

NOTICE OF CITY COUNCIL MEETING

The City Council of the City of King City will hold a Regular Session at 7:00 P.M., Wednesday, October 16th, 2019, at City Hall 15300 SW 116th Ave, King City, Oregon 97224

AGENDA	Action Item
REGULAR SESSION	
<i>Moment of Silence</i>	
7:00 p.m. 1. CALL TO ORDER	Time: <hr/> M S A <hr/>
2. ROLL CALL	
3. PLEDGE OF ALLEGIANCE	
4. APPROVAL OF MINUTES: None	
7:15 p.m. 5. OPEN FORUM: We welcome public comment. At this time, the Council will be happy to receive your comment pertaining to items on the agenda (including, questions, suggestions, complaints and items for future,). Each person's time will be limited to three minutes.	
7:20 p.m. 6. UNFINISHED BUSINESS:	
7:20 p.m. 7. NEW BUSINESS:	
7.1 Discuss and consider Resolution R2019-14 Policy on Open Data for the City of King City	<hr/> M S A <hr/>
7.2 Discuss and consider Ordinance No. 0-2019-02 AN ORDINANCE AMENDING CITY OF KING CITY MUNICIPAL CODE CHAPTER 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) TO PROTECT CITY INVESTMENT IN PAVEMENT, AND DECLARING AN EMERGENCY.	<hr/> M S A <hr/>
7:50 p.m. 8. POLICE CHIEF'S REPORT	<hr/> M S A <hr/>
8:00 p.m. 9. CITY MANAGER'S REPORT	
8:10 p.m. 10. MAYOR'S AND COUNCILOR'S REPORTS	<hr/> M S A <hr/>
8:40 p.m. 11. ADJOURN	
NEXT MEETING	
NOVEMBER 20, 2019	
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 Ronnie Smith, City Recorder, 503-639-4082. M=Motion; S=Second; A=Action/Vote	
	Time: <hr/>

7.1 Discuss and consider Resolution R2019-14 Policy on Open Data for the City of King City

RESOLUTION R-2019-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING CITY, OREGON, AUTHORIZING AND CREATING A POLICY ON OPEN DATA PROGRAM FOR THE CITY OF KING CITY

WHEREAS, much of the data collected by the City of King City (hereafter, “the City”) is stored in ways which impede the ability to aggregate, analyze and synthesize it to better allocate public resources; and

WHEREAS, access to public information promotes a higher level of civic engagement and allows citizens to provide valuable feedback to government officials regarding local issues; and

WHEREAS, every citizen has the right to prompt, efficient service from the government; and

WHEREAS, the thoughtful implementation of an open data program improves provision of services, increases transparency and access to public information, and enhances coordination and efficiencies among departments, partner organizations and citizens; and

WHEREAS, one goal of an Open Data policy is to proactively provide information currently sought through public records requests, thereby saving the City time and money; and

WHEREAS, in commitment to the spirit of Open Government, the City will consider public information to be open by default and will proactively publish data and data containing information, consistent with relevant public records law; and

WHEREAS, information technologies, including web-based and other Internet applications and services, are an essential means for Open Government, and good government generally; and

WHEREAS, by publishing structured standardized data in machine-readable formats the City seeks to encourage the local software community to develop software applications and tools to collect, organize, and share public record data in new and innovative ways; and

WHEREAS, the protection of privacy, confidentiality and security will be maintained as a paramount priority while also advancing the government’s transparency and accountability through open data.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of King City that:

Section 1: Definitions

- a. “Data” means statistical, factual, quantitative, or qualitative information that is maintained or created by or on behalf of a City agency. This definition is inclusive of software source code developed or maintained by or on behalf of the City.
- b. “Open data” means data that is available online, in an open format, with no legal encumbrances on use or reuse, and is available for all to access and download in full without fees [or a requirement of registration]. “Legal encumbrance” includes federal copyright protections and other, non-statutory legal limitations on how or under what conditions a

dataset may be used. This definition is also inclusive of any software source code made available online (“open source software”).

- c. “Open format” means any widely accepted, nonproprietary, platform-independent, machine-readable data format, which permits automated processing of such data and facilitates analysis and search capabilities.
- d. “Dataset” means a named collection of related records, with the collection containing data organized or formatted in a specific or prescribed way, often in tabular form.
- e. “Protected information” means any dataset or portion thereof to which an agency must or may deny access pursuant to the state public records statutes or any other law or rule or regulation. Protected information includes information exempt from disclosure under ORS 192.355, unless a decision has been made to release such information.
- f. “Sensitive information” means any data which, if published by the City online, could raise privacy, confidentiality or security concerns or have the potential to jeopardize public health, safety or welfare to an extent that is greater than the potential public benefit of publishing that data, as described in the state public records statutes. Sensitive information includes information that is potentially sensitive information until a decision is made to release such information as Publishable data. Sensitive information includes information conditionally exempt from disclosure under ORS 192.345.
- g. “Publishable data” means data which is not protected or sensitive and which has been prepared for release to the public.

Section 2: Open Data Program

- a. the City commits to develop and implement practices that will allow it to achieve the following goals:
 - 1. Proactively release all publishable City data, making it freely available in appropriately varied and useful open formats, using an open license with no restrictions on use or reuse, and fully accessible to the broadest range of users to use for varying purposes;
 - 2. Publish high quality, updated data with documentation (metadata) and permanence to encourage maximum use;
 - 3. Provide or support access to free, historical archives of all released City data;
 - 4. Measure the effectiveness of releasing datasets that are made available through the Open Data Program by connecting open data efforts to the City’s programmatic priorities;
 - 5. Minimize limitations on the disclosure of public information while appropriately safeguarding protected and sensitive information; and
 - 6. Support innovative uses of the City’s publishable data by agencies, the public, and other partners.
- b. The development and implementation of these practices shall be overseen by the City Recorder, reporting to the Mayor [or to the Mayor’s designee].
- c. The requirements of this Resolution shall apply to any City department, office, administrative unit, commission, board, advisory committee or other division of City government (“agency”), including the records of third party agency contractors that create or acquire information, records, or data on behalf of a City agency.
- d. Appropriate funding shall be made available to achieve the goals of this program.

Section 3: Governance

- a. Implementation of the Open Data Program will be overseen by the City Recorder, who will work with the City's departments and agencies to:
 - 1. For each City agency, identify and publish appropriate contact information for a lead open data coordinator who will be responsible for managing that agency's participation in the Open Data Program;
 - 2. Oversee the creation of a comprehensive inventory of datasets held by each City agency which is published to the central open data location and is regularly updated;
 - 3. Develop and implement a process for determining the relative level of risk and public benefit associated with potentially sensitive, non-protected information so as to make a determination about whether and how to publish it;
 - 4. Develop and implement a process for prioritizing the release of datasets which takes into account new and existing signals of interest from the public (such as the frequency of public records requests), the City's programmatic priorities, existing opportunities for data use in the public interest, and cost;
 - 5. Proactively consult with members of the public, agency staff, journalists, researchers, and other stakeholders to identify the datasets which will have the greatest benefit to City residents if published in a high quality manner;
 - 6. Establish processes for publishing datasets to the central open data location, including processes for ensuring that datasets are high quality, up-to-date, are in use-appropriate formats, and exclude protected and sensitive information;
 - 7. Ensure that appropriate metadata is provided for each dataset in order to facilitate its use;
 - 8. Develop and oversee a routinely updated, public timeline for new dataset publication; and
 - 9. Make recommendations for historical document inclusion, define a schedule for approved historical document publication
 - 10. Ensure that published datasets are available for bulk download and/or available via public application programming interfaces (APIs) without legal encumbrance.
- b. In order to increase and improve the use of the City's open data, the City Recorder will actively encourage agency and public participation through providing regular opportunities for feedback and collaboration.

Section 4: Central Online Location for Published Data

- a. the City will create and maintain a publicly available location on the City's website or in another suitable online location where the City's published data will be available for download.
- b. Published datasets shall be placed into the public domain. Dedicating datasets to the public domain means that there are no restrictions or requirements placed on use of these datasets. Datasets that are published in error may be withdrawn and categorized as sensitive or protected information.
- c. Each published dataset should be associated with contact information for the appropriate manager of that dataset as well as with a file layout or data dictionary that provides information about field labels and values.
- d. City departments will specify a recommended data citation form available for viewing on the central online location for published City data to encourage responsible reuse of City data.

Section 5: Open Data Report and Review

- a. Within one year of the effective date of this Resolution, and thereafter no later than June of each year, the City Recorder shall publish an annual Open Data Report. The report shall include an assessment of progress towards achievement of the goals of the City's Open Data Program, an assessment of how the City's open data work has furthered or will further the City's programmatic priorities, and a description and publication timeline for datasets envisioned to be published by the City in the following year.
- b. During the review and reporting period, the City Recorder should also make suggestions for improving the City's open data management processes in order to ensure that the City continues to move towards the achievement of the policy's goals.

This Resolution was PASSED and ADOPTED this _____ day of _____, 2019, and takes effect upon passage.

Kenneth Gibson, Mayor

ATTEST:

Ronnie L. Smith, City Recorder

7.2 Discuss and consider Ordinance No. 0-2019-02 AN ORDINANCE AMENDING CITY OF KING CITY MUNICIPAL CODE CHAPTER 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) TO PROTECT CITY INVESTMENT IN PAVEMENT, AND DECLARING AN EMERGENCY.

ORDINANCE NO. O-2019-02

**AN ORDINANCE AMENDING CITY OF KING CITY MUNICIPAL CODE CHAPTER 12
(STREETS, SIDEWALKS AND PUBLIC PLACES) TO PROTECT CITY INVESTMENT IN
PAVEMENT, AND DECLARING AN EMERGENCY.**

WHEREAS, Municipal investment in the City's streets is a major expense for the City; and

WHEREAS, Cuts and excavations in a newly paved or resurfaced street impacts the lifespan of the City's investment in that pavement or resurfacing; and

WHEREAS, King City Municipal Code (KCMC) Title 12.08 establishes policies to conserve new paving and resurfacing of streets;

WHEREAS, the City wishes to modify policies in relation to the construction and maintenance of streets, sidewalks, and curbs; and

WHEREAS, it is appropriate that an emergency be declared.

NOW, THEREFORE, the City Council of King City does ordain as follows:

SECTION 1. Title 12.08 Amended. City of King City Municipal Code, Title 12.08 is hereby amended as follows:

12.08.095 CHARGES FOR EARLY EXCAVATION

1. **Moratorium on Cuts.** To conserve new paving and to reduce the need for resurfacing of streets, pavement cuts in all paved improvements and curbs in the right of way are prohibited for five (5) years after final approval of pavement, sidewalk and curb placement, respectively, except when a contractor places new pavement, sidewalks and/or curbs along the full length of the cut, plus 10 feet at both ends of the cut, and across the full width of the right of way. In addition the penalty payment described below shall be assessed.

After the five (5) year moratorium, pavement, sidewalks and curbs may be cut only upon issuance of a moratorium cut permit, and payment of a penalty charge. The maximum period of time for which such penalty shall apply shall be five years.

- a. The charge for early excavation of any public facility shall be a specified cost per square foot of excavation (length x width = square foot of excavation) multiplied by the number of years remaining in the penalty period. The specified cost per square foot shall be set by resolution.

Moratorium and First year after: As stated above

Second year after moratorium: Cost x square footage of excavation x 4

Third year after moratorium: Cost x square footage of excavation x 3

Fourth year after moratorium: Cost x square footage of excavation x 2

Fifth year after moratorium: Cost x square footage of excavation

- b. The City will use its best efforts inform utilities and affected users of the right of way before new paving or resurfacing is performed, by posting notice of future paving to City website. Whenever practicable, the City will provide a tentative list of street improvements 45 days prior to construction. City shall not be responsible for any failure to give or receive notice of future paving. Interested parties may request notice from the City Engineer & Public Works Department. The request must be in writing with copy to the City Manager.
- c. Potholing, is prohibited without a permit issued by the City Engineer & Public Works Department.
- d. In cases of emergency or unavoidable excavations (e.g., for water line breaks and in similar circumstances), the moratorium shall not apply, but the City Manager may impose payments as provided in the years after moratorium. The City Manager may also waive any or all of the payments required above if the need for the emergency does not arise from an avoidable event, or the unavoidable repair cut is needed through no fault of the right of way user. A permit from the City Engineer & Public Works Department is required but may be obtained within 48 hours of such emergency.
- e. Moratorium Repairs shall follow the following requirements
 - 1. Streets
 - a. Trench cut restoration;
 - b. A 2 inch grind/inlay for a distance of one foot per speed limit mile per hour in each direction from the cut;
 - c. A single lane that is impacted will have full restoration for the width of the lane;

- d. If multiple lanes, the full width of those lanes shall be restored;
 - e. If impact extends past the centerline, all lanes curb to curb shall be restored;
 - f. All inlayed asphaltic concrete shall be placed with a self-propelled slip form paver. Drag boxes shall not be used;
 - g. All tie-in joints to existing asphaltic concrete surfaces shall be sealed with rubberized asphalt emulsion (hot or cold);
 - h. All striping removed by grinding shall be replaced with thermoplastic. All symbols, emblems, arrows, letters and bars shall be pre-formed thermoplastic.
2. Sidewalks. (need input from City Engineer and PW regarding details in replacing)
 3. Curbs. Replace all curbs with same size and material as curb removed.
 4. Repairs shall be approved and inspected by the City Engineer & Public Works Director.

SECTION 2. Emergency Ordinance. The City Council declares it is necessary for the preservation of the public health, welfare and safety for this Ordinance to become effectively immediately upon its passage by the City Council and approval by the Mayor.

SECTION 3. Severance Clause. If any phrase, clause, or other part or parts of this Ordinance are found to be invalid by a court or competent jurisdiction, the remaining phrases, clauses and other part or parts shall remain in full force and effect.

ADOPTED BY THE CITY COUNCIL OF KING CITY this ___ day of _____, 2019.

City of King City

Date

Ken Gibson, Mayor

Date

Jaimie A. Fender, Council President

Date

Ronnie Smith, City Recorder

APPROVED TO FORM:

Edward H. Trompke, City Attorney