City of West Linn

Memorandum

Date: **February 26, 2015**

To: **John Kovash, Mayor**
Members, West Linn City Council

From: **Chris Jordan, City Manager**

Subject: **March 2 Council Work Session**

The Council is scheduled to meet at 5:30 on March 2 for an executive session to discuss collective bargaining strategy. At 6:00 that evening the Council will meet in a work session. The main agenda items for that evening are:

Water Environment Services (WES) Presentation. WES staff manages the Tri City Service District (TCSD) which provides wastewater treatment services to Gladstone, Oregon City and West Linn. WES will provide an update of the operations and capital challenges facing TCSD and potential rate increases.

District Governance Legislative Proposal (HB 2800). The City of Oregon City has proposed legislation that would allow cities that are part of a service district such as TCSD to change the form of governance without going to a vote of the community. Oregon City has requested that the City of West Linn support this proposal. HB 2800 is attached along with a "summary of Draft Bill" provided by Oregon City. Clackamas County has also taken a position on HB 2800 which was forwarded to me by County staff. The County statement is as follows:

Clackamas County opposes House Bill 2800: the Board of County Commissioners unanimously opposes HB 2800, which proposes a change in the governance of the Tri-City Service District. The Tri-City Service District was formed in 1980 by a vote of the public, who agreed to the County Commission serving as the District's governing body. Any change to the governance structure of the Tri-City Service District should be decided upon by a vote of the public in each of the cities, rather than be mandated by the State Legislature. The Board of County Commissioners recognizes that rate increases are one of the driving factors behind the bill's introduction and notes that these increases are necessary to help pay for capital improvements to the Tri-City plant, stemming in large part from growth within the District. A change to the District's governance will not change the fact that there is a need for capital improvements.

Clackamas County hopes to continue the positive, 35-year relationship and service with our partners Gladstone, Oregon City, and West Linn. We believe we can reach agreement on these issues without legislative intervention. We urge a "no" vote if HB 2800 is considered.

Robinwood Station. The Council has asked to discuss the Robinwood station and, specifically, the status of the conditional use permit (CUP) application. At this time, the CUP application has been prepared by the Friends of Robinwood Station, but the City, as the property owner, has not signed it. If the Council would like to have this application move forward, the Council should direct me to sign the application. I have also attached the Parks and Recreation Advisory Board's advice regarding the Station, which the Council requested to receive prior to consideration of the CUP application.

Other Items. Councilor Axelrod has asked to have a discussion regarding his concerns with the Arch Bridge Concept Plan/Bolton Town Center prior to the joint meeting with the Planning Commission scheduled for March 23. To assist in that discussion, I have attached an email from Metro attorney Roger Alfred and provided by City Attorney Tim Ramis discussing the Town Center designation and the Intergovernmental Agreement between Metro and West Linn.

The next meeting for the City Council will be March 23. That meeting will be both a regular meeting and a work session with the Planning Commission.

Please let me know if you have any questions.

Attachment

CITY OF
West Linn

22500 Salamo Road
West Linn, Oregon 97068
http://westlinnoregon.gov

CITY COUNCIL WORK SESSION

Monday, March 2, 2015

5:30 p.m. – Executive Session –Rosemont Room
Per ORS 192.660(2)(d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

6:00 p.m. - Work Session - Council Chambers

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1. Call to Order
2. Water Environment Services (WES) Sewer Rates
3. District Governance Legislative Proposal, House Bill 2800
4. Robinwood Fire Station
5. Next Council Meeting March 23, 2015
6. Adjourn

House Bill 2800

Sponsored by Representative BARTON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Allows city to assume duties and functions of county service district, directly or by transfer of duties and functions to successor entity, when majority of district residents are residents of city.

A BILL FOR AN ACT

Relating to governance of county service district; creating new provisions; and amending ORS 451.435 and 451.485.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 451.410 to 451.610.

SECTION 2. (1) When a majority of the individuals residing within the boundaries of a district also:

(a) Reside within the boundaries of a city, the governing body of the city may assume the duties and functions of the district by initiating a change of organization of the district as provided in this section.

(b) Reside within the boundaries of two or more cities, the governing bodies of the cities jointly may assume the duties and functions of the district by initiating a change of organization of the district as provided in this section.

(2) A city may cause the dissolution of a district described in subsection (1) of this section and the transfer of the duties and functions to a successor entity by:

(a) Adopting a resolution that declares the district described in subsection (1) of this section to be dissolved on a date certain that is at least _____ days after the resolution is adopted and either:

(A) Declares the intention of the governing body of the city to assume the duties and functions of the dissolving district directly;

(B) Transfers the duties and functions of the dissolving district to a successor district organized under ORS 451.410 to 451.610, but with the governing body of the city, in lieu of the governing body of a county, in the role of governing body of the successor district; or

(C) Transfers the duties and functions of the dissolving district to a successor district established under a different principal Act that allows the successor district to perform the duties and functions transferred; and

(b) Delivering copies of the resolution to the governing bodies of the dissolving district, the principal county and any affected counties.

(3) On or before the effective date of the dissolution, the governing body of the dissolving district shall turn over to the governing body of the city, or other successor entity, all funds,

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

property, contracts and records of the dissolving district. On the effective date of the dissolution:

(a) The city or successor entity succeeds to the property, contracts, rights and responsibilities of the dissolving district, and, unless the city performs the duties and functions directly, the successor entity constitutes a regularly organized district as if originally organized in the manner provided by the successor entity's principal Act;

(b) Uncollected taxes, assessments or charges levied by the dissolving district become the property of the successor entity and upon collection must be credited to the account of the successor entity; and

(c) Subject to a debt distribution plan, if any, adopted under subsection (6) of this section, the successor entity:

(A) Becomes liable for the obligations, legal or contractual, of the dissolving district.

(B) Shall levy taxes and assessments to liquidate outstanding indebtedness, subject to authority granted by the charter, principal Act or other instrument under which the successor entity is organized or created.

(4) Within _____ days after adoption of the resolution under subsection (2) of this section, the governing body of the city shall call a joint meeting of the governing bodies of the dissolving district, the city and the successor entity, if any. The meeting must be held at a time and place designated by the city. The city shall give notice of the time and place of the meeting to each member of the governing bodies of the dissolving district, the city and the successor entity, if any.

(5) At the joint meeting:

(a) A majority of the members of the governing body of each entity described in subsection (4) of this section constitute a quorum for the transaction of business.

(b) If the successor entity is a district and the successor district has not yet been organized, the members of the successor district shall elect from among its members a number of individuals consistent with the principal Act to serve as the governing body of the successor district. The governing body of the successor district shall immediately meet and organize as provided by the principal Act; and

(c) All governing bodies described in subsection (4) of this section shall, at the meeting, review the property, contracts, rights and financial status of the dissolving district.

(6) After the joint meeting described in subsections (4) and (5) of this section, the governing bodies of the dissolving district and either the city or the successor district may adopt a debt distribution plan by duplicate resolutions adopted within _____ days of each other. The plan may provide for any distribution of indebtedness of the dissolving district and may require that the city or successor district become liable for all or a portion of the indebtedness outstanding on the effective date of the dissolution or may require that the taxpayers within the territory of dissolving district remain solely liable for all or a portion of the indebtedness.

(7)(a) When a majority of the individuals residing within the boundaries of a district also reside within the boundaries of two or more cities, the governing bodies of the cities jointly may assume the duties and functions of the district by adopting duplicate resolutions within _____ days of each other and proceeding under this section.

(b) In addition to and not in lieu of the options under subsection (2)(a) of this section, two or more cities may transfer the duties and functions of the district to an intergovern-

mental entity created by the cities under ORS 190.003 to 190.130 to serve as the successor entity.

(c) Notwithstanding subsection (3)(a) of this section, an intergovernmental entity established under ORS 190.003 to 190.130 is not a district established under ORS 451.410 to 451.610.

SECTION 3. ORS 451.485 is amended to read:

451.485. **(1) Except as provided in section 2 of this 2015 Act,** the county court shall be the governing body of a county service district established under ORS 451.410 to 451.610.

(2) A district shall be known by the name or number specified in the order declaring its formation and by that name shall exercise and carry out the powers and duties conferred and declared in this chapter.

(3) Before proceeding to construct or provide any service facilities authorized by this chapter, the governing body of the district shall make an order:

[*(1)*] **(a)** Determining the service facilities to be constructed, maintained and operated and the part of the work to be undertaken immediately.

[*(2)*] **(b)** Determining the manner of financing the construction, maintenance and operation of the service facilities.

[*(3)*] **(c)** Determining the method by which the district shall bear the share of the cost of construction of the service facilities that is to be apportioned to the district.

[*(4)*] **(d)** Where it appears that any service facilities to be constructed will provide service to areas outside the district at some future date, determining the equitable and fair share of the cost of construction of such facilities that should be borne by such areas, which share shall be borne by the revolving fund established under ORS 451.540, by funds obtained by the county under ORS 280.055 or by any other method of financing described by ORS 451.490 until such areas are served by the facilities.

[*(5)*] **(e)** Where the service facilities of the district are to be integrated into other service facilities constructed or being constructed by another district or by other public bodies as defined in ORS 174.109, determining the fair and equitable amount the district should assume as its share of the construction of such other service facilities, which amount shall be paid to the other district or public body upon terms and conditions to which the governing body of the district has agreed.

[*(6)*] **(f)** In the case of sewage works, where trunk or interceptor sewers, treatment plants and similar facilities are to be charged to all property within the district while lateral sewers, street mains and similar facilities are to be charged only to property to be served immediately by the system, determining the fair and equitable share of the total cost to be charged to areas within the district.

[*(7)*] **(g)** If any of the cost of the work is to be assessed against benefited property, describing portions of the district, if any, within which service facilities will not be financed by assessment.

SECTION 4. ORS 451.435 is amended to read:

451.435. (1) **Except as provided in this section or section 2 of this 2015 Act,** all district formation and change of organization proceedings shall be initiated, conducted and completed as provided by ORS 198.705 to 198.955.

(2) Except for an order allowing an existing district established to provide sewage works to also provide drainage works, no county or portion thereof shall be included within a district which is to provide services in more than one county without the consent of the governing body of the affected county.

[*(2)*] **(3)** In the case of sewage works, upon certification to the county court by the Environ-

mental Quality Commission or the county health officer that an emergency exists the county court shall initiate the formation of a district in the manner specified in ORS 198.835, or annexation to an existing district in the manner specified in ORS 198.850 (3), whichever is most appropriate.

[*(3)*] **(4)** A petition or order initiating the formation or change or organization of a district shall, in addition to the requirement specified by ORS 198.705 to 198.955, state which of the service facilities specified by ORS 451.010 the district shall be authorized to construct, maintain and operate.

[*(4)*] **(5)** A final order in a formation or change of organization proceeding of a district shall, in addition to the requirements specified by ORS 198.705 to 198.955, state which of the service facilities specified by ORS 451.010 the district shall be authorized to construct, maintain and operate.

Summary of Draft Bill

LC 1179 is a bill prepared by legislative counsel at the request of Representative Barton on the City's behalf. The bill essentially allows a city, or cities, to take over a county service district, such as the Tri-Cities Service District, if the majority of the individuals residing within the district are also city residents.

When the majority of the residents of a district also reside within the boundaries of a city and the city wants to change that situation, the city begins the process by adopting a resolution. The resolution must declare the city's intent to change the governance of the district and dissolve the existing service district. The resolution must also identify the successor to the service district, whether it is the city itself or some other entity and the date on which the transfer will occur. The resolution must then be delivered to the service district as well as any affected counties.

After the resolution is adopted, the city must then call a joint meeting with the governing body of the city and the service district that is being replaced and the successor entity. At that meeting, the entities shall review the property, contracts, rights and financial status of the service district to be replaced. After the meeting, the parties may, but do not have to, adopt a debt distribution plan to ensure that all outstanding indebtedness of the service district is paid off. The bill then provides that, on the effective date declared in the resolution, the city, or successor entity succeeds to all of the property, rights, responsibilities and duties of the service district.

If the service district involves more than one city, all cities must adopt duplicate resolutions setting forth their intent to change the governance of the service district. Otherwise, the process for assuming the duties of the service district is generally the same as for a single city.

City of West Linn

Memorandum

Date: February 25, 2015

To: Chris Jordan, City Manager

From: Ken Worcester, Parks and Recreation Director

Subject: Vacant City Facilities

Purpose: To evaluate the potential use of vacated or under- utilized City-owned buildings for additional programming opportunities for the Parks and Recreation Department.

Background: Last year, at the request of the City Council, the Parks and Recreation Advisory Board (the Board) undertook an effort to explore potential uses for several City-owned buildings no longer serving their intended purposes. The Board originally undertook an effort to survey existing facility users and program participants, and discovered many varied and lacking needs and requests such as "a facility to host a large over 200 people wedding" etc., but soon came to the conclusion the conversation would be better if focused around City Parks and Recreation Department activities and programs only.

Discussion: To accomplish this, the Board reviewed the Recreational Space Inventory (attached) and compared it to the dry side activities of the Recreational Space Needs Study (also attached) that was developed as part of the West Linn Aquatic Center Feasibility Study, past surveys and anecdotal information gathered by staff.

What the Board found was that all of the existing buildings were significantly constrained by size, lack of adequate parking, expensive renovation costs etc. to a point where the Board felt the biggest bang for the buck at least for the space it would provide, was to encourage and support the expansion of the Adult Community Center. The Board also decided that the other remaining buildings in particular the Bolton Fire Hall, the Old Police Station and Robinwood Fire hall would not be a good fit for the Parks Department needs, especially when considering the high capital costs and processes required to create usable space.

Case in point was that if an old fire engine bay was all we needed to meet our space needs, it could easily be accomplished at Sunset Fire Hall which is already permitted and approved for use, at a mere fraction of the cost to permit renovate either Bolton or Robinwood Fire Halls. The Board even asked if it was possible to surplus the existing buildings to generate revenue to build a singular facility that may benefit the entire community

Recommendation: On January 8, 2015, the Board passed the following motion. "The Parks & Recreation Advisory Board has analyzed the potential City space inventory for Parks & Recreation Department recreation programming use. The Board's priority for space is a Recreation Center. The old Bolton Fire Station, old Police Station and the Robinwood Station do not meet the Parks & Recreation Departments requirements. If surplus City property is sold, the savings in maintenance costs and profit should go towards a Community Recreation center that would meet the needs of the community."

2014 Recreation Space Inventory (utilized and potential)

	Sunset Fire Hall	Adult Community Center	Adult Community Center Expansion	McLean House	Willamette Fire Station TVFR	Bolton Fire Station TVFR	Robinwood Station	West Linn/ Wilsonville School District	Bolton Fire Station (OLD)	Current Police Station	New Police Station
Currently Utilized	Yes	Yes	Anticipated	Yes	Yes	yes	Yes (Temporary)	yes	No	No	No
Square feet	3200	6000	3100	900	650	650	2200	Varies widely	Approx 3900	6300	1120
Restroom's	Yes	Yes	Utilize existing	Yes	Yes	Yes	Yes (needs upgrade)	Yes	Yes	Yes	Yes
Space Types	Meeting Room (600)	Multi Purpose 1 (860)	Multi Purpose Room (1721)	Living Room & Dining (600)	Meeting Room (650)	Meeting Room (650)	Vehicle Bay (1500)	Classrooms	Double Vehicle Bay (1500)	Upstairs (3150)	Meeting Room (1120)
	Ballroom w/Stage (2400)	Multi Purpose 2 (585)	3 Classrooms (500 ea)	Sun Room (200)			Kitchen (120)	Multi Purpose (4000)	Single Deep Bay (900)	Downstairs (3150)	
	Kitchen (200)	Multi Purpose 3 (585)		Kitchen (100)			Common Area (160)	Forums (1600)	Lobby & Admin area (300)		
	Outdoor area	Classroom (418)		Outdoor area			Office/Storage (280)	Cafeterias (2000-4000)	Classroom (600)		
		Kitchen (578)						Gymnasiums (5200-8000)	Offices (4 at 100)		
		Outdoor area							Kitchen (200)		
Rental Fee	Yes	Yes	Yes	Yes	No	No	Yes	Yes	N/A	N/A	No

West Linn Parks and Recreation Space Needs List

	D.01	Multi-Purpose Gymnasium (2 cour	12,000
	D.02	Multi-Purpose Gymnasium (1 cour	0
	D.02	Gymnasium Storage	600
	D.03	Elevated Walk / Jog Track w/ Stret	5,500
	D.04	Rock Climbing / Bouldering	800
	D.05	Indoor Playground	0
	D.06	IP Storage	0
	D.07	Multi-Purpose Group Exercise	1,800
	D.08	GE Storage	350
	D.09	FS S Fitness Studio (1,000sf)	1,000
	D.10	FS Storage (150sf)	0
	D.11	Racquetball Courts (800sf)	0
	D.12	Cardiovascular / Weight Room	4,000
	D.13	C/W Storage	150
	D.14	Fitness Assessment / Health Scree	200
	D.15	Childwatch Room	900
	D.16	CW Storage	80
	D.17	CW Restrooms (boy's and girl's)	80
		Subtotal: Activity Spaces	27,460

E. Commu	E.01	Casual Activities Lounge Areas	800
	E.02	Retail: Deli-Juice Bar / Café Seatin	800
	E.03	Teen Hangout	900
	E.04	Shared Game Room	1,000
	E.05	Community Room - 200 Seated (D	3,600
	E.06	CR Storage (tables, chairs)	500
	E.07	CR Activities Storage	300
	E.08	CR Caterer's / Teaching Kitchen	600
	E.09	CR Public Restroom - Men	300
	E.10	CR Public Restroom - Women	300
	E.11	Multi-Purpose Classroom (2-room	2,000
	E.12	Classroom Storage	200
	E.13	Special Events / Birthday Party Ro	700
	E.14	SE/BP Room Storage	80
		Subtotal: Community Spaces	12,080

From: Roger Alfred [mailto:Roger.Alfred@oregonmetro.gov]
Sent: Monday, February 23, 2015 4:33 PM
To: Peter Watts
Subject: RE: West Linn CET Grant: Process Questions

Peter:

Thanks for the inquiry. It appears there are still some misconceptions regarding the CET grant and Metro's role. As background, it is important to keep in mind that this grant from Metro came about because the City of West Linn submitted an application to Metro for a planning grant in hopes of furthering the city's goal of encouraging economic development. The attached letter to Metro from City Manager Chris Jordan forwarding the city's application states: "The City Council identified economic development as one of its six priorities for 2013 and has directed staff to initiate the Arch Bridge/Bolton Town Center project for which the grant funds are requested." It appears that the West Linn City Council saw an opportunity to spur economic activity in an area it viewed as underutilized, and approved Resolution 2013-03 (also attached) directing staff to apply for a Metro grant to help fund planning work for that area.

I agree with your analysis regarding your first question. The city cannot contractually bind itself to any particular legislative outcome. Obviously, the city's purpose in obtaining the $220,000 grant was to adopt a master plan that would ultimately be implemented; however, the IGA cannot require any particular action by the City Council regarding implementation. Of course, failure to complete the actions described in Milestone #5 of the IGA would result in loss of the remaining $90,000 in grant funding.

Regarding your second question, there is no regulatory component to the CET grant program and there are no density requirements associated with Metro funding the city's master plan work. Metro did not provide the planning grant to the city in order to obtain any particular outcome regarding density. As described above, Metro provided the grant because the city requested funding to create a master plan for the area. My understanding from reviewing the master plan is that very few changes to existing development patterns are proposed in the majority of the study area that is located north of I-205. The extent of Metro's regulatory program regarding Town Center Areas is in Title 6 of the Metro Functional Plan (Metro Code section 3.07.610 - 650), which is not implicated by this project. Revisions to an existing town center designation are governed by 3.07.650.B, which requires that revisions must be "consistent with the general location on the 2040 Growth Concept Map in the RFP," and are subject to review by Metro under 3.07.620.B.4 and 3.07.820. However, complete removal of a town center designation would not appear to be consistent with the 2040 Growth Concept Map.

Please let me know if I can provide any further clarification or help with other questions. Thanks,

Roger

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