



FINAL AGENDA

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

REGULAR MEETING
JUNE 13, 2005
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PRESENTATIONS:

05110 Metro Corridors Study Findings

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meeting of June 6, 2005

05111 Liquor License: New Outlet - The Freshman Bakery & Café

WORK SESSION:

05112 Metropolitan Area Communications Commission Intergovernmental Agreement Re. Public, Educational and Government Access Programming Priorities

ACTION ITEM:

05113 A Resolution Approving a Modification to the Intergovernmental Agreement for the Metropolitan Area Communications Commission (Resolution No. 3818)

ORDINANCES:

First Reading:

05114 An Ordinance Annexing One Parcel Located at 14615 SW Walker Road to the City of Beaverton: Annexation 2005-0005 (Ordinance No. 4357)

Second Reading:

- 05107 An Ordinance Adopting TA 2005-0003 to Amend Development Code Chapter 20 and 90 (Self Storage Text Amendment) (Ordinance No.4354)
- 05108 An Ordinance Annexing One Parcel Located at 7185 SW Oleson Road to the City of Beaverton: Annexation 2005-0004 (Ordinance No. 4355)
- 05109 An Ordinance Amending Chapter One of the Beaverton City Code by Adding a New Section Relating to the Service of Legal and Administrative Process (Ordinance No. 4356)

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.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Metro Corridors Study Findings

FOR AGENDA OF: 6-13-2005 **BILL NO:** 05110

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 5-24-05

CLEARANCES: Planning HTB

PROCEEDING: PRESENTATION

EXHIBITS: None

BUDGET IMPACT

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

Metro received a Transportation and Growth Management (TGM) grant from the State to study the transportation and land use aspects of major transportation corridors in the region and their relationship to centers. A team of consultants, many of whom were involved with preparation of the Downtown Beaverton Development Strategy, was hired to conduct a two phase study. Phase 1 of the study was a generic examination of relationships between centers and corridors, including a review of previous corridor planning efforts in the U.S. Topics addressed included corridor types, market forces in corridors, transportation issues, and ways to improve corridors. At the end of Phase I, the project advisory committee selected from among several candidate corridors in the region to choose a corridor for a focused case study to examine how the findings from Phase I might be applied. After much discussion, the Beaverton-Hillsdale Highway Corridor from Laurelwood to Highway 217 and the Canyon Road Corridor from approximately 84th to Highway 217 were chosen. Both were selected because each is relatively short, they are different in character (one is primarily lined with auto-oriented land uses while the other is not), and both lead to the recently studied Downtown Beaverton Regional Center.

Planning Services Manager Hal Bergsma represented the City on both the project and case study advisory committees. During Phase II of the study, there were two meetings of a focus group of neighborhood representatives and property owners, including representatives of the West Slope and Raleigh West NACs.

INFORMATION FOR CONSIDERATION:

Metro Project Manager Tim O'Brien and Becky Steckler of the consultant team will make the presentation, focusing on the findings of the study and how the City might implement its recommendations. The City, however, has no obligation to take any actions in response to the study recommendations.

RECOMMENDED ACTION:

No Council action is required.

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
JUNE 6, 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 City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, June 6, 2005 at 6:35 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Dennis Doyle, Fred Ruby, and Cathy Stanton. 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, Senior Engineer Erica Rooney, Plan Review Engineer Jim Duggan and City Recorder Sue Nelson.

PRESENTATIONS:

05103 Presentation - Beaverton Arts Commission Annual Awards

Beaverton Arts Commission President Linda Aleskus and President-Elect Carol Rogat presented to Council the Commission's 2005 Annual Art Awards winners and described why these individuals were being recognized. Mayor Drake presented the awards to the winners. The award winners were:

Member of the Year: Rosie Apodaca

Volunteers of the Year: Arlene Fromer and Jeanette Jones

President's Award: Beaverton Women's Club

Visual Art in the Community Award: Tri-Met Westside MAX Light Rail Public Art Program

Performing Art in the Community Award: Westview High School Drama Department

Heart of the Arts Award: Phyllis Meyer, Artists Against Hunger

Outstanding Business Support of the Arts Award: Frame World and Rivermark
Community Credit Union

Outstanding Corporate Support of the Arts Award: Beaverton Toyota

Outstanding Achievement in the Visual Arts by an Elementary School Student:
Thomas Nelson, Raleigh Hills Elementary; Annelise Peake, Bethany Elementary;
Riley McGregor, Cooper Mountain School

Outstanding Achievement in the Performing Arts by an Elementary School Student:
Rachel Li, Scholls Heights Elementary; Jon Luc Hefferman, Raleigh Park Elementary;
Madison Fitzpatrick, Terra Linda Elementary

Outstanding Achievement in the Visual Arts by a Middle School Student:
Hanna Ho, Highland Park Middle School

Outstanding Achievement in the Performing Arts by a Middle School Student:
Kurt Muramatsu, Conestoga Middle School

Outstanding Achievement in the Visual Arts by a High School Student:
Clayton Standley, and Kalie Stanton, Arts and Communication Magnet Academy;
Molly Sultany, Sunset High School; Genevieve Hudspeth, Aloha High School

Outstanding Achievement in the Performing Arts by a High School Student:
Andrew Christenson, Westview High School; Clair Sharp, Sunset High School

Outstanding Art Educators: Bill Schlegel, Sunset High School; Jon Gottshall, Arts and
Communication Magnet Academy

After the presentation of the awards, Kurt Muramatsu from Conestoga Middle School
performed a trumpet solo entitled "My Regards" by Edward Lewellyn.

Mayor Drake thanked Ms. Aleskus and the Arts Commission for the presentation.

Couns. Doyle and Stanton complimented all the recipients and the talent in the
community for they contributed to making Beaverton a great city.

VISITOR COMMENT PERIOD:

Steve Kaufman, Beaverton, said he owned a business in Beaverton, shopped in Cedar Mills and Cedar Hills, and lived in Forrest Heights. He said this illustrates the uniqueness of this community; it is bound together by interdependence, not by jurisdiction. He said borders did not separate the communities. He said he was the Chair of the Save Cedar Mill Committee that was formed when the proposal to locate a Walmart retail store in Cedar Mill became public. He said this Committee had over 1300 members from Cedar Mill, Cedar Hills, Bethany and Beaverton. He said this Committee believed that Oregon's land use laws were not designed to deal with a large retail developer like Walmart. He said the Committee did not specifically oppose Walmart or any large retail developer. He said they were concerned about any retail development that introduces severe traffic and safety issues, threatens the economic viability of the local small business community, impacts neighborhood livability and does not involve the community that will be affected by such development.

Kaufman said members of the Committee were in Salem this week testifying in support of Senator Charlie Ringo's amendment to House Bill 3310. He said the amendment

Ringo introduced opens up the planning process for large-scale retail developments and ensures that local citizens have an equal voice in the decision on whether or not to allow the development. He said as this issue progresses, he hoped the City would take into account their four chief concerns with respect to retail development: traffic and safety; affect on local small business; neighborhood integrity; and broad range citizen involvement. He said the Save Cedar Mill Committee was operating with confidence that the Board of Design Review and the City Council were truly committed to taking into account what was best for the citizens of the area

Mayor Drake said if Walmart did submit an application to the City, this type of testimony would not be allowed at that time because it could be characterized as an "ex parte" contact. He said if an application was submitted, there would be opportunities for the Cedar Mill Committee to submit its comments to the appropriate board.

Coun. Stanton asked for clarification concerning what Senator Ringo introduced regarding HB 3310.

Kaufman said Ringo introduced an amendment to HB 3310, which had cleared Committee and should be introduced to the Senator Floor soon.

Henry Kane, Beaverton, said last Thursday LUBA heard the arguments on the appeal of Kane, Corby and Monson v. City of Beaverton. He said a decision was due by June 24, 2005. He said that was four days after the June 20, 2005, public hearing on the City's proposed budget. He suggested the Council delay adoption of the budget until after the June 24, 2005, LUBA decision. He said he would testify to the Washington County Board of Commissioners tomorrow in opposition to the transfer of County roads and streets to the City, on the grounds that the matter of the legality and constitutionality of the Barnes Road/Cedar Hills Boulevard annexation is under legal challenge.

COUNCIL ITEMS:

Mayor Drake said Jack Franklin attended a previous Council meeting and testified under the Visitor Comment Period (representing the Schiffler Park Watch Committee) regarding issues at Schiffler Park. He asked Operations Director Gary Brentano to report to Council on this matter.

Brentano said Franklin had reported there were several inactive electrical panels in the Park and had asked that they be removed. He said the City removed the inactive panels and capped the wiring. He said two panels, one at the picnic area and one at the handball court area, were still used for a variety of events throughout the year. He said power was needed at those locations. He said the City was replacing those panels with vandal-resistant panels and the new panels should be in place by next week.

Mayor Drake confirmed with Brentano that he had spoken with Wally Fisher on this matter.

Coun. Bode said the first Picnic in the Park would be this Thursday, June 9, 2005, in Camille Park at 6:00 p.m.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

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

Minutes of the Regular Meetings of May 2 and May 16, and the Special Meeting of May 26, 2005

05104 Liquor License: New Outlet - Friends Café & Pub

05105 Authorize Intergovernmental Agreement with Washington County Cooperative Library Services Regarding the Provision of Telephone Reference Service

Coun. Ruby said he would abstain from voting on the May 26, 2005, minutes as he was not at the meeting.

Coun. Bode said she would abstain from voting on the May 16, 2005, minutes as she was not at that meeting.

Coun. Stanton said she would abstain from voting on the May 2, 2005, minutes as she did not attend that meeting. She said she had a date correction to the May 16, 2005, minutes which she gave to the City Recorder. She thanked staff for answering her questions regarding the Site Development Permit Fees and the Code revision.

Question called on the motion. Couns. Arnold, Bode, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

PUBLIC HEARINGS:

05106 Adopt Resolution and Authorize Implementation of Site Development Permit Fee Increases (Resolution No. 3817)

Community Development Director Joe Grillo said staff would answer Council questions.

Coun. Stanton said the staff report said *a typical site development permits lasts two to three years, therefore, fees collected in one fiscal year must cover expenses extending into the future; some large projects run three to five years.* She asked what projects took five years to develop.

Senior Engineer Erica Rooney and Plan Review Engineer Jim Duggan Plan introduced themselves. Rooney said the projects that took five years or more were The Round, Progress Quarry, and Sexton Crest/Sexton Mountain area which included the Haggen's development. She said a future project which could take five years was the Teuffel site which would start soon.

Mayor Drake opened the public hearing and asked for public testimony.

There was no testimony.

Mayor Drake closed the public hearing.

Coun. Stanton MOVED, SECONDED by Coun. Ruby that Council approves Agenda Bill 05106, Adopt Resolution and Authorize Implementation of Site Development Permit Fee Increases (Resolution No. 3817).

Coun. Stanton said she liked the new set-up, especially the sliding scale under Site Development, Right of Way, and Facilities Permit Fee. She said that, and the Erosion Control, meets the needs of the citizens for projects that range from minor remodeling to large site development. She said she appreciated staff's diligent work on these issues.

Question called on the motion. Couns. Arnold, Bode, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

ORDINANCES:

Coun. Doyle MOVED, SECONDED by Coun. Ruby, that the rules be suspended, and that the ordinances embodied in Agenda Bills 05107, 05108 and 05109, 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, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

First Reading:

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

- 05107 An Ordinance Adopting TA 2005-0003 to Amend Development Code Chapters 20 and 90 (Self Storage Text Amendment) (Ordinance No.4354)
- 05108 An Ordinance Annexing One Parcel Located at 7185 SW Oleson Road to the City of Beaverton: Annexation 2005-0004 (Ordinance No. 4355)
- 05109 An Ordinance Amending Chapter One of the Beaverton City Code by Adding a New Section Relating to the Service of Legal and Administrative Process (Ordinance No. 4356)

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 7:25 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

FOR AGENDA OF: 06/13/05 **BILL NO:** 05111

NEW OUTLET

The Freshman Bakery & Café
16165 SW Regatta Lane, Suite 100
Beaverton, OR

MAYOR'S APPROVAL: 

DEPARTMENT OF ORIGIN:

Police 

DATE SUBMITTED:

05/31/05

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 finds that the applicant has met 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 application.

INFORMATION FOR CONSIDERATION:

The Freshman Bakery & Café, LLC, has made application for a Limited On-Premises Sales License under the trade name of The Freshman Bakery & Cafe. The establishment serves Asian food. It operates seven days a week, serving lunch and dinner from 10:30 a.m. to 12:00 a.m. There is no entertainment offered. A Limited On-Premises Sales license allows the sale of malt beverages, wine, and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go.

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: Metropolitan Area Communications Commission (MACC) Intergovernmental Agreement Re. Public, Educational and Government Access Programming Priorities

FOR AGENDA OF: 06-13-05 **BILL NO:** 05112

Mayor's Approval: *Bob Grace*

DEPARTMENT OF ORIGIN: City Attorney's *US*

DATE SUBMITTED: 05-20-05

CLEARANCES: Finance *PO Drew*

PROCEEDING: WORK SESSION

EXHIBITS: Resolution
MACC Staff Report with Attachments

BUDGET IMPACT

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

The Metropolitan Area Communications Commission ("MACC") is an intergovernmental commission formed in 1980 with several member jurisdictions. In 2002 the Commission adopted an IGA, approved by the member jurisdictions, which included an exhibit containing the allocation of franchise fees payable to the member jurisdictions for MACC Administration and for public, educational and government access services (PEG Access).

INFORMATION FOR CONSIDERATION:

In May 2005, the Commission considered and approved a request by the MACC Budget Committee to modify the funding for PEG Access services and as a result adopted Resolution 2005-04 approving an Amendment to Exhibit A of the current IGA. This resolution consents to such amendment.

RECOMMENDED ACTION:

Conduct work session.

RESOLUTION NO. 3818

**A RESOLUTION APPROVING A MODIFICATION TO THE
INTERGOVERNMENTAL AGREEMENT FOR THE
METROPOLITAN AREA COMMUNICATIONS COMMISSION**

WHEREAS, the Metropolitan Area Communications Commission, hereinafter “MACC”, is an intergovernmental commission formed in April 1980, under ORS Chapter 190, with Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard, and Tualatin as current members; and

WHEREAS, in 2002 the Commission adopted a new IGA, including Exhibit A containing the allocation of franchise fees payable to the member jurisdictions for MACC administration and for public, educational, and government access services (PEG Access), and the new IGA was subsequently approved by all MACC member jurisdictions as required by Section 4.D of the Agreement; and

WHEREAS, in June 2004, the Commission charged the MACC Budget Committee with a review of PEG Access funding and services to be provided under the Comcast Cable Franchises granted by MACC; and

WHEREAS, at its May 5, 2005, meeting, the Commission considered the Budget Committee’s recommendation to modify the funding for PEG Access, and adopted Resolution 2005-04 approving an Amendment to Exhibit A of the current IGA; and

WHEREAS, the Commission further recommended that each of the MACC member jurisdictions approve the IGA amendment concerning PEG Access services and funding by duly authorized enactment of each jurisdiction’s governing body, as required by Section 4.D of the Agreement.

NOW, THEREFORE, THE CITY OF BEAVERTON, OREGON RESOLVES:

Section 1. Exhibit A of the MACC IGA, Section 2, is amended by deleting the former allocation of franchise fee revenues for PEG Access, and replacing it with the following text:

“In fiscal year 2005-2006, the MACC jurisdictions will contribute a combined total of \$500,000 of their cable franchise fees to support PEG Access. Each jurisdiction will pay its proportionate share of this total amount. Beginning in fiscal year 2006-2007, and each subsequent year thereafter through February 1, 2014, this \$500,000 jurisdictional PEG Access funding amount will be adjusted by the cost-of-living index amount (based on the CPIU – Portland) in July of each fiscal year.

Notwithstanding this allocation commitment, the appropriation of funds is subject to the annual process required of each jurisdiction pursuant to local budget law.

If a jurisdiction does not allocate its proportionate share, the Commission may place restrictions on the PEG Access services provided to the jurisdiction and/or its citizens.”

The full text of Exhibit A, as modified by this Resolution, is attached.

Section 2. This resolution shall take effect immediately upon its adoption by the Council.

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

MACC Intergovernmental Agreement Amendment
Report on Commission Recommendation
May 2005

Dear Mayor and Council Members:

On May 5, 2005, the Metropolitan Area Communications Commission (MACC or Commission) unanimously adopted MACC Resolution 2005-04 (Attachment A), recommending to the MACC member jurisdictions that they amend "Exhibit A" of the MACC Intergovernmental Agreement (IGA), regarding future funding support for Public, Education, and Government Access (PEG Access) to be effective on July 1, 2005. This new funding formula replaces the current PEG Access funding from the jurisdictions which expires on June 30, 2005.

History of PEG Access – MACC originally managed PEG Access beginning in 1988, after a failed attempt by the cable operator. MACC created Tualatin Valley Community Access (TVCA) and an award-winning PEG program. In 1994, PEG resources and staff were spun off as a nonprofit entity, TVCA, ultimately changing its name to Tualatin Valley Television / TVTV in 2002. In February 2005, the Commission decided to cease contracting for these services and to return PEG Access to MACC's management. The Commission also decided MACC's PEG Access program will operate as Tualatin Valley Community Television or TVCTV beginning on July 1st.

New MACC PEG Emphasis – At the direction of the Commission, the new TVCTV program will place more emphasis on government and community programming in MACC's service area (definitions in Attachment B). This will include allocations of government and community programs produced for each jurisdiction (Attachment C), ensuring that each jurisdiction receives a direct benefit from their PEG Access contribution. TVCTV will also significantly increase its outreach to MACC jurisdictions in order to improve the quality and value of productions to our members.

Those jurisdictions whose council/commission meetings are currently covered by TVTV will continue to have these services provided by TVCTV at the same level as provided during this fiscal year. In addition, the City of Forest Grove is going to have a civic studio constructed in their auditorium and will have one of their meetings cablecast each month.

TVCTV will also work closely with area school districts and educational groups to increase participation in Educational Access programming, benefiting the schools, students, and their communities. Although a Public Access component will be maintained to provide individual citizens with an opportunity to learn how to produce programming, these services will be at a more modest level.

MACC Governance and Franchise Fee Funding – Although the Commission makes most of MACC's policy decisions, the IGA requires that member jurisdictions decide all issues related to the franchise fee allocations. And, such IGA amendments require all fourteen MACC jurisdictions to agree on these changes. Currently, your jurisdiction provides 20% of your cable franchise fees to support MACC franchise administration and regulation, and 19% for PEG

Access operations. Under the Commission's recommendation for future PEG Access funding, jurisdictions would contribute a proportionate share of the annual \$500,000 PEG Access budget (annually adjusted by a COLA) instead of a percentage of franchise fees (Attachment D shows amounts by jurisdiction and reductions from current PEG contributions).

The Commission has also recommended that \$500,000 of PEG operating reserves, accumulated by the nonprofit organization TVTV over the last ten years, be returned to the jurisdictions. These funds will be distributed, in proportionate shares, to jurisdictions during the first quarter of FY06 (Attachment E shows the returns by jurisdiction).

The Commission plans for MACC to retain the remaining PEG Access operating reserves to supplement the PEG funding provided by the jurisdictions. The MACC PEG budget will include \$550,000 in PEG Access funding in FY05/06 (\$500,000 from the jurisdictions and \$50,000 from retained reserves), this is \$70,000 less than what TVTV received in FY04/05. We believe this budget will provide a sound, basic PEG Access program that is more responsive to the needs of its members. Jurisdictions that want PEG Access services above the basic amount will be able to separately contract with TVCTV for such services. In addition, TVCTV will continue to seek other funding and contracting opportunities to supplement this funding.

We have provided a "model resolution" your jurisdiction can use to adopt the IGA Amendment. All jurisdictions must adopt the provisions of this resolution, without change, to ensure passage of the IGA amendment.

TVTV – MACC Management Transition – The transition of management from the nonprofit TVTV to MACC is continuing and will be completed by July 1, 2005. Since the time for the transition is short, and MACC has much to learn from TVTV staff, and we expect to carry forward most of their current services into FY05/06, we also plan to retain most of the current staff to help make the transition even smoother. Once the transition is complete, MACC will be able to do a complete review of the PEG Access operations over the next year, adjusting where necessary.

We are available to answer any questions about the Commission's recommended amendment of the IGA and MACC's future management of PEG Access.

Thank you for your consideration of this important amendment to MACC's IGA.

Attachments: A – MACC Resolution 2005-04 Recommending IGA Amendment
 B – MACC/TVCTV Government and Community Programming
 C – Distribution of Government and Community Programming by Jurisdiction
 D – Recommended Franchise Fee Support for PEG Access by Jurisdiction
 E – Estimated PEG Access Reserves to be Returned to Jurisdictions

METROPOLITAN AREA COMMUNICATIONS COMMISSION

RESOLUTION NO. 2005-04

A RESOLUTION AMENDING EXHIBIT A OF THE MACC INTERGOVERNMENTAL COOPERATION AGREEMENT, AND RECOMMENDING APPROVAL OF THE AMENDMENT BY THE MACC MEMBER JURISDICTIONS

WHEREAS, the Metropolitan Area Communications Commission, hereinafter “MACC”, is an intergovernmental cooperation commission formed in April, 1980 under ORS Chapter 190, with Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard, and Tualatin as current members; and

WHEREAS, the Commission has operated under the original Intergovernmental (IGA or Agreement), with several amendments, since that time; and

WHEREAS in 2002 the Commission adopted a new Agreement, including Exhibit A allocating franchise fees payable to the member jurisdictions for MACC administration and for Public, Educational and Government (PEG) Access services, and the new Agreement was subsequently approved by all MACC member jurisdictions as required by Section 4.D of the Agreement; and

WHEREAS, in June, 2004 the Commission charged the MACC Budget Committee with a review of PEG Access funding and services to be provided under the Comcast Cable Franchises granted by MACC; and

WHEREAS, the Budget Committee has presented its recommendation, which has been reviewed and accepted by the Commission at its May 5, 2005, meeting; and

WHEREAS, the proposed funding and services package for PEG Access requires an amendment to Exhibit A of the MACC IGA;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION:

Section 1. Exhibit A of MACC IGA amended.

Exhibit A of the MACC IGA, Section 2, is amended by deleting the former allocation of franchise fee revenues for PEG Access, and replacing it with the following text:

In fiscal year 2005-2006, the MACC jurisdictions will contribute a combined total of \$500,000 of their cable franchise fees to support PEG Access. Each jurisdiction will pay its proportionate share of this total amount. Beginning in fiscal year 2006-2007, and in each subsequent year thereafter through February 1, 2014, this \$500,000 jurisdictional PEG funding amount will be adjusted by the cost-of-living index amount (based on the CPIU – Portland) in July of each fiscal year.

Notwithstanding this allocation commitment, the appropriation of funds is subject to the annual process required of each jurisdiction pursuant to local budget law.

Section 2. Recommendation to Member Jurisdictions.

The Commission hereby recommends that each of the member jurisdictions approve the Amendment to Exhibit A of the IGA by duly authorized enactment of each jurisdiction's governing body.

Section 3. Effective date.

This Resolution shall take effect immediately upon its adoption by the Commission and signature by the Chair. The Amendment to Exhibit A of the IGA will take effect following its approval by each MACC member jurisdiction as required by Section 4.D of the IGA and certification of such approval by MACC in accordance with Section 7.D of the agreement.

ADOPTED BY THE BOARD OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION this 5th day of May, 2005.

Herb Hirst, Board Chair

MACC/TVCTV Government and Community Programming

MACC, through Tualatin Valley Community Television (TVCTV), will provide “Community Television” programming services to its member jurisdictions. Part of TVCTV’s Public, Education, and Government (PEG) Access programming will include “Government and Community Programming.” TVCTV will provide 92 such programs, allocated among the MACC members.

These categories of programming are not exclusive, but we offer the following examples to illustrate the type of programming jurisdictions could produce.

Government Programming – Produced by, for, or about government or government functions, as authorized by a MACC jurisdiction. Examples of government programs include:

- Events – town hall meetings; community meetings; press conferences; public speeches or presentations (i.e., State of the City Address); ground breakings; Sister City events; neighborhood/citizen participation organizations; etc.
- Public Information – public service announcements (PSAs); events or promotions; public safety, health, emergency information; general informational programs (i.e., interviews with public officials, etc.); economic development promotions; citizen call-in programs (i.e., “Ask Your Legislator”); library service programs (i.e., Cornelius Library 90th Anniversary); legislative hearings/sessions (i.e., OPAN), meetings of the planning committee, etc.
- Employee Training/Information – job safety training; PERS retirement; health information; FEMA/Homeland Security information; employee information/meetings for government employees, etc.

Community Programming – Significant events, people, groups, places, and things related to the community, as recognized by each MACC jurisdiction. Examples of these community programs include:

- Organizations – Chamber of Commerce events (i.e., Hillsboro Chamber Awards Banquet), civic organizations (i.e., Video Voters Guide); arts/cultural/ethnic organizations (i.e., Old Time Fiddlers in Gaston, folk/ethnic festivals), education/civic groups (i.e., Washington County Public Affairs Forum); etc.
- Events – parades; festivals (i.e., North Plains Garlic Festival); fairs; anniversaries, or historical celebrations (i.e., Lake Oswego Heritage Council Mayor’s Forum); recreation or athletic events; community symposiums, seminars, or meetings (i.e., Hillsboro Agricultural Symposium); etc.

NOTE: Jurisdictions’ Council and Board meetings which are currently covered in FY 05 will continue to be produced and cablecast at no charge (includes bit-streaming video of meetings).

| As Recommended by the Commission at their meeting on 5/5/2005 | Distribution of Government & Community Programing by Jurisdiction | | | | |
|---|---|----------------------------------|-----------|-----------|-------|
| | JURISDICTION | FY06 Basis PEG Funding \$500,000 | Programs | | Total |
| | | | Base | Addl* | |
| WASHINGTON CO (MACC) | \$ 173,026 | 1 | 24 | 25 | |
| WASHINGTON CO | | | | | |
| BEAVERTON | \$ 82,145 | 1 | 11 | 12 | |
| HILLSBORO | \$ 73,128 | 1 | 10 | 11 | |
| TIGARD | \$ 56,654 | 1 | 8 | 9 | |
| LAKE OSWEGO | \$ 55,196 | 1 | 8 | 9 | |
| TUALATIN | \$ 28,709 | 1 | 4 | 5 | |
| FOREST GROVE | \$ 15,073 | 1 | 2 | 3 | |
| CORNELIUS | \$ 5,793 | 1 | 1 | 2 | |
| KING CITY | \$ 4,975 | 1 | 1 | 2 | |
| NORTH PLAINS | \$ 1,715 | 1 | - | 1 | |
| BANKS | \$ 1,442 | 1 | - | 1 | |
| DURHAM | \$ 1,282 | 1 | - | 1 | |
| GASTON | \$ 474 | 1 | - | 1 | |
| RIVERGROVE | \$ 389 | 1 | - | 1 | |
| REGIONAL POOL | | | 9 | 9 | |
| TOTALS | \$ 500,000 | 14 | 78 | 92 | |

Allocation method: 1 program for each jurisdiction (14 total); 9 of the remaining 78 (from total of 92), in a pool available to any jurisdiction; the balance of 69 based on franchise revenue per jurisdiction (rounded).

NOTES:

- MACC will work with jurisdiction staff annually to produce the listed number of programs. This programming is separate from current city council/county board meeting coverage.
- The number of programs listed are generally based on the percentage of estimated franchise fee revenue generated by each jurisdiction in FY05-06. MACC will review and adjust these to maintain the proper proportions among the 14 jurisdictions.
- Jurisdictions wanting additional programs can contract separately with MACC/TVCTV.
- Each jurisdiction will be asked to assign a staff member as the liaison to MACC for programming decisions.
- A pool would be available for jurisdictions for programs of area-wide interest between July 1 and December 20, 2005.
- Meeting coverage for FY05-06 will be based on the number of meetings that were regularly produced during FY04-05. MACC may need to charge a fee for additional meeting coverage. Meeting coverage as proposed will be governed by a Letter of Agreement (LOA) between MACC and the jurisdiction. LOAs will state each party's responsibilities for meeting coverage.
- Web streaming of meeting coverage will continue to be provided.

Revised May 11, 2005

Recommended Franchise Fee support for PEG Access by Jurisdiction
Total PEG Support Proposed for FY06

Column descriptions below -->

| FY06 JURISDICTION | Estimated Franchise Fee Revenue During FY06 | | FY05 PEG Support at 15%-17%-19% | Proposed PEG Support for FY06 | FY06 more or (less) than FY05 |
|-----------------------|--|---------------|------------------------------------|-------------------------------------|----------------------------------|
| | Fee Revenue | % of Total | | | |
| Banks | \$ 9,882 | 0.3% | \$ 1,835 | \$ 1,282 | \$ (553) |
| Beaverton | \$ 633,359 | 16.4% | \$ 111,397 | \$ 82,145 | \$ (29,252) |
| Cornelius | \$ 44,663 | 1.2% | \$ 7,820 | \$ 5,793 | \$ (2,027) |
| Durham | \$ 13,221 | 0.3% | \$ 1,415 | \$ 1,715 | \$ 300 |
| Forest Grove | \$ 116,216 | 3.0% | \$ 19,867 | \$ 15,073 | \$ (4,794) |
| Gaston | \$ 3,654 | 0.1% | \$ 722 | \$ 474 | \$ (248) |
| Hillsboro | \$ 563,838 | 14.6% | \$ 95,848 | \$ 73,128 | \$ (22,720) |
| King City (2) | \$ 38,356 | 1.0% | \$ - | \$ 4,975 | \$ 4,975 |
| Lake Oswego | \$ 425,575 | 11.0% | \$ 61,520 | \$ 55,196 | \$ (6,324) |
| North Plains | \$ 11,119 | 0.3% | \$ 1,856 | \$ 1,442 | \$ (414) |
| Rivergrove | \$ 3,001 | 0.1% | \$ 510 | \$ 389 | \$ (121) |
| Tigard | \$ 436,816 | 11.3% | \$ 63,574 | \$ 56,654 | \$ (6,920) |
| Tualatin | \$ 221,355 | 5.7% | \$ 34,745 | \$ 28,709 | \$ (6,036) |
| Washington County (1) | \$ 1,334,081 | 34.6% | \$ 217,723 | \$ 173,026 | \$ (44,696) |
| TOTALS | \$ 3,855,135 | 100.0% | \$ 618,831 | \$ 500,000 | \$ (118,831) |

(1) Amounts for Washington County are the combined estimates from their MACC Franchise and their separate County-Comcast Franchise. Both support PEG.

(2) King City ceased paying PEG support January 1, 2004. Column D includes King City support for FY 06.

Column descriptions:

A--> Estimated FY06 franchise fees for each jurisdiction.

B--> Percentage of total estimated FY06 franchise fees for each jurisdiction.

C--> Estimated amount each jurisdiction will pay for PEG during FY05, which was based on percentages for franchise fees and not on a flat amount for PEG.

D--> Amount each jurisdiction would pay for PEG, based on their share of estimated FY06 franchise fee revenues and proposed PEG funding of \$500,000. This also approximates the jurisdiction's share of the \$500,000 of PEG operating reserves that will be returned to jurisdictions.

E--> The difference between the FY06 and FY05 amounts each jurisdiction would pay for PEG, based on this proposal

Estimated PEG Access Reserves to be Returned to Jurisdictions

| Jurisdiction | Total Amount Paid by Each Member to Support PEG 1995-2004 | | Return of \$500,000 Based on 1995 - 2004 |
|---------------------------------|---|----------------|--|
| | Total Paid to PEG | % of Total | |
| BANKS | \$10,123 | 0.23% | \$1,147 |
| BEAVERTON | 677,460 | 15.35% | 76,741 |
| CORNELIUS | 63,352 | 1.44% | 7,176 |
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| FOREST GROVE | 146,580 | 3.32% | 16,604 |
| GASTON | 7,836 | 0.18% | 888 |
| HILLSBORO | 624,374 | 14.15% | 70,728 |
| KING CITY | 36,262 | 0.82% | 4,108 |
| LAKE OSWEGO | 443,589 | 10.05% | 50,249 |
| NORTH PLAINS | 12,334 | 0.28% | 1,397 |
| RIVERGROVE | 3,701 | 0.08% | 419 |
| TIGARD | 441,162 | 9.99% | 49,974 |
| TUALATIN | 236,887 | 5.37% | 26,834 |
| WASH CO. MACC (both franchises) | 1,699,171 | 38.50% | 192,479 |
| Total ---> | \$4,413,915 | 100.00% | \$500,000 |

NOTES:

This data takes into account all changes in MACC member PEG support throughout this time period (including no contribution from King City from January 2004 to present).

The data includes all PEG support paid through Dec 31, 2004. When these revenues are provided to MACC jurisdictions, the calculations will be updated to reflect PEG revenues from March 31 to June 30, 2005. The final amounts returned to jurisdictions, therefore, may be slightly different from the amounts shown here.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: A Resolution Approving A Modification to the Intergovernmental Agreement for the Metropolitan Area Communications Commission. (MACC)

FOR AGENDA OF: 06-13-05 **BILL NO:** 05113

Mayor's Approval: *Bob Prace*

DEPARTMENT OF ORIGIN: City Attorney's *US*

DATE SUBMITTED: 05-20-05

CLEARANCES: Finance *AO Clue*

PROCEEDING: ACTION ITEM

EXHIBITS: Resolution
MACC Staff Report with Attachments

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The Metropolitan Area Communications Commission ("MACC") is an intergovernmental commission formed in 1980 with several member jurisdictions. In 2002 the Commission adopted an IGA, approved by the member jurisdictions, which included an exhibit containing the allocation of franchise fees payable to the member jurisdictions for MACC Administration and for public, educational and government access services (PEG Access).

INFORMATION FOR CONSIDERATION:

In May 2005, the Commission considered and approved a request by the MACC Budget Committee to modify the funding for PEG Access services and as a result adopted Resolution 2005-04 approving an Amendment to Exhibit A of the current IGA. This resolution consents to such amendment.

RECOMMENDED ACTION:

Pass resolution.

RESOLUTION NO. 3818

**A RESOLUTION APPROVING A MODIFICATION TO THE
INTERGOVERNMENTAL AGREEMENT FOR THE
METROPOLITAN AREA COMMUNICATIONS COMMISSION**

WHEREAS, the Metropolitan Area Communications Commission, hereinafter "MACC", is an intergovernmental commission formed in April 1980, under ORS Chapter 190, with Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard, and Tualatin as current members; and

WHEREAS, in 2002 the Commission adopted a new IGA, including Exhibit A containing the allocation of franchise fees payable to the member jurisdictions for MACC administration and for public, educational, and government access services (PEG Access), and the new IGA was subsequently approved by all MACC member jurisdictions as required by Section 4.D of the Agreement; and

WHEREAS, in June 2004, the Commission charged the MACC Budget Committee with a review of PEG Access funding and services to be provided under the Comcast Cable Franchises granted by MACC; and

WHEREAS, at its May 5, 2005, meeting, the Commission considered the Budget Committee's recommendation to modify the funding for PEG Access, and adopted Resolution 2005-04 approving an Amendment to Exhibit A of the current IGA; and

WHEREAS, the Commission further recommended that each of the MACC member jurisdictions approve the IGA amendment concerning PEG Access services and funding by duly authorized enactment of each jurisdiction's governing body, as required by Section 4.D of the Agreement.

NOW, THEREFORE, THE CITY OF BEAVERTON, OREGON RESOLVES:

Section 1. Exhibit A of the MACC IGA, Section 2, is amended by deleting the former allocation of franchise fee revenues for PEG Access, and replacing it with the following text:

"In fiscal year 2005-2006, the MACC jurisdictions will contribute a combined total of \$500,000 of their cable franchise fees to support PEG Access. Each jurisdiction will pay its proportionate share of this total amount. Beginning in fiscal year 2006-2007, and each subsequent year thereafter through February 1, 2014, this \$500,000 jurisdictional PEG Access funding amount will be adjusted by the cost-of-living index amount (based on the CPIU – Portland) in July of each fiscal year.

Notwithstanding this allocation commitment, the appropriation of funds is subject to the annual process required of each jurisdiction pursuant to local budget law.

If a jurisdiction does not allocate its proportionate share, the Commission may place restrictions on the PEG Access services provided to the jurisdiction and/or its citizens.”

The full text of Exhibit A, as modified by this Resolution, is attached.

Section 2. This resolution shall take effect immediately upon its adoption by the Council.

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

MACC Intergovernmental Agreement Amendment
Report on Commission Recommendation
May 2005

Dear Mayor and Council Members:

On May 5, 2005, the Metropolitan Area Communications Commission (MACC or Commission) unanimously adopted MACC Resolution 2005-04 (Attachment A), recommending to the MACC member jurisdictions that they amend "Exhibit A" of the MACC Intergovernmental Agreement (IGA), regarding future funding support for Public, Education, and Government Access (PEG Access) to be effective on July 1, 2005. This new funding formula replaces the current PEG Access funding from the jurisdictions which expires on June 30, 2005.

History of PEG Access – MACC originally managed PEG Access beginning in 1988, after a failed attempt by the cable operator. MACC created Tualatin Valley Community Access (TVCA) and an award-winning PEG program. In 1994, PEG resources and staff were spun off as a nonprofit entity, TVCA, ultimately changing its name to Tualatin Valley Television / TVTV in 2002. In February 2005, the Commission decided to cease contracting for these services and to return PEG Access to MACC's management. The Commission also decided MACC's PEG Access program will operate as Tualatin Valley Community Television or TVCTV beginning on July 1st.

New MACC PEG Emphasis – At the direction of the Commission, the new TVCTV program will place more emphasis on government and community programming in MACC's service area (definitions in Attachment B). This will include allocations of government and community programs produced for each jurisdiction (Attachment C), ensuring that each jurisdiction receives a direct benefit from their PEG Access contribution. TVCTV will also significantly increase its outreach to MACC jurisdictions in order to improve the quality and value of productions to our members.

Those jurisdictions whose council/commission meetings are currently covered by TVTV will continue to have these services provided by TVCTV at the same level as provided during this fiscal year. In addition, the City of Forest Grove is going to have a civic studio constructed in their auditorium and will have one of their meetings cablecast each month.

TVCTV will also work closely with area school districts and educational groups to increase participation in Educational Access programming, benefiting the schools, students, and their communities. Although a Public Access component will be maintained to provide individual citizens with an opportunity to learn how to produce programming, these services will be at a more modest level.

MACC Governance and Franchise Fee Funding – Although the Commission makes most of MACC's policy decisions, the IGA requires that member jurisdictions decide all issues related to the franchise fee allocations. And, such IGA amendments require all fourteen MACC jurisdictions to agree on these changes. Currently, your jurisdiction provides 20% of your cable franchise fees to support MACC franchise administration and regulation, and 19% for PEG

Access operations. Under the Commission's recommendation for future PEG Access funding, jurisdictions would contribute a proportionate share of the annual \$500,000 PEG Access budget (annually adjusted by a COLA) instead of a percentage of franchise fees (Attachment D shows amounts by jurisdiction and reductions from current PEG contributions).

The Commission has also recommended that \$500,000 of PEG operating reserves, accumulated by the nonprofit organization TVTV over the last ten years, be returned to the jurisdictions. These funds will be distributed, in proportionate shares, to jurisdictions during the first quarter of FY06 (Attachment E shows the returns by jurisdiction).

The Commission plans for MACC to retain the remaining PEG Access operating reserves to supplement the PEG funding provided by the jurisdictions. The MACC PEG budget will include \$550,000 in PEG Access funding in FY05/06 (\$500,000 from the jurisdictions and \$50,000 from retained reserves), this is \$70,000 less than what TVTV received in FY04/05. We believe this budget will provide a sound, basic PEG Access program that is more responsive to the needs of its members. Jurisdictions that want PEG Access services above the basic amount will be able to separately contract with TVCTV for such services. In addition, TVCTV will continue to seek other funding and contracting opportunities to supplement this funding.

We have provided a "model resolution" your jurisdiction can use to adopt the IGA Amendment. All jurisdictions must adopt the provisions of this resolution, without change, to ensure passage of the IGA amendment.

TVTV – MACC Management Transition – The transition of management from the nonprofit TVTV to MACC is continuing and will be completed by July 1, 2005. Since the time for the transition is short, and MACC has much to learn from TVTV staff, and we expect to carry forward most of their current services into FY05/06, we also plan to retain most of the current staff to help make the transition even smoother. Once the transition is complete, MACC will be able to do a complete review of the PEG Access operations over the next year, adjusting where necessary.

We are available to answer any questions about the Commission's recommended amendment of the IGA and MACC's future management of PEG Access.

Thank you for your consideration of this important amendment to MACC's IGA.

Attachments: A – MACC Resolution 2005-04 Recommending IGA Amendment
 B – MACC/TVCTV Government and Community Programming
 C – Distribution of Government and Community Programming by Jurisdiction
 D – Recommended Franchise Fee Support for PEG Access by Jurisdiction
 E – Estimated PEG Access Reserves to be Returned to Jurisdictions

METROPOLITAN AREA COMMUNICATIONS COMMISSION

RESOLUTION NO. 2005-04

A RESOLUTION AMENDING EXHIBIT A OF THE MACC INTERGOVERNMENTAL COOPERATION AGREEMENT, AND RECOMMENDING APPROVAL OF THE AMENDMENT BY THE MACC MEMBER JURISDICTIONS

WHEREAS, the Metropolitan Area Communications Commission, hereinafter "MACC", is an intergovernmental cooperation commission formed in April, 1980 under ORS Chapter 190, with Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard, and Tualatin as current members; and

WHEREAS, the Commission has operated under the original Intergovernmental (IGA or Agreement), with several amendments; since that time; and

WHEREAS in 2002 the Commission adopted a new Agreement, including Exhibit A allocating franchise fees payable to the member jurisdictions for MACC administration and for Public, Educational and Government (PEG) Access services, and the new Agreement was subsequently approved by all MACC member jurisdictions as required by Section 4.D of the Agreement; and

WHEREAS, in June, 2004 the Commission charged the MACC Budget Committee with a review of PEG Access funding and services to be provided under the Comcast Cable Franchises granted by MACC; and

WHEREAS, the Budget Committee has presented its recommendation, which has been reviewed and accepted by the Commission at its May 5, 2005, meeting; and

WHEREAS, the proposed funding and services package for PEG Access requires an amendment to Exhibit A of the MACC IGA;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION:

Section 1. Exhibit A of MACC IGA amended.

Exhibit A of the MACC IGA, Section 2, is amended by deleting the former allocation of franchise fee revenues for PEG Access, and replacing it with the following text:

In fiscal year 2005-2006, the MACC jurisdictions will contribute a combined total of \$500,000 of their cable franchise fees to support PEG Access. Each jurisdiction will pay its proportionate share of this total amount. Beginning in fiscal year 2006-2007, and in each subsequent year thereafter through February 1, 2014, this \$500,000 jurisdictional PEG funding amount will be adjusted by the cost-of-living index amount (based on the CPIU - Portland) in July of each fiscal year.

Notwithstanding this allocation commitment, the appropriation of funds is subject to the annual process required of each jurisdiction pursuant to local budget law.

Section 2. Recommendation to Member Jurisdictions.

The Commission hereby recommends that each of the member jurisdictions approve the Amendment to Exhibit A of the IGA by duly authorized enactment of each jurisdiction's governing body.

Section 3. Effective date.

This Resolution shall take effect immediately upon its adoption by the Commission and signature by the Chair. The Amendment to Exhibit A of the IGA will take effect following its approval by each MACC member jurisdiction as required by Section 4.D of the IGA and certification of such approval by MACC in accordance with Section 7.D of the agreement.

ADOPTED BY THE BOARD OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION this 5th day of May, 2005.

Herb Hirst, Board Chair

MACC/TVCTV Government and Community Programming

MACC, through Tualatin Valley Community Television (TVCTV), will provide “Community Television” programming services to its member jurisdictions. Part of TVCTV’s Public, Education, and Government (PEG) Access programming will include “Government and Community Programming.” TVCTV will provide 92 such programs, allocated among the MACC members.

These categories of programming are not exclusive, but we offer the following examples to illustrate the type of programming jurisdictions could produce.

Government Programming – Produced by, for, or about government or government functions, as authorized by a MACC jurisdiction. Examples of government programs include:

- Events – town hall meetings; community meetings; press conferences; public speeches or presentations (i.e., State of the City Address); ground breakings; Sister City events; neighborhood/citizen participation organizations; etc.
- Public Information – public service announcements (PSAs); events or promotions; public safety, health, emergency information; general informational programs (i.e., interviews with public officials, etc.); economic development promotions; citizen call-in programs (i.e., “Ask Your Legislator”); library service programs (i.e., Cornelius Library 90th Anniversary); legislative hearings/sessions (i.e., OPAN), meetings of the planning committee, etc.
- Employee Training/Information – job safety training; PERS retirement; health information; FEMA/Homeland Security information; employee information/meetings for government employees, etc.

Community Programming – Significant events, people, groups, places, and things related to the community, as recognized by each MACC jurisdiction. Examples of these community programs include:

- Organizations – Chamber of Commerce events (i.e., Hillsboro Chamber Awards Banquet), civic organizations (i.e., Video Voters Guide); arts/cultural/ethnic organizations (i.e., Old Time Fiddlers in Gaston, folk/ethnic festivals), education/civic groups (i.e., Washington County Public Affairs Forum); etc.
- Events – parades; festivals (i.e., North Plains Garlic Festival); fairs; anniversaries, or historical celebrations (i.e., Lake Oswego Heritage Council Mayor’s Forum); recreation or athletic events; community symposiums, seminars, or meetings (i.e., Hillsboro Agricultural Symposium); etc.

NOTE: Jurisdictions’ Council and Board meetings which are currently covered in FY 05 will continue to be produced and cablecast at no charge (includes bit-streaming video of meetings).

| As Recommended by the Commission at their meeting on 5/5/2005 | Distribution of Government & Community Programing by Jurisdiction | | | | |
|---|---|----------------------------------|-----------|-----------|-------|
| | JURISDICTION | FY06 Basis PEG Funding \$500,000 | Programs | | Total |
| | | | Base | Addl* | |
| WASHINGTON CO (MACC) WASHINGTON CO | \$ 173,026 | 1 | 24 | 25 | |
| BEAVERTON | \$ 82,145 | 1 | 11 | 12 | |
| HILLSBORO | \$ 73,128 | 1 | 10 | 11 | |
| TIGARD | \$ 56,654 | 1 | 8 | 9 | |
| LAKE OSWEGO | \$ 55,196 | 1 | 8 | 9 | |
| TUALATIN | \$ 28,709 | 1 | 4 | 5 | |
| FOREST GROVE | \$ 15,073 | 1 | 2 | 3 | |
| CORNELIUS | \$ 5,793 | 1 | 1 | 2 | |
| KING CITY | \$ 4,975 | 1 | 1 | 2 | |
| NORTH PLAINS | \$ 1,715 | 1 | - | 1 | |
| BANKS | \$ 1,442 | 1 | - | 1 | |
| DURHAM | \$ 1,282 | 1 | - | 1 | |
| GASTON | \$ 474 | 1 | - | 1 | |
| RIVERGROVE | \$ 389 | 1 | - | 1 | |
| REGIONAL POOL | | | 9 | 9 | |
| TOTALS | \$ 500,000 | 14 | 78 | 92 | |

Allocation method: 1 program for each jurisdiction (14 total); 9 of the remaining 78 (from total of 92), in a pool available to any jurisdiction; the balance of 69 based on franchise revenue per jurisdiction (rounded).

NOTES:

- MACC will work with jurisdiction staff annually to produce the listed number of programs. This programming is separate from current city council/county board meeting coverage.
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- Web streaming of meeting coverage will continue to be provided.

Revised May 11, 2005

Recommended Franchise Fee support for PEG Access by Jurisdiction
Total PEG Support Proposed for FY06

| Column descriptions below --> | A | B | C | D | E |
|-------------------------------|--|------------|------------------------------------|-------------------------------------|----------------------------------|
| FY06 | Estimated Franchise Fee Revenue During FY06 | | FY05 PEG Support at 15%-17%-19% | Proposed PEG Support for FY06 | FY06 more or (less) than FY05 |
| JURISDICTION | Fee Revenue | % of Total | | | |
| Banks | \$ 9,882 | 0.3% | \$ 1,835 | \$ 1,282 | \$ (553) |
| Beaverton | \$ 633,359 | 16.4% | \$ 111,397 | \$ 82,145 | \$ (29,252) |
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| TOTALS | \$ 3,855,135 | 100.0% | \$ 618,831 | \$ 500,000 | \$ (118,831) |

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(2) King City ceased paying PEG support January 1, 2004. Column D includes King City support for FY 06.

Column descriptions:

A--> Estimated FY06 franchise fees for each jurisdiction

B--> Percentage of total estimated FY06 franchise fees for each jurisdiction.

C--> Estimated amount each jurisdiction will pay for PEG during FY05, which was based on percentages for franchise fees and not on a flat amount for PEG.

D--> Amount each jurisdiction would pay for PEG, based on their share of estimated FY06 franchise fee revenues and proposed PEG funding of \$500,000. This also approximates the jurisdiction's share of the \$500,000 of PEG operating reserves that will be returned to jurisdictions.

E--> The difference between the FY06 and FY05 amounts each jurisdiction would pay for PEG, based on this proposal.

Estimated PEG Access Reserves to be Returned to Jurisdictions

| Jurisdiction | Total Amount Paid by Each Member to Support PEG 1995-2004 | | Return of \$500,000 Based on 1995 - 2004 |
|------------------------------------|--|----------------|--|
| | Total Paid to PEG | % of Total | |
| BANKS | \$10,123 | 0.23% | \$1,147 |
| BEAVERTON | 677,460 | 15.35% | 76,741 |
| CORNELIUS | 63,352 | 1.44% | 7,176 |
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| WASH CO. MACC (both franchises) | 1,699,171 | 38.50% | 192,479 |
| Total ---> | \$4,413,915 | 100.00% | \$500,000 |

NOTES:

This data takes into account all changes in MACC member PEG support throughout this time period (including no contribution from King City from January 2004 to present).

The data includes all PEG support paid through Dec 31, 2004. When these revenues are provided to MACC jurisdictions, the calculations will be updated to reflect PEG revenues from March 31 to June 30, 2005. The final amounts returned to jurisdictions, therefore, may be slightly different from the amounts shown here.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Annexing One Parcel
Located at 14615 SW Walker Road to the
City of Beaverton: Annexation 2005-0005

FOR AGENDA OF: 06/13/05 **BILL NO:** 05114

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 5/26/05

CLEARANCES: City Attorney *[Signature]*

Planning Services *[Signature]*

PROCEEDING: First Reading

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

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

This request is to annex one tax parcel located at 14615 SW Walker Road to the City of Beaverton. The property is approximately 0.35 acres and is developed with two single family houses. The property owner has consented to the annexation and no electors reside on the property. This consent allows this to be processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045 and no public hearing is required.

INFORMATION FOR CONSIDERATION:

This ordinance and the staff report address the criteria for annexation in Metro Code Chapter 3.09.

Beaverton Code Section 9.06.035A provides the City Council the option of adding property to an appropriate Neighborhood Association Committee (NAC) area at the time of annexation. This parcel is not currently within a NAC. The Neighborhood Office is recommending that this parcel not be added to a NAC at this time.

Staff recommends that the City Council adopt an ordinance annexing the referenced property, effective 30 days after Council approval and the Mayor's signature on this ordinance or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, which ever is later.

RECOMMENDED ACTION:

First Reading

ORDINANCE NO. 4357

AN ORDINANCE ANNEXING ONE PARCEL LOCATED AT
14615 SW WALKER ROAD TO THE CITY OF BEAVERTON:
ANNEXATION 2005-0005

WHEREAS, This expedited annexation was initiated under authority of ORS 222.125, whereby the owner of the property, with no electors, has consented to annexation; and

WHEREAS, This property is in Beaverton's Assumed Urban Services Area and Policy 5.3.1.d of the City's acknowledged Comprehensive Plan states: "The City shall seek to eventually incorporate its entire Urban Services Area."; and

WHEREAS, This property is in area "A" as set forth in the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Service Plan" and, as prescribed by the agreement, the Washington County Board of Commissioners has agreed not to oppose annexations in area "A"; and

WHEREAS, Council Resolution No. 3785 sets forth annexation policies for the City and this action implements those policies; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The property shown on Exhibit A and more particularly described in Exhibit B is hereby annexed to the City of Beaverton, effective 30 days after Council approval and signature by the Mayor or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, which ever is later.

Section 2. The Council accepts the staff report attached hereto as Exhibit C, and finds that:

- a. This annexation is consistent with provisions in the agreement between the City and the Tualatin Valley Water District adopted pursuant to ORS 195.065 that are directly applicable to this annexation; and
- b. This annexation is consistent with the City-Agency agreement between the City and Clean Water Services.

Section 3. The Council finds this annexation will promote and not interfere with the timely, orderly, and economic provision of public facilities and services, in that:

- a. The properties will be withdrawn from the Washington County Urban Road Maintenance District and the Washington County Enhanced Sheriff Patrol District ; and
- b. The properties that lie within the Washington County Street Lighting District #1, if any, will be withdrawn from the district; and
- c. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the properties to be annexed by this Ordinance shall remain within that district; and
- d. The territory will remain within the boundaries of the Tualatin Valley Water District.

Section 4. The Council finds that this annexation complies with all other applicable criteria set out in Metro Code Chapter 3.09 as demonstrated in the staff report attached as Exhibit C.

Section 5. The City Recorder shall place a certified copy of this Ordinance in the City's permanent records, and the Community Development Department shall forward a certified copy of this Ordinance to Metro and all necessary parties within five working days of adoption.

Section 6. The Community Development Department shall transmit copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities affected by this Ordinance in accordance with ORS 222.005.

First Reading _____
Date

Second Reading and Passed _____
Date

Approved by the Mayor _____
Date

ATTEST:

APPROVED:

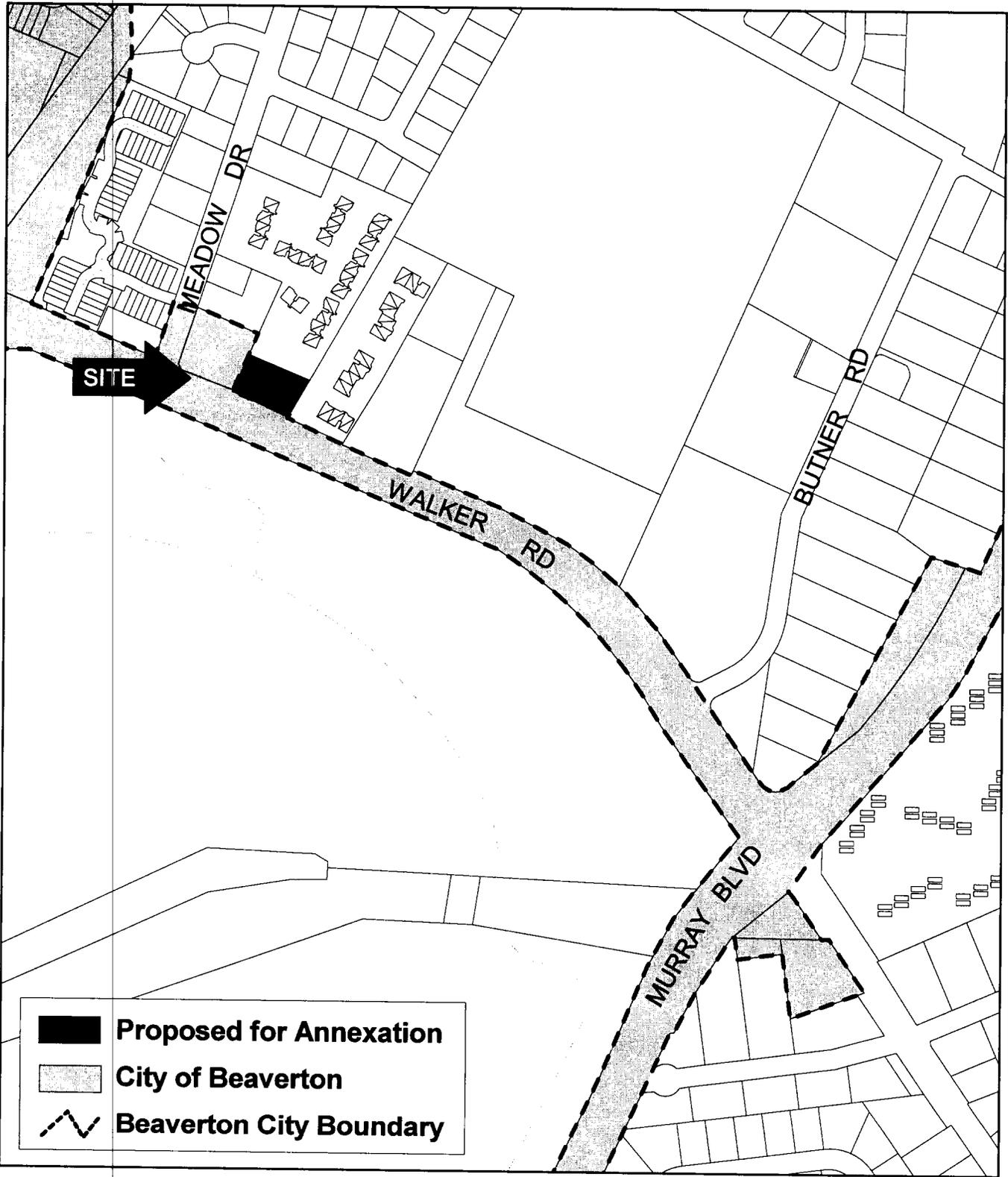
SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

ORDINANCE No. 4357

EXHIBIT "A"



CITY OF BEAVERTON

14615 SW Walker Road

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

5/24/05

Map #
1S105AD04800

N



Application #
ANX2005-0005

EXHIBIT B

ANNEXATION

City of Beaverton

ANX 2005-0005

That tract of land situated in the southeast quarter of the northeast quarter of Section 5, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon. Said tract of land being more particularly described as follows:

COMMENCING at an iron pipe found at the southwest corner of Lot 62 of OLD MEADOW FARMS; THENCE, North 21°38' East along the west line of said Lot 62 for a distance of fifteen (15') feet to the existing right of way line of S.W. Walker Road (CR 215) and to the true POINT OF BEGINNING; THENCE, continuing North 21°38' East along the west line of said Lot 62 for a distance of 100.01 feet to an iron rod; THENCE, South 69°15' East for a distance of 158.73 feet to an iron rod on the east line of said Lot 62; THENCE, South 27°17'30" West along the east line of said Lot 62 and the west line of Meadow Woods Condominiums for a distance of 100.72 feet to a point on the northerly right of way line of said S.W. Walker road; THENCE, North 69°15' West along said right of way line for a distance of 148.8 feet, more or less, to the Point of Beginning.



CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

STAFF REPORT

TO: City Council **REPORT DATE:** May 23, 2005

AGENDA DATE: June 13, 2005

FROM: Community Development Department
Alan Whitworth, Senior Planner *Alan*

SUBJECT: 14615 SW Walker Road Expedited Annexation (ANX 2005-0005)

ACTIONS: Annexation to the City of Beaverton of one parcel located at 14615 SW Walker Road. The property is shown on the attached map, identified as tax lot 1S105AD 04800, and more particularly described by the attached legal description. The annexation of the property is owner initiated (petition attached) and is being processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045.

NAC: This property is not currently within a Neighborhood Association Committee (NAC). The Neighborhood Office is recommending that this property not be added to a NAC at this time.

AREA: Approximately 0.35 acres

TAXABLE BM 50 ASSESSED VALUE: \$ 136,680

ASSESSOR'S REAL MARKET VALUE: \$ 189,470

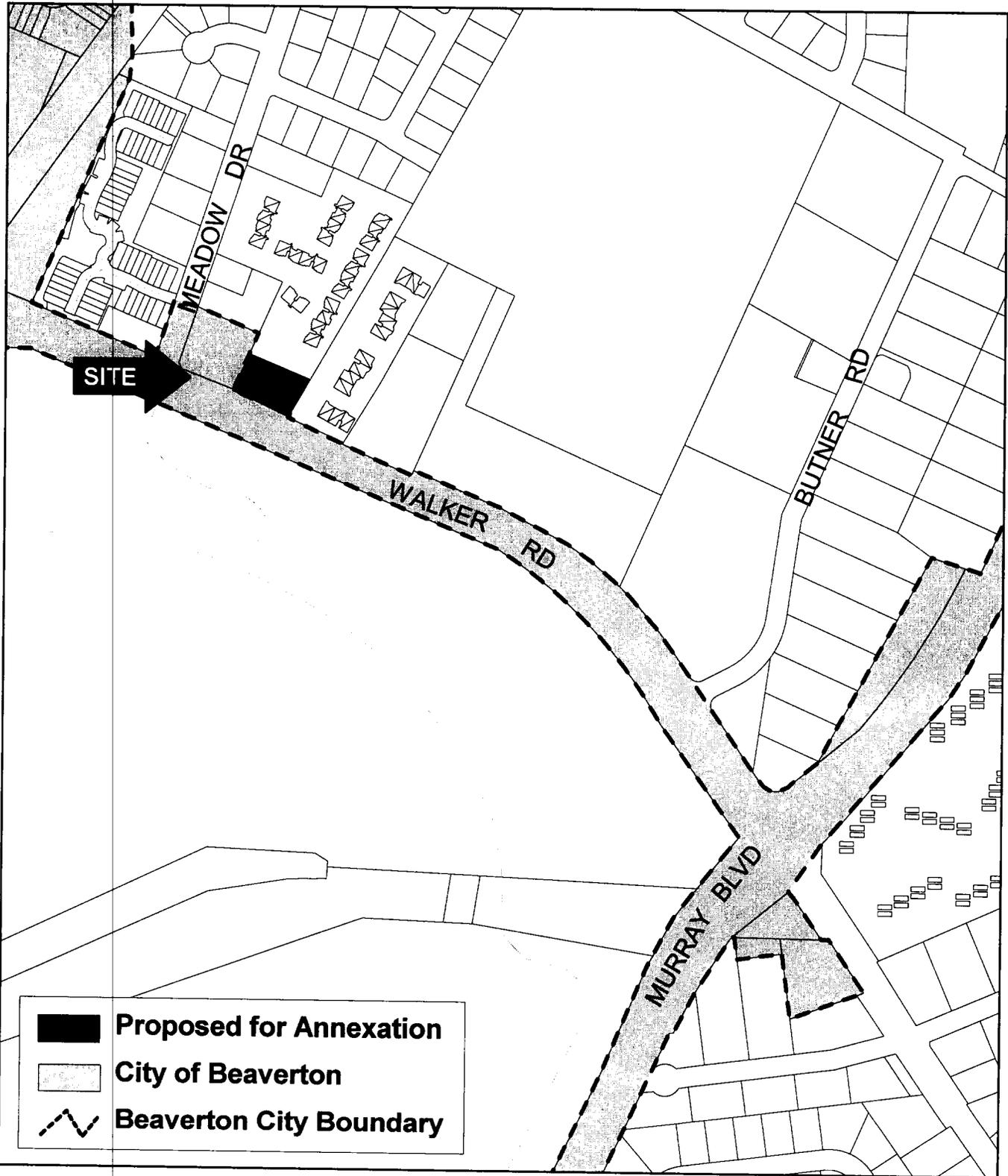
NUMBER OF LOTS: 1

EXISTING COUNTY ZONE: Residential - 15 units to the acre

RECOMMENDATION

Staff recommends the City Council adopt an ordinance annexing the referenced property, effective thirty days after the Mayor's signature or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, which ever is later.

VICINITY MAP



CITY OF BEAVERTON

14615 SW Walker Road
COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

5/24/05

Map #
1S105AD04800



Application #
ANX2005-0005

BACKGROUND

The request is to annex one tax parcel located at 14615 SW Walker Road. The parcel is approximately 0.35 acres and is occupied by two single-family houses. The property owner has consented to the annexation. (There are no electors residing on the parcel.) This consent allows this to be processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045 and no public hearing is required.

The Neighborhood Office is recommending that this property not be added to a Neighborhood Association Committee at this time. The Neighborhood Program Manager has informed staff that the City is reviewing the issue of creating a new NAC to serve this area.

In December, the City and Washington County entered into an Intergovernmental Agreement that established an area "A", in which the City could proceed with annexations without County consent, and an area "B", in which the City would need to obtain County consent to proceed with annexation. This proposed annexation is in area "A".

EXISTING CONDITIONS

SERVICE PROVISION:

The following analysis details the various services available to the property to be annexed. Cooperative, urban service and intergovernmental agreements affecting provision of service to the subject property are:

- The City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Hills Parks and Recreation District, Tualatin Valley Water District and Clean Water Services.
- The City has entered into an agreement with Tualatin Valley Water District that has been designated an ORS 195.065 Urban Service Agreement by the parties. (No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this decision.)
- The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services.
- The City has been a party to a series of ORS Chapter 190 intergovernmental agreements "for Mutual Aid, Mutual Assistance, and Interagency Cooperation Among Law Enforcement Agencies Located in Washington County, Oregon", the last of which was signed by Beaverton Mayor Rob Drake on August 9, 2004. This agreement specifies the terms under which a law enforcement agency may provide assistance in response to an emergency situation outside its jurisdiction when requested by another law enforcement agency.

- On December 22, 2004 the City entered into an intergovernmental agreement with Washington County defining areas that the City may annex for ten years from the date of the agreement without opposition by the County. The property proposed for annexation by this application is included in the areas the City may annex without County opposition.

This action is consistent with those agreements.

- POLICE:** The property to be annexed currently receives police protection from the Washington County Enhanced Sheriff's Patrol District (ESPD). The property will be withdrawn from the ESPD and the City will provide police service upon annexation. In practice whichever law enforcement agency is able to respond first, to an emergency, does so in accordance with the mutual aid agreement described above.
- FIRE:** Tualatin Valley Fire & Rescue (TVF&R) provides fire and ambulance service to the property. The City annexed its own fire services to TVF&R in 1995. TVF&R is designated as the long-term service provider to this area.
- SEWER:** There currently is an 8-inch sanitary sewer line in SW Walker Road that is available to serve this property. Upon annexation the City will be responsible for billing.
- WATER:** Tualatin Valley Water District (TVWD) provides water service to the area. ORS 222.520 allows cities to assume water service responsibilities when annexing less than an entire district. However, the City entered into an intergovernmental agreement with TVWD in 2002 that we would not withdraw property from the District when we annex it. TVWD will continue to provide service, maintenance and perform billing.
- STORM WATER DRAINAGE:** When the property redevelops, storm drainage will be reviewed as part of that development review process. Upon annexation, billing responsibility will transfer to the City.
- STREETS and ROADS:** Access to this property is via SW Walker road, which is a County maintained arterial road.
- PARKS and SCHOOLS:** The proposed annexation is within both the Beaverton School District and the Tualatin Hills Parks and Recreation District. Neither services nor district boundaries associated with these districts will be affected by the proposed annexation.

**PLANNING,
ZONING and
BUILDING:**

Washington County currently provides long-range planning, development review and building inspection for the property. Upon annexation, the City will provide those services. Pursuant to the Urban Planning Area Agreement (UPAA) between the City and County, City Comprehensive Plan and Zoning Designations should be applied to this parcel in a separate action within six months of annexation.

PUBLIC INVOLVEMENT

Consistent with Metro Code Section 3.09.045, the City will send notice of the proposed annexation on or before May 24, 2005 (20 days prior to the agenda date) to all necessary parties including Washington County, Metro, affected special districts and County service districts. Additionally, the City sent notice to the following parties:

- John Lee, Hans & Eugene, LLC 4041 Imperial Drive, West Linn, OR, 97069, the property owner; and,
- The Five Oaks Neighborhood Association Committee and the Cedar Hills/Cedar Mill Citizen Participation Organization; interested parties as set forth in City Code Section 9.06.035.

The notice and a copy of this staff report will be posted on the City's web page.

CRITERIA FOR APPROVAL

REGIONAL ANNEXATION CRITERIA:

In December 1998 the Metro Council adopted Metro Code Chapter 3.09 (Local Government Boundary Changes). Metro Code Section 3.09.050 includes the following minimum criteria for annexation decisions:

3.09.050 (d) An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

- (1) Consistency with directly applicable provisions in an urban services provider agreement or annexation plan adopted pursuant to ORS 195.065;

Findings: This staff report addresses the provision of services in detail and the provision of these services is consistent with cooperative agreements between Beaverton and the service providers. The City has not yet entered into an urban services provider agreement under ORS 195.065 that relates to all potential urban service providers in and around the city, although discussion with other urban services providers on the content of an agreement have occurred sporadically over the last several years, and the

City has proposed an agreement that is acceptable to most of the parties. Because a comprehensive urban service agreement has not been completed, it is not possible to consider adoption of an annexation plan. The City has entered into one agreement that has been designated an ORS 195.065 Urban Service Agreement with Tualatin Valley Water District and this proposed action is consistent with that agreement, as explained in the findings above under existing conditions relating to water service .

As previously noted, On December 22, 2004 the City entered into an intergovernmental agreement with Washington County, titled the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Services Plan" defining areas that the City may annex for ten years from the date of the agreement without opposition by the County, and referencing ORS 195.065(1). The property proposed for annexation by this application is within the ten year annexation area. No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this proposed annexation.

(2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

Findings: The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services, which was updated as of July 1, 2004. Exhibit 'A' to the new agreement defines areas within the "Beaverton Area of Assigned Service Responsibility" where, subsequent to annexation, specified maintenance responsibilities for sanitary sewer lines under 24 inches in diameter and for certain storm drainage facilities and surface water management functions would transfer to the City of July 1 of any year if so requested by the City by January 1 of that year. This property is currently served by an 8-inch sanitary sewer line in Walker Road, which is maintained by the City of Beaverton. No storm sewer lines are included as part of this annexation. The above mentioned agreement does not apply to this annexation.

The acknowledged Washington County - Beaverton Urban Planning Area Agreement (UPAA) does not contain provisions directly applicable to City decisions regarding annexation. The UPAA does address actions to be taken by the City after annexation, including annexation related Comprehensive Plan Land Use Map amendments and rezones. These actions will occur through a separate process.

(3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans;

Findings: Comprehensive Plans: *The only relevant policy of the City of Beaverton's Comprehensive Plan is Policy 5.3.1.d, which states "The City shall seek to eventually incorporate its entire Urban Services Area." The subject territory is within Beaverton's Assumed Urban Services Area, which is Figure V-1 of the City of Beaverton's Acknowledged Comprehensive Plan.*

After reviewing the Washington County Comprehensive Framework Plan for the Urban Area on the County's web site (reflecting changes through County Ordinance No. 598) as well as ordinances adopted subsequently up to the date of this staff report that amended the Comprehensive Framework Plan, staff finds that the following provisions may be applicable to this proposed annexation:

- ***A paragraph in the "County-Wide Development Concept" at the beginning of the Comprehensive Framework Plan which states:***

As development occurs in accordance with this development concept, issues of annexation or incorporation may arise. Annexation or incorporation issues will necessarily relate to various other planning issues such as community identity, fiscal impacts of growth and service provision, coordination between service providers to achieve efficiencies and ensure availability, etc. As such issues arise; the County should evaluate community identity as an issue of equal importance with public service provision issues when developing policy positions on specific annexation or incorporation proposals.

Staff views this statement as direction to the County itself in how to evaluate annexation proposals, and not guidance to the City regarding this specific proposal. As a necessary party, the County has an opportunity to comment on and appeal this proposed boundary change if they believe the boundary change is inconsistent with the approval criteria (see Metro Code section 3.09).

- ***Policy 15 of the Comprehensive Framework Plan, relating to Roles and Responsibilities for Serving Growth, says:***

It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.

Two implementing strategies under Policy 15 that relate to annexation state:

The County will:

- f. *If appropriate in the future, enter into agreements with service providers which address one or more of the following:
3. Service district or city annexation*
- g. *Not oppose proposed annexations to a city that are consistent with an urban service agreement or a voter approved annexation plan.*

The City of Beaverton, Washington County and the other urban service providers for the subject area have been working off and on for several years to arrive at an urban service area agreement for the Beaverton area pursuant to ORS 195.065 that would be consistent with Policy 15 and the cited implementing strategies. Unfortunately, although most issues have been resolved, a few issues remain between the County and the City that have prevented completion of the agreement. These issues do not relate to who provides services or whether they can be provided when needed in an efficient and cost effective manner so much as how the transfer of service provision responsibility occurs, particularly the potential transfer of employees and equipment from the County to the City. As previously noted the County and the City have entered into an intergovernmental agreement that sets an interim urban services plan area in which the County commits to not oppose annexations by the City.

Staff has reviewed other elements of the County Comprehensive Plan, particularly the Cedar Hills/Cedar Mill Community Plan that includes the subject property, and was unable to identify any provision relating to this proposed annexation.

Public Facilities Plans: The City's public facilities plan consists of the Public Facilities and Services Element of the Comprehensive Plan, the Transportation Element of the Comprehensive Plan, the City's Capital Improvements Plan, and the most recent versions of master plans adopted by providers of the following facilities and services in the City: storm water drainage, potable water, sewerage conveyance and processing, parks and recreation, schools and transportation. Where a service is provided by a jurisdiction other than the City, by adopting the master plan for that jurisdiction as part of its public facilities plan, the City has essentially agreed to abide by any provisions of that master plan. No relevant urban services as defined by Metro Code Section 3.09.020(m) will change subsequent to this annexation.

Staff could not identify any provisions in the Washington County Public Facilities Plan relevant to this proposed annexation.

(4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

Findings: The Regional Framework Plan (which includes the RUGGOs and the Urban Growth Management Functional Plan) does not contain policies or criteria directly applicable to annexation decisions of this type.

(5) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;

Findings: The Existing Conditions section of this staff report contains information addressing this criterion in detail. The proposed annexation will not interfere with the provision of public facilities and services. The provision of public facilities and services is prescribed by urban services provider agreements and the City's capital budget.

(6) The territory lies within the Urban Growth Boundary; and

Findings: The property lies within the Urban Growth Boundary.

(7) Consistency with other applicable criteria for the boundary change in question under state and local law.

Findings: OAR 660-001-0310 states "A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) shall be considered by Land Conservation and Development Commission to have been made in accordance with the goals...". Compliance with the Comprehensive Plan was addressed in number 3 above. The applicable Comprehensive Plan policy cited under number 3 above was acknowledged pursuant to Department of Land Conservation and Development Order 001581 on December 31, 2003, meaning it became unnecessary for the City to address the Statewide Planning Goals after that date in considering proposed annexations. There are no other criteria applicable to this boundary change in State Law or local ordinances. The City of Beaverton does have Annexation Policies (attached) adopted by resolution and this proposed annexation is consistent with those policies. Staff finds this voluntary annexation with no associated development or land use approvals is consistent with State and local laws for the reasons stated above.

3.09.050 (g) Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to a city or included in territory proposed for incorporation into a new city. However, cities may annex individual tax lots partially within and without the Urban Growth Boundary.

Findings: This criterion is not applicable to this application because the territory in question has been inside of the Portland Metro Urban Growth Boundary since the boundary was created.

Attachments: Annexation Petition
Legal Description
City Annexation Policies

ANNEXATION PETITION



CITY OF BEAVERTON
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING SERVICES
 4755 S.W. GRIFFITH DRIVE
 P.O. BOX 4755
 BEAVERTON, OR 97076-4755
 PHONE: (503) 350-4039

PETITION FOR A CONSENT ANNEXATION PURSUANT TO ORS 222.125

PLEASE USE ONE PETITION PER TAX LOT

| | |
|----------------|---|
| FOR OFFICE USE | FILE NAME: <u>14615 SW Walker Rd Expedited Annexation</u> |
| | FILE NUMBERS: <u>ANX 2005-0005</u> |

MUST BE SIGNED BY ALL OWNERS. IF THE OWNER IS A CORPORATION OR AN ESTATE THE PERSON SIGNING MUST BE AUTHORIZED TO DO SO. MUST ALSO BE SIGNED BY NOT LESS THAN 50 PERCENT OF ELECTORS (REGISTERED VOTERS), IF ANY, RESIDING ON THE PROPERTY.

PROPERTY INFORMATION

| MAP & TAX LOT | STREET ADDRESS (IF ASSIGNED) | # OF OWNERS | # OF RESIDENT VOTERS | # OF RESIDENTS |
|---------------|------------------------------|-------------|----------------------|----------------|
| 1S105AD04800 | 14615 SW Walker Rd. | 1 | NONE | 2 |

CONTACT PERSON USE MAILING ADDRESS FOR NOTIFICATION

| | | |
|---|------------------------------|-----------------------|
| <u>John Lee</u> | <u>Hans & Eugene LLC</u> | |
| PRINT OR TYPE NAME | BUSINESS NAME | PHONE # |
| <u>4041 Imperial Drive West Linn OR 97068</u> | | <u>(503) 267-9118</u> |
| ADDRESS | | <u>(503) 255-2415</u> |

SIGNATURES OF OWNERS AND ELECTORS CONSENTING TO ANNEXATION (CONTINUED ON BACK)

| | | | |
|--|--------------------|---------------|---|
| <u>John Lee</u> | <u>[Signature]</u> | <u>5/6/05</u> | <input checked="" type="checkbox"/> OWNER |
| PRINT OR TYPE NAME | SIGNATURE | DATE | <input type="checkbox"/> ELECTOR |
| MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS | | | |

LEGAL DESCRIPTION

ANNEXATION
City of Beaverton
ANX 2005-0005

That tract of land situated in the southeast quarter of the northeast quarter of Section 5, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon. Said tract of land being more particularly described as follows:

COMMENCING at an iron pipe found at the southwest corner of Lot 62 of OLD MEADOW FARMS; THENCE, North 21°38' East along the west line of said Lot 62 for a distance of fifteen (15') feet to the existing right of way line of S.W. Walker Road (CR 215) and to the true POINT OF BEGINNING; THENCE, continuing North 21°38' East along the west line of said Lot 62 for a distance of 100.01 feet to an iron rod; THENCE, South 69°15' East for a distance of 158.73 feet to an iron rod on the east line of said Lot 62; THENCE, South 27°17'30" West along the east line of said Lot 62 and the west line of Meadow Woods Condominiums for a distance of 100.72 feet to a point on the northerly right of way line of said S.W. Walker road; THENCE, North 69°15' West along said right of way line for a distance of 148.8 feet, more or less, to the Point of Beginning.

ANNEXATION POLICY

RESOLUTION NO. 3785

A RESOLUTION ESTABLISHING CITY OF BEAVERTON URBAN SERVICE AREA AND CORPORATE LIMITS ANNEXATION POLICIES

WHEREAS, the City of Beaverton presently has no defined policies regarding annexation of adjacent urban unincorporated areas, including unincorporated islands; and

WHEREAS, the City's progress toward annexing its assumed urban services area has been slow; and

WHEREAS, previous incremental annexations have resulted in City limits that are odd and create confusion about their location, with many unincorporated "islands" surrounded by properties within the City; and

WHEREAS, the City desires to create more logical boundaries and create complete incorporated neighborhoods; and

WHEREAS, a more assertive policy toward annexation of certain types of properties could improve the City's ability to provide services to its residents efficiently and at a reasonable cost; and

WHEREAS, a more assertive annexation policy could result in more City control of development in adjacent unincorporated areas that could affect the City; and

WHEREAS, the Washington County 2000 policy is to have all urban unincorporated areas annexed by cities over time; now, therefore,

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

Council directs the Mayor to pursue the annexation of properties in adjacent urban unincorporated areas in accordance with the policies in Attachment A to this resolution.

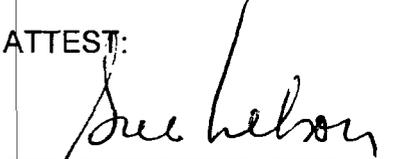
Adopted by the Council this 1st day of November, 2004.

Approved by the Mayor this 2ND day of NOVEMBER 2004.

Ayes: 4

Nays: 0

ATTEST:


SUE NELSON, City Recorder

APPROVED:


ROB DRAKE, Mayor

City of Beaverton Urban Service Area and Corporate Limits Annexation Policies

A. City of Beaverton Urban Service Area Policy

The City remains committed to annexing its urban services area over time, but the City will be selective regarding the methods of annexation it chooses to use. The City of Beaverton prefers to avoid use of annexation methods that may force annexation against the will of a majority of voters in larger unincorporated residential neighborhoods. The City is, however, open to annexation of these areas by other means where support for annexation is expressed, pursuant to a process specified by State law, by a majority of area voters and/or property owners. The City is open to pursuing infrastructure/service planning for the purposes of determining the current and future needs of such areas and how such areas might best fit into the City of Beaverton provided such unincorporated residents pursue an interest of annexing into the City.

B. City of Beaverton Corporate Limits Policy

The City of Beaverton is committed to annexing those unincorporated areas that generally exist inside the City's corporate limits. Most of these areas, known as "islands", generally receive either direct or indirect benefit from City services. The Washington County 2000 Policy, adopted in the mid-1980s, recognizes that the County should not be a long-term provider of municipal services and that urban unincorporated areas including unincorporated islands should eventually be annexed to cities. As such, primarily through the use of the 'island annexation method', the City's objectives in annexing such areas are to:

- Minimize the confusion about the location of City boundaries for the provision of services;
- Improve the efficiency of city service provision, particularly police patrols;
- Control the development/redevelopment of properties that will eventually be within the City's boundaries;
- Create complete neighborhoods and thereby eliminate small pockets of unincorporated land; and
- Increase the City's tax base and minimize increasing the City's mill rate.

In order to achieve these stated objectives, the City chooses to generally pursue the following areas for 'island annexation' into the City of Beaverton:

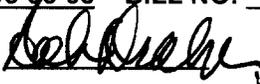
- Undeveloped property zoned for industrial, commercial uses or mixed uses;
- Developed or redevelopable property zoned for industrial, commercial or mixed uses;
- Undeveloped or redevelopable property zoned for residential use;
- Smaller developed property zoned residential (within a neighborhood that is largely incorporated within the City of Beaverton).

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

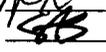
SUBJECT: An Ordinance Adopting TA 2005-0003 to Amend Development Code Chapter 20 and 90 (Self Storage Text Amendment)

06-13-05
FOR AGENDA OF: ~~06-06-05~~ **BILL NO:** 05107

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 05-16-05

CLEARANCES: City Attorney 
Dev. Serv. 

PROCEEDING: First Reading
Second Reading and Passage

- EXHIBITS:**
1. Ordinance
 2. Land Use Order No. 1791
 3. Draft PC Minutes
 4. Proposed Text Amendment
 5. Staff Report dated 04-13-05

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

On April 20, 2005, the Planning Commission held a public hearing to consider TA 2005-0003 to update Development Code Chapter 20 and Chapter 90 (Self Storage Text Amendment) to allow "self storage facilities" in the General Commercial (GC) land use district. For consistency, Chapter 20 will also be amended to identify all uses currently described as "mini storage" as "self storage facilities." The term "mini storage" is an outdated term no longer used in the storage industry. In addition, the amendment will include an amendment to Chapter 90 for the addition of a definition for the term "self storage facilities."

Following the close of the public hearing on April 20, 2005, the Planning Commission voted 6-0 (Barnard absent) to recommend approval of the proposed text amendment to Chapter 20 and Chapter 90, as memorialized in Land Use Order No. 1791.

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill are Land Use Order No. 1791, the recommended text, the draft Planning Commission meeting minutes, and the staff report.

RECOMMENDED ACTION:

Staff recommend the City Council approve the recommendation of the Planning Commission for TA 2005-0003 (Self Storage Text Amendment) as set forth in Land Use Order No. 1791. Staff further recommends the Council conduct a First Reading of the attached ordinance.
Second Reading and Passage

ORDINANCE NO. 4354

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, CHAPTER 20 (LAND USE)
AND CHAPTER 90 (DEFINITIONS); TA 2005-0003 (Self
Storage Text Amendment)

WHEREAS, the Beaverton Community Development Department has proposed a text amendment to: Development Code Chapter 20 and Chapter 90 to allow "self storage facilities" in the General Commercial (GC) land use district. For consistency, Chapter 20 will also be amended to identify all uses currently described as "mini storage" as "self storage facilities". In addition, the amendment will include an amendment to Chapter 90 for the addition of a definition for the term "self storage".

WHEREAS, pursuant to Section 50.50.2-4 of the Development Code, the Beaverton Community Development Department conducted required public noticing for the Text Amendment application; and,

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Community Development Department, on April 13, 2005, published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on April 20, 2005; and,

WHEREAS, on April 20, 2005, the Planning Commission conducted a public hearing for TA 2005-0003 (Self Storage Text Amendment) at the conclusion of which the Planning Commission voted to recommend the Beaverton City Council adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1791; and,

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2005-0003 (Self Storage Text Amendment) following the issuance of the Planning Commission Land Use Order No. 1791; and,

WHEREAS, in accordance with City Council Rules of Procedure, the Council conducted a first reading of the ordinance on June 6, 2005; and,

WHEREAS, specific to the proposed amendments to Chapter 20 and Chapter 90 of the Development Code as summarized in Planning Commission Land Use Order No. 1791, the Council adopts as to facts and findings for this Ordinance the materials described in Land Use Order No. 1791 dated April 27, 2005, all of which the Council incorporates by their reference herein and finds constitute an adequate factual basis for this Ordinance; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, effective through Ordinance No. 4332, the Development Code, Chapter 20 (Land Uses), is amended as follows:

ATTEST:

SUE NELSON, City Recorder

APPROVED:

ROB DRAKE, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

06-13-05

SUBJECT: An Ordinance Annexing One Parcel
Located at 7185 SW Oleson Road to the
City of Beaverton: Annexation 2005-0004

FOR AGENDA OF: 06/06/05 **BILL NO:** 05108

Mayor's Approval: [Signature]

DEPARTMENT OF ORIGIN: CDD [Signature]

DATE SUBMITTED: 5/23/05

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

PROCEEDING: ~~First Reading~~
Second Reading and 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 |
|-----------------------------|------------------------|-------------------------------|
|-----------------------------|------------------------|-------------------------------|

HISTORICAL PERSPECTIVE:

This request is to annex one tax parcel located at 7185 SW Oleson Road to the City of Beaverton. The property is approximately 0.95 acres and is developed with a single family house. The property owner has consented to the annexation. This consent allows this to be processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045 and no public hearing is required.

INFORMATION FOR CONSIDERATION:

This ordinance and the staff report address the criteria for annexation in Metro Code Chapter 3.09.

Beaverton Code Section 9.06.035A provides the City Council the option of adding property to an appropriate Neighborhood Association Committee (NAC) area at the time of annexation. This parcel is not currently within a NAC. The Neighborhood Office is recommending that this parcel not be added to a NAC at this time.

Staff recommends that the City Council adopt an ordinance annexing the referenced property, effective 30 days after Council approval and the Mayor's signature on this ordinance or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, which ever is later.

RECOMMENDED ACTION:

~~First Reading~~
Second Reading and Passage

ORDINANCE NO. 4355

AN ORDINANCE ANNEXING ONE PARCEL, LOCATED AT 7185
SW OLESON ROAD, TO THE CITY OF BEAVERTON:
ANNEXATION 2005-0004

- WHEREAS,** This expedited annexation was initiated under authority of ORS 222.125, whereby the owner of the property, with no electors, has consented to annexation; and
- WHEREAS,** This property is in Beaverton's Assumed Urban Services Area and Policy 5.3.1.d of the City's acknowledged Comprehensive Plan states: "The City shall seek to eventually incorporate its entire Urban Services Area."; and
- WHEREAS,** This property is in area "A" as set forth in the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Service Plan" and, as prescribed by the agreement, the Washington County Board of Commissioners has agreed not to oppose annexations in area "A"; and
- WHEREAS,** Council Resolution No. 3785 sets forth annexation policies for the City and this action implements those policies; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** The properties shown on Exhibit A and more particularly described in Exhibit B are hereby annexed to the City of Beaverton, effective 30 days after Council approval and signature by the Mayor.
- Section 2.** The Council accepts the staff report attached hereto as Exhibit C, and finds that:
- a. This annexation is consistent with provisions in the agreement between the City and the Tualatin Valley Water District adopted pursuant to ORS 195.065 that are directly applicable to this annexation; and
 - b. This annexation is consistent with the City-Agency agreement between the City and Clean Water Services.
- Section 3.** The Council finds this annexation will promote and not interfere with the timely, orderly, and economic provision of public facilities and services, in that:
- a. The properties will be withdrawn from the Washington County Urban Road Maintenance District and the Washington County Enhanced Sheriff Patrol District ; and
 - b. The properties that lie within the Washington County Street Lighting District #1, if any, will be withdrawn from the district; and
 - c. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the properties to be annexed by this Ordinance shall remain within that district; and
 - d. The territory will remain within the boundaries of the Tualatin Valley Water District.

Section 4. The Council finds that this annexation complies with all other applicable criteria set out in Metro Code Chapter 3.09 as demonstrated in the staff report attached as Exhibit C.

Section 5. The City Recorder shall place a certified copy of this Ordinance in the City's permanent records, and the Community Development Department shall forward a certified copy of this Ordinance to Metro and all necessary parties within five working days of adoption.

Section 6. The Community Development Department shall transmit copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities affected by this Ordinance in accordance with ORS 222.005.

First Reading June 06, 2005
Date

Second Reading and Passed _____
Date

Approved by the Mayor _____
Date

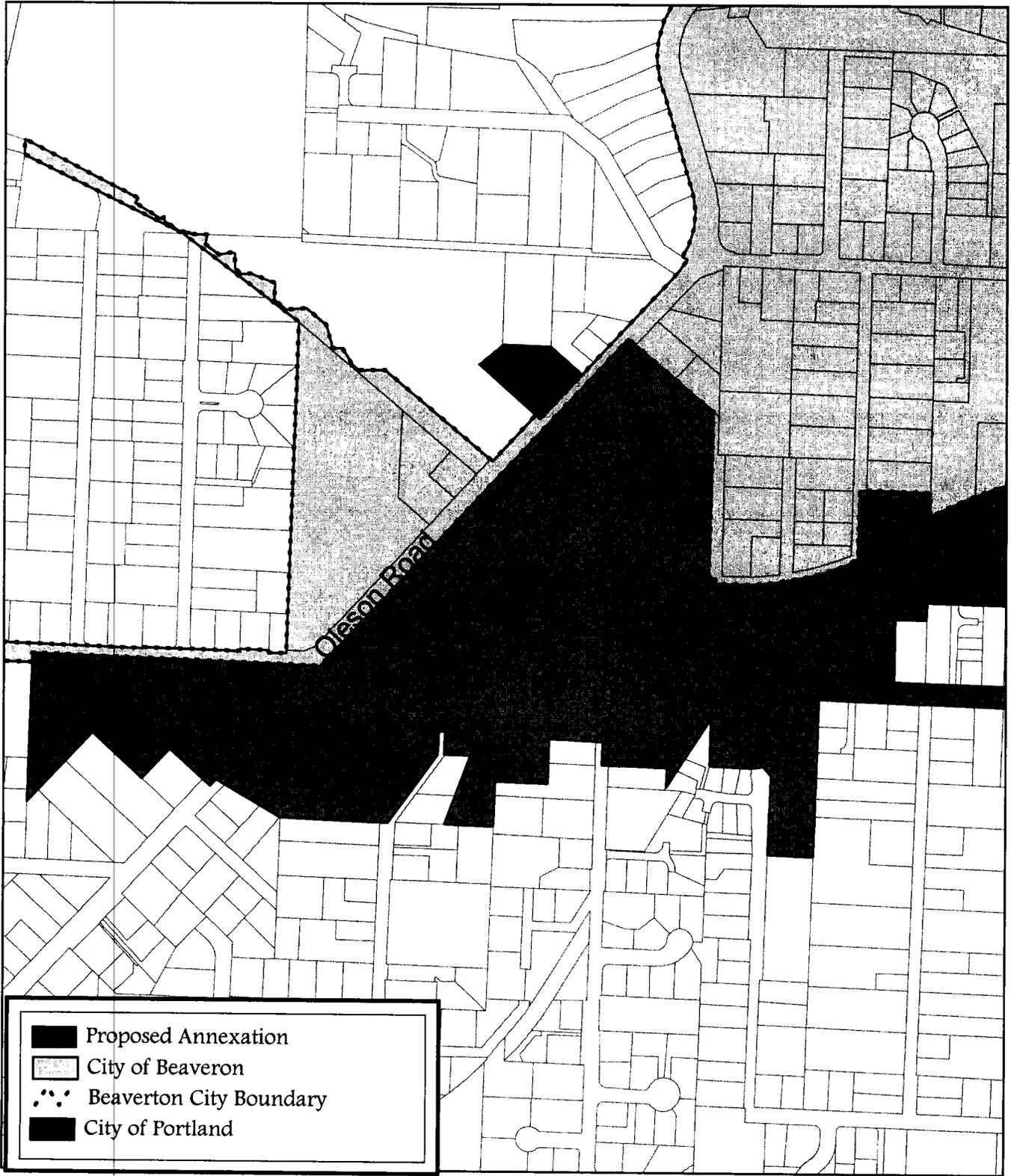
ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP ; Ordinance No. 4355 EXHIBIT "A"



CITY OF BEAVERTON

7185 Oleson Rd Expedited Annexation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

5/16/05

Map #
1s124DB01900

N



Application #

ANX 2005-0004

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Chapter One of the Beaverton City Code by Adding A New Section Relating to the Service of Legal and Administrative Process.

06-13-05
FOR AGENDA OF: ~~6-06-05~~ **BILL NO:** 05109

Mayor's Approval: 

DEPARTMENT OF ORIGIN: City Attorney 

DATE SUBMITTED: 05-24-05

CLEARANCES:

PROCEEDING: ~~First Reading~~
Second Reading and Passage

EXHIBITS: Ordinance
ORCP Rule 7

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

In many contexts, the City Code requires the City to provide notice (including summons or other legal or administrative process) to citizens affected by governmental action. Some City Code provisions describe in detail the manner of service to be used to provide the required notice to citizens. Others do not. The proposed ordinance would serve as a "backstop," establishing a procedure for the service of notices, summons and other legal and administrative processes that may be used when uncertainty arises regarding the manner or legal sufficiency of service specifically provided in the City Code.

INFORMATION FOR CONSIDERATION:

The proposed ordinance is meant to supplement, not replace, existing provisions in the City Code regarding the manner of service of notices, summons and other legal and administrative processes. In those instances where an elaborate and detailed manner of service is described in the City Code, reliance on the proposed ordinance would be unnecessary. On the other hand, where notice is required but the manner of providing the notice is not, the proposed ordinance may be relied on to establish the manner of service of the required notice.

The proposed ordinance refers to Rule 7 of the Oregon Rules of Civil Procedure. The Oregon Rules of Civil Procedure govern procedures and practices in court proceedings. Rule 7 sets the legal standards for the service of summons and other documents in a civil case.

RECOMMENDED ACTION:

~~First Reading~~
Second Reading and Passage

ORDINANCE NO. 4356

AN ORDINANCE AMENDING CHAPTER ONE OF THE
BEAVERTON CITY CODE BY ADDING A NEW SECTION
RELATING TO THE SERVICE OF LEGAL AND
ADMINISTRATIVE PROCESS.

WHEREAS, the City Code requires the City to provide notice (including summons or other legal or administrative process) to citizens affected by governmental action, and

WHEREAS, some City Code provisions describe in detail the manner of service to be used to provide required notice to citizens, while other provisions are not clear on the manner of providing notice, and

WHEREAS, the purpose of this ordinance is to establish an alternative manner of service to be used in the event provisions call for notice, yet do not describe the manner of service to be used; Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

BC 1.01.120 is hereby added to read as follows:

“1.01.120 Alternative Manner of Service. In lieu of any manner of service or delivery specifically provided in this Code, and unless otherwise prohibited by any law:

A. A notice, summons or other legal or administrative process required to be served on or delivered to a person by this Code may be served or delivered as allowed by Rule 7 D of the Oregon Rules of Civil Procedure by:

1. any person described in Rule 7 E of the Oregon Rules of Civil Procedure
or

2. any employee or officer of the City who has no personal interest in the underlying proceeding or its outcome. As used in this subsection, “personal interest” is an interest separate from the official interest a City employee or officer regularly has in a proceeding or its outcome.

B. If a notice, summons or other legal or administrative process is served or delivered pursuant to subsection A of this section, then proof of service, mailing or execution of process shall be made as provided in Rule 7 F of the Oregon Rules of Civil Procedure.

C. If a notice, summons or other legal or administrative process is served or delivered pursuant to subsection A of this section, then any failure on the part of the City to comply with a provision of this section relating to service of notice, summons or other legal or administrative process shall not affect the validity of service or delivery or the existence of jurisdiction over the person if the court or administrative tribunal determines that the person actually knew of the substance of the notice, summons or other legal or administrative process. The court or administrative tribunal shall disregard any error in the content or service of a notice, summons or other legal or administrative process that does not materially prejudice the substantive rights of a party. If service is made in any manner complying with Rule 7 D(1) of

the Oregon Rules of Civil Procedure, the court or administrative tribunal shall also disregard any error in the service that does not violate the due process rights of a party.

D. If a notice, summons or other legal or administrative process is served on or delivered to a person in accordance with this section, then any failure on the part of the City to comply with a specific section of this Code relating to the service of notice or other legal or administrative process shall not affect the validity of service or delivery or the existence of jurisdiction over the person.”

First reading this 6th day of June _____, 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