermittently to effectuate placement for adoption or foster care and to attend the birth of the employee's child (with the balance of parental leave taken in a single block of time, beginning at a later date). Leave may also be taken intermittently whenever medically necessary to care for a seriously ill family member or covered service member, because the employee is seriously ill and unable to work, and for qualifying exigencies.

4. **WAGES AND BENEFITS DURING LEAVE**: Under the law, a family leave is without payment of wages. You are, however, required to use accrued paid leave during an FMLA leave in accordance with City policy and applicable law. Generally, employees must exhaust all paid sick leave for covered absences before using other forms of leave. After available sick leave has been exhausted, employees may select the order in which to use other paid leave benefits. If the employee does not specify the order in which they would like to use leave benefits, once sick leave benefits are exhausted, the City applies compensatory time off, followed by paid personal day time and then any earned and unused vacation benefits. Employees who are absent due to on-the-job serious health conditions are eligible for workers' compensation benefits. The City also maintains group health insurance coverage for an employee on FMLA leave whenever such insurance was

provided before the leave was taken and on the same terms as if the employee had continued to work. Employees who are on family leaves also continue to be eligible for paid holidays as outlined in the City's holiday policy.

5. **OTHER REQUIREMENTS**: If you use FMLA leave, you are required to provide the following:
   - Thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, you must provide notice as soon as practicable. You must also generally comply with the City's normal attendance reporting procedures.
   - Employees needing FMLA leave must provide sufficient information for the City to determine if the leave may qualify for FMLA protection, as well as the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform the job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also notify the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.
   - Medical verification of the need for leave due to a serious health condition affecting the employee or an immediate family member.
   - Medical verification of the need for leave due to the serious injury or illness of a spouse, son, daughter, parent, or next of kin who is a covered service-member.
   - Certification of the need for qualifying exigency leaves.
   - Second or third medical opinions (at the City 's expense), and periodic recertification and fitness for duty reports.
   - Weekly reports during FMLA leave regarding your status and intent to return to work.
   - Fitness for duty certification upon return to work.

   All employees who are either fully or partially released to return to work must notify the City upon receipt of the release as outlined in the "Other Medical Leaves" section of this Handbook.

   When leave is needed to care for an immediate family member or the employee's own illness and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the City's operation.

6. **REINSTATEMENT**: In order to have reinstatement rights when you are returning from family leave you must request reinstatement promptly upon the expiration of leave. If you make a timely request for reinstatement and comply with other requirements under the federal regulations, you will be reinstated to your former position in accordance with applicable law. If you cannot be reinstated to your former position because that position no longer exists, you will be reinstated to an available, equivalent position in accordance with applicable law. The use of FMLA leave does not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave that was not used during leave.

7. **ADDITIONAL INFORMATION**: When an employee gives notice of the need for an FMLA qualifying leave, the City notifies you whether you are eligible under FMLA and gives you

additional, specific information on your rights and responsibilities. If you are not eligible, you are given a reason for why you have been determined to be ineligible.

Employees on FMLA leave must keep the City informed of their anticipated date of return to work, changes in medical status, address or telephone number, and any other reporting obligations directed by the City. The City generally requires a release to return to work from an employee's treating physician before an employee is allowed to return to work.

Employees who believe their FMLA rights have been violated are encouraged to contact the City Personnel Officer to discuss their concerns. Additional information on reporting concerns about FMLA violations can be found in the FMLA poster located in Appendix B. Also, employees should note that the FMLA does not affect any federal or state law or collective bargaining agreement which provides greater family or medical leave rights.

For more information on these leave of absence policies, contact Human Resources. In all circumstances, the City's policy is interpreted and applied in accordance with applicable state and federal regulations.

B. FAMILY LEAVE UNDER STATE LAW (OFLA)

If you have been employed at least one hundred eighty (180) days immediately preceding the date your family leave would begin and you have worked an average of twenty-five (25) hours per week during that time, you are eligible for Oregon family leave of up to twelve (12) weeks in a twelve-month calendar year in accordance with applicable law. Please note that employees are not required to work the 25-hour minimum average in order to qualify to use family leave for parental bonding leave purposes.

In addition to permissible reasons for leave under federal law, OFLA provides eligible employees with family leave to care for grandparents, grandchildren, parents-in-law, adult children, same-sex domestic partners and their parents or children. OFLA also allows eligible employees to take family leave to care for the non-serious illnesses of their children and to take extra family leave during pregnancy. OFLA also provides for eligible employees to take up to two (2) weeks of OFLA leave per death (up to the balance of their 12 weeks per leave year) to deal with the death of a qualifying family member, including attending the funeral/bereavement events, making arrangements necessitated by the death and/or grieving the family member. OFLA for bereavement purposes must be completed within 60 days after the date on which the employee receives notice of the death.

Benefits available under OFLA and FMLA are very similar and you may be eligible for leave under one or both of these laws. Please note that an employee may be entitled to more than one leave for the same absence. If so, the leaves will run concurrently. However, OFLA leave does not run concurrently with workers' compensation leave. More detailed information about benefits available under OFLA is available from Human Resources.

C. WORKER'S COMPENSATION LEAVES

For employees covered by a CBA, the City complies with its legal obligations regarding worker's compensation absences, benefits, etc. For additional information on worker's compensation rules and benefits applicable to your employment, please see the CBA, and not this policy.

The City grants employees leaves of absence for illnesses and injuries incurred on-the-job, in accordance with applicable law. If you are injured on-the-job, please contact your supervisor immediately for an accident/incident report and workers' compensation form. Employees who are absent from work due to work-related illnesses or injuries are eligible to receive workers' compensation benefits. Employees on a workers' compensation leave of absence are required to report to Human Resources on their status, progress and anticipated date of return to work at least once a week, unless you have received written approval to be absent until a specific date or report less frequently. Reporting to a co-worker or another person is not sufficient to comply with this reporting requirement.

All employees who are released to return to work from on-the-job injuries or illnesses must request return to work as soon as possible but no later than seven (7) calendar days after receipt of notice by certified mail from our workers' compensation insurer that you have been released to return to work by your doctor. The City complies with applicable reinstatement and reemployment laws for employees who are absent due to work related illnesses or injuries.

NOTE: Workers' compensation and OFLA absences do not run concurrently. Therefore, you may be eligible for OFLA leave following the conclusion of a workers' compensation leave. Eligible employees who are released to light duty after a workers' compensation illness or injury and remain off work are automatically be placed on an OFLA leave of absence consistent with applicable law. For more information, please contact Human Resources.

D. OTHER MEDICAL LEAVES

Occasionally, employees are required to be absent from work for periods of time due to serious on or off-the-job injuries or illnesses that are not covered by FMLA or OFLA, or for periods of time which extend beyond FMLA/OFLA leaves, such as to accommodate disabilities. In such circumstances, employees should contact Human Resources regarding an extended medical leave of absence. Employees on a medical leave of absence are required to report to Human Resources on their status, progress and anticipated date of return to work at least once a week, unless you have received written approval to be absent until a specific date or to report less frequently. Reporting to a co-worker or another person is not sufficient to comply with this reporting requirement. The re-employment of persons returning from medical leave is subject to the availability of suitable work. The City does, however, comply with applicable laws. All employees who are released to return to work from a medical leave for extended off-the-job injuries or illnesses must promptly contact the City to discuss all available options for return to work and other accommodations after receipt of a full or light duty release from your doctor.

E. JURY AND WITNESS DUTY

When a City employee is called for jury duty or is subpoenaed as a witness in connection with his/her City employment, there is no loss of regular City compensation during such absence. Witness and jury duty pay is made on the City's next regular payday by direct deposit. Time not worked because of such duty does not affect vacation or sick leave accrued. Employees who are released from witness or jury duty during their regular working hours are required to return to work. However, employees are released from duty if less than an hour would remain of their workday by the time they return to work.

F. DOMESTIC VIOLENCE LEAVE AND ACCOMMODATION POLICY

If you are the victim of domestic violence, sexual assault, harassment, or stalking, or are the parent of a minor child or dependent who is the victim of domestic violence, harassment (as defined by applicable law), sexual assault or stalking, you are eligible for reasonable unpaid leaves of absence for the following purposes:

- To seek legal or law enforcement assistance or remedies to ensure the health and safety of you or your minor child or dependent (including preparing for and participating in protective order proceedings or other criminal or civil proceedings) related to domestic violence, sexual assault, harassment, or stalking of the employee or his/her minor child or dependent;
- To seek medical treatment or recover from injuries caused by domestic violence or sexual assault, harassment, or stalking of the employee or his/her minor child or dependent;
- To obtain or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, sexual assault, harassment, or stalking;
- To obtain services from a prosecutor or non-profit victim services provider for the employee or his/her minor child or dependent; or
- To relocate or take steps to secure an existing home to ensure the health and safety of the employee or his/her minor child or dependent.

Eligible employees who need domestic violence leave should contact Human Resources. Certification of the need for leave is generally required. Domestic violence leaves are unpaid. However, employees may elect to use any earned and unused sick leave and/or other paid benefits for periods of domestic violence leave. Requests for domestic violence leave and all supporting documentation are treated confidentially.

The City also makes other reasonable safety accommodations for victims of domestic violence, sexual assault, harassment, or stalking as required by law. Employees who need workplace accommodations should promptly contact Human Resources to discuss reasonable alternatives and options. Verification of the need for accommodation is generally required. Requests and all supporting documentation are treated confidentially.

G. OTHER CRIME VICTIM LEAVE

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or his or her immediate family member (defined below) has suffered financial, social, psychological or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault. “Immediate family member” includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild or grandparent.

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation/sick leave, compensatory time, like-time, and paid personal days during the leave period;
- Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and

- Submit copies of any notices of scheduled criminal proceedings that the employee receives from law enforcement agencies.

H. MILITARY LEAVES

Employees who serve in the U.S. Armed Forces, National Guard or Reserves, commissioned corps of the public health service, or other qualifying military/services branches are granted leaves of absence for the period of their military service, including training and other duties, as well as reinstatement of employment in accordance with applicable law. Except as provided below, military leaves are unpaid. Employees may, however, elect to use any earned and unused paid vacation, compensatory time, like-time and/or paid personal day benefits during military leaves. Employees who need a military leave of absence should notify the City as far in advance as reasonably possible under the circumstances. For more information, please contact Human Resources. The City appreciates the contributions of those who serve in the military and encourage anyone who serves to exercise their reinstatement rights.

An employee who has completed six continuous months of service with the City and who is absent from work for periods of initial active duty for training or annual active duty for training as a member of the National Guard, National Guard Reserve, or any reserve component of the Armed Forces of the United States or of the United States Public Health Service, is provided with a paid leave of absence for such training as required by law. Each training year (the federal fiscal year for any particular unit of the National Guard or reserve component), eligible employees are provided paid time off for up to the number of days the employee would normally be scheduled to work within a 15 calendar day period, in accordance with applicable state law.

I. MILITARY FAMILY LEAVES

Employees who work an average of at least 20 hours per week are eligible to take time off to spend time with a spouse or registered domestic partner who is a member of the Armed Forces of the United States, the National Guard or the military reserve forces of the United States and has been notified of an impending call or order to active duty or who is on leave from active duty during a period of military conflict. Eligible employees may take up to 14 workdays of Family Military leave per deployment, which may be taken intermittently. Periods of Family Military Leave are counted against an employee's entitlement to OFLA when the employee is also eligible for OLFA, and are unpaid. Employees may, however, elect (but are not required) to use any earned paid leave benefits during periods of Family Military Leave. Employees who need Family Military Leave must request leave within 5 business days of receipt of the official notice of a call to duty or leave. If official notice is provided less than five business days in advance, you must request the leave as soon as practicable. A copy of the call or leave orders is required.

J. PERSONAL LEAVES

Regular employees may be granted unpaid personal leaves of absence upon a showing of good cause, and provided the City determines the leave can be scheduled without adversely affecting its operations and service to the public. Please note that while personal leaves of absence are unpaid, employees are required to exhaust any applicable earned and unused paid leave benefits (e.g. vacation, sick leave (if applicable), compensatory time, etc.) during a personal leave before unpaid personal leave time may be taken. Requests for personal leaves of absence must be made in writing to Human Resources as far in advance as possible and must specify a starting and ending date as well as the reason for the requested leave and is subject to approval by the

City Personnel Officer. The City will determine whether there is a compelling personal reason for the leave at its discretion. A leave will not be granted to work another job or seek employment or career opportunities elsewhere.

Employees returning from a personal leave of absence are not guaranteed reemployment. Reemployment is generally subject to the availability of a position that the City determines is suited to an employee's skills, qualifications and experience, subject to any applicable collective bargaining rights and obligations.

K. OTHER LEAVES

Bargaining unit employees may also be eligible for additional leaves as set forth in an applicable collective bargaining agreement.

Further, it is the City's policy to comply with all applicable laws regarding leaves of absence. If you need time off for a reason not covered by these policies, please contact Human Resources.

XV. LEAVING CITY EMPLOYMENT

A. VOLUNTARY RESIGNATION

The City recognizes that employees may choose to resign their employment at any time. In order to maintain quality and consistent service, two weeks (10 workdays') notice prior to the effective date of your resignation, as well as the reason for your resignation, is requested in writing. All City equipment/property must be returned to a supervisor or human resources.

B. LAYOFF

For employees covered by a CBA, layoff, bumping and recall rules applicable to your employment are established and governed by the terms of that CBA, and not this policy.

City employment needs vary based on organizational changes, workload, budgetary and other business and operational considerations. If the City determines it is necessary to eliminate or consolidate jobs or otherwise curtail operation, layoffs may be necessary. The decision of individuals to be laid off is made based on the City's evaluation of the comparative work performance and skills of the employees in the positions affected, and the skills and abilities of those employees to perform the work remaining. When the City determines that the performance, skills and abilities of the employees being considered for layoff are relatively equal, preference is given to the employee with the longest length of service with the City. The City's policy is to provide advance notice of layoff when it determines budgetary and operational considerations allow. Laid off employees do not have any bumping or automatic recall rights.

C. DISCHARGE

Except as provided otherwise in a current CBA covering your employment or a valid individual written employment agreement applicable to your employment, employment can be terminated by the City or the employee at any time for any reason not prohibited by law.

D. FINAL PAYCHECKS

Employees covered by a CBA should refer to the CBA for applicable final paycheck rules.

When the City ends the employment relationship for any reason it makes the final paycheck available to non-represented employees by the end of the next business day following termination. When non-represented employees voluntarily resign with at least 48-hours advance notice, the City makes the final paycheck available on the last day of work or on the next business day if the last day falls on a weekend or holiday. When non-represented employees resign with less than 48-hours' notice, the final paycheck is made available within five (5) days of termination or on the next payday, whichever comes first.

E. REFERENCES

Employees who leave the City's employment have the option of authorizing the City to release information regarding work performance, attendance, eligibility for rehire, and other factors relevant to their employment with the City. For employees who do not provide such authorization, it is the City's policy to limit reference information to dates of employment and positions held. All employment references should only be directed to Human Resources on behalf of the City.

XVI. EMPLOYEE HANDBOOK ACKNOWLEDGEMENT OF RECEIPT

I acknowledge that I have viewed, downloaded, and/or printed a copy of the City of Troutdale's Employee Handbook, that is located on the city's website, which becomes effective <sample> , 2020 and covers my employment.

I understand that the City of Troutdale reserves all rights necessary for the efficient management of its operations and that the City has adopted this Handbook only as a general guide to its current policies, work rules and the work environment. I acknowledge that this Handbook is not a contract for continued employment or benefits at any level. Rather, I understand that it may become necessary for the City to change this Handbook, its policies and practices, and/or to change, reduce or discontinue any benefits from time to time (*subject to applicable collective bargaining obligations, if any*) as it determines appropriate to the management of the City. This Handbook supersedes all prior statements of the City which conflict or may conflict with it, and I understand that any conflicting prior statement is superseded by this Handbook.

During my employment with the City of Troutdale, I understand that it is my responsibility to remain informed about the policies as revisions, updates and new polices are issued, and to ask questions about any interpretation of any of the policies.

I further understand that, *except as otherwise provided in an applicable collective bargaining agreement covering my employment or an individual written employment agreement signed by the City Personnel Officer*, either the City of Troutdale or I may terminate my employment relationship at any time, for any or no reason, with or without cause, and with or without advance notice or due process procedures, and that I do not have any property interests/rights or ownership in my employment with the City.

I also understand that no one other than the City Personnel Officer has any authority to enter into any agreement for employment for any specified period of time, to assure me of any future position, benefits or other terms or conditions or employment, or to make any promises contrary to, or in addition to, this Handbook. I understand and acknowledge that any such representation and promises must be in writing and signed and dated by the City Personnel Officer in order to be valid.

I have read this acknowledgement carefully before signing.

_____ _____
Employee Signature Date

_____
Employee Name [print]

The original of this document is kept in the Employee's personnel file. A copy is made available to the Employee upon request.

APPENDIX A: DRUG AND ALCOHOL THRESHOLDS

The following initial and confirmatory cutoff levels (using gas chromatography/mass spectrometry (GC/MS) quantitative analysis) are used when screening specimens to determine whether they are positive or negative for the following drugs or classes of drugs.

TESTS REQUIRED BY DOT FOR CDL HOLDERS

Initial Test Analyte	Initial Test Cutoff Concentration	Confirmatory Test Analyst	Confirmatory Test Cutoff Concentration
Marijuana metabolites…...	50 ng/mL…….	THCA[1]…….……	15 ng/mL
Cocaine metabolites…….	150 ng/mL…….……..	Benzoylecgonine……	100 ng/mL
Opiate metabolites Codeine/Morphine[2]…..…..	2000 ng/mL……	Codeine…….……	2000 ng/mL
		Morphine…….……	2000 ng/mL
6–Acetylmorphine……..	10 ng/mL…….	6–Acetylmorphine……	10 ng/mL
Phencyclidine……	25 ng/mL…….	Phencyclidine……	25 ng/mL
Amphetamines[3] AMP/MAMP[4]…..	500 ng/mL……	Amphetamine…….….	250 ng/mL
		Methamphetamine[5]……	250 ng/mL
MDMA[6]…….	500 ng/mL……..	MDMA…….……	250 ng/mL
		MDA[7]…….……	250 ng/mL
		MDEA[8]……..….	250 ng/mL

[1] Delta-9-tetrahydrocannabinol-9-carboxylic acid (THCA) testing.
[2] Morphine is the target analyte for codeine/morphine testing.
[3] Either a single initial test kit or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specified cutoff.
[4] Methamphetamine is the target analyte for amphetamine/methamphetamine testing.
[5] To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100 ng/mL.
[6] Methylenedioxymethamphetamine (MDMA).
[7] Methylenedioxyamphetamine (MDA).
[8] Methylenedioxyethylamphetamine (MDEA).

These drug and testing levels are intended to be consistent with DOT standards. In the event that DOT testing substances and/or testing cutoff levels change, the above list will automatically be adjusted to be consistent with DOT standards for employees required to have a CDL for their employment.

TESTS THAT APPLY TO NON-CDL HOLDERS

The same initial and confirmatory cutoff levels are used when screening specimens to determine whether employees in non-CDL positions are positive to drugs or classes of drugs. However, for employees in non-CDL positions, a test for marijuana is not considered "positive" by the City unless an oral fluids specimen test for THC is reported as positive at the following initial and confirmatory thresholds:

Initial Test Analyte	Initial Test Cutoff Concentration	Confirmatory Test Analyst	Confirmatory Test Cutoff Concentration
Marijuana	4 ng/mL	THC[1]	2 ng/mL

[1] Delta-9-tetrahydrocannibal (THC) oral fluids testing.

This drug testing cutoff level is intended to be consistent with the level proposed by the DHHS as outlined in the Mandatory Guidelines for Federal Workplace Testing Programs issued May 15, 2015. In the event that cutoff levels for oral fluid testing change under the Mandatory Guidelines for Federal Workplace Testing Programs which are ultimately adopted, this Policy will be automatically adjusted to be consistent with those cutoff levels.

ALCOHOL TESTING

An employee is considered to be under the influence if his/her alcohol concentration is .02 or greater by weight of alcohol in the blood or by volume of breath expressed in terms of grams of alcohol per 210 liter of breath as indicated by an evidential breath test. Alcohol concentration levels measuring less than .02 are considered negative results.

APPENDIX B: FAMILY MEDICAL LEAVE ACT

EMPLOYEE RIGHTS
UNDER THE FAMILY AND MEDICAL LEAVE ACT

LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave

BENEFITS & PROTECTIONS

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA

ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees

REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice,

an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine

if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or

will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or

continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which

FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the

certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

APPENDIX C: WORKPLACE ACCOMMODATIONS NOTICE

The City of Troutdale is an equal opportunity employer and does not discriminate on the basis of race, religion, color, sex, age, national origin, disability, veteran status, sexual orientation, gender identity, gender expression or any other classification protected by law.

The City makes reasonable accommodations for known physical or mental disabilities of an applicant or employee as well as known limitations related to pregnancy, childbirth or a related medical condition, such as lactation, unless the accommodation would cause an undue hardship. Among other possibilities, reasonable accommodations could include:

- Acquisition or modification of equipment or devices;
- More frequent or longer break periods or periodic rest;
- Assistance with manual labor; or
- Modification of work schedules or job assignments.

Employees and job applicants have a right to be free from unlawful discrimination and retaliation

For this reason, the City **does not**:

- Deny employment opportunities on the basis of a need for reasonable accommodation
- Deny reasonable accommodation for known limitations, unless the accommodation would cause an undue hardship.
- Take an adverse employment action, discriminate or retaliate because the applicant or employee has inquired about, requested or used a reasonable accommodation.
- Require an applicant or an employee to accept an accommodation that is unnecessary.
- Require an employee to take family leave or any other leave, if the employer can make reasonable accommodation instead.

To request an accommodation or to discuss concerns or questions about this notice, please contact your supervisor or Human Resources.

APPENDIX D: DRIVER ACCEPTABILITY MATRIX

Number of Moving Violations Within Past Five Years	Number of Accidents Within Past Five Years				Number of DUI or DWI Within Past Five Years
	0	1	2	3	1 or More
0	Clear	Acceptable	Borderline	Prohibited	Prohibited
1	Acceptable	Acceptable	Borderline	Prohibited	Prohibited
2	Acceptable	Borderline	Prohibited	Prohibited	Prohibited
3	Borderline	Prohibited	Prohibited	Prohibited	Prohibited
4	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
5	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

Borderline	Motor Vehicle Report will be checked every 6 months; insurability subject to no deterioration in the record.
Prohibited	Employer must prohibit driver from driving company vehicles or using personal vehicle on company business.

AGENDA ITEM #6

CITY OF TROUTDALE

STAFF REPORT

SUBJECT / ISSUE: An Ordinance Amending Troutdale Municipal Code Section 2.20 Relating to Committees and Commissions	
MEETING TYPE: City Council Regular Mtg. **MEETING DATE:** September 22, 2020	**STAFF MEMBER:** Ray Young **DEPARTMENT:** Executive
ACTION REQUIRED: Ordinance - Adoption **PUBLIC HEARING:** Yes	**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:** Approval **Comments:**
STAFF RECOMMENDATION: Approve amendments to the selection process of committees.	
EXHIBITS: **A.** Original Redline Version of Chapter 2.20 with current code and proposed changes **B.** Redline Version showing recommended changes after the first reading	

SUBJECT / ISSUE RELATES TO:

☐ Council Goals ☒ Legislative ☐ Other (describe)

ISSUE / COUNCIL DECISION & DISCUSSION POINTS:

- Should we clarify and update the ordinance regarding the selection and service of City Committees.
- Should we delete the Public Safety Advisory Committee and create a new committee, Public Safety and Equity Advisory Committee.

Reviewed and Approved by City Manager:

BACKGROUND:

It became apparent to Council during the last two Selection Committee meetings (2019 and 2018) that our ordinances regarding committee selection needed updating. Councilors Kranz, Hudson and Moon (working group) volunteered to work with the City Manager to make recommendations for change. During that process it also became clear to Council that the Public Safety Advisory Committee should be modified to expand its responsibility to include equity issues.

INITIAL CHANGES:

Attached as Ex. A is a "redline" version of the ordinances laying out the recommended changes as presented at the first reading. It does not include any subsequent changes discussed by working group after the first reading. See the discussion below for those. The most substantial changes discussed before, and some reasons for modifications, are as follows:

1. Eliminating phrase "highest ranking officer" and just use "Chairperson". (2.20.005)
2. More simply stating the committee member approval process. (2.20.010)
3. Making terms for committees 3 years, except for the Planning Commission which the statute requires 4-year terms. (2.20.010)
4. Replaces Chairperson with the Vice-Chairperson on selection committee if Chairperson is up for reappointment to committee. (2.20.020) It was felt it created a conflict of interest situation.
5. Adds evaluation factors for Selection Committee to consider in reviewing candidates. (2.20.020) It was hoped that identifying these considerations would help encourage community involvement.
6. Sets rules for handling of late applicants. (2.20.020)
7. Changes terms of all committees to correspond with Fiscal year July 1st-June 30th. Takes Selection Committee meeting from holiday season to Spring, Budget Committee members are consistent at half-yearly meeting, removes "lame duck" Councilors from being involved in selection process and Budget deliberations and allows new members more of an integration period during typically slower summer period. (2.20.020)
8. Sets term limit for Chairperson at 2 consecutive years. (2.20.030) To ensure a diversity of leadership and opportunity for citizens to serve at a chairperson, and to make it more comfortable to nominate new leadership, it was felt 2 years in a row was a good limit.
9. Limits number of committees a person can chair to 2. (2.20.030)
10. Allows vacancy on Budget Committee to be declared at second missed meeting. Acknowledges that there are so few Budget Committee meetings that 2 absences have a detrimental impact on service to community. (2.20.050)
11. Creates new Public Safety and Equity Advisory Committee to replace Public Safety Advisory Committee. (2.20.120) Council Priorities adopted tonight included this as a tactical step to take in the Public Safety realm.

MODIFICATIONS AFTER FIRST READING

As a result of the Council's discussion, and suggestions of possible changes in the proposed ordinance, the working group considered additional changes to the proposed ordinance. Based upon those discussions they recommend as follows:

1. All committees should have three-year terms. The state statute allows cities to reduce the Planning Commission from four to three years. (2.20.010)
2. The rules regarding attendance and removal of a committee member for absences should be simplified. It will still be a "may", and not mandatory, but the committee itself should "police" the issue and it shouldn't need Council involvement. Added was a sentence requiring at least four-hour notice if a committee member can't attend. (2.20.050)
3. An additional clause was added to ensure that the 2 year term limit on chairs not force any current chair to step down if they are serving their 3 or more consecutive term. It only applies the next time a chair is selected. (2.20.030)
4. In the event that both the Chair and Vice Chair are up for reappointment to a committee, the mayor will select from the committee a person to serve on the selection committee in their stead. (2.20.020)
5. The group was comfortable keeping the process for dealing with late applicants as originally proposed. (2.20.020)
6. On the issue of spouses serving on the same committee, it is recommended that no one residing in the same household serve on the same committee. (2.20.020)
7. The group also revisited a limitation on how many committees a person could serve on. It is suggested that no limit be included in the ordinance. Future councils are already directed by the selection criteria and if they decide to appoint someone to 3 or more committees we should trust their judgment.

The only additional issue that did not have a consensus among the working group was the possible modification of some committee sizes. One wants all committees to have 7 members, one wants to leave the number the same and the third member of the working group was neutral. Currently there are 41 slots on committees for citizens. If we add the Public Safety and Equity Advisory Committee the overall number increases to 50. If all six committees are set at 7 members, with the new PSEAC, there would be 42 slots. It was agreed to leave that for Council to discuss as a whole.

Attached as Ex. B is a redline version showing the suggested changes in the Ordinance proposed at the initial reading. Attached to the Ordinance as Attachment A is a "clean" copy of what the new ordinance would reflect after the above suggested additions are included.

PROS & CONS:

Pros:

- Clarifies selection process and eliminate past confusion in certain situations.
- Expands opportunities for committee members to serve as Chairperson.
- Conforms to Council priority of establishing a Public Safety and Equity Advisory Committee

Cons:

- Places limits on Committees ability to keep a Chairperson longer than 2 consecutive years.
- Every third/fourth year the Chairperson would not serve on the Selection Committee.

Current Year Budget Impacts: ☐ Yes *(describe)* ☒ N/A

Future Fiscal Impacts: ☐ Yes *(describe)* ☒ N/A

City Attorney Approved: ☒ Yes ☐ N/A

Community Involvement Process: ☐ Yes *(describe)* ☒ N/A

Chapter 2.20 - COMMITTEES AND COMMISSIONS[2]

- 2.20.005 - Definitions.

- A. "Committees." As used in this chapter, "committees" means the regular committees established under Section 2.20.010(A), and any committees created and appointed under 2.20.010(B). Committee does not include the ~~council~~Council, any committee ~~comprised~~ composed solely of the ~~council~~Council, or any selection committee for making appointments.

~~B. "Highest ranking officer." As used in this chapter "highest ranking officer" means the chair of a committee, and if that office is vacant then the vice-chair.~~

- 2.20.010 - Committees—General.

- A. The following are the presently constituted committees of the city with the number of members, appointment process, term and authority for each committee:

1. Budget C~~c~~ommittee:	
Membership	6 councilors, the mayor and 7 electors of the city.
Appointment	Recommended by Selection Committee. Appointed by the C~~c~~ity ~~C~~~~council~~Council. ~~Recommended by selection committee, of the city council~~Council ~~and the highest ranking officer of the budget committee.~~
Term	3 years—staggered terms.
Authority	ORS 294.336; Section 2.20.080 of this chapter.
2. Citizens advisory committee:	
Membership	11 residents and electors of the city or Troutdale business owners.
Appointment	Recommended by Selection Committee. Appointed by the City Council. ~~Appointed by the city council~~Council. ~~Recommended by selection committee, of the city council~~Council ~~and the highest ranking officer of the citizens advisory committee.~~
Term	3 years—staggered terms.
Authority	LCDC Goals 1 and 2; Section 2.20.090 of this chapter.
3. Historic L~~l~~andmarks C~~c~~ommission:	
Membership	7 residents and electors of the city or Troutdale business owners.
Appointment	Recommended by Selection Committee. Appointed by the City Council. ~~Appointed by the city council~~Council. ~~Recommended by the selection committee, of the city council~~Council ~~and the highest ranking officer of the historic landmarks commission.~~
Term	3~~4~~ years—staggered terms.
Authority	Troutdale Comprehensive Land Use Plan Goal 5 and Section 2.20.095 of this chapter.

4. Parks Aadvisory Ceommittee:	
Membership	9 residents and electors of the city or Troutdale business owners.
Appointment	Recommended by Selection Committee. Appointed by the City Council. Appointed by the city councilCouncil. Recommended by selection committee, of the city councilCouncil and the highest ranking officer of the parks advisory committee.
Term	3 years—staggered terms.
Authority	Section 2.20.100 of this chapter.
5. Planning Ceommission:	
Membership	7 residents and electors of the city.
Appointment	Recommended by Selection Committee. Appointed by the City Council. Appointed by the city councilCouncil. Recommended by the selection committee of the city councilCouncil and the highest ranking officer of the planning commission.
Term	34 years—staggered terms.
Authority	ORS 227.090; Section 2.20.110 of this chapter.
6. Public Safety and Equity Committee. 6. Public safety advisory committee:	
Membership	9 residents and electors of the City, and City business oweners.9 residents and electors of the city or Troutdale business owners.
Appointment	Recommended by Selection Committee. Appointed by the City Council. Appointed by the city councilCouncil. Recommended by the selection committee of the city councilCouncil and the highest ranking officer of the public safety advisory committee.
Term	3 years—staggered terms.3 years—staggered terms.
Authority	Section 2.20.120 of this Chapter Section 2.20.120 of this chapter.

B. In addition to these committees of the councilCouncil, the councilCouncil may, by majority vote of its members, provide for the creation and appointment of any committee that it deems necessary. The committee shall perform the duties prescribed by the councilCouncil at the time the committee is created.

C. Committees that are not established by ordinance or created or appointed by the councilCouncil are non-city committees, . Ssuch as community and intergovernmental organizations. The mayor shall appoint councilCouncilors and others to represent the city before and on non-city committees., which includes community and intergovernmental organizations.

D. In determining the size of any committee, the mayor and councilCouncil shall consider its duties and responsibilities and the staffing costs for the committee.

E. Members of a committee shall receive no compensation for their services, but shall be reimbursed for authorized expenses.

F. A committee has no authority to make expenditures on behalf of the city or to obligate the city for payment of any sums of money, unless the ~~council~~Council specifically authorizes the expenditure by appropriate ordinance or resolution and that ordinance or resolution provides the method by which such fund shall be drawn and expended.

- 2.20.020 - Committees—Selection of members.

- A. Unless otherwise provided by law, members of committees shall be appointed by the city ~~council~~Council. The selection committee shall recommend appointments to the city ~~council~~Council.

B. The selection committee is composed ~~comprised~~ of the C~~c~~ity ~~council~~Council and the ~~C~~chairperson~~highest ranking officer~~ of the respective committee, and the ~~M~~mayor will~~who will~~ serve as chair of the selection committee. If the ~~C~~chairperson of a committee is up for reappointment, the committee's ~~V~~vice- ~~C~~chairperson shall instead serve on the selection committee. The selection committee shall interview all applicants for the position when feasible. The selection committee shall prepare a recommendation, which will be forwarded to the city ~~council~~Council for approval at the next available regular ~~council~~Council meeting, for appointments to fill all vacant positions and a recommendation for an alternate(s) for each committee if there are suitable candidates from the pool of applicants. If a vacancy occurs on a committee during the year the alternate for that committee shall automatically be chosen to fill the vacancy.

C. No selection committee member shall vote on a recommendation if an applicant is a relative of the member (i.e., the spouse, child, brother, sister or parent of the member) or is a director, officer or owner of a business which employs the member.

D. As the need arises to fill any vacancy on a committee, or from time to time as the ~~council~~Council directs, the city shall conduct a ~~well planned~~well-planned publicity campaign making use of media, civic interest groups and personal contacts to create an awareness among the public of the opportunity for citizen participation in city government. All releases shall be designed to make known the nature of the committee vacancy, any existing criteria for selection, the method of appointment and any limitations on opportunities to serve. The ~~S~~selection ~~C~~committee will consider, among other factors as it sees fit, a) diversity of membership, b) balance between number of other committee appointments, and c) appointing people who have not ever or recently served on a city committee. All applicants shall complete a standard application form available from the city recorder. Any committee member whose term is expiring will be so notified, as will the committee ~~C~~chair, at the time committee applications are open.

E. The ~~C~~city ~~M~~manager, at the same time applications are opened for ~~C~~committee member selection, shall set a final date for applications to be received. Any application received after that date shall not be considered for committee appointment, and the selection committee shall not be

notified of any late applicants. After initial appointment of committee members each year, if any vacancies still exist, late applicants may be considered for appointment at that time.

F~~E~~. Unless otherwise specified in the law or action creating the committee, a member's term on the committee shall expire on June 30th~~December 31st~~ of the year the member's term has been designated to expire. If no qualified successor has been appointed as of that date, a member's term shall continue until the member's successor is appointed and qualified. All committee members serving at the time this ordinance passes shall have their terms extended 6 months.

G~~F~~. No elected or appointed official or employee of the city shall be eligible to serve as a member of a committee except for the mayor and ~~council~~Council or members of the budget committee.

H~~G~~. Unless otherwise specified by the ~~council~~Council, the terms of members of a committee shall be staggered so that approximately one-third of the terms of the members end each year.

- 2.20.030 - Committees—Officers and duties.

~~• A~~• A. Each committee listed in Section 2.20.010 of this chapter shall elect officers at its first meeting after June 30 of each calendar year. Those officers are a chair and vice~~-~~ chair.

B. The chair of a committee presides over its meetings. The chair preserves order at the meetings, recognizes speakers and decides all questions of order. Any ruling of the presiding officer is subject to appeal by the entire committee by request of any two members. The chair shall have the right to vote. No person shall serve as the ~~C~~chair for more than ~~one year/~~two consecutive years, and must have a one year break before serving again as ~~C~~chair. The committee may request that the City ~~Council~~Council waive this limitation and ask that the ~~C~~chair serve an addition one consecutive year. No person may serve as ~~C~~chair of more than two committees.

C. The vice~~-~~ chair acts as the presiding officer of the committee in the absence of the chair.

D. The city manager shall provide adequate staffing to the committee to ensure that notice of the meeting is given, each meeting is tape-recorded and minutes are kept consistent with the state's Open Meetings Law.

E. Each committee may adopt bylaws on its procedures and may further specify the duties of its officers. In the absence of adopted bylaws, the rules of the ~~council~~Council covering order and decorum and procedures apply. All cases not provided for in the bylaws or applicable ~~council~~Council rules shall be governed by Roberts Rules of Order (Revised).

F. Committees shall exercise the authority and perform the duties and responsibilities delegated to the committee by state laws, ~~council~~Council action or as specified in this chapter.

- 2.20.040 - Committees—Meetings.

- A. Committee meetings shall be conducted consistent with the state's Open Meetings Law. This means that the meetings are open to the public unless an executive session is authorized and needed, proper notice of the meeting is provided and minutes are kept and preserved.

B. Committees meet at the times stated in the law or order creating or empowering the body. A committee may meet at any other time necessary to accomplish the duties of the committee.

C. A quorum for conducting business is a majority of the membership of the committee.

D. Each committee has an obligation to be clear and simple in its procedures and the consideration of questions coming before it. A committee shall avoid invoking the finer points of parliamentary rules which may serve only to obscure the issues and arouse the suspicion of the audience at public meetings and the citizens of the city in general.

- 2.20.050 - Committees—Vacancies.

- A. The office of a committee member becomes vacant upon its incumbent's death, removal from the city (if residency is a qualification), removal from office by the ~~council~~Council or resignation. The office may be declared vacant by action of the committee or by the ~~council~~Council for nonperformance of duties if the incumbent fails to attend three consecutive meetings of the body. Unless any of the absences are excused in advance, each member should notify the chair or staff liaison of expected absence no later than four hours before the meeting of the committee. Except that a citizen Budget ~~c~~Committee member shall be removed if they miss 2 consecutive meetings, regardless of cause or excuse. A second miss shall occur if they fail to attend the second meeting within 15 minutes of the start time. The Budget Committee shall~~may~~ then declare that position vacant and immediately appoint the alternat~~ive~~ to fill the position.

B. A committee member may resign at any time. A resignation occurs by delivery of a written resignation to the chair, staff liaison or city recorder.

C. In the absence of a more specific process of the ~~council~~Council to the contrary, a vacancy shall be filled in the manner provided by Sections 2.20.010 and 2.20.020 of this chapter. The committee chair or staff liaison shall notify the city recorder of any vacancy as soon as feasible so that a recruitment process can begin quickly.

D. Unless otherwise provided by law, a member of a committee may be removed from office by vote of a majority of the members of the ~~council~~Council.

- 2.20.060 - Committees—Relationship to city ~~council~~Council, staff and others.

- A. Committees may obtain a place on a ~~council~~Council agenda for an item of mutual interest by timely request to the city recorder. Other communications to the mayor or ~~council~~Council should be routed through the committee chair to the city manager or to the committee staff liaison. The ~~council~~Council may appoint a ~~council~~Councilor liaison to a committee to facilitate communications.

B. Committee members are encouraged to keep abreast of proposed and final ~~council~~Council actions. The city staff shall inform committees of proposed and final ~~council~~Council actions relevant to the business of the committee.

C. While the city staff are charged with assisting committees, staff members are responsible to their supervisors, department heads and the city manager. The city manager must approve staffing functions for all committees. No committee may employ its own staff. Committees must submit any budget requests to the city manager consistent with the yearly budget preparation timelines.

D. Committee members should note whether they speak for themselves or their committees in written and oral communications to other officials, the public and the news media about city matters. When speaking for their committee, members should circulate a copy of the communication to other committee members before its publication if that is feasible. Communications to public officials and agencies of public business, including lobbying efforts, should be coordinated with the city manager to assure consistency with adopted city policy. If a committee member writes or speaks as an individual on city matters, and contrary to an adopted committee position, the member should note that difference in the communication.

- 2.20.080 - Budget C~~c~~ommittee.

- A. The ~~b~~Budget ~~c~~Committee is created and charged with carrying out duties imposed by the state Local Budget Law and any other duties conferred by the ~~council~~Council. The city manager is the budget officer for the city.

B. The ~~b~~Budget ~~c~~Committee meets on an as needed basis to review the budget document for each fiscal year. Any budget request should be given to the city manager in sufficient time to be included in the budget document.

C. Appointive members of the ~~b~~Budget ~~c~~Committee shall not be officers, agents or employees of the city. No interest group has a designated position on the ~~b~~Budget ~~c~~Committee. Appointive members must be residents and electors of the city.

D. The terms of the appointive members of the ~~b~~Budget ~~c~~Committee shall be staggered so that approximately one-third of the terms of the appointive members end each year.

- 2.20.090 - Citizens A~~a~~dvisory C~~c~~ommittee.

- A. The ~~c~~Citizens ~~a~~Advisory ~~c~~Committee is created as a primary element of the city's citizen involvement program which is established under state laws and regulations pertaining to land use comprehensive planning, including Statewide Planning Goal 1. The ~~c~~Citizens ~~a~~Advisory ~~c~~Committee shall review all legislative amendments to the city's comprehensive plan and all major amendments to land use regulations not reviewed by any other ~~council~~Council-sanctioned citizen committee. The ~~p~~Planning ~~c~~Commission may seek the advice of the ~~c~~Citizens ~~a~~Advisory ~~c~~Committee on quasi-judicial amendments to the comprehensive plan. The ~~c~~Citizens ~~a~~Advisory ~~c~~Committee may periodically review and advise the ~~p~~Planning ~~c~~Commission and ~~council~~Council

on the citizen involvement program. The ~~c~~Citizens ~~a~~Advisory ~~c~~Committee will report recommendations on land use issues to the ~~p~~Planning ~~c~~Commission.

~~B. The Committee is further charged with evaluating and making recommendations to the city's elected and appointed officials on matters relating to public safety, including law enforcement, fire and medical services.~~

B.~~CB~~. The ~~c~~Citizens ~~a~~Advisory ~~c~~Committee shall also perform any other duties or functions assigned by the ~~council~~Council. Those duties shall be specified by motion or resolution of the ~~council~~Council. In this regard the ~~c~~Citizens ~~a~~Advisory ~~c~~Committee operates to provide policy guidance to the ~~council~~Council on matters of public interest and to act as a liaison between neighborhoods and interest groups and the city's elected and appointed officials. The ~~c~~Citizens ~~a~~Advisory ~~c~~Committee will report recommendations to the ~~council~~Council regarding issues assigned by the ~~council~~Council.

C. ~~DC~~. The ~~c~~Citizens ~~a~~Advisory ~~c~~Committee shall be composed of eleven members appointed at large to represent the citizenry of the city. Each member shall be a resident and elector or a Troutdale business owner of the city. Although representation on the ~~c~~Citizens ~~a~~Advisory ~~c~~Committee is not based on geographical districts, when appointments are made to the ~~c~~Citizens ~~a~~Advisory ~~c~~Committee, consideration shall be given to geographical distribution of its membership.

D. ~~ED~~. The ~~c~~Citizens ~~a~~Advisory ~~c~~Committee shall meet whenever there is a land use matter requiring its review and at other times deemed necessary by the committee.

- 2.20.095 - Historic ~~l~~Landmarks ~~c~~Commission.

- A. The ~~h~~Historic ~~l~~Landmarks ~~c~~Commission is created and charged with duties as specified in [the] Troutdale Development Code chapter 4.200 Historic Landmark Protection. The ~~h~~Historic ~~l~~Landmarks ~~c~~Commission assists the ~~c~~City ~~council~~Council in promoting historic preservation in the city. The ~~h~~Historic ~~l~~Landmarks ~~c~~Commission acts regarding major alterations, demolition or relocation of historic landmarks, the designation of historic landmarks, the maintenance of the historic resource inventory, and makes recommendations to the ~~p~~Planning ~~c~~Commission pertaining to conditional use requests within designated historic landmarks. The ~~h~~Historic ~~l~~Landmarks ~~c~~Commission may make studies, hold hearings and prepare reports and recommendations on its own initiative or at the request of the ~~council~~Council.

B. The ~~c~~City ~~council~~Council shall consider individuals for the ~~h~~Historic ~~l~~Landmarks ~~c~~Commission that have demonstrated an interest in historic preservation and ideally have experience, training, special expertise or knowledge in the field of historic preservation, local history and culture, archaeology, architecture, the arts, or other related fields. A member of the ~~p~~Planning ~~c~~Commission may serve as an ex-officio member of the ~~h~~Historic ~~l~~Landmarks ~~c~~Commission.

C. The ~~h~~Historic ~~l~~Landmarks ~~c~~Commission shall meet whenever there is a historic resource matter that requires their review.

D. No member of the ~~h~~Historic ~~l~~Landmarks ~~c~~Commission may be removed by the ~~c~~City ~~council~~Council unless a hearing is provided and misconduct or nonperformance of duty is shown. Nonperformance includes absence from three consecutive meetings of the ~~h~~Historic ~~l~~Landmarks ~~c~~Commission.

E. A ~~h~~Historic ~~l~~Landmarks ~~c~~Commission member shall not participate in any ~~h~~Historic ~~l~~Landmarks ~~c~~Commission proceeding or action in which any of the following has a direct or substantial financial interest:

1. The member or the spouse/domestic partner, brother, sister, child, parent, father-in-law, mother in-law of the member;

2. Any business in which the member is then serving or has served within the previous two years;

3. Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

- 2.20.100 - Parks ~~a~~Advisory ~~c~~Committee.

- A. The ~~p~~Parks ~~a~~Advisory ~~c~~Committee is created and charged with evaluating and making recommendations to the city's elected and appointed officials on matters relating to recreational land and publicly owned lands, including parks, and open spaces and environmentally sensitive public and private lands. The ~~p~~Parks ~~a~~Advisory ~~c~~Committee reviews and recommends expenditures of parks funds for capital or construction projects.

B. The ~~p~~Parks ~~a~~Advisory ~~c~~Committee shall also serve as the city's tree board for purposes of satisfying requirements as a Tree City USA and for carrying out all the duties assigned to the tree board.

C. The ~~p~~Parks ~~a~~Advisory ~~c~~Committee shall meet at times deemed necessary by the ~~p~~Parks ~~a~~Advisory ~~c~~Committee.

- 2.20.110 - Planning ~~c~~Commission.

- A. The ~~p~~Planning ~~c~~Commission is created and charged with the powers and duties specified in Oregon Revised Statutes Section 227.090 and other provisions of state law relating to planning commission authority, and all powers which are now or in the future granted to the ~~p~~Planning ~~c~~Commission by the ordinances of the city or general laws of the state. The ~~p~~Planning ~~c~~Commission acts regarding the subdivision of land, the use of land, and the location of public facilities, and decides permits and adjudications and adopts and recommends policies concerning the planning and development of the city and the surrounding area. The ~~p~~Planning ~~c~~Commission may make studies, hold hearings and prepare reports and recommendations on its own initiative or at the request of the ~~council~~Council.

B. The ~~p~~Planning ~~c~~Commission shall meet whenever there is a land use matter that requires their review.

C. No member of the ~~p~~Planning ~~c~~Commission may be removed by the ~~council~~Council unless a hearing is provided and misconduct or nonperformance of duty is shown. Nonperformance includes absence from three consecutive meetings of the ~~p~~Planning ~~c~~Commission.

D. No more than two voting members of the ~~p~~Planning ~~c~~Commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.

E. A ~~p~~Planning ~~c~~Commission member shall not participate in any ~~p~~Planning ~~c~~Commission proceeding or action in which any of the following has a direct or substantial financial interest:

1. The member or the spouse/domestic partner, brother, sister, child, parent, father-in-law, mother-in-law of the member;

2. Any business in which the member is then serving or has served within the previous two years; or

3. Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

- 2.20.120 - Public S~~s~~afety and Equity A~~a~~dvisory C~~c~~ommittee.

A. The P~~p~~ublic S~~s~~afety A~~a~~dvisory C~~c~~ommittee is created and charged with evaluating and making recommendations to the city's elected and appointed officials on matters relating to public safety, including law enforcement, fire and medical services. Included in this charge is that the committee make recommendations that may be necessary to insure that all of these public services are provided in a fashion that insures equity, regardless of a person's race, color, religion, sex, sexual orientation, national origin, marital status, age, disability and other classes protected under Oregon statutes The ~~public safety advisory c~~Committee is not charged with reviewing use of force complaints or citizen's complaints against public safety personnel.

B. The ~~public safety advisory c~~Committee shall meet at times deemed necessary by the ~~public safety advisory c~~Committee~~,~~; however, they will meet at least once per quarter.

C. The ~~public safety advisory c~~Committee will be a committee of nine members. The C~~c~~ity ~~council~~Council shall endeavor to appoint a Troutdale business owner~~, a member of the Troutdale faith community~~, a Troutdale multifamily housing resident, a Reynolds School District employee, and a high school or college student as well as members at large. All members of the committee will also be a resident and elector of the city or a Troutdale business owner, except in the event that a high school student, who is not an elector, is appointed.

D. The ~~public safety advisory c~~ Committee shall also perform any other duties or functions assigned by the ~~council~~Council. Those duties shall be specified by motion or resolution of the ~~council~~Council. In this regard the ~~public safety advisory c~~ Committee operates to provide policy guidance to the ~~council~~Council on matters of public safety and equity and to act as a liaison between public safety and interest groups and the city's elected and appointed officials.

Chapter 2.20 - COMMITTEES AND COMMISSIONS[2]

- 2.20.005 - Definitions.

- A. "Committees." As used in this chapter, "committees" means the regular committees established under Section 2.20.010(A), and any committees created and appointed under 2.20.010(B). Committee does not include the Council, any committee composed solely of the Council, or any selection committee for making appointments.

- 2.20.010 - Committees—General.

- A. The following are the presently constituted committees of the city with the number of members, appointment process, term and authority for each committee:

1. **Budget Committee**:	
Membership	6 Councilors, the mayor and 7 electors of the city.
Appointment	Recommended by Selection Committee. Appointed by the City Council.
Term	3 years—staggered terms.
Authority	ORS 294.336; Section 2.20.080 of this chapter.
2. **Citizens Advisory Committee**:	
Membership	11 residents and electors of the city or Troutdale business owners.
Appointment	Recommended by Selection Committee. Appointed by the City Council.
Term	3 years—staggered terms.
Authority	LCDC Goals 1 and 2; Section 2.20.090 of this chapter.
3. **Historic Landmarks Commission**:	
Membership	7 residents and electors of the city or Troutdale business owners.
Appointment	Recommended by Selection Committee. Appointed by the City Council.
Term	3 years—staggered terms.
Authority	Troutdale Comprehensive Land Use Plan Goal 5 and Section 2.20.095 of this chapter.
4. **Parks Advisory Committee**:	
Membership	9 residents and electors of the city or Troutdale business owners.
Appointment	Recommended by Selection Committee. Appointed by the City Council.
Term	3 years—staggered terms.
Authority	Section 2.20.100 of this chapter.
5. **Planning Commission**:	
Membership	7 residents and electors of the city.
Appointment	Recommended by Selection Committee. Appointed by the City Council.

Term	34 years—staggered terms.
Authority	ORS 227.090; Section 2.20.110 of this chapter.
6. **Public Safety and Equity Advisory Committee**	
Membership	9 residents and electors of the City, and City business owners
Appointment	Recommended by Selection Committee. Appointed by the City Council
Term	3 year Staggered Terms
Authority	Section 2.20.120 of this Chapter.

B. In addition to these committees, the Council may, by majority vote of its members, provide for the creation and appointment of any committee that it deems necessary. The committee shall perform the duties prescribed by the Council at the time the committee is created.

C. Committees that are not established by ordinance or created by the Council are non-city committees, such as community and intergovernmental organizations. The mayor shall appoint councilors and others to represent the city on non-city committees.

D. In determining the size of any committee, the mayor and Council shall consider its duties and responsibilities and the staffing costs for the committee.

E. Members of a committee shall receive no compensation for their services, but shall be reimbursed for authorized expenses.

F. A committee has no authority to make expenditures on behalf of the city or to obligate the city for payment of any sums of money, unless the Council specifically authorizes the expenditure by appropriate ordinance or resolution and that ordinance or resolution provides the method by which such fund shall be drawn and expended.

- 2.20.020 - Committees—Selection of members.

- A. Unless otherwise provided by law, members of committees shall be appointed by the City Council. The selection committee shall recommend appointments to the City Council.

B. The selection committee is composed of the City Council and the chairperson of the respective committee, and the mayor will serve as chair of the selection committee. If the chairperson of a committee is up for reappointment, the committee's vice-chairperson shall instead serve on the selection committee. Should both the chair and vice chair of a city committee be up for reappointment to the committee, the mayor may appoint a suitable representative from that committee to serve on the selection committee. The selection committee shall interview all applicants for the position when feasible. The selection committee shall prepare a recommendation, which will be forwarded to the City Council for approval at the next available regular Council meeting, for appointments to fill all vacant positions and a recommendation for an alternate(s) for each committee if there are suitable candidates from the pool of applicants. If a vacancy occurs on a committee during the year the alternate for that committee shall automatically be chosen to fill the vacancy.

C. No selection committee member shall vote on a recommendation if an applicant is a relative of the member (i.e., the spouse, child, brother, sister or parent of the member) or is a director, officer or owner of a business which employs the member.

D. As the need arises to fill any vacancy on a committee, or from time to time as the Council directs, the city shall conduct a well-planned publicity campaign making use of media, civic interest groups and personal contacts to create an awareness among the public of the opportunity for citizen participation in city government. All releases shall be designed to make known the nature of the committee vacancy, any existing criteria for selection, the method of appointment and any limitations on opportunities to serve. The selection committee will consider, among other factors as it sees fit, a) diversity of membership, b) balance between number of other committee appointments, and c) appointing people who have not ever or recently served on a city committee. No members of the same household shall serve together on a committee. All applicants shall complete a standard application form available from the city recorder. Any committee member whose term is expiring will be so notified, as will the committee chair, at the time committee applications are open.

E. The city manager, at the same time applications are opened for committee member selection, shall set a final date for applications to be received. Any application received after that date shall not be considered for committee appointment, and the selection committee shall not be notified of any late applicants. After initial appointment of committee members each year, if any vacancies still exist, late applicants may be considered for appointment at that time.

F. Unless otherwise specified in the law or action creating the committee, a member's term on the committee shall expire on June 30th of the year the member's term has been designated to expire. If no qualified successor has been appointed as of that date, a member's term shall continue until the member's successor is appointed and qualified. All committee members serving at the time this ordinance passes shall have their terms extended 6 months.

G. No elected or appointed official or employee of the city shall be eligible to serve as a member of a committee except for the mayor and councilor members of the Budget Committee.

H. Unless otherwise specified by the Council, the terms of members of a committee shall be staggered so that approximately one-third of the terms of the members end each year.

- 2.20.030 - Committees—Officers and duties.

- A. Each committee listed in Section 2.20.010 of this chapter shall elect officers at its first meeting after June 30 of each calendar year. Those officers are a chair and vice-chair.

B. The chair of a committee presides over its meetings. The chair preserves order at the meetings, recognizes speakers and decides all questions of order. Any ruling of the presiding officer is subject to appeal by the entire committee by request of any two members. The chair shall have the right to vote. No person shall serve as the chair for more than two consecutive years, and must have a one year break before serving again as chair. The committee may request that the City Council waive this limitation and ask that the chair serve an additional one

consecutive year. No person may serve as chair of more than two committees~~es.~~ Persons currently serving as chair, who have served longer than two consecutive years at the time of adoption of this ordinance, may continue to serve out the length of their current term.

C. The vice-chair acts as the presiding officer of the committee in the absence of the chair.

D. The city manager shall provide adequate staffing to the committee to ensure that notice of the meeting is given, each meeting is tape-recorded and minutes are kept consistent with the state's Open Meetings Law.

E. Each committee may adopt bylaws on its procedures and may further specify the duties of its officers. In the absence of adopted bylaws, the rules of the Council covering order and decorum and procedures apply. All cases not provided for in the bylaws or applicable Council rules shall be governed by Roberts Rules of Order (Revised).

F. Committees shall exercise the authority and perform the duties and responsibilities delegated to the committee by state laws, Council action or as specified in this chapter.

- 2.20.040 - Committees—Meetings.

- A. Committee meetings shall be conducted consistent with the state's Open Meetings Law. This means that the meetings are open to the public unless an executive session is authorized and needed, proper notice of the meeting is provided, and minutes are kept and preserved.

B. Committees meet at the times stated in the law or order creating or empowering the body. A committee may meet at any other time necessary to accomplish the duties of the committee.

C. A quorum for conducting business is a majority of the membership of the committee.

D. Each committee has an obligation to be clear and simple in its procedures and the consideration of questions coming before it. A committee shall avoid invoking the finer points of parliamentary rules which may serve only to obscure the issues and arouse the suspicion of the audience at public meetings and the citizens of the city in general.

- 2.20.050 - Committees—Vacancies.

A. A committee member should notify the chair or staff liaison of an expected absence no later than four hours before the meeting of the committee. The office of a committee member becomes vacant upon its incumbent's death, removal from the city (if residency is a qualification), removal from office by the committee the member serves on ~~Council~~ or resignation. The office may be declared vacant by action of the committee ~~or by the Council for nonperformance of duties~~ if the incumbent fails to attend three consecutive meetings of the body. ~~Unless any of the absences are excused in advance, each member should notify the chair or staff liaison of expected absence no later than four hours before the meeting of the committee.~~ Except that a citizen Budget Committee member shall be removed if they miss 2 consecutive meetings, regardless of cause or excuse. A second miss shall occur if they fail to attend the second meeting

within 15 minutes of the start time. The Budget Committee shall then declare that position vacant and immediately appoint the alternate to fill the position.

B.A committee member may resign at any time. A resignation occurs by delivery of a written resignation to the chair, staff liaison or city recorder.

C. In the absence of a more specific process of the Council to the contrary, a vacancy shall be filled in the manner provided by Sections 2.20.010 and 2.20.020 of this chapter. The committee chair or staff liaison shall notify the city recorder of any vacancy as soon as feasible so that a recruitment process can begin quickly.

D. Unless otherwise provided by law, a member of a committee may be removed from office by vote of a majority of the members of the Council.

- 2.20.060 - Committees—Relationship to City Council, staff and others.

- A. Committees may obtain a place on a Council agenda for an item of mutual interest by timely request to the city recorder. Other communications to the mayor or Council should be routed through the committee chair to the city manager or to the committee staff liaison. The Council may appoint a Councilor liaison to a committee to facilitate communications.

B. Committee members are encouraged to keep abreast of proposed and final Council actions. The city staff shall inform committees of proposed and final Council actions relevant to the business of the committee.

C. While the city staff are charged with assisting committees, staff members are responsible to their supervisors, department heads and the city manager. The city manager must approve staffing functions for all committees. No committee may employ its own staff. Committees must submit any budget requests to the city manager consistent with the yearly budget preparation timelines.

D. Committee members should note whether they speak for themselves or their committees in written and oral communications to other officials, the public and the news media about city matters. When speaking for their committee, members should circulate a copy of the communication to other committee members before its publication if that is feasible. Communications to public officials and agencies of public business, including lobbying efforts, should be coordinated with the city manager to assure consistency with adopted city policy. If a committee member writes or speaks as an individual on city matters, and contrary to an adopted committee position, the member should note that difference in the communication.

- 2.20.080 - Budget Committee.

- A. The Budget Committee is created and charged with carrying out duties imposed by the state Local Budget Law and any other duties conferred by the Council. The city manager is the budget officer for the city.

B. The Budget Committee meets on an as needed basis to review the budget document for each fiscal year. Any budget request should be given to the city manager in sufficient time to be included in the budget document.

C. Appointive members of the Budget Committee shall not be officers, agents or employees of the city. No interest group has a designated position on the Budget Committee. Appointive members must be residents and electors of the city.

D. The terms of the appointive members of the Budget Committee shall be staggered so that approximately one-third of the terms of the appointive members end each year.

- 2.20.090 - Citizens Advisory Committee.

- A. The Citizens Advisory Committee is created as a primary element of the city's citizen involvement program which is established under state laws and regulations pertaining to land use comprehensive planning, including Statewide Planning Goal 1. The Citizens Advisory Committee shall review all legislative amendments to the city's comprehensive plan and all major amendments to land use regulations not reviewed by any other Council-sanctioned citizen committee. The Planning Commission may seek the advice of the Citizens Advisory Committee on quasi-judicial amendments to the comprehensive plan. The Citizens Advisory Committee may periodically review and advise the Planning Commission and Council on the citizen involvement program. The Citizens Advisory Committee will report recommendations on land use issues to the Planning Commission.

B.. The Citizens Advisory Committee shall also perform any other duties or functions assigned by the Council. Those duties shall be specified by motion or resolution of the Council. In this regard the Citizens Advisory Committee operates to provide policy guidance to the Council on matters of public interest and to act as a liaison between neighborhoods and interest groups and the city's elected and appointed officials. The Citizens Advisory Committee will report recommendations to the Council regarding issues assigned by the Council.

C. . The Citizens Advisory Committee shall be composed of eleven members appointed at large to represent the citizenry of the city. Each member shall be a resident and elector or a Troutdale business owner of the city. Although representation on the Citizens Advisory Committee is not based on geographical districts, when appointments are made to the Citizens Advisory Committee, consideration shall be given to geographical distribution of its membership.

D. . The Citizens Advisory Committee shall meet whenever there is a land use matter requiring its review and at other times deemed necessary by the committee.

- 2.20.095 - Historic Landmarks Commission.

- A. The Historic Landmarks Commission is created and charged with duties as specified in [the] Troutdale Development Code chapter 4.200 Historic Landmark Protection. The Historic Landmarks Commission assists the City Council in promoting historic preservation in the city. The Historic Landmarks Commission acts regarding major alterations, demolition or relocation

of historic landmarks, the designation of historic landmarks, the maintenance of the historic resource inventory, and makes recommendations to the Planning Commission pertaining to conditional use requests within designated historic landmarks. The Historic Landmarks Commission may make studies, hold hearings and prepare reports and recommendations on its own initiative or at the request of the Council.

B. The city Council shall consider individuals for the Historic Landmarks Commission that have demonstrated an interest in historic preservation and ideally have experience, training, special expertise or knowledge in the field of historic preservation, local history and culture, archaeology, architecture, the arts, or other related fields. A member of the Planning Commission may serve as an ex-officio member of the Historic Landmarks Commission.

C. The Historic Landmarks Commission shall meet whenever there is a historic resource matter that requires their review.

D. No member of the Historic Landmarks Commission may be removed by the City Council unless a hearing is provided and misconduct or nonperformance of duty is shown. Nonperformance includes absence from three consecutive meetings of the Historic Landmarks Commission.

E. A Historic Landmarks Commission member shall not participate in any Historic Landmarks Commission proceeding or action in which any of the following has a direct or substantial financial interest:

1. The member or the spouse/domestic partner, brother, sister, child, parent, father-in-law, mother in-law of the member;

2. Any business in which the member is then serving or has served within the previous two years;

3. Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

- 2.20.100 - Parks Advisory Committee.

- A. The Parks Advisory Committee is created and charged with evaluating and making recommendations to the city's elected and appointed officials on matters relating to recreational land and publicly owned lands, including parks, and open spaces and environmentally sensitive public and private lands. The Parks Advisory Committee reviews and recommends expenditures of parks funds for capital or construction projects.

B. The Parks Advisory Committee shall also serve as the city's tree board for purposes of satisfying requirements as a Tree City USA and for carrying out all the duties assigned to the tree board.

C. The Parks Advisory Committee shall meet at times deemed necessary by the Parks Advisory Committee.

- 2.20.110 - Planning Commission.

A. The Planning Commission is created and charged with the powers and duties specified in Oregon Revised Statutes Section 227.090 and other provisions of state law relating to Planning Commission authority, and all powers which are now or in the future granted to the Planning Commission by the ordinances of the city or general laws of the state. The Planning Commission acts regarding the subdivision of land, the use of land, and the location of public facilities, and decides permits and adjudications and adopts and recommends policies concerning the planning and development of the city and the surrounding area. The Planning Commission may make studies, hold hearings and prepare reports and recommendations on its own initiative or at the request of the Council.

B. The Planning Commission shall meet whenever there is a land use matter that requires their review.

C. No member of the Planning Commission may be removed by the Council unless a hearing is provided and misconduct or nonperformance of duty is shown. Nonperformance includes absence from three consecutive meetings of the Planning Commission.

D. No more than two voting members of the Planning Commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.

E. A Planning Commission member shall not participate in any Planning Commission proceeding or action in which any of the following has a direct or substantial financial interest:

1. The member or the spouse/domestic partner, brother, sister, child, parent, father-in-law, mother-in-law of the member;

2. Any business in which the member is then serving or has served within the previous two years; or

3. Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

- 2.20.120 - Public Safety and Equity Advisory Committee.

A. The Public Safety Advisory Committee is created and charged with evaluating and making recommendations to the city's elected and appointed officials on matters relating to public safety, including law enforcement, fire and medical services. Included in this charge is that the committee make recommendations that may be necessary to insure that all of these public

services are provided in a fashion that insures equity, regardless of a person's race, color, religion, sex, sexual orientation, national origin, marital status, age, disability and other classes protected under Oregon statutes The Committee is not charged with reviewing use of force complaints or citizen's complaints against public safety personnel.

B. The Committee shall meet at times deemed necessary by the Committee, however they will meet at least once per quarter.

C. The Committee will be a committee of nine members. The city Council shall endeavor to appoint a Troutdale business owner, a Troutdale multifamily housing resident, a Reynolds School District employee, and a high school or college student as well as members at large. All members of the committee will also be a resident and elector of the city or a Troutdale business owner, except in the event that a high school student, who is not an elector, is appointed.

D. The Committee shall also perform any other duties or functions assigned by the Council. Those duties shall be specified by motion or resolution of the Council. In this regard the Committee operates to provide policy guidance to the Council on matters of public safety and equity and to act as a liaison between public safety and interest groups and the city's elected and appointed officials.

ORDINANCE NO.

AN ORDINANCE AMENDING TROUTDALE MUNICIPAL CODE SECTION 2.20 RELATING TO COMMITTEES AND COMMISSIONS.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Tthe City Council recognizes the value and work of committees and commissions in the City; and

2. Section 2.20 of the Troutdale Municipal Code sets out how committees and commissions are formed, membership, duties, terms, and the presently constituted committees of the City; and

3. The City wishes to encourage public participation in membership on its committees and commissions as much as possible; and

3. The City Council desires to amend Troutdale Municipal Code Section 2.20 – Committees and Commissions to change appointment matters, to change certain processes and procedures, to add Equity to the duties of the Public Safety Committee and to correct minor grammatical errors and further clarify these sections.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. Troutdale Municipal Code Chapter Section 2.20 is amended as shown in Attachment A.

YEAS:
NAYS:
ABSTAINED:

_____
Casey Ryan, Mayor

_____
Date

_____
Sarah Skroch, City Recorder
Adopted:

Chapter 2.20 - COMMITTEES AND COMMISSIONS[2]

- 2.20.005 - Definitions.

- A. "Committees." As used in this chapter, "committees" means the regular committees established under Section 2.20.010(A), and any committees created and appointed under 2.20.010(B). Committee does not include the Council, any committee composed solely of the Council, or any selection committee for making appointments.

- 2.20.010 - Committees—General.

- A. The following are the presently constituted committees of the city with the number of members, appointment process, term and authority for each committee:

1. **Budget Committee**:	
Membership	6 Councilors, the mayor and 7 electors of the city.
Appointment	Recommended by Selection Committee. Appointed by the City Council.
Term	3 years—staggered terms.
Authority	ORS 294.336; Section 2.20.080 of this chapter.
2. **Citizens Advisory Committee**:	
Membership	11 residents and electors of the city or Troutdale business owners.
Appointment	Recommended by Selection Committee. Appointed by the City Council.
Term	3 years—staggered terms.
Authority	LCDC Goals 1 and 2; Section 2.20.090 of this chapter.
3. **Historic Landmarks Commission**:	
Membership	7 residents and electors of the city or Troutdale business owners.
Appointment	Recommended by Selection Committee. Appointed by the City Council.
Term	3 years—staggered terms.
Authority	Troutdale Comprehensive Land Use Plan Goal 5 and Section 2.20.095 of this chapter.
4. **Parks Advisory Committee**:	
Membership	9 residents and electors of the city or Troutdale business owners.
Appointment	Recommended by Selection Committee. Appointed by the City Council.
Term	3 years—staggered terms.
Authority	Section 2.20.100 of this chapter.
5. **Planning Commission**:	
Membership	7 residents and electors of the city.
Appointment	Recommended by Selection Committee. Appointed by the City Council.

Term	3 years—staggered terms.
Authority	ORS 227.090; Section 2.20.110 of this chapter.
6. **Public Safety and Equity Advisory Committee**	
Membership	9 residents and electors of the City, and City business owners
Appointment	Recommended by Selection Committee. Appointed by the City Council
Term	3 year Staggered Terms
Authority	Section 2.20.120 of this Chapter.

B. In addition to these committees, the Council may, by majority vote of its members, provide for the creation and appointment of any committee that it deems necessary. The committee shall perform the duties prescribed by the Council at the time the committee is created.

C. Committees that are not established by ordinance or created by the Council are non-city committees, such as community and intergovernmental organizations. The mayor shall appoint councilors and others to represent the city on non-city committees.

D. In determining the size of any committee, the mayor and Council shall consider its duties and responsibilities and the staffing costs for the committee.

E. Members of a committee shall receive no compensation for their services, but shall be reimbursed for authorized expenses.

F. A committee has no authority to make expenditures on behalf of the city or to obligate the city for payment of any sums of money, unless the Council specifically authorizes the expenditure by appropriate ordinance or resolution and that ordinance or resolution provides the method by which such fund shall be drawn and expended.

- 2.20.020 - Committees—Selection of members.

- A. Unless otherwise provided by law, members of committees shall be appointed by the City Council. The selection committee shall recommend appointments to the City Council.

B. The selection committee is composed of the City Council and the chairperson of the respective committee, and the mayor will serve as chair of the selection committee. If the chairperson of a committee is up for reappointment, the committee's vice-chairperson shall instead serve on the selection committee. Should both the chair and vice chair of a city committee be up for reappointment to the committee, the mayor may appoint a suitable representative from that committee to serve on the selection committee. The selection committee shall interview all applicants for the position when feasible. The selection committee shall prepare a recommendation, which will be forwarded to the City Council for approval at the next available regular Council meeting, for appointments to fill all vacant positions and a recommendation for an alternate(s) for each committee if there are suitable candidates from the pool of applicants. If a vacancy occurs on a committee during the year the alternate for that committee shall automatically be chosen to fill the vacancy.

C. No selection committee member shall vote on a recommendation if an applicant is a relative of the member (i.e., the spouse, child, brother, sister or parent of the member) or is a director, officer or owner of a business which employs the member.

D. As the need arises to fill any vacancy on a committee, or from time to time as the Council directs, the city shall conduct a well-planned publicity campaign making use of media, civic interest groups and personal contacts to create an awareness among the public of the opportunity for citizen participation in city government. All releases shall be designed to make known the nature of the committee vacancy, any existing criteria for selection, the method of appointment and any limitations on opportunities to serve. The selection committee will consider, among other factors as it sees fit, a) diversity of membership, b) balance between number of other committee appointments, and c) appointing people who have not ever or recently served on a city committee. No members of the same household shall serve together on a committee. All applicants shall complete a standard application form available from the city recorder. Any committee member whose term is expiring will be so notified, as will the committee chair, at the time committee applications are open.

E. The city manager, at the same time applications are opened for committee member selection, shall set a final date for applications to be received. Any application received after that date shall not be considered for committee appointment, and the selection committee shall not be notified of any late applicants. After initial appointment of committee members each year, if any vacancies still exist, late applicants may be considered for appointment at that time.

F. Unless otherwise specified in the law or action creating the committee, a member's term on the committee shall expire on June 30th of the year the member's term has been designated to expire. If no qualified successor has been appointed as of that date, a member's term shall continue until the member's successor is appointed and qualified. All committee members serving at the time this ordinance passes shall have their terms extended 6 months.

G. No elected or appointed official or employee of the city shall be eligible to serve as a member of a committee except for the mayor and councilor members of the Budget Committee.

H. Unless otherwise specified by the Council, the terms of members of a committee shall be staggered so that approximately one-third of the terms of the members end each year.

- 2.20.030 - Committees—Officers and duties.

- A. Each committee listed in Section 2.20.010 of this chapter shall elect officers at its first meeting after June 30 of each calendar year. Those officers are a chair and vice-chair.

B. The chair of a committee presides over its meetings. The chair preserves order at the meetings, recognizes speakers and decides all questions of order. Any ruling of the presiding officer is subject to appeal by the entire committee by request of any two members. The chair shall have the right to vote. No person shall serve as the chair for more than two consecutive years, and must have a one year break before serving again as chair. The committee may request that the City Council waive this limitation and ask that the chair serve an additional one

consecutive year. No person may serve as chair of more than two committees Persons currently serving as chair, who have served longer than two consecutive years at the time of adoption of this ordinance, may continue to serve out the length of their current term.

C. The vice-chair acts as the presiding officer of the committee in the absence of the chair.

D. The city manager shall provide adequate staffing to the committee to ensure that notice of the meeting is given, each meeting is tape-recorded and minutes are kept consistent with the state's Open Meetings Law.

E. Each committee may adopt bylaws on its procedures and may further specify the duties of its officers. In the absence of adopted bylaws, the rules of the Council covering order and decorum and procedures apply. All cases not provided for in the bylaws or applicable Council rules shall be governed by Roberts Rules of Order (Revised).

F. Committees shall exercise the authority and perform the duties and responsibilities delegated to the committee by state laws, Council action or as specified in this chapter.

- 2.20.040 - Committees—Meetings.

- A. Committee meetings shall be conducted consistent with the state's Open Meetings Law. This means that the meetings are open to the public unless an executive session is authorized and needed, proper notice of the meeting is provided, and minutes are kept and preserved.

B. Committees meet at the times stated in the law or order creating or empowering the body. A committee may meet at any other time necessary to accomplish the duties of the committee.

C. A quorum for conducting business is a majority of the membership of the committee.

D. Each committee has an obligation to be clear and simple in its procedures and the consideration of questions coming before it. A committee shall avoid invoking the finer points of parliamentary rules which may serve only to obscure the issues and arouse the suspicion of the audience at public meetings and the citizens of the city in general.

- 2.20.050 - Committees—Vacancies.

 A. A committee member should notify the chair or staff liaison of an expected absence no later than four hours before the meeting of the committee. The office of a committee member becomes vacant upon its incumbent's death, removal from the city (if residency is a qualification), removal from office by the committee the member serves on or resignation. The office may be declared vacant by action of the committee if the incumbent fails to attend three consecutive meetings of the body. Except that a citizen Budget Committee member shall be removed if they miss 2 consecutive meetings, regardless of cause or excuse. A second miss shall occur if they fail to attend the second meeting within 15 minutes of the start time. The Budget Committee shall then declare that position vacant and immediately appoint the alternate to fill the position.

B.A committee member may resign at any time. A resignation occurs by delivery of a written resignation to the chair, staff liaison or city recorder.

C. In the absence of a more specific process of the Council to the contrary, a vacancy shall be filled in the manner provided by Sections 2.20.010 and 2.20.020 of this chapter. The committee chair or staff liaison shall notify the city recorder of any vacancy as soon as feasible so that a recruitment process can begin quickly.

D. Unless otherwise provided by law, a member of a committee may be removed from office by vote of a majority of the members of the Council.

- 2.20.060 - Committees—Relationship to City Council, staff and others.

- A. Committees may obtain a place on a Council agenda for an item of mutual interest by timely request to the city recorder. Other communications to the mayor or Council should be routed through the committee chair to the city manager or to the committee staff liaison. The Council may appoint a Councilor liaison to a committee to facilitate communications.

B. Committee members are encouraged to keep abreast of proposed and final Council actions. The city staff shall inform committees of proposed and final Council actions relevant to the business of the committee.

C. While the city staff are charged with assisting committees, staff members are responsible to their supervisors, department heads and the city manager. The city manager must approve staffing functions for all committees. No committee may employ its own staff. Committees must submit any budget requests to the city manager consistent with the yearly budget preparation timelines.

D. Committee members should note whether they speak for themselves or their committees in written and oral communications to other officials, the public and the news media about city matters. When speaking for their committee, members should circulate a copy of the communication to other committee members before its publication if that is feasible. Communications to public officials and agencies of public business, including lobbying efforts, should be coordinated with the city manager to assure consistency with adopted city policy. If a committee member writes or speaks as an individual on city matters, and contrary to an adopted committee position, the member should note that difference in the communication.

- 2.20.080 - Budget Committee.

- A. The Budget Committee is created and charged with carrying out duties imposed by the state Local Budget Law and any other duties conferred by the Council. The city manager is the budget officer for the city.

B. The Budget Committee meets on an as needed basis to review the budget document for each fiscal year. Any budget request should be given to the city manager in sufficient time to be included in the budget document.

C. Appointive members of the Budget Committee shall not be officers, agents or employees of the city. No interest group has a designated position on the Budget Committee. Appointive members must be residents and electors of the city.

D. The terms of the appointive members of the Budget Committee shall be staggered so that approximately one-third of the terms of the appointive members end each year.

- 2.20.090 - Citizens Advisory Committee.

- A. The Citizens Advisory Committee is created as a primary element of the city's citizen involvement program which is established under state laws and regulations pertaining to land use comprehensive planning, including Statewide Planning Goal 1. The Citizens Advisory Committee shall review all legislative amendments to the city's comprehensive plan and all major amendments to land use regulations not reviewed by any other Council-sanctioned citizen committee. The Planning Commission may seek the advice of the Citizens Advisory Committee on quasi-judicial amendments to the comprehensive plan. The Citizens Advisory Committee may periodically review and advise the Planning Commission and Council on the citizen involvement program. The Citizens Advisory Committee will report recommendations on land use issues to the Planning Commission.

B.. The Citizens Advisory Committee shall also perform any other duties or functions assigned by the Council. Those duties shall be specified by motion or resolution of the Council. In this regard the Citizens Advisory Committee operates to provide policy guidance to the Council on matters of public interest and to act as a liaison between neighborhoods and interest groups and the city's elected and appointed officials. The Citizens Advisory Committee will report recommendations to the Council regarding issues assigned by the Council.

C. . The Citizens Advisory Committee shall be composed of eleven members appointed at large to represent the citizenry of the city. Each member shall be a resident and elector or a Troutdale business owner of the city. Although representation on the Citizens Advisory Committee is not based on geographical districts, when appointments are made to the Citizens Advisory Committee, consideration shall be given to geographical distribution of its membership.

D. . The Citizens Advisory Committee shall meet whenever there is a land use matter requiring its review and at other times deemed necessary by the committee.

- 2.20.095 - Historic Landmarks Commission.

- A. The Historic Landmarks Commission is created and charged with duties as specified in [the] Troutdale Development Code chapter 4.200 Historic Landmark Protection. The Historic Landmarks Commission assists the City Council in promoting historic preservation in the city. The Historic Landmarks Commission acts regarding major alterations, demolition or relocation of historic landmarks, the designation of historic landmarks, the maintenance of the historic resource inventory, and makes recommendations to the Planning Commission pertaining to conditional use requests within designated historic landmarks. The Historic Landmarks

Commission may make studies, hold hearings and prepare reports and recommendations on its own initiative or at the request of the Council.

B. The city Council shall consider individuals for the Historic Landmarks Commission that have demonstrated an interest in historic preservation and ideally have experience, training, special expertise or knowledge in the field of historic preservation, local history and culture, archaeology, architecture, the arts, or other related fields. A member of the Planning Commission may serve as an ex-officio member of the Historic Landmarks Commission.

C. The Historic Landmarks Commission shall meet whenever there is a historic resource matter that requires their review.

D. No member of the Historic Landmarks Commission may be removed by the City Council unless a hearing is provided and misconduct or nonperformance of duty is shown. Nonperformance includes absence from three consecutive meetings of the Historic Landmarks Commission.

E. A Historic Landmarks Commission member shall not participate in any Historic Landmarks Commission proceeding or action in which any of the following has a direct or substantial financial interest:

1. The member or the spouse/domestic partner, brother, sister, child, parent, father-in-law, mother in-law of the member;

2. Any business in which the member is then serving or has served within the previous two years;

3. Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

- 2.20.100 - Parks Advisory Committee.

- A. The Parks Advisory Committee is created and charged with evaluating and making recommendations to the city's elected and appointed officials on matters relating to recreational land and publicly owned lands, including parks, and open spaces and environmentally sensitive public and private lands. The Parks Advisory Committee reviews and recommends expenditures of parks funds for capital or construction projects.

B. The Parks Advisory Committee shall also serve as the city's tree board for purposes of satisfying requirements as a Tree City USA and for carrying out all the duties assigned to the tree board.

C. The Parks Advisory Committee shall meet at times deemed necessary by the Parks Advisory Committee.

- 2.20.110 - Planning Commission.

A. The Planning Commission is created and charged with the powers and duties specified in Oregon Revised Statutes Section 227.090 and other provisions of state law relating to Planning Commission authority, and all powers which are now or in the future granted to the Planning Commission by the ordinances of the city or general laws of the state. The Planning Commission acts regarding the subdivision of land, the use of land, and the location of public facilities, and decides permits and adjudications and adopts and recommends policies concerning the planning and development of the city and the surrounding area. The Planning Commission may make studies, hold hearings and prepare reports and recommendations on its own initiative or at the request of the Council.

B. The Planning Commission shall meet whenever there is a land use matter that requires their review.

C. No member of the Planning Commission may be removed by the Council unless a hearing is provided and misconduct or nonperformance of duty is shown. Nonperformance includes absence from three consecutive meetings of the Planning Commission.

D. No more than two voting members of the Planning Commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.

E. A Planning Commission member shall not participate in any Planning Commission proceeding or action in which any of the following has a direct or substantial financial interest:

1. The member or the spouse/domestic partner, brother, sister, child, parent, father-in-law, mother-in-law of the member;

2. Any business in which the member is then serving or has served within the previous two years; or

3. Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

- 2.20.120 - Public Safety and Equity Advisory Committee.

A. The Public Safety Advisory Committee is created and charged with evaluating and making recommendations to the city's elected and appointed officials on matters relating to public safety, including law enforcement, fire and medical services. Included in this charge is that the committee make recommendations that may be necessary to insure that all of these public services are provided in a fashion that insures equity, regardless of a person’s race, color, religion, sex, sexual orientation, national origin, marital status, age, disability and other classes protected under Oregon statutes The Committee is not charged with reviewing use of force complaints or citizen's complaints against public safety personnel.

B. The Committee shall meet at times deemed necessary by the Committee, however they will meet at least once per quarter.

C. The Committee will be a committee of nine members. The city Council shall endeavor to appoint a Troutdale business owner, a Troutdale multifamily housing resident, a Reynolds School District employee, and a high school or college student as well as members at large. All members of the committee will also be a resident and elector of the city or a Troutdale business owner, except in the event that a high school student, who is not an elector, is appointed.

D. The Committee shall also perform any other duties or functions assigned by the Council. Those duties shall be specified by motion or resolution of the Council. In this regard the Committee operates to provide policy guidance to the Council on matters of public safety and equity and to act as a liaison between public safety and interest groups and the city's elected and appointed officials.

AGENDA ITEM #7

CITY OF TROUTDALE

STAFF REPORT

SUBJECT / ISSUE: An Ordinance Adopting Text Amendments to Chapters 1, 3, 5, and 6 of the Troutdale Development Code.

MEETING TYPE: City Council Regular Mtg. **MEETING DATE:** September 22, 2020	**STAFF MEMBER:** Chris Damgen **DEPARTMENT:** Planning
ACTION REQUIRED: Ordinance - Adoption **PUBLIC HEARING:** No	**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:** Approval **Comments:** Planning Commission from 8/18/20 voted 4-2 in favor of recommending approval.

STAFF RECOMMENDATION: Approval

EXHIBITS:

- **A.** Planning Commission Staff Report (hearings on 7/15/20 and 8/11/20)
- **B.** Proposed Text Amendments in Chapters 1 & 3 – ***Amended from 8/25/20 Hearing***
- **C.** Map of Light Industrial zoning district - ***Amended from 8/25/20 Hearing***
- **D.** Written testimony received at 8/25/20 hearing
- **E.** Proposed Findings that would deny application – ***New for 9/22/20 Meeting***

SUBJECT / ISSUE RELATES TO:

☐ Council Goals ☐ Legislative ☒ Other (describe)

Increasing potential land uses in the light industrial zoning district which could bring at least two properties into zoning compliance and may increase business interest.

ISSUE / COUNCIL DECISION & DISCUSSION POINTS:

- Review the "Resolving the Issue" section of this staff report and clarify Council intention.
- If Council approves the ordinance, the matter is settled.
- If Council denies the application, Council will then need to vote (by motion) to approve findings to deny the application (Exhibit E) as official reason for denial of the application before the matter is settled.

Reviewed and Approved by City Manager:

RESOLVING THE ISSUE (Updated for 9/22/20 Meeting)

At the September 8, 2020 regular meeting, City Council held a second hearing on the text amendment application. During council deliberation, a motion was made and seconded to consider approval of the application. A friendly amendment was made to consider removing portable storage from the proposed definition. This motion failed on a 5-2 vote.

What was not clear from the action from that evening is whether the Council intended to vote that particular motion down or whether the intent was for the entire application to be denied. As a result, there are two possible actions of the council tonight. A third possible path is open if a prevailing council member moves for reconsideration, but that path is the same as one of the two.

If the Council wishes to still consider approval of the application, or if a councilor moves for reconsideration to reconsider approval, then Council should take the following steps:

1. Deliberate any unresolved issues. The record was closed, and the Council cannot re-open the matter to a public hearing without adding many more steps in the process, and staff strongly recommends not doing so.
2. Consider amendments to the proposed code language as originally presented (Exhibits A and B) or to the findings as presented (Exhibit A)
3. Consider a motion to approve the Ordinance as presented/amended.
4. Voting outcome:
    a. If a vote to approve passes, the issue is decided and the ordinance is adopted.
    b. If a vote to approve fails, then it should follow the steps for denial outlined below:

If the Council wishes to deny the application, then Council should take the following steps:

1. Consider a motion to deny the application
2. If a vote to deny passes, Council will need to adopt new findings that provide reason for the denial of the application.
    a. Staff has included a draft of findings that would justify a reason for denial in this report (Exhibit E).
    b. Council can amend the draft findings or approve them outright
3. Consider a motion to approve the findings as presented (or amended)
4. If the vote to approve the findings is confirmed, then the issue is decided and the proposed ordinance has died.

BACKGROUND:

This text amendment proposal to the Troutdale Development Code (TDC) is primarily concerned with the concept of storage facilities, which include traditional “mini-storage” facilities in addition to impound lots that are used for the storage of shipping containers. The amendment will seek to address the following:

Establishing a definition for storage facilities. Storage facilities differ from accessory storage, which is incidental to the primary land use of a property. They also differ from warehousing, which are typically used by one operator and are not typically rentable to the public.

Allowing for storage facilities to be potentially located in the City. The current version of the TDC was approved in 2017. Storage facilities were not defined and are not listed as a permitted or conditional use in any zoning district in the City. This would allow for them to be located in the Light Industrial (LI) zoning district via a conditional use approval by the Planning Commission.

****** Proposed Changes from 8/25/20 City Council Meeting. ******

At Council's direction, Staff has amended the text amendment proposal to limit the allowance for storage facilities in the LI zoning district to areas within a one-quarter (1/4) mile radius of the eastern overpasses of Interstate 84 at Exit 17 (over 257th Drive). This would prohibit storage facilities to be located in any other parcel zoned LI in the city and still require conditional use approval by Planning Commission in the radial area proposed (Exhibit C). This text change is added to Chapter 3 (Exhibit B). Similar radial standards have precedence in the City; one such example is restricting marijuana facilities from certain distances of parks or school facilities.

The reason for using a centroid point that is based on a transportation facility is tied to an expectation that this land use will inevitably generate traffic, particularly truck traffic.. Limiting storage facilities to LI zoned properties reduces the concern for increased truck traffic in other areas of LI where the impact on adjacent development could be more detrimental to quality of life and general traffic safety concerns.

CONDITIONAL USE PROCESS:

The text amendment proposes a conditional use standard for storage facilities. With a conditional use process, each application is reviewed by Planning Commission on a case-by-case basis with a staff recommendation. A public notice goes out to surrounding properties who can provide comment at a hearing and can appeal a decision. Planning Commission can approve or deny an application based on decision criteria in the development code. Planning Commission can also add conditions to an approval, such as heightened landscaping, lighting, or screening standards. Because the nature of storage facilities can be broadly applied, Staff felt it would be an important to have Planning Commission evaluate each application on a case-by-case basis rather than attempt to put blanket design or operational standards on an application through a permitted land use process (Staff decision).

REASONS FOR APPLICATION:

Past Philosophy. Historically Troutdale has had aversions to storage facilities for a variety of reasons and has taken actions in the past to remove them from the Development Code. The primary thoughts were typically focused on "mini-storage" facilities that had been developed in the 1990s that took on valuable commercial and industrial properties. Given that these facilities have limited employment, there were reasonable concerns that these types of facilities were not of "highest and best use" to maximize employment opportunities within the City. Since the last time this topic had been truly debated, the City's industrial properties have largely developed and thousands of jobs have been added to the City.

Current Challenges. In writing out storage facilities altogether, Troutdale has in effect grandfathered several facilities that are no longer in conformance with the Development Code. In addition, there are grey areas that have emerged on how properties may provide storage

accommodations. Storage facilities are not just traditional “fortress style” mini-storage facilities. They can include impound lots for cargo shipping containers. They can also include storage units that are contained within a larger enclosed building.

Business Considerations. Staff has fielded a number of calls in recent years from those pursuing due diligence on properties seeing if that type of business is allowed. Because of the nonconforming situations and the potential loss of prospective development and business.

ANALYSIS:

Balancing Concerns with Opportunity. Staff has set forth a proposal to see if storage facilities can be an appropriate use in the City. In doing so, Staff is proposing that it be considered as a conditional use within the Light Industrial (LI) zoning district. This zoning district occupies a relatively narrow band that separates residential and commercial properties from more intense industrial uses north of the freeway. Less than two dozen properties would be affected, and of them, at least two currently have storage facilities located upon them.

Planning Commission Approval. Providing a conditional use route requires that Planning Commission be tasked with evaluating each proposal. This allows for conditions to be placed on property that can help mitigate operational, aesthetic, or environmental concerns for a property. Furthermore, Staff believes restricting this type of land use to just a particular portion of the LI zoning district will offer a measure of control to limit these opportunities to smaller industrial properties as opposed to larger tracts which should be reserved for more economically impactful development.

PROS & CONS:

Pros:

- Provides a clear definition for storage facilities that distinguishes it from warehousing or accessory/incidental storage that occurs on other properties
- Provides certain properties to be considered via a conditional use process the chance to develop or redevelop with this type of land use
- Allows at least two of the four businesses in the City of this type to come into general conformance with the Development Code
- Is limited to a smaller zoning district.
- Responds to a market demand that suggests the need for these types of facilities.

Cons:

- Storage facilities do not employ many people and have in the past not been seen as development that is of the highest and best use for commercial/industrial property
- Previous storage facility development have not been seen as attractive development and have not been well-received by past City Councilors and the public at large.

Current Year Budget Impacts: ☐ Yes *(describe)* ☒ N/A

Future Fiscal Impacts: ☐ Yes *(describe)* ☒ N/A

City Attorney Approved: ☐ Yes ☒ N/A

Community Involvement Process: ☒ Yes *(describe)* ☐ N/A
Planning Commission held two formal hearings on the matter on July 15, 2020 and August 11, 2020. A work session on this topic was held in May 2020. City Council held its first hearing on August 25, 2020 in which members of the public provided testimony that shaped this proposal.

STAFF REPORT – PLANNING COMMISSION HEARING

NOTE!
Please review City Council Staff Reports dated from August 25 and September 8 for updates to this text amendment based on testimony and deliberation at the public hearings.

CASE FILE:	**75-04 Storage Facilities**
STAFF REPORT DATE:	Wednesday, July 1, 2020
HEARING DATE:	Wednesday, July 15, 2020
STAFF / APPLICANT:	Chris Damgen, Community Development Director
SUBJECT:	**Proposed Text Amendment to the Troutdale Development Code**
REQUESTS:	Establish "storage facility" and "storage, accessory" as land use definitions; allow storage facilities as a conditional use in the Light Industrial (LI) zoning district; modify definition of "warehouse"; provide clarity and context for the aforementioned definitions in other sections of the Code (TDC)
APPLICABLE CRITERIA:	TDC Sections 2.065 and 6.1100
STAFF RECOMMENDATION:	Approval (a recommendation to City Council for approval)

1. BACKGROUND

The City of Troutdale has received several inquiries that relate to the concept of storage facilities. At present, the Troutdale Development Code (TDC) has ambiguous standards that relate to this type of land use, which as proposed would provide "leasable space to the public where materials and goods may be stored by lessees in an outdoor, indoor, or portable setting." Historically, there have been concerns about allowing for this type of land use, though a recent uptick in demand warrant a fresh review on the matter.

The most obvious type of storage facility is commercial self-storage or mini-storage facilities. At present, there are three such establishments that exist in Troutdale, though all three were established prior to the current development code, which has effectively prohibited these types of uses based on Council direction and Staff interpretation. Other types of storage facilities could include shipping container and boat/RV storage that is unaffiliated with sales or service.

The primary motive of this application is to define "storage facility" and provide the consideration of the land use through a conditional use in the Light Industrial zoning district. The application would provide clear differentiation between a storage facility, a warehouse, and basic storage that is associated with a primary land use but is incidental (proposed as accessory storage). Lastly, the application would provide additional details on "storage" in other TDC sections.

2. REVIEW TIMELINE

The current Troutdale Development Code was adopted in 2017 [Ordinance No. 842]. The most current version of the TDC into effect on January 17, 2019 [Ordinance No. 851]. The Troutdale Planning Commission held a discussion item on this matter at its April 29, 2019 special meeting. A Post-Acknowledgment Plan Application (PAPA) was submitted to the Oregon Department of Land Conservation and Development on Wednesday, May 13, 2020 to alert the agency of the City's intentions. The initial public hearing was originally scheduled for Wednesday, June 16, 2020 but was postponed to Wednesday, July 15, 2020 to accommodate a Planning Commission work session on Thursday, May 28, 2020. The proposed amendments were thus drafted to meet required timeframes for review, thus requiring the delay. It is anticipated the City Council hearing dates will be Tuesday, August 25, 2020 for the first reading and Tuesday, September 8, 2020 for the second reading and potential approval and adoption of a correlating ordinance.

3. PROPOSED TEXT AMENDMENTS

Sections that are to be affected by the proposed amendments are included as Attachment A of this report. The following text is a summary of the proposed amendments:

CHAPTER 1 - DEFINITIONS

There is one (1) section amendment proposed for this chapter. Due to these added definitions, a renumbering of definitions within this section will also be required.

Section 1.020 General Definitions
Staff is proposing **add and amend the following definitions** in order to provide clear definitions and distinctions on storage facilities (amended language in **bold**):

> ***(NEW)*** *.126 Storage, Accessory. The safekeeping of materials and goods at a location of which the principal use is not a storage facility and its presence at a location is considered incidental to the principal use.*
>
> ***(NEW)*** *.127 Storage Facility. An establishment of which the principal use is providing leasable space to the public where materials and goods may be stored by lessees in an outdoor, indoor, or portable setting. Storage facilities include self-storage establishments that cater to residential and non-residential clientele but shall not include commercial or industrial warehouses (See Warehouse).*
>
> ***(AMENDED)*** ~~*.138*~~ ***.140*** *Warehouse. A building used primarily for the storage of materials or goods for use on the site or later distribution* ***that is controlled by a single operator with public access restrictions. Warehouses shall not include storage facilities (See Storage Facility).***

CHAPTER 3 – ZONING DISTRICTS

There are four (4) section amendments proposed for this chapter:

3.122 Permitted Uses (General Commercial – GC)
Staff is proposing the following edit (in **bold**):

> *D. Service uses that are completely enclosed building other than outside **accessory** storage of merchandise, supplies, or outside work areas all of which must be screened from the public right-of-way and adjacent residential, apartment, and NC districts.*

3.161 Purpose (Light Industrial – LI)
Staff is proposing the following edit (in **bold**):

THIS PORTION IS SUPERSEDED
Please review City Council Staff Reports dated from August 25 and September 8 for updates.

> *Purpose. This district is primarily intended for light, clean industries usually of a manufacturing or storage nature with ~~little~~ **limited** outdoor storage. These industries usually do not require rail access and have very little process visibility. They usually create little or no air or water pollution and have few, if any, nuisance factors such as **outdoor accessory storage,** bright yard lights, continuous noise or objectionable odors. Professional offices and limited retail sales are permitted in compliance with the Troutdale Development Code. Uses within the LI District may be located adjacent to residential uses with appropriate buffering.*

3.163 Conditional Uses (Light Industrial – LI)
Staff is proposing adding **"Storage facilities"** as a c
the addition of this use, a partial renumbering of t

THIS PORTION IS SUPERSEDED
Please review City Council Staff Reports dated from September 8 for updates.

3.171 Purpose (General Industrial – GI)
Staff is proposing the following edit (in **bold**):

> *Purpose. This district is primarily intended for manufacturing industries, large-scale fabricators, freight and trucking firms, primary metals, and lumber, etc., that usually require highway access and/or rail service. These firms usually have a high degree of process visibility and need outdoor **primary or accessory** storage of materials and products. These industries are likely to create minor air and water pollution, as well as noise and odor, and the generation of truck, shipping, or rail traffic. Non-industrial uses of a commercial nature are permitted in compliance with the Troutdale Development Code.*

CHAPTER 4 – ZONING DISTRICT OVERLAYS

There is one (1) section edit proposed for this chapter.

4.112 Permitted Uses within the Airport Approach Safety Zone
Staff is proposing the following edit (in **bold**):

> *C. Roadways, parking areas, and **accessory** storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing*

CHAPTER 8 – SITE AND DESIGN STANDARDS

There is one (1) section edit proposed for this chapter.

8.030 Pedestrian Walkways
Staff is proposing the following edit (in **bold**):

> *A. Number and Placement*
> *(…)*
> *6. Pedestrian walkways are required between those parts of a site that people on the site normally would walk between. Walkways are not required between buildings or portions of a site which are not intended for, or likely to be used by, pedestrians. Such buildings and features include truck loading docks, warehouses not including office/warehouse combinations, automobile sales lots, temporary uses, outdoor **accessory** storage areas, etc.*

CHAPTER 9 – PARKING

There is one (1) section edit proposed for this chapter.

9.025 Industrial Off-Street Parking Space Requirements.
Staff is proposing the following edit (in **bold**):

> *(Type of Use) Storage **facility**, warehouse, or manufacturing establishment; air, rail, or trucking freight terminal*

Note: An available condition that may be placed on an approval for a conditional use may be to increase the number of off-street parking or loading spaces or area. [TDC 6.325.C]

4. PROPOSED FINDINGS

TDC Section 2.065 specifies that the City Council is the decision-making body for text amendment applications after the Planning Commission forwards a recommendation for their consideration. Planning Commission is charged with making a finding for each applicable criterion point as listed in TDC Section 6.1120. Listed below are draft findings prepared by Staff for Planning Commission to review and amend as needed upon the conclusion of the public hearing portion of the meeting and prior to a vote for recommendation.

A. The proposed change to the Development Code does not conflict with applicable Comprehensive Land Use Plan goals or policies.

The amendments proposed seek to define and distinguish storage as a concept. Accessory storage occurs on properties in most existent land use designations and zoning districts. The application seeks to define a storage facility and to distinguish it from accessory storage and warehousing. By seeking to establish a conditional use designation for storage facilities in only one zoning district (Light Industrial), the City is provided with additional protections to evaluate any future proposals to determine its conformance with the Comprehensive Land Use Plan goals and policies in addition to the purpose statement in the LI zoning district. The slight modifications proposed to the purpose statements do not drastically change the spirit and intent of the district. **The criterion is met.**

B. The proposed change is consistent with the applicable Statewide Planning Goals.

The majority of the amendments proposed in this application are not substantive in a way that would alter or jeopardize conformance to Statewide Planning Goals. In particular, Goal 9 (Economic Development) speaks to the need for cities to have enough land available to realize economic growth and development opportunities. Based on citizen and Staff testimony that suggests there is economic interest in storage facilities, providing an opportunity through a conditional use process for such a land use to exist in the City meets the spirit of the statewide planning goal. **The criterion is met.**

C. The proposed change is consistent with the applicable provisions of Metro Code.

Chapter 3.07 of the Metro Code contains the Urban Growth Management Functional Plan ("Functional Plan"). Title 4 of the Functional Plan contains standards for "Industrial and Other Employment Area". Title 4 "seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas." The zoning districts that are directly affected by this application are industrial zoning districts in a designated Employment Area according to Metro's 2040 Growth Concept Map.

The City acknowledges that storage facilities is not a land use that generates significant employment; however, this land use is still instrumental in supporting capacities and economic opportunities for adjacent land uses, including industrial ones. By listing storage facilities as a conditional use in the Light Industrial zoning district and not allowing for it in the General Industrial zoning district, the City remains in conformance with the spirit and intent of Title 4. It allows for a case-by-case analysis of each application. Furthermore, a significant majority of the City's Employment Area designation is zoned for General Industrial in which storage facilities would not be allowed, thus significantly limiting any concerns about losing "highest and best use" potential in this area. **The criterion is met.**

D. Public need is best satisfied by this particular change.

Providing clear definitions for storage facilities, accessory storage, and warehouses improves the public's understanding and expectation for these three land uses. Historic precedent has suggested that certain kinds of storage facilities have not been popular in Troutdale and were thus no longer allowed in the City. However, the economic situation and repeated expressed interest by investors looking to establish this type of business in Troutdale suggests that a limited area of the City would be appropriate for this type of use. An existing storage facility is currently in nonconformance within the Light Industrial zoning district. Two other storage facilities are in commercial zoning districts where there is less popular appeal for introducing this land use. Therefore, allowing this use to be better defined and allowed with conditional use approval provides a level of compromise that balances the community concern with economic interest and demand. **The criterion is met.**

E. The change will not adversely affect the health, safety, and welfare of the community.

It is not anticipated that there are health concerns that stem from the introduction and establishment of storage facilities as a conditional land use. Standards are in place that would restrict hazardous materials from being stored in these locations, often relying upon fire and life safety codes to provide regulations. In the realm of safety, there is an inherent need to secure these types of facilities. Most facilities will often rely on perimeter fencing, security check-ins, and caretaker units to provide security for goods and materials that are stored within a facility.

Lastly, providing an additional way for individuals or companies to store their goods and materials may also improve the general welfare of their community. As an example, offering additional areas for storage could then reduce storage burdens on residential and commercial properties. It benefits not only those properties but also those around them, as unsightly or objectionable storage could potentially be located on a premise that more effectively screens them. **The criterion is met.**

5. STAFF RECOMMENDATIONS

Staff offers the following recommendations for the conduct of the July 15, 2020 public hearing for the proposed amendments to the Troutdale Development Code.

A. Conduct a public hearing and receive all public testimony relating to the application.

B. Consider the public testimony and the facts and findings presented in the staff report and deliberate on policy issues, proposed amendments, and other issues identified by the Commission, Staff, other public entities, or the public.

C. Recommend approval of the proposed text amendments to the City Council for its consideration for its meeting and subsequent public hearing.

.123 Sign. Refer to Section 10.015 for all definitions for signs.

.124 Single-Family Dwelling or Single-Family Residence. See Dwelling, Single-Family Detached.

.125 Site and Design Review Committee. A committee chaired by the Director to review applicable development proposals for compliance to the provisions of this Code.

.126 Storage, Accessory. The safekeeping of materials and goods at a location of which the principal use is not a storage facility and its presence at a location is considered incidental to the principal use.

.127 Storage Facility. An establishment of which the principal use is providing leasable space where materials and goods may be stored by lessees in an outdoor, indoor, or portable setting, but not including tents. Storage facilities include self-storage establishments that cater to residential and non-residential clientele but shall not include commercial or industrial warehouses (See Warehouse).

.~~126~~128 Street Lighting. The total system of wiring, poles, arms, fixtures, and lamps, including all parts thereof that are necessary to light a street or pedestrian way.

.~~127~~129 Street, Private. A thoroughfare or street providing a means of access to a property or properties which is not owned by the City or other public entity.

.~~128~~130 Street, Public. A publicly owned thoroughfare or right-of-way acquired for use by the public which affords a principal means of access to abutting property.

.~~129~~131 Studio. A location where an ancillary form is created or practiced, such as an artist, a musician, dramatic arts or dance studio. Also includes light fabrication or manufacturing of individual pieces of art including welding, riveting, and use of a kiln, glass furnace, or foundry when such heat producing facilities comply with all Building Code requirements and crucibles do not exceed one (1) gallon in size.

.~~130~~132 Subdivision. To divide land to create four (4) or more lots within a calendar year, when such area or tract of land exists as a unit or contiguous units of land at the beginning of such year.

.~~131~~133 Townhouse or Townhome. See Dwelling, Single Family Attached.

.~~132~~134 Transit Facility. A facility intended to accommodate and assist transit users. Transit facilities include light rail transit stations, park and ride lots for transit riders, transit centers, transit shelters, bus turnout lanes, and transit stops.

.~~133~~135 Transit Street. Any street identified as an existing or planned bus or light rail transit route.

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.~~134~~136 Triplex. See Dwelling, Triplex.

.~~135~~137 Two-Family Dwelling. See Dwelling, Duplex.

.~~136~~ 138 Utility Facility, Major. Administrative offices and operation centers, wet system pump stations, sewage treatment plants and lagoons, electric generation facilities (other than small scale accessory wind turbines or solar panels intended to generate electricity for onsite uses), sanitary landfills, pump stations, substations (transmission and distribution), water towers and reservoirs, public wells (aboveground), telephone switching equipment, communication receiver, transmission facilities, and ancillary equipment, telecommunication towers and poles, and drinking water treatment facilities.

.~~137~~139 Utility Facility, Minor. Street lights; underground lines and pipes; underground wells; transformers and regulator stations; closed system sanitary pump stations; and private, on-site facilities such as septic tanks, wells, and catch basins.

.~~138~~140 Warehouse. A building used primarily for the storage of materials or goods for use on the site or later distribution that is controlled by a single operator with public access restrictions. Warehouses shall not include storage facilities (See Storage Facility).

.~~139~~141 Water dependent development. Any use that is dependent on navigable waterway access and or use.

.~~140~~142 Windscreens. A fence-like structure, not to exceed six (6) feet in height, on the north or east side of a residential building only, and used to reduce the wind velocity at exterior doors.

.~~141~~143 Yard. A required open space on a lot that is unoccupied and unobstructed except for permitted projecting building features and accessory buildings.

.~~142~~144 Yard, Front. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as authorized by this Code.

.~~143~~145 Yard, Rear. An open space extending across the full width of the lot between the main building and the rear lot line, unoccupied and unobstructed from the ground upward, except as authorized by this Code. Where there is no rear lot line, the depth of the rear yard shall be the distance from a ten-foot line parallel to the front lot line, measured from one side line to the other.

.~~144~~146 Yard, Side. An open space between any building and the side lot line, unoccupied and unobstructed from the ground upward, except as authorized by this Code.

.~~145~~147 Yard, Street Side. An open space adjacent to a street that is not a front yard, unoccupied and unobstructed from the ground upward, except as authorized by this Code.

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3.160 LIGHT INDUSTRIAL LI

3.161 Purpose. This district is primarily intended for light, clean industries usually of a manufacturing or storage nature with ~~little~~ limited outdoor accessory storage. These industries usually do not require rail access and have very little process visibility. They usually create little or no air or water pollution and have few, if any, nuisance factors such as bright yard lights, continuous noise, ~~or~~ objectionable odors, or significant outdoor accessory storage. Professional offices and limited retail sales are permitted in compliance with the Troutdale Development Code. Uses within the LI District may be located adjacent to residential uses with ~~appropriate~~ adequate buffering.

3.162 Permitted Uses. The following uses and their accessory uses are permitted in the LI district:

A. Secondary manufacturing, except any use having the primary function of storing, utilizing, or manufacturing toxic or hazardous materials as defined by the Department of Environmental Quality.

B. Processing facilities, except any principal use involving the rendering of fats, the slaughtering of fish or meat, or the fermenting of foods such as sauerkraut, vinegar, or yeast. This limitation shall not apply to the processing or manufacturing of beer, wine, bread, jam, and similar items.

C. Distribution centers.

D. Airport and related uses as defined by the Airport Planning Rule (OAR 660-013-0100), including airport supportive commercial and industrial uses such as maintenance facilities, hangars, aircraft tie-downs, passenger parking, and flight schools.

E. Warehouses.

F. Utility facilities, minor.

G. Research and development companies, experimental or testing laboratories.

H. Trade or commercial schools whose primary purpose is to provide training to meet industrial needs.

I. Public parks, parkways, trails, and related facilities.

J. One caretaker residence in conjunction with an existing industrial use.

K. Corporate headquarters.

L. Professional offices.

M. Medical and dental clinics.

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N. Product sales, service, and/or display accessory to any manufacturing, fabricating, or processing use, provided the sales, service, and/or display area does not exceed fifteen percent (15%) of the gross floor area, or three thousand (3,000) square feet, whichever is less.

O. Wineries, breweries, and distilleries.

P. Mobile Food Vendor operating a Food Stand, Food Cart, or Food Trailer in accordance with Section 5.200.

Q. Other uses similar in nature to those listed above.

3.163 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses within a LI district:

A. Heliports accessory to permitted or approved conditional uses.

B. Retail, wholesale, and discount sales and services, including restaurants, banks, dry-cleaners, and similar establishments, with or without drive-up or drive-through window service, subject to the provisions of Subsection 3.165(E) of this Chapter.

C. Community service uses.

D. Utility facilities, major.

E. Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home sales, rentals, and repair shops.

F. Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.

G. Motels or hotels, including banquet rooms, conference, or convention centers.

H. Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities.

I. Child care facilities and similar facilities.

J. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, “within one thousand (1,000) feet” means a straight line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.

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K. Storage facilities, when located within one-quarter mile (1/4 mile) of the eastern overpasses of Interstate 84 at Exit 17. For purposes of this subsection, "within one-quarter mile (1/4 mile)" means a straight line measurement in a radius extending for one thousand three hundred twenty (1,320) feet in every direction from the point positioned on the centerline of 257th Drive situated exactly in between the eastbound and westbound bridges of Interstate 84 at Exit 17.

~~K~~L. Other uses similar in nature to those listed above.

3.164 Dimensional Standards.

A. Setbacks.

1. Front yard setback: Minimum of twenty (20) feet.

2. Side yard setback: Minimum of ten (10) feet.

3. Rear yard setback: None.

4. Additional setback requirements: If any use in this district abuts or faces any residential zoning district, a setback of fifty (50) feet from the property line or centerline of an intervening public street, on the side abutting or facing the residential zoning district shall be required.

5. Setbacks for insufficient right-of-way: Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Land Use Plan and applicable ordinances and standards.

B. Height Limitation. The maximum height for any structure shall be forty-five (45) feet unless otherwise limited by the Federal Aviation Administration.

C. Lot Area. There shall be no minimum lot size in the Light Industrial Zone.

3.165 Additional Requirements.

A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.

B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.

C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

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D. Development is subject to compliance with any applicable overlay zoning district standards.

E. In order to ensure that certain permitted and conditional non-industrial uses are primarily intended to serve the needs of workers in the immediate area, professional offices; medical and dental clinics; and retail, wholesale, and discount sales and services shall not exceed five thousand (5,000) square feet of gross leasable area. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed twenty thousand (20,000) square feet.

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3.170 GENERAL INDUSTRIAL GI

3.171 Purpose. This district is primarily intended for manufacturing industries, large-scale fabricators, freight and trucking firms, primary metals, and lumber, etc., that usually require highway access and/or rail service. These firms usually have a high degree of process visibility and need outdoor primary or accessory storage of materials and products. These industries are likely to create minor air and water pollution, as well as noise and odor, and the generation of truck, shipping, or rail traffic. Non-industrial uses of a commercial nature are permitted in compliance with the Troutdale Development Code.

3.172 Permitted Uses. The following uses and their accessory uses are permitted in the GI district:

A. Any permitted use within the LI zoning district.

B. Primary manufacturing.

C. Use of toxic or hazardous materials in the manufacturing process, and temporary storage of toxic or hazardous material by-products.

D. Freight and trucking firms.

E. Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home sales, rentals, and repair shops.

F. Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.

G. Utility facilities, major and minor, except for the following which require conditional use approval: sanitary landfills, recycling centers, and transfer stations, sewage treatment plants and lagoons, and telecommunication towers or poles.

H. Marinas.

I. Marine Industrial/Marine Service Facilities.

J. Mobile Food Vendor operating a Food Stand, Food Cart, or Food Trailer in accordance with Section 5.200.

K. One caretaker residence in conjunction with an existing industrial use.

L. Other uses similar in nature to those listed above.

3.173 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses within the GI district:

A. Child care facilities and similar facilities.

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B. Community service uses.

C. Concrete or asphalt manufacturing plants.

D. Sanitary landfills, recycling centers, and transfer stations.

E. Sewage treatment plants and lagoons.

F. Telecommunication towers and poles.

G. Junk yards.

H. Residential dwelling/hangar mixed uses when the hangars are served by a taxiway with direct access to the Troutdale Airport Runway. The use shall be subject to the following requirements:

1. Approval from the Port of Portland.

2. Approval from the Federal Aviation Administration.

3. No separate accessory structures are allowed.

I. Heliports accessory to permitted or approved conditional uses.

J. Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities.

K. Commercial uses, not to exceed forty thousand (40,000) square feet of floor area.

L. Processing facilities whose principal use involves the rendering of fats, the slaughtering of fish or meat, or the fermentation of foods such as sauerkraut, vinegar, and yeast.

M. The manufacturing or storing of toxic or hazardous materials when done in compliance with federal and state regulations.

N. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, “within one thousand (1,000) feet” means a straight line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.

O. Marijuana Processors licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, “within one thousand (1,000) feet” means

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a straight line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Processor.

P. Other uses similar in nature to those listed above.

3.174 Dimensional Standards.

A. Setbacks.

1. Front: Twenty (20) feet.

2. No side or rear yard setbacks unless the property abuts a parcel of land in a more restrictive manufacturing or commercial district, in which case the requirements of the abutting zoning district shall apply.

3. Additional setback requirements: If any use in this district abuts or faces any residential zoning district, a setback of fifty (50) feet from the property line or centerline of an intervening public street, on the side abutting or facing the residential or apartment district shall be required.

4. Setbacks for insufficient right-of-way: Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Land Use Plan and applicable ordinances and standards.

B. Height Limitation. None, unless otherwise limited by the Federal Aviation Administration.

C. Lot Area. Division of lots or parcels are permitted as follows:

1. Lots or parcels fifty (50) acres or smaller in size may be divided into any number of smaller lots or parcels.

2. Undeveloped lots, parcels, or tracts larger than fifty (50) acres in size may be divided into smaller lots, parcels, or tracts so long as the resulting land division yields at least one (1) lot, parcel, or tract of at least fifty (50) acres in size. If a land division results in more than one (1) lot, parcel, or tract of fifty (50) acres or greater in size, only one of those fifty (50) + acre lots, parcels, or tracts, if further divided, must yield a lot, parcel, or tract of at least fifty (50) acres in size.

3. Developed lots or parcels fifty (50) acres or larger in size may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the City so long as at least forty percent (40%) of the net area of the lot or parcel has

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already been developed with industrial uses or uses accessory to industrial use, and no portion of the lot has been developed, or is proposed to be developed, with uses regulated by Subsection 3.175(D) of this Chapter.

4. Notwithstanding parts (2) and (3) of this Subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to right-of-ways for the following purposes:

a. To provide public facilities and services;

b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;

c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or

d. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

3.175 Additional Requirements.

A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.

B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.

C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

D. Commercial uses within industrial flex-space buildings are subject to the following standards:

1. No one commercial use shall exceed five thousand (5,000) square feet of gross leasable area and the cumulative area of all such uses shall not exceed twenty thousand (20,000) square feet of the gross leasable area of a single flex-space building or of multiple buildings that are part of the same development project.

2. Drive-thru and drive-up service windows are not permitted.

E. Development is subject to compliance with any applicable overlay zoning district standards.

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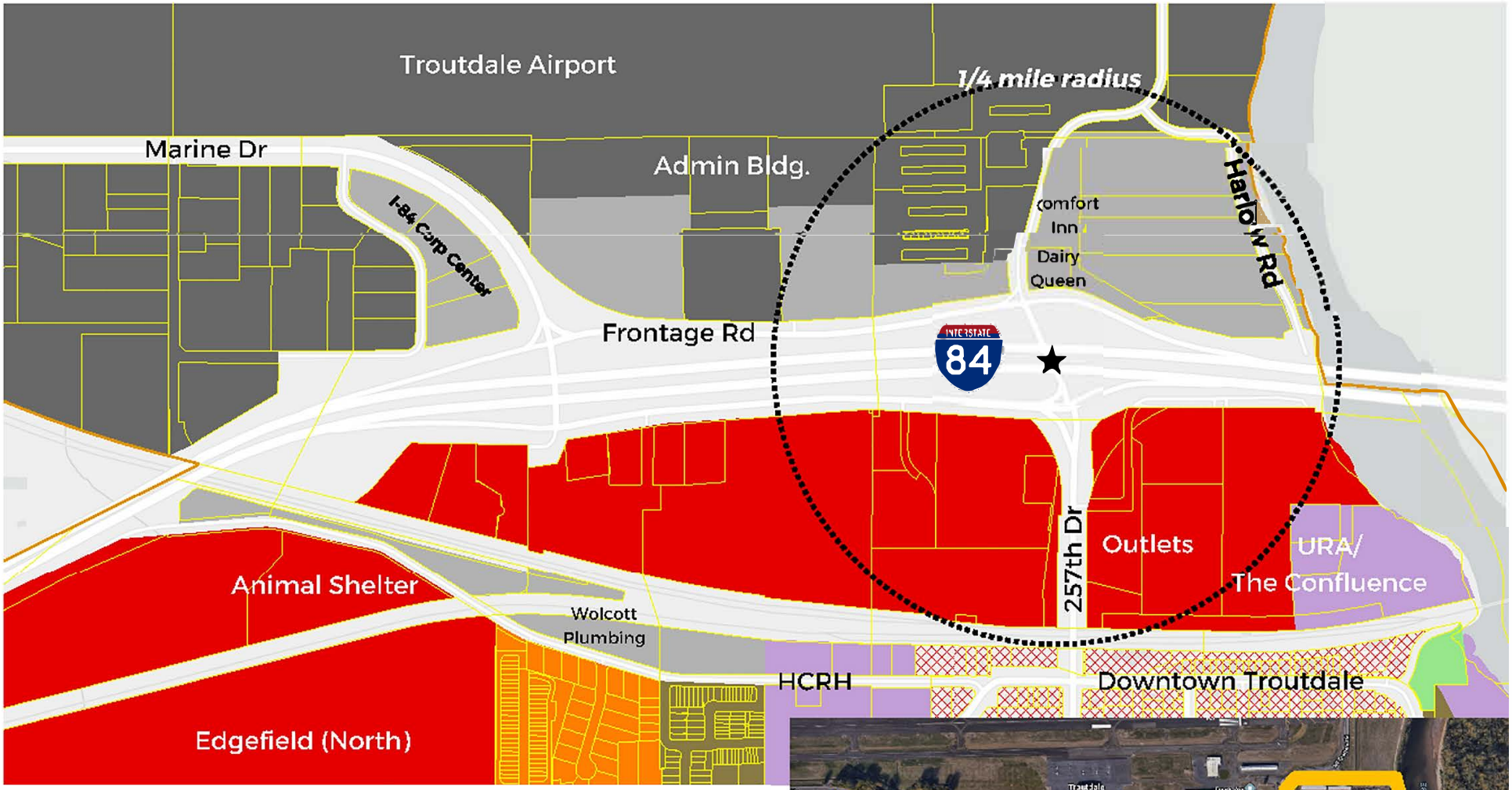

Exhibit C - Light Industrial (LI) Zoning District

Properties shaded in **light grey** are zoned LI. They include properties located off Harlow Road, several airport-owned parcels, and portions of the I-84 Corporate Center business park. There are also a handful of developed and underdeveloped properties off the western extension of W Historic Columbia River Highway.

The circle indicates a 1/4 mile radius from the point described in the text amendment (see Exhibit B). This proposal would limit storage facilities to only those LI parcels within the circle. It would not allow storage facilities in any other zoning districts within the circle.

Exhibit C

Exhibit D
9/22/20 Council Mtg. Item #7

From: Jatin Patel <jatin@lodgingmgmt.com>
Sent: Tuesday, August 25, 2020 5:17 PM
To: info <info@troutdaleoregon.gov>
Cc: Sarah Skroch <sarah.skroch@troutdaleoregon.gov>; Ray Young <ray.young@troutdaleoregon.gov>; Casey Ryan <casey.ryan@troutdaleoregon.gov>; Jatin Patel <jatin@lodgingmgmt.com>; Donele Fowler <gm@citroutdale.com>
Subject: Written Public Comment-CITY COUNCIL – REGULAR MEETING Tuesday, August 25, 2020

Dear City Council Members,

I would like to provide Written Public Comment to Agenda Items # 6: An ordinance adopting text amendments to Chapters 1, 3, 4, 8, and 9 of the Troutdale Development Code.

Jatin Patel, Owner, Comfort Inn 1000 NW Graham Rd. Troutdale, OR 97060

My property Comfort Inn 1000 NW Graham Rd is adjacent to Light Industrial property which houses temporary storage units.
If this ordinance were to pass then the adjacent property would be able to stack containers up to 45 feet high.

This would not be good for my business and for the Tourist that stay with us; can you imagine opening your curtains to hundreds of containers stacked up to 45 feet in height?
We collect thousands of dollars in Lodging Tax that goes into the City's General Fund from Travelers and we need them to come back and stay with us in Troutdale.

I am in agreement with the "Past Philosophy" Historically Troutdale has had aversions to storage facilities for a variety of reasons and has taken actions in the past to remove them from the Development Code.

The staff reports states that Staff has fielded number of calls for storage facilities and the same report also states that there are only about two dozen sites in the City this would effect.
If we only have about 2 dozen sites left then do we really want them to be used for storage facilities? I would rather save those sites for usages which would create more jobs.

What economic benefit does a storage facility provide to other businesses in the City that pay property taxes and employment?

I really feel that Cons to this change are stronger then the Pros.

• Storage facilities do not employ many people and have in the past not been seen as development that is of the highest and best use for commercial/industrial property.

• Previous storage facility development has not been seen as attractive development and have not been well-received by past City Councilors and the public at large.

Jatin N. Patel | Principal/Regional | Office: 503-482-5129 | Fax: 503-907-1009 | Email: jatin@lodgingmgmt.com

DECISION CRITERIA – TEXT AMENDMENTS [TDC 6.1120]
Case File 75-04 (Storage Facilities)

A. The proposed change to the Development Code does not conflict with applicable Comprehensive Land Use Plan goals or policies.

The amendments proposed seek to define and distinguish storage as a concept. Accessory storage occurs on properties in most existent land use designations and zoning districts. The application seeks to define a storage facility and to distinguish it from accessory storage and warehousing. By seeking to establish a conditional use designation for storage facilities in only one zoning district (Light Industrial), the City is provided with additional protections to evaluate any future proposals to determine its conformance with the Comprehensive Land Use Plan goals and policies in addition to the purpose statement in the LI zoning district. The slight modifications proposed to the purpose statements do not drastically change the spirit and intent of the district**. The criterion is met.**

B. The proposed change is consistent with the applicable Statewide Planning Goals.

The majority of the amendments proposed in this application are not substantive in a way that would alter or jeopardize conformance to Statewide Planning Goals. In particular, Goal 9 (Economic Development) speaks to the need for cities to have enough land available to realize economic growth and development opportunities. Based on citizen and Staff testimony that suggests there is economic interest in storage facilities, providing an opportunity through a conditional use process for such a land use to exist in the City meets the spirit of the statewide planning goal. **The criterion is met.**

C. The proposed change is consistent with the applicable provisions of Metro Code.

Chapter 3.07 of the Metro Code contains the Urban Growth Management Functional Plan ("Functional Plan"). Title 4 of the Functional Plan contains standards for "Industrial and Other Employment Area". Title 4 "seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas." The zoning districts that are directly affected by this application are industrial zoning districts in a designated Employment Area according to Metro's 2040 Growth Concept Map.

The City acknowledges that storage facilities is not a land use that generates significant employment; however, this land use is still instrumental in supporting capacities and economic opportunities for adjacent land uses, including industrial ones. By listing storage facilities as a conditional use in the Light Industrial zoning district and not allowing for it in the General Industrial zoning district, the City remains in conformance with the spirit and intent of Title 4. It allows for a case-by-case analysis of each application. Furthermore, a significant majority of the City's Employment Area designation is zoned for General Industrial in which storage facilities would not be allowed, thus significantly limiting any concerns about losing "highest and best use" potential in this area. **The criterion is met.**

D. Public need is best satisfied by this particular change.

Providing clear definitions for storage facilities, accessory storage, and warehouses improves the public's understanding and expectation for these three land uses. Historic precedent has suggested that certain kinds of storage facilities have not been popular in Troutdale and were thus no longer allowed in the City. However, the economic situation and repeated expressed interest by investors looking to establish this type of business in Troutdale suggests that a limited area of the City would be appropriate for this type of use. An existing storage facility is currently in nonconformance within the Light Industrial zoning district. Two other storage facilities are in commercial zoning districts where there is less popular appeal for introducing this land use. Therefore, allowing this use to be better defined and allowed with conditional use approval provides a level of compromise that balances the community concern with economic interest and demand. **The criterion is met.**

E. The change will not adversely affect the health, safety, and welfare of the community.

Although storage facilities do not directly impact health or safety in the community, there remains concerns that the aesthetic impact of their allowance is a detriment to the community's welfare. Previous actions by former Councils have set an expectation that these types of facilities should no longer be sited within Troutdale. The concerns of their visual impact – particularly those of a portable standard – is especially concerning and may not be adequately regulated despite the best intentions of code standards or conditions placed upon a conditional use approval. Allowing this type of land use within the Light Industrial zoning district in particular presents concerns that unsightly industrial uses are too observable from key areas of the City, including Interstate 84, the urban renewal area, and portions of downtown. **The criterion is not met.**

The application is denied.

_____ _____

Casey Ryan, Mayor Date

ORDINANCE NO.

AN ORDINANCE ADOPTING TEXT AMENDMENTS TO CHAPTERS 1, 3, 4, 8, AND 9 OF THE TROUTDALE DEVELOPMENT CODE.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Storage facilities are recognized as a unique and distinguishable land use that should be properly defined within the Troutdale Development Code (TDC).

2. Storage facilities have been previously established in Troutdale and are currently operating in a nonconforming environment.

3. The allowance of storage facilities through a conditional use process in the Light Industrial (LI) zoning district allows for the potential for this type of land use to be allowed in the city while limiting the impact to a small number of properties and providing some properties a chance to come into conformance with the TDC.

4. The Planning Commission has reviewed proposed amendments at a public hearing during the July 15, 2020 regular meeting and August 11, 2020 special meeting and voted 4-2 (with one absence) to recommend these amendments as presented to City Council for approval.

5. Testimony provided at the public hearing suggests that there is a reasonable market demand for storage facilities and a willingness to consider this land use on a case-by-case basis to alleviate previous concerns for this land use.

6. The City Council has adopted findings consistent with the provisions set forth in Troutdale Development Code Section 6.1100 as set forth in Attachment A.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. Chapter 1 shall be amended as set forth in Attachment B.

Section 2. Chapter 3 shall be amended as set forth in Attachment B.

Section 3. Chapter 4 shall be amended as set forth in Attachment A.

Section 4. Chapter 8 shall be amended as set forth in Attachment A.

Section 5. Chapter 9 shall be amended as set forth in Attachment A.

YEAS:
NAYS:
ABSTAINED:

_____
Casey Ryan, Mayor

_____
Date

_____
Sarah Skroch, City Recorder
Adopted:

STAFF REPORT – PLANNING COMMISSION HEARING

NOTE!
Please review City Council Staff Reports dated from August 25 and September 8 for updates to this text amendment based on testimony and deliberation at the public hearings.

CASE FILE:	**75-04 Storage Facilities**
STAFF REPORT DATE:	Wednesday, July 1, 2020
HEARING DATE:	Wednesday, July 15, 2020
STAFF / APPLICANT:	Chris Damgen, Community Development Director
SUBJECT:	**Proposed Text Amendment to the Troutdale Development Code**
REQUESTS:	Establish "storage facility" and "storage, accessory" as land use definitions; allow storage facilities as a conditional use in the Light Industrial (LI) zoning district; modify definition of "warehouse"; provide clarity and context for the aforementioned definitions in other sections of the Code (TDC)
APPLICABLE CRITERIA:	TDC Sections 2.065 and 6.1100
STAFF RECOMMENDATION:	Approval (a recommendation to City Council for approval)

1. BACKGROUND

The City of Troutdale has received several inquiries that relate to the concept of storage facilities. At present, the Troutdale Development Code (TDC) has ambiguous standards that relate to this type of land use, which as proposed would provide "leasable space to the public where materials and goods may be stored by lessees in an outdoor, indoor, or portable setting." Historically, there have been concerns about allowing for this type of land use, though a recent uptick in demand warrant a fresh review on the matter.

The most obvious type of storage facility is commercial self-storage or mini-storage facilities. At present, there are three such establishments that exist in Troutdale, though all three were established prior to the current development code, which has effectively prohibited these types of uses based on Council direction and Staff interpretation. Other types of storage facilities could include shipping container and boat/RV storage that is unaffiliated with sales or service.

The primary motive of this application is to define "storage facility" and provide the consideration of the land use through a conditional use in the Light Industrial zoning district. The application would provide clear differentiation between a storage facility, a warehouse, and basic storage that is associated with a primary land use but is incidental (proposed as accessory storage). Lastly, the application would provide additional details on "storage" in other TDC sections.

2. REVIEW TIMELINE

The current Troutdale Development Code was adopted in 2017 [Ordinance No. 842]. The most current version of the TDC into effect on January 17, 2019 [Ordinance No. 851]. The Troutdale Planning Commission held a discussion item on this matter at its April 29, 2019 special meeting. A Post-Acknowledgment Plan Application (PAPA) was submitted to the Oregon Department of Land Conservation and Development on Wednesday, May 13, 2020 to alert the agency of the City's intentions. The initial public hearing was originally scheduled for Wednesday, June 16, 2020 but was postponed to Wednesday, July 15, 2020 to accommodate a Planning Commission work session on Thursday, May 28, 2020. The proposed amendments were thus drafted to meet required timeframes for review, thus requiring the delay. It is anticipated the City Council hearing dates will be Tuesday, August 25, 2020 for the first reading and Tuesday, September 8, 2020 for the second reading and potential approval and adoption of a correlating ordinance.

3. PROPOSED TEXT AMENDMENTS

Sections that are to be affected by the proposed amendments are included as Attachment A of this report. The following text is a summary of the proposed amendments:

CHAPTER 1 - DEFINITIONS

There is one (1) section amendment proposed for this chapter. Due to these added definitions, a renumbering of definitions within this section will also be required.

Section 1.020 General Definitions
Staff is proposing **add and amend the following definitions** in order to provide clear definitions and distinctions on storage facilities (amended language in **bold**):

> ***(NEW)*** *.126 Storage, Accessory. The safekeeping of materials and goods at a location of which the principal use is not a storage facility and its presence at a location is considered incidental to the principal use.*
>
> ***(NEW)*** *.127 Storage Facility. An establishment of which the principal use is providing leasable space to the public where materials and goods may be stored by lessees in an outdoor, indoor, or portable setting. Storage facilities include self-storage establishments that cater to residential and non-residential clientele but shall not include commercial or industrial warehouses (See Warehouse).*
>
> ***(AMENDED)*** ~~*.138*~~ ***.140*** *Warehouse. A building used primarily for the storage of materials or goods for use on the site or later distribution* ***that is controlled by a single operator with public access restrictions. Warehouses shall not include storage facilities (See Storage Facility).***

CHAPTER 3 – ZONING DISTRICTS

There are four (4) section amendments proposed for this chapter:

3.122 Permitted Uses (General Commercial – GC)
Staff is proposing the following edit (in **bold**):

> *D. Service uses that are completely enclosed building other than outside **accessory** storage of merchandise, supplies, or outside work areas all of which must be screened from the public right-of-way and adjacent residential, apartment, and NC districts.*

3.161 Purpose (Light Industrial – LI)
Staff is proposing the following edit (in **bold**):

THIS PORTION IS SUPERSEDED
Please review City Council Staff Reports dated from August 25 and September 8 for updates.

> *Purpose. This district is primarily intended for light, clean industries usually of a manufacturing or storage nature with ~~little~~ **limited** outdoor storage. These industries usually do not require rail access and have very little process visibility. They usually create little or no air or water pollution and have few, if any, nuisance factors such as **outdoor accessory storage,** bright yard lights, continuous noise or objectionable odors. Professional offices and limited retail sales are permitted in compliance with the Troutdale Development Code. Uses within the LI District may be located adjacent to residential uses with appropriate buffering.*

3.163 Conditional Uses (Light Industrial – LI)
Staff is proposing adding **"Storage facilities"** as a c
the addition of this use, a partial renumbering of t

THIS PORTION IS SUPERSEDED
Please review City Council Staff Reports dated from September 8 for updates.

3.171 Purpose (General Industrial – GI)
Staff is proposing the following edit (in **bold**):

> *Purpose. This district is primarily intended for manufacturing industries, large-scale fabricators, freight and trucking firms, primary metals, and lumber, etc., that usually require highway access and/or rail service. These firms usually have a high degree of process visibility and need outdoor **primary or accessory** storage of materials and products. These industries are likely to create minor air and water pollution, as well as noise and odor, and the generation of truck, shipping, or rail traffic. Non-industrial uses of a commercial nature are permitted in compliance with the Troutdale Development Code.*

CHAPTER 4 – ZONING DISTRICT OVERLAYS

There is one (1) section edit proposed for this chapter.

4.112 Permitted Uses within the Airport Approach Safety Zone
Staff is proposing the following edit (in **bold**):

> *C. Roadways, parking areas, and **accessory** storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing*

CHAPTER 8 – SITE AND DESIGN STANDARDS

There is one (1) section edit proposed for this chapter.

8.030 Pedestrian Walkways
Staff is proposing the following edit (in **bold**):

> *A. Number and Placement*
> *(…)*
> *6. Pedestrian walkways are required between those parts of a site that people on the site normally would walk between. Walkways are not required between buildings or portions of a site which are not intended for, or likely to be used by, pedestrians. Such buildings and features include truck loading docks, warehouses not including office/warehouse combinations, automobile sales lots, temporary uses, outdoor **accessory** storage areas, etc.*

CHAPTER 9 – PARKING

There is one (1) section edit proposed for this chapter.

9.025 Industrial Off-Street Parking Space Requirements.
Staff is proposing the following edit (in **bold**):

> *(Type of Use) Storage **facility**, warehouse, or manufacturing establishment; air, rail, or trucking freight terminal*

Note: An available condition that may be placed on an approval for a conditional use may be to increase the number of off-street parking or loading spaces or area. [TDC 6.325.C]

4. PROPOSED FINDINGS

TDC Section 2.065 specifies that the City Council is the decision-making body for text amendment applications after the Planning Commission forwards a recommendation for their consideration. Planning Commission is charged with making a finding for each applicable criterion point as listed in TDC Section 6.1120. Listed below are draft findings prepared by Staff for Planning Commission to review and amend as needed upon the conclusion of the public hearing portion of the meeting and prior to a vote for recommendation.

A. The proposed change to the Development Code does not conflict with applicable Comprehensive Land Use Plan goals or policies.

The amendments proposed seek to define and distinguish storage as a concept. Accessory storage occurs on properties in most existent land use designations and zoning districts. The application seeks to define a storage facility and to distinguish it from accessory storage and warehousing. By seeking to establish a conditional use designation for storage facilities in only one zoning district (Light Industrial), the City is provided with additional protections to evaluate any future proposals to determine its conformance with the Comprehensive Land Use Plan goals and policies in addition to the purpose statement in the LI zoning district. The slight modifications proposed to the purpose statements do not drastically change the spirit and intent of the district. **The criterion is met.**

B. The proposed change is consistent with the applicable Statewide Planning Goals.

The majority of the amendments proposed in this application are not substantive in a way that would alter or jeopardize conformance to Statewide Planning Goals. In particular, Goal 9 (Economic Development) speaks to the need for cities to have enough land available to realize economic growth and development opportunities. Based on citizen and Staff testimony that suggests there is economic interest in storage facilities, providing an opportunity through a conditional use process for such a land use to exist in the City meets the spirit of the statewide planning goal. **The criterion is met.**

C. The proposed change is consistent with the applicable provisions of Metro Code.

Chapter 3.07 of the Metro Code contains the Urban Growth Management Functional Plan ("Functional Plan"). Title 4 of the Functional Plan contains standards for "Industrial and Other Employment Area". Title 4 "seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas." The zoning districts that are directly affected by this application are industrial zoning districts in a designated Employment Area according to Metro's 2040 Growth Concept Map.

The City acknowledges that storage facilities is not a land use that generates significant employment; however, this land use is still instrumental in supporting capacities and economic opportunities for adjacent land uses, including industrial ones. By listing storage facilities as a conditional use in the Light Industrial zoning district and not allowing for it in the General Industrial zoning district, the City remains in conformance with the spirit and intent of Title 4. It allows for a case-by-case analysis of each application. Furthermore, a significant majority of the City's Employment Area designation is zoned for General Industrial in which storage facilities would not be allowed, thus significantly limiting any concerns about losing "highest and best use" potential in this area. **The criterion is met.**

D. Public need is best satisfied by this particular change.

Providing clear definitions for storage facilities, accessory storage, and warehouses improves the public's understanding and expectation for these three land uses. Historic precedent has suggested that certain kinds of storage facilities have not been popular in Troutdale and were thus no longer allowed in the City. However, the economic situation and repeated expressed interest by investors looking to establish this type of business in Troutdale suggests that a limited area of the City would be appropriate for this type of use. An existing storage facility is currently in nonconformance within the Light Industrial zoning district. Two other storage facilities are in commercial zoning districts where there is less popular appeal for introducing this land use. Therefore, allowing this use to be better defined and allowed with conditional use approval provides a level of compromise that balances the community concern with economic interest and demand. **The criterion is met.**

E. The change will not adversely affect the health, safety, and welfare of the community.

It is not anticipated that there are health concerns that stem from the introduction and establishment of storage facilities as a conditional land use. Standards are in place that would restrict hazardous materials from being stored in these locations, often relying upon fire and life safety codes to provide regulations. In the realm of safety, there is an inherent need to secure these types of facilities. Most facilities will often rely on perimeter fencing, security check-ins, and caretaker units to provide security for goods and materials that are stored within a facility.

Lastly, providing an additional way for individuals or companies to store their goods and materials may also improve the general welfare of their community. As an example, offering additional areas for storage could then reduce storage burdens on residential and commercial properties. It benefits not only those properties but also those around them, as unsightly or objectionable storage could potentially be located on a premise that more effectively screens them. **The criterion is met.**

5. STAFF RECOMMENDATIONS

Staff offers the following recommendations for the conduct of the July 15, 2020 public hearing for the proposed amendments to the Troutdale Development Code.

A. Conduct a public hearing and receive all public testimony relating to the application.

B. Consider the public testimony and the facts and findings presented in the staff report and deliberate on policy issues, proposed amendments, and other issues identified by the Commission, Staff, other public entities, or the public.

C. Recommend approval of the proposed text amendments to the City Council for its consideration for its meeting and subsequent public hearing.

.123 Sign. Refer to Section 10.015 for all definitions for signs.

.124 Single-Family Dwelling or Single-Family Residence. See Dwelling, Single-Family Detached.

.125 Site and Design Review Committee. A committee chaired by the Director to review applicable development proposals for compliance to the provisions of this Code.

.126 Storage, Accessory. The safekeeping of materials and goods at a location of which the principal use is not a storage facility and its presence at a location is considered incidental to the principal use.

.127 Storage Facility. An establishment of which the principal use is providing leasable space where materials and goods may be stored by lessees in an outdoor, indoor, or portable setting, but not including tents. Storage facilities include self-storage establishments that cater to residential and non-residential clientele but shall not include commercial or industrial warehouses (See Warehouse).

.128 Street Lighting. The total system of wiring, poles, arms, fixtures, and lamps, including all parts thereof that are necessary to light a street or pedestrian way.

.129 Street, Private. A thoroughfare or street providing a means of access to a property or properties which is not owned by the City or other public entity.

.130 Street, Public. A publicly owned thoroughfare or right-of-way acquired for use by the public which affords a principal means of access to abutting property.

.131 Studio. A location where an ancillary form is created or practiced, such as an artist, a musician, dramatic arts or dance studio. Also includes light fabrication or manufacturing of individual pieces of art including welding, riveting, and use of a kiln, glass furnace, or foundry when such heat producing facilities comply with all Building Code requirements and crucibles do not exceed one (1) gallon in size.

.132 Subdivision. To divide land to create four (4) or more lots within a calendar year, when such area or tract of land exists as a unit or contiguous units of land at the beginning of such year.

.133 Townhouse or Townhome. See Dwelling, Single Family Attached.

.134 Transit Facility. A facility intended to accommodate and assist transit users. Transit facilities include light rail transit stations, park and ride lots for transit riders, transit centers, transit shelters, bus turnout lanes, and transit stops.

.135 Transit Street. Any street identified as an existing or planned bus or light rail transit route.

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.136 Triplex. See Dwelling, Triplex.

.137 Two-Family Dwelling. See Dwelling, Duplex.

.138 Utility Facility, Major. Administrative offices and operation centers, wet system pump stations, sewage treatment plants and lagoons, electric generation facilities (other than small scale accessory wind turbines or solar panels intended to generate electricity for onsite uses), sanitary landfills, pump stations, substations (transmission and distribution), water towers and reservoirs, public wells (aboveground), telephone switching equipment, communication receiver, transmission facilities, and ancillary equipment, telecommunication towers and poles, and drinking water treatment facilities.

.139 Utility Facility, Minor. Street lights; underground lines and pipes; underground wells; transformers and regulator stations; closed system sanitary pump stations; and private, on-site facilities such as septic tanks, wells, and catch basins.

.140 Warehouse. A building used primarily for the storage of materials or goods for use on the site or later distribution that is controlled by a single operator with public access restrictions. Warehouses shall not include storage facilities (See Storage Facility).

.141 Water dependent development. Any use that is dependent on navigable waterway access and or use.

.142 Windscreens. A fence-like structure, not to exceed six (6) feet in height, on the north or east side of a residential building only, and used to reduce the wind velocity at exterior doors.

.143 Yard. A required open space on a lot that is unoccupied and unobstructed except for permitted projecting building features and accessory buildings.

.144 Yard, Front. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as authorized by this Code.

.145 Yard, Rear. An open space extending across the full width of the lot between the main building and the rear lot line, unoccupied and unobstructed from the ground upward, except as authorized by this Code. Where there is no rear lot line, the depth of the rear yard shall be the distance from a ten-foot line parallel to the front lot line, measured from one side line to the other.

.146 Yard, Side. An open space between any building and the side lot line, unoccupied and unobstructed from the ground upward, except as authorized by this Code.

.147 Yard, Street Side. An open space adjacent to a street that is not a front yard, unoccupied and unobstructed from the ground upward, except as authorized by this Code.

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3.160 LIGHT INDUSTRIAL LI

3.161 Purpose. This district is primarily intended for light, clean industries usually of a manufacturing or storage nature with limited outdoor accessory storage. These industries usually do not require rail access and have very little process visibility. They usually create little or no air or water pollution and have few, if any, nuisance factors such as bright yard lights, continuous noise, objectionable odors, or significant outdoor accessory storage. Professional offices and limited retail sales are permitted in compliance with the Troutdale Development Code. Uses within the LI District may be located adjacent to residential uses with adequate buffering.

3.162 Permitted Uses. The following uses and their accessory uses are permitted in the LI district:

A. Secondary manufacturing, except any use having the primary function of storing, utilizing, or manufacturing toxic or hazardous materials as defined by the Department of Environmental Quality.

B. Processing facilities, except any principal use involving the rendering of fats, the slaughtering of fish or meat, or the fermenting of foods such as sauerkraut, vinegar, or yeast. This limitation shall not apply to the processing or manufacturing of beer, wine, bread, jam, and similar items.

C. Distribution centers.

D. Airport and related uses as defined by the Airport Planning Rule (OAR 660-013-0100), including airport supportive commercial and industrial uses such as maintenance facilities, hangars, aircraft tie-downs, passenger parking, and flight schools.

E. Warehouses.

F. Utility facilities, minor.

G. Research and development companies, experimental or testing laboratories.

H. Trade or commercial schools whose primary purpose is to provide training to meet industrial needs.

I. Public parks, parkways, trails, and related facilities.

J. One caretaker residence in conjunction with an existing industrial use.

K. Corporate headquarters.

L. Professional offices.

M. Medical and dental clinics.

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N. Product sales, service, and/or display accessory to any manufacturing, fabricating, or processing use, provided the sales, service, and/or display area does not exceed fifteen percent (15%) of the gross floor area, or three thousand (3,000) square feet, whichever is less.

O. Wineries, breweries, and distilleries.

P. Mobile Food Vendor operating a Food Stand, Food Cart, or Food Trailer in accordance with Section 5.200.

Q. Other uses similar in nature to those listed above.

3.163 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses within a LI district:

A. Heliports accessory to permitted or approved conditional uses.

B. Retail, wholesale, and discount sales and services, including restaurants, banks, dry-cleaners, and similar establishments, with or without drive-up or drive-through window service, subject to the provisions of Subsection 3.165(E) of this Chapter.

C. Community service uses.

D. Utility facilities, major.

E. Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home sales, rentals, and repair shops.

F. Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.

G. Motels or hotels, including banquet rooms, conference, or convention centers.

H. Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities.

I. Child care facilities and similar facilities.

J. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, “within one thousand (1,000) feet” means a straight line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.

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K. Storage facilities, when located within one-quarter mile (1/4 mile) of the eastern overpasses of Interstate 84 at Exit 17. For purposes of this subsection, "within one-quarter mile (1/4 mile)" means a straight line measurement in a radius extending for one thousand three hundred twenty (1,320) feet in every direction from the point positioned on the centerline of 257th Drive situated exactly in between the eastbound and westbound bridges of Interstate 84 at Exit 17.

L. Other uses similar in nature to those listed above.

3.164 Dimensional Standards.

A. Setbacks.

1. Front yard setback: Minimum of twenty (20) feet.

2. Side yard setback: Minimum of ten (10) feet.

3. Rear yard setback: None.

4. Additional setback requirements: If any use in this district abuts or faces any residential zoning district, a setback of fifty (50) feet from the property line or centerline of an intervening public street, on the side abutting or facing the residential zoning district shall be required.

5. Setbacks for insufficient right-of-way: Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Land Use Plan and applicable ordinances and standards.

B. Height Limitation. The maximum height for any structure shall be forty-five (45) feet unless otherwise limited by the Federal Aviation Administration.

C. Lot Area. There shall be no minimum lot size in the Light Industrial Zone.

3.165 Additional Requirements.

A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.

B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.

C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

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D. Development is subject to compliance with any applicable overlay zoning district standards.

E. In order to ensure that certain permitted and conditional non-industrial uses are primarily intended to serve the needs of workers in the immediate area, professional offices; medical and dental clinics; and retail, wholesale, and discount sales and services shall not exceed five thousand (5,000) square feet of gross leasable area. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed twenty thousand (20,000) square feet.

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3.170 GENERAL INDUSTRIAL GI

3.171 Purpose. This district is primarily intended for manufacturing industries, large-scale fabricators, freight and trucking firms, primary metals, and lumber, etc., that usually require highway access and/or rail service. These firms usually have a high degree of process visibility and need outdoor primary or accessory storage of materials and products. These industries are likely to create minor air and water pollution, as well as noise and odor, and the generation of truck, shipping, or rail traffic. Non-industrial uses of a commercial nature are permitted in compliance with the Troutdale Development Code.

3.172 Permitted Uses. The following uses and their accessory uses are permitted in the GI district:

A. Any permitted use within the LI zoning district.

B. Primary manufacturing.

C. Use of toxic or hazardous materials in the manufacturing process, and temporary storage of toxic or hazardous material by-products.

D. Freight and trucking firms.

E. Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home sales, rentals, and repair shops.

F. Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.

G. Utility facilities, major and minor, except for the following which require conditional use approval: sanitary landfills, recycling centers, and transfer stations, sewage treatment plants and lagoons, and telecommunication towers or poles.

H. Marinas.

I. Marine Industrial/Marine Service Facilities.

J. Mobile Food Vendor operating a Food Stand, Food Cart, or Food Trailer in accordance with Section 5.200.

K. One caretaker residence in conjunction with an existing industrial use.

L. Other uses similar in nature to those listed above.

3.173 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses within the GI district:

A. Child care facilities and similar facilities.

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B. Community service uses.

C. Concrete or asphalt manufacturing plants.

D. Sanitary landfills, recycling centers, and transfer stations.

E. Sewage treatment plants and lagoons.

F. Telecommunication towers and poles.

G. Junk yards.

H. Residential dwelling/hangar mixed uses when the hangars are served by a taxiway with direct access to the Troutdale Airport Runway. The use shall be subject to the following requirements:

1. Approval from the Port of Portland.

2. Approval from the Federal Aviation Administration.

3. No separate accessory structures are allowed.

I. Heliports accessory to permitted or approved conditional uses.

J. Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities.

K. Commercial uses, not to exceed forty thousand (40,000) square feet of floor area.

L. Processing facilities whose principal use involves the rendering of fats, the slaughtering of fish or meat, or the fermentation of foods such as sauerkraut, vinegar, and yeast.

M. The manufacturing or storing of toxic or hazardous materials when done in compliance with federal and state regulations.

N. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, “within one thousand (1,000) feet” means a straight line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.

O. Marijuana Processors licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, “within one thousand (1,000) feet” means

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a straight line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Processor.

P. Other uses similar in nature to those listed above.

3.174 Dimensional Standards.

A. Setbacks.

1. Front: Twenty (20) feet.

2. No side or rear yard setbacks unless the property abuts a parcel of land in a more restrictive manufacturing or commercial district, in which case the requirements of the abutting zoning district shall apply.

3. Additional setback requirements: If any use in this district abuts or faces any residential zoning district, a setback of fifty (50) feet from the property line or centerline of an intervening public street, on the side abutting or facing the residential or apartment district shall be required.

4. Setbacks for insufficient right-of-way: Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Land Use Plan and applicable ordinances and standards.

B. Height Limitation. None, unless otherwise limited by the Federal Aviation Administration.

C. Lot Area. Division of lots or parcels are permitted as follows:

1. Lots or parcels fifty (50) acres or smaller in size may be divided into any number of smaller lots or parcels.

2. Undeveloped lots, parcels, or tracts larger than fifty (50) acres in size may be divided into smaller lots, parcels, or tracts so long as the resulting land division yields at least one (1) lot, parcel, or tract of at least fifty (50) acres in size. If a land division results in more than one (1) lot, parcel, or tract of fifty (50) acres or greater in size, only one of those fifty (50) + acre lots, parcels, or tracts, if further divided, must yield a lot, parcel, or tract of at least fifty (50) acres in size.

3. Developed lots or parcels fifty (50) acres or larger in size may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the City so long as at least forty percent (40%) of the net area of the lot or parcel has

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already been developed with industrial uses or uses accessory to industrial use, and no portion of the lot has been developed, or is proposed to be developed, with uses regulated by Subsection 3.175(D) of this Chapter.

4. Notwithstanding parts (2) and (3) of this Subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to right-of-ways for the following purposes:

a. To provide public facilities and services;

b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;

c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or

d. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

3.175 Additional Requirements.

A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.

B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.

C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

D. Commercial uses within industrial flex-space buildings are subject to the following standards:

1. No one commercial use shall exceed five thousand (5,000) square feet of gross leasable area and the cumulative area of all such uses shall not exceed twenty thousand (20,000) square feet of the gross leasable area of a single flex-space building or of multiple buildings that are part of the same development project.

2. Drive-thru and drive-up service windows are not permitted.

E. Development is subject to compliance with any applicable overlay zoning district standards.

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AGENDA ITEM #8

CITY OF TROUTDALE

STAFF REPORT

SUBJECT / ISSUE: A resolution authorizing the City Manager to sign a master agreement with the University of Oregon for participation in the Sustainable City Year Program

MEETING TYPE: City Council Regular Mtg. **MEETING DATE:** September 22, 2020	**STAFF MEMBER:** Chris Damgen **DEPARTMENT:** Planning
ACTION REQUIRED: Resolution **PUBLIC HEARING:** No	**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:** N/A **Comments:**

STAFF RECOMMENDATION: Approval

EXHIBITS:

A. Sustainable City Year Program Information and Previous Client Cities
B. Draft Master Agreement between the University of Oregon and the City of Troutdale
C. List of Likely Projects Nearly Established (pending approval)

SUBJECT / ISSUE RELATES TO:

☒ Council Goals ☐ Legislative ☐ Other (describe)

Several anticipated Council Goals for 2020-21 would be worked on through the work of students and faculty in pursuing course/studio work that is suggested by City staff

ISSUE / COUNCIL DECISION & DISCUSSION POINTS:

- Authorizes the City Manager to refine and sign a master document with the University of Oregon that allows them to develop courses/studios to support City-directed project ideas through research, reports, and recommendations for future action.
- $195,000 is a “do not exceed” amount. Each course/studio will have a separate agreement and established budget. The total city funding commitment for all courses/studios established would be capped at that figure.

Reviewed and Approved by City Manager:

BACKGROUND:

The University of Oregon's Sustainable City Year Program (SCYP) is a multi-disciplinary program that acts like a consultant group. The program takes project ideas from a city and connects them with course or studio work from students/faculty where they can conduct research, create reports and content, and/or provide recommendations for future action. SCYP has worked with cities across the state, including most recently the cities of Gresham, Albany, Springfield, Silverton, and La Pine.

The turnaround on providing deliverables is tied to the academic terms, so fall term is completed by December, winter by March, and spring by June. It is a great way to get results that can spur further study or future projects by the city or professional consultants.

SCYP typically helps cities get smaller or "back burner" projects some attention and quick direction without committing the agencies to a lengthier consultant contract. It can also provide a kickstart to fulfill recent Council goals. For Troutdale, this holds especially true for some of the ideas for economic/tourism development and Town Center Plan implementation, which factored heavily in Council's proposed 2020-2021 goals.

If the City agrees to participate, the University and City would work together from a list of nearly two dozen project possibilities to create courses and studios that can be part of this effort. The City would come to terms with the University via a master agreement with a total "do not exceed" budget figure.

What is the cost of participating?
The cost of participation can be incorporated in the approved budget this fiscal year. It does not require a budget amendment.

Each class/studio has a deliverable item with a project expense tied to it. Based on potential project budgets in planning, code specialties, and economic/tourism development from the approved 2020-21 budget, that figure would be up to $195,000. It does not mean that there will be $195,000 spent, just that this would be the hard cap for participation.

At the time of this staff report, five classes are anticipated to be held during the fall term for a total cost of $37,000, or about 19 percent of the hard cap figure. It is anticipated that there would be five courses during the winter term and roughly five in the spring term. Costs for each class/studio may vary and are dependent on the number of students or the type of course/studio.

What does signing a master agreement do?
Approval of this resolution would authorize the City Manager to sign a master document with the University (see Exhibit B for the likely draft). It does not approve any particular project(s), but provides a financial promise of up to $195,000 to be committed for costs incurred by the university to establish the courses, conduct research, provide deliverables and cover overhead and administrative costs.

Once the master agreement is signed, it allows the university to develop courses or studios based on project ideas submitted by the City (see Exhibit C, with additional project potentials in the

exhibit of Exhibit B). Each project that is developed will require approval from the City. This ensures that the City has a say in determining the expected projects, reports, or other deliverables are consistent with the City's needs and can better align with Council goals.

PROS & CONS:

Pros:

- Provides a quick turnaround and ideas for moving certain ideas and projects forward for future study or consideration.
- Provides an initial study of a community issue by providing non-binding information and or recommendations that are researched by faculty and students.
- Creates educational opportunities and outreach for motivated students without competing for attention from other "clients"
- Does not financially commit at this point the City to any particular project or course idea without further discussion and refinement
- Does not require a budget amendment for participation

Cons:

- Student research activities do not always yield final deliverables for action or construction and often require follow-up work by city staff or professional consultants to further materialize the project/idea that was worked on.

Current Year Budget Impacts: ☒ Yes *(describe)* ☐ N/A
A "do not exceed" amount of $195,000 which is spread across multiple departments and budget line items. Most of these would be in support of projects already identified or actionable items that stem from Council Goals adopted in September 2020.

Future Fiscal Impacts: ☒ Yes *(describe)* ☐ N/A
Some projects could stretch into next fiscal year if conducted during the spring quarter academic term, though most would occur within the current fiscal year.

City Attorney Approved: ☐ Yes ☐ N/A

Community Involvement Process: ☒ Yes *(describe)* ☐ N/A
Several of the proposed course projects will have community engagement requirements.

Exhibit A
9/22/20 Council Mtg. Item #8

Sustainable Cities Institute (/)

Sustainable City Year Program

Apply Now to be the Next SCYP Partner!
(https://sci.uoregon.edu/apply-now)

SCYP is transforming Oregon communities large and small

Through year-long partnerships, the Sustainable City Year Program helps communities solve the problems of today and lay the groundwork for a sustainable, livable future—all while helping students prepare for the workforce through applied learning.

Partnering with SCYP
(https://sci.uoregon.edu/partnering-scyp)

Current Partnership - LTD
(https://sci.uoregon.edu/sustainable-city-year-program-lane-transit-district)

Small City Partnership - Silverton
(https://sci.uoregon.edu/sustainable-city-year-program-silverton)

Past Partnerships

Student and Faculty Resources
(https://sci.uoregon.edu/scyp-student-and-faculty-portal)

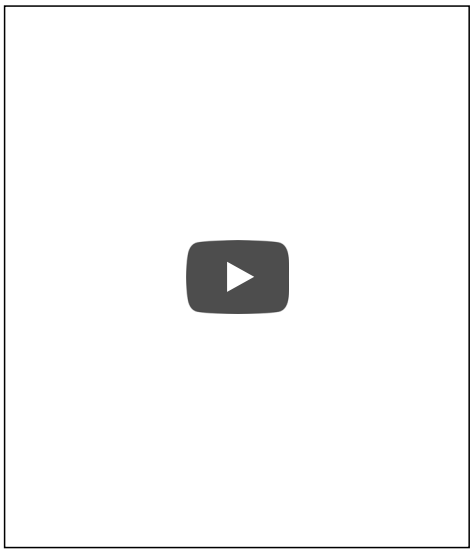
About SCYP

The Sustainable City Year Program (SCYP) matches University of Oregon students with an Oregon city, county, special district, tribe, or partnership of governments for an entire academic year. Students work on partner-identified projects through existing courses to provide ideas for real solutions to community challenges and sustainable development.

> ***"Student efforts on these projects inject fresh perspectives into our design processes to help fuel innovation in applied sustainability and expand the benefits for the communities we serve."*** **- Jeb Doran, TriMet Senior Project Manager**

Cities and communities are staffed with leaders who want to make real change. These leaders are passionate about moving their cities into the future but are far too often limited by a lack of resources, staff and budget. The Sustainable City Year Program harnesses the innovation and energy of University of Oregon students and faculty to provide ideas that will address critical projects and support progressive and sustainable initiatives. This working relationship puts university talent to work to strengthen Oregon communities.

Throughout each course, students conduct research, visit the community, and engage with stakeholders. At the end of each term, they present their findings either in the community or on campus in sessions that are open to the public. Following each course, ideas and research from the class are synthesized into a final report for the community, ensuring that the insightful work remains accessible long after the course ends.



Typical Projects and Classes

The broad range of issues communities face can be matched with the similarly broad range of expertise and focus of SCYP. The following list captures many of the typical project areas that past communities have focused on.

Each project yields a synthesized, professional report that becomes a decision-making deliverable for our community partner (and a great workforce development project for the student report writers). The past final reports are available in the Past SCYP Partnerships (https://sci.uoregon.edu/sustainable-city-year-program-0#Past%20SCYP%20Partners) section below.

- Business
  - Workforce and Industry Analysis
  - Economic Development
  - Urban Renewal
  - Strategic Planning
  - Industrial Ecology
- Planning
- Community Engagement
  - Public Relations Campaigns
  - Engagement with Marginalized Communities
  - Stakeholder Engagement
  - Community Advisory Council
- Geography
  - Remote Sensing and Mapping

- Public Transit
- Bicycle/Pedestrian Planning
- Wayfinding (with digital arts)
- Parks and Open Space Planning
- Downtown Revitalization
- Housing Opportunities
- Land Use and Growth Management
- Planning for New Mobility

- Design (Architecture, Landscape Architecture, etc.)
  - Retrofits
  - Civic Design
  - Ecological Corridor Design
  - Product Design
  - Historic Preservation
  - GIS Analysis
  - Community Asset Mapping
- Public Policy and Management
  - Budget Analysis
  - Policy Analysis
  - Nonprofit Consulting
  - Housing Needs Analysis
  - Municipal Finance
  - Land Use and Growth Management
  - Parking Policy
- Law
  - Legal Analysis
  - Local Codes for Sustainability

Current SCYP Partnership

SCYP is excited to announce our 2019-2020 partner, the **Lane Transit District (LTD)**. LTD has a longstanding sustainability commitment to the community and is excited to explore sustainable transportation through its partnership with SCYP. LTD serves over 300,000 residents in Lane County with a fleet of 105 busses. SCYP projects related to this partnership will explore strategies for transportation change, sustainable urban design, fleet replacement strategies, and more.

(https://sci.uoregon.edu/sustainable-city-year-program-lane-transit-district)

Projects (/sites/sci1.uoregon.edu/files/scyp_ltd_project_summaries_040319.xlsx)

Proposal (/sites/sci1.uoregon.edu/files/ltd-scyp_application_03122019.pdf)

Past SCYP Partnerships

Since 2009, SCYP has opened pathways that connect a broad range of Oregon cities and agencies to the innovative, dedicated, and energetic brainpower of the Univerity of Oregon. These relationships help create outcomes that extend well beyond the yearlong partnership. The impact of SCYP continues for many years not only as student recommendations come to fruition, but also as students enter the workforce prepared for careers in service to Oregon communities. **SCYP is much more than a one-year project with a consultant – it's a connection to the University of Oregon and a platform for a sustainable future.**

Learn more about the places, projects, and possibilities that make up SCYP's past and present.

Sustainable Cities Institute (/)

Partnering with SCYP

Apply Now to be the Next SCYP Partner!

(https://sci.uoregon.edu/apply-now)

Why SCYP?

The Sustainable City Year Program helps Oregon communities find real, cutting-edge solutions for some of their most challenging problems. Learn more about how SCYP can bring lasting impact to your city.

SCYP by the Numbers (2009-present)

8	460,000	141
OREGON PARTNERSHIPS ESTABLISHED	HOURS OF STUDENT WORK	TOTAL PROJECTS COMPLETED

Overview

SCYP is an example of Oregon innovation and leadership. We leverage existing resources to create meaningful, society-wide value that benefits all parties involved. Undergraduate and graduate students across disciplines including business, planning, public adminstration, journalism, architecture, and more engage in the projects identified by partner cities to develop recommendations that bring the best of the creativity, freedom, and rigor of academia to the "real world." By getting students involved in real projects through their coursework, SCYP prepares students to enter the workforce and keeps talent

in Oregon. Moreover, the vast majority of student outputs get incorporated into community plans and projects, creating lasting impact years into the future.

> *"Here's the deal [the City of Salem] brokered with the University of Oregon and Portland State: We'll invest just over $300,000 to support a one year research and design project that will leave Salem $12 million richer!*
>
> *No kidding. In September, more than 600 students began a year of academic coursework, building upon Salem City Council's priorities for increasing livability, sustainability, traffic navigability, cultural excitement, citizen participation and economic vitality. Before wrapping the project next June, graduate students from schools of: business, architecture, law, transportation engineering, public policy, journalism, arts and humanities, etc. will expend more than 80,000 hours into Salem's Sustainable Cities Initiative package. Consider the 'normal' cost for that kind of consulting and you see how quickly the value mounts into the millions of dollars."*
>
> - "Graduate Students Nurture Salem's Sustainable Future," *Salem Business Journal*

Work with Our Outstanding Faculty

SCYP classes are taught by award winning faculty across a range of departments. These faculty are dedicated to advancing and directing student contributions towards communities and public agencies throughout the state.

2019-2020 Faculty (https://drive.google.com/open?id=1qb8RvGgR4gisCKb1zFVL2y7cDMJuPDNp)

Benefits to Communities

- Increased capacity
- Expanded breadth of conversation
- Opportunity to test riskier ideas
- Increased outreach
- Ability to move projects forward
- Engagement with marginalized groups
- Development of material for future grant submissions
- Energized staff and community
- Coordinated entry point to university
- Workforce-ready, public service-oriented graduates

Customized to Meet Community Needs

> *"Through our partnership with SCYP, 22 classes provided more than 55,000 hours of work—at an estimated $4.64 per hour—on more than 20 projects from revenue enhancement strategies, community outreach and engagement, to economic development and urban revitalization. Students have the time, creativity and drive to do what city planners wanted to do, but could not."* - Ed Hodney, City of Albany

SCYP is a scalable model that is highly adaptable to the varying sizes, constraints, and needs of Oregon's communities. In the 2010-2011 academic year, SCYP partnered with Salem, Oregon's second largest city at 167,000 residents. This partnership paired 26 classes with the city's projects. The 2016-2017 partnership with Albany, population 53,000, involved student work on 16 projects.

In January 2018, SCYP took on a new challenge: adapting the model to a much smaller community. The overwhelming success of the Small City Pilot partnership with the city of La Pine–a central Oregon community with just over 1,800 residents–proved that this radically simple model works across an enormous range of contexts.

We are excited to find new ways to provide tangible value to Oregon's cities—urban, rural, and everything in between—in the years to come.

Typical Year Larger Communities (30,000+)

20-25
COMMUNITY PROJECTS

15+
ACADEMIC DEPARTMENTS

80K
HOURS OF STUDENT WORK

Typical Year Smaller Communities (<30,000)

10-15
COMMUNITY PROJECTS

5+
ACADEMIC DEPARTMENTS

20K
HOURS OF STUDENT WORK

The SCYP partner year is just the beginning. Learn more about how our work has transformed Oregon communities and how we've continued to build these relationships throughout the state.

A legacy of partnership

The SCYP partner year is just the beginning. Learn more about how our work has transformed Oregon communities and how we've continued to build these relationships throughout the state.

Learn more about our past partnerships (https://sci.uoregon.edu/sustainable-city-year-program-draft-7-2018#Past SCYP Partners)

Programs

Sustainable City Year Program (https://sci.uoregon.edu/sustainable-city-year-program-

Additional Information

SCI in the News (https://sci.uoregon.edu/news-1)

Staff Directory (https://sci.uoregon.edu/meet-team)

Sustainable City Year Program

2016-17

Design and Planning Projects

Project	Outcome
Water Avenue Corridor Revitilization	Developed ideas and concepts to activate Water Avenue and the downtown historic core, including an entertainment district, historical walk and discovery center, and food hub.
Eat, Play, Shop: Downtown Reimagined Design Studio	Created architectural programs and design proposals around the concepts of food equity, economic equity, and social equity in the downtown area.
Analyzing Landscape Systems	Conducted site analyses along Albany's Willamette Riverfront, Dave Clark waterfront path, and historic downtown district.
East Thornton Lake Natural Area Design Studio	Developed concepts for a park within the larger site that addresses the natural and cultural history of the area.
Bicycle-Friendly Albany	Analyzed constraints and barriers to bicycle-friendly development and recommended safety and network improvements, as well as bicycle-friendly events and programs.
A Front Door to Albany's Downtown Waterfront Design Studio	Developed conceptual designs and alternatives for spaces in the vicinity of Monteith Riverpark to establish a gateway to the river and destination for visitors and residents.
Passive Heating	Gathered area climate data and created passive solar designs for Monteith Park restrooms, a sunroom adjacent to the current Senior Center, and a greenhouse.

Business and Economic Development Projects

Project	Outcome
St. Francis Hotel: Viability of a Hotel in Downtown Albany	Identified hotel development feasibility in downtown Albany at the existing St. Francis historic building site or as new construction.
Business Opportunities Assessment and Revenue Enhancement	Assessed existing Parks and Recreation Department services and practices; recommended revenue-producing opportunities and other revenue enhancement ideas.
Parks and Recreation Foundation Business Plan and Outreach Campaign	Developed a business plan for the new Albany Parks and Recreation Foundation; implemented an outreach campaign directed at parks and recreation users.
Older Adult Population Strategic Plan	Created an older adult facility and activity strategic plan for the 55-60 age group and over 75 population.

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SCYP Sustainable City Year Program

SCI Sustainable Cities Initiative

UNIVERSITY OF OREGON

Sustainable City Year Program

2016-17

Water Reclamation Facility Biosolids Alternatives Market Analysis	Analyzed whether the local market would be interested in compost or biosolids. Identified local partners and potential revenues or costs associated with different options.
Parks Funding, System Development Charges Methodology Evaluation	Reviewed Parks and Recreation Department's operating revenue sources, capital expenses, financing strategies and System Development Charges methodology.
Strategic Plan for Collaborative Sports Facilities	Analyzed case studies and recommended management strategies to eliminate barriers and inefficiencies for Parks and Recreation Department-owned sports facility spaces throughout the city.
Parks and Recreation Foundation Planning and Partner Coordination	Helped the new Albany Parks and Recreation Foundation strategically organize. Researched best practices for foundation partnerships with stakeholders, including case studies and relational analysis.

Civic Engagement, Journalism, and Geography Projects

Project	*Outcome*
Cartographic Visualization of Parks, Trails, and Recreation Centers	Designed and produced a finished thematic cartographic map of selected trails and parks in Albany.
Equity and Opportunity Mapping Analysis	Mapped selected data of Albany residents to help the city analyze access to housing and community amenities.
Public Relations Strategies and Outreach for Historic Preservation	Built awareness of the city's historic preservation program through a strategic communication plan; implemented a public relations campaign related to historic preservation.
Remote Sensing: Parks Mapping in Albany	Used digital imagery to assess selected parks and historic assets in order to better manage, analyze, and plan for the future of these resources.
Inventorying Albany's Cultural Resources	Researched cultural inventory models and recommended best practices to develop a cultural inventory focused on engaging the people of Albany.
Improving Engagement with Parks and Recreation	Developed strategies for social media, strategic partnerships, event planning, promotional materials, and content creation to improve resident engagement with Parks and Recreation Department.
Parks and Recreation Foundation Outreach Campaign	Implemented an outreach campaign directed at parks and recreation users as part of the Parks and Recreation Comprehensive Plan Update.
GIS Analysis of Albany Land Use	Collected data using geographic information systems within the city to help the city evaluate undeveloped and under-utilized land available for future development.

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SCYP Sustainable City Year Program

SCI Sustainable Cities Initiative

University of Oregon

Sustainable City Year Program

2018-19

CITY OF GRESHAM OREGON · Eugene · SPRINGFIELD OREGON · Dunes City

Planning and Design Projects

Project	Outcome
Landscape Architecture Studio (Gresham)	Students designed Gresham's future streets with emphasis on making use of "found space" within street rights-of-way, safely separating travel modes, and interactions with traditional public transit and parking infrastructure.
Planning for a New Mobility Future in Eugene and Gresham	Students analyzed parking data and micromobility usage to help the cities of Eugene and Gresham plan for emerging technology in transportation. Students recommended phased solutions addressing changes in parking and micromobility.
Future-Proofing Comprehensive Plans in Eugene and Gresham	Students assessed long range plan readiness for deployment of new mobility services and autonomous vehicle and the continued growth of e-commerce deliveries, along with accompanying changes to warehousing and retail stores.
Land Use Planning and Policy (Eugene)	To help Eugene meet its sustainability goals, students collaborated with City staff and conducted research on comparable cities. Students used this information to make recommendations for transportation and parking strategies.
Development Opportunities in Downtown Springfield	Students conducted a site analysis, developed a community engagement plan, and proposed development code amendments to promote economic development in downtown Springfield.
Working Apart Together: Springfield Coworking	Using information obtained from tours and interviews, students developed interior concepts for a coworking space addressing three potential user types: start-ups, parents with young children, and creatives.
Passive Heating Strategies for Disaster Relief Planning (Dunes City)	Students developed passive heating design options for a disaster relief shelter in the event of the predicted 9.0 magnitude Cascadia earthquake and tsunami striking the coast during the winter.

Public Administration Projects

Project	Outcome
New Mobility Services and Autonomous Vehicle Policy Options	Students conducted interviews and reviewed transportation system plans, then made policy recommendations addressing safety, equity, land use, innovation, environmental impact, congestion, active transportation, and data.
Transportation Revenue in the Age of New Mobility	Students evaluated new mobility's potential effects on current revenue sources for Eugene and Gresham. Additionally, students examined innovative sources of revenue that the cities could adopt.
Open Data Policies and Management in Eugene	To help the City of Eugene move toward co-production and citizen science-based data processes, students evaluated the City's current data policies and reviewed literature on data management practices in other localities.
New Mobility in Gresham: Recommendations and Guidelines	Public management students assessed factors to consider when evaluating contracts with new mobility providers. Students analyzed Seattle's bikeshare and Portland's e-scooter contracts to develop recommendations.

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SCYP Sustainable City Year Program

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UNIVERSITY OF OREGON

Sustainable City Year Program

2018-19

Business and Journalism Projects

Project	Outcome
New Mobility Case Study	Student teams analyzed how members of a fictional or real household in Eugene could reduce their reliance on single-occupancy vehicles in daily commutes, local and regional trips, and infrequent travel destinations.
Springfield Stories	Allen Hall Media students planned and conducted promotional photo shoots at local manufacturing and call center facilities to tell the story of Springfield's workforce and highlight economic development in the city.

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SCYP
Sustainable City Year Program

SCI
ustainable Cities Institute

UNIVERSITY OF OREGON

SUSTAINABLE CITY YEAR PROGRAM AGREEMENT
BETWEEN UNIVERSITY OF OREGON AND CITY OF TROUTDALE
MASTER AGREEMENT NO. 221000-01007

This Master Agreement ("Agreement") is between the City of Troutdale, in Oregon ("Client"), and the University of Oregon ("University"), together, "the Parties."

RECITALS:

Client provides a variety of services, programs and infrastructure to meet the needs of Client area residents, businesses, and visitors. To better serve the community, Client proactively pursues partnership and grant opportunities to address known redevelopment, economic development, transportation and parks planning, and general planning needs, subject to available staff time and funding.

On annual basis, the University selects a community in Oregon with which to develop a year-long engagement through the Sustainable City Year Program ("SCYP") program of the University's Sustainable Cities Institute ("SCI"). Through collaboration with the selected community, SCI seeks to promote research, education, service, and public outreach related to the development of livable communities and sustainable cities.

SCYP is a collaboration of faculty and students from multiple academic disciplines, including architecture, landscape architecture, business, journalism, public policy and management, law, and others. Focused on enhanced student learning through an examination of the real-world issues facing local government, SCYP is funded through a variety of grant resources and a match from the selected community.

For its 2020-21 academic year, the University has selected Client for the SCY Program.

Client expects to dedicate staff time and resources for SCYP projects from fund sources appropriated and identified in Client's 2020-21 FY budget for Client to support each project, pending Client budget approval.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Period of Performance

This Agreement is effective on September 29, 2020, and will terminate on September 30, 2021. This Agreement may be extended by mutual written agreement of the parties.

2. Task Orders

"Task Order" refers to the document which authorizes performance of specific classes, or other deliverables, each, "a Project", under this Agreement. A template Task Order is attached as **Exhibit A**. University will perform the services described in each Task Order that has been fully signed by authorized representatives of the parties.

Memoranda of Collaboration (MOC). An MOC will accompany each Task Order and will describe the specific deliverables to be performed for each Project and will include the following:

2.1. A description of the purpose of each class or other deliverables;

2.2. Identified objectives and deliverables;

2.3. A timeline and major milestones;

2.4. Cost per project, and

2.5. Client and University Project-specific contact information.

3. **Project Duties.**

3.1. Duties of Client. Client will develop up to 20 Projects and collaborate with the University to create an MOC for each class-matched Project. Client will provide technical assistance and relevant information in support of the Projects, including but not limited to existing data sets and previously prepared reports, findings, architectural plans and maps, and stakeholder or public engagement activity summaries. Client may be asked to host in-person or remote University student field trips in an effort to establish context for each Project and if needed, provide meeting space for the University student field trips if permitted in accordance with local and/or state health regulations. Client will participate in an in-person or remote Project or SCYP kick-off event, mid-course reviews of University student progress, end of term final presentations, and year-end activities. Client will organize stakeholders or public engagement activities as necessary in support of each Project. Client may involve its public partners as well as private for profit and nonprofit entities in the SCYP subject to University approval.

3.2. Duties of University. The University will, consistent with the MOC for each Project, prepare and provide final reports and University student-generated materials in electronic and paper format. The final reports will present a summary of coursework, key findings, examples of student work, and recommendations for each Project. The final report for each Project will include a summary of the work done over the term as well as an executive summary (if applicable) that highlights lessons learned and key takeaways. University will provide and supervise University students familiar with the Projects to assist in the development of the final reports. The University will assist the Client with planning at least one in-person or remote event in Client city to kick off and/or to conclude the SCYP year to involve University faculty and students and Client officials and staff.

4. **University Obligations.** In addition to other obligations as set forth in this Agreement, the University will have the following obligations:

4.1. University will provide recommendations related to the development of livable communities and sustainable cities as specifically related to each MOC for each Project issued by Client and approved by University. The obligations defined and described in each individual MOC will thereinafter be referred to as "Work."

4.2. Client will not be responsible for providing the University with any labor, materials, supplies, equipment, office space, shop space, reference and background data and information, and all other things necessary for the performance of the Work described in each MOC, except as otherwise expressly provided herein.

5. **Client's Obligations.** Client will pay University the agreed upon fixed fee for each project as set forth in this payment schedule, to be invoiced <u>at the end of Week four of each term.</u>

5.1. Fall Term (begins 9/29/20) – Total of project fees per all Fall term MOCs.

Winter Term (begins 1/4/21) – Total of project fees per all Winter term MOCs.

Spring Term (begins 3/29/21) – Total of project fees per all Spring term MOCs.

Total reimbursement paid by Client to the University for all the Projects under this Agreement will **not exceed $195,000**. Each project is categorized by topic area and total cost per topic area will not exceed the dollar amounts listed in Exhibit B.

6.2 Client will ensure that all payments of the invoiced amounts shall be made by the electronic transfer of funds or by check within 30 days of receipt of invoices from the University.

6. **Invoice and Payment Addresses.**

6.1. Invoice Address. University will submit invoices to:

City of Troutdale
c/o Accounts Payable
219 E. Historic Columbia River Hwy/
Troutdale, OR 97060

6.2. Payment Address. Client will submit payments to:

University of Oregon
c/o Cashiers
P.O. Box 3237
University of Oregon
Eugene, OR 97403-0327

7. Funds Available and Authorized.

Client certifies at the time of signing each Task Order that within Client's current appropriation or limitation it has sufficient funds available and authorized for expenditure to cover all payments that Task Order requires.

8. Termination.

Both parties may mutually agree to terminate this Agreement at any time. Either party may terminate this Agreement with 30 calendar days written notice to the other party's Business Contact. If Client terminates this Agreement, it will pay University for services rendered, work performed, non-cancellable obligations agreed to before the termination date by Client , and costs incurred up to the termination date in conformance with each Task Order.

9. Ownership of the Work Product.

9.1. University Work Product. All work product and intellectual property including, without limitation, any inventions, improvements and discoveries conceived including, all computer software, copyrightable works, material, reports and data created in the course of performance of the Work ("Work Product") University produces under this Agreement is the property of University. University grants to Client a royalty-free, non-exclusive, non-commercial and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, that Work Product.

9.2. Client Work Product. All Work Product Client produces under this Agreement is the property of Client. Client grants to University a royalty-free, non-exclusive and irrevocable license to reproduce, publish, otherwise use, and to authorize others to use, that Work Product for research and educational purposes.

9.3. Joint Work Product. Client and University are joint owners of and both may reproduce, publish or otherwise use, and to authorize others to use the Work Product produced by both parties jointly under this Agreement.

9.4. Infringement Indemnification. Subject to the limitations specified in Section 17 of this Agreement, to the extent allowed under the Oregon Constitution and Oregon Tort Claims Act, Client will fully indemnify and hold harmless University, its agents, officials and employees from any and all claims, demands, suits, actions, proceedings, losses, liabilities, damages, awards and costs of every kind and description (including reasonable attorney's fees and expenses at trial, on appeal and in connection with any petition for review), which may be brought or made against University its agents, officials or employees and arising out of or related to the infringement of any state or federal copyright, trademark or any other applicable intellectual property laws caused by University's use of Client Work Product as provided under this Agreement. Client will promptly notify University in writing of any action, claim or demand which Client reasonably expects to result in an indemnifiable loss. To the extent allowed under the Oregon Constitution and Oregon Tort Claims Act, University will fully indemnify and hold

harmless Client, its agents, officials, and employees from any and all claims, demands, suits, actions, proceedings, losses, liabilities, damages, awards and costs of every kind and description (including reasonable attorney's fees and expenses at trial, on appeal and in connection with any petition for review), which may be brought or made against Client its agents, officials, or employees and arising out of or related to the infringement of any state or federal copyright, trademark or any other applicable intellectual property laws caused by Client's use of University Work Product as provided under this Agreement. University will promptly notify Client in writing of any action, claim or demand which University reasonably expects to result in an indemnifiable loss

10. Insurance.

University is self-insured under ORS Chapter 352.107, with adequate levels of excess liability insurance. The City of Troutdale is self-insured for commercial liability, with adequate levels of excess liability insurance. The City of Troutdale is further insured for transportation and auto liability under ORS Chapter 806.130, with adequate levels of excess liability insurance.

11. Notice and Contacts.

11.1. Notices. Except as otherwise expressly provided in this Agreement, the parties will provide any communications or notices in writing by personal delivery, first-class mail (postage prepaid) or email to the other party at their address set forth below unless either party has designated a different contact with a previous notice.

11.2. Effective Date. All notices a party mails are effective three (3) days after the party mails the notice. All notices a party sends by facsimile or email are effective when the transmitting machine generates receipt of the transmission. All communications or notices a party delivers in person are effective when that party actually delivers the notice.

11.3. Contacts.

Communications concerning work to be performed under this Agreement will be sent to:

Client (Technical)	**University (Technical)**
Chris Damgen	Megan Banks
Community Development Director	Program Director
City of Troutdale	Sustainable City Year Program
2200 SW 18th Way	1209 University of Oregon
Troutdale, OR 97060	Eugene, OR 97403-1209
503-674-7228	541-346-6395
Chris.damgen@troutdaleoregon.gov	mbanks@uoregon.edu

Invoices and communications in regards to this Agreement will be sent to:

Client (Business)	**University (Business)**
Same as Technical Contact	Same as Technical Contact

12. Confidential Information.

12.1. Client Confidential Information. "Confidential Information" is any materials, written information, and data that the Client marks "Confidential" or non-written information and data that the Client discloses and identifies at the time of disclosure to University as confidential and later reduces to writing and transmits to University within 30 days of their non-written disclosure. University agrees to use the same degree of care it uses to protect its own confidential information and, to the extent permitted by law, including but not limited to the Oregon Public Records Law. University's obligations in this section do not apply to information in the public domain or that University independently knows or obtained. Client hereby acknowledges that

any confidential information it discloses to University, or any duty of the University to destroy records upon completion of use, is subject to the provisions of the Oregon Public Records laws.

13.2. University Confidential Information. . "Confidential Information" is any materials, written information, and data that the University marks "Confidential" or non-written information and data that the University discloses and identifies at the time of disclosure to Client as confidential and later reduces to writing and transmits to Client within 30 days of their non-written disclosure. Client agrees to use the same degree of care it uses to protect its own confidential information and, to the extent permitted by law, including but not limited to the Oregon Public Records Law. Client's obligations in this section do not apply to information in the public domain or that Client independently knows or obtained. University hereby acknowledges that any confidential information it discloses to Client, or any duty of the Client to destroy records upon completion of use, is subject to the provisions of the Oregon Public Records laws.

13. Family Educational Rights and Privacy Act.

Client agrees to protect the confidentiality of student information and to comply with the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations, specifically 20 U.S.C. 1232g, 34 C.F.R. § 99.1 et seq., and University Policy 571-020, with respect to any redisclosure of personally identifiable information from education records obtained from the University.

14. Independent Contractors.

The Parties are independent contractors and nothing in this Agreement creates a partnership, agency, or joint venture between the parties. Neither party has the power to bind or obligate the other in any manner, other than as this Agreement expressly sets forth. Each party is responsible for wages, hours, benefits, taxes, and workers' compensation, and conditions of employment of their respective personnel under this Agreement.

15. Choice of Law; Jurisdiction, Venue.

This Contract will be governed and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, or suit between University and Client will be brought and conducted solely and exclusively in the Circuit Court for Marion County for the State of Oregon. However, if any claim, action, or suit must be brought in a federal forum, it will be brought and conducted exclusively in the United States District Court for the District of Oregon.

16. Indemnity.

16.1. University. To the fullest extent permitted by the laws of the State of Oregon, including the Oregon Tort Claims Act, ORS 30.260 et seq., University will protect, indemnify, and save Client harmless from and against any damage, cost or liability for any or all injuries to persons or property arising from University or its employees' or agents' acts or omissions under this Agreement.

16.2. Client. To the fullest extent permitted by the laws of the jurisdiction in which Client's headquarters is located, including the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 et seq., Client will protect, indemnify, and save University harmless from and against any damage, cost or liability for any or all injuries to persons or property arising from Client or its employees' or agents' acts or omissions under this Agreement.

16.3. Limitation of Liability. The parties agree that to the fullest extent permitted by law, neither party shall not be liable to the other party for any special, indirect, or consequential damages whatsoever, whether caused by negligence, errors, omissions, strict liability, breach of contract, breach of warranty or other cause or causes whatsoever, including but not limited to, loss of

profits or revenue.

17. Sovereignty.

Nothing in this Agreement is a waiver of Oregon's or Client's sovereign or governmental immunities.

18. Survival.

All provisions of this Agreement that would reasonably be expected to survive the termination of this Agreement will do so.

19. Severability.

If a court of competent jurisdiction determines any term or provision of this Agreement is invalid or unenforceable to any extent, it will not be affect the remainder of this Agreement, and each term and provision of this Agreement will remain valid and enforceable to the fullest extent law allows

20. No Third Party Beneficiaries.

University and Client are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons

21. Compliance.

The parties agree to comply with all applicable Federal and state laws, including but not limited to those regarding nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, or disability.

22. Non-Waiver.

If either party fails to enforce any provision of this Agreement, it does not constitute that party's waiver of that or any other term or provision of this Agreement.

23. Execution and Counterparts.

The parties may execute this Agreement in counterparts, and via facsimile or electronically transmitted signature (i.e. emailed scanned true and correct copy of the signed Agreement), each of which the parties will consider an original and all of which together will constitute one and the same agreement. At the request of a party, the other party will confirm facsimile or electronically transmitted signature page by delivering an original signature page to the requesting party.

24. Entire Agreement; Modification.

This Agreement, including all exhibits and attachments, constitutes the sole agreement between the parties with respect to is subject matter. The parties may only amend it in writing signed by an authorized representative of each party. Executed Task Orders may only be amended in a writing signed by authorized representatives of each party.

CLIENT	UNIVERSITY OF OREGON
_____	_____
Signature	Signature
_____	_____
Name	Name
_____	_____
Title	Title
_____	_____
Date	Date
Tax ID No. 93-6002268	Tax ID No. 46-4727800

Exhibit A–Template Task Order Cover Sheet

MEMORANDUM OF COLLABORATION

University of Oregon – City of Troutdale

Sustainable Cities Institute

Task Order No. _____

Pursuant to the MASTER AGREEMENT ("Agreement") between _____ ("Client") and University of Oregon ("University") effective _____, University will undertake this Task Order as follows:

1. University staff will provide the services described in Attachment 1, attached hereto and incorporated herein.
2. Period of Performance in conformance with the Agreement requirements and specific requirements of Attachment 1.
3. Fixed Fee: $XX,XXX, payable per Section 6 of this Agreement.
4. Funds Available and Authorized. Client certifies at the time of signing this Task Order that within Client's current appropriation or limitation it has sufficient funds available and authorized for expenditure to cover all payments that this Task Order requires.
5. Additional Terms: none
6. All other Terms and Conditions of the Agreement apply.

Acknowledged and accepted:

UNIVERSITY OF OREGON	**CITY OF TROUTDALE**
By: _____	By: _____
Name: _____	Name: _____
Title: _____	Title: _____
Date: _____	Date:_____

Exhibit B – Project List

A. DESIGN & PLANNING PROJECTS - Projects category is *not to exceed $50,000*.

Town Center – Opportunity Site Development Concepts
The Troutdale Town Center Plan has identified 13 opportunity sites for future development or redevelopment based on public feedback and assignment of preferred land use classifications. The selection of these sites was deliberate, as future investment can have transformative effects not just for the site, but for the Town Center as a whole. We would seek to have development concepts established looking at one or more of these sites in consideration with the preferred land use type.

Town Center – Corridor Improvement Ideas
The Town Center Plan has also identified eight key corridors where public investment is expected to help improve transportation choice and safety. We would seek to have classes look at one or more corridor segment from a design perspective, perhaps in tandem with concepts created from a general accessibility plan that decreases auto dependency and works well with the corresponding opportunity sites along the corridor.

Glenn Otto Park Expansion Design Studio
Students would look at expanding an existing city park to a heavily wooded and relatively constrained property currently owned by the Department of State Lands but potentially transferrable to the City. In particular would be the placement of a trail and/or a disc golf course, working in direct conjunction.

Alternative Transportation Plan(s)
This idea could be further refined to fit a particular course, but the idea stemmed from Town Center planning efforts that sought to consider not only improving bike/pedestrian environment, but also to look at alternative transportation modes, including but not limited to:

- Localized transit (micro-shuttle, trolley)
- Golf cart zone (or connected golf cart corridor with cities of Fairview and Wood Village)
- Electric bikes and scooters
- Autonomous vehicles

Of the aforementioned items, the golf cart study has received the most local interest. There is little research that we could find at present, so that is the most appealing one at the moment. Other items may be studied by consultants and Metro.

Green Infrastructure Plan
In conjunction with the Town Center Plan and the Comprehensive Land Use Plan, we are seeking a general purpose study on how to best incorporate green infrastructure ideas into future development on both private property (through encouragement) and public infrastructure (through policy).

Cottage Cluster Housing Concepts
Working with Staff, present to Planning Commission a hypothetical design that incorporates cottage cluster housing on what had historically been a single-family zoning district. This will involve researching cottage cluster housing, being mindful of recent changes to state law to encourage the site, and evaluating a property or two in the city where these designs might go. In presenting to Planning

Commission, perhaps provide guidance on code performance standards on siting, sizing, and density for such types of development.

B. BUSINESS AND ECONOMIC DEVELOPMENT PROJECTS – Projects category is *not to exceed $40,000.*

Rail Tourism Feasibility
Tied with the idea of the parking garage, the City is intending to work with ODOT to consider congestion relief in the Columbia River Gorge, particularly at Multnomah Falls about 14 miles away. The City would like to begin study of a tourist train that could launch from Troutdale (adjacent to a hypothetical parking facility) and serve as a reliever to the strictly auto or bus oriented ways to get to the top sites in the Gorge. Of particular interest would be to solicit stakeholders, develop a business plan, and learn the details of engaging Union Pacific.

Creation of a Tourism Plan
The City of Troutdale recently retained itself as the destination marketing organization (DMO) for the purposes of tourism promotion and visitor center responsibilities. One effort that needs to occur is the creation of a tourism plan that can best propel Troutdale forward as it considers future outsourcing of some (or all) of those responsibilities. Troutdale recently updated its community branding material, so students/faculty could focus on actionable items and performance planning rather than civic engagement as much.

Food Cart Pod / Mobile Food Vendor Strategies
The City has byzantine standards for mobile food vendors and inadequate standards to properly consider placement of food cart pods. We would like to have a class focused on developing new policies and proposed code language that can simplify the standards and be put to use. Of particular research interest is how other communities handle these efforts, how to properly define the various types of mobile food offerings, and how food cart pods should be handled from a land use review perspective in addition to a utility connection and system development charge perspective.

Hotel Study
Of particular interest for future economic development planning is the consideration of looking at additional hotel or lodging opportunities. We would seek a market analysis that could help us understand if there is demand (COVID era will make that interesting), what type of capacity the market may have, if there is specific need for a conference center, and what sort of recruitment opportunities or incentives the City might need to consider to help with prospective lodging facilities.

System Development Charge Collection Study
The City of Troutdale has historically collected System Development Charge (SDC) payments upon the issuance of a permit required for occupancy. In recent years and in particular in the food/beverage industry, upfront payments have become cost prohibitive and difficult to finance. The City seeks a study to determine if alternate means of collection, tracking, and remittance can be considered. This would not involve an engineering study to change methodology.

Economic Improvement District (EID) / Local Improvement District (LID) Study
An action item from the City's anticipated Town Center Plan is to investigate the feasibility of establishing an EID or LID in the downtown core or greater Town Center overlay district of the community. This would compliment efforts to establish a future Main Street program sanctioned by the State of Oregon and the National Main Street Center.

C. CIVIC ENGAGEMENT PROJECTS – Projects category is *not to exceed $25,000.*

Community Outreach Strategies and Tactics
We would lean on past courses to help us establish the curriculum, but we are attempting to have better community engagement in the City among all stakeholders, but particularly among youth and people of color. This is especially important among folks who are renters.

Non-Profit Consultancy/Optimization
A new arts organization has recently formed in Troutdale, having previously been nested under a (now-foundering) chamber of commerce. They have created a new non-profit organization (Cascadia Arts Alliance) and are probably in need of consulting help to get going. The City is participating in this effort via a (ex-officio) seat on the board and the potential for seed funding to support their efforts. Additional counseling and planning could go a long way.

Event-Strengthening
Once a point of pride in the community, several of Troutdale's community events have been languishing in recent years. We would seek strategies and guidance to event planners (and to the City itself) to help with improving event planning and promotion techniques.

Promotional Video
As part of Troutdale's recent branding efforts, the idea of creating a community brand video that could be tied to a future website or used/spliced in social media accounts is appealing. This appears to have been done for LaPine recently. A script is already developed as part of the branding effort. One inspiration in particular was from Wenatchee, Washington, though we understand the limitations of budgets and time may not yield as big of a deliverable. https://vimeo.com/84895460

D. MULTI-DISCIPLINARY PROJECT – Projects category is *not to exceed $60,000*.

Glenn Otto Park Management Plan
We would seek a framework plan to help us evaluate existing issues and be more mindful of future needs at Glenn Otto Park. The issues that would need to be covered include but are not limited to:

- Parking management and traffic control
- Allowance of dogs
- Strategic Communications to encourage positive behavior and following the rules – communicating in multiple languages
- Relationship with existing business on site (Sugarpine)
- Beach safety and management
- Waste disposal

E. URBAN RENEWAL AREA PROJECTS – Projects category is *not to exceed $100,000*.

The Confluence Parking Facility - Project not to exceed $50,000.
Although cities our size always hear never-ending complaints about available parking, in Troutdale's case, there are some unique factors at play that could hold merit. The development of our urban renewal area (The Confluence) would create tens of millions in investment and a preferred development pattern would seek to look at a centralized parking facility. If that is done, the preference would be that this

facility serves not only the urban renewal site but also downtown. We would want both a design consideration and an analysis on municipal financing options. We were particularly inspired by the facility that was considered for the City of Springfield looking at cross-laminated timber as a potential angle to that effort. https://www.srgpartnership.com/work/glenwood-clt-parking-garage

Bike/Ped/Golf Cart Bridge between the Confluence and Downtown - Project not to exceed $50,000. In conjunction potentially with a studio for a parking garage, we would seek ideas and budget estimates on spanning the space over railroad tracks to connect downtown Troutdale with the Confluence site.

F. OTHER PROJECT IDEAS – **-** Projects category is *not to exceed $50,000*.

- Climate Action Plan
- Vulnerability Assessments (hazard mitigation planning)
- Developing a housing grant program to support rehabilitation projects/energy efficiency
- Creating a Youth Engagement strategy or Youth Corps

Exhibit C - Troutdale SCYP Expected Courses

as of September 16, 2020

Term	Class #	Status	City Project	UO/PSU Class	Faculty	Class Size	Cost
Fall Term	1	Confirmed	Town Center - Opportunity Site 7 Windust Property Research	Planning Analysis I (PPPM 613)	Anne Brown	16	$15,000
	2	Confirmed	Windust Property	Intro Planning Practice (PPPM 611)	John Arroyo	16	part of class 1
	3	Confirmed	Windust Property	Human Settlements (PPPM 617)	Gerardo Sandoval	16	part of class 1
	4	Confirmed	EID/LID; SDC Collection Methodology; Capital Improvement Plan Review	Public Budget Admin (PPPM 629)	Rebecca Lewis	20	$12,000
	5	Likely	Tourism & Economic Development Website & Social Media Content	Campaigns (J454)	Dean Mundy	24	$10,000
Winter Term	6	Confirmed	URA Bike/Ped Bridge Design	PSU Civil Engeineering Capstone (CEE XX)	Evan Kristof	TBD	TBD
	7	Confirmed	Transportation Policy URA Parking Garage	Transportation Policy (PPPM XX)	Anne Brown	TBD	TBD
	8	Interest	Community Outreach Campaign	Reporting with Communities (J XX)	Andrew DeVigal	TBD	TBD
	9	Maybe	Event-Strengthening	Campaigns/Strategic Planning (J XX)	Dean Mundy	TBD	TBD
Spring Term	10	Interest	Cottage Cluster Standards Vulnerability Assessment	Law (LAW XX)	Sarah A-S	TBD	TBD
	11	Confirmed	Town Center - Opportunity Site 7 Windust Property Design	Architecture Studio (ARCH 683)	Jerolim Mlandivov	TBD	TBD
	12	Confirmed	Climate Adaptation Crosswalk	Design for Climate Action (LA XX)	Yekang Ko	TBD	TBD
	13	Confirmed	URA Bike/Ped Bridge Design	PSU Civil Engineering Capstone (2nd term) (CEE XX)	Evan Kristof	TBD	TBD
	14	Confirmed	Alternative Transportation Plan	Transportation Planning (PPPM XX)	Anne Brown	TBD	TBD
	15	Confirmed	Cascade Arts Alliance Nonprofit	Nonprofit Consultancy (PPPM XX)	Dyana Mason	TBD	TBD
				Total Costs not to exceed $195,000		**Program Total Costs (as of 9/16)**	**$37,000**

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A MASTER AGREEMENT WITH THE UNIVERSITY OF OREGON FOR PARTICIPATION IN THE SUSTAINABLE CITY YEAR PROGRAM

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Sustainable Cities Year Program (SCYP) is a unique collaborative opportunity between the University of Oregon and a local jurisdiction to provide them with learning opportunities for faculty and students while generating reports, studies, and recommendations to communities on a variety of issues pertaining to local governance.

2. The City of Troutdale has numerous smaller projects that are aligned with long-term projects and anticipated Council goals that could benefit from the potential investigation, research, and reporting that the SCYP program could offer.

3. Establishing a relationship with SCYP could yield interesting and productive outcomes that can help advance issues to future study or implementation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. The City Manager is hereby authorized to sign a master agreement with the University of Oregon to participate in the Sustainable Cities Year Program for the 2020-2021 academic term.

Section 2. The total “do not exceed” cost to the City shall be set at $195,000.

Section 3. This resolution does not approve any specific project, class, studio, or course of study and compels the City Manager to finalize those details in a matter that provides tangible and constructive benefit to the City in alignment with Council goals.

YEAS:
NAYS:
ABSTAINED:

_____
Casey Ryan, Mayor

_____
Date

_____
Sarah Skroch, City Recorder
Adopted:

AGENDA ITEM #9

CITY OF TROUTDALE

STAFF REPORT

SUBJECT / ISSUE: Resolution Approving The 2020 Council Priorities and Tactical Direction.	
MEETING TYPE: City Council Regular Mtg. **MEETING DATE:** September 22, 2020	**STAFF MEMBER:** Ray Young **DEPARTMENT:** Executive
ACTION REQUIRED: Resolution **PUBLIC HEARING:** No	**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:** N/A **Comments:**
STAFF RECOMMENDATION: Staff recommends approval of Council Priorities and Tactical Steps	
EXHIBITS: **A.** Excel Spreadsheet of Ranked Council Goals **B.** 2020 Troutdale City Council Priorities & Tactical Direction to Staff.	

SUBJECT / ISSUE RELATES TO:

☒ Council Goals ☐ Legislative ☐ Other (describe)

ISSUE / COUNCIL DECISION & DISCUSSION POINTS:

- Should Council adopt City priorities as discussed and approved at several work sessions
- Should Council approve the tactical steps staff should take to accomplish each goal as previously discussed.

Reviewed and Approved by City Manager:

BACKGROUND:

On February 4th, the City Council had a Work Session which was moderated by Mike Abbate. The purpose of the session was to discuss potential City goals, select the most important and then prioritize them. Attached as Exhibit A is the result of that process.

On June 30th, the City Council had another Work Session which was also moderated by Mike Abbate. The purpose of the session was to review the previously determined priorities and discuss tactical steps to accomplish each priority. Attached as Exhibit B is the result of that discussion.

The establishment of Council Priorities, and tactical steps to accomplish those priorities, is an important statement to the residents. It reflects what projects they want staff to pursue in the community. By clearly directing staff on priorities and tactical steps, staff is better able to focus its time and energy on projects that are most important to the residents.

PROS & CONS:

Pros:

- Council makes an intentional statement of what is important to the residents.
- Staff has clear direction on the most important issues to direct resources and time on.

Cons:

- Residents and Staff do not have clear direction of the most important projects to be accomplished.

Current Year Budget Impacts: ☐ Yes *(describe)* ☐ N/A

Future Fiscal Impacts: ☐ Yes *(describe)* ☐ N/A

City Attorney Approved: ☐ Yes ☐ N/A

Community Involvement Process: ☐ Yes *(describe)* ☐ N/A

Exhibit A

9/22/20 Council Mtg. Item #9

2020 Troutdale City Council Priorities

Date Created: Feb. 4, 2020 Council Work Session

Date Updated:

Mike Abbaté, Facilitator

THEME or FOCUS AREA	NO.	DESIRED OUTCOME	COUNCIL PRIORITY RANKING 2/4/20	NO. OF COUNCIL VOTES 2/4/20	STRATEGIC MEASURES	METRICS OF SUCCESS	RELATIVE PRIORITY (H, M, L)	TARGET COMPLETION DATE	RESPONSIBLE PARTY	NOTES
DEVELOPMENT	1	**Negotiate High-Quality Development Agreements for URA**	6	4						
	2	**Promote Economic Development with businesses in the citya plan to attract new businesses to Troutdale**	2	5						
	3	**Develop a plan for City-Owned Riverfront properties along Sandy and Columbia Rivers**	8	2						
ASSET MANAGEMENT	4	**Explore options for existing City Hall property**	2	5						
	5	**Determine how to best consolidate the location of the functions of city government.**	1	6						
COMMUNICATION & MARKETING	6	**Marketing & Tourism Promotion of Troutdale**	2	5						
PUBLIC SAFETY	7	**Propose ways to improve Public Safety and Monitor Effectiveness of new Community Resource Officer**	2	5						
GOVERNANCE	8	**Improve communication and collaboration with stakeholders such as Reynolds School District, Metro, County and State, Fairview, Wood Village, Gresham**	7	3						

THESE ITEMS WERE DISCUSSED, BUT REMOVED FROM THE COUNCIL PRIORITIES LIST	Explore re-acquiring control of roads from Multnomah County
	Consider re-establishing local Police and Fire Depts; perhaps in partnership with Wood Village and/or Fairview (delay effort for 2 -3 years)
	Increase livability by addressing homelessness
	Increase communication between Mayor, City Manager and Councilors
	Finalize Committee Selection process
	Increase collaboration with neighboring communities
	Consider compensation for Mayor and Councilors
	Create a Staff Economic Development Director
	Explore methods to incentivize downtown businesses

Exhibit B
9/22/20 Council Mtg. Item #9

2020 Troutdale City Council Priorities & Tactical Direction to Staff

ASSET MANAGEMENT

Explore options for existing City Hall property

- Explore the options for sale of the property to a developer with some conditions and incentives for renovating the building

Determine how to best consolidate the location of the functions of city government.

- Pursue new leased space (preferably with an option to buy) to consolidate most of City Hall functions in a single location

DEVELOPMENT

Negotiate High-Quality Development Agreements for URA

- Create a staff position & department to focus on Economic Development
- Create a Framework Plan for the URA properties
- Hire Consultant as needed to support new Economic Development Dept.

Promote Economic Development with businesses in the City

- Develop a plan to attract new businesses to Troutdale within focused geographical areas with clear parameters
- Discount some commercial SDCs for specific businesses and areas
- Create a storefront improvement grant program to help businesses improve their exterior façade, subject to City approvals

Develop a plan for Riverfront properties along Sandy River

- Push to design, fund and finish the Sandy River Trail
- Develop a plan for riverfront properties that aligns with URA and other City Plans

COMMUNICATION & MARKETING

Marketing & Tourism Promotion of Troutdale

- Create an Economic Development and Tourism department within the City.

PUBLIC SAFETY

Propose ways to improve Public Safety

- Establish a new citizen's Public Safety & Equity Committee to recommend a course of action and priorities for the 2021-2022 fiscal year

GOVERNANCE

Improve communication and collaboration with stakeholders such as Reynolds School District, Metro, County and State, Fairview, Wood Village, Gresham

- Maintain regular schedule of staff "check-in" meetings with partners
- Maintain regular schedule of Mayoral informal meeting with partners
- Explore options for providing Fire Service to Troutdale, including consolidation with neighboring cities or individual fire department

RESOLUTION NO.

A RESOLUTION APPROVING THE 2020 CITY COUNCIL PRIORITIES AND TACTICAL DIRECTION.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. That to consider the vision and goals for the community the City Council on February 4, 2020 held a Work Session moderated by Mike Abbate to discuss and identify potential City goals.

2. That the City Council conducted a follow up Work Session moderated by Mike Abbate to discuss, select, prioritize, and finalize a consensus of the 2020 Council Goals.

3. That the purpose of the goals is to focus the efforts of the City Council and City staff on specific plans of action to achieve certain priorities.

4. That the City through its Home Rule Authority powers granted or allowed to it as provided in the constitution and statutes, maintains exclusive jurisdiction over all matters that the City may regulate, including the provision of existing services and programs including but not limited to; Public Safety (Police), Fire and EMS, Planning and Building Codes, Water, Stormwater and Sewage Collection and Treatment utility services, Transportation (Streets/Pathways) maintenance, Municipal Court, Parks and Recreation.

5. That as time and resources allow following the provision of existing services and programs, the City frequently pursues quality of life initiatives and programs such as economic development, code enforcement, parks and open spaces, recreation, environmental issues and other local, regional, state and national issues.

6. That adoption of the consensus 2020 Council Priorities and Tactical Direction to Staff is pursuant to Troutdale Municipal Code (TMC) chapter 2.08.220, and is in the best interest of the City, providing a unified purpose of the elected officials in allocating the limited City resources toward mutually agreed upon goals.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. That in accordance with the findings set forth above, the City Council hereby adopts the *2020 Council Priorities and Tactical Direction to Staff*, as attached hereto as Attachment A and by this reference incorporated herein.

Section 2. That the powers, actions and measures taken by the City Manager and Staff in pursuit of these 2020 Council Priorities are subordinate to the provision of existing City services and programs as established by the Troutdale Municipal Code (TMC), Resolutions, adopted infrastructure master plans, and the adopted FY 2020-2021 City Budget resource allocations.

Section 3. That the Finance Director is authorized to disburse funds, as necessary to fulfill the intent of this resolution and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 4. This Resolution shall take effect immediately upon adoption.

YEAS:
NAYS:
ABSTAINED:

_____
Casey Ryan, Mayor

_____
Date

_____
Sarah Skroch, City Recorder
Adopted:

Attachment "A" to
Resolution #

2020 Troutdale City Council Priorities & Tactical Direction to Staff

ASSET MANAGEMENT

Explore options for existing City Hall property

- Explore the options for sale of the property to a developer with some conditions and incentives for renovating the building

Determine how to best consolidate the location of the functions of city government.

- Pursue new leased space (preferably with an option to buy) to consolidate most of City Hall functions in a single location

DEVELOPMENT

Negotiate High-Quality Development Agreements for URA

- Create a staff position & department to focus on Economic Development
- Create a Framework Plan for the URA properties
- Hire Consultant as needed to support new Economic Development Dept.

Promote Economic Development with businesses in the City

- Develop a plan to attract new businesses to Troutdale within focused geographical areas with clear parameters
- Discount some commercial SDCs for specific businesses and areas
- Create a storefront improvement grant program to help businesses improve their exterior façade, subject to City approvals

Develop a plan for Riverfront properties along Sandy River

- Push to design, fund and finish the Sandy River Trail
- Develop a plan for riverfront properties that aligns with URA and other City Plans

COMMUNICATION & MARKETING

Marketing & Tourism Promotion of Troutdale

- Create an Economic Development and Tourism department within the City.

PUBLIC SAFETY

Propose ways to improve Public Safety

- Establish a new citizen's Public Safety & Equity Committee to recommend a course of action and priorities for the 2021-2022 fiscal year

GOVERNANCE

Improve communication and collaboration with stakeholders such as Reynolds School District, Metro, County and State, Fairview, Wood Village, Gresham

- Maintain regular schedule of staff "check-in" meetings with partners
- Maintain regular schedule of Mayoral informal meeting with partners
- Explore options for providing Fire Service to Troutdale, including consolidation with neighboring cities or individual fire department