

## NOTICE OF CITY COUNCIL MEETING

The City Council of the City of King City will hold a Regular City Council Meeting at 7:00 p.m., Wednesday-January 17, 2018 at the King City Hall, 15300 SW 116<sup>th</sup> Ave, King City, Oregon 97224

AGENDA		Action Item
<b>***REGULAR SESSION***</b>		
<i>Moment of Silence</i>		Time:
7:00 p.m.	1. <b>CALL TO ORDER</b>	
	2. <b>ROLL CALL</b>	
	3. <b>PLEDGE OF ALLEGIANCE</b>	
	4. <b>APPROVAL OF MINUTES: October 18, 2017</b>	M S A
7:05 p.m.	5. <b>STATE OF THE CITY ADDRESS</b>	
7:20 p.m.	6. <b>OPEN FORUM:</b> We welcome public comment. At this time, the Council will be happy to receive your comment on any item on the agenda (including, questions, suggestions, complaints and items for future agendas). Each person's time will be limited to three minutes.	
7:30 p.m.	7. <b>UNFINISHED BUSINESS:</b> NONE	
7:35 p.m.	8. <b>NEW BUSINESS:</b>	M S A
	8.1 Nov 2017 Financials	
	8.2 Ordinance 18-01 Public Records Law – Public Hearing / Second Reading	
7:50 p.m.	9. <b>POLICE CHIEF'S REPORT</b>	
8:00 p.m.	10. <b>CITY MANAGER'S REPORT</b>	
8:10 p.m.	11. <b>MAYOR'S AND COUNCILOR'S REPORTS</b>	M S A
8:30 p.m.	12. <b>ADJOURN</b>	Time:
<b>*** OPEN HOUSE URA 6D RE-SCHEDULED FOR MARCH 6, 2018 @ 5:00 P.M. *** DEER CREEK ELEMENTARY SCHOOL</b>		
<b>NEXT MEETING SCHEDULED FOR FEBRUARY 7, 2018 @ 7:00 PM</b>		
The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Mike Weston, City Recorder, 503-639-4082.		
M=Motion; S=Second; A=Action/Vote		

**CITY OF KING CITY  
CITY COUNCIL MEETING MINUTES**

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**Call to Order:** A regular meeting of the King City – City Council was held at the King City Hall beginning at 7:00 p.m. on Wednesday, October 18<sup>th</sup>, 2017. Mayor Gibson requested a moment of silence then proceeded to call the meeting to order at 7:01 p.m., followed by roll call and the Pledge of Allegiance

**Roll Call:** **The following City Council members were present:**

Mayor Ken Gibson  
President Bob Olmstead  
Councilor Jaimie Fender  
Councilor John Boylston  
Councilor Billie Reynolds  
Councilor Smart Ocholi  
Councilor Gretchen Buchner

**Absent:**

None.

**Staff present included:**

City Manager (CM) Mike Weston  
Chief of Police Chuck Fessler  
City Recorder Ronnie Smith

**Agenda Item 4:** **Approval of Minutes from August 22, 2017, and September 6, 2017, Regular Session.**

**MOTION MADE BY PRESIDENT OLMSTEAD TO APPROVE THE MINUTES FROM THE AUGUST 16, 2017, AND SEPTEMBER 6, 2017, REGULAR SESSION, SECONDED BY COUNCILOR BUEHNER.**

**VOICE VOTE: 6-AYES – 0-NEYS – 0 ABSTENTIONS  
THE MOTION CARRIED.**

**Agenda Item 5:** **Open Forum:**

Mayor Gibson opened public comment on any item on the agenda (including questions, suggestions, complaints, and items for future agenda) and stated each person's time would be limited to three minutes.

Bill Bourque – 16654 SW Othello Terrace:

Has concerns about homeless population tenting underneath the Power lines next to the King City Park.

**Agenda Item 6:** **Unfinished Business:**

6.1 Consider Council Application: CM Weston presented Jaimie A, Fender and Jessica Poehler applications to the Council. A short discussion was had over the applicants.

**MOTION MADE BY COUNCILOR BUEHNER TO APPOINT JAIMIE A. FENDER TO THE CITY COUNCIL, SECONDED BY PRESIDENT OLMSTEAD.**

**ROLL CALL:**

Mayor Ken Gibson - Aye  
President Bob Olmstead - Aye  
Councilor John Boylston - Aye  
Councilor Billie Reynolds - Aye  
Councilor Smart Oholi - Aye  
Councilor Gretchen Buehner - Aye

**THE MOTION CARRIED.**

Jamie A. Fender took the Oath of Office.

**Agenda Item 7: New Business:**

- 7.1 Consider August Financials: CM Weston presented the August financials and mentioned that we would have to do a supplemental budget in the future.

**MOTION MADE BY COUNCILOR BUEHNER TO APPROVE THE AUGUST FINANCIALS, SECONDED BY PRESIDENT OLMSTEAD.**

**VOICE VOTE: 6-AYES – 0-NEYS – 0 ABSTENTIONS**  
**THE MOTION CARRIED 6-0.**

- 7.2 Update Changes Orders Brix Contract – Add Prince Albert Inlay- Remove Plaza Improvements: The Plaza Improvements need right away access. The property owners have not responded to letters from CM Weston. Council approved the change orders to the Brix Contract.

- 7.3 Pothole Repairs Contract - Hoss: A brief discussion was had over the contract.

**MOTION MADE BY COUNCILOR BUEHNER TO APPROVE HOSS CONTRACT TO REPAIR POTHOLES, SECONDED BY COUNCILOR FENDER.**

**VOICE VOTE: 7-AYES – 0-NEYS – 0 ABSTENTIONS**  
**THE MOTION CARRIED 7-0.**

**Agenda Item 8: Police Chief's Report**

Chief Fessler introduced the city's new Police Officer Courtney Arrigoni.

**Agenda Item 9: City Manager's Report**

CM Weston reported that he spoke with ODOT and Washington County about how the City can establish speed on the roadways. There is ORS that requires a speed assessment after road construction it also states that the speed would have to be rounded to the nearest 5 miles per hour mark.

Firefighters appreciation day will be November 1<sup>st</sup>, 2018 from 2:30 pm to 4:00 pm at TVF&R.

On October 30, 2018, at 1:30 pm staff has a Kick-off meeting with Scott Edwards Architecture LLP for the design of the City Hall Remodeling. Council members are encouraged to attend.

The city is having to adjust its health insurance policies for employees due to the new regulation.

Public Works position has been narrowed down to three applicants.

CM Weston also reported attending an MPAC meeting where they proposed the needs for the Housing Analysis and the Gold Six Rules that they are adding to the Urban Growth Boundary request.

Housing Analysis: CM Weston asked the council to be authorized to make an agreement with Metropolitan Land Group to hire Eco Northwest to do the King City Housing Analysis needs.

Councilor John Boylston noted that his firm represented Metropolitan Land Group and recused himself from the voice vote due to a potential conflict of interest.

**MOTION MADE BY COUNCILOR BUEHNER TO AUTHORIZE THE CITY MANAGER TO MAKE AN AGREEMENT WITH THE METROPOLITAN LAND GROUP TO HIRE ECO NORTHWEST TO DO THE KING CITY HOUSING ANALYSIS NEEDS, SECONDED BY COUNCILOR FENDER.**

**VOICE VOTE: 6-AYES – 0-NEYS – 0 ABSTENTIONS – 1 - RECUSED  
THE MOTION CARRIED 6-1.**

**Agenda Item 10: Mayor and Councilor's Reports**

- Councilor Fender reported that King City Community Foundation (KCCF) and King City Senior Village would be doing a trunk or treat. KCCA has donated \$500.00 for the Fourth of July parade.
- Councilor Buehner reported that she attended the MPAC meeting on October 11 where they discussed UGB process. She also attended the housing trend presentation in Milwaukie (please see notes from Councilor Buehner attached).
- Councilor Ocholi – no report
- Councilor Boylston – reported attending the CDBG meeting where they discussed how financing affordable housing comes together.
- Councilor Olmstead – no report
- Councilor Reynolds – Talked about the *Hate Crime is Not Acceptable in King City Proclamation* that Councilor Boylston, Mayor Gibson and herself have been working on. Councilor Reynolds asked if everyone agreed she would like to make a motion.

**MOTION MADE BY COUNCILOR REYNOLDS TO APPROVE THE HATE CRIME IS NOT ACCEPTABLE IN KING CITY PROCLAMATION AND WILL BE READ INTO THE MINUTES, SECONDED BY PRESIDENT OLMSTEAD.  
VOICE VOTE: 7 – AYES – 0-NEYS – 0 ABSTENTIONS  
THE MOTION CARRIED 7-0.**

**COUNSELOR REYNOLDS READ THE PROCLAMATION INTO THE MINUTES.**

The City Council of King City, Oregon believe as the Declaration of Independence states, 'that all [people] are created equal and deserve the right to life, liberty and the pursuit of happiness' for themselves and their families.

We uphold the freedoms granted by the Constitution of the United States for each and every person, including the freedom to discuss, air grievances and to disagree; however, crime and/or violence are never acceptable expressions of freedom. Those who break the law will be subject to the fines and/or jail time as ordained by the statutes of the city, county, state, and nation.

Further, while in some cases it is protected by the constitution, we denounce all hate speech in our community, and our country, and believe that is un-American to espouse such views. We specifically denounce all speech that asserts that any one group is superior to another on the basis of race, religion, gender, age, sexual orientation, or status.

We encourage all persons to show fairness and consideration to their fellow citizens regardless of age, race, religion, gender, sexual orientation or status. Petitions for hearings regarding grievances will be heard when requested of the City Council.

- Mayor Gibson reported attending the WCCC meeting where they had a presentation from TriMet and ODOT.

**Agenda Item 11: Adjournment**

**COUNCILOR BOYLSTON MOVED TO ADJOURN THE MEETING, PRESIDENT OLMSTEAD SECONDED, THE MEETING ADJOURNED AT 8:45 P.M**

Respectfully Submitted by:

Attested by:

\_\_\_\_\_  
Ronnie Smith  
City Recorder

\_\_\_\_\_  
Mike Weston  
City Manager



CITY OF KING CITY - COUNCIL  
15300 116th Ave  
(503) 639-4082  
rsmith@ckking-city.or.us

### SPEAKER REGISTRATION

The City of King City encourages all citizens to express their views to their city leaders respectfully and appropriately. If you wish to speak before the City Council, fill out this card and hand it to the Mayor. Note that this Speakers Registration card, once submitted to the Mayor, becomes part of the public record.

Name: Bill Bourque

Organization: homeowner

Edgewater of the Tualatin

Agenda item you wish to speak to:

Agenda item # open forum

Notes: concerned about  
impeding homeless  
populations testing

Would you like to receive City Council Notice and Agenda? Circle one

Yes ☒ No ☐

Address 16654 107th<sup>SW</sup> Terrace

Phone: 971-322-7046

Email: bouque3112@

You are Speaking... comcast.net

☐ in Support

☐ in Opposition

☐ From a Neutral Position

☒ To ask a Question

"Q" as in  
question

## MEMO TO COUNCIL

FROM: GEB  
DATE: 10/17/17  
RE: MEETINGS

MPAC - 10/11 meeting

UGB

Tom Reid summarized his report from the 9/27 meeting re UGB process. See my 10/4 memo.

Letters from Mayor Doyle and County Chair Duyck presented amendments for both the interim and regular review process draft codes. The amendments would ease the restriction on proposed UGB expansion areas abutting cities and requiring annexation. After discussion, MPAC voted for the amendments to the draft code provisions.

The METRO attorney addressed some concerns about “vague” language in the code . He stressed that maintaining maximum flexibility was the goal. MPAC members stated that they wanted to review the language again after the 2018 process was completed. They also wanted to review the new mid cycle code after the updated population forecast coming next year.

A copy of the Administrative Guidelines was included in the packet, as requested at the last meeting. Councilor Harrington suggested that the regional distribution formula should be included in the administrative guidelines. There appears to be an inconsistency in the formula, which has benefitted Portland in the past. This needs to be reviewed.

After more discussion MPAC voted unanimously to recommend approval of the code as amended. Mike has a copy of the amended code.

### MILWAUKIE PRESENTATION

Milwaukie (20,500) is the smallest jurisdiction doing a presentation on housing trends. What was immediately obvious, when the Planning Director did her report, was that Milwaukie has not encouraged growth or new housing, except downtown along the light rail corridor (got a METRO grant to plan). 70% of the housing is single family and 17% multifamily. Current Tigard Planning Director was at Milwaukie for many years. Milwaukie currently has no incentives for development, except the light rail corridor. Their comp plan is 30 years old. The City just did a housing analysis. (KING CITY MUST COMPLETE BEFORE APPLICATION FILED) Rental rates are very high for the income base of renters, even the high end market. There has been no move to put in multifamily housing along corridors. However, the Council has finally agreed to do a Comp Plan update. It will be several years before Milwaukie will be ready to move ahead to seriously address housing shortages in the region.

## CLACKAMAS COUNTY

Clackamas County is growing much more slowly than both Multnomah and Washington Counties. There is an extreme shortage of affordable housing. Most of the existing low income housing was built in the 1930's. They are working a pilot pod plan for homeless vets.

GOALS - 1. Replace existing low income housing on a 4-1 ratio; 2. reinforce Housing Authority of Clackamas County, with the intent to build affordable units, which will generate operating revenue; 3. decentralize low income housing (almost all in Oregon City now); 4. Develop housing with access to services; 5. Develop housing for households below 30% median income. The County has several projects going thru the planning process, but probably nothing built until 2020-2022. Like everyone else they are looking at funding tools and partnership opportunities.



## CITY OF KING CITY

## SUMMARY

## GENERAL FUND

AS OF 11/30/2017

	Accrual Basis	Accrual Basis	Year to Date	% of Budget
Revenues	Adopted Budget	Current November		41.67%
OPENING BALANCE Assets Net			\$ 223,771.87	
OPENING BALANCE Assets Net		\$ (3,149.15)	\$ (50,137.24)	
OPENING BALANCE Assets Net		\$ -	\$ (7,042.24)	
OPENING BALANCE Operating	\$ 1,000,000.00	\$ (430.64)	\$ 1,347,563.66	134.76%
<b>INTEREST</b>				
Interest	\$ 10,000.00	\$ 1,329.95	\$ 8,255.20	82.55%
<b>REVENUES</b>			\$ -	
Property Tax	\$ 745,000.00	\$ 647,445.95	\$ 657,629.68	88.27%
Other Taxes	\$ 139,800.00	\$ 9,940.98	\$ 71,730.66	51.31%
Total Grants	\$ 13,295.00	\$ -	\$ 12,000.00	90.26%
Fees - License	\$ 20,000.00	\$ 460.00	\$ 8,224.00	41.12%
Fees - Franchise	\$ 230,000.00	\$ 5,995.92	\$ 21,662.92	9.42%
Fees - Passports	\$ 46,000.00	\$ 4,650.00	\$ 22,050.00	47.93%
Fees - Building Permits	\$ 115,000.00	\$ 3,772.27	\$ 37,243.37	32.39%
Fees - New Development Review	\$ 14,000.00	\$ -	\$ 214.76	
Fees - Building Permits Taxes	\$ 94,800.00	\$ 67.54	\$ 49,862.18	52.60%
Fees - Annexation	\$ -			
Proceeds - Court	\$ 60,000.00	\$ 3,549.77	\$ 16,535.79	27.56%
Proceeds - Court Fine Delinquent		\$ (420.00)	\$ 5,117.14	
Revenue - Water	\$ 65,000.00		\$ -	0.00%
Miscellaneous	\$ 1,000.00	\$ 536.89	\$ 611.89	61.19%
<b>TRANSFERS IN</b>				
Total Transfer In	\$ 371,766.00	\$ 30,980.49	\$ 154,902.57	41.67%
<b>CURRENT REVENUES</b>	\$ 1,925,661.00	\$ 708,309.76	\$ 1,066,040.16	55.36%
<b>TOTAL REVENUES</b>	\$ 2,925,661.00	\$ 707,879.12	\$ 2,413,603.82	82.50%

## Expenditures

	Accrual Basis	Accrual Basis	Year to Date	% of Budget
	Adopted Budget	Current November		41.67%
CITY COUNCIL	\$ 51,960.00	\$ 6,129.47	\$ 17,522.50	33.72%
CITY MANAGER	\$ 261,159.00	\$ 10,269.98	\$ 59,591.85	22.82%
PLANNING & FINANCE	\$ 444,736.00	\$ 26,392.16	\$ 146,557.25	32.95%
PUBLIC INFORMATION	\$ 19,000.00	\$ 83.33	\$ 557.69	2.94%
POLICE MUNICIPAL COURT	\$ 96,397.00	\$ 5,191.55	\$ 26,858.24	27.86%
BUILDING DEPARTMENT	\$ 201,861.00	\$ 9,942.03	\$ 92,480.22	45.81%
POLICE ADMINISTRATION	\$ 83,447.00	\$ 6,439.32	\$ 33,773.32	40.47%
POLICE OPERATION	\$ 959,988.00	\$ 67,931.31	\$ 295,157.49	30.75%
GENERAL SERVICES - TRF & CONT	\$ 807,113.00		\$ -	0.00%
<b>TOTAL EXPENDITURES</b>	\$ 2,925,661.00	\$ 132,379.15	\$ 672,498.56	22.99%
Account's Receivable - Collection/Fines			(\$150,190.06)	
<b>ENDING FUND BALANCE</b>	\$ -	\$ 575,499.97	\$ 1,590,915.20	

## CITY OF KING CITY

## SUMMARY

## STREET FUND

AS OF 11/30/2017

<b>Revenues</b>	<b>Accrual Basis Adopted Budget</b>	<b>Accrual Basis Current November</b>	<b>Year to Date</b>	<b>% of Budget 41.67%</b>
OPENING BALANCE Assets Net		\$ (1,450.60)	\$ 12,502,423.28	
OPENING BALANCE Operating	\$ 236,000.00	\$ -	\$ 376,117.38	159.37%
<b>INTEREST</b>				
Interest	\$ 2,500.00	\$ 289.76	\$ 2,054.74	82.19%
<b>REVENUES</b>				
Total Taxes	\$ 220,750.00	\$ 18,693.90	\$ 78,115.83	35.39%
Total Grants	\$ -	\$ -	\$ -	
FEES - CWS/SWM	\$ 54,000.00	\$ -	\$ -	0.00%
Miscellaneous	\$ 500.00		\$ -	
<b>TRANSFERS IN</b>				
Trf: General Fund	\$ -	\$ -	\$ -	
<b>CURRENT REVENUES</b>	<b>\$ 277,750.00</b>	<b>\$ 18,983.66</b>	<b>\$ 80,170.57</b>	<b>28.86%</b>
<b>TOTAL REVENUES</b>	<b>\$ 513,750.00</b>	<b>\$ 18,983.66</b>	<b>\$ 456,287.95</b>	<b>88.82%</b>

**Expenditures**

	<b>Accrual Basis Adopted Budget</b>	<b>Accrual Basis Current November</b>	<b>Year to Date</b>	<b>% of Budget 41.67%</b>
Roadway/Signs/Markings/Lighting	\$ 22,080.00	\$ 3,591.98	\$ 10,090.28	45.70%
Street Operation	\$ 161,670.00	\$ 14,410.03	\$ 56,651.73	35.04%
capital Improvements	\$ 330,000.00	\$ 1,000.00	\$ 170,991.90	51.82%
<b>TOTAL EXPENDITURES</b>	<b>\$ 513,750.00</b>	<b>\$ 19,002.01</b>	<b>\$ 237,733.91</b>	<b>46.27%</b>
<b>ENDING FUND BALANCE</b>	<b>\$ -</b>	<b>\$ (18.35)</b>	<b>\$ 218,554.04</b>	

## CITY OF KING CITY

## SUMMARY

## LOCAL OPTION FUND

AS OF 11/30/2017

	Accrual Basis	Accrual Basis	Year to Date	% of Budget
	Adopted Budget	Current November		
<b>Revenues</b>				41.67%
OPENING BALANCE Assets Net		\$ -	\$ -	
<b>INTEREST</b>				
Interest	\$ 200.00	\$ (110.85)	\$ (231.57)	-115.79%
<b>REVENUES</b>				
Tax -Property	\$ 265,000.00	\$ 235,910.37	\$ 236,403.27	89.21%
Tax -Property Delinquent	\$ 3,000.00	\$ 163.24	\$ 1,678.36	55.95%
<b>TRANSFERS IN</b>				
Trf: General Fund	\$ -	\$ -	\$ -	
<b>CURRENT REVENUES</b>	\$ 268,200.00	\$ 235,962.76	\$ 237,850.06	88.68%
<b>TOTAL REVENUES</b>	<b>\$ 268,200.00</b>	<b>\$ 235,962.76</b>	<b>\$ 237,850.06</b>	<b>88.68%</b>
<b>Expenditures</b>				
	Accrual Basis	Accrual Basis	Year to Date	% of Budget
	Adopted Budget	Current November		
				41.67%
Transfers Out	\$ 268,200.00	\$ 22,350.00	\$ 111,750.00	41.67%
<b>TOTAL EXPENDITURES</b>	<b>\$ 268,200.00</b>	<b>\$ 22,350.00</b>	<b>\$ 111,750.00</b>	<b>41.67%</b>
<b>ENDING FUND BALANCE</b>	<b>\$ -</b>	<b>\$ 213,612.76</b>	<b>\$ 126,100.06</b>	

## CITY OF KING CITY

## SUMMARY

## PARK SYSTEM DEVELOPMENT FUND

AS OF 11/30/2017

	Accrual Basis	Accrual Basis	Year to Date	% of Budget
	Adopted Budget	Current November		
<b>Revenues</b>				41.67%
OPENING BALANCE Assets Net	\$ 440,000.00	\$ -	\$ 436,132.50	99.12%
<b>INTEREST</b>				
Interest	\$ 3,000.00	\$ 589.07	\$ 2,680.39	89.35%
<b>REVENUES</b>				
System Development Charges	\$ 33,280.00	\$ -	\$ 41,941.60	126.03%
METRO	\$ -	\$ -	\$ -	
<b>TRANSFERS IN</b>				
Trf: General Fund	\$ -	\$ -	\$ -	
<b>CURRENT REVENUES</b>	\$ 36,280.00	\$ 589.07	\$ 44,621.99	122.99%
<b>TOTAL REVENUES</b>	\$ 476,280.00	\$ 589.07	\$ 480,754.49	100.94%
<b>Expenditures</b>				
	Accrual Basis	Accrual Basis	Year to Date	% of Budget
	Adopted Budget	Current November		
				41.67%
Transfers Out	\$ 34,522.00	\$ 2,876.83	\$ 14,384.19	41.67%
Park Improvements	\$ -	\$ -	\$ 24,315.00	
Contingency	\$ 441,758.00	\$ -	\$ -	
<b>TOTAL EXPENDITURES</b>	\$ 476,280.00	\$ 2,876.83	\$ 38,699.19	8.13%
<b>ENDING FUND BALANCE</b>	\$ -	\$ (2,287.76)	\$ 442,055.30	

\*\*\*Ending balance is negative due to no revenue from SDC this month

## CITY OF KING CITY

## SUMMARY

## Transportation Development Tax Fund

AS OF 11/30/2017

	Accrual Basis	Accrual Basis	Year to Date	% of Budget
	Adopted Budget	Current November		
<b>Revenues</b>				41.67%
OPENING BALANCE Assets Net	\$ 2,077,433.00	\$ -	\$ 2,231,836.97	107.43%
<b>INTEREST</b>				
Interest - TDT	\$ 18,000.00	\$ 3,138.74	\$ 14,047.36	78.04%
<b>REVENUES</b>				
TDT	\$ 248,340.00	\$ -	\$ 124,856.00	50.28%
METRO	\$ -	\$ -	\$ -	
<b>TRANSFERS IN</b>				
Trf: General Fund	\$ -	\$ -	\$ -	
<b>CURRENT REVENUES</b>	\$ 266,340.00	\$ 3,138.74	\$ 138,903.36	52.15%
<b>TOTAL REVENUES</b>	<b>\$ 2,343,773.00</b>	<b>\$ 3,138.74</b>	<b>\$ 2,370,740.33</b>	101.15%
<hr/>				
<b>Expenditures</b>				
	Accrual Basis	Accrual Basis	Year to Date	% of Budget
	Adopted Budget	Current November		
Capital Outlay TDT				41.67%
Street Improvements - Fischer	\$ -	\$ 681.46	\$ 681.46	
Contingency - TDT	\$ 2,343,773.00	\$ -	\$ -	0.00%
<b>TOTAL EXPENDITURES</b>	<b>\$ 2,343,773.00</b>	<b>\$ 681.46</b>	<b>\$ 681.46</b>	0.03%
<b>ENDING FUND BALANCE</b>	<b>\$ -</b>	<b>\$ 2,457.28</b>	<b>\$ 2,370,058.87</b>	

# ***REQUEST FOR COUNCIL ACTION***

**DATE ACTION REQUESTED: November 6, 2017**

<b>Order ____</b>	<b>Ordinance <u>X</u></b>	<b>Resolution ____</b>	<b>Motion ____</b>	<b>Information ____</b>
<b>No.</b>	<b>No. O-2018-01</b>	<b>No.</b>		

**SUBJECT: Ordinance O-2018-01, Repealing Ordinance O-98-13 and incorporating changes in Oregon State Law 192.**

**Contact Person (Preparer) for this Motion: Ronnie Smith, City Recorder  
Jordan Ramis, City Attorney  
Dept.: City Manager & Legal**

## **RECOMMENDATION:**

Adopt Ordinance O-2018-01, A Repeal of Ordinance O-89-13 and incorporating changes in State Law for public records requests.

## **EXECUTIVE SUMMARY:**

The Oregon Legislature passed Senate Bill 481 in July 2017. This bill amends ORS 192, the state's Public Records law. The main areas that will require a change in City policy involve responses to requests and adhering to new timeframes required under the law.

**FISCAL IMPACT:** The Council adopted a Master Fee Schedule in 2006 (R-06-03). There will be some staff time required to train staff on the new law and changes in forms and internal procedures.

## **STRATEGIC ASSESSMENT:**

While this is not a Council Priority, it is required that the City follow ORS 192 and must make changes to its City policy to be current with the changes in state law.

**File can be found at:** S:\Recorder-General Records\Record Clerks' Working File\Administrative Policy\Reviewed\_King\_CityRCA Ordinance O-2017-02 Public Records Request Policy changes.doc

# ***ORDINANCE No. 2018-01***

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**A ORDINANCE REPEALING ORDINANCE O-89-13, AND  
INCORPORATING CHANGES IN OREGON STATE LAW 192 EFFECTIVE  
JANUARY 1, 2018.**

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## **RECITALS:**

1. The City adopted Ordinance O-89-13, which outlined a City policy for establishing rules, regulations and fees regarding Examination of Public Records.
2. The Oregon State Legislature approved Senate Bill 481 in July 2017, which will take effect January 1, 2018.
3. Staff have put this Ordinance before the Council to take effect on January 1, 2018 but ask the Council to approve the Ordinance now to give staff time to amend processes and forms to comply with the changes in state law at the beginning of the calendar year.
4. Senate Bill 481 modifies the Oregon Public Records Law in the Oregon Revised Statutes (ORS) 192.410 to 192.440. This bill amends the following:
  - A) Requirement for a written records request policy by providing a written response to requests within at least five business days with at least one of the following responses:
    - i) Confirm that the public body is the custodian of the requested record;
    - ii) Inform the requester that the public body is not the custodian of the requested record; or
    - iii) Notify the requestor that the public body is uncertain whether the public body is the custodian of the requested record.
  - B) Provides further definition for the timeframe to respond to public records requests as described in ORS 192.440 as soon as practicable and without unreasonable delay.
    - i) A public body's response to a public records request is complete when the public body:
      - a) Provides access to or copies of all requested records within the possession or custody of the public body that the public body does not assert are exempt from public disclosure, or explains where the records are already publicly available;
      - b) Asserts any exemptions from disclosure that the public body believes apply to any requested records and, if the public body cites ORS 192.502 (8) or (9), identifies the state or federal law that the public body relied on in asserting the exemptions;

- c) Complies with ORS 192.505;
- d) To the extent that the public body is not the custodian of records that have been requested, provides a written statement to that effect;
- e) To the extent that state or federal law prohibits the public body from acknowledging whether or a requested record exists would result in loss of federal benefits or imposition of another sanction, provides a written statement to that effect, citing the state or federal law that the public body relies on, unless the written statement itself would violate state or federal law; and
- f) If the public body asserts that one or more requested records are exempt from public disclosure, includes a statement that the requester may seek review of the public body's determination pursuant to ORS 192.450, 192.460, 192.470, 192.480 and 192.490.

- C) As soon as reasonably possible, but no later than 10 business days after the date by which a public body is required to acknowledge receipt of the request under ORS 192.440, a public body shall:
- i) Complete its response to the public records request; or
  - ii) Provide a written statement that the public body is still processing the request and a reasonable estimated date by which the public body expects to complete its response based on the current information available.

**THE CITY OF KING CITY RESOLVES AS FOLLOWS:**

1. Repeal Ordinance No. O-89-13.
2. Adopt the city policy on public records requests as stated in Exhibit A, which is incorporated in full by this reference.
3. This Ordinance will take effect on January 1, 2018, which is the date the changes in state law ORS 192 go into effect.

Read the first time on \_\_\_\_\_, and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City of King City Council on \_\_\_\_\_.

- **EFFECTIVE DATE** of this Ordinance is the first day of the next calendar year after the adoption date, which is: January 1, 2018.

Signed by the Mayor on \_\_\_\_\_.

\_\_\_\_\_  
Kenneth Gibson, Mayor

ATTEST:

Approved as to Form:  
Jordan Ramis PC

\_\_\_\_\_  
Ronnie L. Smith, City Recorder

\_\_\_\_\_  
City Attorney



**Ordinance O-2018-01**  
**Exhibit A**  
**City of King City Administrative Policy and Procedure**

<b>Subject: Public Records Request</b>	<b>Effective Date: January 1, 2018</b> <b>Reviewed: December 18, 2017</b> <b>Revised:</b>
<b>Category: Records Information Management</b> <b>Policy Number: APP-2018-01</b>	<b>Cross Reference: ORS 192 &amp; Senate Bill 481</b>

The City desires to adopt a policy addressing the procedure for records requests to comply with the Oregon Public Records Law, ORS 192.410-505. Exempt records will be determined by the City Attorney's office.

**Section 1. Right to Inspect Public Records.** ORS 192.420 gives every person the right to inspect any non-exempt public record held by a public body. Requests for such City records must be made under the Oregon Public Records Law and in accordance with this policy.

**Section 2. Written Requests.** All requests must be made in writing [ORS 192.440 (1)].

**Section 3. Levels of Requests and Staff Response.** The purpose of this policy is to help provide accurate records to the public in a reasonable time. In order to accommodate the purpose of this policy, levels of requests have been established.

**Level 1 Request.**

Requested records must be current and accessible, require no duplication, are not subject to the Public Records Fee Schedule, and must require no additional staff time or resources to be made available.

**Level 2 Request.**

Requested records are not accessible, but can be made accessible with no more than 30 minutes of staff time. Level 2 requests can be made to the public records officer for departments as specified in Section 4 C. Requested records must be located in a single department and readily accessible. Records requiring attorney review are Level 3 records.

**Level 3 Request.** This type of request is complex, involves multiple staff and/or departments, or requires more than 30 minutes of staff time. It may involve extensive research or compilation of records. Any requests requiring legal review fall under this section.

**Section 4. Procedures.**

A. Requests for public records must include: name, address, sufficient contact information, date of the request, and a detailed description of the requested records including year of creation or range of dates. If electronic records are requested, keywords must be sufficient to locate the requested records.

B. Except as otherwise provided by these rules, public records will not be released for inspection or copies provided to the requestor unless the City receives payment of the required estimated fee from the requesting party.

C. Written requests for inspection or copies of city records must be submitted, on the City's form, to one of the following or designees for processing: the City Recorder for general City records, the police records custodian for police records, the court administrator for court records or designees. If the City needs additional information or clarification, staff will contact the requestor.

D. If the City is unable to comply with a request, a written response explaining why the City is unable to process the request will be sent to the requesting party.

## **Section 5. City Response**

The City shall follow timelines as required under ORS 192.

A. Within five business days the City will acknowledge all records requests.

B. As soon as reasonably possible, but not later than 10 business days after the date by which a public body is required to acknowledge receipt of the request under ORS 192.440, the City shall:

i. Complete its response to the public records request; or

ii. Provide a written statement that the City is still processing the request and a reasonable estimated date by which City staff expects to complete its response based on the information currently available.

## **Section 6. Appeal**

A person who has submitted a written public records request in compliance with City policy may seek review of the following, in the same manner as a person petitions when inspection of a public record is denied under ORS 192.410 to 192.505:

A. The failure of a public body to provide the response required by ORS 192 within the prescribed period. A failure of the public body to timely respond shall be treated as a denial of the request unless the public body demonstrates that compliance was not required.

B. An estimate of time provided by a public body - if the person believes that the estimated timeframe for the response is unreasonably long and will result in undue delay of disclosure.

C. Any other instance in which the person believes that the public body has failed to comply with ORS 192.

D. The district attorney and the court have the same authority with respect to petitions under this section as when inspection of a public record is denied.

## **Section 7. Fees**

A. Fees for public records requests are set annually by resolution through the Master Fee Schedule process.

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B. Once receipt of a public records request has been acknowledged, staff will prepare a cost estimate reflecting the cost of City staff time and materials required to make the records available. Cost estimate will include costs of summarizing, compiling, or researching the public records request. The City will require a deposit in the full amount of the estimated costs before expending additional City resources on the request. City staff will begin work on the request only upon receipt of the deposit. If the actual cost of completing the request exceeds the estimate, the City will not release records until the City's actual costs are received in full. If the actual cost of responding to the request is less than the estimated cost, then the balance of the deposit will be refunded promptly. The payment will be in the form generally accepted for City purchases.

C. A person requesting a waiver or reduction of fees must file a written request and include the requestor's name, address, basis for the request and whether the requestor can demonstrate benefit to the general public. The city may consider the requestor's ability to pay and any financial hardship on the City that would arise from granting a waiver. Any requestor disabled within the definition of the Americans with Disabilities Act may also apply for a waiver or reduction of fees if any of the cost of complying with the request is due to the requestor's disability. Level 1 or Level 2 requests by the news media will be made available without charge. Any request at a Level 3 may be charged in accordance with the City's Master Fee Schedule. The decision of the city manager or designee on any fee waiver or reduction is final.

## **Section 7. Inspection of Records.**

- A. Inspection of records will occur during regular City business hours, by appointment. All records shall be inspected at the City of King City place of business. A person making a public records request may personally inspect the requested records, but the right to inspect records does not include the right to access file cabinets or the right to disassemble or change the order of records in files or binders. Original records may not leave the custody of the City. A City staff member must be present while any records are inspected to ensure protection of the records. If any person attempts to alter, remove, or destroy any record, the City staff shall immediately terminate review and notify the city attorney.
- B. If the City maintains copyrighted material, the City will permit the person making the request to inspect the copyrighted material, and may allow limited copying of such material if allowed under Federal copyright law. The City may require the requestor to obtain written consent from the copyright holder before allowing copying of such materials.

## **Section 8. Closing of the Request**

- A. Response to a public records request is complete when the City:
- i) Provides access to or copies of all requested records within the possession or custody of the City that are not exempt from public disclosure, or explains where the records are already publicly available;
  - ii) Asserts any exemptions from disclosure that the City believes apply to any requested records and, if the public body cites ORS 192.502 (8) or (9), identifies the state or federal law that the City relied on in asserting the exemptions;
  - iii) Complies with ORS 192.505;

- iv) To the extent that the City is not the custodian of records that have been requested, provides a written statement to that effect;
- v) To the extent that state or federal law prohibits the City from acknowledging whether or a requested record exists would result in loss of federal benefits or imposition of another sanction, provides a written statement to that effect, citing the state or federal law that the City relies on, unless the written statement itself would violate state or federal law;
- vi) If the City asserts that one or more requested records are exempt from public disclosure, includes a statement that the requester may seek review of the City determination pursuant to ORS 192.450, 192.460, 192.470, 192.480 and 192.490.

End of Policy