



FINAL AGENDA

FORREST C. SOTH CITY COUNCIL CHAMBER
4755 SW GRIFFITH DRIVE
BEAVERTON, OR 97005

REGULAR MEETING
NOVEMBER 14, 2005
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meeting of November 7, 2005

- 05211 Liquor License Application: Greater Privilege - Copper Monkey
- 05212 Compensation Approval and Transfer Resolution (Resolution No. 3841)
- 05213 A Resolution Approving Petitions for Annexation of Territory Within the City of Beaverton to the Tualatin Hills Park and Recreation District (Resolution No. 3842)

ORDINANCES:

First Reading:

- 05214 An Ordinance Amending the Beaverton Code by Adding New Provisions in Chapter Two Relating to the Inventory of Prisoner Personal Property (Ordinance No. 4377)

Second Reading:

- 05207 CPA 2005-0003/ZMA 2005-0002 WCCCA at Highway 217 and SW Park Way; An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map, for a Portion of a Parcel Located North of SW Park Way West of Highway 217 (Ordinance No. 4373)

- 05208 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for 23 Parcels Located South of Allen Boulevard, on the East Side of Hall Boulevard, West of Bruce Lane and North of Metz Street; CPA 2005-0004/ZMA 2005-0005 (Ordinance No. 4374)
- 05209 An Ordinance Amending Ordinance No. 4187 Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map, for Property Located at 9355 SW 166th Avenue; CPA 2005-0009/ZMA 2005-0008 (Ordinance No. 4375)
- 05210 An Ordinance Amending Chapter 9 of the Beaverton Code Relating to Neighborhood Association Committees (NACs) (Ordinance No. 4376)

EXECUTIVE SESSION:

In accordance with ORS 192.660 (2) (h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed and in accordance with ORS 192.660 (2) (e) to deliberate with persons designated by the governing body to negotiate real property transactions and in accordance with ORS 192.660 (2) (d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations. Pursuant to ORS 192.660 (3), it is Council's wish that the items discussed not be disclosed by media representatives or others.

ADJOURNMENT

This information is available in large print or audio tape upon request. In addition, assistive listening devices, sign language interpreters, or qualified bilingual interpreters will be made available at any public meeting or program with 72 hours advance notice. To request these services, please call 503-526-2222/voice TDD.

D R A F T

BEAVERTON CITY COUNCIL
REGULAR MEETING
NOVEMBER 7, 2005

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, November 7, 2005, at 6:35 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Dennis Doyle, Fred Ruby. Coun. Cathy Stanton was excused. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief David Bishop and City Recorder Sue Nelson.

PROCLAMATIONS:

Mayor Drake proclaimed November 2005 as Prematurity Awareness Month and Mediation Month. He stated the City had an outstanding Mediation Program.

PRESENTATIONS:

05200 Beaverton City Library's Ranking in Hennen's American Public Library Ratings

Library Director Ed House presented a PowerPoint slide presentation concerning the City Library's ranking in the Hennen's American Public Library Ratings (HAPLR). He said the HAPLR rated 9,000 public libraries throughout the country based on 15 input and output measures; examples were budget, staff, circulation and patron visits. He said the perfect score was 1,000. He said Oregon was rated number three in the nation, out of 50 states and the District of Columbia. He said the City's Library received 833 points, an increase of two points from 2004; and the Oregon State average was 686 points. He said the Library rated very high in terms of FTE staff per 1,000 population, collection turnover, circulation per capita, circulation per hour, reference per capita, visits per capita and visits per hour.

House said the Beaverton Library was the top library among libraries serving populations of 100,000 to 249,999; Salem was second and Hillsboro third. He said when all libraries in the State were ranked, Beaverton ranked fourth; Lake Oswego Library was first, Corvallis-Benton County Library was second; and Multnomah County Library was third. He added that five of the top ten libraries in the State were in Washington County

Cooperative Library Services libraries. He said the City Council, Library staff and the public could be very proud of their City Library.

Coun. Doyle asked if this was a yearly ranking.

House replied the HAPLR was an annual ranking; however, the ranking was a couple of years old due to the time it takes to turn in all the statistics to the State Library and the Federal clearinghouse. He said HAPLR uses the information from the Federal clearinghouse, so there was a lag time. He said the data for this ranking was from 2003.

Mayor Drake complimented House and his staff for doing an excellent job and providing outstanding service.

05202 Oregon Accreditation Alliance Award to the Beaverton Police Department

Mayor Drake said the Beaverton Police Department just received its new certification through the State of Oregon. He presented the Oregon Accreditation Alliance Award to Chief of Police Dave Bishop and to the members of the Police Department. He said this Award represented the outstanding work of the Beaverton Police Department. He said the Award means the Police Department has attained a high standard of ranking and professionalism in all areas of its work. He said this was the highest form of praise a police department could receive. He complimented Chief Bishop and his staff for their excellent work and he presented the Award to the Chief.

Chief Bishop thanked Mayor Drake and stressed the accreditation process was a team effort. He complimented the whole Police Department and Michelle Harrold, the manager for this project. He said it was a challenging project that required a great deal of commitment. He thanked Mayor Drake for his support as they worked through the process.

Coun. Bode said she continued to be impressed by the Police Department's training and retraining. She said the crimes they face today were different from the crimes of yesteryear. She said it takes new training and new standards to keep the community safe. She said this accreditation speaks to the fact that the Police Department is current and aware of today's problems. She said she appreciated every individual who wears the police badge as she could never do their job. She said she always hears positive comments about the Police Department from citizens and she applauded them for she was proud of them all.

Coun. Doyle also thanked the Police Department staff and said the community has a high regard for them.

05201 Presentation of Proposed Revisions to the Municipal Code Pertaining to the Neighborhood Association Committees (NACs)

Chief of Staff Linda Adlard introduced Neighborhood Program Manager Megan Callahan. Adlard said Callahan worked hard with the neighborhood groups to update the Code to meet the needs of the Neighborhood Association Committees (NACs). She said the Code had not been updated since 1987. She said the review of the Code took over a year to ensure that all interested parties had the opportunity to participate.

Callahan said there were three reasons for updating the City Code. She said the first was to update the language, the second was to codify current practices, and the third was to include a section regarding NAC appeals. She said there were no written guidelines for the NAC appeal process and it was important to include these guidelines and criteria in the Code.

Callahan said the public involvement process used to develop the proposed Code revisions was very important. She thanked the NAC leadership for participating in these meetings. She said staff meets quarterly with the NAC leadership (elected officers of the NAC) and it was at the November 2004 meeting that the proposed revisions were first discussed. She said since then staff has worked with NAC leaders to develop the proposed revisions, which were now before Council.

Coun. Bode asked if she had received any negative, unresolved feedback.

Callahan replied she had not.

Coun. Ruby said the revisions made a lot of sense. He asked if either Callahan or Adlard had an opinion about city councilors attending NAC meetings. He said his practice has been to not attend the NAC meetings unless invited, because it could effect the discussion or there might be a land use issue on the agenda that he might have to consider later.

Callahan said she had not received any specific feedback from the NACs regarding city councilors attending the meetings. She said she thought the NAC members would be honored to have councilors attend. She agreed there were a number of issues the NACs discussed that may make it difficult for a councilor to attend.

Adlard said there were opportunities where councilors could attend without a conflict. She said planning could be done to give councilors an opportunity to attend a couple of meetings per year and to arrange an interesting agenda. She said citizens enjoy hearing from the Mayor and Council on many topics.

Coun. Ruby said he would be happy to participate if there was interest from the NACs.

Coun. Doyle said he had attended some NAC meetings and they appreciated the interest. He said in the one case where there was an item on the agenda that might have come before Council, he excused himself from the meeting. He said it was a good way to get the pulse of the neighborhoods. He also said he was glad they updated the Code and gave the NACs leadership opportunities to comment.

Adlard said the City receives a lot of positive feedback from the Picnic in the Park series. She said the citizens enjoy talking with their councilors; the picnics provided more opportunity for councilors to speak with citizens than the NAC meetings.

Mayor Drake said the NAC meetings were different from the Council meetings; people tend to be more candid at NAC meetings and relate how they feel about issues.

VISITOR COMMENT PERIOD:

There were none.

COUNCIL ITEMS:

Coun. Doyle said the Westside Police Activities League (PAL) was having a special dessert/art show evening on Thursday, November 17, 2005, from 6:00 to 9:00 p.m., at Moonstruck Chocolates. He said artwork would be on display and available for sale, and chocolate, fine wines and beer would be served.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

Mayor Drake said Agenda Bill 05024 was being pulled from the Consent Agenda for separate consideration and presentation by staff.

Coun. Bode MOVED, SECONDED by Coun. Doyle, that the Consent Agenda be approved as follows:

Minutes of the Regular Meeting of October 24 and the Special Meeting of October 26, 2005

05203 Liquor Licenses: Change of Ownership - Hooters; New Outlet - Aoba Sushi Café

05204 Pulled for Separate Consideration - Authorization to Fund Escrow for the Purchase of the Regal Theater Property - Tax Lots 1S116AA06800 and 1S109DD00400 and Specific Purpose Grant Budget Adjustment and Transfer Resolution (Resolution No. 3839)

05205 Authorize the Mayor to Sign an Amendment to the Intergovernmental Agreement with Washington County Oregon, to Continue to Participate in the Department of Homeland Security's Urban Area Security Initiative Grant Awarded to the City of Portland and Approve the Specific Purpose Grant Budget Adjustment Resolution (Resolution No. 3840)

05206 Traffic Commission Issues No.:

TC 581 - Stop Sign on SW Cornhusker Avenue at Cottontail Lane;

TC 582 - Revision to 15-Minute Parking Zone on SW Broadway;

TC 583 - Centerline Striping and Parking Restrictions at SW 148th Terrace and Telluride Terrace;

TC 584 - Traffic Signal at SW Denney Road and Lombard Avenue

Question called on the motion. Couns. Arnold, Bode, Doyle and Ruby voting AYE, the MOTION CARRIED unanimously. (4:0)

05204 Authorization to Fund Escrow for the Purchase of the Regal Theater Property - Tax Lots 1S116AA06800 and 1S109DD00400 and Specific Purpose Grant Budget Adjustment

and Transfer Resolution (Resolution No. 3839) (Pulled From Consent Agenda For Separate Consideration)

City Attorney Alan Rappleyea said this property has had a history since 1977; the connection between Rose Biggi Avenue and the Regal Cinema has been in the Transportation Element of the Comprehensive Plan (Table 6.4) since 1977; it was discussed and adopted through the public hearing process at that time.

Rappleyea said in 1998 the Council, in the public hearing process for bringing the light rail through that area agreed to spend \$480,000 of City funds to enhance the ballast underneath the light rail tracks so it would be available for the crossing when the property was eventually purchased. He said this development has been discussed many times over the years in discussions regarding The Round project. He said this was publicly discussed at Metro's JPAC (Joint Policy Advisory Committee) meetings when the City requested funding to purchase the Regal Cinema and construct the road; and also during the MTIP (Major Transportation Improvement Program).

Rappleyea said although this was planned for a long time, it was not budgeted because the City had to wait for the owner to sell. He said the owner now wished to sell and the City has negotiated a sales transaction; this was why the City was now preparing to spend \$2,335,000 from the General Fund Contingency. He said the intent is that once the road is built, the balance will be remarketed to assist in the redevelopment plan and reimburse the Contingency Account. He said this has been well discussed in the public; he referred to seven articles in the Oregonian that talked about the sale and redevelopment of this property.

Adlard reviewed past policy issues. She said in July, 2000 the Council adopted the Economic Development Strategic Plan through a lengthy public process. She said under that Plan was Goal C, to support business development through an effective transportation system, targeted land redevelopment and adequate infrastructure. She said the Plan then discussed business districts and proposed redevelopment through land banking. She said land banking was a tool to acquire key sites and remarket them with specific conditions designed to meet City goals. She said this document has been in place for a number of years and it clearly guides the Economic Development staff and managers in the redevelopment of the downtown.

Adlard said acquiring this land and road creates great economic opportunities for the community. She reviewed economic output projections developed by an analyst from the State Department of Housing and Community Services. She said this analysis indicated that the economic output for a \$77 million project of four to five acres (The Round is the same size and between \$80-90 million), will have an economic input (based on 2002 dollars) of \$136,000,000 to the community and surrounding area. She said the labor impact would be \$56,000,000 and the employment gain would be a total of about 1400 employment opportunities in the next few years, beginning about 2007. She said this was a huge opportunity; Beaverton has not had 1,400 jobs influenced by a 4.5 acre piece of property.

Coun. Arnold asked if Regal Cinemas sold the property to someone other than the City would it still have to keep the right-of-way open for the City to extend the road.

Mayor Drake said the City would be forced to condemn the property and purchase it, or it would be an inverse condemnation.

Rappleyea said it would most likely require the City to purchase the property through condemnation which was costly and difficult, often resulting in bad feelings.

Adlard said the Westgate Theater itself has no value in the appraisal. She said if a different type of business was located there, it would have to be relocated which would be very expensive. She said by having a negotiated sale and purchase agreement the City has saved millions of dollars in relocation costs.

Coun. Arnold summarized that Regal Cinema was ready to sell the property and it seemed like the right time to purchase the land since it could be done without condemnation. She said if the City chose not to buy the property for another 15 years, and someone else bought that property to build a bowling alley, the City would have to condemn the property and buy it now, or let them build their bowling alley and buy it later at a higher cost because they would have to relocate the bowling alley.

Adlard said that was correct. She said the City approached Regal Cinemas for a purchase agreement versus condemnation. She said they talked to them a few years ago about the Transportation Plan, giving them notice that within the next few years this would be an issue for them and they would need to consider how they wished to deal with this from a business standpoint. She said with the new theaters in the area the Regal business had declined and they were happy to reinvest this money into their business plan in another area. She said this has helped the City with the issue of the Transportation Plan and in future downtown redevelopment. She said this also prevented a situation that could have created bad feelings for a lucrative business that did not want to leave. She said she felt they were fortunate to be able to do this in the center of the downtown.

Coun. Ruby said he appreciated the background; there was a lot of negotiation for this was a vital piece of property. He said in spending the \$2.3 million, the City would get a dollar-for-dollar match from other governmental agencies interested in seeing this property improve. He said this would allow productive development in that area.

Mayor Drake said the contingency was more than just emergency funds; it was for unforeseen expenses which could be positive expenses. He said the Council and Budget Committee have taken a prudent approach in budgeting. He said this money has been set aside for rainy days and opportunities, and the City has been prudent in how it spends tax payer money. He said it is anticipated that within a short period this property will be sold to a new developer and the money that is being expended from the General Fund Contingency would come back to the City.

Coun. Doyle MOVED, SECONDED by Coun. Bode, that Council approve Agenda Bill 05204, Authorization to Fund Escrow for the Purchase of the Regal Theater Property - Tax Lots 1S116AA06800 and 1S109DD00400 and Specific Purpose Grant Budget Adjustment and Transfer Resolution (Resolution No. 3839).

Coun. Doyle said the potentialities this presents for the City were wide ranging and this was a unique opportunity in developing the core of the City. He said he thought the

Council was wise in exercising its right to purchase the property at this time. He said he was glad staff was able to work this out for Regal was a willing seller and the City was a willing buyer.

Question called on the motion. Couns. Arnold, Bode, Doyle and Ruby voting AYE, the MOTION CARRIED unanimously. (4:0)

ORDINANCES:

Coun. Doyle MOVED, SECONDED by Coun. Bode, that the rules be suspended, and that the ordinances embodied in Agenda Bills 05207, 05208, 05209 and 05210, be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Arnold, Bode, Doyle and Ruby voting AYE, the MOTION CARRIED unanimously. (4:0)

First Reading:

Rappleyea read the following ordinances for the first time by title only:

- 05207 CPA 2005-0003/ZMA 2005-0002 WCCCA at Highway 217 and SW Park Way; An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map, for a Portion of a Parcel Located North of SW Park Way West of Highway 217 (Ordinance No. 4373)
- 05208 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for 23 Parcels Located South of Allen Boulevard, on the East Side of Hall Boulevard, West of Bruce Lane and North of Metz Street; CPA 2005-0004/ZMA 2005-0005 (Ordinance No. 4374)
- 05209 An Ordinance Amending Ordinance No. 4187 Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map, for Property Located at 9355 SW 166th Avenue; CPA 2005-0009/ZMA 2005-0008 (Ordinance No. 4375)
- 05210 An Ordinance Amending Chapter 9 of the Beaverton Code Relating to Neighborhood Association Committees (NACs) (Ordinance No. 4376)

Second Reading:

Rappleyea read the following ordinances for the second time by title only:

- 05197 An Ordinance Amending Beaverton Code Chapter 4 by Adding New Provisions Relating to Sanitary and Storm Sewer Maintenance Charges (Ordinance No. 4371)
- 05198 An Ordinance Annexing Two Parcels, and Associated Right-of-Way, Located at 9355 SW 166th Avenue to the City of Beaverton: Expedited Annexation 2005-0010 (Ordinance No. 4372)

Coun. Doyle MOVED, SECONDED by Coun. Bode, that the ordinances embodied in Agenda Bills 05197 and 05198, now pass. Roll call vote. Couns. Arnold, Bode, Doyle, and Ruby voting AYE, the MOTION CARRIED unanimously. (4:0)

RECESS:

Mayor Drake called for a brief recess at 7:30 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 7:40 p.m.

EXECUTIVE SESSION:

Coun. Ruby MOVED, SECONDED by Coun. Bode, that Council move into executive session in accordance with ORS 192.660(2)(h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed. Couns. Arnold, Bode, Doyle and Ruby voting AYE, the MOTION CARRIED unanimously. (4:0)

The executive session convened at 7:40 p.m.

The executive session adjourned at 7:45 p.m.

The regular meeting reconvened at 7:45 p.m.

ACTION ITEM:

Coun. Bode MOVED, SECONDED by Coun. Doyle, that Council direct the Finance Director to include an additional \$50,000 in the next supplemental budget towards the resolution of the NIKE litigation. Couns. Arnold, Bode, Doyle and Ruby voting AYE, the MOTION CARRIED unanimously. (4:0)

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 7:48 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this day of , 2005.

Rob Drake, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: LIQUOR LICENSE APPLICATION: FOR AGENDA OF: 11/14/05 BILL NO: 05211

GREATER PRIVILEGE
Copper Monkey
6540 SW Fallbrook Place

MAYOR'S APPROVAL: *Bob Drake*

DEPARTMENT OF ORIGIN: Police *[Signature]*

DATE SUBMITTED: 11/01/05

PROCEEDING: Consent Agenda

EXHIBITS: None

BUDGET IMPACT

| EXPENDITURE REQUIRED \$ 0 | AMOUNT BUDGETED \$ 0 | APPROPRIATION REQUIRED \$ 0 |
|------------------------------|-------------------------|--------------------------------|
|------------------------------|-------------------------|--------------------------------|

HISTORICAL PERSPECTIVE:

A background investigation has been completed, and the Chief of Police has found that the applicant meets the standards and criteria as set forth in B.C. 5.02.240. The City has published in a newspaper of general circulation a notice specifying the liquor license applications.

INFORMATION FOR CONSIDERATION:

Altair Entertainment, Inc. has made application for Greater Privilege for its restaurant, Copper Monkey. It is requesting to change from an Limited On-Premises Sales License to a Full On-Premises Sales License. The restaurant operates seven days a week, Sunday through Thursday, 11:00 a.m. to 7:00 p.m., and Friday and Saturday, 11:00 a.m. to 9:00 p.m. There is no entertainment offered. A Full On-Premises Sales License allows the sale of distilled spirits, malt beverages, wine and cider for consumption at the licensed business.

RECOMMENDED ACTION:

The Chief of Police for the City of Beaverton recommends City Council approval of the OLCC license application.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Compensation Approval and Transfer Resolution

FOR AGENDA OF: 11-14-05 **BILL NO:** 05212

Mayor's Approval: 

DEPARTMENT OF ORIGIN: HR 

DATE SUBMITTED: 11-07-05

CLEARANCES: Finance
CDD



PROCEEDING: Consent Agenda

EXHIBITS: Transfer Resolution
Exhibit I – Local Market Comparison w/Recommendation
Exhibit II – Premium Pay Matrix

BUDGET IMPACT

| EXPENDITURE | AMOUNT | APPROPRIATION |
|-------------------|---------------|-------------------|
| REQUIRED \$23,930 | BUDGETED \$0* | REQUIRED \$23,930 |

*The additional appropriation is available from the Building Operating Fund's Contingency Account and will be established through the attached Transfer Resolution.

HISTORICAL PERSPECTIVE:

- Historically, construction inspections and plan reviews have been completed (as required by State law) by separate certified Building/Mechanical, Plumbing and Electrical Staff.
- Inspectors with multiple certifications enhance customer service and efficiency by allowing a single inspector to perform building, mechanical, plumbing and electrical inspections during a single visit.
- Homeowners are better served by only needing to coordinate inspections with a single inspector, instead of multiple inspectors.
- Multi-certified inspectors/plans examiners greatly improve the division's ability to meet fluctuating workloads (i.e., if the Plumbing inspection staff is overloaded or shorthanded, a multi-certified individual from another staff can assist that program).
- The labor pool for qualified and experienced inspection/plan review personnel has been and continues to be tight, especially with inspectors who hold multiple certifications, which makes them a valuable commodity.
- The City has a significant investment in helping existing staff get additional certifications.
- Competitive compensation allows the City to retain valuable employees and when the need arises, entice qualified and experienced job applicants.
- Restrictions imposed by the State in terms of who can ultimately be qualified to perform certain inspections further limit the pool of qualified and experienced plumbing and electrical inspectors.
- Recent changes to State certification rules (recognizing national certification programs) will increase the labor pool with building inspectors, but not plumbing and electrical inspectors.
- The new certification rules will not improve the labor pool of multi-certified inspectors.

INFORMATION FOR CONSIDERATION:

The City surveyed 13 local jurisdictions, with which we compete for talent, seven of which have certification pay strategies for inspectors who hold multiple certifications. The competition for talent in certain positions is intense from these jurisdictions, especially when they have a premium pay strategy. This is the case for building inspectors, and particularly for inspectors who hold multiple certifications. The City's compensation structure should be designed so that it pays enough to attract and retain

The City's compensation structure should be designed so that it pays enough to attract and retain competent individuals while providing sufficient incentives to maintain a high level of performance over a long period.

When comparing our current pay levels for our building, electrical and plumbing inspector staff with the above local market, the pay for these positions falls under the 50th percentile, but applying a certification pay scheme would put those with one certification over the 50th percentile of the market and those with multiple certifications closer to the 75th percentile, as illustrated in Exhibit I. Based on this information and the importance of attracting and retaining this kind of talent for the City, we are recommending the implementation of a premium pay-based compensation strategy for inspectors and plans reviewers of 4.5% and 9%, as illustrated in the attached premium pay matrix, Exhibit II.

The cost to implement this recommendation is \$23,930 including additional salary and fringe benefits. The funding is available from the Building Operating Fund's Contingency Account and the appropriations will be established through the attached Transfer Resolution.

RECOMMENDED ACTION:

Council approve the following:

1. Effective December 12, 2005, apply a premium pay strategy to the inspector and plans reviewer positions.
2. The attached Transfer Resolution that provides the \$23,930 appropriation funded from the Building Fund's Contingency Account.

RESOLUTION NO. 3841

A RESOLUTION APPROVING TRANSFER OF APPROPRIATION WITHIN THE BUILDING OPERATING FUND OF THE CITY DURING THE FY 2005-06 BUDGET YEAR AND APPROVING THE APPROPRIATIONS FOR THE FUND

WHEREAS, the City Council reviews and approves the annual budget; and,

WHEREAS, during the year the Council must authorize the transfers of appropriations from one category of a fund to another fund or from categories within a fund; and,

WHEREAS, an additional appropriation of \$23,930 is needed in the Personal Services Category of the Building Operating Fund to establish premium pay for the Inspector and Plans Examiner positions, and the expenditure appropriation is available in the Contingency Category of the fund; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:

Section 1. The Finance Director is hereby authorized and instructed to transfer the following appropriations:

- \$23,930 out of the Contingency Category of the Building Operating Fund into the Personal Services Category as indicated below:

| | | |
|--|-----------------|------------|
| Personal Services – Plans Examiner | 105-70-0665-120 | \$ 3,004 |
| Fringe Benefits | 105-70-0665-299 | \$ 949 |
| Personal Services – Building Inspector | 105-70-0666-121 | \$13,804 |
| Fringe Benefits | 105-70-0666-299 | \$ 4,302 |
| Personal Services – Plumbing Inspector | 105-70-0667-129 | \$ 1,427 |
| Fringe Benefits | 105-70-0667-299 | \$ 444 |
| Contingency | 105-70-0664-991 | <\$23,930> |

Adopted by the Council this _____ day of _____, 2005.

Approved by the Mayor this _____ day of _____, 2005

Ayes: _____

Nays: _____

ATTEST:

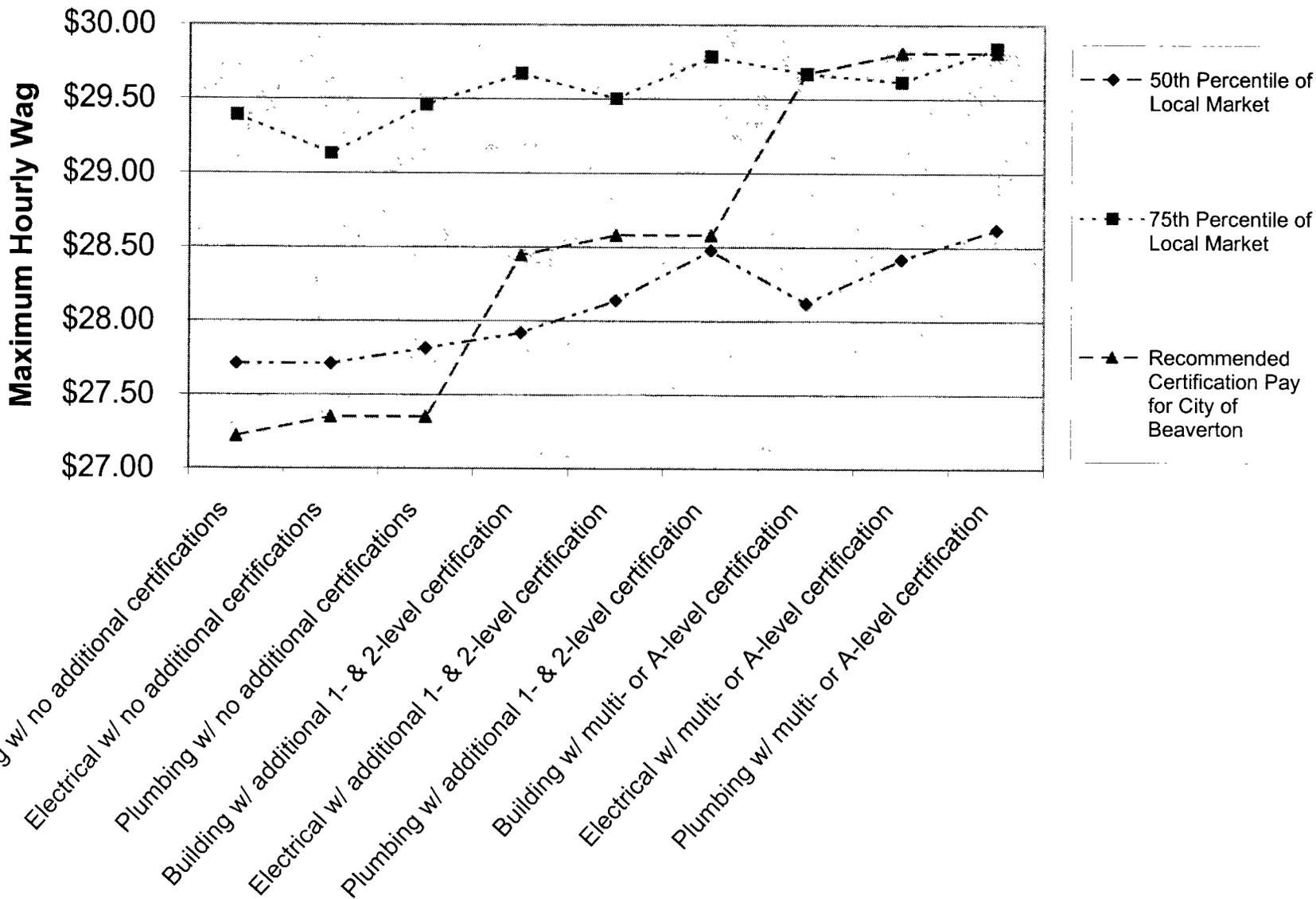
APPROVED:

Sue Nelson, City Recorder

Rob Drake, Mayor

EXHIBIT 1

Local Market with Recommended Proposal



PREMIUM PAY MATRIX

To qualify for premium pay the following positions must hold at least one of the following additional certification(s):

| | E-1&2 | P-1&2 | B/M 1&2 | E-A level | P-A level | |
|-------------------------------|-------|-------|---------|-----------|-----------|--|
| Position to be paid as listed | 4.50% | 4.50% | 4.50% | 9% | 9% | |
| Building Inspector | X | X | n/a | X | X | |
| Electrical Inspector | n/a | X | X | n/a | X | |
| Plumbing Inspector | X | n/a | X | X | n/a | |
| Lead Plumbing Inspector | X | n/a | X | X | n/a | |
| Lead Electrical Inspector | n/a | X | X | n/a | X | |
| Plans examiner 1 | nva | nva | nva | X | X | |
| Plans examiner 2 | nva | nva | nva | X | X | |

n/a = Is required for the position; not applicable to premium pay strategy

nva = No value added for the City for these positions to have the 1- and 2-level certifications

In any case a 9% premium pay shall not be exceeded regardless of how many certifications are held by an employee.

E-1&2 = Residential electrical inspector certification

P-1&2 = Residential plumbing certification

B/M = One or more building and mechanical inspection certifications

E-A level = A-level electrical inspection certification

P-A level = A-Level plumbing inspector certification

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: A Resolution Approving Petitions for Annexation of Territory Within the City of Beaverton to the Tualatin Hills Park and Recreation District

FOR AGENDA OF: 11/14/05 **BILL NO:** 05213

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 11/01/05

CLEARANCES: City Attorney *[Signature]*
Planning Services *HB*

PROCEEDING: Consent Agenda

EXHIBITS: Resolution

BUDGET IMPACT

| EXPENDITURE REQUIRED \$0 | AMOUNT BUDGETED \$0 | APPROPRIATION REQUIRED \$0 |
|-----------------------------|------------------------|-------------------------------|
|-----------------------------|------------------------|-------------------------------|

HISTORICAL PERSPECTIVE:

Annexations to special districts are performed by counties. The Tualatin Hills Park and Recreation District has begun a voluntary annexation program in cooperation with Washington County where they pay annexation costs. Section 198.720(1) of the Oregon Revised Statutes (ORS) requires that petitions for annexation of territory within a city to a district shall be accompanied by a certified copy of a resolution of the governing body of the city approving the petitions. The owners of four properties in the City have chosen to participate in the current round of this voluntary annexation program. These properties are located at 15719, 15950 and 15970 SW Snowy Owl Lane and the fourth is located at 16495 SW Marcile Lane.

INFORMATION FOR CONSIDERATION:

Tualatin Hills Park and Recreation District is the primary provider of park and recreation facilities and services for the City. The attached resolution supports the annexation of the four above properties to the District as well as annexation of any future properties that choose to participate in this voluntary annexation program.

RECOMMENDED ACTION:

Approve by consent the attached resolution.

RESOLUTION NO. 3842

A RESOLUTION APPROVING PETITIONS FOR ANNEXATION OF TERRITORY WITHIN THE CITY OF BEAVERTON TO THE TUALATIN HILLS PARK AND RECREATION DISTRICT

WHEREAS, the Tualatin Hills Park and Recreation District (District) has adopted a voluntary program for annexation to the District; and

WHEREAS, the owners of four parcels within the City of Beaverton have requested annexation of their property to the District; and

WHEREAS, the District is the primary parks and recreation provider for the City; and

WHEREAS, Goal 5.8.1 of the City's acknowledged Comprehensive Plan states that the City shall: "Cooperate with THPRD in implementation of its 20-Year Comprehensive Master Plan and Trails Master Plan in order to ensure adequate parks and recreation facilities and programs for current and future City residents."

WHEREAS, ORS 198.720(1) requires cities to submit a resolution approving a petition for annexation to a district for property within their corporate limits; and

WHEREAS, the City wishes to encourage property owners within the City to annex their property to the District; and

WHEREAS, the City desires to be supportive of the District; therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON

Council supports the annexation of any properties within the City to the Tualatin Hills Park and Recreation District when requested by the property owner(s).

Adopted by the Council this ____ day of _____, 2005.

Approved by the Mayor this ____ day of _____, 2005.

Ayes: _____

Nays: _____

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending the Beaverton Code by Adding New Provisions in Chapter Two Relating to the Inventory of Prisoner Personal Property

FOR AGENDA OF: 11-14-05 **BILL NO:** 05214

Mayor's Approval: 

DEPARTMENT OF ORIGIN: City Attorney 

DATE SUBMITTED: 11-07-05

CLEARANCES: Police 

PROCEEDING: First Reading

EXHIBITS: Ordinance (Pg. 1)
Ordinance with comments (Pg. 7)

BUDGET IMPACT

| | | |
|--------------------|-----------------|----------------------|
| EXPENDITURE | AMOUNT | APPROPRIATION |
| REQUIRED \$0.00 | BUDGETED \$0.00 | REQUIRED \$0.00 |

HISTORICAL PERSPECTIVE:

The City Code does not at present contain written authority to safeguard prisoners, as well as the city, from dangerous situations which may occur when persons in custody possess dangerous or valuable items within the confines of the police department. It is an important area of concern. Within the past two years, approximately, a pipe bomb was discovered in the police department when the bomb squad came to pick up a bin of regular fireworks. In another instance, an arrested person had a backpack and when someone came to pick it up out of police evidence, knives were discovered. An inventory ordinance, drafted in compliance with the State and Federal Constitutions, will address situations like these at the outset of a custodial setting and reduce risk of injury or loss.

INFORMATION FOR CONSIDERATION:

Oregon law provides that the governing body of a city may approve an inventory ordinance which complies with three requirements. The inventory must be authorized by the politically accountable body. Second, the ordinance must create a systematic approach and involve no discretion by an officer conducting a search. Finally, the ordinance must be reasonable in relation to its purpose. We believe the proposed ordinance meets these criteria.

A copy of the ordinance is attached with explanatory notes embedded in the text. These are printed in italics.

RECOMMENDED ACTION:

First Reading.

**AN ORDINANCE AMENDING THE BEAVERTON CODE
BY ADDING NEW PROVISIONS IN CHAPTER TWO
RELATING TO THE INVENTORY OF PRISONER
PERSONAL PROPERTY, B.C. 2.08.010 THROUGH 02.08.055.**

WHEREAS, Oregon law provides that a local government governing body may protect law enforcement agencies and persons in custody by creating an official inventory process; and

WHEREAS, The City Council observes that the findings and policies listed below support an inventory of prisoner personal property; now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Beaverton Code is amended by adding a new heading and section to be numbered and to read as follows:

“INVENTORY OF PRISONER PERSONAL PROPERTY.

2.08.010 Legislative findings. The City Council observes, among other reasons, that the findings and policies listed below support an inventory of prisoner personal property

A. Beaverton Police Officers are often the first persons in contact with suspects who are taken into custody, bringing such persons physically into the police station.

B. Bringing a prisoner into the police department premises is a vehicle for introducing valuable pieces of property or, alternatively, dangerous property found on a person, into the police department premises.

C. Police officers currently face the risk that suspects in custody may bear or carry dangerous items such as syringes, weapons, objects which could be used as a weapon, or toxic or flammable substances, on their persons or otherwise accessible. An inventory separates a person from dangerous items.

D. An inventory of valuable and dangerous items provides mutual protection, accountability and safeguards when such items are brought into the police department;

2.08.015 Definitions. For the purpose of this ordinance, the following mean:

Attached property – Personal property such as jewelry and other decorative personal objects, for example charms, pins, rings, locket, watches, necklaces, body piercing jewelry, brooches and similar items, but not including wallets or other containers, to which all of the following apply:

A. The item appears reasonably securely fastened to or about the person's body or an article of clothing by way of friction fit, or by clasps, latches, post and cap, pin back, chain or other recognizable fastening device; and

B. The item need not be removed in order to remove or inspect clothing or other items to effectuate the ends of this ordinance.

Closed container – A container the contents of which are not exposed to view. Includes, but is not limited to, a wallet, backpack, bedroll, fanny pack, purse, suitcase, or food or drink canister.

Container – An item designed to hold other things, or an item which is used or may be used to actually hold other things. The term includes both open and closed containers. Some types of containers may be located within other containers.

Dangerous personal property - Any item of personal property that under the circumstances in which it is possessed is readily capable of causing physical injury, or providing a means of escape, including, but not limited to weapons and toxic, flammable or explosive substances.

Officer – A police officer employed by the City of Beaverton or acting on behalf of the City of Beaverton.

Open container – A container that is unsecured or incompletely secured such that the container's contents are exposed to view, generally including but not limited to, a sack, bag or folder.

Personal property - Every kind of property except land, tenements and fixtures.

Pocket – An external or internal enclosure located on or within an item of clothing or other piece of property, in which items may be located or stored.

Prisoner – A person under lawful custodial arrest or detention, including, but not limited to, a person taken into custody for violation of law or upon a

mental health hold pursuant to ORS Chapter 426, including ORS 426.228; a person taken into custody for treatment of intoxication pursuant to ORS Chapter 430, including ORS 430.399; and a person taken into protective custody pursuant to ORS Chapter 419B, including ORS 419B.150. The term does not include a person issued a criminal citation and released under authority of ORS 133.055 to ORS 133.076 unless the citation and release occurs upon premises of the Beaverton Police Station.

Torso - The trunk of the body; the body exclusive of the head, arms and legs.

Treatment facility - Includes outpatient facilities, inpatient facilities and such other facilities as the Oregon Department of Human Services determines suitable, any of which may provide diagnosis and evaluation, medical care, detoxification, social services or rehabilitation for alcoholics or drug-dependent persons and which operate in the form of a general hospital, a state hospital, a foster home, a hostel, a clinic or other suitable form approved by the Oregon Department of Human Services.

Valuable personal property - Any cash, check, money order or other financial instrument, in any amount; any earring, necklace, non-prescription eyeglasses, ring, watch, bracelet or other similar item of jewelry, regardless of the item's apparent value; and any other item of personal property that the person examining the item reasonably believes has a fair market value of \$500 or more. Attached property is not valuable personal property.

2.08.020 **Purpose**. The inspection and inventory of prisoner property pursuant to this ordinance is intended to:

- A. Protect a prisoner's property while in custody of the city;
- B. Protect the city, its employees and agents against claims or disputes over lost, stolen or damaged property; and
- C. Protect prisoners, city employees and others in the area of a prisoner or a prisoner's property from potential danger.
- D. This ordinance is not intended to diminish any law enforcement activities presently authorized under law.

2.08.025 **Duty to inspect prisoner property**. An officer shall inspect the personal property of every prisoner as provided in this ordinance.

2.08.030 **Timing of inspection**. The inspection of a prisoner's property pursuant to this ordinance shall occur after the prisoner is within the police station and prior to the prisoner being released or transported to another law enforcement agency, correctional facility, or treatment facility. If exigent

circumstances reasonably require that the inspection be delayed, the inspection shall occur as soon as practicable after the exigency has passed.

2.08.035 Manner of inspection. The inspection of prisoner property shall occur in the following manner:

A. Unless otherwise authorized by law, the officer shall not remove the prisoner's blouse, skirt, dress, shirt, pants and/or underwear (including, but not limited to, underpants, T-shirt, bra, slip, nylons and/or pantyhose); provided, however, that if the prisoner is wearing more than one blouse, skirt, dress, shirt or pair of pants, the officer shall remove the outer blouse, skirt, dress, shirt or pair of pants, but shall not remove the blouse, skirt, dress, shirt or pair of pants worn closest to the flesh of the prisoner's torso. Unless otherwise authorized by law, if a prisoner is wearing an article of clothing not described in this subsection, the officer shall not remove the article of clothing if it is worn next to the skin of the prisoner's torso.

B. The officer shall remove:

1. the prisoner's footwear, including the prisoner's socks;
2. the prisoner's headgear, including the prisoner's hat, cap, or helmet; and
3. the prisoner's coat, jacket, vest or other clothing not described in subsection A of this section that is found on or in possession of the prisoner.

C. The officer shall remove the prisoner's accessories (including, but not limited to, any purses, backpacks, wallets, briefcases or fanny packs) that are found on or in possession of the prisoner. The officer shall not remove attached property.

D. The officer shall inspect the waistband and empty the pockets of the clothing worn by the prisoner. The officer shall perform an external patting of the clothing remaining upon the prisoner. An officer of the same sex, if reasonably available, shall visually inspect under the clothing covering the prisoner's side and front abdominal area and back lumbar area above the prisoner's waist.

E. The officer shall empty the pockets of clothing removed from the prisoner's body.

F. Except for attached property, the officer shall remove all items of personal property from the prisoner's removed and remaining clothing.

G. The officer shall remove from and inspect all items of personal property within any open container found on or in possession of the prisoner.

H. Closed containers found on or in the possession of a prisoner shall be opened and objects therein shall be scrutinized and may be removed to accommodate the inspection.

I. The prisoner's footwear, including socks, may be returned to the prisoner after inspection, provided such return does not create an unreasonable risk of harm to the health or safety of the prisoner, the officer, or any other person, or the property of any of them, or the property of the city of Beaverton.

2.08.040 Identification and Safekeeping of Property. As soon as is reasonably possible after the completion of an inspection of prisoner property, an officer shall:

A. Segregate the valuable and dangerous property, but not attached property, identified during the inspection, from the prisoner's other possessions.

B. Make a written list of all valuable and dangerous personal property found on or in the possession of the prisoner. The list shall not include attached property.

C. Note the disposition of each piece of valuable or dangerous personal property, but not attached property, discovered during the inspection by recording who takes or keeps physical custody of each item so discovered.

D. Take reasonable steps to safeguard personal property removed from the prisoner.

2.08.045 Return of Property upon Release or Transfer Personal property kept safe under this ordinance, and not retained upon other grounds, shall be returned in accordance with the following provisions.

A. When the prisoner is released from law enforcement custody, kept property shall be released to the person forthwith, or as soon as practicable after the inventory document is drafted.

B. If a prisoner is transferred to the custody of another law enforcement agency, the kept property and a copy of the inventory may be transferred to the other agency or retained by the city, whichever course appears most expedient under the circumstances.

C. If a prisoner is transported to a hospital or other care facility for treatment of a mental or physical condition, or to a facility such as a detoxification center, the kept property and a copy of the inventory may be transferred to a person at the facility in a position of responsibility over the prisoner, or retained by the city, whichever course appears most expedient under the circumstances.

D If a prisoner is released from Beaverton custody, but the officer reasonably believes the safety of the officer, the prisoner, or a third party is at risk if kept property is returned to the prisoner, the return shall be consistent with current policies, procedures or practices.

E This Ordinance shall not apply when persons are arrested, cited, and released at the scene of a crime. However, any property removed from a person during a stop, arrest or other detention, and which is not seized, should be timely returned to the person in conjunction with release.

F. Property which, for whatever reason, is not returned by operation of the subsections above shall remain with the Police Department for no fewer than 90 days, during which time any policies, procedures or practices currently in effect for property shall be followed.

2.08.050 Distribution of Property Receipts. The City shall maintain the original record of property and its disposition. A copy of such record shall be distributed as follows:

A. To the prisoner or included with prisoner's property.

B. To any person taken into custody to whom the officer must tender a copy pursuant to ORS 133.455.

2.08.055 Adoption of Administrative Policies or Procedures. The Beaverton Police department may adopt administrative procedures, rules or regulations, or establish forms to carry out this ordinance. "

First reading this _____ day of _____, 2005.

Passed by the Council this _____ day of _____, 2005.

Approved by the Mayor this _____ day of _____, 2005.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE BEAVERTON CODE
BY ADDING NEW PROVISIONS IN CHAPTER TWO
RELATING TO THE INVENTORY OF PRISONER
PERSONAL PROPERTY, B.C. 2.08.010 THROUGH 02.08.055.**

WHEREAS, Oregon law provides that a local government governing body may protect law enforcement agencies and persons in custody by creating an official inventory process; and

WHEREAS, The City Council observes that the findings and policies listed below support an inventory of prisoner personal property; now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Beaverton Code is amended by adding a new heading and section to be numbered and to read as follows:

“INVENTORY OF PRISONER PERSONAL PROPERTY.

2.08.010 Legislative findings. The City Council observes, among other reasons, that the findings and policies listed below support an inventory of prisoner personal property

A. Beaverton Police Officers are often the first persons in contact with suspects who are taken into custody, bringing such persons physically into the police station.

B. Bringing a prisoner into the police department premises is a vehicle for introducing valuable pieces of property or, alternatively, dangerous property found on a person, into the police department premises.

C. Police officers currently face the risk that suspects in custody may bear or carry dangerous items such as syringes, weapons, objects which could be used as a weapon, or toxic or flammable substances, on their persons or otherwise accessible. An inventory separates a person from dangerous items.

D. An inventory of valuable and dangerous items provides mutual protection, accountability and safeguards when such items are brought into the police department;

2.08.015 Definitions. For the purpose of this ordinance, the following mean:

Attached property – Personal property such as jewelry and other decorative personal objects, for example charms, pins, rings, lockets, watches, necklaces, body piercing jewelry, brooches and similar items, but not including wallets or other containers, to which all of the following apply:

A. The item appears reasonably securely fastened to or about the person's body or an article of clothing by way of friction fit, or by clasps, latches, post and cap, pin back, chain or other recognizable fastening device; and

B. The item need not be removed in order to remove or inspect clothing or other items to effectuate the ends of this ordinance. *(Creating this category is intended to eliminate the need to scrutinize pieces of jewelry, et cetera, which people often wear on their bodies. The thinking is if the person has fastened the item to their body or their clothing, and it looks reasonably secure, we would create a risk in un-attaching that piece of property and expose ourselves to accusations that we damaged or lost the piece, et cet. Under this category, we neither detach nor note items of jewelry held fast to the person or their clothing and, therefore, do not create a duty to be responsible for it or even notice it.)*

Closed container – A container the contents of which are not exposed to view. Includes, but is not limited to, a wallet, backpack, bedroll, fanny pack, purse, suitcase, or food or drink canister.

Container – An item designed to hold other things, or an item which is used or may be used to actually hold other things. The term includes both open and closed containers. Some types of containers may be located within other containers.

Dangerous personal property - Any item of personal property that under the circumstances in which it is possessed is readily capable of causing physical injury, or providing a means of escape, including, but not limited to weapons and toxic, flammable or explosive substances. *(This term is consistent with the same term under the existing vehicle inventory ordinance, however it is expanded by adding the "means of escape," since prisoners are in our custody, behind locked doors, and possibly tempted to injure or overpower officers to escape. Too, there are also listed some examples of dangerous property.)*

Officer – A police officer employed by the City of Beaverton or acting on behalf of the City of Beaverton.

Open container – A container that is unsecured or incompletely secured such that the container's contents are exposed to view, generally including but not limited to, a sack, bag or folder.

Personal property - Every kind of property except land, tenements and fixtures. *(This is consistent with the existing vehicle inventory ordinance).*

Pocket – An external or internal enclosure located on or within an item of clothing or other piece of property, in which items may be located or stored.

Prisoner – A person under lawful custodial arrest or detention, including, but not limited to, a person taken into custody for violation of law or upon a mental health hold pursuant to ORS Chapter 426, including ORS 426.228; a

person taken into custody for treatment of intoxication pursuant to ORS Chapter 430, including ORS 430.399; and a person taken into protective custody pursuant to ORS Chapter 419B, including ORS 419B.150. The term does not include a person issued a criminal citation and released under authority of ORS 133.055 to ORS 133.076 unless the citation and release occurs upon premises of the Beaverton Police Station.

Torso - The trunk of the body; the body exclusive of the head, arms and legs.

Treatment facility - Includes outpatient facilities, inpatient facilities and such other facilities as the Oregon Department of Human Services determines suitable, any of which may provide diagnosis and evaluation, medical care, detoxification, social services or rehabilitation for alcoholics or drug-dependent persons and which operate in the form of a general hospital, a state hospital, a foster home, a hostel, a clinic or other suitable form approved by the Oregon Department of Human Services.

Valuable personal property - Any cash, check, money order or other financial instrument, in any amount; any earring, necklace, non-prescription eyeglasses, ring, watch, bracelet or other similar item of jewelry, regardless of the item's apparent value; and any other item of personal property that the person examining the item reasonably believes has a fair market value of \$500 or more. Attached property is not valuable personal property. (*\$500 is a memorable figure and consistent with the existing vehicle inventory ordinance.*)

2.08.020 **Purpose**. The inspection and inventory of prisoner property pursuant to this ordinance is intended to:

- A. Protect a prisoner's property while in custody of the city;
- B. Protect the city, its employees and agents against claims or disputes over lost, stolen or damaged property; and
- C. Protect prisoners, city employees and others in the area of a prisoner or a prisoner's property from potential danger.
- D. This ordinance is not intended to diminish any law enforcement activities presently authorized under law.

2.08.025 **Duty to inspect prisoner property**. An officer shall inspect the personal property of every prisoner as provided in this ordinance. (*This section establishes that the inventory is a required procedure after a person is brought into the police station.*)

2.08.030 **Timing of inspection**. The inspection of a prisoner's property pursuant to this ordinance shall occur after the prisoner is within the police station and prior to the prisoner being released or transported to another law enforcement agency, correctional facility, or treatment facility. If exigent circumstances reasonably require that the inspection be delayed, the inspection shall occur as soon as practicable after the exigency has passed.

2.08.035 Manner of inspection. *(This "Manner of inspection" element, and other sections of the ordinance, are worded in the mandatory. That is, there is no discretion as to how the search is to take place. This ensures everyone is treated equally and grants consistency to the overall process.)* The inspection of prisoner property shall occur in the following manner:

A. Unless otherwise authorized by law, the officer shall not remove the prisoner's blouse, skirt, dress, shirt, pants and/or underwear (including, but not limited to, underpants, T-shirt, bra, slip, nylons and/or pantyhose); provided, however, that if the prisoner is wearing more than one blouse, skirt, dress, shirt or pair of pants, the officer shall remove the outer blouse, skirt, dress, shirt or pair of pants, but shall not remove the blouse, skirt, dress, shirt or pair of pants worn closest to the flesh of the prisoner's torso. Unless otherwise authorized by law, if a prisoner is wearing an article of clothing not described in this subsection, the officer shall not remove the article of clothing if it is worn next to the skin of the prisoner's torso.

B. The officer shall remove:

1. the prisoner's footwear, including the prisoner's socks;
2. the prisoner's headgear, including the prisoner's hat, cap, or helmet; and
3. the prisoner's coat, jacket, vest or other clothing not described in subsection A of this section that is found on or in possession of the prisoner.

C. The officer shall remove the prisoner's accessories (including, but not limited to, any purses, backpacks, wallets, briefcases or fanny packs) that are found on or in possession of the prisoner. The officer shall not remove attached property.

D. The officer shall inspect the waistband and empty the pockets of the clothing worn by the prisoner. The officer shall perform an external patting of the clothing remaining upon the prisoner. An officer of the same sex, if reasonably available, shall visually inspect under the clothing covering the prisoner's side and front abdominal area and back lumbar area above the prisoner's waist.

E. The officer shall empty the pockets of clothing removed from the prisoner's body.

F. Except for attached property, the officer shall remove all items of personal property from the prisoner's removed and remaining clothing.

G. The officer shall remove from and inspect all items of personal property within any open container found on or in possession of the prisoner.

H. Closed containers found on or in the possession of a prisoner shall be opened and objects therein shall be scrutinized and may be removed to accommodate the inspection. *(Open containers [such as a grocery sack] must be emptied for purposes of the inventory. Officers need not automatically empty closed containers, though the Ordinance allows for that. For example, you find a closed mint tin, open it, and the container holds mints. You don't have to dump out the candy.)*

I. The prisoner's footwear, including socks, may be returned to the prisoner after inspection, provided such return does not create an unreasonable risk of harm to the health or safety of the prisoner, the officer, or any other person, or the property of any of them, or the property of the city of Beaverton. *(The officer may encounter many good reasons not to return footwear. A work boot can be used to kick apart pieces of city property, shoelaces or nylons can be fashioned into a garrote or a noose, etc.)*

2.08.040 Identification and Safekeeping of Property. As soon as is reasonably possible after the completion of an inspection of prisoner property, an officer shall:

- A. Segregate the valuable and dangerous property, but not attached property, identified during the inspection, from the prisoner's other possessions.
- B. Make a written list of all valuable and dangerous personal property found on or in the possession of the prisoner. The list shall not include attached property.
- C. Note the disposition of each piece of valuable or dangerous personal property, but not attached property, discovered during the inspection by recording who takes or keeps physical custody of each item so discovered.
- D. Take reasonable steps to safeguard personal property removed from the prisoner.

2.08.045 Return of Property upon Release or Transfer Personal property kept safe under this ordinance, and not retained upon other grounds, shall be returned in accordance with the following provisions.

- A. When the prisoner is released from law enforcement custody, kept property shall be released to the person forthwith, or as soon as practicable after the inventory document is drafted.
- B. If a prisoner is transferred to the custody of another law enforcement agency, the kept property and a copy of the inventory may be transferred to the other agency or retained by the city, whichever course appears most expedient under the circumstances.
- C. If a prisoner is transported to a hospital or other care facility for treatment of a mental or physical condition, or to a facility such as a detoxification center, the kept property and a copy of the inventory may be transferred to a person at the facility in a position of responsibility over the prisoner, or retained by the city, whichever course appears most expedient under the circumstances.
- D. If a prisoner is released from Beaverton custody, but the officer reasonably believes the safety of the officer, the prisoner, or a third party is at risk if kept property is returned to the prisoner, the return shall be consistent with current policies, procedures or practices.

E. This Ordinance shall not apply when persons are arrested, cited, and released at the scene of a crime. However, any property removed from a person during a stop, arrest or other detention, and which is not seized, should be timely returned to the person in conjunction with release.

F. Property which, for whatever reason, is not returned by operation of the subsections above shall remain with the Police Department for no fewer than 90 days, during which time any policies, procedures or practices currently in effect for property shall be followed. *(This is a catch-all provision designed to provide some means of return in case one of the above options is unavailable either in whole or in part.)*

2.08.050 Distribution of Property Receipts. The City shall maintain the original record of property and its disposition. A copy of such record shall be distributed as follows:

- A. To the prisoner or included with prisoner's property.
- B. To any person taken into custody to whom the officer must tender a copy pursuant to ORS 133.455.

2.08.055 Adoption of Administrative Policies or Procedures. The Beaverton Police department may adopt administrative procedures, rules or regulations, or establish forms to carry out this ordinance. "

First reading this _____ day of _____, 2005.

Passed by the Council this _____ day of _____, 2005.

Approved by the Mayor this _____ day of _____, 2005.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

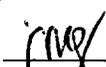
AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: CPA2005-0003 / ZMA2005-0002 WCCCA at Highway 217 and SW Park Way; an Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map, for a portion of a parcel located north of SW Park Way west of Highway 217.

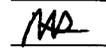
11-14-05
FOR AGENDA OF: 11-7-05 **BILL NO:** 05207

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 10-19-05

CLEARANCES: Devel Serv 

City Attorney 

PROCEEDING: ~~First Reading~~
Second Reading & Passage

EXHIBITS: Draft Ordinance
Land Use & Zoning Map Exhibit A
Land Use Order No. 1815

BUDGET IMPACT

| EXPENDITURE REQUIRED \$ | AMOUNT BUDGETED \$ | APPROPRIATION REQUIRED \$ |
|----------------------------|-----------------------|------------------------------|
|----------------------------|-----------------------|------------------------------|

HISTORICAL PERSPECTIVE:

On September 21, 2005, the Planning Commission held a public hearing to consider an application to amend Ordinance 4187, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map, to provide a land use designation of Station Community (SC) and a Station Community-Mixed Use (SC-MU) zoning district for a portion of a parcel which currently has no specific land use or zoning district designations. The zoning map amendment will affect approximately 2,500 square feet of the 0.46 acre parcel.

The Planning Commission has recommended approval of the request to apply the SC land use designation and the SC-MU zoning district to the subject site.

INFORMATION FOR CONSIDERATION:

The site of the CPA and ZMA application is specifically identified as Tax Lot 3200 on Washington County Assessor's Tax Map 1S1-02CC, which is generally located on the north side of SW Park Way west of Highway 217.

The subject site is owned by the Oregon Department of Transportation (ODOT) as right-of-way. ODOT has agreed to lease 2,500 square feet to WCCCA to locate a communications tower. A land use designation and zoning district is needed to evaluate any future WCCCA proposal based upon the standards of the Development Code. A land use designation and zoning district is not being provided to the remainder of the site as there is no future development proposed for this area and ODOT did not want to designate or zone the site.

Since no City Council hearing is required and no appeal was filed from the Planning Commission's decision, this ordinance making the appropriate changes to the Land Use and Zoning Maps is being presented for first reading at this time.

RECOMMENDED ACTION:

~~Conduct First Reading.~~
Second Reading and Passage

SS:sp

Ag nda Bill No: 05207

ORDINANCE NO. 4373

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP, FOR A PORTION OF A PARCEL LOCATED NORTH OF SW PARK WAY WEST OF HIGHWAY 217
CPA2005-0003 / ZMA2005-0002

WHEREAS, on September 21, 2005, the Planning Commission conducted a public hearing to consider an application to amend Ordinance No. 4187, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map. The request is proposing to designate a 2,500 square foot portion of a parcel north of SW Park Way and west of Highway 217 with a land use designation of Station Community and a zoning district designation of Station Community – Mixed Use (SC-MU); and

WHEREAS, the Planning Commission received testimony and exhibits and recommended approval of these land use and zoning district changes; and

WHEREAS, no appeals were filed with the City; and

WHEREAS, the Council adopts as to criteria applicable to this request and findings thereon Development Services Division Staff Report dated September 7, 2005 and Planning Commission Land Use Order No. 1815. Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate approximately 2,500 square feet of a parcel located north of SW Park Way and west of Highway 217 as Station Community.

Section 2. Ordinance No. 2050, the Zoning Map, is amended to designate approximately 2,500 square feet of a parcel located north of SW Park Way and west of Highway 217 as Station Community – Mixed Use (SC-MU).

Section 3. The property affected by this ordinance is depicted in the attached map, marked Exhibit "A" and incorporated herein. The property is more specifically described on the records of the Washington County Department of Assessment and Taxation as Tax Lot 3200 of Washington County Assessor's Map 1S1-02CC, Beaverton, Washington County, Oregon.

First reading this 7th day of November, 2005.

Passed by the Council this _____ day of _____, 2005.

Approved by the Mayor this _____ day of _____, 2005.

ATTEST:

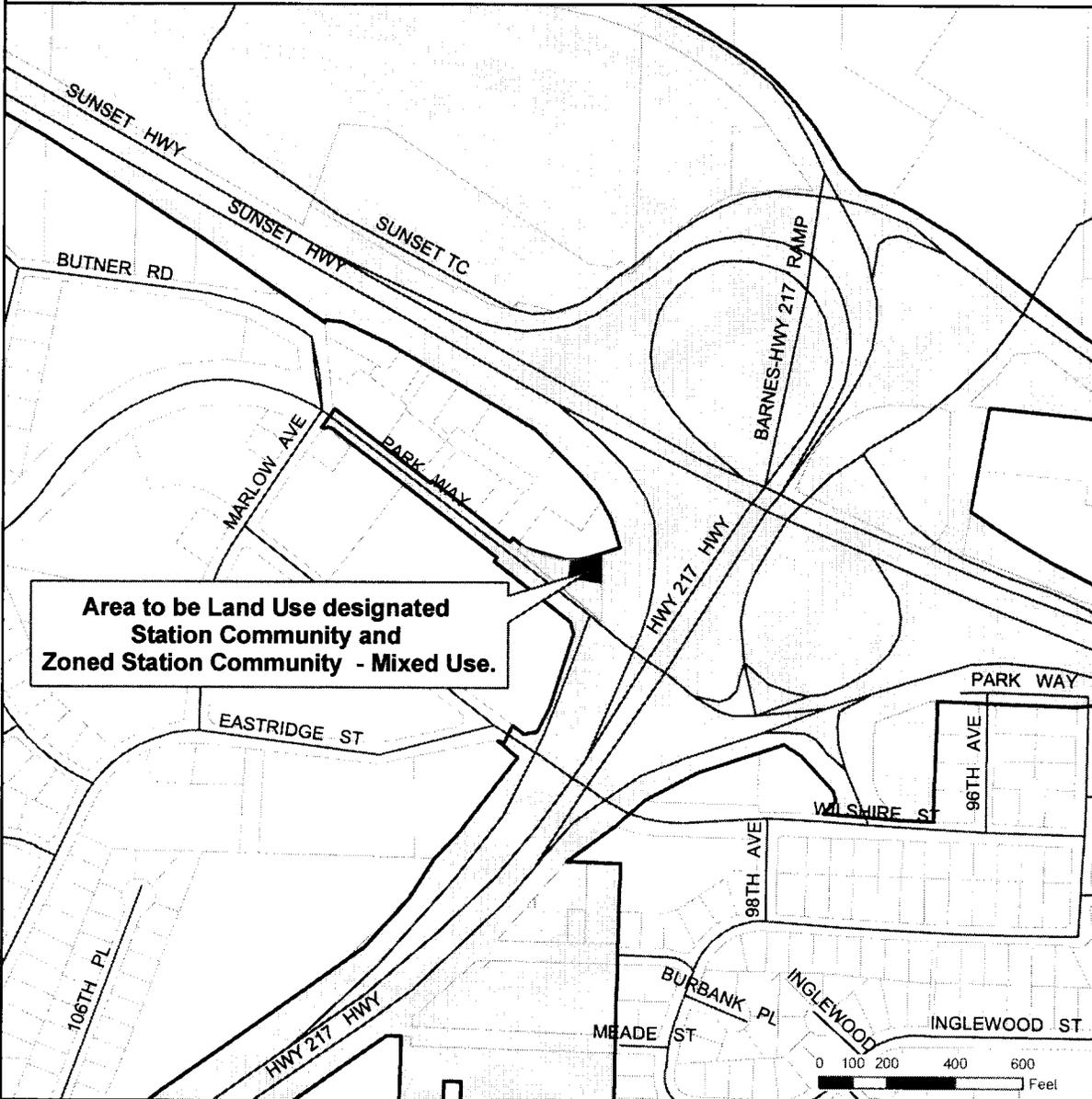
APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

Land Use and Zoning Map

Ordinance No. 4373
Exhibit Number: **A**



WCCCA at Highway 217 and Park Way

Date:
10/7/2005



Application #:
CPA2005-003 /
ZMA2005-002

This Map is available ONLINE @ T:\MAPS\CDD105_0363.pdf

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AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

11-14-05

SUBJECT: An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for 23 parcels located south of Allen Boulevard, on the east side of Hall Boulevard, west of Bruce Lane and north of Metz Street; CPA 2005-0004/ZMA 2005-0005

FOR AGENDA OF: ~~11/07/05~~ **BILL NO:** 05208

Mayor's Approval: [Signature]

DEPARTMENT OF ORIGIN: CDD [Signature]

DATE SUBMITTED: 10/25/05

CLEARANCES: City Attorney MR
Planning Services HB

PROCEEDING: First Reading
Second Reading & Passage

EXHIBITS: Ordinance
Vicinity Map
Planning Commission Order No. 1816
Draft PC Minutes of 08/24/05 Hearing
PC Minutes of 09/28/05 Hearing
Staff Report Dated 07/25/05
Memo to Planning Commission 08/16/05
Supplemental Staff Report Dated 08/24/05
Supplemental Staff Report Dated 09/21/05
Supplemental Staff Report Dated 10/05/05

BUDGET IMPACT

| EXPENDITURE REQUIRED \$0 | AMOUNT BUDGETED \$0 | APPROPRIATION REQUIRED \$0 |
|-----------------------------|------------------------|-------------------------------|
| | | |

HISTORICAL PERSPECTIVE:

On August 24, 2005 and September 28, 2005, the Planning Commission held a public hearing on the City's request for an amendment to the City's Comprehensive Plan Land Use Map and Zoning Map for 23 parcels currently within the Neighborhood Residential – Standard Density (NR-SD) Comprehensive Plan Land Use designation and the R-7 (7,000 ft²/DU) Zoning District. The subject site is located south of Allen Boulevard, on the east side of Hall Boulevard, west of Bruce Lane and north of Metz Street and is specifically identified as Tax Lots 2200, 2202, 2203, 2204, 2900, 2901, 3000, 3100, 3401, 3403, 3404, 3405, 3600, 3602, 3700, 3800, 3900, 3901, 4000, 4100, 4200, 4300, and 4400, on Washington County Assessor's Map 1S1-22BB. Together the properties total approximately 5.24 acres in size.

Staff proposed three options for consideration: *Option 1* - Change the Land Use Map to Neighborhood Residential – Medium Density (NR-MD) and the Zoning District to R-2 (2,000 ft²/DU), *Option 2* – Change the Land Use Map to Neighborhood Residential – High Density (NR-HD) and the Zoning District to R-1 (1,000 ft²/DU), or *Option 3* - Change the Land Use Map and Zoning District to a combination of Options 1 and 2. The Planning Commission voted to approve Option 1 of the requests as submitted. These decisions have not been appealed.

The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

INFORMATION FOR CONSIDERATION:

The owner of Tax Lot 3000 of Assessor's Map 1S122BB submitted an application to the Development Services Division (DSD) requesting approval of a Comprehensive Plan Map Amendment and Zoning Map Amendment for Tax Lot 3000. If approved, the proposal would have changed the Land Use designation from Neighborhood Residential – Standard Density (NR-SD) to Neighborhood Residential – Medium Density (NR-MD) and would have changed the Zoning District from Urban Standard Density (R-7) to Urban Medium Density (R-2). However, DSD staff correctly pointed out to the applicant that staff would be hard pressed to make positive findings for the proposed change for one (1) lot that does not abut another R-2 zoned property.

DSD staff approached Planning Services Division (PSD) staff with the question of whether or not a CPA and ZMA could be presented for the larger area surrounding Tax Lot 3000. PSD staff agreed that a review of the area's land use designation and zoning district was in order; however, not having the budget for a Traffic Analysis, the City was not in a position to process an application. It was then agreed that the owner of Tax Lot 3000 would pay for the Traffic Analysis for the entire subject area and the City would analyze the area and propose appropriate amendments to the Comprehensive Plan and Zoning Maps.

These Comprehensive Plan Land Use Map and Zoning Map Amendments are to change the designations for parcels within the central area of the City of Beaverton. In this case, the Planning Commission recommended approval of Option 1, described herein above.

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

RECOMMENDED ACTION:

~~First Reading~~

Second Reading and Passage

ORDINANCE NO. 4374

An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for 23 parcels located south of Allen Boulevard, on the east side of Hall Boulevard, west of Bruce Lane and north of Metz Street; CPA 2005-0004/ZMA 2005-0005

WHEREAS, The intent of the proposed amendments to the Comprehensive Plan Land Use Map and Zoning Map is to assign appropriate City land use designations and zoning districts to parcels within the City of Beaverton; and

WHEREAS, On August 24, 2005 and September 28, 2005, the Planning Commission held a public hearing to consider these amendments to the Comprehensive Plan Land Use and Zoning Maps and voted to recommend approval of the Neighborhood Residential – Medium Density Comprehensive Plan Land Use Map designation and the Residential – 2,000 square feet of land area minimum per unit (R-2) Zoning Map designation in place of the existing designation of Neighborhood Residential – Standard Density Comprehensive Plan Land Use Map designation and the Residential – 7,000 square feet of land area minimum per unit (R-7); and

WHEREAS, The Council incorporates by reference the Community Development Department staff report, memo and three supplemental staff reports on CPA 2005-0004/ZMA 2005-0005 by Associate Planner Leigh Crabtree, dated July 25, 2005, August 16, 2005, August 24, 2005, September 21, 2005 and October 5, 2005, respectively; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject properties known as Hall/Sabin/124th Avenue (Tax Map 1S122BB, Tax Lots 2200, 2202, 2203, 2204, 2900, 2901, 3000, 3100, 3401, 3403, 3404, 3405, 3600, 3602, 3700, 3800, 3900, 3901, 4000, 4100, 4200, 4300, and 4400), Neighborhood Residential – Medium Density (NR-MD) on the Comprehensive Plan Land Use Map, as shown on Exhibit “A”, in accordance with the Planning Commission recommendation.

Section 2. Ordinance No. 2050, the Zoning Map, is amended to zone the same properties specified in Section 1 Residential – 2,000 square feet of land per dwelling unit (R-2), as shown on Exhibit “A”, in accordance with the Planning Commission recommendation.

First reading this 7th day of November, 2005.
Passed by the Council this _____ day of _____, 2005.
Approved by the Mayor this _____ day of _____, 2005.

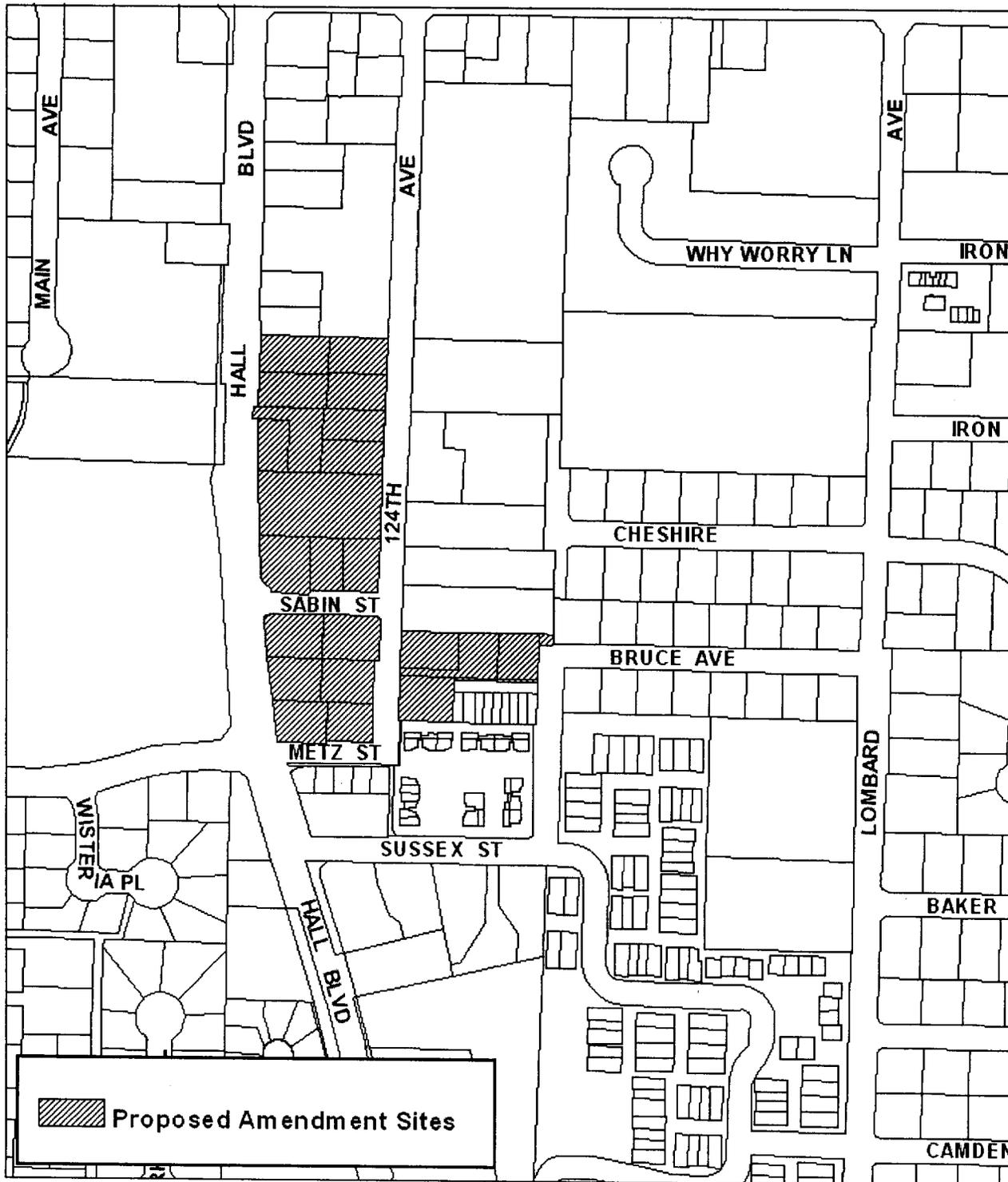
ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP



CITY OF BEAVERTON

HALL, SABIN, 124TH - CPA & ZMA
 COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

5/24/05

Map #
1S122BB



Map #
CMA2005-0004
ZMA2005-0005

AGENDA BILL

B averton City Council
Beaverton, Oregon

11-14-05

SUBJECT: An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located at 9355 SW 166th Avenue; CPA 2005-0009/ZMA 2005-0008

FOR AGENDA OF: ~~11/07/05~~ **BILL NO:** 05209

Mayor's Approval: *Bob Disher*

DEPARTMENT OF ORIGIN: CDD *amy*

DATE SUBMITTED: 09/30/05

CLEARANCES: City Attorney *MR*
Planning Services *HB*

PROCEEDING: ~~First Reading~~
Second Reading & Passage

EXHIBITS: Ordinance
Exhibit A – Map
Exhibit B – Legal Description
Exhibit C – Staff Report

BUDGET IMPACT

| EXPENDITURE REQUIRED \$0 | AMOUNT BUDGETED \$0 | APPROPRIATION REQUIRED \$0 |
|-----------------------------|------------------------|-------------------------------|
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HISTORICAL PERSPECTIVE:

This ordinance is before the City Council to assign City Comprehensive Plan Land Use Map and Zoning designations for the subject property, replacing the Washington County land use designations.

The Urban Planning Area Agreement (UPAA) is specific on the appropriate Land Use Map and Zoning Map designations for these two parcels, thus no public hearing is required. The appropriate Land Use Map designation is Neighborhood Residential – Standard Density (NR-SD), and the appropriate Zoning Map designation is Residential – 5,000 square feet minimum land area per dwelling unit (R-5). The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

INFORMATION FOR CONSIDERATION:

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

RECOMMENDED ACTION:

~~First Reading~~
Second Reading and Passage

ORDINANCE NO. 4375

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED AT 9355 SW 166TH AVENUE; CPA 2005-0009/ZMA 2005-0008

WHEREAS, This property is being annexed to the City of Beaverton, through a separate process, thus the property is being redesignated by this ordinance from the County's land use designations to the closest corresponding City designations as specified by the Urban Planning Area Agreement (UPAA); and

WHEREAS, Since the UPAA is specific on the appropriate designations for this property, this is not a land use decision as set forth in Oregon Revised Statutes 197.015(10)(b)(A) and therefore no public hearing is required; and

WHEREAS, The Council adopts as to criteria applicable to this request and findings thereon the Community Development Department staff report by Senior Planner Alan Whitworth, dated September 28, 2005, attached hereto as Exhibit C; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject property located at 9355 SW 166th Avenue (shown on Tax Map 1S130DA as Lots 00100 and 00500) Neighborhood Residential - Standard Density on the City of Beaverton Comprehensive Plan Land Use Map, as shown on Exhibit "A" and more particularly described in Exhibit "B" in accordance with the UPAA.

Section 2. Ordinance No. 2050, the Zoning Map, is amended to designate the same property in Section 1 Residential – 5,000 square feet minimum land area per dwelling unit (R-5) on the City of Beaverton Zoning Map in accordance with the UPAA.

First reading this 7th day of November, 2005.

Passed by the Council this _____ day of _____, 2005.

Approved by the Mayor this _____ day of _____, 2005.

ATTEST:

APPROVED:

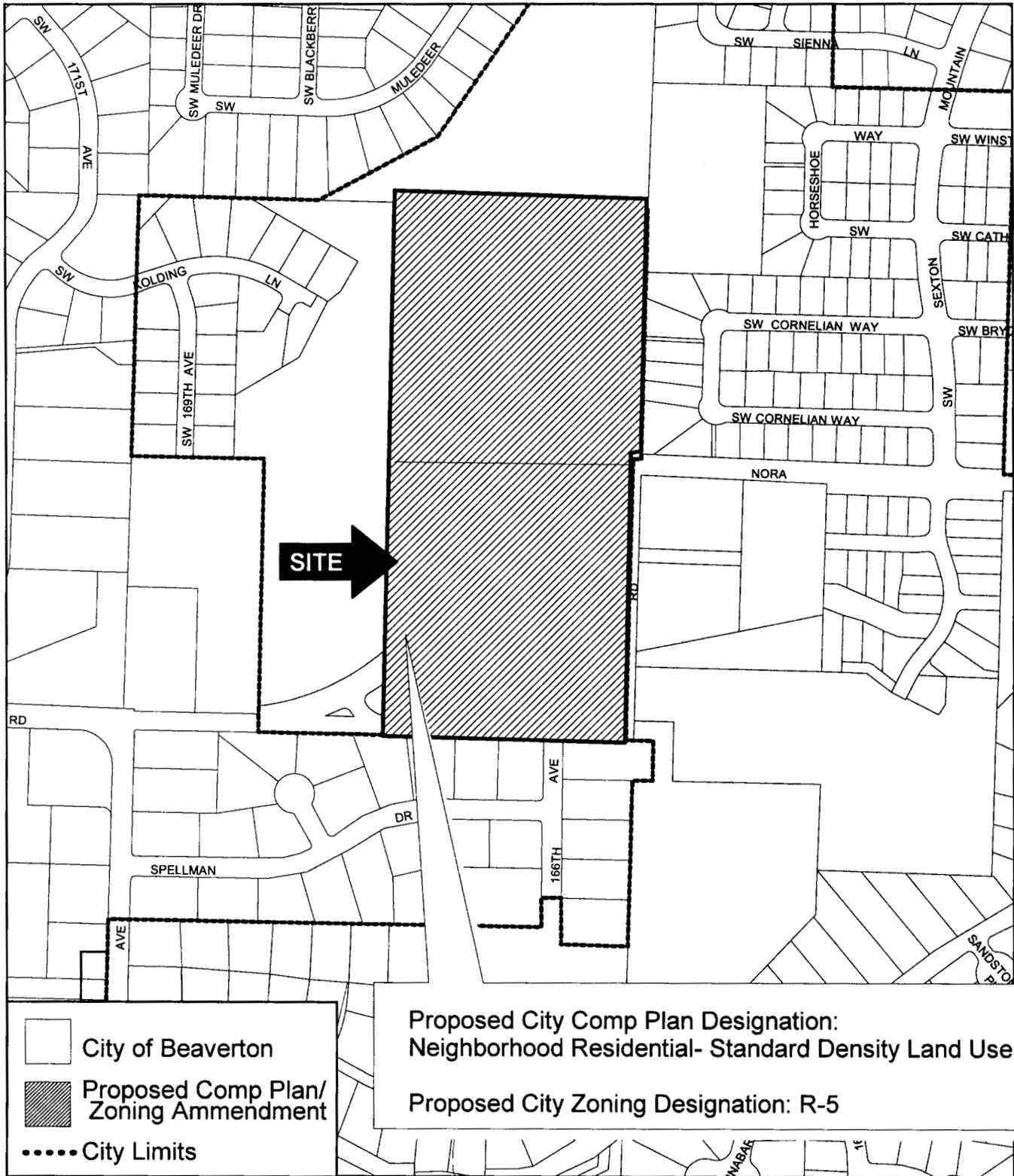
SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

Ordinance
No. 4375

EXHIBIT "A"



CITY OF BEAVERTON

9355 SW 166TH AVE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

9/19/05

Map #

15130DA00500 & 100

N



Application #

CPA2005-0009

ZMA2005-0008

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

11-14-05

SUBJECT: An Ordinance Amending Chapter 9 of the Beaverton Code Relating to Neighborhood Association Committees (NACs).

FOR AGENDA OF: ~~11/07/05~~ **BILL NO:** 05210

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Neighborhood Program/Mayor's Office *[Signature]*

DATE SUBMITTED: 10/31/05

CLEARANCES: City Attorney *[Signature]*

PROCEEDING: First Reading
Second Reading & Passage

EXHIBITS: Ordinance

BUDGET IMPACT

| EXPENDITURE REQUIRED \$0 | AMOUNT BUDGETED \$0 | APPROPRIATION REQUIRED \$0 |
|-----------------------------|------------------------|-------------------------------|
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HISTORICAL PERSPECTIVE:

City Code pertaining to the Neighborhood Association Committees (NACs) [9.06.010 - .040] provides information regarding the establishment, recognition, organization, and termination of NACs. These provisions have not been significantly updated since 1987. As a result, the current code's language is not contemporary relative to certain terms and does not include language pertaining to NAC appeals. Staff drafted revisions to the code in order to update the language and include information and guidelines regarding NAC appeals.

Staff discussed the proposed revisions with the NAC leadership (which consists of the chair, vice-chair, recorder, and treasurer of each NAC) at a meeting held on November 16, 2004, which was attended by 18 NAC leaders. Based on comments received at that meeting, staff made modifications to the proposed revisions and sent the modified revisions to the NAC leadership via email. Staff asked that the NACs provide feedback in written form on the proposed revisions by February 25, 2005; written comments were received from four NAC leaders and one NAC member. Staff held a second meeting with the NAC leadership regarding the proposed revisions on March 1, 2005; 17 NAC leaders attended. NAC leaders were provided copies of the comments that had been submitted. The final version of the ordinance is attached.

INFORMATION FOR CONSIDERATION:

The Ordinance amending Chapter 9 of the Beaverton Code relating to Neighborhood Association Committees (NACs) is attached to this agenda bill. The City Attorney's office has reviewed and tentatively approved the text of all revisions.

RECOMMENDED ACTION:

First Reading.
Second Reading and Passage

AN ORDINANCE AMENDING
CHAPTER NINE OF THE BEAVERTON CODE
RELATING TO NEIGHBORHOOD ASSOCIATION COMMITTEES (NACs).

WHEREAS, the involvement and participation of citizens in government enhances government decision-making and increases the likelihood policies, programs, and services will reflect the needs of the citizenry; and

WHEREAS, the City supports citizen efforts to become more involved and aware of City policies, procedures, and processes; and

WHEREAS, the City recognizes and supports neighborhood association committees as an effective way to increase involvement and participation and promote information sharing between the City and citizens; and

WHEREAS, the City seeks to update and contemporize language within the provisions of City code that pertains to neighborhood association committees; and

WHEREAS, the City seeks to include language that describes the requirements and process necessary for reimbursement of NAC appeals; Now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

BC 9.06.010 – 9.06.040, NEIGHBORHOOD ASSOCIATIONS, is amended to read as follows:

“9.06.010 Purpose.

A. The purpose of this Code section is to encourage and endorse citizen involvement through the formal recognition of groups of citizens that desire to form neighborhood association committees (NACs) for particular purposes, and to provide certain criteria for the formation, operation and continuation of the recognized NACs in order to insure a maximum opportunity for involvement by the citizens of Beaverton in the processes of government as well as other activities concerning neighborhood and community livability.

B. Although a major function of the NACs will be to augment the citizen involvement process in land use related matters, such as planning and zoning activities, as is required by applicable law, it is the intent of the Council to provide the basis for a wide range of activities that promote the general health and welfare of the community and a spirit of harmony and pride for all citizens of Beaverton.

C. Nothing in BC 9.06.010-.040 shall limit the right of any person, group of persons or organization from exercising a lawful right. Membership in a recognized NAC confers no extraordinary rights, standing or legal capacity solely on the basis of membership, nor is the NAC itself given any special status by this legislation that is intended to influence a court of law as to its capacity to commence litigation.

9.06.015 NAC Policy Statement. The Council hereby establishes criteria whereby it may formally recognize NACs within the City limits and adjacent areas. The Council encourages and endorses the formation, operation and continuation of such NACs pursuant to the criteria set forth below, to provide maximum citizen involvement in the community.

9.06.020 Criteria for Formal Recognition of a NAC. A NAC that seeks formal recognition by the City shall meet and continue to maintain conformity with the following minimum criteria for formal recognition:

A. General Membership Criteria:

1. a resident, a property owner, a business and a representative of a non-profit organization within the recognized boundary of a NAC shall be entitled to general membership;

2. a member who is at least eighteen years of age shall have one vote on any matter to be decided by the NAC. One high school student government representative from each high school within the NAC boundary who also lives within the boundaries of the particular NAC and who has been appointed by his/her school to serve as a NAC member, shall also have one vote and may be under eighteen years of age;

3. membership or other participation shall not be conditioned on the requirement of the payment of dues or fees. However, a NAC may accumulate funds to carry out its purposes through other means, including voluntary contributions, projects, grants, contracts and subscription to newsletters. Each NAC solely shall be responsible to account to the state and federal governments for the NAC's private revenue and expenditures, if any. A NAC's use of public funds provided to it directly or indirectly by a public entity shall be limited to only those uses allowed by controlling law.

4. Membership shall not be limited by race, creed, color, sex, national origin, income or any other status protected under federal, state, or local law.

B. NAC Boundaries. In order to implement the Council's stated purpose of insuring maximum opportunity for citizen involvement, the Council shall adopt a map containing suggested boundaries for NACs that will encompass the entire area of the City. Persons seeking formal recognition of a NAC may propose alternatives to the map suggestions. Following input in writing or through oral testimony at a City Council meeting by interested persons, the Council shall finally determine the boundaries of a NAC in accordance with as many of the following criteria as may be applicable under the circumstances:

1. boundaries should be contiguous and mutually exclusive of those of other formally recognized NACs;

2. boundaries should follow readily identifiable physical features, such as property lines or arterial or collector streets, or be set at some other clearly defined and relatively permanent natural or man-made feature; and

3. boundaries describing the territory should be logical, considering such other factors as:

a. a community of interests, common identity and social communication;

b. existing commercial patterns;

c. existing boundaries of other agencies such as school districts; and

d. the views and desires of citizens seeking NAC recognition.

C. Organization and By-laws. Following determination of a boundary for a NAC, the person or persons seeking formal recognition shall:

1. Hold at least one public organizational meeting that has been well publicized in the neighborhood, with City assistance and approval, and adopt written by-laws that provide, at a minimum, for the following:

a. election of officers, provided that every elected officer and the NAC's representative on the Beaverton Committee for Citizen Involvement (BCCI) meet the membership requirements of subsection 9.06.020 (A);

b. meetings of the general membership, and board, executive committee and subcommittee meetings, provided that general membership meetings shall be held on any matter on which the NAC acts in an advisory capacity to the City Council or to the Planning Commission or other advisory body to the Council, including but not limited to action by the NAC on a pending application to the City for a land use permit or land use decision.

1. All decisions of a NAC shall be by majority vote of the duly constituted board.

2. Votes of the general membership shall be advisory only to the board.

c. Any such meetings shall be conducted in conformance to the requirements of Oregon public meetings law and Oregon public records law regardless of the size of its membership;

d. written minutes as required by the Oregon public meetings law and that also record minority opinions and provided that copies of minutes and meeting sign-in sheets be forwarded to the City within a time period determined by the City;

e. a current list of the names and addresses of the officers of the NAC to be kept on file with the City; and,

f. a minimum of one general neighborhood meeting to be held per calendar year and the time, place and meeting agenda be publicized throughout the neighborhood through mail, on the City website, and in local newspapers no fewer than five business days in advance of the meeting.

2. Following adoption, a copy of the NAC's by-laws shall be filed with the City subject to review and approval by the City Attorney for compliance with applicable federal, state, and local law, including this code, and that any amendments be forwarded to the City in a reasonable time period with all such amendments subject to similar review and approval.

D. Formal Recognition. Providing the NAC meets the criteria set forth in subsections A, B and C of this section, a NAC may be formally recognized by Council resolution. The mayor shall give written notice of the Council's formal recognition within 60 days of the adoption of the resolution to members of the NAC. The Council's resolution shall include at least the following:

1. an encouragement to participate in the activities of the newly formed NAC;

2. a map or other designation describing in general terms the NAC boundaries;

3. the names and addresses of the NAC's officers and board members; and

4. the name, if any, of the City's designated liaison person who will be serving as a primary contact with the NAC.

9.06.022 Criteria for Eligibility for Fee Reimbursement for NAC Appeals. The City, through the mayor's office or the mayor's designee, may reimburse a recognized NAC for the fee

payable for an appeal of a City land use decision or City Traffic Commission decision to the City Council, Planning Commission, or Board of Design Review. Each NAC is eligible to apply for reimbursement for one appeal per fiscal year. Budgeted funds for such appeals are at the discretion of the City Council. Reimbursement will only be for appeal of a land use or Traffic Commission decision occurring within the boundary of the subject NAC. Eligibility can not be transferred to another NAC or carried over to the next fiscal year. The NAC may appeal a decision issued by another jurisdiction; however, the fee associated with the appeal of a decision made by a jurisdiction other than the City of Beaverton is not eligible for reimbursement from the City. Nothing in this code shall prevent a NAC from appealing a land use or traffic decision made by another entity at the NAC's initiative and expense. In order to be eligible for reimbursement, a NAC must meet the following criteria:

A. Recognition Status. The NAC shall be a recognized NAC, meeting the criteria listed under 9.06.020.

B. Meeting Requirements. The NAC shall hold at least one public meeting as to the potential appeal that has been publicized in accordance with City Code 9.06.020(C) and that meets, at minimum, the following:

- 1) the NAC shall be notified of the meeting no fewer than five business days before the date of the meeting; and,
- 2) the meeting shall be conducted in conformance with Oregon public meetings law and Oregon public records law; and,
- 3) the vote to appeal conforms to the voting procedures and voting requirements in the NAC's by-laws; and,
- 4) NAC board members shall conduct a vote on whether or not to appeal the action and whether or not to request reimbursement; and,
- 5) the subject of the potential decision to file an appeal shall appear on the meeting agenda.

C. Filing the Appeal Reimbursement Request. The NAC shall file the written request attached to the appeal within the appropriate appeal period with the City Recorder's Office or Community Development Department, as appropriate. In addition to the appeal, a NAC filing a request for reimbursement shall include the following:

- 1) the appropriate appeal fee as established by City Council; and,
- 2) the minutes from the meeting in which the NAC voted to appeal and voted to request reimbursement of the City's appeal fee; and,
- 3) All other requirements for appeals as required by City ordinance.

D. The mayor, or designee, shall determine whether there is money in the budget for the fee reimbursement and whether the request complies with the requirements above. This decision is not a land use decision and the above criteria on fee reimbursement shall not be applied to determine whether the NAC properly filed their appeal or the merits of any appeal. Nothing in this code obligates the City to appropriate funds for or to reimburse the appeal filing fee nor creates any right or entitlement in any NAC or any person to a claim on City funds.

E. If the NAC meets the above criteria and the fee reimbursement is granted, the City shall reimburse, within a timely manner, the appeal fees to the NAC.

9.06.025 Termination of Recognition. The formal recognition of a NAC may be terminated by the Council for failure to abide by its by-laws or the provisions of BC 9.06.010-.040. The NAC in question shall have notice and an opportunity to be heard before the Council prior to termination.

9.06.030 City Support of NACs. The City may, through the mayor's office and subject to the mayor's judgment concerning the availability of resources or budgetary limitations, provide support and assistance to recognized NACs. The mayor or the mayor's designee shall develop administrative procedures, as the mayor considers appropriate, to provide such support which may include:

- A. Materials, supplies, and services to aid a NAC in formation, recognition and operation;
- B. Staff assistance, as available;
- C. Use of City facilities for regular membership, board, executive, and subcommittee meetings; and
- D. As determined by the City in its sole discretion, other economic assistance and support.

9.06.035 Newly Annexed Areas. The Washington County Citizen Participation Organization (CPO) that includes the area of a proposed annexation to the City within that CPO boundary and the Beaverton NAC whose boundary is nearest that same area, shall be deemed to be "interested parties" as referenced in Chapter 3.09 of Metro Code relating to notice of annexation and shall be notified of any proposed annexation of such area to the City. When an area is annexed to the City, based on the circumstances of each case the Council shall determine:

- A. That the area be added to the territory of an existing NAC;
- B. That the area be recognized as immediately appropriate for one or more NACs and its citizens encouraged immediately to seek formal recognition as a new NAC;
- C. That the area be recognized as appropriate in the future for one or more NACs but, because it is yet undeveloped or is of too small a size, it should be represented temporarily by another NAC, until such time as it is appropriate to be formally recognized as a separate NAC; or
- D. That some other treatment of the area is deemed appropriate under the circumstances.

9.06.040 Council Review of NACs. From time to time, the Council may seek review of one or all of the NACs, their boundaries or the criteria for formal recognition and may amend, modify or change any decision made pursuant to the criteria for formal recognition or any other provision of BC 9.06.010-.040."

First reading this 7th day of _____ November _____, 2005.

Passed by the Council this ___ day of _____, 2005.

Approved by the Mayor this ___ day of _____, 2005.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor