

**GLADSTONE CITY COUNCIL
REGULAR MEETING
CITY HALL COUNCIL CHAMBERS
January 8, 2013**

**7:30 p.m. CALL TO ORDER
ROLL CALL
FLAG SALUTE**

SWEARING IN OF ELECTED OFFICIALS

COUNCIL PRESIDENT ELECTION

BUSINESS FROM THE AUDIENCE

Visitors: Presentations not scheduled on the Agenda are limited to five (5) minutes. Longer presentations should be submitted to the Assistant City Administrator by 5:00 p.m. Wednesday prior to the Tuesday City Council meeting.

CONSENT AGENDA

All items below will be enacted by one motion unless someone requests specific item(s) be removed prior to Council adoption of the Consent Agenda.

1. Approval of October 9, 2012 and November 13, 2012 Minutes
2. Designation of Terms to Expire on Budget Committee and Library Board
3. Appointment to Advisory Boards, Committees and Commissions:
 - a. Budget Committee (one application received for two positions)
 - b. Senior Center Advisory Committee (one application received for three positions)
4. Payment of Claims

CORRESPONDENCE

5. Letters/e-mails from Rose Johnson

REGULAR AGENDA

6. Planning Commission Recommendation - Denial of Comprehensive Plan Change and Zone Change from Single Family Residential, R-5 to Commercial, C-3 – (North side of Arlington St. from Columbia Ave to 82nd) Z0549-11CP & Z0550-11-Z
7. City Hall/Police Station Space Needs Analysis/Legal Opinion/Discussion
8. Library Management Outsourcing
9. Determine City Council Liaison Posts for 2013 (Appointments will be made by Mayor at February City Council Meeting)
10. Set Date for Midyear Budget Review – January 29th
11. Set Date for Town Hall Meeting – February 26th
12. City Council Guide Book

BUSINESS FROM THE COUNCIL

EXECUTIVE SESSION – ORS 192.660(2)(f)

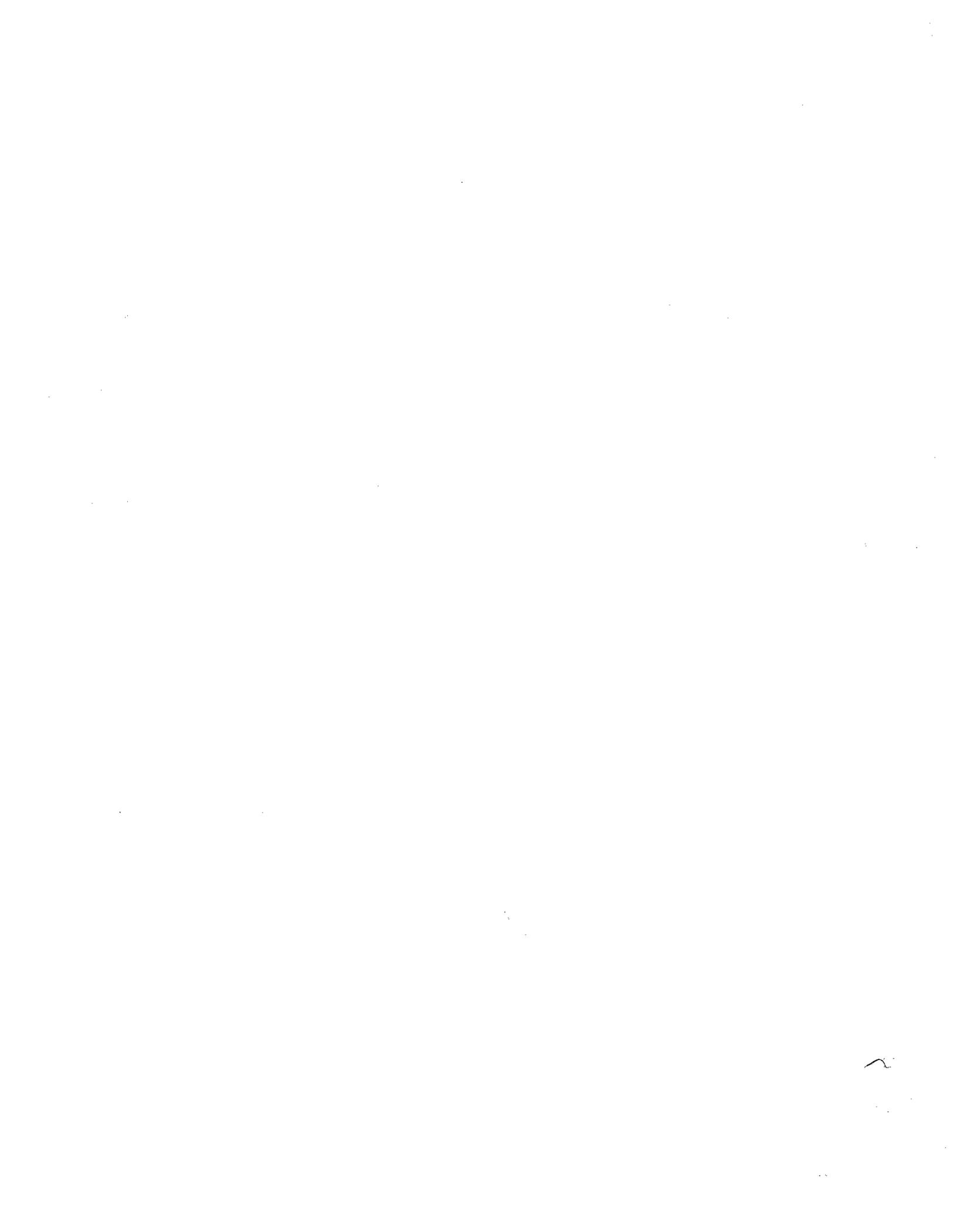
ADJOURN

Information Only:

- Clackamas County Letter Regarding New Library Capital Funding



CONSENT AGENDA



GLADSTONE CITY COUNCIL MINUTES OF REGULAR MEETING – October 9, 2012

ROLL CALL

The following city officials answered the roll call: Mayor Wade Byers and Councilors Hal Busch, Walt Fitch, Ray Jaren, Kari Martinez, Thomas Mersereau, and Lendon Nelson.

ABSENT: None.

STAFF

Pete Boyce, City Administrator; Rhonda Bremmeyer, Senior Center Director; Stan Monte, Fire Chief; Heather Martin, City Attorney; Jolene Morishita, Assistant City Administrator; Jim Pryde, Police Chief; Joanna Rood, Interim Library Director, and Scott Tabor, Public Works Supervisor.

Mayor Byers led the flag salute.

BUSINESS FROM THE AUDIENCE

Elizabeth Oetken, 6767 Oakridge Drive explained she purchased a copy of the forensic accounting investigation. Mayor Byers noted that this issue is an agenda item and she will be able to testify later. Ms. Oetken cited a statement from the *Save Gladstone* website by Charles Mueller, Member of the American Library Association, "...new libraries are designed with flexibility and how spaces can be used and reconfigured in the future. Where once the number of volumes offered status, today the important statistics are how many rooms, sociable niches, intimate nooks, and computer crannies are available for people to meet in to do their taxes on line, and to gossip...the best libraries today are open expanded and recognized like a village; there is a central square, meandering pathways lined with places where people to gather; to see and be seen, ample natural light, and a variety of social spaces to accommodate both teen study and solitary contemplation." She feels Gladstone can own a beautiful new library with the ability to evolve with the needs of the people now and in the future, which to old Gladstone Library cannot do.

CONSENT AGENDA

Item(s) Removed from the agenda: None

Council Discussion:

1. Approval of August 14, 2012 Minutes – Corrections included deleting "...and WORKSESSION..." from the title and remove Pete Boyce from STAFF.

1. Approval of August 22, 2012 Special Adjourned Meeting Minutes and September 11, 2012 Minutes
2. Approval of Resolution 1019, re: Annual Adjustments to System Development Charges
3. Approval of System Development Charges for FY 2012-13
4. Payment of September Claims

Councilor Fitch moved and Councilor Nelson seconded a motion to approve the Consent Agenda consisting of Items 1, 2, 3, and 4.

Motion Passed unanimously.

CORRESPONDENCE

5. Letter from Multnomah County regarding construction of the New Sellwood Bridge Project and potential for increased water height during the 100-year flood.

REGULAR AGENDA

6. Temporary Construction Easement/Permit of Entry at Charles Ames Park. City Administrator Boyce introduced Joel Kamerick, Project Director for the Lake Oswego/Tigard Water Partnership. Mr. Kamerick submitted graphics to the Council for review. He is here tonight seeking Council consideration and approval of a temporary construction easement and right-of-entry permit to allow the Partnership to construct a proposed new water supply intake upstream of the existing uptake (southerly end of Portland Blvd). The graphics provided shows the easement details, the reason the easement is needed, and indicates where they intend to mitigate for the removal of 9 trees related to the temporary easement and construction of the intake facility previously approved by the City. The project will span a total of three in-water work periods (July through August) summer of 2013 to 2014 and to the end of March of 2015. There will be a staging of two cranes on temporary bridges which will be constructed from the land out to the caufferdam.

The reason they are seeking the temporary construction easement is because a portion of one of these bridges spans over property that is owned by the City of Gladstone. The right of entry is related to the need to be able to get down to the bank of the River (cross property owned by the City of Gladstone, get down to the River bank and do some modifications to the channel of the River itself. A professional appraisal was conducted to value the use on the property for the temporary period of time and a \$500 offer was presented to the City Manager for the temporary use.

Questions from the Commissioners:

Question: Will the caufferdam be in place for three seasons. Answer: Mr. Kamerick explained it will be in place for the first in-water work period (July 2013) and through the winter of 2013/2014 to construct the intake facility and get it out of the water, and the following season do the in-stream channel modifications. A portion of the caufferdam may still be in place but no more than two in-water work seasons.

Question: Has consideration has been given to the increases in water resulting from the projection in the River. Answer: Mr. Kamerick stated they have conducted an analysis of the impacts of the structure in the River during the flood season to determine whether or not it would cause any rise in upstream elevations. This is a requirement for the County and State.

Question: Comment on the possible increase in the 100-year flood flow. Answer: Mr. Kamerick reported they are not allowed any increase; a zero rise is the standard.

Question: What security arrangements are made during the work period or will there be workers there at all times. Answer: Mr. Kamerick said there would be workers there at all times. They are only allowed to be in the water itself during the July through August timeframe. The caufferdam will isolate the River from the work that they will continue throughout the winter. They will be working within the confines of the Caufer Dam on a continuous basis until the project is complete.

Public Comments:

Neal Reisner, 330 West Clarendon asked if the City Administrator felt the easement use offer was reasonable. City Administrator Boyce stated he met with the appraiser and is satisfied that the appraisal is legitimate and considering it is temporary construction easement he is

recommending City Council approval. Mr. Kamerick noted there will be a total of 47 new trees and 168 shrubs planted as part of the mitigation for the removal of 9 trees.

Councilor Nelson moved and Councilor Jaren seconded a motion to approve the temporary construction easement/permit of entry at Charles Ames Park for the Lake Oswego/Tigard Partnership.

Motion carried unanimously.

7. Discussion of Approved Recommendation from Planning Commission, re: Z0699-05-M,

Request for Release of Funds for Sidewalk Improvements. City Administrator Pete Boyce reported Council has reviewed this issue previously and decided to uphold the Planning Commission recommendation to retain the funds that was paid by the developer for sidewalk construction on Oatfield and Kenmore Streets. Administrator Boyce introduced Mr. Lindberg is here tonight to address Council to appeal and ask Council to change their decision on this matter.

Dan Lindberg, 14809 SE Lorrie Avenue, Milwaukie submitted previously background information on this issue. Four years ago as a real estate broker he sold a piece of property to a gentleman in Alaska and they subdivided three lots that fronted on Kenmore Street. They were unable to construct the sidewalk on Oatfield and asked to provide funds in an escrow account to compensate for the unconstructed sidewalk. The idea is that when the project is completed the escrow account is used to pay off the contractor and give the remaining funds back to the builder. It has been four and a half years and he is now trying to get this issue resolved and the escrow funds returned.

Administrator Boyce explained it would be very difficult to install a sidewalk to the area north of this development. The City cannot do the sidewalk until redevelopment occurs on these properties. The City would like to have a sidewalk on this portion of Oatfield Road, but realistically he doesn't see that work happening until these other properties are redeveloped.

Mr. Lindberg noted a Commissioner mentioned that if the original bid was provided he would consider giving back a portion of the escrow amount. He asked if this was possible.

Scott Tabor, Public Works Director stated the sidewalk would be two to three of the existing houses and the residents would have to step down to their entry level. If the properties were redeveloped the transition could be modified to make the driveways and sidewalks fit.

Councilor Nelson moved and Councilor Jaren seconded a motion to return the escrow funds back to the applicant and at a future date when there is redevelopment in this area on Oatfield Road that the requirement would be to provide a new sidewalk.

Motion carried unanimously.

8. Request for Financial Assistance from Gladstone Chautauqua Festival Committee.

Administrator Boyce noted that Martha Wooldridge was not present tonight. A letter was received requesting a \$1,196 loan for the Chautauqua Festival Committee that would be paid back March 31, 2013. Staff would need to create a contract to insure the payment is made. Significant time and resources are put into supporting the Chautauqua activities.

Public Comments: Kim Sieckmann, 145 West Dartmouth noted the Chautauqua Committee had fundraisers to raise funds; they had financial problems carried over from last year. He supports Chautauqua and is not opposed to the request but questions the amount. He suggests the Council ask for their financials before approving this request.

Councilor Busch moved and Councilor Jaren seconded a motion to lend \$1,196 to the Chautauqua Committee to pay a bill and require a receipt that the bill has been paid within 10 days of payment.

Motion carried unanimously.

Staff was asked to prepare paperwork (memo of understanding/tentative agreement) to show what the relationship should be between the Chautauqua Committee and the City of Gladstone by March 2013.

9. Personnel Handbook. City Administrator Pete Boyce reported the Council took comments at last month's meeting from City Council regarding the handbook. Suggestions were made and staff has implemented these comments. Staff asked Council for any other revisions or corrections. There were none.

Councilor Jaren moved and Councilor Nelson seconded a motion to approve the Personnel Handbook as presented.

Motion Carried Unanimously

10. Bids for Patching of City Hall/Police Station Roof. City Administrator Boyce submitted bids received for roof repair work. The intent of the repair is to get the roof through this winter then move on to an eventual roof replacement. It is his recommendation to accept the lowest bid.

Councilor Mersereau stated he walked the roof today and he also recommends the lowest bid.

Councilor Busch moved and Councilor Mersereau seconded a motion to accept the lowest bid received for the patching of City Hall/Police Station roof.

Motion carried unanimously.

11. Set Date/Discuss Desired Information for Work Session Regarding Long-term Plan for City Hall/Police Station. City Administrator Boyce reported at the last meeting there was a discussion about having a series of worksession to talk about the long term use of the building. He suggested the October 23, 2012 at 7:30 p.m.

City Administrator Boyce asked Council for feedback of information they would like to have as background for their discussion. It was the consensus of the Council that for the first discussion they would not need background information as they will be discussing building details and whether or not to retain the building. Council asked that a packet be available consisting of all the existing documents.

12. Identify Possible Dates for Joint Meeting with School Board. City Administrator Boyce stated he met with Bob Stuart with the School Board. Their meeting nights are on Wednesdays and he suggested late November or early December. Council directed City Administrator Boyce to tentatively suggest December 5th or December 12th at 6:30 p.m.

13. Discussion Regarding the October 4th Town Hall Meeting. City Administrator Boyce reported the Town Hall meeting was a good turnout with over 35 citizens. Good input was given, Council listened to concerns, small groups were formed and discussed city challenges and suggestions as to what the City can do moving forward. Answers to questions asked at the meeting will be typed and emailed out to those that signed in and also placed on the website.

It was the general feeling of the Council that the meeting went well. The facilitator asked questions/issues that Council may not have addressed; she did a very good job. Suggestions were made to increase the notice of the next town meeting and that it includes the subject matter of the meeting. More people would come.

Kim Sieckmann, 145 W. Dartmouth stated the format of the town hall was wonderful; however, the subjects brought up have been discussed over the years and he doesn't feel the City gained any knowledge from the meeting. He feels there were not enough new people there to bring up new subjects. If there is an agenda and format available before the next meeting he would be happy to get the word out through the Save Gladstone website.

Neal Reisner, 330 W. Clarendon stated the format worked well. He enjoyed the small groups.

Tami Stempel, 6960 Winfield Ct. stated she felt the Town Hall was more of a worksession which is most appropriate. What she heard from a lot of people is the lack of access to the department heads. In the future it will be more informative to have department heads there to answer questions.

Beth Oetken suggested taking one or two department heads at a time and still leave the open forum for people. She felt the open forum was great and feels more people will get involved because they will be able to give their own opinion.

14. Forensic Auditor's Report. Tiffany Couch, Certified Public Account and Certified Fraud Examiner stated she owns a Forensic Accounting Firm in Vancouver, Washington. She was hired by a group of citizens several weeks ago regarding the library initiative, budgets, city finances, and get an understanding of how the library in Gladstone will be paid for. She previously submitted an auditor's report and is now asking if there are any questions from the Council. She complimented the City for working with her on this issue.

She explained that her job is not to tell people how to vote but to give information so that people can make an informed decision. She reviewed the forensic Auditor's report with Council. The Executive Summary answers requested information:

- What is the true cost of the library debt service?
- Will the library fund be able to service ongoing expenditures plus a debt payment?
What funds will make the debt payments in the event that the library can't do it?
- What future opportunities might be lost for the City of Gladstone by taking on this debt?
- What percentage of the debt service will be funded by the citizens of Gladstone?

Ms. Couch stated she feels the revenues were close. She was concerned when she saw that one budget had inflated numbers and another budget showed smaller, fewer dollars in revenue. She asked the City why this was so and they indicated that because of things going on with

assessments in the County that the \$1.2 million lower number made more sense. She also was concerned with the fact that the budget that had been drafted, not finalized, did not take into account important expenditures (line items that did not increase with the size of the building—office supplies, equipment leases, janitorial, conferences in schools); certain common expenditures were not in the budget—(landscaping, legal and professional services, insurance, advertising, communication). When you look at the library budget it had very little income left over at the end of every year. When you add in the expenditures that were not considered the library's ability to make its \$300,000 payment becomes more difficult.

In addition although the \$115,000 payment from the general fund makes sense, she is concerned that the \$115,000 could be more difficult to pay in the future if there are expenditures like employee expenditures, etc. and revenue sharing from the state becomes lower. The City's ability to handle the general fund in the future could be more difficult.

The Urban Renewal fund can pay for the debt payment; however what other things are going on in the City that will be affected if all of the funds are put towards the library debt (water system repair, new reservoir, equipment upgrades, storm water drainage, and potential water and sewer repairs). If the \$645,000 in debt payment is coming out of Urban Renewal or other funds, how is the City going to pay for some really large expenditures in the future.

Assuming the General Fund is able to make its \$114,000 payment, this amount is from citizen-related funds. From Urban Renewal fund, \$230,000 of that payment is going towards the library, 100% of citizen-related funds. About 16% of the County Library payment will come from the citizens of Gladstone. The remaining 84% will come from the library district at large. 61% of the library payment will come from Gladstone citizens. Gladstone residents make up only 16% of the whole library district. If the library fund is unable to make the \$300,000 payment and the burden is shifted over to the Urban Renewal District, a bigger percentage of Gladstone citizen funds are paying for a library where there is 16% of the Gladstone citizens making up the total library district.

Questions from Council:

- The service area for the library is 48,000 and citizen population 12,000. Does that change the figures to 25%? Ms. Couch went to the County and Exhibit D showed the assessed value of Gladstone (263,824) divided that by the total unincorporated areas of Oak Lodge and Gladstone to come up with the 16%.
- The service area is 19,000 even though there is a population 12,000. Ms. Couch noted not all 19,000 pay into taxes for the City of Gladstone.
- Who will own the library? Council answered the City of Gladstone.
- In terms of lost opportunities, the library will be a current opportunity loss. Ms. Couch stated what's important is there's nothing here saying that the library has to be \$10 million dollars. If you are going into debt by \$9.7 million dollars and allocate \$645,000 a year in a debt payment for a \$10 million library, what is lost? It doesn't mean no library project at all.
- How much experience have you had with library budgeting? Answer: Ms. Couch noted she has audited dozens of cities, several big counties in California, and Oakridge in Oregon that have library funds as part of their budget. The population is around 3,000-4,000 people.

- When a library does its budget and they face income restrictions, what do they do? Answer: Ms. Couch stated traditionally the library will cut services (days, hours, staff, books, etc.) to make it work.
- Should the general fund support a library? Answer: Ms. Couch said yes, in most cities the general fund should prop up the library fund. With what's coming to the City of Gladstone in terms of expenditures for fire and police; difficulties in revenue from the State of Oregon could make it more difficult for the general fund to be able to make that transfer of funds to the library fund debt.
- There will be more revenue coming in the future that will help with expenditures? Answer: Ms. Couch stated she based her figures on the 2011 Audit Report which showed a negative in the general fund, revenues that did not meet the expenditures.

Craig Seghers, 17400 Webster Road asked if Ms. Couch is suggesting an account to cover whether or not the library is built. How much will it cost Gladstone if they have to build the library without the County funds? Answer: Ms. Couch stated she used the information at her disposal in order to make projections. The City's budget is a good plan and in her report she states it seems reasonable given the last ten years. The county indicates that they have nothing to do with the construction or site. She is not convinced if this library project is not done, the City could use the funds for another project.

City Attorney Martin explained that there are certain library district rules and regulations that must be followed. Ms. Couch stated she realizes there are certain requirements to strive for and that the City may not be able to meet them all.

It was asked why spend \$10 million on a library if they may have to cut services in the future; why not build a \$5 or \$6 million so there is not such a big debt service to pay? Answer: Councilor Martinez stated it doesn't make sense to build yesterday's library to build it for tomorrow.

BUSINESS FROM THE COUNCIL

- Councilor Mersereau explained he talked with staff about his long range planning tool and they decided to add more history, add the storm, sanitary, water and street costs, and add a column next to the current spending goal to compare spending costs.
- A compliment was given to the Police Department on the nice job they did on their Policies. This would be a good example for other departments to update their policies. Councilor Mersereau offered his services to draft council responsibilities to be included in the Vision, Mission and Value Statement.
- Scott Tabor was thanked for helping out a resident quickly with a problem.
- On October 20, 2012 there will be a public safety display in the parking area at John Wetten School from 11:00 a.m. through 3:00 p.m. It will include police and fire equipment.
- Councilor Busch reported he attended a Clackamas County Coordinating Committee retreat. They have been working on the issue of transportation funding for the past year. The retreat was to summarize and decide how to go forward with their work on this project. It was decided there were two possible funding mechanisms, a gas tax and a county vehicle registration fee.
- The Senior Center is doing a fundraiser. Entertainment 2013 Books will be available for sale for \$30.

- On October 31st there will be “Spooktacular” luncheon at the Senior Center at 11:30. There will be costumes, entertainment, and lunch of dead-man’s meatloaf and monster mash.
- Clackamas River Water Providers had their annual water training seminar which included a tour of four water-treatment plants in the area. These are all people who use Clackamas River Water.
- There will be a Gladstone Business Group meeting on October 10th at Sheldon Penner’s home at 5:00 p.m.

Adjourn

Mayor Byers adjourned the October 9, 2012 Council meeting at 9:15 p.m.

The next City Council meeting was adjourned to November 13, 2012, at 7:30 p.m.

Approved by the Mayor this _____ day of _____, 2013.

Attest:

Mayor

Assistant City Administrator

GLADSTONE CITY COUNCIL MINUTES OF REGULAR MEETING – November 13, 2012

ROLL CALL

The following city officials answered the roll call: Mayor Wade Byers and Councilors Hal Busch, Walt Fitch, Ray Jaren, Thomas Mersereau, and Lendon Nelson.

ABSENT: Kari Martinez

STAFF

Pete Boyce, City Administrator; Rhonda Bremmeyer, Senior Center Director; Stan Monte, Acting Fire Chief; Heather Martin, City Attorney; Jolene Morishita, Assistant City Administrator; Jim Pryde, Police Chief; Kirk Stemple, Mike Funk, Fire Marshall and Scott Tabor, Director of Public Works.

Mayor Byers led the flag salute.

BUSINESS FROM THE AUDIENCE

Tammy Stemple, 6960 Winfield Court is a member of the Planning Commission and Budget Committee. She asked how committee members are chosen for the library board. City Administrator Pete Boyce stated the library board had done interviews of applicants for the board. They then make a recommendation to City Council based on their interview process. He will make sure that the Council gets a copy of all applicants for the library board in the future.

Neal Reisner, 330 W. Clarendon asked why the library board is done differently from the other committees. City Administrator Boyce stated he would research the background and Council can discuss that at the next meeting.

CONSENT AGENDA

Item(s) Removed from the agenda: None

Council Discussion:

1. Payment of October Claims

Councilor Fitch moved and Councilor Nelson seconded a motion to approve the Consent Agenda consisting of 1 Item, Payment of October Claims.

Motion Passed unanimously.

CORRESPONDENCE -- None.

REGULAR AGENDA

2. Presentation – Pat McMahon Citizen Bioswale West Berkeley. Pat McMahon, 175 West Berkeley made a presentation on the bioswale installed in front of his home. A bioswale is a landscape element designed to filter silt and pollution and allow the water to infiltrate into the ground rather than the Clackamas River. Ten years later it will migrates into the Clackamas River. 90 water-loving plants were put in the bioswale. Slides were shown of how the bioswale was installed and a video showing the bioswale after a large rainfall.

Questions from the Councilors:

- How much does a project like this cost. Answer: Mr. Mahon said about \$2,500.
- Are the downspouts hooked to the bioswale? Answer: Mr. Mahon stated the downspouts go into the grass.

There is an affect that runoff has on the Salmon run and aquatic life in general. Research has been done on bioswales and earth filtration. Salmonoids were placed in filtered water and they lived; salmonoids placed in street water died.

3. Discussion Regarding Ballot Measures 3-402, 3-403 and 3-413. Mayor Byers thanked the Police and Fire Departments for a fantastic job building the confidence of the voters in Gladstone.
4. Resolution 1020 to Extend Portland General Electric (PGE) Franchise. City Administrator Boyce reported a correction under Section 1. The extended date May 31, 2012 should be May 31, 2013.

*Councilor Nelson moved and Councilor Fitch seconded a motion to approve Resolution 1020, to Extend Portland General Electric (PGE) Franchise as corrected.
Motion carried unanimously.*

5. City Hall/Police Station Update. City Administrator Boyce reported he is working on a Space Needs Analysis with the Police Chief. Assistant City Administrator Morishita is getting an appraisal done on the City Hall and Police Station facilities. Mr. Dennis Marsh indicated that he and some other private investors may be interested in working with the City to facilitate the construction of a new City Hall/Police Station which could include buying the current building and demolishing it if the Council wanted to relocate on this site. Staff is asking if Council is interested in exploring this offer. This will be a long-term lease to own, lease payments and the legality of this having to go up to a vote of the citizens of Gladstone.

This is an option the Council had not considered. It would allow the Council to design the structure so that it would fit the City's needs. It was the consensus of the Council to explore this option as well as continuing to seek other options. Council asked Mr. Marsh to provide a draft proposal of the project they are proposing.

City Administrator Boyce reported that another option would be to buy the building by the library property and square it off to make a big lot available and build a new library. That could also be leased out. Whatever plan is put together Council needs to have a financial analysis of the pros and cons of going that route.

6. Library Director Recruitment Update. City Administrator Boyce reported the City has solicited for applications for library director. There were 19 applications; however, only seven met the minimum qualifications. He, Interim Director Rood, and Assistant City Administrator Morishita interviewed the seven applicants and five were deemed acceptable. After a telephone interview with the five applicants two pulled their application, two were not a fit for Gladstone. There is one applicant for the position at this time. Staff is asking for a committee from the Council form to interview this applicant and do a meet and greet that is open to the public.

Interim Library Director Rood had to leave the position for personal reasons. Staff is now looking for someone to serve in the interim period. City Administrator Boyce asked the Council to give direction of a request to hire L.S.S.I, a company that manages libraries. This is a departure from the way the City has done business in the past and there would need to be a lot of public input from the citizens. Council was not interested in having a company run the City's library.

Councilor Mersereau commented that he thinks Council should look into the possibility of hiring a company to manage the library; he does not know if it would be good for Gladstone or not.

Public Comment:

Steve Johnson, 1420 Manner Drive read a statement he had written regarding the library director position. He asked Council to direct the City Administrator to advertise the position again with the goal of having at least three candidates to interview in person. He also asked that Council outsource library management and operations as an alternative to hiring a new library director.

Kim Sieckmann, 145 West Dartmouth stated he was one of the people who brought the outsourcing to his attention. Jackson County was capable of saving 30% of cost by running the library without cutting hours, staff, days, etc. Possibly Gladstone could spend less money and have the same opportunity. He is in favor of looking into the possibility.

Don Tacha, 6135 Glen Echo feels the position should be filled by a Gladstone resident if possible. He just heard of this opening today. It should be re-advertised.

Kim Sieckmann, 145 West Dartmouth mentioned several months ago when the assistant library director's contract was terminated to use those budgeted funds to hire temporary staff person to help out, Possibly college interns could help out.

Maryanna Moore stated last year Katinka took over the library because the library director was busy with designing the new library. She was praised as doing an excellent job. Is there a reason the library director has to have a master's degree? City Administrator Boyce stated the position must meet certain Oregon library standards.

Kevin Johnson, 6970 Winfield Court suggested sending an email to see if L.S.S.I. could come and give a presentation. On the issue of striving to meet standards, the City does not meet standards in the present library. Why it is so important that only people with a master's degree be interviewed.

Kermit Hanson, 18155 Stonewood suggested contacting the counties that were affected and see if the customers were happy with their performance. City Administrator Boyce stated he has done some research and he has heard good and bad about L.S.S.I.

Staff was asked to gather information including his research on this management company. Next month the issue will be brought up again.

7. Public Works Update. Scott Tabor, Public Works Supervisor gave an overview of the last

couple of months.

- Street Department did curb and drainage improvements on Harvard and Hereford. A half street repair was done at Herford. Did water services on Duniway; however, when they went back to pave the street they did a 3-inch overlay on the entire street. A major portion of the back lot of Public Works was paved.
- The Sewer Department did a major infrastructure review of the east side from Portland Avenue to Oatfield and Webster. C-More Pipe cleaned and TV'd 32,000 feet of sewer pipe. He complimented staff, especially Justin who did an outstanding job in professionally repairing the mains.

Public Works Supervisor Tabor suspects there will be a lot of cracked pipe with inflow and infiltration on most of the east side of town. Once this is reviewed he and Pat Seisel, Seisel Engineering will suggest doing a Sewer Master Plan. He doesn't believe just the east portion of the City is subject to inflow and infiltration. There have not been any major sewer slip lines or repairs since the late 80's.

- The Water Department is always busy; there are small leaks and big leaks. Last summer there were two major main breaks on Devonshire.
- The Parks Department had a major hazardous tree removal at Meldrum Bar Park. 23 of the trees were in a busy area of the park. They will replant and make sure that side of the park will still have trees that are hardy and not hazardous. There has been a lot of material handling at Meldrum Bar using the pre-screen which is cutting a lot of the cost of purchasing materials. We have been working very hard at cleaning up the park.

Council Questions:

- The water valves on Oatfield Road from Glen Echo south are badly deteriorated. Are they Gladstone valves? Public Works Supervisor Tabor stated that next year they will do a dig-up and repair on those valves.
- Is some of the mulched material available to the public? Public Works Supervisor Tabor explained right now it is not available to the public; however, his intent is to develop a specific area for mulch so people can freely take these things.

8. Long Range Planning Tool. Councilor Tom Mersereau submitted the revised Long Range Planning Tool for Council review and comments. The Council commended Councilor Mersereau on a job well done.

9. City Council handbook. Councilor Tom Mersereau reported that he has used a guidebook developed by

Olympia and put together a Table of Contents of the main subjects and title of subjects. He asked the Council to review the document for comments and additions. It was suggested to have an intern in public policies or urban studies program help work on these policies.

BUSINESS FROM THE COUNCIL

- Jerry Augustine passed away last week. He donated a lot of time answering phones at the Senior Center.
- The annual Thanksgiving Dinner will be held this Thursday, November 15th at the Senior Center. Councilors are invited to come and help serve at 11:30 a.m.

1-12

- Appointments for boards and committees are made in December.
- The High School hosts an annual Veteran's Program. It was held last Thursday and they did an excellent job.

Adjourn

Mayor Byers adjourned the November 13, 2012 Council meeting at 8:45 p.m. into Executive Session 192.660(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations. He announced they would not be coming back into public session.

The next City Council meeting was adjourned to December 11, 2012, at 7:30 p.m.

Approved by the Mayor this _____ day of _____, 2013.

Attest:

Mayor

Assistant City Administrator

At its meeting on December 11, 2012 the City Council appointed Linda Andrews, Sean McDonnell and Patrick McMahon (incumbent) to terms on the Budget Committee, two terms to expire 12-31-15 and one term to expire 12-31-14. However, terms to expire were not designated to each applicant.

RECOMMENDATION: Appoint incumbent, Patrick McMahon and Linda Andrews to terms to expire 12-31-15 and Sean McDonnell to a term to expire 12-31-14.

(Excerpt from December 11, 2012 Council Packet)

APPOINTMENTS TO BUDGET COMMITTEE

December 5, 2012

Three 3 year terms expire 12-31-12 and two vacancies, one term to expire 12-31-13 and the other 12-31-14. The terms that expire 12-31-12 are currently held by Vainateya Deshpande, David Everson and Patrick McMahon (alternate position) and the vacancies include the position previously held by Susan LeBlanc who resigned previously this year and by Neal Reisner who was elected to the City Council.

The Budget Committee is a requirement of Chapter 294 of Oregon Revised Statutes and consists of the City Council and an equal number of electors of the municipal corporation. Citizen members are appointed by the City Council and serve terms of three years. The current Budget Committee includes an alternate member. Terms are staggered so that about one-third of appointments end each year. Applications to the Budget Committee have been received from:

- Linda Andrews, 718 Barton Ave. Linda is a retired Public Contracts Manager, has lived in Gladstone for 12 years and previously served on the Budget Committee in 2001.
- Sean McDonnell, 17231 Webster Road, is a Property Manager for Cambridge Real Estate Services, has lived in Gladstone since July 2008 and would like to become more involved with activities within the City and would be able to give something back.
- Patrick McMahon, 175 W. Berkeley, is a Problem Solver for the City of Portland Bureau of Fire, has lived in Gladstone for 15 years, currently serves on the Planning Commission and Budget Committee, was a Gladstone Volunteer Fire Captain from 1998 to August, 2010 and is applying for re-appointment.

RECOMMENDATION: Appoint two applicants to terms that expire December 31, 2015, one applicant to a vacant term that expires December 31, 2014 and advertise in the City's newsletter for the additional vacant positions.

At its meeting on December 11, 2012 the City Council appointed Margaret Bertalan, Sean McDonnell, Katie Lewis (incumbent) and Denise Heintz to terms on the Library Board, one term to expire 12-31-14, one to expire 12-31-15 and two terms to expire 12-31-16. However, terms to expire were not designated to each applicant.

RECOMMENDATION: Appoint incumbent, Katie Lewis to a term to expire 12-31-16, Sean McDonnell to a term to expire 12-31-14, Margaret Bertalan to a term to expire 12-31-15 and Denise Heintz to a term to expire 12-31-16.

(Excerpt from December 11, 2012 City Council Packet)
RECOMMENDATION FOR APPOINTMENT TO THE LIBRARY BOARD
December 5, 2012

There are two terms on the Library Board which expire 12-31-12, currently held by Katie Lewis and Debra Mead and two vacancies, terms to expire 12-31-14 and 12-31-15, previously held by Susan LeBlanc and Cynthia Stubenrauch, who resigned earlier this year. Resolution 618 limits appointees to two consecutive terms; the incumbent member is eligible for reappointment.

The Library Board is unique among city advisory boards and commissions in that it may make recommendations to the City Council about appointments to the Library Board. Applications to the Library Board have been received from:

- Margaret Bertalan, 670 Collins Crest, is a retired R.N., has lived in Gladstone for 37 years and has previously volunteered at the library and at church.
- Denise Heintz, 17990 Monticello Drive, is a Medical Assistant at Providence Immediate Care in Canby, has lived in Gladstone for 10 years and volunteers for Gladstone Soccer, Cub Scouts, and Gladstone High School Choir.
- Katie Lewis, 7180 Shawn Court, is a teacher/grant writer at Vancouver School District and OCTWQA, has lived in Gladstone for 20 years and has previously volunteered on the Library Board (2008-12), Gladstone School Board (2004-06) and John Wetten PFO (1997-2002). Katie is applying for re-appointment.
- Sean McDonnell, 17231 Webster Rd, is a Property Manager for Cambridge Real Estate Services. Sean has no previous community affiliations but would like to become more involved with activities in the city and be able to give back.
- Craig Seghers, PO Box 502, is a Land Surveyor (unemployed) has lived in Gladstone for 15 years and has been involved with PTA/PFO organizations, girl scouts, public issues.
- Tammy Stempel, 6960 Winfield Ct, is the Director of Green Building Services, has lived in Gladstone for 22+ years and currently serves on the Planning Commission and Budget Committee and involved with National Night Out & Police/Fire Levy PAC. Previously served on the Traffic Safety Commission.

RECOMMENDATIONS from the Library Board: On November 27, 2012 the Gladstone Public Library Board selected two people to fill the two vacancies on the Library Board. From the five applications they received (Margaret Bertalan, Denise Heintz, Sean McDonnell, Craig Seghers & Tammy Stempel) the Board is recommending to the Gladstone City Council the appointment of Margaret Bertalan and Sean McDonnell to the Library Board, one term to expire 12-31-14 and one to expire 12-31-15.

The Library Board did not make recommendations regarding the two terms to expire 12-31-12 as applications were not requested to be received until December 5, 2012. As of December 5, 2012, one additional application was received from Katie Lewis who is applying for re-appointment.

2-2

APPOINTMENTS TO BUDGET COMMITTEE

January 2, 2013

One 3 year term (alternate position) expires 12-31-15 and one term to expire 12-31-13 are currently vacant.

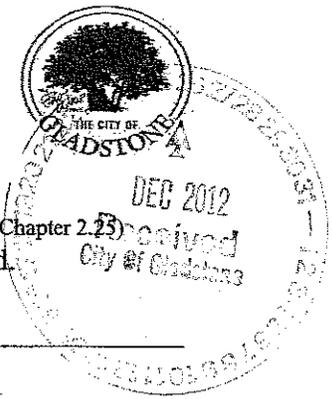
The Budget Committee is a requirement of Chapter 294 of Oregon Revised Statutes and consists of the City Council and an equal number of electors of the municipal corporation. Citizen members are appointed by the City Council and serve terms of three years. The current Budget Committee includes an alternate member. Terms are staggered so that about one-third of appointments end each year. Applications to the Budget Committee have been received from:

- Kevin Johnson, 6970 Winfield Court. Kevin has lived in Gladstone for 46 years, is in property management (JMP Inc.) and has served on the Gladstone Education Foundation Board for 3 years and the Gladstone Junior Baseball Board for 2 years.

RECOMMENDATION: Appoint the applicant to a term that expires December 31, 2013 and advertise in the City's newsletter for the additional vacant alternate position.

CITY OF GLADSTONE

APPLICATION FOR APPOINTMENT TO CITIZENS COMMITTEES



Budget Committee Park & Recreation Board
 Planning Commission (Review GMC Chapter 2.28) Library Board (Review GMC Chapter 2.25)
 Traffic Safety Comm. Senior Center Advisory Bd.

NAME: Karen Johnson

ADDRESS: 6970 Winfield Ct

TELEPHONE: (HOME) 655 8022 (WORK) 781 7916

EMAIL: johnsonoregon@yahoo.com

HOW LONG HAVE YOU LIVED IN GLADSTONE: 46 years

OCCUPATION/EMPLOYER (state your specific line of business): Property management
JMP Inc 10 years

DESCRIBE YOUR ACTIVITIES AND INTERESTS: Work, fishing, hunting, flying.
Chorus gang for varsity football games - 13 years

PREVIOUS AND CURRENT COMMUNITY AFFILIATIONS AND ACTIVITIES, INCLUDING CITY APPOINTMENTS:

Gladstone Education Foundation Board 3 years
Gladstone Junior Baseball Board 2 years

Have you ever applied for a Committee Position Before? YES NO
If yes, when? November 2011 What Committee? Planning
Sept 2011 Planning
April 2012 Budget

Why would you like to serve on this Commission, Board or Committee?
(Attach additional materials or information if you wish).
Would like a better understanding of how the
City's money is spent

SIGNATURE: [Signature] DATE: 12-26-12

3-a-2

APPOINTMENTS TO SENIOR CENTER ADVISORY BOARD

January 2, 2013

Please be advised three (3) three-year terms on the Senior Center Advisory Board are vacant, two terms to expire 12-31-14 and one term to expire 12-31-15.

The Senior Center Advisory Board consists of nine (9) members, a minimum of five of whom must be city residents and five must be 55 or older. Board members are appointed to three year terms by the Mayor with approval of the Council.

Duties of the Senior Center Advisory Board include:

- ◆ Advise the City Council and Senior Center staff on matters affecting programs and policies.
- ◆ Provide for educational, recreational, nutritional, social and cultural needs of older citizens, and promote friendliness between individuals and groups who participate in Senior Center activities.
- ◆ Ascertain the needs of older persons, coordinate and mobilize public and private resources, and develop and maintain such programs.
- ◆ Develop opportunities for volunteer involvement by all individuals.
- ◆ Assure cooperation with the city and other agencies to provide enhanced senior services.
- ◆ Authorize the spending of any funds donated to or earned by the corporation for any purpose consistent with Senior Center policies and Oregon law.
- ◆ Advise the Senior Center Manager regarding the management and use of the Senior Center facility, its programs and tram policies.

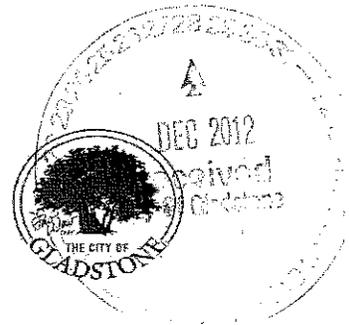
Applications to the Senior Center Advisory Board have been received from the following:

- James Pritchard, 19362 Abernethy Lane, is a retired sales executive and radio broadcaster and has lived in Gladstone for 14 years.

RECOMMENDATION: Appoint the applicant to a term that expires December 31, 2015 and advertise in the city newsletter the remaining vacancies which will expire December 31, 2014.

CITY OF GLADSTONE

APPLICATION FOR APPOINTMENT TO CITIZENS COMMITTEES



Budget Committee _____ Park & Recreation Board _____
Planning Commission (Review GMC Chapter 2.28) _____ Library Board (Review GMC Chapter 2.25) _____
Traffic Safety Comm. _____ [X] Senior Center Advisory Bd. _____

NAME: James Thomas Pritchard

ADDRESS: 19362 Abernethy Lane, Gladstone 97027

TELEPHONE: (HOME) 503 - 723 - 0785 (WORK) _____

EMAIL: chuckwroste@aol.com

HOW LONG HAVE YOU LIVED IN GLADSTONE: 14 Years

OCCUPATION/EMPLOYER (state your specific line of business): Retired Sales Executive, Radio Broadcaster

DESCRIBE YOUR ACTIVITIES AND INTERESTS: Popular Music Historian, Old record collector, public speaker
Swing Dancing, lecturer on radio and music history in the 20th century, grandfather
Active in my church

PREVIOUS AND CURRENT COMMUNITY AFFILIATIONS AND ACTIVITIES, INCLUDING CITY APPOINTMENTS: Participated in "Concerned Communities for Clackamas County" 4 times, American Legion member, Past president Evanston, WY Chamber of Commerce some involvements in local politics.

Have you ever applied for a Committee Position Before? YES NO

If yes, when? What Committee? _____

Why would you like to serve on this Commission, Board or Committee? (Attach additional materials or information if you wish).
As a long time city resident, I like to be more involved in local activities
I am still alert, and feel a need to serve and use my abilities to do 50.

SIGNATURE: [Handwritten Signature] DATE: Dec 27, 2012

3-b-a

City of Gladstone

Month: December 2012

Payroll	12/14/12	Check	# 72139 - 72140	1,350.00	Advance
	12/14/12	Direct Deposit		2,150.00	Advance
	12/31/12	Check	# 72274 - 72325	40,446.23	Payroll
	12/31/12	Direct Deposit		127,230.17	Payroll
				171,176.40	Total

Manual/Month End Checks

	12/5/12	Check	# 72060	780.00	Manual
	12/12/12	Check	# 72262 - 72265	4,957.81	Manual
	12/17/12	Check	# 72266 - 72268	7,100.38	Manual
	12/20/12	Check	# 72269 - 72273	58,517.48	Manual
	12/31/12	Check	# 72326 - 72352	41,418.99	
				112,774.66	Total

Urban Renewal Checks

	12/7/12	Check	# 5449	4,510.70	UR
	12/12/12	Check	# 5450	35.00	
				4,545.70	Total

Outstanding Invoices

	01/09/13	Preliminary		244,080.24	Total
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December Monthly 532,577.00 Total

Council Approval

Payroll G/L Distribution Report

User: administrator
Batch: 001-12-2012COMPUTER
City of Gladstone



Account Number	Debit Amount	Credit Amount	Description
Fund 001	GENERAL FUND		
Dept ?			
001-000-140000	50,479.46	0.00	CASH IN BANK
001-000-290000	0.00	127,230.17	DIRECT DEPOSIT LIABILITIES
001-000-290001	0.00	27,925.20	FEDERAL WITHHOLDING W/H
001-000-290002	0.00	33,196.09	SOCIAL SECURITY W/H
001-000-290003	0.00	15,960.47	STATE TAX W/H
001-000-290004	0.00	205.58	WBF WORKDAY ASSESS
001-000-290005	0.00	1,247.99	UNEMPLOYMENT
001-000-290006	0.00	3,500.00	PAYROLL ADVANCE
001-000-290007	0.00	1,751.70	TRI-MET TAX
001-000-290008	0.00	1,075.94	MISCELLANEOUS
001-000-290102	0.00	5,339.00	CREDIT UNION W/H
001-000-290103	0.00	49,678.68	HEALTH INS W/H
001-000-290104	0.00	1,825.54	UNION DUES W/H
001-000-290105	0.00	9,099.45	DEFERRED COMP W/H
001-000-290108	0.00	139.40	LIFE INSURANCE/PU
001-000-290111	0.00	33,647.57	RETIREMENT/PERS
001-000-290112	0.00	3,672.08	RETIREMENT
001-000-290114	0.00	780.00	FIREFIGHTER HOUSE DUES
001-000-290115	0.00	882.36	DISABILITY INSURANCE
001-000-290124	0.00	1,625.05	VEBA HEALTH CONTRIBUTIONS
001-000-290125	0.00	460.00	SECTION 125 FLEX HEALTH
Dept Total:	50,479.46	319,242.27	
001-021-100000	9,218.72	0.00	CITY ADMINISTRATOR
001-021-100500	7,090.00	0.00	ASSISTANT CITY ADMINSTRATOR
001-021-101500	4,791.60	0.00	ADMIN SECRETARY/REC COORDINATO
001-021-102000	4,554.66	0.00	ACCOUNT CLERK (FINANCE)
001-021-102500	11,670.74	0.00	PAYROLL COSTS
Dept Total:	37,325.72	0.00	
001-022-102500	2,921.81	0.00	PAYROLL COSTS
001-022-120500	4,643.10	0.00	MUNICIPAL COURT CLERK
001-022-121000	2,060.92	0.00	ASSISTANT COURT CLERK
Dept Total:	9,625.83	0.00	
001-024-102500	38,479.70	0.00	PAYROLL COSTS
001-024-140000	8,626.00	0.00	POLICE CHIEF
001-024-140500	7,189.13	0.00	POLICE SERGEANT
001-024-141000	7,189.13	0.00	POLICE SERGEANT
001-024-141500	5,903.00	0.00	POLICE SERGEANT
001-024-142000	6,072.30	0.00	POLICE DETECTIVE

Account Number	Debit Amount	Credit Amount	Description
001-024-142500	5,449.39	0.00	POLICE OFFICER
001-024-143000	4,939.00	0.00	POLICE OFFICER
001-024-143500	6,365.34	0.00	POLICE OFFICER
001-024-144000	5,553.30	0.00	POLICE OFFICER
001-024-144500	5,890.65	0.00	POLICE OFFICER
001-024-145000	4,939.00	0.00	POLICE OFFICER
001-024-146000	5,190.00	0.00	POLICE OFFICER
001-024-150000	3,653.00	0.00	POLICE RECORDS CLERK
001-024-151500	872.79	0.00	HOLIDAY PAY
001-024-152500	6,619.87	0.00	OVERTIME
001-024-152600	3,114.84	0.00	TRAINING OVERTIME
Dept Total:	126,046.44	0.00	
001-025-102500	5,736.15	0.00	PAYROLL COSTS
001-025-170000	1,137.37	0.00	VOLUNTEER FIRE CHIEF
001-025-170300	6,591.00	0.00	FIRE MARSHAL
001-025-171000	19,093.32	0.00	ON-CALL REIMBURSEMENT
Dept Total:	32,557.84	0.00	
001-026-102500	3,392.36	0.00	PAYROLL COSTS
001-026-190000	659.10	0.00	PUBLIC WORKS SUPERVISOR
001-026-190500	4,640.00	0.00	UTILITY WORKER, JOURNEY
001-026-191500	1,389.08	0.00	SEASONAL HELP
001-026-192000	40.15	0.00	OVERTIME
Dept Total:	10,120.69	0.00	
001-028-102500	5,209.11	0.00	PAYROLL COSTS
001-028-208500	5,834.00	0.00	SENIOR CENTER MANAGER
001-028-209500	2,469.51	0.00	TRAM DRIVER
001-028-210000	1,026.03	0.00	OFFICE ASSISTANT
001-028-210500	1,913.36	0.00	NUTRITION CATERER
Dept Total:	16,452.01	0.00	
001-029-102500	10,108.91	0.00	PAYROLL COSTS
001-029-221500	4,129.83	0.00	LIBRARY ASSISTANT II
001-029-222000	4,033.49	0.00	LIBRARY ASSISTANT II
001-029-222500	3,982.23	0.00	LIBRARY ASSISTANT II
001-029-222800	3,726.00	0.00	LIBRARY ASSISTANT I
001-029-223000	3,585.50	0.00	LIBRARY ASSISTANT I
001-029-223200	262.35	0.00	LIBRARY AIDE
001-029-223500	6,805.97	0.00	ON CALL LIB ASSISTANT
Dept Total:	36,634.28	0.00	
Fund Total:	319,242.27	319,242.27	
Fund 003	SEWER FUND		
Dept ?			
003-000-140000	0.00	18,442.93	CASH IN BANK

Account Number	Debit Amount	Credit Amount	Description
Dept Total:	0.00	18,442.93	
003-003-102500	5,761.78	0.00	PAYROLL COSTS
003-003-300300	2,306.85	0.00	PUBLIC WORKS SUPERVISOR
003-003-300700	2,389.60	0.00	UTILITY WKR, JOURNEY/MAINT TECH
003-003-301000	4,760.05	0.00	UTILITY WORKER
003-003-301200	3,224.65	0.00	ACCOUNT CLERK
Dept Total:	18,442.93	0.00	
Fund Total:	18,442.93	18,442.93	
Fund 004	WATER FUND		
Dept ?			
004-000-140000	0.00	21,179.53	CASH IN BANK
Dept Total:	0.00	21,179.53	
004-004-102500	6,756.23	0.00	PAYROLL COSTS
004-004-400300	1,977.30	0.00	PUBLIC WORKS SUPERVISOR
004-004-400700	2,389.60	0.00	UTILITY WKR, JOURNEY/MAINT TECH
004-004-401000	4,640.00	0.00	WATERWORKS, JOURNEY
004-004-401500	4,686.40	0.00	UTILITY WORKER, JOURNEY
004-004-402500	730.00	0.00	OVERTIME
Dept Total:	21,179.53	0.00	
Fund Total:	21,179.53	21,179.53	
Fund 005	ROAD & STREET FUND		
Dept ?			
005-000-140000	0.00	12,984.27	CASH IN BANK
Dept Total:	0.00	12,984.27	
005-005-102500	3,774.56	0.00	PAYROLL COSTS
005-005-501500	1,647.75	0.00	PUBLIC WKS SUPERVISOR
005-005-502000	5,242.35	0.00	UTILITY WORKER, JOURNEY
005-005-502300	1,900.00	0.00	SEASONAL HELP
005-005-502500	419.61	0.00	OVERTIME
Dept Total:	12,984.27	0.00	

Account Number	Debit Amount	Credit Amount	Description
Fund Total:	12,984.27	12,984.27	
Fund 008	POLICE/COMMUNC LEVY FUND		
Dept ?			
008-000-140000	0.00	29,784.39	CASH IN BANK
Dept Total:	0.00	29,784.39	
008-008-102500	9,313.71	0.00	PAYROLL COSTS
008-008-800500	5,994.45	0.00	SCHOOL RESOURCE OFFICER
008-008-801500	4,705.00	0.00	POLICE OFFICER
008-008-802500	4,297.65	0.00	MUNICIPAL ORDINANCE SPECIALIST
008-008-802700	4,356.45	0.00	ADMINISTRATIVE ASSISTANT
008-008-803000	981.41	0.00	OVERTIME
008-008-803500	135.72	0.00	HOLIDAY PAY
Dept Total:	29,784.39	0.00	
Fund Total:	29,784.39	29,784.39	
Fund 009	FIRE/EMERG SERVICES LEVY FUND		
Dept ?			
009-000-140000	0.00	8,534.57	CASH IN BANK
Dept Total:	0.00	8,534.57	
009-009-102500	2,702.74	0.00	PAYROLL COSTS
009-009-900500	5,422.00	0.00	VOLUNTEER FIRE COORDINATOR
009-009-901500	409.83	0.00	CONTRACT SERVICES
Dept Total:	8,534.57	0.00	
Fund Total:	8,534.57	8,534.57	
Report Total:	410,167.96	410,167.96	

City of Gladstone
User: administrator

Electronic Clearinghouse
Distribution Report

Printed: 12/26/12 10:45
Batch: 001-12-2012

Account Number	Debit	Credit	Account Description
001-000-140000	0.00	127,230.17	CASH IN BANK
001-000-290000	127,230.17	0.00	DIRECT DEPOSIT LIABILITIES
	127,230.17	127,230.17	
Report Totals:	127,230.17	127,230.17	

Bank Reconciliation

Checks By Date



01/03/2013 - 8:52 AM
User: administrator
Cleared and Not Cleared Checks

Check No	Check Date	Name	Comment	Module	Clear Date	Amount
72138	12/05/2012	Gladstone Vol Fire Dept		AP		780.00
					Total	\$780.00
					Total Checks:	1

Bank Reconciliation

Checks By Date



01/03/2013 - 8:53 AM

User: administrator

Cleared and Not Cleared Checks

Check No	Check Date	Name	Comment	Module	Clear Date	Amount
72262	12/12/2012	Amazon		AP		708.47
72263	12/12/2012	Associated Business Systems		AP		594.34
72264	12/12/2012	BenefitsHelp Solutions		AP		80.00
72265	12/12/2012	McDonald & Wetle Inc		AP		3,575.00
72266	12/17/2012	Gladstone Municipal Court		AP		151.17
72267	12/17/2012	Marketek		AP		903.50
72268	12/17/2012	Portland General Electric		AP		6,045.71
72269	12/20/2012	Clackamas Fed. Cred.Union		AP		6,374.11
72270	12/20/2012	Oregon, State of		AP		40.00
72271	12/20/2012	US Postal Service		AP		1,180.09
72272	12/20/2012	CIS/EBS Trust		AP		50,823.28
72273	12/20/2012	Chris Mott		AP		100.00
Total						\$70,575.67
Total Checks:						12

Bank Reconciliation

Checks By Date



01/03/2013 - 8:54 AM

User: administrator

Cleared and Not Cleared Checks

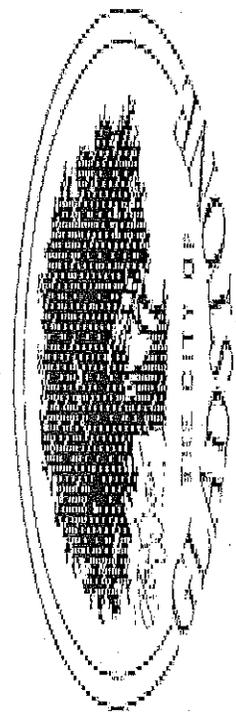
Check No	Check Date	Name	Comment	Module	Clear Date	Amount
72326	12/31/2012	Bargender, Stephen		AP		170.00
72327	12/31/2012	Beloof & Haines		AP		3,000.00
72328	12/31/2012	BenefitsHelp Solutions		AP		460.00
72329	12/31/2012	Best, Suzanne R		AP		225.00
72330	12/31/2012	CD Baby		AP		79.82
72331	12/31/2012	Clackamas 800 Radio Group		AP		10,075.00
72332	12/31/2012	Comcast Cable		AP		35.78
72333	12/31/2012	Comcast Cable		AP		101.90
72334	12/31/2012	Comcast Cable		AP		8.40
72335	12/31/2012	Axa Equitable/Equi-Vest		AP		8,999.45
72336	12/31/2012	Axa Equitable RIA		AP		3,434.37
72337	12/31/2012	Axa Equitable/EVLICO		AP		237.71
72338	12/31/2012	Gladstone Vol Fire Dept		AP		1,280.00
72339	12/31/2012	ICPC Northwest Region #2		AP		730.00
72340	12/31/2012	Integra Telecom		AP		974.36
72341	12/31/2012	Metereaders		AP		1,963.88
72342	12/31/2012	Northwest Natural		AP		1,667.29
72343	12/31/2012	Office Of The Trustee		AP		640.00
72344	12/31/2012	One Call Concepts Inc		AP		77.60
72345	12/31/2012	Oregon AFSCME Council #75		AP		890.43
72346	12/31/2012	Oregon Mayors Association		AP		120.00
72347	12/31/2012	Portland, City of		AP		2,317.50
72348	12/31/2012	Purchase Power		AP		1,000.00
72349	12/31/2012	Ricoh USA Inc		AP		430.45
72350	12/31/2012	Two Girls Catering		AP		420.00
72351	12/31/2012	US Bank		AP		1,142.37
72352	12/31/2012	US Postal Service		AP		937.68

Total \$41,418.99

Total Checks: 27

Accounts Payable Outstanding Invoices

User: administrator
Printed: 01/03/2013 - 9:06 AM



Account Number	Amount	Invoice No	Inv Date	Description	Task	Type	PO Number	Payment Date
Vendor: 001568 001-029-230500	353.10	168716	12/31/2012	ABDO Spotlight/Books	-	-		01/09/2013
Vendor Total:		353.10						
Vendor: 00170 004-004-406500	3,326.23	846	12/31/2012	Accurate Electric/Services	-	-		01/09/2013
Vendor Total:		3,326.23						
Vendor: 00345M 001-029-231500 001-029-231500	190.50 31.97	PLS58546145 PLS59263314	12/31/2012 12/31/2012	Alliance Ent/Non Print Alliance Ent/Non Print	-	-		01/09/2013 01/09/2013
Vendor Total:		222.47						
Vendor: 00367A 001-029-231500 001-029-230500 001-029-231500 001-029-231500 001-029-231500 001-029-231500 001-029-231500 001-029-231500 001-029-231500 001-029-231500 001-029-231500 001-029-231500 001-029-231500 001-029-231500	4.79 3.99 14.96 15.99 29.62 39.98 13.99 19.99 12.93 279.68 14.72 84.95 19.86 18.99	241471229589 301010863023 301010863023 163959924422 301013304429 259187411251 286154722490 269738159394 018193848288 180611000244 004832378153 291964732344 263433257544 163954460233	12/31/2012 12/31/2012 12/31/2012 12/31/2012 12/31/2012 12/31/2012 12/31/2012 12/31/2012 12/31/2012 12/31/2012 12/31/2012 12/31/2012 12/31/2012 12/31/2012 12/31/2012	Amazon/Purchases Amazon/Purchases Amazon/Purchases Amazon/Purchases Amazon/Purchases Amazon/Purchases Amazon/Purchases Amazon/Purchases Amazon/Purchases Amazon/Purchases Amazon/Purchases Amazon/Purchases Amazon/Purchases Amazon/Purchases Amazon/Purchases	-	-		01/09/2013 01/09/2013 01/09/2013 01/09/2013 01/09/2013 01/09/2013 01/09/2013 01/09/2013 01/09/2013 01/09/2013 01/09/2013 01/09/2013 01/09/2013 01/09/2013 01/09/2013
Vendor Total:		222.47						

Account Number	Amount	Invoice No	Inv Date	Description	Task	Type	PO Number	Payment Date
001-029-228500	34.95	004838341179	12/31/2012	Amazon/Purchases	-			01/09/2013
001-029-231500	39.90	004838341179	12/31/2012	Amazon/Purchases	-			01/09/2013
001-029-231500	12.99	263431173569	12/31/2012	Amazon/Purchases	-			01/09/2013
	<u>662.28</u>							
Vendor Total:	662.28							
Vendor: 00438								
004-004-406500	288.00	12070	12/31/2012	Alexin Lab/Water Tests	-			01/09/2013
	<u>288.00</u>							
Vendor Total:	288.00							
Vendor: 00444								
001-029-225500	135.23	1121503	12/31/2012	Anderson Roofing/Supplies	-			01/09/2013
001-029-225000	167.86	1121608	12/31/2012	Anderson Roofing/Supplies	-			01/09/2013
	<u>303.09</u>							
Vendor Total:	303.09							
Vendor: 00949								
004-004-407500	31.50	5410	Gien Echo2/31/2012	Braggs/Water Refund	-			01/09/2013
	<u>31.50</u>							
Vendor Total:	31.50							
Vendor: 00993								
004-004-409500	26,687.02	53182401	12/31/2012	Brown & Caldwell/Master Plan	-			01/09/2013
003-003-307700	26,687.02	53182401	12/31/2012	Brown & Caldwell/Master Plan	-			01/09/2013
	<u>53,374.04</u>							
Vendor Total:	53,374.04							
Vendor: 01003X								
001-029-227500	13.20	121712	12/31/2012	Bryk/Reimbursement	-			01/09/2013
	<u>13.20</u>							
Vendor Total:	13.20							
Vendor: 01048								
001-025-175500	380.00	37178	12/31/2012	BullEx/Supplies	-			01/09/2013
	<u>380.00</u>							
Vendor Total:	380.00							

Account Number	Amount	Invoice No	Inv Date	Description	Task	Type	PO Number	Payment Date
Vendor: 01182 005-005-504500	56.62	109307	12/31/2012	Case Power/Services	-			01/09/2013
Vendor Total:	56.62							
Vendor: 01222 001-029-230500	374.46	1062595	12/31/2012	Center Point Publish/Books	-			01/09/2013
Vendor Total:	374.46							
Vendor: 01302 001-025-182000	149.25	166016	12/31/2012	Chief Supply/Equip Replace	-			01/09/2013
Vendor Total:	149.25							
Vendor: 01343A 001-021-113000	95.28	0173294375	12/31/2012	Cintas FAS/Supplies	-			01/09/2013
005-005-507000	26.50	0173294375	12/31/2012	Cintas FAS/Supplies	-			01/09/2013
001-028-212500	17.24	0173294375	12/31/2012	Cintas FAS/Supplies	-			01/09/2013
001-028-212500	57.58	0173294375	12/31/2012	Cintas FAS/Supplies	-			01/09/2013
Vendor Total:	196.60							
Vendor: 01350 001-026-193200	524.00	11120	12/31/2012	City Wide Tree Services	-			01/09/2013
Vendor Total:	524.00							
Vendor: 01375 005-005-504000	251.54	184177	12/31/2012	Clackamas Auto/Parts	-			01/09/2013
005-005-504500	8.66	184337	12/31/2012	Clackamas Auto/Parts	-			01/09/2013
005-005-504500	18.32	184335	12/31/2012	Clackamas Auto/Parts	-			01/09/2013
005-005-504500	44.75	184411	12/31/2012	Clackamas Auto/Parts	-			01/09/2013
Vendor Total:	323.27							
Vendor: 01585 003-003-305000	122,610.40	Nov/Dec 2012	12/31/2012	Clack Cty Wtr Environ/Tricity Receipts-				01/09/2013

Account Number	Amount	Invoice No	Inv Date	Description	Task	Type	PO Number	Payment Date
Vendor Total:	122,610.40							
Vendor: 01765 005-005-504000	194.52	226658	12/31/2012	Clackamas Steel/Supplies	-			01/09/2013
Vendor Total:	194.52							
Vendor: 01808 001-025-173000	14.70	173710	12/31/2012	Clark's Lawn/Supplies	-			01/09/2013
Vendor Total:	14.70							
Vendor: 02146 001-025-175500 001-025-175500	5.80 23.95	2099603-00 2100450-00	12/31/2012 12/31/2012	Curtis/Supplies Curtis/Supplies	- -			01/09/2013 01/09/2013
Vendor Total:	29.75							
Vendor: 02252P 001-021-113000	585.00	45506	12/31/2012	Delta AV/Supplies	-			01/09/2013
Vendor Total:	585.00							
Vendor: 02540 001-026-194000 004-004-406500	138.40 104.54	62322 62287	12/31/2012 12/31/2012	Ed's Mower/Services Ed's Mower/Services	- -			01/09/2013 01/09/2013
Vendor Total:	242.94							
Vendor: 02620 001-026-193000	199.80	2144	12/31/2012	Elmer's Flag/Supplies	-			01/09/2013
Vendor Total:	199.80							
Vendor: 02820 001-025-175000	60.16	5001130895	12/31/2012	Ferrellgas/Supplies	-			01/09/2013

Account Number	Amount	Invoice No	Inv Date	Description	Task	Type	PO Number	Payment Date
Vendor Total:	60.16							
Vendor: 02945 001-026-193000	1,680.00	002813	12/31/2012	Fox Erosion/Supplies	-			01/09/2013
Vendor Total:	1,680.00							
Vendor: 02971 005-005-507000	34.99	393636	12/31/2012	Fred Meyer/Supplies	-			01/09/2013
Vendor Total:	34.99							
Vendor: 03040 001-029-230500	85.57	98029015	12/31/2012	Gale Group/Books	-			01/09/2013
Vendor Total:	85.57							
Vendor: 03106 001-029-225500	28.63	2118605	12/31/2012	Gaylord/Supplies	-			01/09/2013
Vendor Total:	28.63							
Vendor: 03237 001-021-114500	225.00	Boyce 12/13	12/31/2012	Glad-Oak Gr Rotary/Dues	-			01/09/2013
Vendor Total:	225.00							
Vendor: 03324N 001-022-125500	162.50	121812	12/31/2012	Gray/Pro Tem Judge	-			01/09/2013
Vendor Total:	162.50							
Vendor: 03450D 004-004-407500	72.28	17908 A Websta2	12/31/2012	Hadley/Refund Water	-			01/09/2013

Account Number	Amount	Invoice No	Inv Date	Description	Task	Type	PO Number	Payment Date
Vendor Total:								
	72.28							
Harbor Freight Tools								
Vendor: 03490	24.96	550527	12/31/2012	Harbor Freight Tool/Supplies	-			01/09/2013
001-025-175500	6.98	550902	12/31/2012	Harbor Freight Tool/Supplies	-			01/09/2013
Vendor Total:								
	31.94							
Houston, Marc R								
Vendor: 03765	600.00	1/15 - 2/15	12/31/2012	Houston/Supervising Physician	-			01/09/2013
001-025-180500								
Vendor Total:								
	600.00							
Honey Buckets								
Vendor: 03818	336.22	1-581912	12/31/2012	Honey Buckets/Rest Rooms	-			01/09/2013
001-026-195500	480.44	1-587761	12/31/2012	Honey Buckets/Rest Rooms	-			01/09/2013
001-026-195500	85.00	1-590531	12/31/2012	Honey Buckets/Rest Rooms	-			01/09/2013
001-026-195500	93.00	1-586460	12/31/2012	Honey Buckets/Rest Rooms	-			01/09/2013
Vendor Total:								
	994.66							
Indoor Billboard								
Vendor: 03865A	74.65	215775	12/31/2012	Indoor Billboard/Supplies	-			01/09/2013
001-029-225000								
Vendor Total:								
	74.65							
Ingram Library Services								
Vendor: 03931	174.97	08202859	12/31/2012	Ingram/Purchases	-			01/09/2013
001-029-230500	64.43	08195816	12/31/2012	Ingram/Purchases	-			01/09/2013
001-029-231500	35.72	08195816	12/31/2012	Ingram/Purchases	-			01/09/2013
001-029-230500	4.75	08265704	12/31/2012	Ingram/Purchases	-			01/09/2013
001-029-231500	8.24	08265704	12/31/2012	Ingram/Purchases	-			01/09/2013
001-029-230500	18.98	07434846	12/31/2012	Ingram/Purchases	-			01/09/2013
001-029-231500	66.07	07434846	12/31/2012	Ingram/Purchases	-			01/09/2013
001-029-230500	263.90	08419482	12/31/2012	Ingram/Purchases	-			01/09/2013
001-029-231500	173.17	08419482	12/31/2012	Ingram/Purchases	-			01/09/2013
001-029-230500	36.73	08419481	12/31/2012	Ingram/Purchases	-			01/09/2013
001-029-230500	101.30	08335226	12/31/2012	Ingram/Purchases	-			01/09/2013

Account Number	Amount	Invoice No	Inv Date	Description	Task	Type	PO Number	Payment Date
Vendor Total:	948.26							
Vendor: 04561P 001-025-180000	341.80	618608	12/31/2012	Life Assist/Supplies	-			01/09/2013
Vendor Total:	341.80							
Vendor: 04753 005-005-507000	1.53	00856844	12/31/2012	Maverick Welding/Supplies	-			01/09/2013
Vendor Total:	1.53							
Vendor: 04810 001-021-107500	11,060.00	7495	12/31/2012	Merina & Co/Audit	-			01/09/2013
Vendor Total:	11,060.00							
Vendor: 04900 001-029-231500	19.99	90618006	12/31/2012	Midwest Tape/Non Print	-			01/09/2013
001-029-231500	14.99	90618040	12/31/2012	Midwest Tape/Non Print	-			01/09/2013
001-029-231500	64.96	90599234	12/31/2012	Midwest Tape/Non Print	-			01/09/2013
001-029-231500	11.99	90599045	12/31/2012	Midwest Tape/Non Print	-			01/09/2013
Vendor Total:	111.93							
Vendor: 04904 001-025-173000	109.95	H33744	12/31/2012	Millar's HiWay/Services	-			01/09/2013
Vendor Total:	109.95							
Vendor: 05396 005-005-507000	433.48	345122314-13312/31/2012	12/31/2012	Sprint/Cellular Phones	-			01/09/2013
Vendor Total:	433.48							
Vendor: 05675 001-021-113000	28.58	635759696001	12/31/2012	Office Depot/Supplies	-			01/09/2013

Account Number	Amount	Invoice No	Inv Date	Description	Task	Type	PO Number	Payment Date
001-022-124500	24.71	63759696001	12/31/2012	Office Depot/Supplies	-			01/09/2013
001-022-124500	20.52	637453844001	12/31/2012	Office Depot/Supplies	-			01/09/2013
001-022-124500	10.19	637453957001	12/31/2012	Office Depot/Supplies	-			01/09/2013
001-021-113000	88.68	636910516001	12/31/2012	Office Depot/Supplies	-			01/09/2013
001-025-175500	49.23	1532316085	12/31/2012	Office Depot/Supplies	-			01/09/2013
	<u>221.91</u>							
Vendor Total:	221.91							
Vendor: 05679								
001-021-113000	58.10	525008	12/31/2012	Office Max/Supplies	-			01/09/2013
001-022-124500	23.00	065660	12/31/2012	Office Max/Supplies	-			01/09/2013
	<u>81.10</u>							
Vendor Total:	81.10							
Vendor: 06148								
001-022-127000	296.00	1450	12/31/2012	Oregon Patrol/Security Services	-			01/09/2013
	<u>296.00</u>							
Vendor Total:	296.00							
Vendor: 06179								
001-021-110500	277.55	1207	12/31/2012	Oregon Rubber Mat/Services	-			01/09/2013
	<u>277.55</u>							
Vendor Total:	277.55							
Vendor: 06841								
004-004-403000	25.50	123112	12/31/2012	Petty Cash/City Hall	-			01/09/2013
001-024-156000	10.00	123112	12/31/2012	Petty Cash/City Hall	-			01/09/2013
	<u>35.50</u>							
Vendor Total:	35.50							
Vendor: 06863								
001-025-180000	309.00	113076497	12/31/2012	Physio Controls/Supplies	-			01/09/2013
001-025-180000	389.00	113075528	12/31/2012	Physio Controls/Supplies	-			01/09/2013
	<u>698.00</u>							
Vendor Total:	698.00							
Vendor: 06871A								
001-021-113000	173.70	5847646-DC12	12/31/2012	Pitney Bowes/Meter Machine	-			01/09/2013
001-022-125000	115.80	5847646-DC12	12/31/2012	Pitney Bowes/Meter Machine	-			01/09/2013

Account Number	Amount	Invoice No	Inv Date	Description	Task	Type	PO Number	Payment Date
001-024-157000	86.85	5847646-DC12	12/31/2012	Pitney Bowes/Meter Machine	-			01/09/2013
001-029-225500	57.90	5847646-DC12	12/31/2012	Pitney Bowes/Meter Machine	-			01/09/2013
004-004-403000	144.75	5847646-DC12	12/31/2012	Pitney Bowes/Meter Machine	-			01/09/2013
Vendor Total: 579.00								
Vendor: 07021								
001-021-109500	825.23	123112	12/31/2012	Portland General Electric/Billing	-			01/09/2013
001-025-177500	151.96	123112	12/31/2012	Portland General Electric/Billing	-			01/09/2013
001-026-193500	651.79	123112	12/31/2012	Portland General Electric/Billing	-			01/09/2013
004-004-406000	1,061.64	123112	12/31/2012	Portland General Electric/Billing	-			01/09/2013
005-005-507000	383.33	123112	12/31/2012	Portland General Electric/Billing	-			01/09/2013
005-005-508000	692.36	123112	12/31/2012	Portland General Electric/Billing	-			01/09/2013
003-003-307000	69.22	123112	12/31/2012	Portland General Electric/Billing	-			01/09/2013
Vendor Total: 3,835.53								
Vendor: 07061								
004-004-406500	279.15	001392-00	12/31/2012	Portland Win/Supplies	-			01/09/2013
004-004-406500	993.00	001256-00	12/31/2012	Portland Win/Supplies	-			01/09/2013
004-004-406500	32.81	001406-00	12/31/2012	Portland Win/Supplies	-			01/09/2013
Vendor Total: 1,304.96								
Vendor: 07110								
001-029-231000	55.83	10276458	12/31/2012	powells.com/Supplies	-			01/09/2013
Vendor Total: 55.83								
Vendor: 07561								
001-029-225000	330.40	N363487	12/31/2012	Robben & Son/Services	-			01/09/2013
Vendor Total: 330.40								
Vendor: 08086								
001-021-115500	200.00	INV23996	12/31/2012	Springbrook/Web Payments	-			01/09/2013
Vendor Total: 200.00								

Account Number	Amount	Invoice No	Inv Date	Description	Task	Type	PO Number	Payment Date
Vendor: 08205 001-025-173000	151.60	0002591	CL94112/31/2012	Stein Oil/Supplies	-			01/09/2013
Vendor Total:	151.60							
Vendor: 08329H 005-005-507000	24.99	MEDB2IN172	12/31/2012	S Wireless/Supplies	-			01/09/2013
Vendor Total:	24.99							
Vendor: 08402 001-021-113000	16.60	754233-0	12/31/2012	Thayer/Supplies	-			01/09/2013
001-021-113000	17.15	754235-0	12/31/2012	Thayer/Supplies	-			01/09/2013
Vendor Total:	33.75							
Vendor: 08558 005-005-504500	45.65	44625CVW	12/31/2012	Town & Country/Parts	-			01/09/2013
Vendor Total:	45.65							
Vendor: 08970 001-029-225500	332.95	IN674633	12/31/2012	Video Store Shopper/Supplies	-			01/09/2013
Vendor Total:	332.95							
Vendor: 09030H 001-025-175500	237.00	8764	12/31/2012	Watts Heating/Services	-			01/09/2013
Vendor Total:	237.00							
Vendor: 09281T 001-029-225000	59.85	0046854-IN	12/31/2012	Wilsonville Lock Security/Services	-			01/09/2013
Vendor Total:	59.85							

Account Number Amount Invoice No Inv Date Description Task Type PO Number Payment Date

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210,314.12

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Report Total:



CORRESPONDENCE

Dec 31, 2012

TO: Pete Boyce, City Manager
Gladstone City Council
Planning Commission
Library Board
Senior Center Board

SUBJECT Meeting minutes, accuracy

Pete & City Councilors:

In recent year's I noticed the minutes writer is inserting "I feel that..." before statements made by people testifying. It happens too often to attribute to chance. "I feel" is attached to a female testifying, when she never used the phrase. Most of the time, the men get, he said, he testified, he thinks, he wants etc. (all acceptable sentence starters)

I want to see the minutes editor get some sexual harassment avoidance training. Adopt the policy: Never use "I feel" in the minutes of a person's testimony unless they actually say it. Its inaccurate. Sometimes people say "I feel" out loud. So, feel free to quote it. Although, in some circles the phrase is considered illiterate.

However, the minutes writer continues to take liberties and repeatedly singles out feminine voices for "I feel", when the woman did not use the phrase. This is gender bias. Its offensive to women. Please clean up the minutes from now on. Accuracy is good. Sexism is illegal.

If I am unable to attend the next meeting, please read my letter out loud into the record. Please consider this subject for the next city council meeting Agenda. Also, please include this letter in Correspondence in the city council Agenda packet.

I expect to hear from you in the next ten days.

Best Regards,
Rose Johnson

Peter Boyce

From: rose [mrosej47@comcast.net]
Sent: Sunday, December 30, 2012 7:56 PM
To: Peter Boyce
Subject: Fw: IGA between Clackamas County, Gladstone & Oak Grove library

----- Original Message -----

From: [rose](#)
To: [Peter Boyce](#)
Sent: Sunday, December 30, 2012 7:50 PM
Subject: IGA between Clackamas County, Gladstone & Oak Grove library

TO: Pete Boyce
& City Council

FROM: Rose Johnson

re: IGA for Oak Grove Library and Gladstone Library merger

Pete,

The Nov 6 election (result on the proposed new library) effectively invalidated the IGA. Is there any paperwork needed to cancel that IGA contract once and for all?

My friend from Oak Grove asked me to inquire regarding this. She is concerned that the IGA could be revived and take away their Oak Grove library some day.

Perhaps the paperwork is already done? Thank you.

December 31, 2012

TO: Tammy Stempel

cc: Budget Committee

cc: Planning Commission

Library Board

Pete Boyce, City Manager

Senior Center

Gladstone City Council

City Council meetings notice e/mail list(s)

I admire your passion but sometimes you tilt at windmills. Your November 13 complaint against the Library Board's selection process for applicants is unsubstantiated. You appear to be confusing your resentment over being rejected by the board as an example of their improper procedure. Obviously, you must have misunderstood when they explained their selection procedure. A longstanding one, by the way. I applied for the library board maybe 15 years ago. They said they would not recommend me to the board because I did not support the new library. They said their recommendation would go to the council for the next meeting for a vote. At the council meeting I was outvoted fair & square against other candidates.

Did it occur to you, since you helped kill the new library, they would reasonably view you as the last person on earth they want on the library board. It's not about you. I suspect they would not welcome anyone who voted against the new library. Recommendations by the library board are at their discretion. They deserve loyalty from their board members. It's in the job description.

By the way, there is no need for the investigation you requested. The city website clearly explains the library board selection procedure. Again, you probably misinterpreted what they said to you. The Mayor reassured you there were no irregularities that he knew of in the application procedure. He said, the council does the selection, not the library board.

It might inform your thinking to tell you what I recall about the first Traffic Safety Committee meeting I attended. You were in charge. A citizen wrote a letter asking for a traffic controller (speed bump, sign, or something) You said, we reject this request. I asked why? You said, if they don't have the courtesy to show up at our meeting, then we don't have to grant their request. I said, what if they don't know they should have come to the meeting to get a hearing? Can we reconsider? You said, No!

I encourage you to withdraw your complaint.

Best regards,
Rose Johnson

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n favor of a new overexpensive one.

I thought we have many humble homes in our town of less than

Average value. How are people already struggling financially supposed to Take another tax hike. Worse, they have no say in the decision.

You are too smart to beat a dead horse and distract everyone with minutia.. You have a hidden agenda, don't you?

You and Kevin, and Kim with your three pronged attack on the library. How obvious far off your core mission can you get?

January 1, 2013

To: Kirk Stempel
Tammy Stempel
Kim Sieckmann

Cc: Pete Boyce, City Manager
Gladstone City Council
Planning Commission
Budget Committee
Library Board
Senior Center
e/mail list for public meetings notice, Council

ATTENTION: Kirk, Tammy & Kim:

Please resign from your Gladstone, city of, elective and appointed positions immediately.

There is an apparent conflict of interest between your office or position(s) as a city planning commissioner.

For you to belong to SaveGladstone while concurrently serving as city official(s) raises ethical questions. Can you fairly, honestly, openly, and competently serve two masters?

Save Gladstone, once a grass roots organization, appears to be morphing into a "lobby" or PAC with an unspecified agenda not necessarily in Gladstone's best interests. Recent testimony before the City Council raises questions about a turnabout or some internal confusion about your core mission. I am referring to the testimony of Johnson and Seickmann during the November 13 City Council Meeting. How does this situation affect your nonprofit status? Your eligibility for elected offices and subsequent appointments to planning commission, committees, boards, etc?

What are the names of your official Save Gladstone members, to date? Do you have a mission statement? Bylaws? Bank account? Sponsor such as a PAC? Sponsor such as Denny Marsh? What are your total Save Gladstone contributions to date?

We seek to minimize SaveGladstone distractions and ethical conflicts to city business by seeking your consent to go.

Best regards,
Rose Johnson

5-5

January 2, 2013

To: Pete Boyce
City Manager
Cc: City Council
Budget Committee
Planning Commission
Library Board
Senior Center
e/mail list for Council meetings) notice

SUBJECT: Public Records Request(s)
From Nov 13 Council meeting

Pete:

I request copies of the following documents. If one or two are not yet available please let me know.

- 1) City attorney's legal opinion on the applicability of measures to Denny Marsh "offer"
- 2) Denny Marsh offer to buy city hall (per Nov 13 Council meeting)
- 3) Appraisal Report for city hall
- 4) Final Report & Estimate by Contractor of city hall building condition; what date is it found in the minutes

Please respond to my request within 10 days. Please place this letter in City Council meeting packet

-Correspondence for next meeting. If am unable to attend the meeting, please read this letter into the record.

Best regards,

Rose Johnson

January 2, 2013

To: Pete Boyce
City Manager
Cc: City Council
Budget Committee
Planning Commission
Library Board
Senior Center
e/mail list for Council meetings) notice

SUBJECT: Public Records Request(s)
From Nov 13 Council meeting

Pete:

I am researching the alleged library operating costs shortfall Kevin Johnson testified about during the November 13 Council meeting. The following questions apply to the 2011-12 city budget:

Was Mr. Johnson referring to 2011-12 budget?

Was the county distribution from the library district \$537,000 that year. If not, what was it?

Was the city budget amount for op expenses-library \$777,389 that year, see Sec3 pg 12?

Please respond to my request within 10 days. Please place this letter in the City Council meeting packet

-Correspondence for next meeting. If am unable to attend the meeting, please read this letter into the record. Thank you.

Best regards,

Rose Johnson

5-7

January 2, 2013

To: Pete Boyce
City Manager
Cc: City Council
Budget Committee
Planning Commission
Library Board
Senior Center
e/mail list for Council meetings notice

SUBJECT: Save Gladstone.org members & KimSieckmann testimony 12/12 GCC meeting
Request Resignation of certain City Councilors

Pete:

There is no rational, justifiable reason for asking for Council resignations. The problem is certain individual's lack of forgiveness, not any city Councilor's performance. In all aspects of planning for the new library the Council acted professionally within their job description. Now that new library opponents won the election, the Council cannot legally do any work on the new Library; they promised as much during recent Council meetings.

It is time to get back to consensus building and normal business between the council and citizen activists, for the good of Gladstone.

Some of the things which Johnson and Sieckmann cite as improper action or nonaction by the city Council, were due to circumstances, or mistakes made by the NLPC's planning. Our neighbors all. Yes, they chased a dream for a new library that the majority did not share. The process of getting a vote on the library question was difficult for both sides. Everything that happened is democracy in action. After all the campaign statements SaveGladstone.org made about defending our (citizens) right to vote, their request for resignations contradicts their own words. Why don't they know, questioning the Councilor's right to vote is uncalled for. If you want someone out of office, follow standard procedure; wait for their office to be vacant, or seek a recall election. Did you think it would be easy to get rid of the old guard, so you could step in and take over city hall? Remember the D is for democracy. Statecraft is not a dog fight. It's not about you.

The library opponents won the November 5 election. By voting down a \$10 million dollar library, we saved the city a net whopping \$8,800,000! There is no \$1.2 million loss. It's called collateral damage, or acceptable loss attributed to the unpredictable fallout from a contentious election. You started it, SaveGladstone. Get over it. Please withdraw your resignation request(s) immediately.

Please place this letter in the City Council meeting packet. If I am unable to attend the meeting perhaps the Council will time to it read into the record. Otherwise it will be attached to Correspondence in this next meeting packet. Thank you.

Best regards,
Rose Johnson

Date: 12/29/12 DRAFT

print 1/3/13

"GENIUS CONSISTS SOMETIMES OF KNOWING WHEN TO STOP"

Charles DeGaulle

To: Pete Boyce, City Manager & City Council
Cc: Planning Commission
Budget Committee
Library Board
Senior Center Board
Traffic Safety Committee
Parks Committee
GCC Council Meeting Notice email list

SUBJECT: Testimony at Nov 13 city council meeting
RE #1 Kevin Johnson's 12/1/2012 letter to GCC (posted Save Gladstone.org)
RE #2 Kim Sieckmann's library outsourcing proposal
RE #3 & 4 Arguments

Concerning Kevin Johnson and Kim Sieckmann's latest theories about the existing Gladstone library, here are some contrary thoughts to consider:

Argument #1 The only reasonable argument that applies to Johnson and Sieckmann's existing library operating cost complaint(s) is a straightforward analysis of operating costs, comparing Clackamas county library operating costs. I selected cost per transaction for this analysis.

Kevin Johnson and Kim Sieckmann, while mostly right on critiques of city management, are just plain wrong on this one.

1.1. Mr. Johnson's comments are flawed, because he is trying to base his opinion on the premise that Gladstone library operating costs are too high, or out of control, when the operating cost number's He cites are immaterial. If you use the wrong numbers, you get the wrong conclusions. If you want To know if something costs too much, you do some market research to find out what price range is available. You ask, what is the range of library operating costs per transaction?

Kevin errs by relying on the number that represents how much tax (money) revenue the county library district distributes to each library-city from property taxes annually. (\$537,000, 2011-12). This figure

does not reflect what libraries cost to operate. It represents how much Gladstone receives in property tax revenue based on its taxable assessed value, not the operating costs level of highness or lowness. The annual library budget is based on the librarian's analysis and report to the city manager's draft budget process. It is a best estimate of budget needs based on last year's budgets and current requirements. To state the obvious, Pete Boyce, City Manager, and Mary Nixon, Librarian, know a lot more about library operating costs than me, Kevin Johnson, or Kim Siekmann.

1.2 Mr. Sieckmann proposes to outsource the library in order to achieve an operating cost savings of -30% per year, with similar services.

Argument #2 my January 2011 spreadsheet interprets and summarizes for simplicity the library operating costs found in the state of Oregon library database (website). A compiling the data for Clackamas county libraries only, you get the most relevant statistics for the county libraries. There are too many variables statewide that are dissimilar to economic, geographic, and population characteristics in Oregon that will scew the data. Birds of a feather flock together, as my statistics professor used to say.

Math

So, the data shows in column F, annual revenue/budget, and then column H, circulation transactions. Dividing budget figure by number of transactions = operating expense costs per transaction. This calculation produces a unit of comparison to aid in comprehending how each library operating cost ranks in comparison to the population (i.e. the Clackamas county libraries). For example, pertinent data from the spreadsheet shows the following;

<u>Library</u>	<u>annual budget</u>	<u>cost per transaction 2011-12</u>
Gladstone	662,928	2.24
Oak Grove	1,734,586	1.67
Lake Oswego	4,224,425	3.07

The operating expense cost range is from \$1.67 to \$3.65 per transaction. The average operating cost per transaction is \$2.41. Gladstone ranks -4 points below the average. Consequently it is completely inaccurate to opine that Gladstone library's operating costs are too high, or to say there was a \$190,000 "shortfall".

It would be advisable for Kevin Johnson to withdraw his request for a reduction in the library budget to actual county library district revenue. Also, Kim Sieckmann might consider withdrawing his proposal to outsource the library. There is no reasonable basis for their complaints and subsequent requests. Their speculations about library operating costs are unsustainable.

Furthermore, if you put Johnson's and Sieckmann's position into perspective, complaining about a \$190,000 difference in a \$22,888,000 million budget is like beating a dead horse. Their so called \$190,000shortfall represents only .83% (< 1%) of the total 2011-12 Gladstone Budget. If they keep

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complaining about minutia like this, the council will never get anything done on time. The city will do a budget review in January, 2013; and this trivial pursuit should be settled by then. Perhaps some time studying the budget and doing the math would inform their thinking?

It is interesting to recall, on 6/23/2011, I telephoned Mr. Johnson to ask him if he was going to the budget committee meeting in two days. He said no-one goes to budget meetings, growled and hung up. Look how far he's come. Recently, he applied for a position on the budget committee and the Council unfortunately rejected him. When the next budget committee position opens, please consider Kevin Johnson. He is on the right train; he just got on the wrong track. Kevin Johnson is one of the smartest, hardest working activists in Gladstone. Some time on the budget committee would inform his thinking.

Argument #3 there is a third sustainable reason why there is no basis for a budget shortfall concern. Johnson and Sieckmann have honestly misinterpreted the budget figures.

The so-called \$ 190,000 "shortfall" is entirely attributable to tax "compression". It has nothing to do With a shortfall. That is mislabeling. When the city manager estimates the next year's resources and expenses, he uses the best forecast tools available. The county assessor does not complete the property tax roll calculations until late October, before the November 15 tax bills go out. The property tax computations are so complicated (based on algorithms we don't want to try to understand), no city manager could reasonably be expected to make such calculations. Also the property tax roll data is proprietary to the assessor (that is, confidential) until the roll is certified in late October each year. Tax compression has been expanding like cancer each year for 15 years; and it's getting harder to calculate. It has gradually diminished property tax revenues ever since property tax limitation Measure 50 passed. Even the assessor doesn't know what the dollar amount of compression will be until late October. Considering compression, it is normally expected (not surprising) that Gladstone's 2011-12 property tax revenue was less than the city manager's forecast. Budgeting is an art, not a science.

Argument # 4: Why you can't go there.

There is no established precedent, state law, city ordinance or chapter language that says the library budget must match funds with the county library district distribution. This notion originates from Johnson and Sieckmann's mindset. The decision to set the budget is at the discretion of the City Council. The budget is reviewed and approved by the 14 member budget committee to submit to the county assessor by Jun 30 ea year under our Oregon property tax system. Next, the assessor spends 3.75 months preparing the tax roll; the assessor can alter the cities expected property tax revenues (not a budget committee decision) through tax compression. All, procedurally outside the jurisdiction of the city manager and the budget committee. No-one in the budget committee meeting in June 2011 expressed concern about the library budget.

Conclusion Again, Johnson and Sieckmann are barking up the wrong tree. There is no budget shortfall in the library budget. It's a red herring. Quite the opposite, the \$190,000 difference is due to the unpredictable nature of tax compression.

Perhaps they can stop trying to fix something that isn't broken. The city and city manager are acting in good faith, and it is disingenuous to suggest there is an error here. Recently, the city manager and Councilor Mersereau designed a budget forecasting tool that will improve budget forecasting. Obviously our city Council and city manager are acting competently doing their job where budget is concerned.

However, Johnson & Sieckmann jumped to the wrong conclusions. Assuming there is a budget shortfall is not sustainable. But thanks for noticing. I recommend the Council reject Johnson and Sieckmann's library complaints-comments and decide accordingly. If you've already decided the matter, please put this item on the next City Council agenda for re-consideration. By the way, What is the library board's opinion on this matter?

I've advised people over and over, if you want to know how the property tax system works, just ask. Thank you for considering this matter. Please respond in writing in ten days.

The election is over; why can't we all just get along?

Best regards,

Rose Johnson

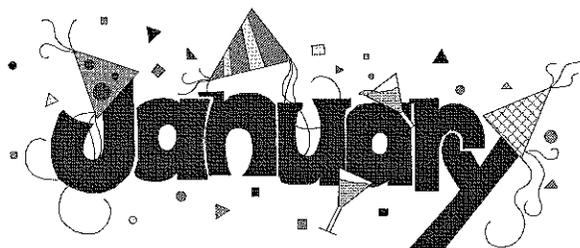
Enclosure: see attached spreadsheet: Clackamas county libraries comparison study 1/9/2012

source1, www.oregon.gov/osll/ld/statsploregon.shtml (defile date: 6/16/2011)

source2, [http.oregon.educationbug.org/public-library/](http://oregon.educationbug.org/public-library/)

Disclaimer: Although you all have made free use of my research in the past, please be advised there is a copyright on my letters, spreadsheets, research and other work. I reserve the right to request a fee of \$100 from city hall to compensate me for time spent preparing the 1/2011 spreadsheet and budget analysis dated above. Otherwise, my work products are not reprintable or reproducible in any part by email, photocopy or posting on a city website without my written permission. The same restrictions apply to Save Gladstone members and their website, and all websites, private or public, on the internet (rj1/1/13)

		CLACKAMAS COUNTY LIBRARIES		rev. 1/9/2012	DRAFT	6/20/11 rj				
updated to 6/16/2011 www.oregon.gov/OSL/LD/statspl Oregon.shtml										
<u>COMPARISON STUDY</u>										
<u>Operating Costs vs. population, building size, & circulation</u>										
library	service area population	building square feet	sq ft per person	annual revenue budget	revenue cost per person	circulation transactions	cost per trans.	opex costs	opex per person	
1	estacada	19,541	12,060	0.62	\$ 624,081	\$ 31.94	317,811	\$ 1.96	\$ 546,313	\$ 27.96
2	wilsonville	19,574	28,677	1.47	\$ 1,219,163	\$ 62.28	509,008	\$ 2.40	\$ 1,219,164	\$ 62.28
3	gladstone	20,391	5,100	0.25	\$ 662,928	\$ 32.51	295,409	\$ 2.24	\$ 610,628	\$ 29.95
4	molalla	22,583	10,000	0.44	\$ 656,604	\$ 29.08	338,805	\$ 1.94	\$ 456,306	\$ 20.21
5	canby	25,066	11,000	0.44	\$ 790,860	\$ 31.55	317,487	\$ 2.49	\$ 609,646	\$ 24.32
6	west linn	29,518	28,000	0.95	\$ 1,912,837	\$ 64.80	751,204	\$ 2.55	\$ 1,717,000	\$ 58.17
7	sandy	30,636	11,250	0.37	\$ 983,855	\$ 32.11	500,389	\$ 1.97	\$ 787,613	\$ 25.71
8	milwaukie	31,178	12,250	0.39	\$ 2,453,871	\$ 78.71	671,551	\$ 3.65	\$ 2,418,839	\$ 77.58
9	lake oswego	37,302	27,100	0.73	\$ 4,224,225	\$ 113.24	1,377,737	\$ 3.07	\$ 3,109,624	\$ 83.36
10	oregon city	58,061	13,000	0.22	\$ 1,722,410	\$ 29.67	667,749	\$ 2.58	\$ 1,287,075	\$ 22.17
11	oak grove	72,085	16,512	0.23	\$ 1,734,586	\$ 24.06	1,041,099	\$ 1.67	\$ 1,951,504	\$ 27.07
				average	\$ 48.18	\$ 2.41	average	\$ 41.71	average	
				sq ft/ person	cost/ person	cost/ checkout				
new library cost estimate @ state average cost/sq ft:										
gladstone	"proposed"	19,000	0.55	X	10,540	square feet X	250	\$ 2,635,017		
note: Statewide average per capita 0.65 sq ft										
source: rev.6/16/2011 spreadsheet www.oregon.gov/OSL/LD/statspl Oregon.shtml										
source: other: http://oregon.educationbug.org/public-library/										



REGULAR AGENDA

City of GLADSTONE

SUMMARY

FILE NUMBER: Z0549-12-CP/Z0550-12-Z

APPLICANT: John Lewis, The Gold Wrench

PROPOSAL: Comprehensive Plan change and zone change from Single Family Residential, R-5 to Commercial, C-3. The site is approximately 0.80 acres in size, comprised of five (5) lots currently in residential use. There are no particularly significant natural features, the site is essentially level, and all necessary public facilities are in place to serve the proposal.

PLANNING COMMISSION HEARING: The Planning Commission held a public hearing on November 20th, 2012. A copy of the minutes from that meeting is included. After a brief staff report, the applicant(s) gave a lengthy presentation discussing the approval criteria as well as reasons for the request. Discussion ensued between the PC and the applicants, centered largely on the issues of public need and interest – does Gladstone need more commercially zoned land, and if so, is this the proper location? Opposition testimony (1 person) was presented. A letter, signed by several area residents, was read into the record. Concerns seemed focused on impact to neighbors adjacent to the north of the subject property. Applicant presented rebuttal testimony. See (draft) minutes for detail. Ultimately the Planning Commission voted to recommend denial of the request, based largely on perception applicant did not prove public need, or adequately address potential impacts to neighboring properties.

PLANNING COMMISSION ACTION: The Planning Commission, on a 5-1 vote, recommended Denial of Z0549-12-CP and Z0550-12-Z.

ATTACHMENTS:

- Staff report
- Minutes from the Planning Commission hearing
- Exhibits which include original application materials

City Hall
525 Portland Avenue
Gladstone, OR 97027
(503) 656-5223
FAX: (503) 650-8938
E-Mail: (last name)@
ci.gladstone.or.us

Municipal Court
525 Portland Avenue
Gladstone, OR 97027
(503) 656-5224 ext. 1
E-Mail: municourt@
ci.gladstone.or.us

Police Department
535 Portland Avenue
Gladstone, OR 97027
(503) 656-4253
E-Mail: (last name)@
ci.gladstone.or.us

Fire Department
555 Portland Avenue
Gladstone, OR 97027
(503) 557-2776
E-Mail: (last name)@
ci.gladstone.or.us

Public Library
135 E. Dartmouth
Gladstone, OR 97027
(503) 656-2411
FAX: (503) 655-2438

Senior Center
1050 Portland Avenue
Gladstone, OR 97027
(503) 655-7701
FAX: (503) 650-4840

City Shop
18595 Portland Avenue
Gladstone, OR 97027
(503) 656-7957
FAX: (503) 722-9078

MINUTES OF PLANNING COMMISSION MEETING – November 20, 2012

Call to Order at 7:01 p.m.

Roll Call: The following Planning Commission members answered the roll call: Michele Kremers, Pat McMahon, Kim Sieckmann, Kirk Stempel, Tamara Stempel, and Chair Neal Reisner.

Absent: Commissioner Aaron Huddart.

Staff: Clay Glasgow, City Planner; Heather Martin, City Attorney; Michael Funk, Fire Marshall; Jolene Morishita, Assistant City Administrator.

Regular Agenda:

1. Public Hearing: Z0549-12-CP and Z0550-12-Z: Proposed Zoning Map and Plan Map Change from R-5, Single-Family Residential to C-3, General Commercial. Subject property is located at 610-670 E. Arlington. Chair Reisner opened the hearing and explained the hearing format. He asked if there were any ex-parte contacts or conflicts of interest to declare. There were none. Commissioners were asked if they visited the site. Commissioners Kim Sieckmann, Kirk Stempel, Tamara Stempel, Patrick McMahon, Michele Kremers, and Chair Neal Reisner all visited the site. Commissioners Kirk Stempel and Tamara Stempel talked with Randy Hopperstad who is renting one of the houses. Chair Reisner talked to Mr. Hopperstad, spoke to his neighbor who is a customer of Gold Wrench, and spoke to the manager of In and Out Auto which is also his auto repair person. Chair Reisner asked the audience if they wished to make a challenge of any council member's impartiality or ability to participate. There was no response. He asked if there were any objections to the Council's jurisdiction to consider this matter. There was no response.

Staff Report: Clay Glasgow, City Planner reported this is the first of two public hearings to be held on this item. The role of the Planning Commission is to hold a public hearing, take testimony, discuss and arrive at a recommendation to pass on to City Council. Council is the actual decision making body. Once a recommendation is received from the Planning Commission they will hold at least one more public hearing prior to arriving to a final decision.

City Planner Glasgow submitted a staff report for Commission review. This is a request to change the Comprehensive Plan designation and Zone Designation on the subject property. It is currently planned and zoned for single-family residential use and proposed to change that to commercial plan designation and general commercial zoning. There are five properties together, fully developed, public facilities in place, a traffic study is included and there are no topographic or natural features.

The applicant shows there is a lack of available commercial zoned land in the vicinity of this property and city-side. The public need aspect needs more attention to show that it benefits the city at large.

Questions from the Commissioners:

- The report shows there is an abundance of vacant developable commercial land on the McLoughlin Corridor. Is this in reference to Gladstone or Oregon City to Milwaukie. City Planner Glasgow noted for the purpose of the findings needed for the plan and zone change only the boundaries of Gladstone is included.
- Comments were requested from the Fire Marshal. Fire Marshall Funk reported he was not opposed to this issue. When something is demolished and rebuilt there is the opportunity for the new building to meet today's fire codes.
- Question: Is the existing building up to fire code. Fire Marshall Funk stated it is up to fire code for pre-existing, non-conforming. If they were to build a service station today, there would be new codes would be required for life safety.

Applicant Presentation: Marty Stiven, Land Use Planner, Stiven Planning and Development Services She introduced John and Jay Lewis, owners of the Gold Wrench. She brought an aerial photograph and handouts of the zoning map for the commissioners.

John Lewis, 655 E. Arlington Street reported his brother and he started the Gold Wrench business in 1989 in Oregon City and moved to Gladstone in 1991. The space was sufficient until 10-15 years ago. They attempted multiple changes to the building to facilitate growth in their business. They have exhausted every attempt to expand the building they are in. They cannot move the shop to McLoughlin Avenue because of the expense. They have been land locked for ten years and now need more space to grow. They have been at this location for 21 years and feel this is their neighborhood. They would like to expand across the street.

Ms. Stiven reviewed the five criteria for this application.

1. The first criteria addresses change in development pattern. Most of the block is zoned commercial. They are asking the Commission to approve altering the commercial line and bring it up one block. It is not a dramatic change to the zoning pattern (5 single-family lots). The public need is there is very little commercial land in the vicinity of this property. Any business is going to face a shortage of land in the vicinity of the Arlington neighborhood.
2. The second criteria talks about public need. This location will help the applicant keep his identity in the neighborhood. The applicant is willing to buffer the impacts by putting the residential properties back to back with fencing, landscaping, and placing all the openings onto Arlington Street. They will mitigate noise by closing off the back of the properties. The design will help make this business a good neighbor to the residents.
3. The third criteria require the applicant be consistent with relevant policies of the Comprehensive Plan and Metro Functional Plan. City Planner Glasgow has agreed the applicant has met all the goals and policies and questioned Title 7 of the Metro Functional Plan which deals with affordable housing. The 2010 census indicated that the loss of five rental units represents a .25% of a loss of rental housing supply. Metro forecasts how many housing units are needed to accommodate population growth. Metro has no concerns about the loss of five units and the ability of Gladstone to meet future housing needs. Between Metro and the Census Bureau they have

demonstrated that this change will not have a significant impact on affordable housing.

4. The fourth criteria require demonstration that there has been a change or mistake in the mapping in the neighborhood or community. There is no mistake in the mapping however they do feel since 1979 there has been a lot of build-out of the area. That is a change since the Comprehensive Plan was adopted and that could warrant the addition of more commercial land to Gladstone's housing stock.
5. The fifth criteria require adequate public facilities to serve the proposed use. The infrastructure is adequate and a transportation impact has been submitted that was coordinated with the City's traffic engineer who determined which intersections would be affected by an increase in traffic. They have determined that all the intersections can accommodate any increase in traffic.

Ms. Stiven stated this is a local business who wishes to expand and the public need can be partially fulfilled by allowing this applicant to expand at this site. It is appropriate as a portion of the site is already zoned commercial, this property is already across the street from commercial land, and the land can be developed to be compatible with the back yards of the existing homes. They feel they have met all the criteria and would like to have the opportunity to develop the site as proposed.

Questions from the Commissioners:

- How are the residents on East Berkley affected by this request? Answer: Ms. Stiven stated through the design review process there is enough room to build buffers and landscaping to protect those neighbors from the impacts of a commercial business. The design review process will make sure that this happens.
- Will there be a loss in property value on East Berkley because of this proposal? Ms. Stiven stated she could hope not; however, she does not know how property values may be affected. Any applicant who builds on this site would have to go through design review and that will give the neighbors an opportunity to work to get a compatible design.
- Have the people on Berkley been notified of this proposal? Ms. Stiven said the residents have been notified and John Lewis has gone door to door to meet with most of the people.
- One of the Councilors noted he lives on property that abuts commercial. There is good and bad. His concern is the zero lot line on the proposed site with no setbacks like a residential property. Ms. Stiven stated the zoning allows the zero lot line; however the Commission has discretion in terms of compatibility.
- Residents in that area can make the same case that there is a need for more residential because most of the property is taken and they would like to purchase the automotive repair shop and change the zoning to residential since Gladstone is current built out over 90%. Ms. Stiven noted if there is a shortage of housing density can play a big role in that where it really can't on commercial land. You just simply need more land.

- Will this set precedence if the zoning is allowed to be changed for this applicant? What is to preclude others from wanting to become commercial? Ms. Stiven stated there is lack of commercial land in this area. This area has a conglomeration of commercial businesses. Expanding to Columbia is a natural barrier and everyone who comes before the Commission has a case. The previous land use action is not the basis for another land use action in Oregon law.
- Why can't the applicant use the space he has rather than displacing five families by rezoning? Ms. Stiven stated the applicant can get a much more efficient building with the remodel and he will be about to accommodate the cars parked outside inside the building. Mr. Lewis stated economically he cannot do more on the existing lot because of the down time it would require his shop to have. The remodeling will take a minimum of six weeks to six months. Lee Sitton, P.O.B. 2322, Gresham, OR 97030 is a general contractor who has been working with John on the design of the new proposed site. Realistically his business would have to shut down for 8 months to make his current site accommodate the same building they can construct on the residential side. This site revision won't allow for closing down portions of the building. In his present scenario Mr. Lewis can stay open at his current site while the new building is going up across the street and the configuration works for his shop because a longer building will allow two cars deep in a bay which doubles the capacity of what he can do now.

There were no further questions from the Commission.

Public Testimony in Favor:

Steve Free, 260 82nd Drive he is a customer of Mr. Lewis and sends him trucks for repair. The amount of commercial property versus residential is very minimal. Any time you can upgrade buildings you are improving the safety in those buildings. Having a modern building helps business grow. As business folk they try to make sure they are part of the community and do the right things.

Public Testimony in Opposition:

Ed Milano, 615 East Berkley read and submitted a letter signed by many residents on Berkley Street regarding the request of a zone change from single-family to commercial. He has lived at this location since 1975 raising their children. They are planning for their property to be their future financial nest egg for future security. Their security will be affected as their property values will go down significantly. He does not feel this applicant will be a good neighbor nor the proposed wall will be a good buffer. The Gold Wrench acquired these properties over the last few years and the fences are in bad repair and covered in berry vines. Removing these residential properties will be a destructive to their life styles and peaceful existence. The lack of lighting in back of the building wall they believe will encourage criminal activity. Businesses and residential family neighborhood is not conducive to overall good family life and can bring the criminal element to their homes and place their homes and lives in danger. The applicant can remodel at a less costly expense to themselves and less stress and duress for the residents. The best thing for their neighborhood and public need is for the

Planning Commission to deny this request for a zone change. There are 14 other residents who have signed this letter.

Applicant Rebuttal: Mr. Lewis stated he does not formally live in Gladstone but he has spent more hours in Gladstone working 21 years in this town. He is a huge part of this community; his son goes to Gladstone High. He talked to Mr. Milano couple days ago and that was the first time he heard about fences falling down. His portion of property will not be affected by this remodel; with parking there he will have fewer hassles behind him than he does now. His testimony is not part of the decision-making criteria for his proposal. However, he doesn't want to sound harsh and does not want anyone to have to move because of his plans. He does care for this community.

Ms. Stiven stated she feels they will build a good project there. There is not a lot of opportunity for business expansion in that area and this is a way to do that. There is the ability to have two projects here and they will serve Gladstone well.

John and his brother own five properties. Their proposal is to redevelop for their commercial purpose three of the properties. They have no plans to redevelop the other two at this time; they will stay residential rental houses.

*Commissioner Kim Sieckmann moved and Commissioner Tamara Stempel seconded a motion to close the public hearing.
Motion carried unanimously.*

Commission Discussion: Commissioner McMahon feels it would be an advantage to having more commercial in Gladstone because of the taxes. The plan as proposed will be an advantage to Gladstone. He does not feel the applicant has met the criteria for public need and zone change.

Commissioner Tamara Stempel feels all five criteria have been met. She is concerned about the residents behind the remodel; however, it is something that can be addressed in design review making it compatible with the residents and businesses.

Commissioner Kremers does not feel the existing lot is being utilized as it could be. Chair Reisner does not feel the criteria for public need has been met.

Commissioner Sieckmann moved and Commissioner McMahon seconded a motion to recommend to City Council denial of Z0549-12-CP, plan change from Single-family Residential to General Commercial.

Roll: Kirk Stempel, Yes; Michele Kremers, Yes; Pat McMahon, Yes; Tamara Stempel, No; Kim Sieckmann, Yes; and Chair Reisner, Yes.

Motion carried 5-1.

Commissioner Sieckmann moved and Commissioner McMahon seconded a motion to recommend to City Council denial of Z0550-12-Z, zoning map change from Single-family Residential R-5 to C-3 General Commercial.

Roll: Kirk Stempel, Yes; Michele Kremers, Yes; Pat McMahon, Yes; Tamara Stempel, No; Kim Sieckmann, Yes; and Chair Reisner, Yes.

Motion carried 5-1.

2. Continued Discussion from the October 16th Work Session. Discussion of Possible Changes to the Gladstone Zoning Code. Discuss/Develop a Plan on How to Approach the Possible Project. Planning Commissioners bring ideas of potential changes as well as ideas/definition of "sustainability."

City Planner Glasgow cautioned the Commission that these proposed changes will be an expense that will need to be approved by City Council. Suggestions as to what changes need to be addressed:

- Word changes to dot the I's and cross the T's.
- Definitions (duplex, sustainability)
- Looking at specific Codes relating to Design standards
- 5,000 sqft lots and setbacks (garages, abut commercial property)
- Parking standards in the commercial zone
- Points/incentive for green (nature back into communities)
- Research on Comprehensive Plans

Planner Glasgow explained the zoning ordinance can be done in an orchestrated fashion. The Comprehensive Plan changes should be made first to guide what is to be done with the zoning ordinance to help with consistency. The State is not requiring updating the Comprehensive Plan. It would be nice, however, to have a sustainability based plan. There are a lot of things that can be done with the zoning ordinance without touching the Comprehensive Plan.

Commissioner Tamara Stempel gave her definition of sustainability, "Foster economic and social growth while also enhancing and protecting the environment and throughout this intensifying the process of civic engagement."

The commissioners were asked to read the code book, comprehensive plan and make a wish list of what needs to be changed.

5. **Other Business:** Chair Reisner reported he included in the packet a copy of Aaron's letter regarding United Nations 21 for review and comments. There were no comments.

Commissioner Kim Sieckmann asked if there could be a commission representative present at Council meetings where appeals or recommendations are made from the Commission. Possible they can be considered staff in order to make sure their decisions and discussions are clear to Council. City Attorney Martin suggested if this is done, there should be a system that is going to work the way the Commission wants it to. She suggests a Commissioner is there in

case Council has a question on clarity. The role is just to clarify what happened at the Planning Commission not to restate their personal opinion.

It was asked if Council will want a Planning Commission member available at Council meetings to clarify Commission discussions.

Chair Reisner reported that Commissioner Tamara Stempel will take over the Vice Chair and the Commission will vote on Chair the first meeting in January.

Upcoming Commission Considerations: None.

Business from the Commission: None

Adjourn:

*Commissioner Tamara Stempel moved to adjourn the Planning Commission meeting.
Commissioner Michele Kremers seconded the motion.
Motion carried unanimously.*

Chair Reisner closed the Planning Commission meeting of November 20, 2012 at 10:05 p.m.

Minutes approved by the Planning Commission this 20th day of December, 2012.

Neal Reisner, Neal Reisner, Chair

City of GLADSTONE

STAFF REPORT/RECOMMENDATION TO PLANNING COMMISSION

Files: Z0549-11-CP & Z0550-11-Z

Date: November 8, 2012

Hearing(s): November 20, 2012 (PC) December 11, 2012 (Council)

DRAFT

I. GENERAL INFORMATION

A. PROPOSAL: Comprehensive Plan designation change and Zone change to apply the City's Commercial designation and the C-3 zone.

B. Legal Description: T2, R2E, Section 20DB, Tax Lots 11300-11700

C. North side of Arlington Street, from Columbia Avenue to just west of 82nd Drive.

D. Current/proposed Plan designation: Single Family Residential/Commercial

E. Current/proposed Zone designation: R-5, Single Family Residential/C-3, General Commercial

F. Site Description: This is a group of five (5) properties totaling approximately 0.80 acres in size. Generally speaking the site is in residential use on residential size lots. The area is relatively flat and fully developed with public facilities.

II. INTRODUCTION

This request is subject to Chapter 17.68, Amendments and Zone Changes, of Title 17 of the Gladstone Municipal Code. The applicant has submitted information to address the applicable criteria. Those materials are incorporated by reference herein. While the applicant discusses throughout the specific reasons for the request – relocation and

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525 Portland Avenue
Gladstone, OR 97027
(503) 656-5223
FAX: (503) 650-8938
E-Mail: (last name)@
ci.gladstone.or.us
Website:
www.ci.gladstone.or.us

Municipal Court
525 Portland Avenue
Gladstone, OR 97027
(503) 656-5224 ext 1
E-Mail: municourt@
ci.gladstone.or.us

Police Department
535 Portland Avenue
Gladstone, OR 97027
(503) 655-8211
Website:
www.ci.gladstone.or.us

Fire Department
555 Portland Avenue
Gladstone, OR 97027
(503) 557-2776
Website:
www.ci.gladstone.or.us

Public Library
135 E. Dartmouth
Gladstone, OR 97027
(503) 656-2411
FAX: (503) 655-2438
E-Mail: gjr@lincc.lib.or.us

Senior Center
1050 Portland Avenue
Gladstone, OR 97027
(503) 655-7701
FAX: (503) 650-4840

City Shop
18595 Portland Avenue
Gladstone, OR 97027
(503) 656-7957
FAX: (503) 722-9078

discusses throughout the specific reasons for the request – relocation and expansion of a particular business and addition of another, staff notes that by changing the Plan/Zone designations to commercial any use provided for in that zone could be allowed.

III. FINDINGS AND CONCLUSIONS

Planning staff has reviewed this request in reference to the applicable provisions GMC. Based upon this review, staff makes the following findings and conclusions:

A. Comprehensive Plan Amendment and Zone Change

1. Chapter 17.68 establishes the approval criteria for a zone change. Policy 5(c) of the Plan Evaluation and Update chapter of the Comprehensive Plan states, "An amendment to this plan shall be treated like a zone change. The same procedure for a zone change shall be adopted." Thus, Chapter 17.68 of the GMC applies to the Comprehensive Plan amendment as well as the zone change. Chapter 17.68 requires that the applicant "must show by a preponderance of the evidence" the following:

17.68.050(1) Granting the request fulfills a public need, the greater departure from present development policies or land use patterns, the greater the burden of the applicant.

This application proposes to change an area currently zoned for and developed with residential use to commercial zoning and future commercial development. Current Plan/Zone designations are consistent with existing use of the properties. The proposal involves significant departure from these policies and patterns. The applicant has submitted responses to this criterion, particularly on Pages 15 and 16 of the supplemental application materials. Referencing a "vacant lands inventory," certain Plan provisions as well as other information, the applicant attempts to establish a need for Plan and Zone change. It seems clear the existing business is unable to expand as desired on the subject property. Further, and based on the vacant lands analysis provided by the applicant, it also seems clear that expansion in this particular area of town is somewhat limited, with the applicant attempting to show the only reasonable option is to change the Plan/Zone designations on the subject property so that the use may be relocated there. No discussion is provided as to why the business could not relocate and expand into other commercial zoned areas in the City (e.g. McLoughlin Corridor or Portland Avenue area.) Further, granting approval of this request

would result in the intrusion of commercial uses into an area fully developed as residential. While this may meet the needs of the applicant – that is not what this criterion is seeking. Staff believes further discussion is required in order to arrive at positive findings for this criterion. **This criterion may or may not be met, depending on further discussion.**

17.68.050(2) *The public need is best carried out by granting the petition for the proposed action, and that need is best served by granting the petition at this time.*

Applicant presents argument on the need for additional commercial zoned land in this area of the City, the contention being there is a shortage of developable commercial zoned lands in the immediate vicinity. Again, little discussion is provided as to why the commercial zone needs to be expanded in this particular area, considering there are other commercial areas in town that may be able to provide for the use. Applying the C-3 Zone would not fit the pattern of land use in the area, and development for commercial use would in fact require removal of several homes. Applicant notes "there is a shortage of developable commercial land in the immediate vicinity. This shortage cannot be alleviated until additional commercial land is added to the City's supply." Based on the vacant lands analysis submitted by the applicant it may be true there is a shortage of commercial land in the vicinity immediate to the subject. That said, and while staff has no specific numbers, it is clear there is an abundance of vacant, developable commercial land within the McLoughlin Corridor. Staff believes further discussion of this criterion is necessary – specifically as to why commercial use should be accommodated in an area historically and currently developed with residential uses while there is commercial land laying empty elsewhere in town. **This criterion may or may not be met.**

17.68.050(3) *The proposed action is consistent with the Comprehensive Plan and Metro's Functional Plan (Metro Code 3.07).*

The proposed zone change would be consistent with the Land Use chapter of the Plan if the Plan map is changed to commercial.

The Functional Plan provisions relevant to this proposal are addressed as follows:

Title 1, Housing and Employment Accommodation: The applicant contends the zone change will not impact the city's ability to meet

Metro's housing targets, as less than 1% of the land zoned for residential use will be impacted, and that employment opportunities will be provided if the request is approved. Staff concurs.

Title 2, Regional Parking: future development plans would be required to meet parking standards as listed in the Gladstone Municipal Code.

Title 3, Water Quality, Flood Management and Fish and Wildlife Conservation: The site in question is not identified as a Water Quality of Flood Management Area.

Title 4, Industrial and Employment Areas: Metro maps and designates certain areas as Industrial and Employment Areas. The property in question is not located in any designated industrial or employment area.

Title 5, Neighbor Cities and Rural Reserves: This Title establishes Metro policy regarding areas outside the Metro urban growth boundary and has no effect in Gladstone.

Title 6, Central City, Regional Centers, Town Centers and Station Communities: The zone change would not amend any centers, corridors, station communities or main streets.

Title 7, Affordable Housing: The general intent of this Title is to ensure housing is provided for households of all income levels. The applicant states "this application involves a quasi-judicial Comprehensive Plan and Zone change and does not involve legislative action by Gladstone affecting affordable housing." No direct discussion of the intent of the title is provided.

Title 8, Compliance Procedures: This Title establishes procedures for Metro to require compliance with the Functional Plan – not affected by this proposal.

Title 9, Performance Measures: not affected by this proposal.

Title 10, Definitions: not affected by this proposal.

Title 11, Planning for New Urban Areas: not applicable to this proposal.

Title 12, Protection of Residential Neighborhoods: This Title deals with protecting residential neighborhoods from air and

water pollution, noise and crime and to provide adequate public services. The subject proposal is not directly affected by this Title.

Title 13: Nature in Neighborhoods. None of the property in this proposal is identified as habitat, by Metro.

With further discussion of Title 7 of the Metro Functional Plan, it is possible **this criterion can be met.**

17.68.050(4) *Proof of significant change in a neighborhood or community or a mistake in the planning or zoning for the property under consideration, when relevant.* The applicant states that a significant change has occurred, in the form of the economic recession. Also, per the applicant, there exists a lack of available and suitable sites for commercial businesses to expand within the vicinity. Staff can agree on both points. Then again the recession has not affected only this portion of the city. The same downturn in business has provided many acres of vacant, useable commercial land elsewhere in town. **This criterion requires further consideration.**

17.68.050(5) *The property and affected area is presently provided with, or concurrent with development can be provided with, adequate public facilities, including, but not limited to, transportation systems.* The subject property is an area fully served by public facilities, including adequate transportation systems. Applicant has presented a traffic study to support this conclusion. **This criterion is met.**

2. Findings are required concerning the Comprehensive Plan amendment's compliance with the Statewide Planning Goals and Guidelines.

a. Goal 1 - "Citizen Involvement" - The purpose of this goal is to provide citizens the opportunity to be involved in the planning process. Notices were mailed to the owners of properties within 250 feet of the subject property, and a minimum to two (2) public hearings will be held. Goal 1 is satisfied.

b. Goal 2 - "Land Use Planning" - Goal 2 requires local jurisdictions to adopt comprehensive plans and ordinances to implement those plans. This process for Comprehensive Plan amendment is consistent with the Gladstone Comprehensive Plan and Municipal Code, thereby satisfying Goal 2.

- c. Goal 3 - Agricultural Lands – Gladstone has no designated agricultural lands. This goal is inapplicable.
- d. Goal 4 – Forest Lands – Gladstone has no designated forest lands. This goal is inapplicable.
- e. Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources – Goal 5 requires local jurisdictions to inventory a dozen types of natural and cultural resources, such as wetlands and wildlife habitat; determine which sites are significant; and undertake an evaluation to determine which sites will be protected and to what extent. The subject property does not include any sites or areas.
- f. Goal 6 – Air, Water and Land Resources Quality – This Goal requires the Comprehensive Plan and implementing ordinances to be consistent with state and federal pollution standards. This Goal is inapplicable to the proposed Plan amendment because the amendment does not seek to change the city's pollution standards.
- g. Goal 7 – Areas Subject to Natural Disasters and Hazards – This Goal covers development in areas subject to natural disasters and hazards, such as floods or landslides. The proposed Plan amendment will have no impact on the city's regulations pertaining to natural disasters and hazards. The subject property has not been identified as being at risk for a natural disaster or hazard that would be a basis for preventing the commercial development allowed by the new Plan designation.
- h. Goal 8 – Recreational Needs – This Goal requires the city to plan for recreation needs. The Comprehensive Plan designates such areas and this proposal does not adversely affect that planning.
- i. Goal 9 – Economy of the State – Goal 9 requires the city to plan and zone for an adequate supply of commercial and industrial land. The proposal furthers Goal 9 in that additional commercial land would result.
- j. Goal 10 – Housing – Goal 10 requires local jurisdictions to inventory residential lands and to accommodate an adequate supply of a variety of housing types. The proposed zone change would decrease city's supply of residential land by less than 1%. Further discussion will be required to determine compliance with this Goal.

- k. Goal 11 – Public Facilities and Services – This Goal requires local jurisdictions to plan for such public facilities and services as water, sewer and fire protection. Public Facilities and Services are available to serve this property.
- l. Goal 12 – Transportation – Goal 12 requires the city to adopt a transportation system plan (TSP) that provides for a variety of types of transportation facilities. The applicant provides information to show compliance with the Transportation Planning Rule and the adopted TSP. A traffic study is included with the application.
- m. Goal 13 – Energy Conservation – This Goal requires land use to maximize energy conservation. The proposed zone change will have no impact on the city's plan policies or implementing regulations regarding energy conservation.
- n. Goal 14 – Urbanization – This Goal requires the establishment of urban growth boundaries and planning for sufficient land to meet urban needs. This Goal is inapplicable to Gladstone because the city is within the Metro urban growth boundary and all lands bordering the city are already urban lands.
- o. Goal 15 – Willamette Greenway – This Goal establishes procedures for administering the greenway that protects the Willamette River. The subject property is not within the greenway; therefore, this Goal is inapplicable.
- p. Goals 16 through 19 pertain to coastal jurisdictions only.

IV. RECOMMENDATION

The Planning Commission is authorized to make a recommendation to the City Council on Comprehensive Plan amendments and Zone changes, pursuant to Subsections 17.94.060(1)(b) and (c) of the GMC. Planning staff recommends the Planning Commission carefully consider the submitted application materials along with this staff report, then forward a recommendation to the City Council a recommendation.

STIVEN Planning and Development Services, LLC

MEMORANDUM

TO: Clay Glasgow, Clackamas County , Senior Planner

FROM: Marty Stiven, Stiven Planning & Development Services, LLC. *MS*

DATE: November 9, 2012

RE: ZO549-12CP; ZO550-12-Z

This memo is provided to supplement information regarding four issues that you have identified in your draft staff report. The four issues are as follows:

1. Although the applicant has demonstrated that the applicant has no alternative location within the Arlington Street/I-205 neighborhood that facilitates relocation of his business, you have requested more information about why The Gold Wrench has not considered moving to a vacant site along the McLoughlin Corridor or commercial land elsewhere in the city.
2. You have requested additional evidence that the request is consistent with Title 7 of the Metro Functional Plan, Affordable Housing;
3. You have requested additional evidence that there is a significant change in a neighborhood or community since the original comprehensive plan designations were adopted.
4. You have asked for additional evidence that the request is consistent with Goal 10, Housing of the State Wide Planning Goals.

The following responses will serve as additional evidence that the proposed Plan Amendment and Zone Change are consistent with all of the criteria necessary for approval.

Feasibility of moving out of the existing neighborhood.

The Gold Wrench has considered moving out of the existing neighborhood and has determined that it is not feasible. Staff has questioned compliance with 17.68.050(1) and (2) because the applicant has not explained why the existing business (The Gold Wrench) can not relocate and expand into other commercially zoned area, in particular along McLoughlin Boulevard or Portland Avenue. There are many business reasons as to why it is important that The Gold Wrench remain in close proximity to its existing business.

The Gold Wrench moved to Gladstone in 1991 from its prior location in Oregon City, a move of less than two miles. The business owner, John Lewis estimates that the change in location resulted in a loss of 40% of his business which took another 18 months to two years to rebuild.

It is very difficult to relocate a business without a significant drop off in business. In addition, The Gold Wrench is family- owned and maintains an image as such. The existing neighborhood and its surrounding environment is compatibility with a "mom/pop" auto repair/servicing business, which will not be matched in the highway oriented McLoughlin location. In order to avoid a disruption to his existing customer base and income, and maintain his locational identity, and neighborhood familiarity it is important to remain in a location as near to his existing business as possible.

In addition to the risk to business operations due to moving away from the existing location, neither the McLaughlin Boulevard or Portland Avenue corridors are suitable locations for The Gold Wrench for the following reasons:

a. McLaughlin Boulevard

- Property along McLoughlin Boulevard is significantly more expensive. According to John Lewis, land/rent prices are one of the reasons that businesses frequently turn over.
- The Gold Wrench is a destination service business. Very few customers make unplanned stops for auto servicing or repairs. Nearly 92% of the existing business is referral based and the business exposure along a highway is not necessary nor worth the increase in land prices or building rents.
- McLaughlin Boulevard is primarily a commuter corridor and would be viewed as a much less convenient location to enter and exit for existing or future customers. Mr. Lewis believes that he could not maintain his existing customer base if located along McLoughlin Boulevard.
- The McLoughlin Boulevard corridor does not have the neighborhood shop feel that The Gold Wrench has worked to establish and would change the identity and image of the existing business.

b. Portland Avenue

- The commercial properties along Portland Avenue are zoned C-2 (Community Commercial District and do not allow Automobile Service stations as outright permitted uses.
- The Gold Wrench is not consistent with the purpose of the C-2 zone which is "to provide for the establishment of a community shopping center serving most of the occasional retail and specialty shopping needs of area residents..."
- Relocating to Portland Avenue causes the same issues for business operations as relocating along McLoughlin Boulevard described above.
- Auto service stations are allowed as a conditional use. Many of the same considerations that would be given a conditional use review, will occur during the city's design review process. Therefore, buffering and other restrictions will assure that the new construction is compatible with the residential character to the north of the site.

The Alternative Sites Analysis provided in the original land use application demonstrates that there is an inadequate supply of commercial sites in the I-205 vicinity which can accommodate an expansion of The Gold Wrench. For the reasons expressed above, neither the McLoughlin Corridor nor the Portland Avenue corridor are reasonably locational alternatives for The Gold Wrench. The information provided here, together with the information provided in the

application narrative dated October 11, provides evidence that the standards of 17.68.050 (1) are satisfied.

Public Need

17.68.050(2) states as a criteria for approval the following:

The public need is best carried out by granting the petition for the proposed action, and that need is best served by granting the petition at this time.

Staff has indicate that although they agree with the applicants finding that there is an inadequate supply of commercial land in the vicinity of the existing business, the applicant has not provided evidence as to why commercial use should be accommodated in an area historically and currently developed with residential uses while there is commercial land laying empty elsewhere in town. The findings above addressing the feasibility of moving The Gold Wrench to land along either the Portland Avenue or McLaughlin Boulevard corridor satisfies why these areas are inappropriate locations for The Gold Wrench. However, there are added reasons as to why the rezoning of the Arlington properties are benefits to the public as follows:

- Although the lots proposed for the zone change are developed as single family lots, the commercial designation of said lots is not inconsistent with the pattern of land use in the area. As shown on the Gladstone zoning map provided in the narrative dated October 11, the properties are adjacent to areas zoned C-3 to the west and to the south. The entire block on the south side of Arlington is zoned C-3. The western portion of the subject block is also zoned C-3, directly adjacent to residentially zoned and developed properties, demonstrating a pattern of C-3 and R-5 adjacent to one another. A portion of the residentially zone block is already adjacent to C-3 zoning and development.
- The city retained WinterBrook Planning in 2009 to examine what can be done to retain and attract business development within the C-3 zoning district, including the properties in the vicinity of the I-205 interchange. It explains that Gladstone's redevelopment goals include revitalization in both an economic and visual sense of the C-3 areas. The proposed zone change would allow improvements in economic impacts and appearance to the existing Gold Wrench site by allowing its redevelopment and improvement to the economic value to the properties proposed for the zone change.
- As stated in the WinterBrook memorandum, dated November 12, 2009, the C-3 district includes regulations creating buffering requirements so that allowed commercial uses do not create onerous impacts on adjacent residential development. Implied in this memo is that the City anticipates the development of commercial uses adjacent to residential uses and has adopted buffering standards, of which will apply to any new development, that minimizes future impacts. Although no regulatory changes have been made, the proposed plan amendment and zone change will result in additional commercial development and through the design review process visual and economic improvements will be added to the commercial inventory of C-3 land.
- As indicated in the email from Dennis Yee, Metro's Chief Economist to Stacey Goldstein, dated September 26, 2012, and provided in the application narrative, "the loss of 5 housing units is a very minor overall change and is likely to fall well within a margin of error in our calculation of residential density".¹
- As demonstrated by this memo and the original application, the rezoning of this property is in the public interest because an existing business will be allowed to relocate and expand, providing additional services to the neighborhood, a new business will be able to locate to the existing auto station site, creating a new service to residents

of the city, both while impacting the housing supply in an inconsequential manner. The city's commercial district will be enhanced with no significant impact to the city's housing supply.

*Metro Title 7, Affordable Housing
Gladstone Comprehensive Plan Goals and Policies, B. Land Use Planning Element
Statewide Planning Goal 10 - Housing*

Page 26 of the narrative that accompanies the land use application, dated October 11, 2012 addresses the city's housing supply. This language satisfies the City's, Metro's and the State's goals to provide for adequate levels of housing, services, shopping, employment, transportation and recreation facilities. These findings address the supply of services, but also extensive findings regarding housing. The findings demonstrate the impact of the loss of five rental housing units on the city's rental inventory, is .25% based on 2010 US Census data. The findings also demonstrate that the loss of five units on the city's total future housing supply, as included in Metro's Forecast of Housing, represents a reduction of less than .1% in the number of projected households. Dennis Yee, Chief Economist for METRO stated that the loss of housing units that this application will cause, is "a very minor overall change and is likely to fall well within a margin of error in our calculation of residential density".

Significant Change

In addition to the recent change to the area caused by a lack of available commercial sites in the vicinity of The Gold Wrench, the city's commitment to maintaining and improving the economics and visual appearance of businesses in the areas zoned C-3 has also changed. The city has recognized the value of the C-3 zoned areas of Gladstone as demonstrated in the WinterBrook memo, dated November 12, 2009. John Lewis explained the change in the area since he moved The Good Wrench to Gladstone. There was very little development in the area when he arrived in 1991, but since then, several commercial developments have occurred including MacDonald's Restaurant, the Oxford Suites Motel, and Latuce Motors and a couple of retail centers.

Not only do these businesses demonstrate the viability of the I-205 neighborhood for business, but that new construction has depleted the amount of suitably zoned property for the expansion of new businesses or accommodating new businesses.

The city's commitment to the improvement of the neighborhood around the Good Wrench and the diminishing supply of land in the area, are both changes since the neighborhood was planned and zoned.

Conclusion

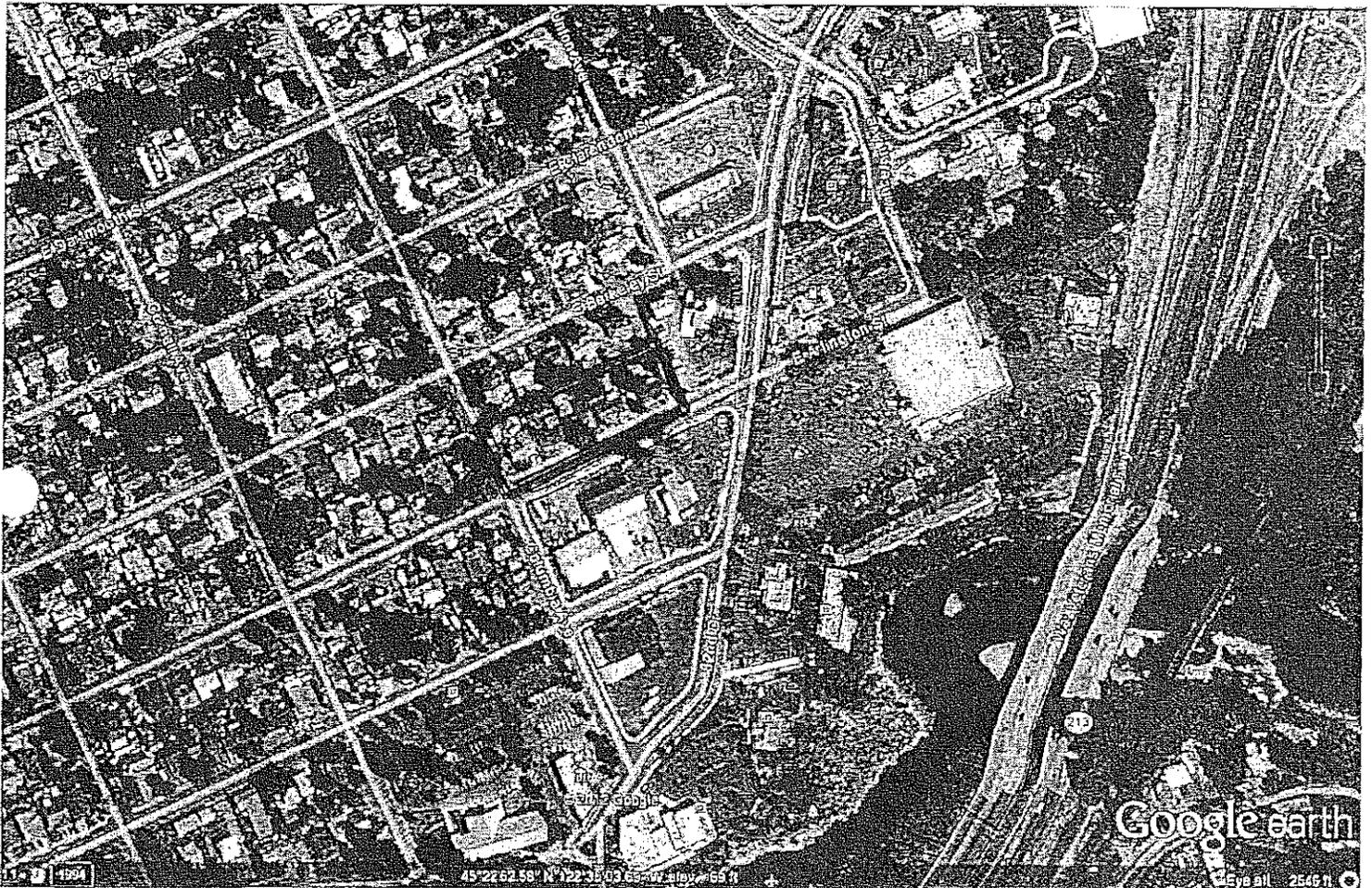
This memo in addition to the narrative in support of the land use request provides findings demonstrating that the plan amendment and zone change on residential properties in order to accommodate the relocation and improvement to the Gold Wrench is consistent with the City of Gladstone's approval criteria.

¹ Email from Dennis Yee to Stacey Goldstein, dated September 26, 2012. A copy of the email is located in the Appendix of the Narrative accompanying the land use application, dated October 11, 2012.

COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE

CITY OF GLADSTONE, OREGON

610, 620, 650, 660 AND 670 E. ARLINGTON STREET



Submitted By:
The Gold Wrench
655 E Arlington Avenue
Gladstone, OR 97027

October 11, 2012

Prepared By:
STIVEN Planning and Development Services, LLC
8 north state street, suite 200 □ lake oswego, oregon 97034
phone: 503.607.0677 □ email: mstiven@stivenplanning.com

6-13

2 2E 2C
GLADSTON

N.W. 1/4 SE SEC. 20 T.2S. R.2E. W.M.
CLACKAMAS COUNTY

This map was prepared for
assessment purposes only.

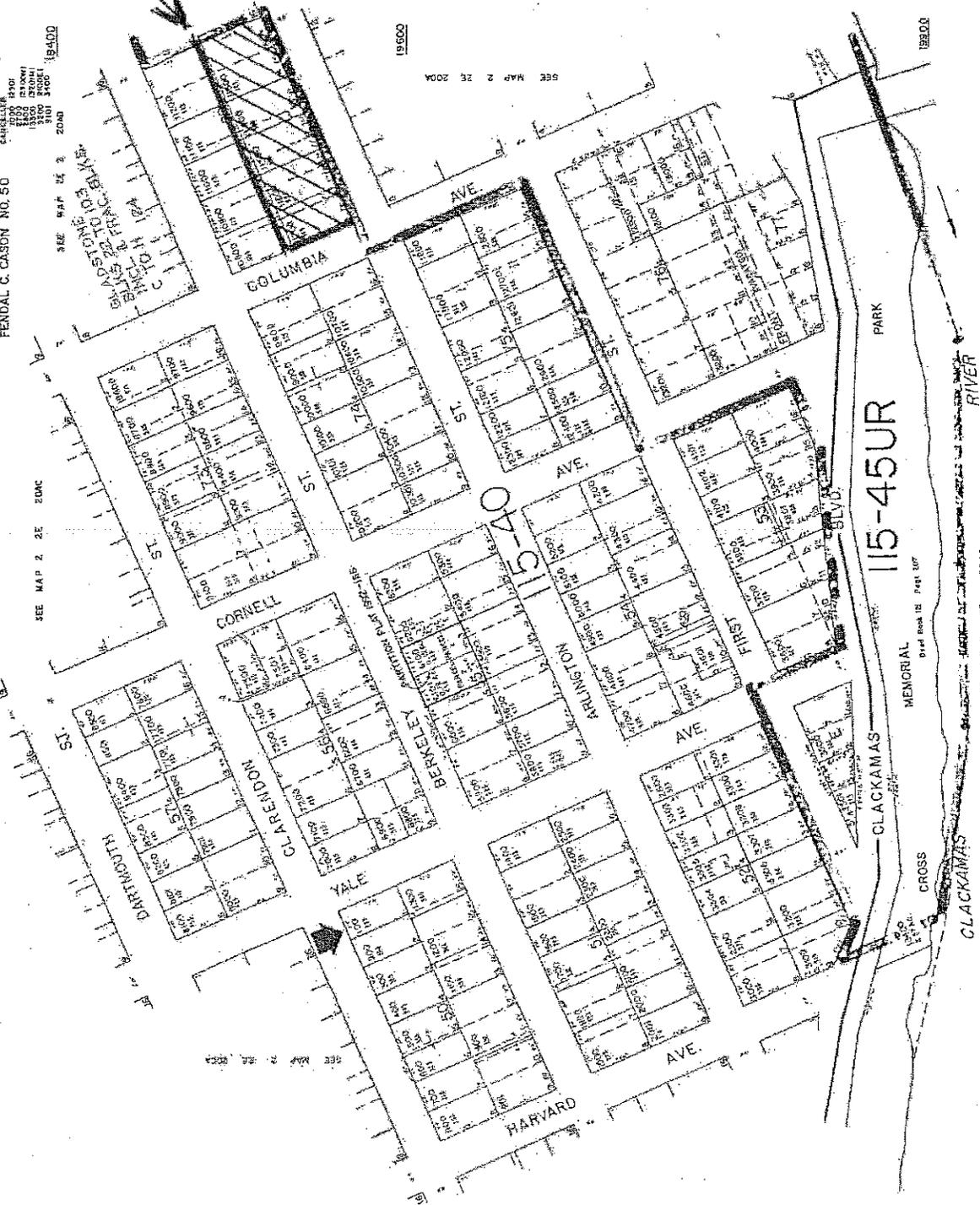
1299

1300

1298

D.L.C.
FENDAL C. CASON NO. 50
CANCELLER
8100 8200
8300 8400
8500 8600
8700 8800
8900 9000
9100 9200
9300 9400
9500 9600
9700 9800
9900 10000
SEE MAP 2E 2C ZONE
195400

Subject
property



19500

SEE MAP 2 2E 20A

19500

2 2E 20DB
GLADSTONE
BOOK 18

SEE MAP 2 2E 200C

6-14

SUMMARY OF FACTS

Applicant: Mr. John Lewis, The Gold Wrench
Lewis Properties, LLC
655 E Arlington Avenue
Gladstone, OR 97027

Owner: Lewis Properties, LLC
c/o The Gold Wrench
655 E Arlington Avenue
Gladstone, OR 97027

Request: Comprehensive Plan Amendment from Medium Density
Residential to Commercial and Zone Change from Single Family
Residential (R-5) to General Commercial (C-3)

Location: 610, 620, 650, 660, and 670 E Arlington Street, Gladstone, Oregon

Legal: Map 2 2E 20DB Tax Lots 11300, 11400, 11500, 11600 and 11700

Site Size: Five (5) adjacent properties totaling +/- .80 acres (35,000 sqft)

Existing Zoning: Single Family Residential (R-5)

**Existing
Comprehensive Plan
Designation:** Medium Density Residential

I. INTRODUCTION AND APPLICANT'S PROPOSAL

This application requests amendments to the City of Gladstone Comprehensive Plan Map from Medium Density Residential to Commercial and Zoning Map from Single Family Residential (R-5) to General Commercial (C-3) to accommodate the future re-location of the existing The Gold Wrench, a 23-year old auto repair shop. The existing Comprehensive Plan Map and Zoning Map designations for the site are included in this application (*See Appendix for Zoning Map*).

Chase Bank has expressed interest in locating a branch on the existing The Gold Wrench site, for a future bank use. Approving this proposal will allow for the applicant, The Gold Wrench, to relocate their business across Arlington Street so that Chase Bank could use the existing site for the construction of a new branch. Approving the proposal allows an existing small business to stay and grow in the immediate vicinity, while creating an opportunity for a new bank branch to locate in the City of Gladstone.

The Comprehensive Plan identifies service businesses as the foundation of the economy in Gladstone. The Gold Wrench has been in business since 1989, and is an important part to the local economy. It provides a necessary service to customers within Gladstone. As with many cities, citizens lament losing local businesses, as national chains continue displacing locally owned businesses throughout Oregon. The disappearance of local businesses leaves a social and economic void. Approving this land use request will allow The Gold Wrench to stay not only in Gladstone, but in the immediate neighborhood.

The economic value of independent businesses cannot be overlooked. Local businesses provide advantages to the economy where they operate. In addition to the contribution to the tax base, local businesses provide an array of supporting services, everything from material suppliers, computer consultants, attorneys, insurance brokers and other services that help run a business.

STIVEN Planning and Development Services, LLC ("SPDS") analyzed the supply of vacant land in the vicinity of the E Arlington Street properties. The findings of this analysis provide evidence that granting the Comprehensive Plan Amendment and Zone Change fulfills a public need and that the public need is best carried out by granting the request. Based on this analysis, it is evident that there is not a good supply of sites or expansion options for businesses within the I-205 commercial district that may wish to locate or expand. There are not many options for The Gold Wrench to expand and re-locate while staying within the same commercial district. It is in the public's interest to accommodate the expansion and retention of existing businesses. If the City wishes to accommodate the applicant's business and new business interested in this commercial district, it will need to expand the land supply by converting other land types to commercial use.

II. EXISTING SITE, PROPOSED SITE PLAN AND OPERATION CHARACTERISTICS

- To ensure the site can be developed consistent with the City of Gladstone development standards, the applicant assembled five (5) parcels for this proposal. Together the five (5) properties, (“the site”) total 34,999 square feet. Five (5) residential units are located on the site and are currently occupied as rentals. (See Appendix for Photos Showing Existing Site, Subject Site and Surrounding Area).

It is the applicant’s intention to utilize only three (3) of the parcels for the relocation of The Gold Wrench. The site is ideal for the applicant’s proposal because together they are large enough to allow for site amenities and necessary buffering to be a good neighbor to the residential development that is located north of the site. The other two lots will be kept for residential use until demand warrants their development. As shown in Table One, tax lots 11300, 11400 and 11500 will be used for the construction of The Gold Wrench and the other two, tax lots 11600 and 11700 will be kept in residential use in the short term.

**Table One
Subject Properties**

<i>Address</i>	<i>Map 22E20DB Tax lots</i>	<i>Site Size (sq ft)</i>
610 E Arlington Street	11700	6,250
620 E Arlington Street	11600	6,250
650 E Arlington Street*	11500	6,250
660 E Arlington Street*	11400	6,250
670 E Arlington Street*	11300	10,000
Total		35,000

* Three (3) parcels for the relocation of The Gold Wrench

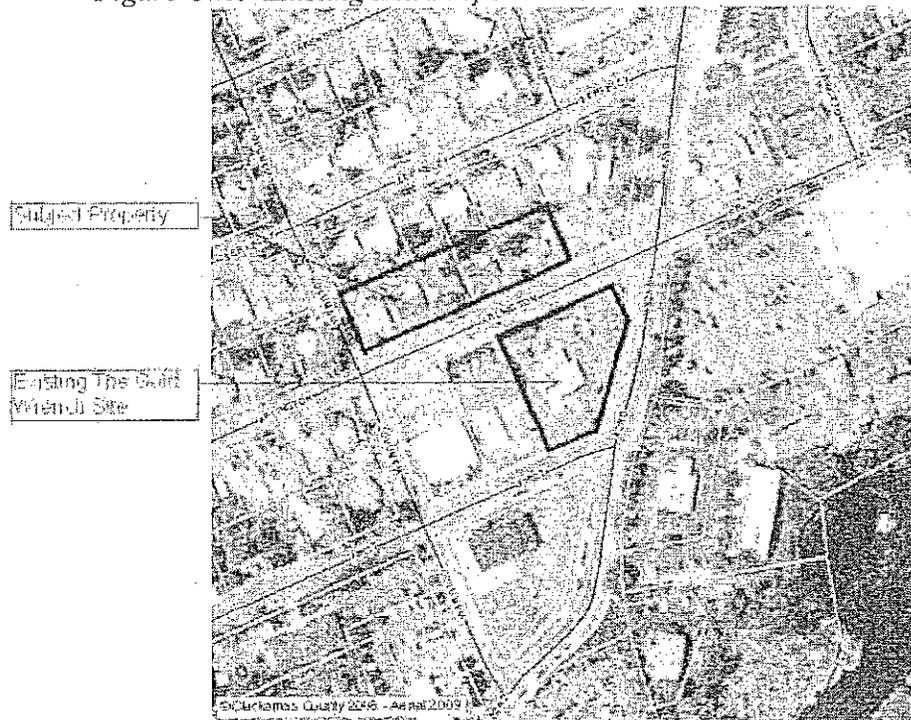
The existing The Gold Wrench site is currently located at 655 E Arlington Street. It is a .73 acre site, with a building located almost central to the site. The building is surrounded by parking and maneuvering areas on all sides as shown in Figure One below.

The Gold Wrench currently operates Monday through Friday, from 8:00 AM through 5:00 PM. Cars waiting for service are parked outside the building, in the parking lot. The site is inefficient for the applicant’s business for the following reasons:

- Four (4) access points exist. This is disruptive to on site circulation and well as surrounding street system;

- The existing building is inefficient because it lacks modern facilities needed by the applicant;
- The configuration of the existing building and the unusual site shape interferes with a fluid business operation; and
- The existing building does not allow cars waiting for service to be stored inside the building.

Figure One: Existing and Proposed The Gold Wrench Site



Source: Clackamas County GIS CMap

It is the applicant's intention to relocate The Gold Wrench to the proposed site. The proposed site contains the following elements which better meet the needs of the business:

- Although five (5) parcels are requested for the Comprehensive Plan Amendment and Zone Change, three parcels will be assembled for the proposed use. The three (3) parcels total 22,499 square feet. The existing development on the balance of the site will remain in place until redevelopment is warranted. The applicant has taken neighborhood preservation into account for this site by assembling five parcels to ensure a site large enough to accommodate amenities on site and adequate buffering;
- The new building can be designed to minimize impacts with existing single family residences and commercial development in the vicinity. It will be a single story building,

located toward the northern most corner of the site, with the solid wall of building located along the northern property line, which will block sound, lighting, etc.;

- The building will be designed to accommodate all servicing inside the building, including waiting vehicles for servicing. In addition, the hours of operation are during normal business hours Monday through Friday, from 8:00 AM until 5:00 PM. There are no weekend operating hours, thereby providing privacy to neighbors during evenings and weekends;
- No activity will occur between the rear of the site and the properties to the north, ensuring adequate buffering to the neighboring properties and crime prevention for the applicant. The applicant will place the building in the northern portion of the site because there is an existing dense green hedge between the subject site and the homes to the rear, which will also provides screening and buffering;
- Orienting parking towards E Arlington Street with a wide landscape buffer will provide an aesthetically pleasing site frontage, which the applicant desires; and
- The site plan will utilize one entrance and one exit for access, which provides better site circulation for the applicant.



Photo 1: In and Out Auto Care/Boat and RV Storage, 610 First Street

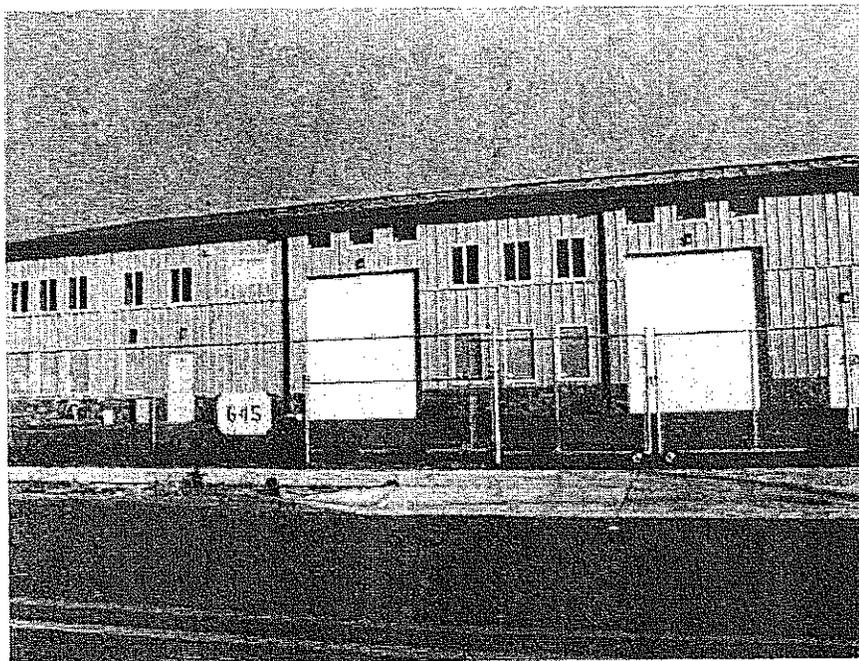


Photo 2: Stryker Construction and Architectural Sheet Metal, 645 Arlington Street

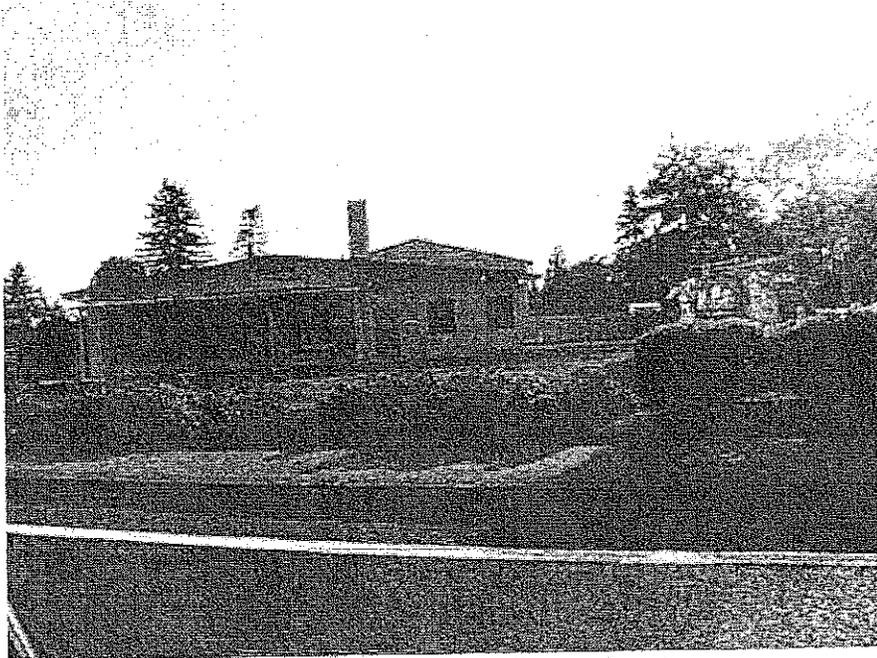


Photo 3: Gold Wrench Mechanics, 655 Arlington Street

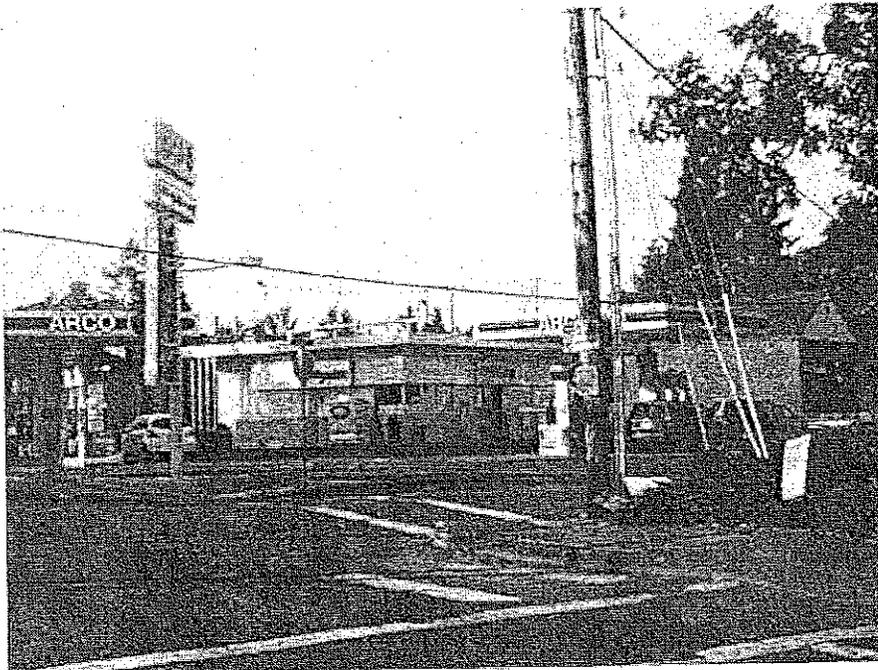


Photo 4: Arco Station, 810 Arlington Street

6-21

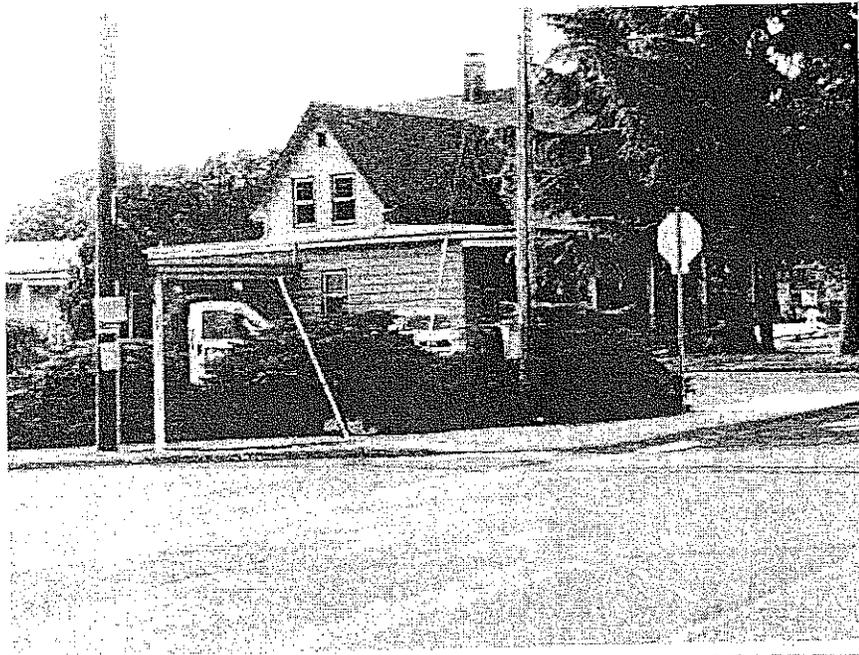


Photo 5: Rotor Rooter, 260 82nd Drive

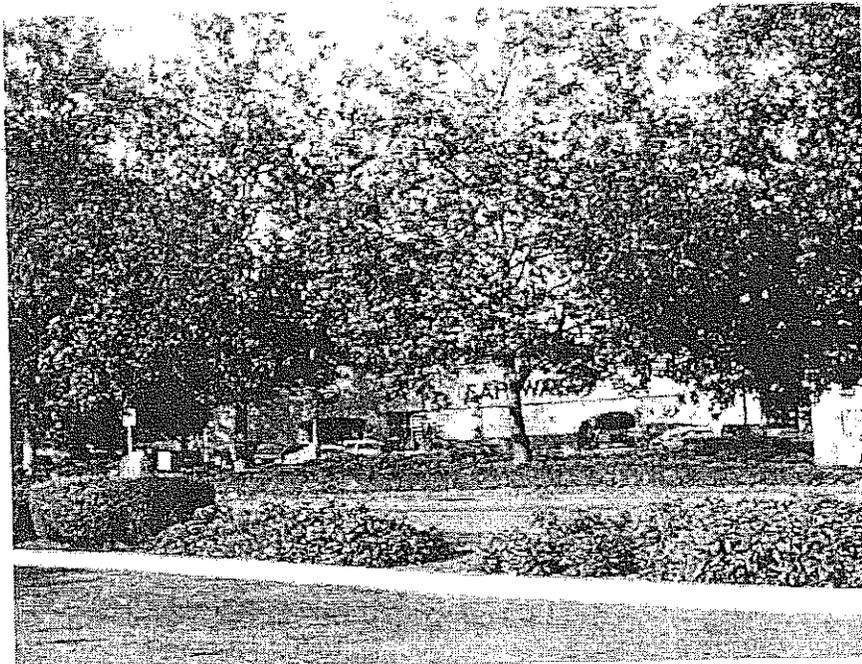


Photo 6: Safeway, 95 82nd Drive

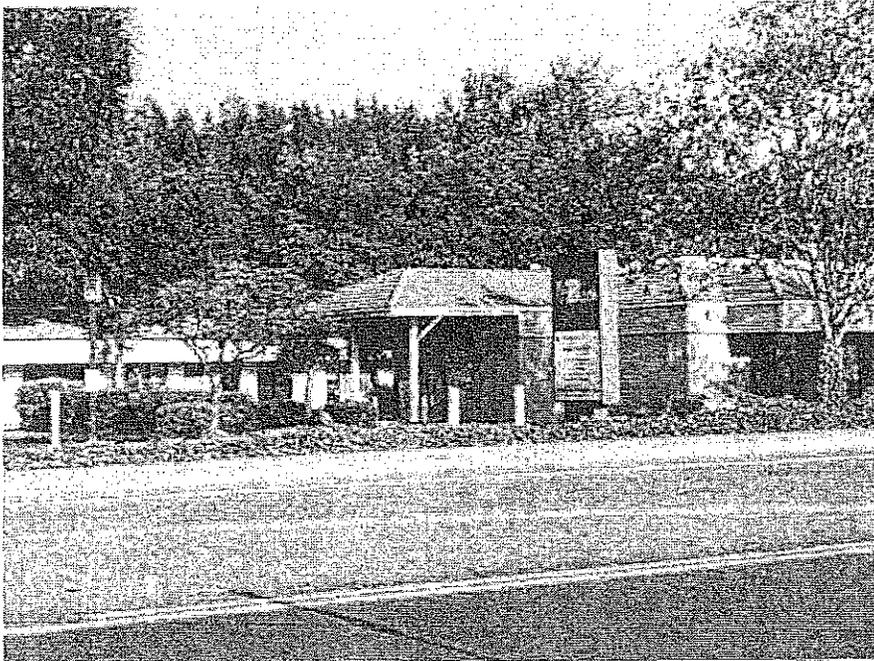


Photo 7: MB Bank and other businesses, 35 82nd Drive

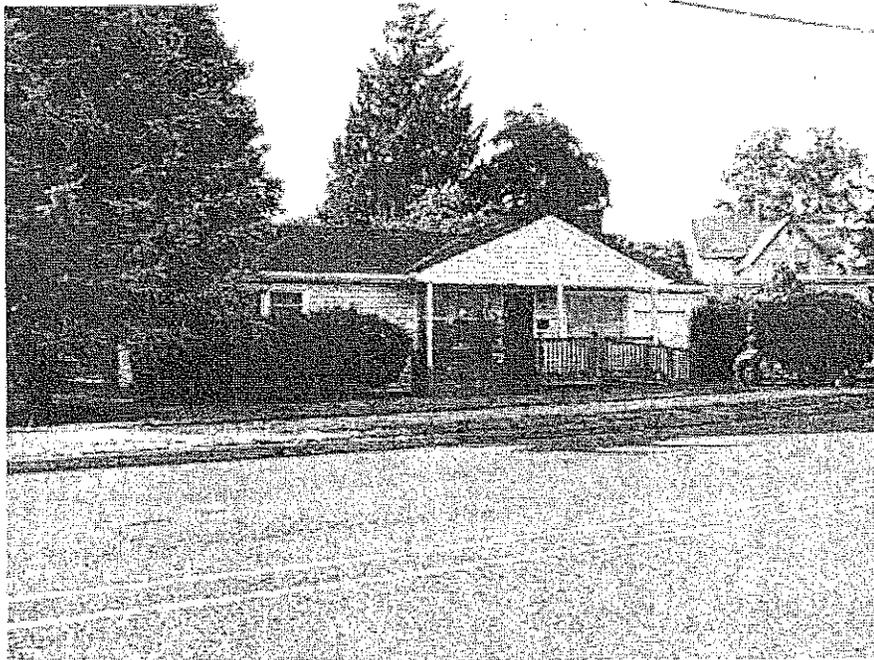


Photo 8: 670 Arlington Street

6-23

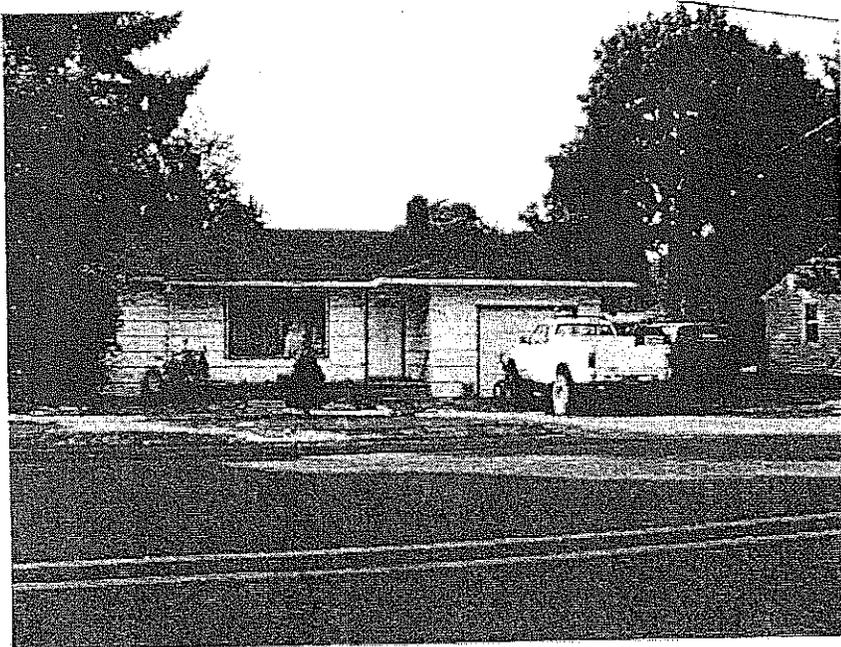


Photo 9: 660 Arlington Street

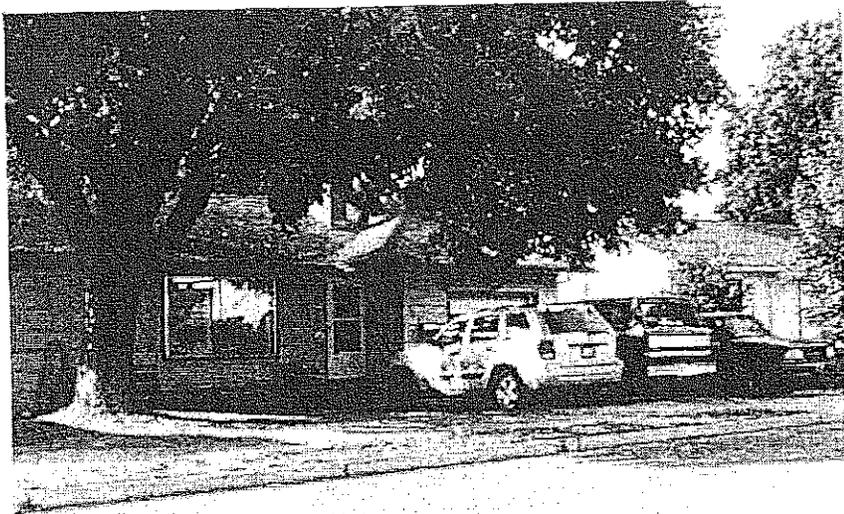


Photo 10: 650 Arlington Street



Photo 11: 620 Arlington Street



Photo 12: 610 Arlington Street

6-25

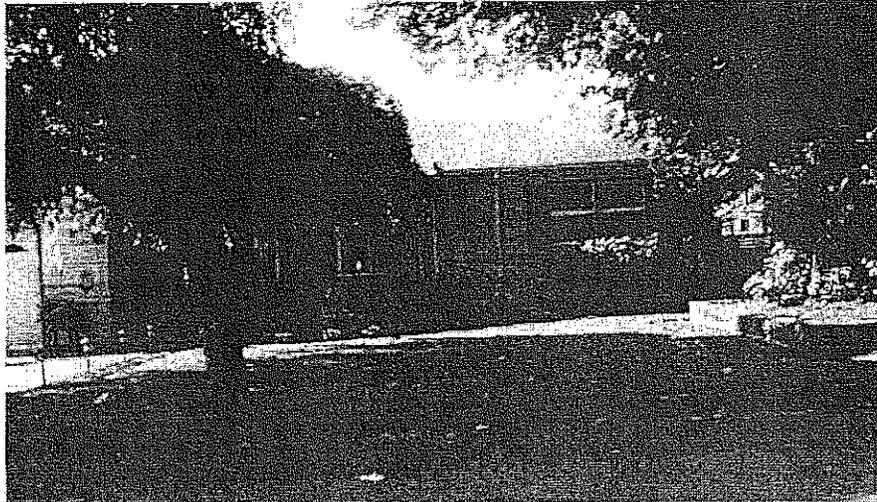


Photo 13: 655 E. Berkeley Street

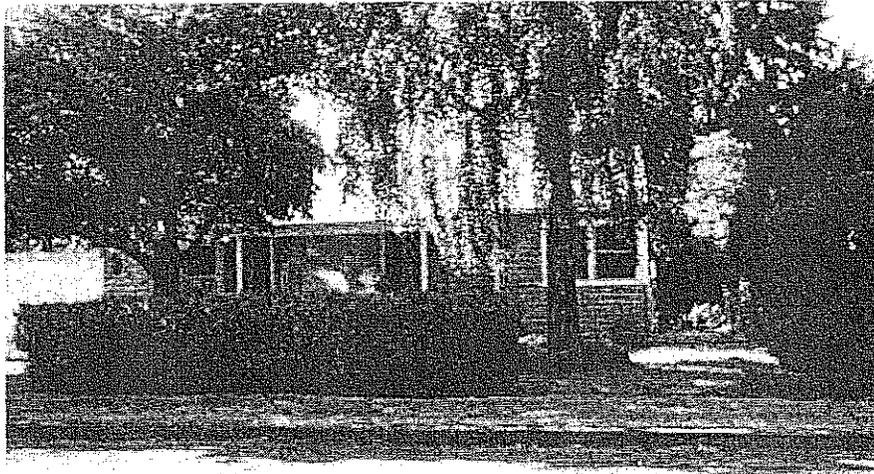


Photo 14: 645 E. Berkeley Street

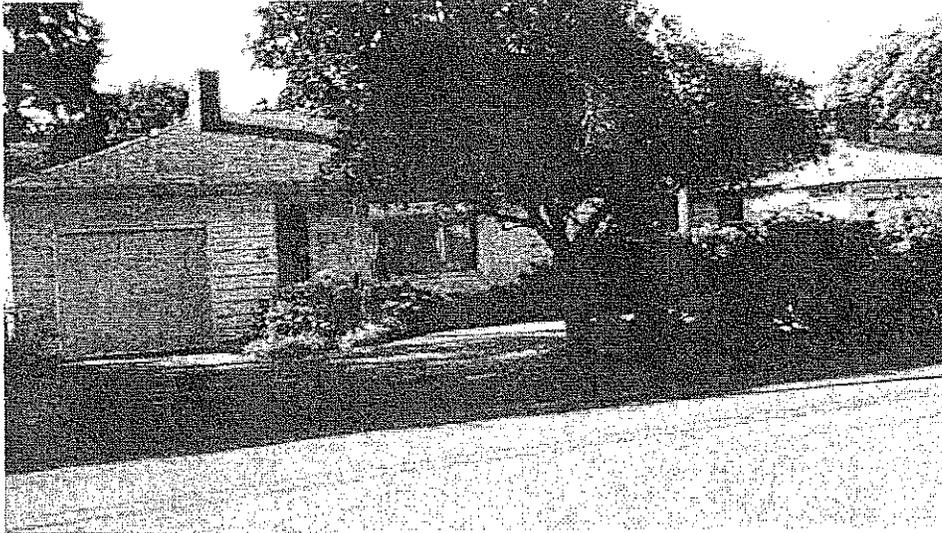


Photo 15: 625 E. Berkeley Street

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Comprehensive Plan Amendment and
Zone Change Request to
610, 620, 650, 660 and 670
E. Arlington Street

CITY OF GLADSTONE, OREGON

Submitted By:
The Gold Wrench
655 E Arlington Avenue
Gladstone, OR 97027

October 11, 2012

Prepared By:
STIVEN Planning & Development Services, LLC
8 North State Street, Suite 200 □ Lake Oswego, Oregon 97034
Phone: 503.607.0677 □ Email: mstiven@stivenplanning.com

SUMMARY OF FACTS

Applicant: Mr. John Lewis, The Gold Wrench
Lewis Properties, LLC
655 E Arlington Avenue
Gladstone, OR 97027

Owner: Lewis Properties, LLC
c/o The Gold Wrench
655 E Arlington Avenue
Gladstone, OR 97027

Request: Comprehensive Plan Amendment from Medium Density
Residential to Commercial and Zone Change from Single Family
Residential (R-5) to General Commercial (C-3)

Location: 610, 620, 650, 660, and 670 E Arlington Street, Gladstone, Oregon

Legal: Map 2 2E 20DB Tax Lots 11300, 11400, 11500, 11600 and 11700

Site Size: Five (5) adjacent properties totaling +/- .80 acres (35,000 sqft)

Existing Zoning: Single Family Residential (R-5)

**Existing
Comprehensive Plan
Designation:** Medium Density Residential

DEVELOPMENT TEAM

Applicants Representative: Lee Sitton
AAC General Contractors, LLC
PO Box 2322
Gresham, OR 97030

Land Planners: Martha F. Stiven
Stacey Goldstein
Stiven Planning and Development Services LLC
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Lake Oswego, OR 97034
Telephone: 503.607.0677
Email: mstiven@stivenplanning.com
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Traffic Engineering: Chris Clemow, P.E.
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RiverEast Center
PO Box 14310
Portland, OR 97293
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Email: cclemow@grpmack.com

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APPENDIX

- Zoning Map, Aerial Photo and Assessor Map
- Vacant Land Analysis, dated August 21, 2012
- Photos Showing Existing Site, Subject Site and Surrounding Area
- Traffic Impact Analysis prepared by Group Mackenzie, dated August 10, 2012
- General Commercial District (C-3) Regulatory Review Memo prepared by Winterbrook Planning, dated November 12, 2009
- US Census Bureau, General Housing Characteristics 2010 Gladstone Census Summary, dated September 24, 2012
- Metro's 2035 TAZ Forecast and Email from Dennis Yee, dated September 26, 2012

I. INTRODUCTION AND APPLICANT'S PROPOSAL

This application requests amendments to the City of Gladstone Comprehensive Plan Map from Medium Density Residential to Commercial and Zoning Map from Single Family Residential (R-5) to General Commercial (C-3) to accommodate the future re-location of the existing The Gold Wrench, a 23-year old auto repair shop. The existing Comprehensive Plan Map and Zoning Map designations for the site are included in this application (*See Appendix for Zoning Map*).

Chase Bank has expressed interest in locating a branch on the existing The Gold Wrench site, for a future bank use. Approving this proposal will allow for the applicant, The Gold Wrench, to relocate their business across Arlington Street so that Chase Bank could use the existing site for the construction of a new branch. Approving the proposal allows an existing small business to stay and grow in the immediate vicinity, while creating an opportunity for a new bank branch to locate in the City of Gladstone.

The Comprehensive Plan identifies service businesses as the foundation of the economy in Gladstone. The Gold Wrench has been in business since 1989, and is an important part to the local economy. It provides a necessary service to customers within Gladstone. As with many cities, citizens lament losing local businesses, as national chains continue displacing locally owned businesses throughout Oregon. The disappearance of local businesses leaves a social and economic void. Approving this land use request will allow The Gold Wrench to stay not only in Gladstone, but in the immediate neighborhood.

The economic value of independent businesses cannot be overlooked. Local businesses provide advantages to the economy where they operate. In addition to the contribution to the tax base, local businesses provide an array of supporting services, everything from material suppliers, computer consultants, attorneys, insurance brokers and other services that help run a business.

STIVEN Planning and Development Services, LLC ("SPDS") analyzed the supply of vacant land in the vicinity of the E Arlington Street properties. The findings of this analysis provide evidence that granting the Comprehensive Plan Amendment and Zone Change fulfills a public need and that the public need is best carried out by granting the request. Based on this analysis, it is evident that there is not a good supply of sites or expansion options for businesses within the I-205 commercial district that may wish to locate or expand. There are not many options for The Gold Wrench to expand and re-locate while staying within the same commercial district. It is in the public's interest to accommodate the expansion and retention of existing businesses. If the City wishes to accommodate the applicant's business and new business interested in this commercial district, it will need to expand the land supply by converting other land types to commercial use.

As will be demonstrated in the following narrative, the proposed map amendments are consistent with all applicable policies and standards of the City of Gladstone Zoning Code, the Comprehensive Plan, the Statewide Planning Goals, the Metro Functional Plan, and the Oregon Transportation Planning Rule. In general, the proposed Plan and Zoning Map amendments would create an economic opportunity that does not exist today. It would allow for an existing business to grow in the general vicinity, while maintaining its customer base, and, at the same time, allow for another business with employment potential, to locate in the area. At the same time, and based on its location, the Comprehensive Plan Amendment and Zone Change can be approved while causing no harm to the nearby residential neighborhood. (See Appendix for the Vacant Land Analysis, dated August 21, 2012).

II. EXISTING SITE, PROPOSED SITE PLAN AND OPERATION CHARACTERISTICS

- To ensure the site can be developed consistent with the City of Gladstone development standards, the applicant assembled five (5) parcels for this proposal. Together the five (5) properties, (“the site”) total 34,999 square feet. Five (5) residential units are located on the site and are currently occupied as rentals. (See Appendix for Photos Showing Existing Site, Subject Site and Surrounding Area).

It is the applicant’s intention to utilize only three (3) of the parcels for the relocation of The Gold Wrench. The site is ideal for the applicant’s proposal because together they are large enough to allow for site amenities and necessary buffering to be a good neighbor to the residential development that is located north of the site. The other two lots will be kept for residential use until demand warrants their development. As shown in Table One, tax lots 11300, 11400 and 11500 will be used for the construction of The Gold Wrench and the other two, tax lots 11600 and 11700 will be kept in residential use in the short term.

**Table One
Subject Properties**

<i>Address</i>	<i>Map 22E20DB Tax lots</i>	<i>Site Size (sq ft)</i>
610 E Arlington Street	11700	6,250
620 E Arlington Street	11600	6,250
650 E Arlington Street*	11500	6,250
660 E Arlington Street*	11400	6,250
670 E Arlington Street*	11300	10,000
Total		35,000

* Three (3) parcels for the relocation of The Gold Wrench

The existing The Gold Wrench site is currently located at 655 E Arlington Street. It is a .73 acre site, with a building located almost central to the site. The building is surrounded by parking and maneuvering areas on all sides as shown in Figure One below.

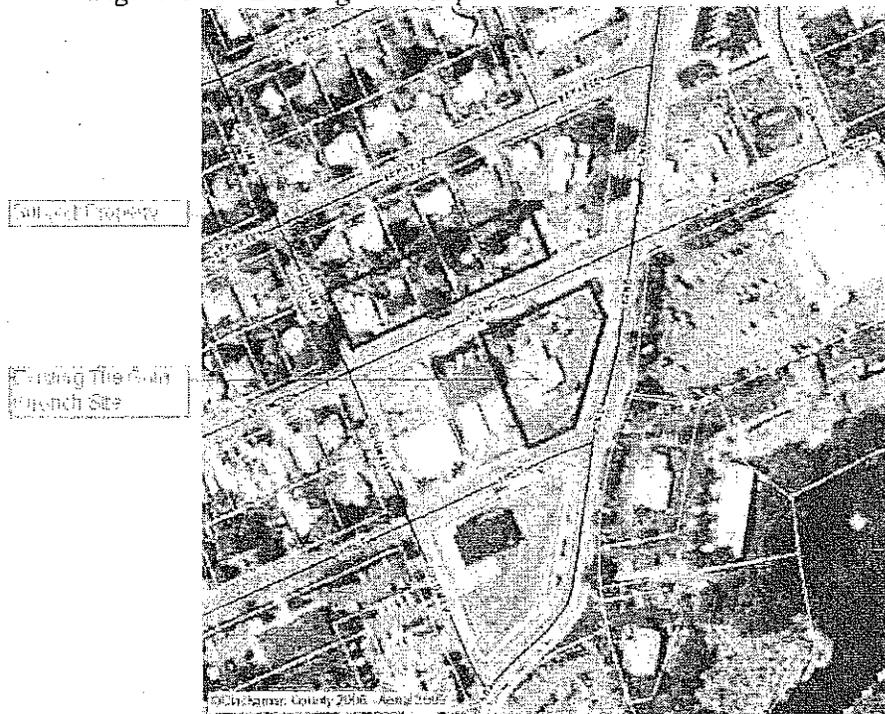
The Gold Wrench currently operates Monday through Friday, from 8:00 AM through 5:00 PM. Cars waiting for service are parked outside the building, in the parking lot. The site is inefficient for the applicant’s business for the following reasons:

- Four (4) access points exist. This is disruptive to on site circulation and well as surrounding street system;

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- The existing building is inefficient because it lacks modern facilities needed by the applicant;
- The configuration of the existing building and the unusual site shape interferes with a fluid business operation; and
- The existing building does not allow cars waiting for service to be stored inside the building.

Figure One: Existing and Proposed The Gold Wrench Site



Source: Clackamas County GIS CMap

It is the applicant's intention to relocate The Gold Wrench to the proposed site. The proposed site contains the following elements which better meet the needs of the business:

- Although five (5) parcels are requested for the Comprehensive Plan Amendment and Zone Change, three parcels will be assembled for the proposed use. The three (3) parcels total 22,499 square feet. The existing development on the balance of the site will remain in place until redevelopment is warranted. The applicant has taken neighborhood preservation into account for this site by assembling five parcels to ensure a site large enough to accommodate amenities on site and adequate buffering;
- The new building can be designed to minimize impacts with existing single family residences and commercial development in the vicinity. It will be a single story building,

located toward the northern most corner of the site, with the solid wall of building located along the northern property line, which will block sound, lighting, etc.;

- The building will be designed to accommodate all servicing inside the building, including waiting vehicles for servicing. In addition, the hours of operation are during normal business hours Monday through Friday, from 8:00 AM until 5:00 PM. There are no weekend operating hours, thereby providing privacy to neighbors during evenings and weekends;
- No activity will occur between the rear of the site and the properties to the north, ensuring adequate buffering to the neighboring properties and crime prevention for the applicant. The applicant will place the building in the northern portion of the site because there is an existing dense green hedge between the subject site and the homes to the rear, which will also provides screening and buffering;
- Orienting parking towards E Arlington Street with a wide landscape buffer will provide an aesthetically pleasing site frontage, which the applicant desires; and
- The site plan will utilize one entrance and one exit for access, which provides better site circulation for the applicant.

III. VACANT LAND INVENTORY

SPDS prepared a Vacant Land Analysis to show how much land is available for development. As previously stated, the purpose of the map changes is to accommodate the relocation of an existing business in the same neighborhood. The applicant wishes to relocate his business with as little disruption as possible to his operation and his clients. This goal is achieved by staying in close proximity to his existing location. Therefore, the vacant land analysis is limited to the commercial area within which the business is currently located and wishes to relocate. (*See* Appendix for the Vacant Land Analysis, dated August 21, 2012).

SPDS analyzed the supply of vacant land in the vicinity of the subject site. The findings of this analysis provide evidence that granting the Comprehensive Plan Amendment and Zone Change fulfills a public need and that the public need is best carried out by granting the request. Based on this analysis, it is evident that there is not a good supply of sites for businesses within the I-205 commercial district that may wish to locate or expand. For The Gold Wrench to expand and re-locate while staying within the same commercial district, there are few options. It is in the public's interest to accommodate the expansion and retention of existing businesses. If the City wishes to accommodate the applicant's business and new business interested in this commercial district, it will need to expand the land supply by converting other land types to commercial use.

I-205 Commercial District

The I-205 commercial district is comprised of nearly 45 acres of land located north and south of I-205 and the southwestern edge of the City. (*See* Exhibit 1, City of Gladstone Zoning Map). It is broken into two (2) sub-areas. Sub-area 1 is located west of the freeway and Sub-area 2 is located east of the freeway. Sub-area 1 is primarily developed, with little vacant land and few building vacancies. Sub-area 2 is comprised of nearly 20 acres, of which ten (10) acres, (50%), although zoned for commercial use, is actually public or semi-public land, not available for re-development, including both freeway and railroad rights-of-way.

In order to understand how this area is used and if it has a supply of vacant land zoned for commercial use, each of the tax lots was reviewed to identify vacant and built sites. Further, tax records and site visits were made to determine if buildings were vacant or occupied. In some instances site visits were used to confirm what tax records and aerial photographs showed. Exhibit 2 of the report includes an inventory of each tax lot within sub-areas 1 and 2.

Sub-area 1

Sub-area 1 is located on the west side of the I-205 freeway and includes nearly 24 acres of land. The area is developed with office buildings, retail uses, Stocker City Park and a few residential

uses. The largest land users are two retail uses, Safeway and the Harley Davidson dealership. Table Two illustrates the use of the sub-area and the amount of vacant land.

**Table Two
Commercial Land Analysis
Sub-area 1**

<i>Land type</i>	<i>Size (acres)</i>	<i>Percentage</i>
<i>Commercial</i>	21.77	91
<i>Public</i>	.43	2
<i>SFR</i>	.72	3
<i>MFR</i>	.39	2
<i>Vacant</i>	.40	2
<i>Total</i>	23.71	100

The conclusion of the analysis of Sub-area 1 is that 91% of the area is occupied with commercial uses. Of the remaining 2+/- acres remaining, 5% is in residential use, 2% is in public use (Stocker Park) and only .40 acres or 2% of the area is vacant. All of the vacant land is located within one tax lot which is located at the intersection of Princeton Avenue and E Arlington Street.

Sub-area 2

Sub-area 2 is located on the east side of the I-205 freeway and is comprised of nearly 20 acres. The most distinguishing characteristic of Sub-area 2 is that although zoned for commercial use, half of the area is either I-205 or railroad right-of-way. Much of this area is consumed as freeway ramp shoulders. These properties are not suitable for development and although vacant should not be considered available for redevelopment. The balance of land within sub-area 2 is used for commercial uses including Oregon Self-Storage, Clackamas River Racquet Club, and Western Psychological offices (both existing and that which is under construction). Table Three illustrates the use of the properties within Sub-area 2 and the availability of vacant land.

**Table Three
Commercial Land Analysis
Sub-area 2**

<i>Land type</i>	<i>Size (acres)</i>	<i>Percentage</i>
<i>Commercial</i>	9.90	50
<i>Public</i>	9.86	50
<i>SFR</i>	0	0
<i>MFR</i>	0	0
<i>Vacant</i>	0	0
<i>Total</i>	19.76	100

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The conclusion of the analysis of sub-area 2 is that 50% of the area is occupied with commercial uses. Of the remaining 10+/- acres remaining, all is in public or semi-public use and not available for redevelopment. Outside of the land in public or semi-public ownership, there is no vacant land within sub-area 2.

Commercial District 1

Combining these areas results in evidence that of the 43.47 acres commercial district, only 1% of the area is vacant land that could be developed and all of that is contained in a single tax lot. The land use distribution for the combined area is illustrated in Table Four.

Table Four
Commercial Land Analysis
Combined Sub Areas

<i>Land type</i>	<i>Size (acres)</i>	<i>Percentage</i>
<i>Commercial</i>	31.67	73
<i>Public</i>	10.29	23
<i>SFR</i>	.72	2
<i>MFR</i>	.39	1
<i>Vacant</i>	.40	1
<i>Total</i>	19.76	100

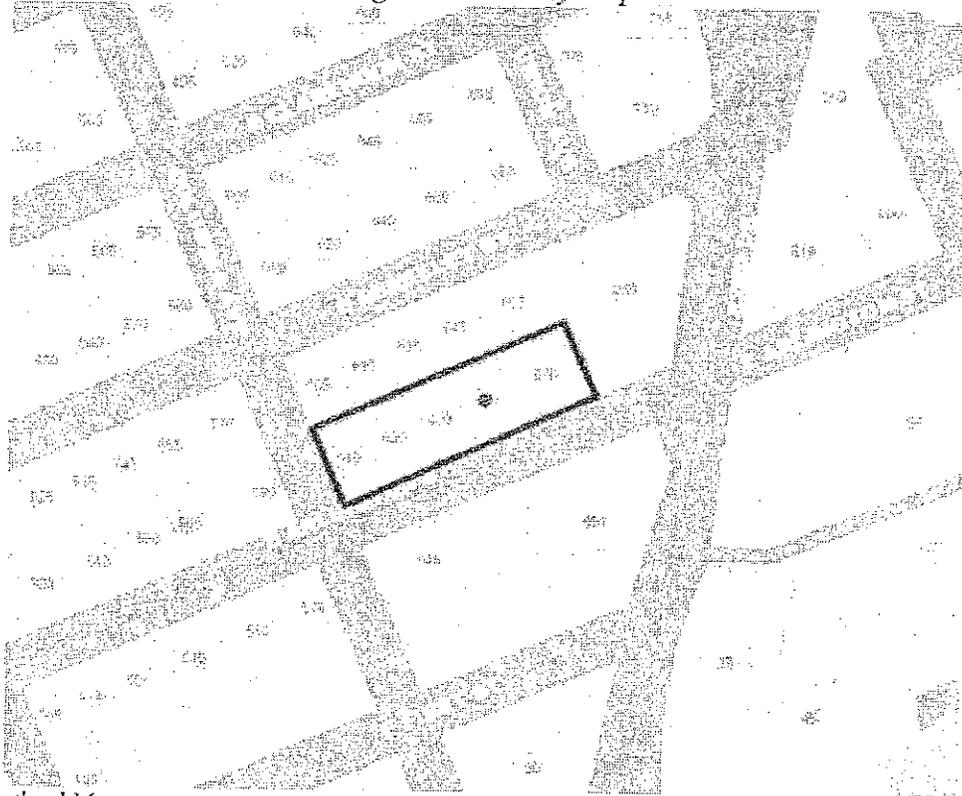
If one assumes that the residential lands could be assembled and redeveloped, the total area of the residential and vacant lands is 1.51 acres or 3.4% of the total land within the I-205 commercial district. As demonstrated in this analysis, there is evidence that there is not an ample supply of sites within the I-205 commercial district to expand or relocate existing business, or to accommodate new business.

IV. PROJECT BACKGROUND

Project Location

The subject sites contain five (5) parcels assembled by the applicant. The addresses are 610, 620, 650, 660 and 670 E Arlington Street. The total acreage is 35,000 square feet ("sqft"). It is the intention of the applicant to relocate The Gold Wrench to 650, 660 and 670 E Arlington Street which together are +/- 22,500 sqft (+/- .52 acres) in size. The lots addressed are, 660 and 670 E Arlington Street are located across the street from the applicant's existing commercial location, The Gold Wrench, 655 E Arlington Street is a total of .73 acres. Also across from the subject properties is Stryker Construction and Architectural Sheet Metal Shop at 645 E Arlington Street, and In and Out Auto Care at 610 First Street.

Figure 2: Vicinity Map



Source: Portland Maps

The site is an area with a mix of commercial, industrial and residential uses. Single family residential uses zoned R-5 exist north and west of the site. (See Appendix for Photos Showing Existing Site, Subject Site and Surrounding Area and Zoning Map).

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East of the site, is Mr. Rooter, which occupies the corner of E Arlington Street, 82nd Drive and E Berkeley Street. Directly south of the site, across E Arlington Street is Stryker Construction and Architectural Sheet Metal shop and In and Out Auto Care. These properties are zoned General Commercial, C-3. The applicant's existing property, located at 655 E Arlington Street, also zoned General Commercial, C-3, is located on the corner of E Arlington Street, 82nd Drive and First Street, across 82nd Drive from Safeway. Diagonal from the applicant's existing site to the northeast is an Arco Gas Station, also zoned General Commercial, C-3. The immediate area is primarily a mix of commercial, industrial and single family uses.

Table Five demonstrates some of the commercial uses within a half mile of the site:

**Table Five
Surrounding Commercial Businesses**

<i>Business</i>	<i>Location</i>	<i>Site Size</i>
<i>Mr. Rooter</i>	260 82 nd Drive, adjacent to the subject site to the east	.72 acres (31,363 sqft)
<i>Stryker Construction and Architectural Sheet Metal Shop</i>	645 E Arlington Street, across the street from the subject site	.23 acres (10,018 sqft)
<i>The Gold Wrench (existing site)</i>	655 E Arlington Street, corner of E Arlington Street and 82 nd Drive	.73 acres (31,798 sqft)
<i>In and Out Auto Care</i>	Corner of E Columbia and E Arlington Streets (No situs address)	.11 acres (4,791 sqft)
<i>Safeway</i>	95 82 nd Drive	2.9 acres (126,323 sqft)
<i>Arco Station</i>	810 82 nd Drive	.51 acres (22,215 sqft)
<i>Office Building</i>	35 82 nd Drive	.85 acres (37,025 sqft)

Site Characteristics and Natural Features

The subject property is comprised of five (5) tax lots – 11300, 11400, 11500, 11600 and 11700, Map 22E20DB, and they all contain single family residences. (See Appendix for Aerial Photo).

All properties front along E Arlington Street. The sites are relatively flat. There are no known significant natural features on site other than one deciduous tree. The applicant owns all five (5) properties and the properties are located across the street from several industrial/commercial businesses. The applicant's existing business is located at 655 E Arlington Street, on the corner of E Arlington Street and 82nd Drive at First Street.

Existing Zoning and Comprehensive Plan Designations

The site is currently zoned Single Family Residential (R-5) and contains a Medium density Residential comprehensive plan designation. The purpose of the existing zone is to provide

single family detached and medium density attached residential uses outright with a minimum lot size of 5,000 square feet and 3,600 square feet, respectively. Under the current zoning, the site would yield a maximum of 10 units.

Proposed Zoning and Comprehensive Plan Designations

The applicant is requesting the C-3 General Commercial zoning and Commercial ("C") comprehensive plan designation. The purpose of the C-3 zone is to allow for general commercial uses that can be made compatible with the surrounding vicinity. This zone will allow the applicant to expand his existing business, The Gold Wrench, across the street to a larger site, while staying in the immediate vicinity to serve his existing customer base. Chase Bank has approached the applicant, desiring to purchase the existing The Gold Wrench site.

Existing Street System

The subject site fronts on E Arlington Street, which provides site accesses. E Arlington Street is a designated Minor Arterial in the City of Gladstone Transportation Systems Plans. Other roadways in the vicinity are 82nd Drive, a Minor Arterial and Oatfield Road, also a Minor Arterial. Existing conditions are more fully described in the Transportation Impact Analysis ("TIA") prepared by Group Mackenzie. (See Appendix for the Transportation Impact Analysis prepared by Group Mackenzie, dated August 10, 2012).

Existing Utilities

The subject site is located within the City limits and is served by sewer and water. Sanitary sewer is provided by Tri-City Service District #4. Water is provided by the City of Gladstone. The site is located in the Gladstone Fire District.

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V. TRANSPORTATION IMPACT ANALYSIS

The applicant has included a Transportation Impact analysis ("TLA") report as part of this application package. The report was prepared by Group Mackenzie and is dated August 10, 2012. Coordinated with the city's consulting transportation engineer, the report found that the proposed Comprehensive Plan Amendment and Zone Change is not anticipated to significantly affect the existing or planned transportation facilities and no mitigation is necessary to meet the Transportation Planning Rule ("TPR") requirements.

The following conclusions and recommendations are specifically based on materials contained in this analysis:

1. This analysis supports the proposed Zone Change of five (5) adjacent tax lots in Gladstone, Oregon. The properties are currently zoned Single-Family Residential (R-5) and the proposed zone is General Commercial (C3);
2. The subject properties all front E Arlington Street, which provides site accesses. There is currently one (1) dwelling unit on each lot. If this subject land use action and subsequent specific development application are approved, at least one (1) driveway access to E Arlington will be eliminated;
3. Based on a review of the City of Gladstone Transportation Systems Plan and conversations with staff, no public improvements were assumed in the analysis;
4. All study intersections have crash rates below the 1.0 crashes/mev threshold. No further analysis is recommended;
5. Trip generation for various single and multi-use scenarios were evaluated based on the site size, location, and scenario viability. A multi-use scenario consisting of a fast food restaurant and a bank with drive-thru was determined to be the most reasonable development scenario;
6. The reasonable worst case development scenario for the proposed zone designation is anticipated to generate 170 more PM peak hour trips than the current zone designation;
7. The study area intersections, Oatfield Road/82nd Drive and E Arlington Street/82nd Drive, both operate under the City of Gladstone LOS D mobility standard in the 2027 plan year; and
8. The proposed Zone Change is not anticipated to significantly affect the existing or planned transportation facilities and no mitigation is necessary to meet TPR requirements.

VI. COMPLIANCE WITH CITY OF GLADSTONE CRITERIA

The following section addresses the approval criteria found in the City of Gladstone Zoning Code and is identified below in **bold** typeface and *italics*. Following each approval criteria is a finding demonstrating compliance with each criterion.

Chapter 17.68 AMENDMENTS AND ZONE CHANGES

17.68.010 Authorization to initiate amendments.

(1) An amendment to the text of this title or the Comprehensive Plan may be initiated by the City Council, the City Planning Commission or the City Administrator or his designee.

Finding: No amendments to the text of Chapter 17.68 are proposed, therefore making this criterion not applicable to the request.

(2) An amendment to the Zoning Map or to the Comprehensive Plan Map may be initiated by:

- (a) The City Council;*
- (b) The City Planning Commission;*
- (c) The City Administrator or his designee; or*
- (d) By application of a property owner, contract purchaser or authorized agent of the subject property.*

Finding: The applicant, owner of the proposed site, is initiating an amendment to the Zoning Map and Comprehensive Plan, consistent with this section. Therefore this section is met.

(3) The request by a property owner for a map amendment shall be accomplished by filing an application with the city using forms prescribed by the city and submitting the information required from the applicant under Section 17.68.050.

Finding: Consistent with this section, the applicant has provided the required information pursuant to Section 17.68.050 and the required forms and fees. This section is met.

17.68.020 Review process.

Applications under this Chapter shall be reviewed pursuant to GMC Division VII (administrative procedures).

Finding: The Applicant has reviewed the Zoning Code and is aware of the review procedures for this application.

17.68.040 Conditions.

(1) City Council may require conditions. When necessary to properly relate new developments to existing or anticipated conditions in the vicinity or to make possible a higher quality of development than would otherwise be possible, the City Council may determine that a zone change will be accompanied by the acceptance or accomplishment of certain specified conditions. Conditions and requirements invoked pursuant to a zoning map amendment shall thereafter apply to the property so zoned.

(2) Acceptance of conditions. Such conditions shall be designed to further the objectives of the comprehensive plan and the zoning ordinance codified in this title and shall clearly set forth, in written form or upon drawings, all restrictions and requirements which will be applicable to the property rezoned. Where a zone change is made subject to such conditions, it shall become effective upon written acceptance and filing of the applicable terms and conditions by the property owner and by any other person intending to have an ownership interest in or to develop the property. The signed acceptance of conditions shall be filed with the City Recorder and a certified copy shall also be filed in the county deed records at the expense of the petitioner.

(3) Type of conditions. Conditions may include special measures designed to limit use or density, screen or separate buildings or portions of the site from adjoining property; limit access from important thoroughfares or through residential areas; provide additional right-of-way for an abutting street, preserve or provide public access to greenspace, floodplains, or river frontage.

(4) No variance of ordinance standards. In connection with the adoption of a zoning amendment, ordinance standards may be varied only when the Planning Commission finds that the development proposed and covered by specific limiting conditions will provide benefits and safeguards equal to or better than those possible under a strict interpretation of the zoning ordinance. In no case shall a use not specifically permitted within the zoning district be allowed under this section and Section 17.68.050. When circumstances as described in GMC Section 17.72.020 (circumstances for granting) exist, the regular variance procedures shall be followed.

(5) Building permit conditions. In addition to conditions as described above in this section, the Council may also provide that a zoning amendment will become effective upon satisfactory performance by the applicant of certain conditions or actions, such as a bona fide application for a building permit within a specified period of time.
Finding: The applicant is aware that the City of Gladstone may apply reasonable conditions of approval to an approved land use application.

17.68.050 Evidence supplied by applicant.

The applicant seeking a zoning map change pursuant to the provisions of Section 17.68.010 must show by a preponderance of the evidence all of the following, unless otherwise provided for in this title:

(1) Granting the request fulfills a public need, the greater departure from present development policies or land use patterns, the greater the burden of the applicant.

Finding: There is a public need in Gladstone for a stronger local economy. The recent recession has resulted in businesses closures in Gladstone. The City of Gladstone recognized this issue by commissioning a report to address what could be done to retain and attract businesses in the C-3 district. A report was prepared by Winterbrook Planning (*General Commercial District C-3 Regulatory Review, November 2009*) and found that barriers to new development were not caused by the code itself, but rather by the economy. Therefore, it is vital to the City of Gladstone to foster growth of existing local business and attract new business.

SPDS prepared a Vacant Land Analysis demonstrating the shortage of appropriate commercial lands in the commercial district. The purpose of this type of analysis is to show how much land is available for development. As previously stated, the purpose of this rezone is to accommodate the relocation of an existing business in the same neighborhood. Due to this circumstance, it can be found that the vacant land analysis should be limited to the commercial area within which the business is located and wishes to relocate. (See Appendix for Vacant Land Analysis, dated August 21, 2012).

SPDS analyzed the supply of vacant land in the vicinity of the E Arlington Street properties that are the subject of a Comprehensive Plan Amendment. The findings of this analysis provide evidence that granting the Comprehensive Plan Amendment and Zone Change fulfills a public need and that the public need is best carried out by granting the request. Based on this analysis, it is evident that there is not an ample supply of sites for businesses within the I-205 commercial district that may wish to locate or expand. For The Gold Wrench to expand and re-locate while staying within the same commercial district, there are not many options. It is in the public's interest to accommodate the expansion and retention of existing businesses. If the City wishes to accommodate the applicant's business and new business interested in this commercial district, it will need to expand the land supply by converting other land types to commercial use. Refer to Section III, **Vacant Land Inventory** for a summary of the findings from the study provided in the Appendix.

The Comprehensive Plan states that the mainstay of Gladstone's economy is not the production of goods but rather the provision of services. It is in the interest of the public that the provision of services be retained in order to improve the economic vitality of the City of Gladstone. The proposal clearly meets this policy. The Comprehensive Plan also has a goal which calls for a strong commercial base through the expansion of new

commercial activity at appropriate locations within the City. Sites should have existing facilities with capacity for development and located close to transportation and other commerce. The sites clearly meet these criteria.

Public need is also defined in the Comprehensive Plan as promoting the provision of local jobs. The proposal not only preserves the existing employment base of The Gold Wrench in the immediate neighborhood, but provides for a new business to locate on the existing parcel of land, thereby providing new jobs.

The Comprehensive Plan also states that ordinarily residential and commercial land uses are considered unless proper and careful design treatment is provided.

Design of the site will be approached responsibly and carefully during the design phase, if this Comprehensive Plan Amendment and Zone Change is approved. New buildings can be carefully designed to minimize impacts on adjacent residential development and commercial development within the immediate vicinity. There is adequate room on the subject site for buffering and landscaping. There is an existing dense evergreen hedge separating the subject site from the properties to the north, providing screening and buffering. It is the applicant's intent to design the building as a single story building which will accommodate all servicing in the building, including waiting vehicles for servicing. The applicant also intends on locating the building towards the northeast corner of the property, with a solid wall along the rear of the property to block sound and lighting, and, ensuring no activity will occur between the building and rear property line. In addition, the hours of operation are during normal business hours Monday through Friday, from 8:00 am until 5:00 p.m. There are no weekend operating hours.

(2) The public need is best carried out by granting the petition for the proposed action, and that need is best served by granting the petition at this time.

Finding: There is a public need for local businesses and jobs in the City of Gladstone. The local economy is in a state of recession. Unemployment rates are currently at 8.4% in Oregon (Oregon Labor Market Information System, July 2012). Approving this request will provide growth of local jobs in the immediate vicinity and allow for a new business to locate in the City, thereby adding jobs. It will allow for an existing business to stay in the immediate vicinity and grow, continuing to provide advantages to the public including taxes, and employment of an array of supporting services that will help run The Gold Wrench.

There is an existing opportunity to accommodate a new business (Chase Bank) and an existing business by providing additional commercial land. There is a shortage of developable commercial land in the immediate vicinity. This shortage cannot be alleviated until additional commercial land is added to the City's supply. Until adequate land is available, business opportunities in the I-205 vicinity cannot be realized. Therefore, it is appropriate to add to the land supply now.

(3) The proposed action is consistent with the Comprehensive Plan and Metro's Functional Plan (Metro Code 3.07).

Finding: The applicable Comprehensive Plan policies are addressed in Section V of this narrative and the applicable Metro Functional Plan policies are addressed in Section VI. The application is consistent with this request.

(4) Proof of significant change in a neighborhood or community or a mistake in the planning or zoning for the property under consideration, when relevant.

Finding: A change has occurred in the community, that being recent economic recession which has resulted in businesses closures in Gladstone. The City of Gladstone recognizes this issue by commissioning a report to address what could be done to retain and attract businesses in the C-3 district. The report states.... "A report was prepared by Winterbrook Planning and found that barriers to new development were not caused by the code itself, but rather by the economy. Therefore, it is vital to the City of Gladstone to retain existing local businesses". (See Appendix for General Commercial District (C-3) Regulatory Review memo prepared by Winterbrook Planning, dated November 12, 2009)

The change is also the lack of available and suitable sites for commercial businesses to expand within the vicinity. Stiven Planning analyzed the supply of vacant land in the vicinity of the E Arlington Street properties that are the subject of a Comprehensive Plan Amendment and found that there is a shortage of appropriate commercial sites. The findings of this analysis provide evidence that granting the Comprehensive Plan Amendment and Zone Change fulfills a public need and that the public need is best carried out by granting the request. Based on this analysis, it is evident that there is not a sufficient supply of sites for businesses within the I-205 commercial district that may wish to locate or expand. There are not many options for The Gold Wrench to expand and re-locate while staying within the same commercial district. It is in the public's interest to accommodate the expansion and retention of existing businesses. If the City wishes to accommodate the applicant's business and new businesses interested in this commercial district, it will need to expand the land supply by adding land to commercial use. (See Appendix for Vacant Land Analysis, dated August 21, 2012).

(5) The property and affected area is presently provided with, or concurrent with development can be provided with, adequate public facilities, including, but not limited to, transportation systems.

Finding: The subject site is located within the City limits and is served by sewer and water. Sanitary sewer is provided by Tri-City Service District #4. Water is provided by the City of Gladstone. The site is located in the Gladstone Fire District.

The TIA found that the proposed Zone Change is not anticipated to significantly affect the existing or planned transportation facilities and no mitigation is necessary to meet the TPR requirements.

A summary of the findings and recommendations based on materials contained in the TIA analysis is discussed in Section V, **Transportation Impact Analysis**. (See Appendix for the Transportation Impact Analysis, dated August 10, 2012)

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Chapter 17.20 C-3 — GENERAL COMMERCIAL DISTRICT

17.20.010 Purpose.

The purpose of a C-3 district is to implement the comprehensive plan and to provide for general types of business and service establishments which would not likely be compatible with the uses permitted in C-1 and C-2, local and community commercial districts, and which would likely be detrimental to the adjoining residential areas unless effectively controlled.

17.20.020 Uses allowed outright.

In a C-3 zoning district, the following uses and their accessory uses are allowed outright. Outside or open storage shall be an allowed accessory use.

- (1) Automobile service station, car wash or repair garage, body and fender paint shop, sales of new and used vehicles.*
- (2) Business, governmental or professional office.*
- (3) Community service facility such as a fire station, library, community center, park, utility facility, meeting hall or transit facility.*
- (4) Eating or drinking establishment.*
- (5) Financial institutions.*
- (6) Funeral home.*
- (7) Hotel or motel.*
- (8) Medical clinic.*
- (9) Personal and business service establishment such as a barber shop, tailoring shop, printing shop, laundry and dry cleaning, sales agency or photography studio.*
- (10) Recreation vehicles sales, services, rental.*
- (11) Recycling center.*
- (12) Retail trade.*
- (13) Roller rink, bowling alley, motion picture theater or similar extensive commercial amusement or recreational facility.*
- (14) School and associated buildings, structures and facilities.*
- (15) Small appliance repair including radio, television and electronics repair.*
- (16) Small parts wholesaling or retailing.*
- (17) Veterinary clinic or small animal hospital, but not including a kennel or a cattery.*

Finding: The applicant does not propose a specific development plan as part of this Comprehensive Plan Amendment and Zone Change application. However, if this application is approved, the applicant will develop the site in the future with outright permitted uses listed in this section. It is the intention that the site will be developed as the future site of the The Gold Wrench, which is an outright permitted use. The application is consistent with this request.

17.20.045 Screening.

The following screening standards shall apply:

(1) Off-street parking and loading areas and business activities, such as service, repair, processing, storage and merchandise display, that are conducted outside of a wholly enclosed building, shall be screened from abutting properties where such properties are in a residential zoning district and from abutting unimproved public street rights-of-way where property on the opposite side of the unimproved right-of-way is in a residential zoning district.

(2) Business activities, such as service, repair, processing, storage and merchandise display, that are conducted outside of a wholly enclosed building, shall be screened from abutting properties where such properties are in a C-1 or C-2 zoning district and from abutting unimproved public street rights-of-way where property on the opposite side of the unimproved right-of-way is in a C-1 or C-2 zoning district.

(3) Storage, with the exception of merchandise display, outside of a wholly enclosed building shall be screened from abutting improved public street rights-of-way. Off-street parking and loading areas for customer vehicles, employee vehicles and vehicles for sale are not required to be screened from improved public street rights-of-way. However, off-street parking and loading areas for other types of vehicle storage (e.g. towed vehicles, recreational vehicles being stored as a service) shall be screened from abutting improved public street rights-of-way.

(4) Required screening shall be accomplished by building placement, a landscaped earth berm or a sight-obscuring fence or hedge.

(5) Required screening shall be reviewed pursuant to GMC Chapter 17.80 (design review). When design review is not required, screening shall be reviewed by the City Administrator or designee.

(6) Required screening shall be a minimum of six feet (6') high. With the exception of equipment and vehicles, stored merchandise and materials shall not exceed the height of required screening. Stored equipment and vehicles may exceed the height of the required screening provided such equipment and vehicles are not stacked on top of one another.

(7) Required screening shall be sited so that it does not conflict with GMC Chapter 17.54 (clear vision). In locations where perimeter landscaping adjacent to a street is required as a condition of land use approval, required screening shall be located behind such landscaping.

Finding: The applicant does not propose a specific development plan as part of this Comprehensive Plan Amendment and Zone Change application. However, if this

application is approved, the applicant intends on developing the site in the future with outright permitted uses listed in this section.

Design of the site will be approached responsibly and carefully during the design phase, if this Comprehensive Plan Amendment and Zone Change is approved. New buildings can be carefully designed to minimize impacts on adjacent residential development and commercial development within the immediate vicinity. There is adequate room on the subject site for buffering and landscaping. There is an existing dense evergreen hedge separating the subject site from the properties to the north, providing screening and buffering. It is the applicant's intent to design the building as a single story building which will accommodate all servicing in the building, including waiting vehicles for servicing. The applicant also intends on locating the building towards the northeast corner of the property, with a solid wall along the rear of the property to block sound and lighting, and, ensuring no activity will occur between the building and rear property line. In addition, the hours of operation are during normal business hours Monday through Friday, from 8:00 AM until 5:00 PM. There are no weekend operating hours.

The application is consistent with this request.

17.20.050 Dimensional standards.

Except as provided in GMC Chapters 17.38 (planned unit development), Chapter 17.72 (variances) and Chapter 17.76 (exceptions), the following dimensional standards shall apply in a C-3 zoning district:

(1) Front Setbacks. There shall be no minimum front setback requirement except when a front lot line abuts a residential zoning district or abuts a street where property on the opposite side of the street is in a residential zoning district, in which cases the minimum front setback shall be twenty feet (20').

(2) Street Side Setbacks. There shall be no minimum street side setback requirement except when a street side lot line abuts a residential zoning district or abuts a street where property on the opposite side of the street is in a residential zoning district, in which cases the minimum street side setback shall be twenty feet (20').

(3) Side and Rear Setbacks. There shall be no minimum side or rear setback requirements.

(4) Off-Street Parking. The boundary of any area developed or intended for off-street parking shall be located a minimum of five feet (5') from all property lines.

(5) Architectural Features. Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet (2') into a required setback area.

(6) Building Height. The maximum building height shall be thirty-five feet (35'). This restriction may be varied as follows:

(a) Maximum building height may be increased by one (1) story if the building is provided with an approved automatic sprinkler system throughout as provided in Section 506 of the Oregon Structural Specialty Code or its successor; Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are exempt from the maximum building height standard;

(b) Maximum building height may be increased if the city fire department reports that it possesses sufficient fire-fighting capability to provide emergency response to a structure of the height proposed.

(7) Equipment Setbacks. There shall be no minimum setback requirements for central air conditioners, heat pumps and similar equipment except when a lot line abuts a residential zoning district, in which case the minimum setback requirement from the lot line abutting the residential zoning district shall be ten feet (10').

Finding: The applicant does not propose a specific development plan as part of this Comprehensive Plan Amendment and Zone Change application. However, if this application is approved, the applicant anticipates developing the site consistent with the minimum dimensional standards listed in this section. The applicant has evaluated the needs of the future development on the site and has determined that the standards in Chapter 17.20.050 can be met. Compliance with the above standards will be demonstrated through the Design Review process and neighbors will be given an opportunity to comment on the proposed design.

Chapter 17.90 GENERAL PROVISIONS

17.90.030 Pre-application conference.

(1) *With respect to actions initiated by a property owner, contract purchaser, option holder or agent of the owner, the applicant or his authorized representative shall meet and confer with the City Administrator or designee in a pre-application conference, at which time views may be exchanged as to the requisites for formal application and the feasibility of approval may be discussed.*

Finding: A pre-application conference was held on May 30, 2012 consistent with this section.

(2) *The City Administrator or designee may waive the requirement for a pre-application conference.*

Finding: This criterion is not applicable, as a pre-application conference was held.

(3) *Any opinion expressed by the City Administrator or designee during a pre-application conference is advisory in nature, and is subject to change upon official review of the application.*

Finding: The applicant is aware of this requirement.

17.90.060 Forms of petitions, applications and appeals.

(1) *City Form Required. Petitions, applications and appeals provided for in this title shall be made on forms prescribed by the city.*

(2) *Submittal Requirements. Applications shall be accompanied by plans and specifications drawn to scale, showing:*

- (a) *the actual shape and dimensions of the lot to be built upon;*
- (b) *the sizes and locations on the lot of all existing and proposed structures;*
- (c) *the intended use of each structure, the number of families, if any, to accommodate thereon;*
- (d) *the relationship of the property to the surrounding area; and*
- (e) *such other information as is needed to determine conformance with this title; and*
- (f) *a narrative description addressing the appropriate criteria.*

Finding: This application includes the requirements listed in this section including the narrative, application form and required fees. The application is consistent with this request.

(3) *An application shall be deemed incomplete unless all required information is submitted with the application.*

Finding: This application includes the requirements listed in this section including the narrative, application form and required fees. The application is consistent with this request.

(4) The City Administrator or designee may require additional information to aid in reviewing the application.

Finding: The applicant is aware that the City Administrator may require additional information and will comply with a reasonable request.

(5) The City Administrator or designee may waive any requirement for information if it is deemed not necessary or not applicable.

Finding: No waivers are requested as part of this application. This section is therefore not applicable to the request.

17.90.080 Application fees.

Applications shall be accompanied by the required fees as set by the City Council.

Finding: This application includes the requirements listed in this section including the narrative, application form and required fees. The application is consistent with this request.

17.94.010 General provisions.

Public hearings shall be held on all quasi-judicial and legislative land use applications.

Finding: This application includes the requirements listed in this section including the narrative, application form and required fees. The application is consistent with this request.

17.94.060 Planning Commission Decisions.

(1) A public hearing shall be held before the Planning Commission and a recommendation made by the Planning Commission to the City Council on the following types of applications:

- (a) Annexations;*
- (b) Zone changes;*
- (c) Comprehensive plan amendments;*
- (d) Amendments to the text of this title, unless the City Council finds that an emergency exists requiring only a hearing before the City Council on the amendment.*
- (e) Requests for revocation, pursuant to GMC Section 17.94.100 (revocation of approvals), of previous application approvals granted by the city;*
- (f) Map amendments pursuant to GMC Section 17.27.080 (map administration) or GMC Section 17.29.080 (map administration).*

Finding: This application is a request for a Comprehensive Plan Amendment and Zone Change. Pursuant to this section, the Planning Commission will make a recommendation to the City Council on the matter.

VII. COMPLIANCE WITH CITY OF GLADSTONE COMPREHENSIVE PLAN GOALS AND POLICIES

In order for the City to approve a quasi-judicial Comprehensive Plan Map and Zoning Map Amendment, the proposed amendment must be shown to be consistent with all applicable Comprehensive Plan policies. The following responses are provided to the applicable policies of the Comprehensive Plan for the proposal to re-designate the subject site from Single Family Residential to Commercial. Direct citations from the Comprehensive Plan are shown in *italics* and **bold type**. In some cases, the proposed finding relative to a Plan policy refers to the response of another applicable policy.

It is noted that several of the policies addressed below are not directly applicable to the Plan Map and Zoning Map amendment request, but instead would be directly applicable to any later proposal to develop the property after re-designation. Nevertheless, these policies are addressed to assure the City that these policies will be able to be satisfied with future development of the site.

A. Citizen and Agency Involvement Element

Finding: This application is being processed in accordance with the adopted public hearings and public notice requirements for the City of Gladstone. The proposal will be part of public hearings, allowing further public participation for Gladstone citizens and affected agencies. Therefore this Comprehensive Plan Amendment and Zone Change application is consistent with this Goal.

B. Land Use Planning Element

1. *Substantive Goal: To maintain a high standard for Gladstone's quality of life.*

Finding: A strong local economy is important to a high standard of Gladstone's quality of life. The Comprehensive Plan states that it should be made possible for City residents to obtain a wide variety of goods and services with commercial establishments within the City. This proposal, to allow an existing business to relocate in the immediate vicinity, will keep an important service for residents. Approving the proposal allows an existing small business to stay and grow in the immediate vicinity, while creating an opportunity for a new bank branch to locate in the City of Gladstone. This goal is met.

2. *Procedural Goal: To ensure a factual base for land use decisions and actions and to establish a planning process and policy framework for this purpose.*

Finding: This application is being prepared in accordance with the adopted City of Gladstone planning requirements. All required factual information is submitted with this narrative. Therefore this section is met.

3. Substantive Objectives:

- *To provide for adequate levels of housing, services, shopping, employment, transportation and recreation facilities for the city's residents.*

Finding: The Comprehensive Plan indicates that services are a mainstay of the economy. The applicant's representative prepared a Vacant Land Analysis that shows how much land is available for future development. There are only .40 acres of vacant land within Neighborhood 1. This limited supply of vacant land provides neither an adequate long term supply nor a wide choice of site for new services to select from. (Refer to the discussion in Section 17.68.050, Evidence Supplied by applicant). In sum, allowing the applicant to rezone the proposed sites will accommodate the relocation of an existing business within the same neighborhood and allow a new business to develop of the existing The Gold Wrench site. (See Appendix for Vacant Land Analysis, dated August 21, 2012).

The 2010 US Census Data for Gladstone reveals that at the time the data was collected, there were 4,779 total housing units in Gladstone of which 1,971 or 41% were rentals (See Table Six).¹ The five (5) housing units for the commercial designation are currently all rental units owned by the applicant. (See Appendix for the US Census Bureau Summary, dated September 24, 2012)

**Table Six
US Census Total 2010 Housing Supply (Tenure)
Gladstone**

<i>Vacancy status</i>	<i>Owned</i>	<i>%</i>	<i>Rental</i>	<i>%</i>	<i>Other</i>	<i>%</i>	<i>Total</i>	<i>%</i>
<i>Occupied</i>	2,680	98	1,860	94	0	0	4,540	
<i>Vacant</i>	56	2	117	6	66 *	100	239	
<i>Total</i>	2,736 (+/-)	57.2 %	1,977 (+/-)	41.4%	66 (+/-)	1.4%	4,779	100%

* seasonal, recreational or occasional & other uses

Therefore, the removal of five (5) housing units represents a loss in total housing units of .01% and a loss of .25% of the City wide rental units. Neither of these loses makes an appreciable difference in the City's supply of housing. However, the comparison of the land from residential to commercial will satisfy and identified need for additional commercial land.

In addition to the US census data, when questioned about the impact a reduction of five housing units on Gladstone's existing housing stock, Dennis Yee, Chief Economist for Metro replied that according to their records, the loss of five housing units represents a very minor overall change and is likely to fall well with a margin of error in their calculation of residential supply for Gladstone. In support of that statement, Mr. Yee sent the 2010 – 2045 estimate of households for each jurisdiction within Metro. Table Seven

¹ The area included in US Census data includes land outside the City.

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is a summary of the Metro forecast for households within that period. As shown in Table Seven, the loss of five (5) housing units yields a change in the project households of .1% between the years of 2010 and 2025; .1% between the years of 2010 and 2035, and .09% between the years 2010 and 2040. (See Appendix for Metro's 2035 TAZ Forecast and Email from Dennis Yee, dated September 26, 2012).

Table Seven
City of Gladstone
Metro Forecast of Households *

<i>Year</i>	<i>Households</i>	<i>Difference</i>	<i>Period</i>	<i>% Impact of 5 HH units</i>
<i>2010</i>	4,187			
<i>2025</i>	4,563	+ 376	2010 – 2025	+/- (.1%) (.11)
<i>2035</i>	4,876	+ 689	2010 – 2035	+/- (.1%) (.10)
<i>2040</i>	5,030	+ 843	2010 – 2040	+/- (.1%) (.09)

* % APR 2010 – 2040 (.6%)

Source: Metro's 2035 TAZ Forecast, draft 9/19/2012

Note that the difference in households between the US Census data and the Metro data can be explained by the fact that the US census data includes a larger geographic area than does the Metro data.

Based on the evidence from both the US Census and Metro, the potential loss of 5 units of housing caused by changing the plan and zone designations, is a very minor overall change in Gladstone's existing housing supply or its future capacity. Therefore, the proposed Comprehensive Plan Amendment and Zone Change will benefit the City's ability to provide services to its citizens while not significantly reducing the housing supply.

This criteria is satisfied.

- ***To protect property values and livability.***

Finding: The applicant has taken neighborhood preservation into account for this site by assembling five parcels to ensure a site large enough to accommodate amenities on site and adequate buffering. Design of the site will be approached responsibly and carefully during the design phase, if the Comprehensive Plan Amendment and Zone Change is approved. New buildings can be designed to minimize impacts on adjacent residential development and commercial development within the immediate vicinity.

The Design Review process protects property values and livability by ensuring development complies with City design standards. Compliance with design review standards will be demonstrated with a future development application. This objective is met.

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4. Policies – Residential Uses

- *Commercial and industrial uses should be compatible with surrounding residential uses.*

Finding: The subject site is located in an area of mixed uses. Commercial uses are located on the opposite side of E Arlington Street and 82nd Avenue. Residential uses are only located to the north and west. The applicant has taken neighborhood preservation into account for this site by assembling five parcels to ensure a site large enough to accommodate amenities on site and adequate buffering. Design of the site will be approached responsibly and carefully during the design phase, if the Comprehensive Plan Amendment and Zone Change is approved. The finding provided above in “to protect property values and livability” discusses how the site can be developed to minimize impacts to residential development.

The subject block is not a pristine residential block of development. Mr. Rooter exists on the corner of the block at 82nd Drive, E Arlington Street and E Berkeley Street. There are numerous mid block patterns found around Portland Avenue, with residential uses intermingled with commercial uses. This type of mid block pattern is also found along sites closer to McLoughlin Boulevard, along W. Berkeley, W. Arlington, W. Clarendon and W. Exter Streets.

5. Policies – Commercial

- *Certain classes of commercial land uses may not be compatible with a residential environment, particularly single family dwellings. Efficiency and convenience to users should be emphasized. Ordinarily residential and commercial land uses are considered incompatible unless proper and careful design treatment is provided.*

Finding: The applicant has taken neighborhood preservation into account for this site by assembling five parcels to ensure a site large enough to accommodate amenities on site and adequate buffering for future development.

Design of the site will be approached responsibly and carefully during the design phase, if this Comprehensive Plan Amendment and Zone Change is approved. New buildings can be carefully designed to minimize impacts on adjacent residential development and commercial development within the immediate vicinity. There is adequate room on the subject site for buffering and landscaping. There is an existing dense evergreen hedge separating the subject site from the properties to the north, providing screening and buffering. It is the applicant’s intent to design the building as a single story building which will accommodate all servicing in the building, including waiting vehicles for servicing. The applicant also intends on locating the building towards the northeast corner of the property, with a solid wall along the rear of the property to block sound and lighting, and, ensuring no activity will occur between the building and rear property line. In addition, the hours of operation are during normal business hours Monday through Friday, from 8:00 AM until 5:00 PM. There are no weekend operating hours.

Compliance will be demonstrated during the Design Review process and neighbors will be given the opportunity to comment.

- ***Commercial development in Gladstone should reinforce existing commercial districts. Compatibility with other land uses should be ensured.***

Finding: The purpose of this Comprehensive Plan Amendment and Zone Change directly supports this objective. As previously stated, the purpose of the rezone is to accommodate the relocation of an existing business in the same neighborhood and allow redevelopment of the existing site. The applicant has found that there is a shortage of appropriate commercial sites in the commercial area. Allowing The Gold Wrench to move across the street will allow for the applicant to pursue selling their existing location and open up an opportunity for a new business to locate in the commercial district.

The Vacant Land Analysis provided illustrates that within this commercial district, 91% of the land is commercial. Located directly across the street from the proposed site on E Arlington Street is Stryker Construction and Architectural Metal Shop and In and Out Auto Care. On the east side of the site is Mr. Rooter, which occupies the corner of E Arlington Street, 82nd Drive and E Berkeley Street. (See Appendix for Vacant Land Analysis, dated August 21, 2012).

It is important to restate that the applicant has taken neighborhood preservation into account for this site by assembling five parcels to ensure a site large enough to accommodate amenities on site and adequate buffering for future development. Design of the site will be approached responsibly and carefully during the design phase, if this Comprehensive Plan Amendment and Zone Change is approved. New buildings can be designed to blend with existing single family residences and commercial development within the immediate vicinity. Compatibility with the nearby uses will be ensured through the design review process and by working with the adjacent residential and commercial neighbors.

D. Economy Element

The mainstay of Gladstone's economy is not the production of goods but rather the provision of services.

1. Goal: To have a strong commercial/industrial base through the expansion of existing and the development of new commercial/industrial activity at appropriate locations within the city.

Finding: The purpose of this rezone directly supports this goal. The applicant has been providing a service to the community since 1989. Keeping The Gold Wrench in the immediate vicinity will allow the continued contribution to the community economy and provide improved services to Gladstone residents.

The proposed area is appropriate for the relocation of The Gold Wrench because it is located in a mix of uses. The subject properties are located on E Arlington Street, a

Minor Arterial in the City of Gladstone. The site is located across from a sheet metal shop and an auto care business. Mr. Rooter is located at the corner of E Arlington Street, 82nd Drive and E Berkeley Street. The Safeway Shopping Center is located diagonal from the proposed properties along 82nd Avenue.

The subject site is located within the City limits and is served by sewer and water. Sanitary sewer is provided by Tri-City Service District #4. Water is provided by the City of Gladstone. The site is located in the Gladstone Fire District.

The TIA found that the transportation system is adequate to accommodate the trips resulting from the proposal. (*See* Appendix for the Transportation Impact Analysis, dated August 10, 2012).

Thus, the proposed location is appropriate for The Gold Wrench.

It is important to restate that the applicant has taken neighborhood preservation into account for this site by assembling five (5) parcels to ensure a site large enough to accommodate amenities on site and adequate buffering. Design of the site will be approached responsibly and carefully during the design phase, if this Comprehensive Plan Amendment and Zone Change is approved. New buildings can be designed to minimize impacts to residential development as discussed in this narrative. This section is met.

Objectives:

1. To improve the economic vitality of the City of Gladstone.

Finding: As stated throughout this report, the proposed rezone is consistent with improving the economic vitality of the City of Gladstone. Approving this proposal will allow for the applicant, The Gold Wrench, to move their business across the street, and redevelopment of the existing site to accommodate a future bank development. Moreover, approving the proposal allows for an existing small business to stay and grow in the immediate vicinity, while opening up an opportunity for a new business to locate in the City of Gladstone.

The Comprehensive Plan identifies service businesses as the foundation of the economy in Gladstone. The Gold Wrench has been in business since 1989, an important part to the local economy. As with many cities, more citizens lament losing local businesses. National chains continue displacing locally owned businesses throughout Oregon. The disappearance of local businesses leaves a social and economic void. Approving this land use request will allow The Gold Wrench to stay not only in Gladstone, but in the immediate vicinity.

The economic value of independent businesses cannot be overlooked. Local businesses provide advantages to the economy where they operate. In addition to the contribution to the tax base, local businesses employ an array of supporting services, everything from

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material suppliers, computer consultants, attorneys, insurance brokers and other services that help run a business. This objective is met.

4. To improve the appearance of existing commercial areas through rehabilitation or redevelopment in order to preserve and enhance their values to the community.

Similar appearance considerations should be given to all new commercial developments.

Finding: This criterion applies to design review applications. The applicant has taken neighborhood preservation into account for this site by assembling five parcels to ensure a site large enough to accommodate amenities on site and adequate buffering. Design of the site will be approached responsibly and carefully during the design phase, if this Comprehensive Plan Amendment and Zone Change is approved. The new building can be designed to minimize impacts with existing single family residences and commercial development in the vicinity. When the remaining two properties are developed, the design review process will ensure that the development proposed at that time will enhance their value to the neighborhood, both commercial and residential.

5. To ensure that industrial and commercial activity does not violate regional, state or federal air, water, land quality and sound level standards.

Finding: It is intention of the applicant to move The Gold Wrench to the proposed site. All business activities will occur in the enclosed building, the parking of cars waiting for service. The applicant's existing business complies with regional, state and federal air, water, land and sound level standards. The applicant will continue to apply with the standards at the proposed new location. This section is met.

6. To promote the provision of local jobs to reduce reliance on commuting in order to conserve both time and energy and to aid in the battle against air and noise pollution.

Finding: The applicant has served the Gladstone community since 1989, providing local jobs and services to the community. In addition The Gold Wrench utilizes local businesses that provide an array of supporting services, everything from material suppliers, computer consultants, attorneys, insurance brokers and other services that help run a business. This section is met.

7. To ensure the development of commercial facilities within existing commercial districts on a planned integrated basis.

8. To ensure the compatibility of commercial and industrial activity with surrounding land uses.

Finding: The subject site is located in an area with commercial uses. Table Five of this report demonstrates some of the commercial uses within one-half mile of the site:

The applicant has taken neighborhood preservation into account for this site by assembling three parcels to ensure a site large enough to accommodate amenities on site and adequate buffering. Design of the site will be approached responsibly and carefully during the design phase, if this Comprehensive Plan Amendment and Zone Change is

approved. The new building can be designed to minimize impacts with existing single family residences and commercial development in the vicinity.

E. Energy Element

1. Transportation, Policy 3, Promote the development of more local employment opportunities.

Finding: The Gold Wrench has been located in Gladstone since 1989. It is the intention of the applicant to move across the street to the proposed site. Approving this application will allow The Gold Wrench to stay in the immediate vicinity and will also open up the existing site for redevelopment opportunities, which in turn, will provide additional employment opportunities. This section is met.

F. Facilities and Services Element

1. Goal: To provide and maintain needed facilities and services in a timely, orderly and efficient manner to serve urban development in the Gladstone area.

Finding: The subject site is located within the City limits and is served by sewer and water. Sanitary sewer is provided by Tri-City Service District #4. Water is provided by the City of Gladstone. The site is located in the Gladstone Fire District.

The TIA found that the proposed Zone Change is not anticipated to significantly affect the existing or planned transportation facilities and no mitigation is necessary to meet the TPR requirements. (See Appendix for the Transportation Impact Analysis, dated August 10, 2012).

G. Growth Management Element

1. Goal: To provide for orderly and efficient use of land.

Finding: The subject site is located in an urban setting where full public facilities and services are in place or planned to accommodate urban uses. As discussed above, the subject site is located in a commercial node. Findings in support of this goal are provided under Objectives 7 and 8 under *Economy*. This section is met.

2. Objectives

To achieve compatibility among land uses.

Finding: The applicant has taken neighborhood preservation into account for this site by assembling five parcels to ensure a site large enough to accommodate amenities on site and adequate buffering. Design of the site will be approached responsibly and carefully during the design phase, if this Comprehensive Plan Amendment and Zone Change is approved. The new building can be designed to minimize impacts with existing single family residences and commercial development in the vicinity.

A preliminary site plan was prepared showing how the properties to the rear of the site can be protected. The building is located toward the northern most corner of the site, with a solid wall of building located along the northern property line, which blocks sound, lighting, etc. No activity will occur in between the rear of the building and the

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properties to the north. There is an existing green hedge located in between the subject site and the rear properties, which will also provide screening and buffering. Parking is oriented towards E Arlington Street. The building was designed to accommodate all servicing in the building, including waiting vehicles for servicing. In addition, the hours of operation are during normal business hours Monday through Friday, from 8:00 AM until 5:00 PM. There are no weekend operating hours.

3. Policy 3

Encourage the City's commercial and industrial tax base.

Finding: As stated throughout this report, the proposed Comprehensive Plan Amendment and Zone Change is consistent with improving the economic vitality of the City of Gladstone. Approving the proposal allows for an existing small business to stay and grow in the immediate vicinity, while opening up an opportunity for a new business to locate in the City of Gladstone.

The Comprehensive Plan identifies service businesses as the foundation of the economy in Gladstone. The Gold Wrench has been in business since 1989, an important part to the local economy. As with many cities, more citizens lament losing local businesses. National chains continue displacing locally owned businesses throughout Oregon. The disappearance of local businesses leaves a social and economic void. Approving this land use request will allow The Gold Wrench to stay not only in Gladstone, but in the immediate vicinity.

The economic value of independent businesses cannot be overlooked. Local businesses provide advantages to the economy where they operate. In addition to the contribution to the tax base, local businesses employ an array of supporting services, everything from material suppliers, computer consultants, attorneys, insurance brokers and other services that help run a business. This objective is met.

H. Plan Evaluation and Update Element

Goals

1. To ensure that the Gladstone Comprehensive Plan is responsive to changing conditions and trends.

Finding: The changing condition in the City of Gladstone concerns the local economy. The local economy is in a state of recession. Unemployment rates are currently at 8.4% in Oregon (Oregon Labor Market Information System, July 2012). Approving this request will provide growth of local jobs in the immediate vicinity and allow for a new business to locate in the City, thereby adding jobs. It will allow for an existing business to stay in the immediate vicinity and grow, continuing to provide advantages to the public including taxes, and employment of an array of supporting services that will help run The Gold Wrench.

2. To ensure the opportunity for citizen and agency involvement in the planning process.

Finding: This goal is implemented through the public notification and review process adopted in the City of Gladstone code.

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VIII. COMPLIANCE WITH THE METRO FUNCTIONAL PLAN

The subject site is located within the Metro Urban Growth Boundary and subject to the requirements of any applicable Metro Functional Plan ("MFP").

Title 1 Housing and Employment Accommodation.

This section of the Functional Plan facilitates efficient use of land within the Urban Growth Boundary (UGB). Each city and county has determined its capacity for providing housing and employment which serves as their baseline and if a city or county chooses to reduce capacity in one location, it must transfer that capacity to another location. Cities and counties must report changes in capacity annually to Metro.

Finding: Title 1 of the Urban Growth Management Functional Plan ("UGMFP") is applicable to this proposal. Title 1 of the UGMFP outlines requirements for Housing and Employment Accommodations. It is intended to ensure efficient use of land within the UGB by increasing capacity to accommodate housing and employment.

This portion of the functional plan is implemented by Gladstone's comprehensive plan in their Land Use Planning Elements, Substantive Objectives, which reads as follows:

To provide for adequate levels of housing, services, shopping, employments, transportation and recreation facilities for the City's residents.

As the finding for this Citywide objective states the City's supply of housing will be minimally impacted (less than 1% reduction in supply), while satisfying an identified need for additional commercial land to accommodate new services.

It is the City's obligation to report changes to capacity annually.

Title 2 Regional Parking Policy

The Metro 2040 Growth Concept calls for more compact development to encourage more efficient use of land, promote non-auto trips and protect air quality. In addition, the federally mandated air quality plan adopted by the state relies on the 2040 Growth Concept fully achieving its transportation objectives. This title establishes regionwide parking policies that set the minimum number of parking spaces that can be required by local governments for certain types of new development. It does not affect existing development. Parking maximums are also specified. By not creating an over supply of parking, urban land can be used most efficiently.

Finding: This title regulates the amount of parking permitted by use for jurisdictions in the Metro region. Any future development plan for the site will be required to be consistent with the parking standards of the City of Gladstone code. The subject site provides ample room to meet parking requirements. This title is satisfied.

Title 3 Water Quality, Flood Management and Fish and Wildlife Conservation
The goal of the Stream and Floodplain Protection Plan (Title 3) is to protect the region's health and public safety by reducing flood and landslide hazards, controlling soil erosion and reducing pollution of the region's waterways. Title 3 specifically implements the Oregon Statewide Land Use Goals 6 and 7 by protecting streams, rivers, wetlands and floodplains by avoiding, limiting or mitigating the impact on these areas from development.

Finding: This title is not applicable to the proposal because the site is not in a designated Metro Water Quality and Flood Management Area.

Title 4 Industrial and Employment Areas

Title 4 places restrictions of certain uses in three designations on the 2040 Growth Concept Map.

In Regionally Significant Industrial Areas, non-industrial uses are limited to:

- *Retail uses less than 20,000 square feet and amounting to only 5 percent of the contiguous Regionally Significant Industrial Area*
- *Commercial office uses that are not accessory to the industrial uses with the exception of large corporate headquarters, and;*
- *Uses necessary to serve the needs of businesses and employees of the Regionally Significant Industrial Area.*

In Industrial Areas, non-industrial uses are limited to less than 20,000 square feet and amount to 10 percent of the Industrial Area.

In Employment Areas, retail uses are limited to less than 60,000 square feet. This can be increased if it is demonstrated that transportation facilities are adequate to serve the retail use and to serve other planned uses in the Employment Area.

Finding: The sites are not located in any designated industrial or employment areas. Therefore this Title does not apply.

Title 5 Neighbor Cities and Rural Reserves

This section of the Functional Plan directs Metro to work with its neighbor cities to protect common locations for green corridors along transportation corridors connecting the Metro region and each neighboring city. The intent is to protect the land along these corridors from continuous strip development to maintain their rural character and agricultural economy. Metro's neighboring cities are Canby, Sandy and North Plains.

Finding: This Title defines Metro's policy regarding areas outside the Urban Growth Boundary. This site is within the Urban Growth Boundary; therefore, this Title does not apply.

Title 6 Central City, Regional Centers, Town Centers and Station Communities

The intention of Title 6 is to enhance the Centers designated on 2040 Growth Concept Map by encouraging development in these Centers. Metro will work with cities and

counties to implement development strategies which will include an analysis of the barriers to development, an accelerated review process for preferred types of development, an analysis of incentives to encourage development and a program to adopt the incentives. Cities and counties are encouraged to site government offices in Centers and are required to report on the progress made in their Centers to Metro every two years.

Finding: The subject site is not located in a designated Central City, Regional Center, Town Center or Station Community. Therefore Title 6 does not apply.

Title 7 Affordable Housing

This section of the functional plan will ensure that all cities and counties in the region are providing opportunities for affordable housing for households of all income levels. The intent of Title 7 is to provide a choice of housing types, reduce barriers to sufficient and affordable housing for all income levels in the region, create housing opportunities commensurate with the wage rates of jobs available across the region, initiate a process for addressing current and future needs for affordable housing, and reduce concentrations of poverty.

Finding: This Title recommends that local jurisdictions implement tools to facilitate development of affordable housing. This application involves a quasi-judicial Comprehensive Plan and Zone Change and does not involve legislative action by Gladstone affecting affordable housing.

Title 8, 9 and 10 require compliance, performance measures and definitions for implementation of the Functional Plan, and are not applicable to this request.

In summary, the proposal is supportive of all applicable titles of the Urban Growth Management Functional Plan.

IX. COMPLIANCE WITH OREGON STATEWIDE PLANNING GOALS

Finding: The Statewide Planning Goals are satisfied when a community's Comprehensive Plan is acknowledged. The statewide policies articulated through the goals are incorporated into the community's Comprehensive Plan goals and policies, along with implementing measures such as zoning and subdivision ordinances that are designed to accomplish the goals and policies. Any action that is consistent with the Comprehensive Plan, then, is also consistent with the goals.

The statewide goals have been addressed in the findings for the City Goals, as follows:

- Statewide Goal 1 (Citizen Involvement) is met through City Element 1 (Citizen Involvement). The statewide goal is implemented through the notification and public review process adopted in the City of Gladstone code, as noted in the finding for City Goal, Citizen Involvement;
- Statewide Goal 2 (Land Use Planning) is met through compliance with City Goal 2, and is discussed in the findings for that City goal, above;
- Statewide Goals 3 (Agricultural Lands) and 4 (Forest Lands) are not applicable to lands within the City of Gladstone and so do not apply to this site;
- Statewide Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources) is met through historic, scenic and environmental plans that have been adopted as a part of the Comprehensive Plan and implemented through special overlay zones and design districts and through the Open Space base zone. None of the elements of this statewide goal or of these adopted plans or implementing zones apply to this site;
- Statewide Goal 6 (Air, Water and Land Resources Quality) is not applicable to this site because there are no identified air, water or land resource quality concerns on the subject site;
- Statewide Goal 7 (Areas Subject to Natural Disasters and Hazards) is not applicable to this site because there are no identified hazards in this location;
- Statewide Goal 8 (Recreational Needs) is met through City Goal Public Facilities and Services. This proposal does not include any plans for the provision of recreational land or activities, so this statewide goal does not apply to this proposal;
- State Goal 9 (Economic Development) is met by City Goal Economy, which is addressed in the findings for the City goal, above;
- State Goal 10 (Housing) is met through City Goal Housing, which is addressed in the findings for that City goal, above;

- State Goal 11 (Public Facilities and Services) is addressed in City Goal Public Facilities and is discussed in the findings for that City goal and in the findings for the City goal, above;
- State Goal 12 (Transportation) is met through City Goal Transportation, and is discussed in the findings for that City goal, above;
- State Goal 13 (Energy Conservation) is met through City Goal 13 (Energy) and is addressed in the findings for that City goal, above; and
- State Goal 14 (Urbanization) is addressed through City Goal 14. The issues of this statewide goal are addressed in the findings for these City goals, above.

The following State Goals do not apply to this site because they are geographically specific and this property is not within the identified boundaries of the resources that these goals are intended to protect:

- State Goal 15 (Willamette River Greenway);
- State Goal 16 (Estuarine Resources);
- State Goal 17 (Coastal Shorelands);
- State Goal 18 (Beaches and Dunes); and
- State Goal 19 (Ocean Resources)

**X. COMPLIANCE WITH OREGON TRANSPORTATION PLANNING
RULE CHAPTER 660, DIVISION 12**

Finding: This Oregon Administrative rule applies to amendments to comprehensive plans, functional plan and land use regulations (OAR 660-12-060). The rule is applicable because the application requests amendment to the City of Gladstone Comprehensive Plan.

OAR 660-12-060 (1), (2) and (3) provide as follows:

1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system;

Finding to a and b: No changes are required to the existing or planned functional classifications, nor the functional classification standards. Therefore the proposed map amendments do not significantly affect the transportation facility and is consistent with this portion of the TPR. (See Appendix for the Traffic Impact Analysis, dated August 10, 2012.)

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

Finding: The proposed amendment will occur on five parcels which are currently zoned residential (R-5). However, only three are intended for future development of The Gold Wrench. Under the current zoning the site has the potential for a development maximum of five (5) single-family homes. The reasonable worst case development scenario for the proposed zone designation is anticipated to generate 170 more PM peak hour trips than the current zone designation.

Regardless of the increase in trip generation, the study area intersections, Oatfield Road/82nd Drive and E Arlington Street/82nd Drive, both operate under the City of Gladstone LOS D mobility standard in the 2027 plan year. The proposed Zone Change is not anticipated to significantly affect the existing or planned transportation facilities and no mitigation is necessary to meet TPR requirements.

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

Finding: Intersection operation characteristics are generally defined by two measurements: level-of-service (LOS) and volume-to-capacity (v/c) ratio. The City uses LOS to determine intersection performance.

LOS is a measure of the average control delay (in seconds) experienced by drivers at an intersection and is described by a letter on the scale from 'A' to 'F.' LOS 'A' represents optimum operating conditions and minimum delay. LOS 'F' indicates over capacity conditions causing unacceptable delay. LOS 'D' is considered the acceptable minimum by the City of Gladstone.

As illustrated in the attached TIS, an analysis was prepared to address TPR requirements for the PM peak hour for the following scenarios:

- 2027 Pre-Development – Current Zone Designation
- 2027 Post-Development – Proposed Zone Designation

As shown in Table Four of this report, the study area intersections operate under the City of Gladstone LOS D mobility standard in the 2027 plan year at a Level C. Therefore, the proposed Zone Change is not anticipated to significantly affect the existing or planned transportation facilities and no mitigation is necessary to meet TPR requirements.

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Finding: Both study intersections are projected to operate at acceptable levels of service with acceptable volume-to-capacity ratios in the 2027 planning horizon traffic scenario. Based on these results the study intersections will not perform below the minimum acceptable performance standard of the City of Gladstone's TSP.

Based on the information presented here, development of the site will not have a significant effect on the transportation facility.

(2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

(d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;

(b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

(c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.

Finding: As stated in the traffic impact analysis report, the proposed land use changes will not have a significant effect as defined in this section. Therefore, subsection 2 is not applicable to this application.

XI. CONCLUSION

As demonstrated throughout this narrative, the applicant has met the applicable criteria for a Comprehensive Plan Amendment and Zone Change and respectfully requests approval from the City of Gladstone.

XII. APPENDIX

- Zoning Map, Aerial Photo and Assessor Map
- Vacant Land Analysis, dated August 21, 2012
- Photos Showing Existing Site, Subject Site and Surrounding Area
- Traffic Impact Analysis prepared by Group Mackenzie, dated August 10, 2012
- General Commercial District (C-3) Regulatory Review Memo prepared by Winterbrook Planning, dated November 12, 2009
- US Census Bureau, General Housing Characteristics 2010 Gladstone Census Summary, dated September 24, 2012
- Metro's 2035 TAZ Forecast and Email from Dennis Yee, dated September 26, 2012

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GROUP
MACKENZIE

TRANSPORTATION
IMPACT ANALYSIS

GOLD WRENCH
PA-ZC

Gladstone, Oregon



RENEW 31 DEC 2013

Prepared For
AAC General
Contractors

Completed On
August 10, 2012

Submittal To
City of Gladstone

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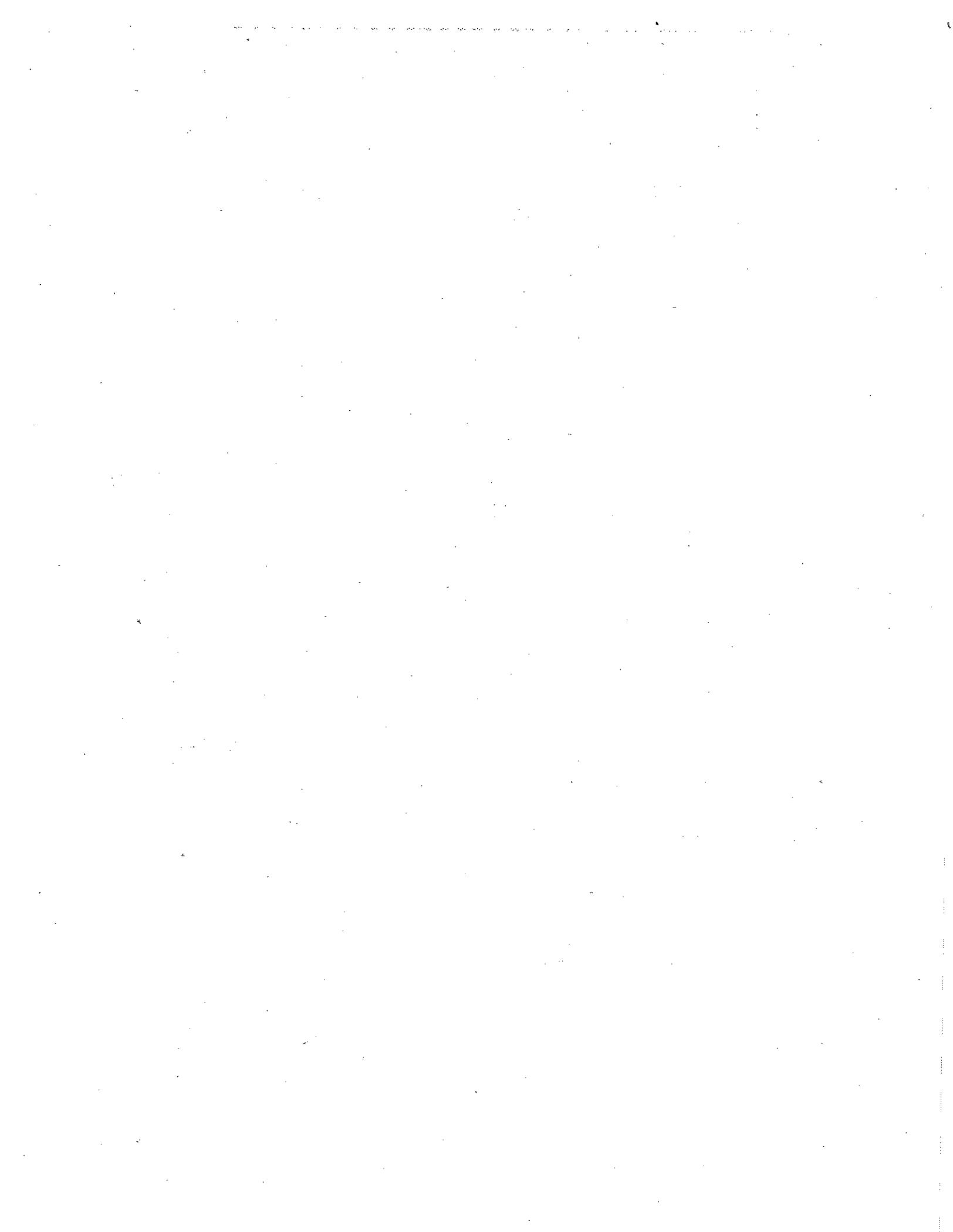


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7. 2027 Post-Development Traffic Volumes – Proposed Zone

I. INTRODUCTION

This transportation impact analysis (TIA) supports the proposed comprehensive plan amendment and zone change of five adjacent tax lots in Gladstone, Oregon. The current plan designation is medium density residential and the proposed designation is Commercial. The current zoning is Single-Family Residential (R-5) and the proposed zoning is General Commercial (C3). The subject properties all front Arlington Street. Figure 1 is a vicinity map indicating property location. Included in this report are a description of the future transportation system, related traffic volumes, and an evaluation of the future transportation system considering the proposed zone change.

PROJECT DESCRIPTION

The five adjacent properties total 0.77 acres and are identified by Assessor's Map Township 2 Range 2E Section 20DB and Tax Lots 11300-11700. The subject properties all front Arlington Street, which provides site accesses. There is currently one dwelling unit on each lot. If this subject land use action and subsequent specific development application are approved, at least one driveway access to Arlington will be eliminated.

SCOPE OF REPORT

This analysis addresses Transportation Planning Rule (TPR) requirements outlined in Oregon Administrative Rule (OAR) 660-012-0060(1) stating, "*If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule.*"

OAR 660-012-0060(2) further states, "*If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.*"

The 1995 City of Gladstone Transportation System Plan (TSP) identifies 2015 as the plan year. Recognizing this is only three years in the future, it was determined via discussions with City of Gladstone representatives, to perform plan year analysis for 2027 – 15 years in the future. As such, to determine if there is significant effect resulting from the zone change, analyses were conducted for the following PM peak hour scenarios:

- 2027 Pre-Development – Current Zone Designation
- 2027 Post-Development – Proposed Zone Designation

Based on conversations with City of Gladstone staff and their representatives, the study area intersections are:

- * Oatfield Road/82nd Drive
- * Arlington Street/82nd Drive

All agency correspondence regarding analysis requirements, scope of work and assumptions is included in the appendix.

II. EXISTING CONDITIONS

EXISTING TRAFFIC COUNTS

Existing intersection turning movement counts were conducted Tuesday July 26th, 2012 during the PM peak hours (4PM-6PM). Additionally, road tubes were used to obtain daily trip volumes and speed profile for Arlington Street between 82nd Drive and Columbia Avenue. Figure 2 illustrates the 2012 intersection turning movement volumes.

PLANNED PUBLIC IMPROVEMENTS

Based on a review of the City of Gladstone Transportation Systems Plan and conversations with staff, no public improvements were assumed in the analysis.

LANE CONFIGURATION AND TRAFFIC CONTROL

Figure 3 illustrates the 2027 lane configuration and intersection traffic control for the study area intersections.

TRANSPORTATION FACILITIES

The following summarizes the study area roadway classifications and descriptions as identified by Group Mackenzie and City of Gladstone staff:

Roadway	City Classification	Posted Speed	Travel Lanes	Bike Lanes	On-Street Parking	Sidewalks
Oatfield Road	Minor Arterial	35	3	Yes	No	Yes
82 nd Drive	Minor Arterial	35	2	Yes	No	Yes
Arlington Street	Minor Arterial	25	2	No	Yes	Yes

CRASH ANALYSIS

When evaluating intersection safety, consideration is given to the total number and types of crashes occurring and the number of vehicles entering the intersection. This leads to the concept known as "crash rate," usually expressed in terms of the number of crashes occurring per one million vehicles entering the intersection (crashes/mev). Intersections having a crash rate less than 1.0 crashes/mev are generally considered safe and for those with crash rates higher than 1.0 crashes/mev, consideration may be given to safety deficiencies.

Crash data for the study area intersections were provided by ODOT Crash Analysis and Reporting Unit (CARU) for January 2007 through December 2011. The following table represents calculated crash rates at the study intersections for the five-year data period. Annual traffic entering the intersections was estimated by multiplying the average daily traffic (ADT) entering the intersection by 365. ADT was estimated by multiplying the intersection PM peak hour volumes by a factor of 10.

Intersection	2006	2007	2008	2009	2010	Total	Crash Rate
Oatfield Road/82 nd Drive	0	1	1	2	2	6	0.15
Arlington Street/82 nd Drive	0	2	0	0	0	2	0.12

All study intersections have crash rates below the 1.0 crashes/mev threshold. No further analysis is recommended.

III. PRE-DEVELOPMENT CONDITIONS

IN-PROCESS TRAFFIC VOLUMES

In-process traffic volumes are generated by approved projects not yet constructed at the time of this analysis. City staff did not identify any in-process developments.

BACKGROUND TRAFFIC GROWTH

Background growth is general traffic growth not related to specific projects. These volumes represent anticipated growth in the project area over the planning period. Individual neighborhoods and streets may have higher growth rates in the short term, but the overall growth rate is averaged over the planning period.

The background traffic growth rate is based on VISUM modeling supplied by METRO. A growth rate of 1.00% was calculated using link volumes from the METRO 2005 and 2035 VISUM models.

Figure 4 illustrates 15-year background traffic growth volumes for the PM peak hour. Background growth data and calculations are included in the appendix.

PRE-DEVELOPMENT TRAFFIC VOLUMES

Pre-development traffic volumes are the sum of existing traffic volumes, in-process traffic volumes, and background traffic growth. Figure 5 illustrates the 2027 pre-development traffic volumes during the PM peak hour.

IV. SITE DEVELOPMENT

TRIP GENERATION

The proposed zone designation is City of Gladstone C3 – General Commercial. Allowed uses in this zone include, but are not limited to:

- Office
- Eating and Drinking Establishment
- Financial Institutions
- Hotel/Motel
- Medical Clinic

Trip generation for various single and multi-use scenarios were evaluated based on the site size, location, and scenario viability. For the current zone designation, the reasonable worst-case development scenario was determined to be single-family residential. For the proposed zone designation, it was determined to consist of multiple land uses consisting of a fast food restaurant and a bank with drive-thru.

It should be noted the applicant is intending to construct an auto repair facility similar to the existing facility on the south side of Arlington Street. Because trip generation for this facility type is less than for a multiple land use scenario having a fast food restaurant and a bank with drive-thru, these other uses were chosen for this TPR analysis to represent the reasonable worst-case development scenario.

Development trip generation estimates for the current and proposed zoning designations were determined using the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 8th Edition. ITE Land Use 210 (Single-Family Residential) was used for the current zone designation. ITE Land Use 934 (Fast-Food with Drive-Through) and 912 (Drive in Bank) were used for the proposed zone designation. No reductions were taken for pass-by trips, diverted/linked trips or internal capture. Plan year trip generation is presented in the following table:

Zone Designation	ITE Code	Land Use	Size	PM		
				Enter	Exit	Total
Proposed	934	Fast-Food with Drive-Through	2.5KSF	44	41	85
	912	Drive in Bank	3.5KSF	45	45	90
Current	210	Single-Family Residential	5 DU	(3)	(2)	(5)
Net New Trips				86	84	170

As presented in the previous table, the reasonable worst case development scenario for the proposed zone designation is anticipated to generate 170 more PM peak hour trips than the current zone designation.

6-35

TRIP DISTRIBUTION AND TRAFFIC ASSIGNMENT

Entering and exiting trip distribution percentages for both the current and proposed zone designations were assumed consistent with Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 8th Edition.

Site trip distribution and traffic assignment for the proposed zone designation development is based on local traffic patterns and engineering judgment and is illustrated in Figure 6.

POST-DEVELOPMENT TRAFFIC VOLUMES

Post-development traffic volumes are the sum of pre-development and proposed development traffic volumes. Figure 7 illustrates the post-development traffic volumes for the proposed zone designation during the PM peak hour.

V. INTERSECTION AND ROADWAY ANALYSIS

OPERATION ANALYSIS DESCRIPTION

Intersection operation characteristics are generally defined by two measurements: level-of-service (LOS) and volume-to-capacity (v/c) ratio. The City uses LOS to determine intersection performance.

LOS is a measure of the average control delay (in seconds) experienced by drivers at an intersection and is described by a letter on the scale from 'A' to 'F.' LOS 'A' represents optimum operating conditions and minimum delay. LOS 'F' indicates over capacity conditions causing unacceptable delay. LOS 'D' is considered the acceptable minimum by the City of Gladstone.

PEAK HOUR FACTOR

The peak hour factor (PHF) is used to determine the design hour flow rate and is defined as the ratio of total hourly flow to the peak 15-minute flow rate within the hour. For analyses contained in this report, individual intersection movement PHF's were kept consistent with existing intersection counts.

OPERATION ANALYSIS

Analyses to address TPR requirements were conducted for the PM peak hour for the following scenarios:

- 2027 Pre-Development – Current Zone Designation
- 2027 Post-Development – Proposed Zone Designation

Analysis results are summarized in the following table. Calculation sheets from the analyses are included in the appendix.

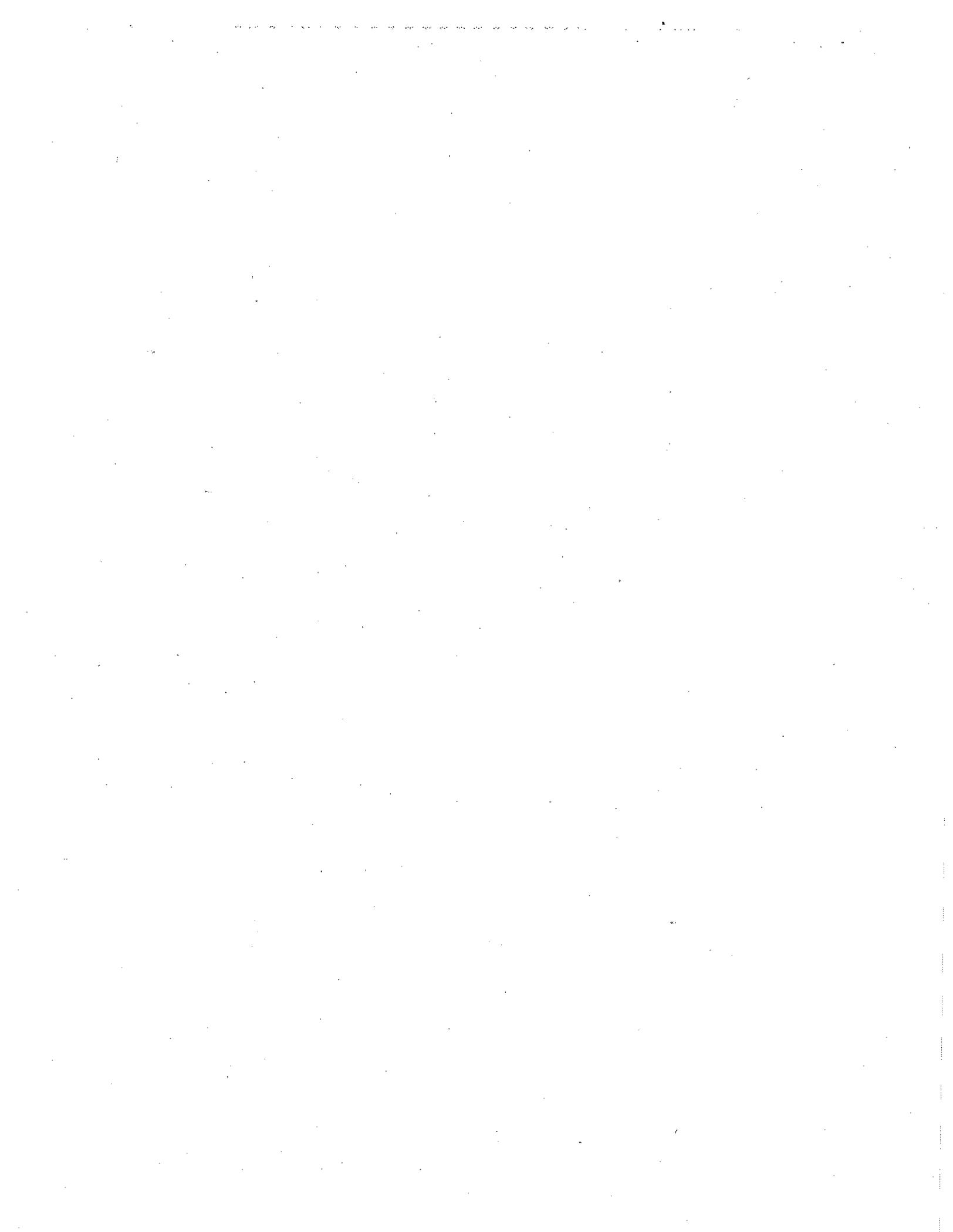
Intersection	Zone Designation	
	Current	Proposed
Catfield Road/82 nd Drive	C	C
Arlington Street/82 nd Drive	B	C

As shown in the previous table, the study area intersections operate under the City of Gladstone LOS D mobility standard in the 2027 plan year. Therefore, the proposed zone change is not anticipated to significantly affect the existing or planned transportation facilities and no mitigation is necessary to meet TPR requirements.

VI. SUMMARY

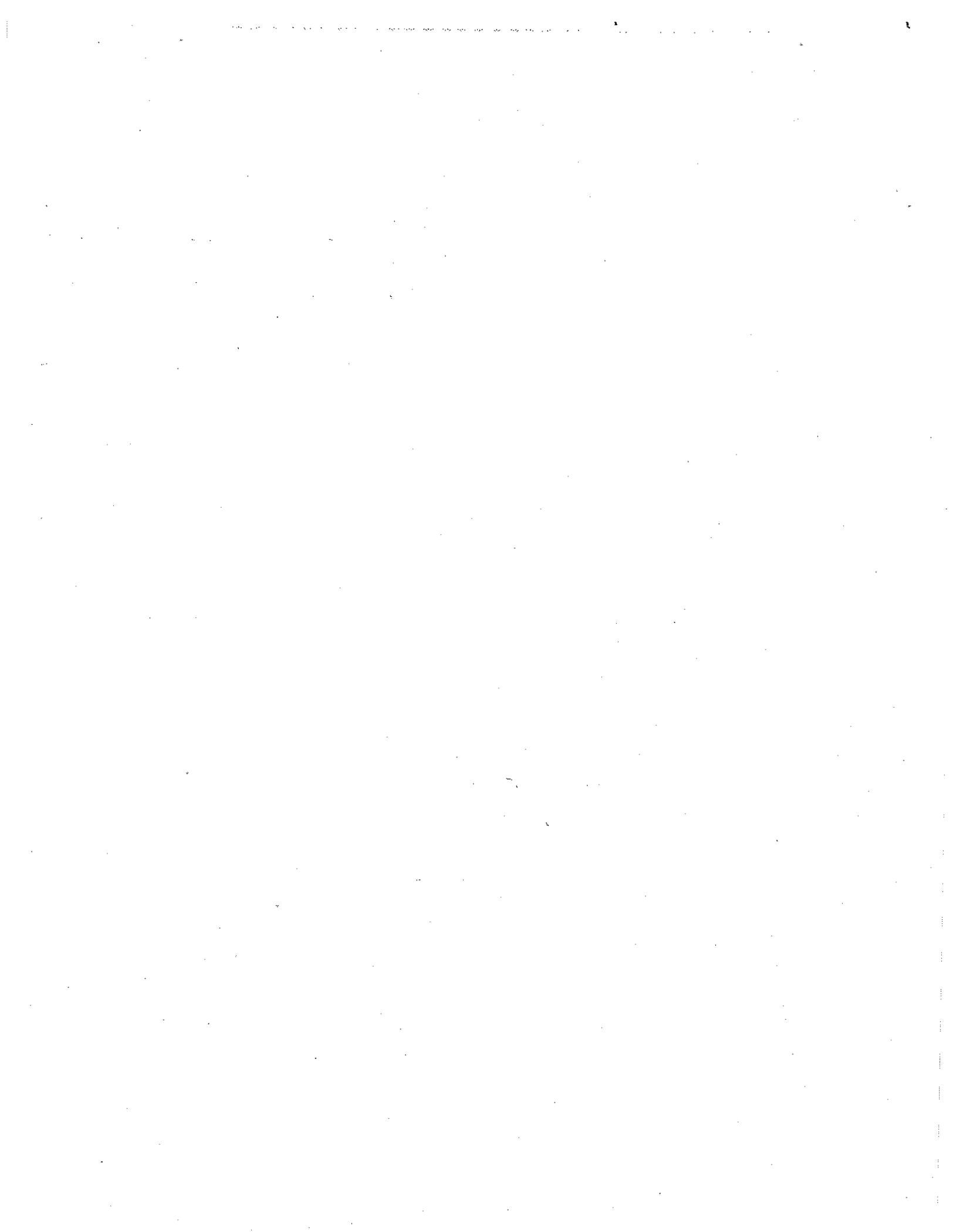
The following conclusions and recommendations are specifically based on materials contained in this analysis:

1. This analysis supports the proposed zone change of five adjacent tax lots in Gladstone, Oregon. The properties are currently zoned Single-Family Residential (R-5) and the proposed zone is General Commercial (C3).
2. The subject properties all front Arlington Street, which provides site accesses. There is currently one dwelling unit on each lot. If this subject land use action and subsequent specific development application are approved, at least one driveway access to Arlington will be eliminated.
3. Based on a review of the City of Gladstone Transportation Systems Plan and conversations with staff, no public improvements were assumed in the analysis.
4. All study intersections have crash rates below the 1.0 crashes/mev threshold. No further analysis is recommended.
5. Trip generation for various single and multi-use scenarios were evaluated based on the site size, location, and scenario viability. A multi-use scenario consisting of a fast food restaurant and a bank with drive-thru was determined to be the most reasonable development scenario.
6. The reasonable worst case development scenario for the proposed zone designation is anticipated to generate 170 more PM peak hour trips than the current zone designation.
7. The study area intersections, Oatfield Road/82nd Drive and Arlington Street/82nd Drive, both operate under the City of Gladstone LOS D mobility standard in the 2027 plan year.
8. The proposed zone change is not anticipated to significantly affect the existing or planned transportation facilities and no mitigation is necessary to meet TPR requirements.



VII. APPENDIX

- A. Figures
- B. Traffic Count Summaries
- C. Crash Data
- D. Capacity Calculations
- E. Signal Timing

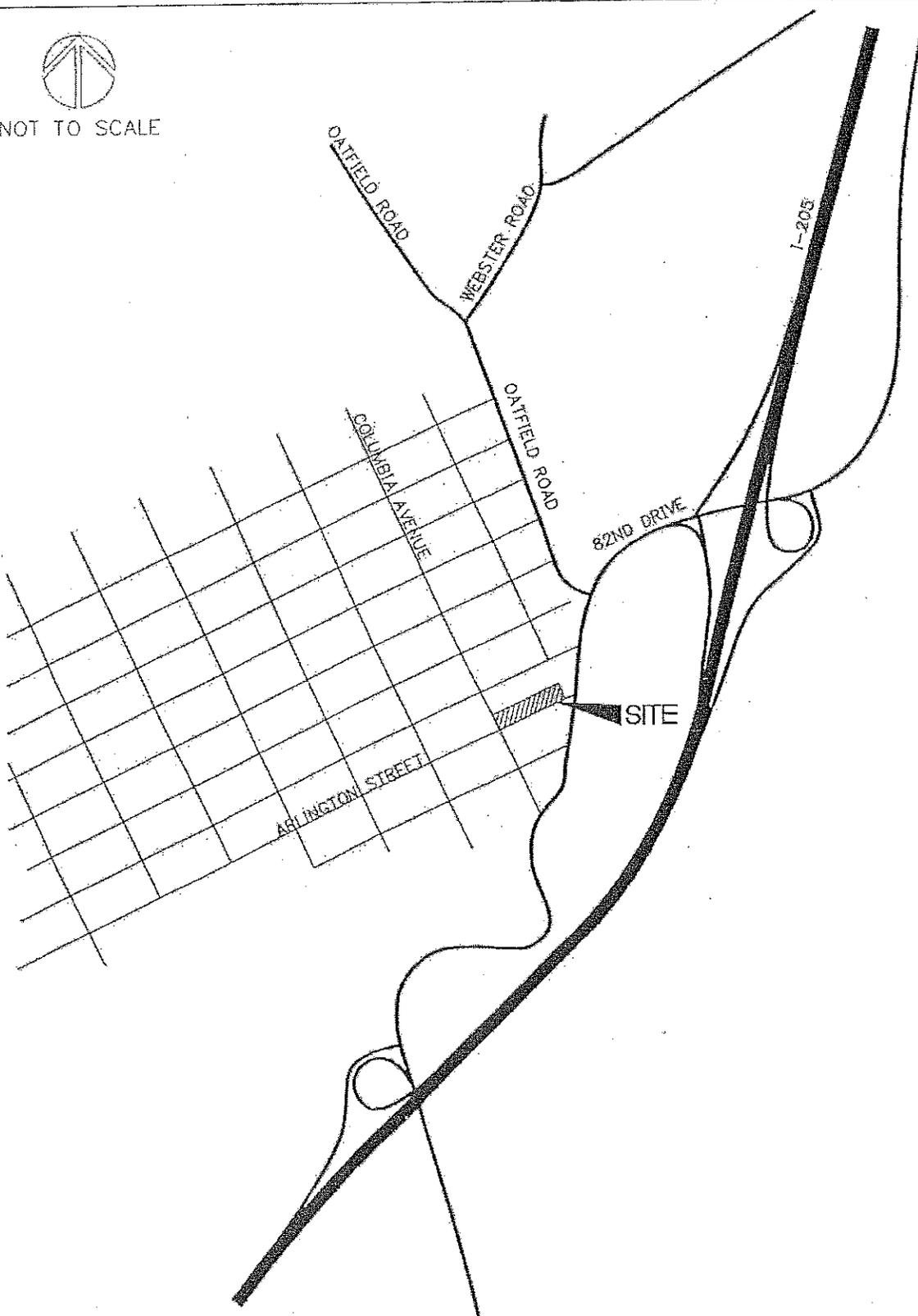


APPENDIX A
Figures

6-90



NOT TO SCALE

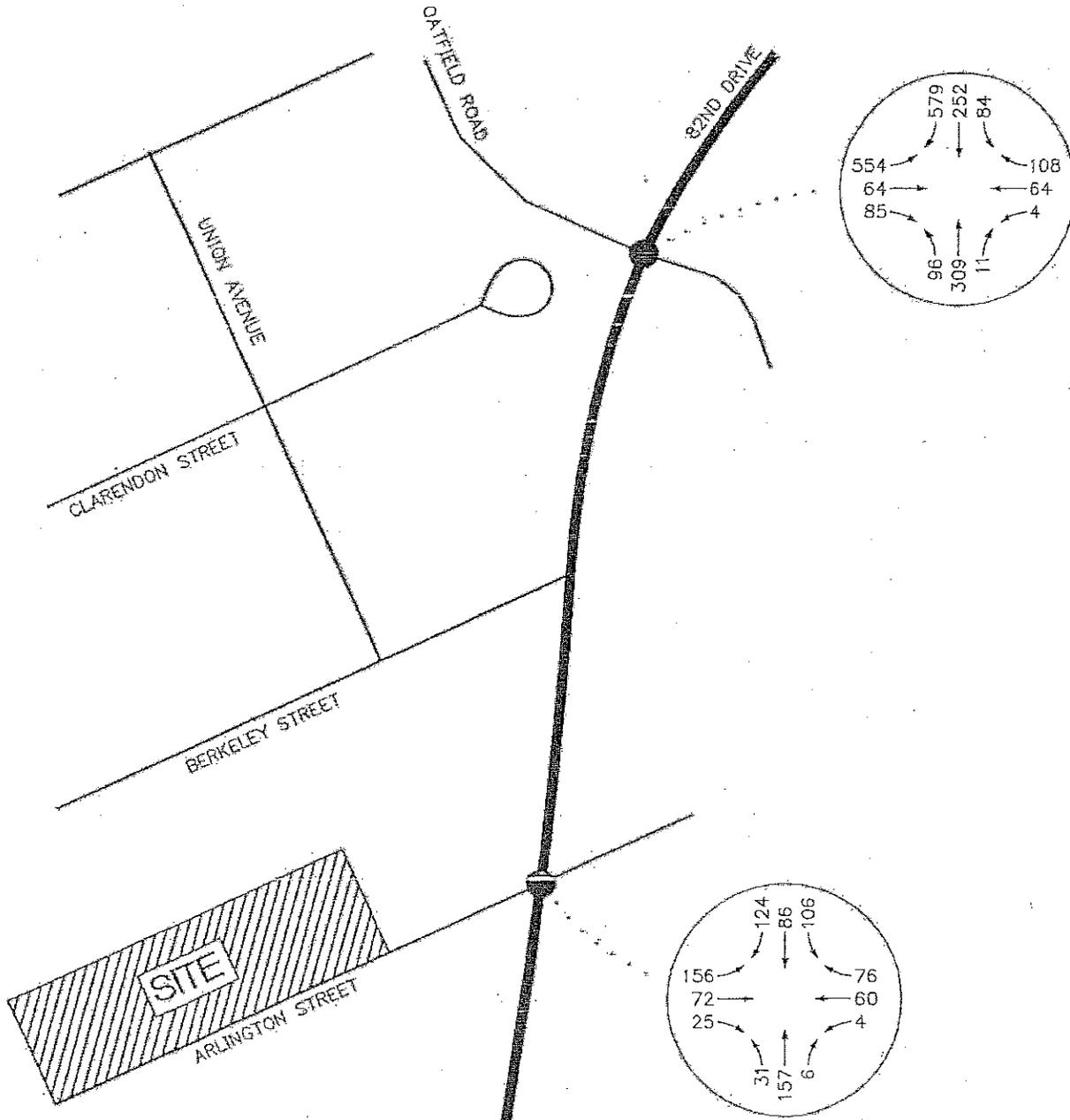


<p>GROUP MACKENZIE</p>	<p>DATE: 04.14.10 DRAWN BY: MJD CHECKED BY: CMC</p>	<p>VICINITY MAP</p>	<p>FIGURE 1</p>
<p>Portland OR Vancouver WA Seattle WA 503.224.9560 360.695.7878 206.748.9993 © GROUP MACKENZIE 2010 ALL RIGHTS RESERVED THESE DRAWINGS ARE THE PROPERTY OF GROUP MACKENZIE AND ARE NOT TO BE USED OR REPRODUCED IN ANY MANNER WITHOUT PRIOR WRITTEN PERMISSION</p>	<p>JOB NO: 2120136.00</p>	<p>GOLD WRENCH - PA/ZC GLADSTONE, OREGON</p>	

6-91



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DRAWN BY: MJD

CHECKED BY: CMC

JOB NO:
2120136.00

2012 EXISTING INTERSECTION TURNING
MOVEMENT VOLUMES
WEEKDAY PM PEAK HOUR

GOLD WRENCH - PA/ZC
GLADSTONE, OREGON

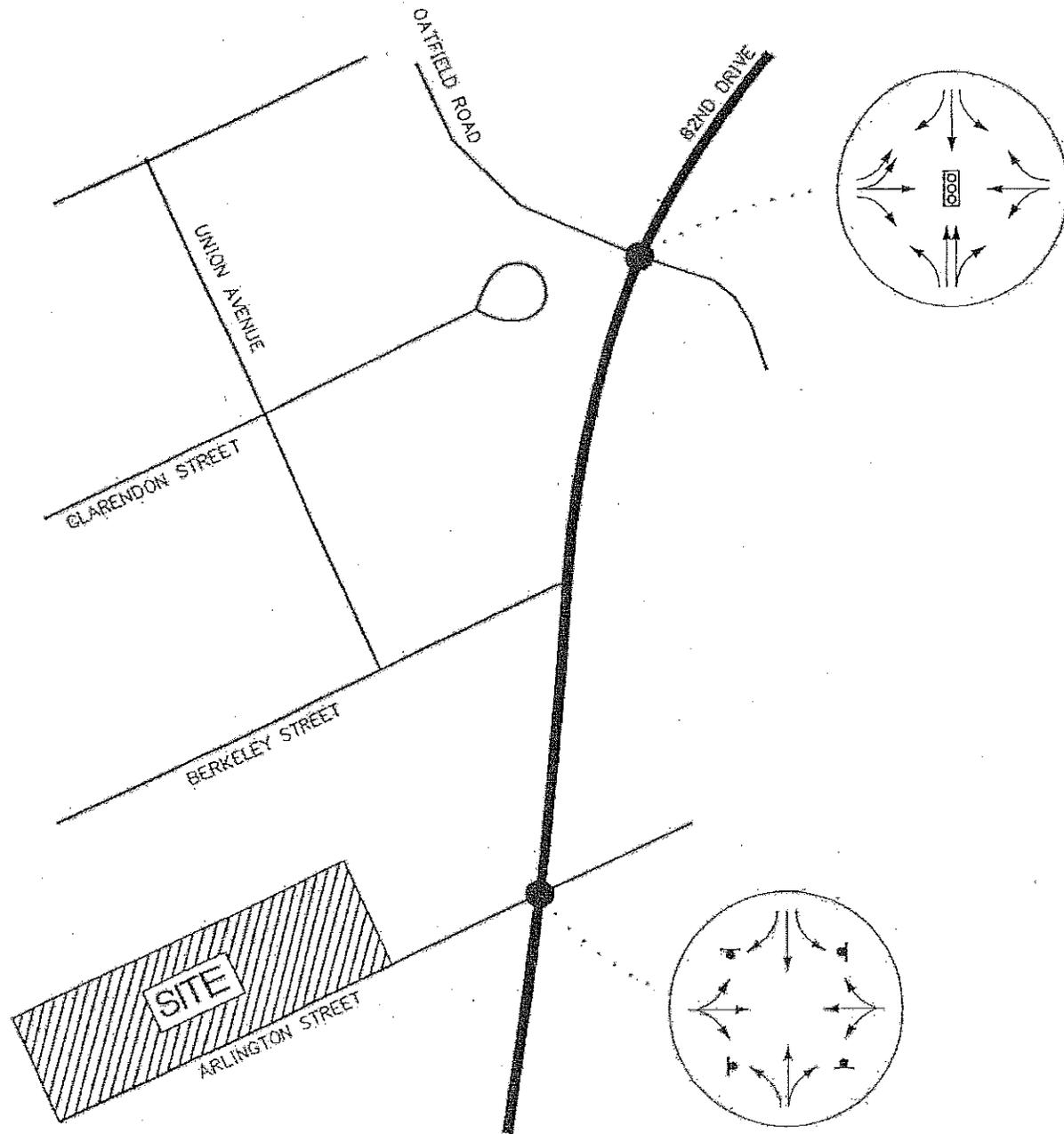
FIGURE

2

6-12



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JOB NO:
2120136.00

LANE CONFIGURATION
AND TRAFFIC CONTROL

GOLD WRENCH - PA/ZC
GLADSTONE, OREGON

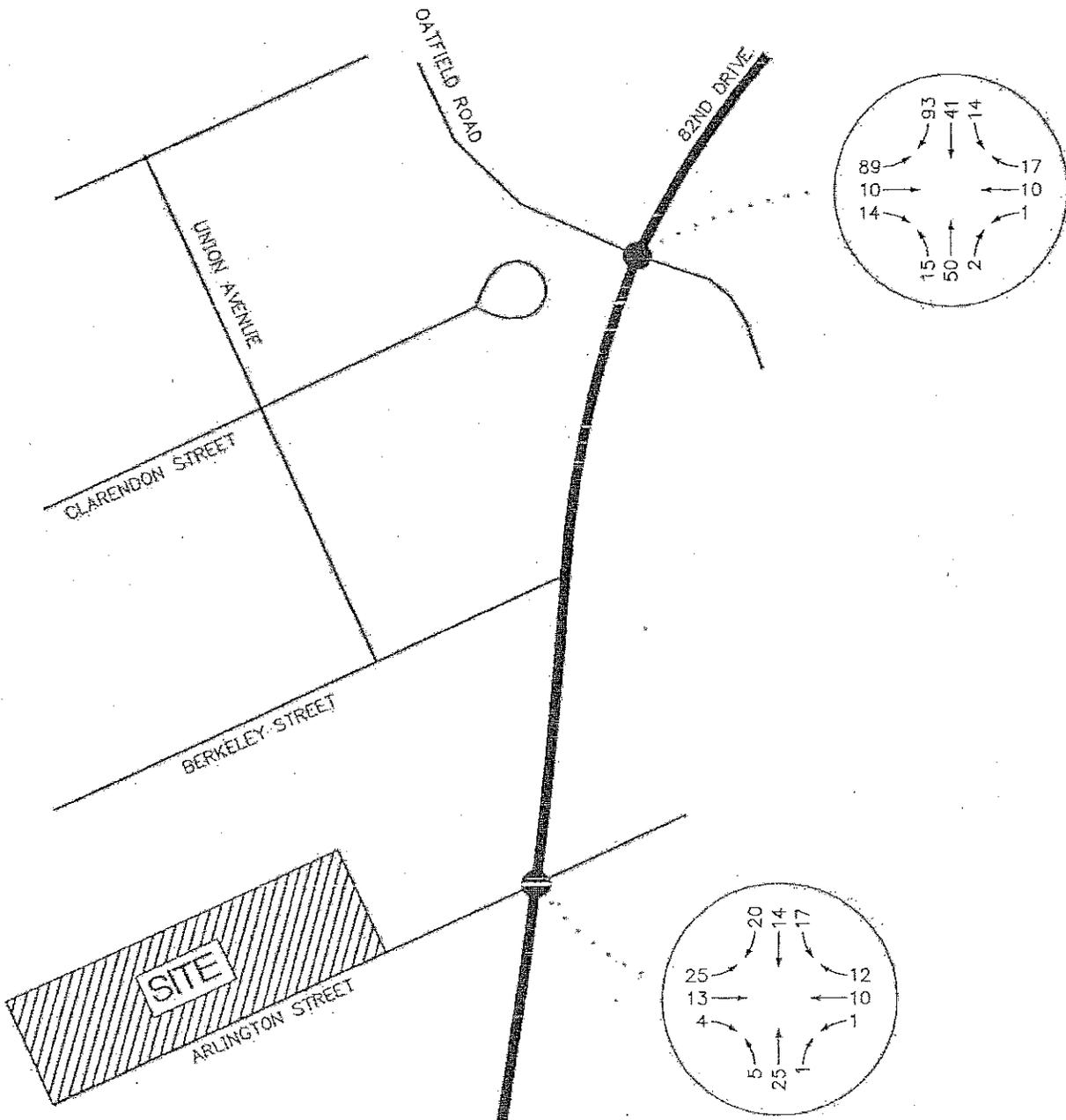
FIGURE

3

6-93



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2120136.00

15-YEAR BACKGROUND GROWTH
TRAFFIC VOLUMES

GOLD WRENCH - PA/ZC
GLADSTONE, OREGON

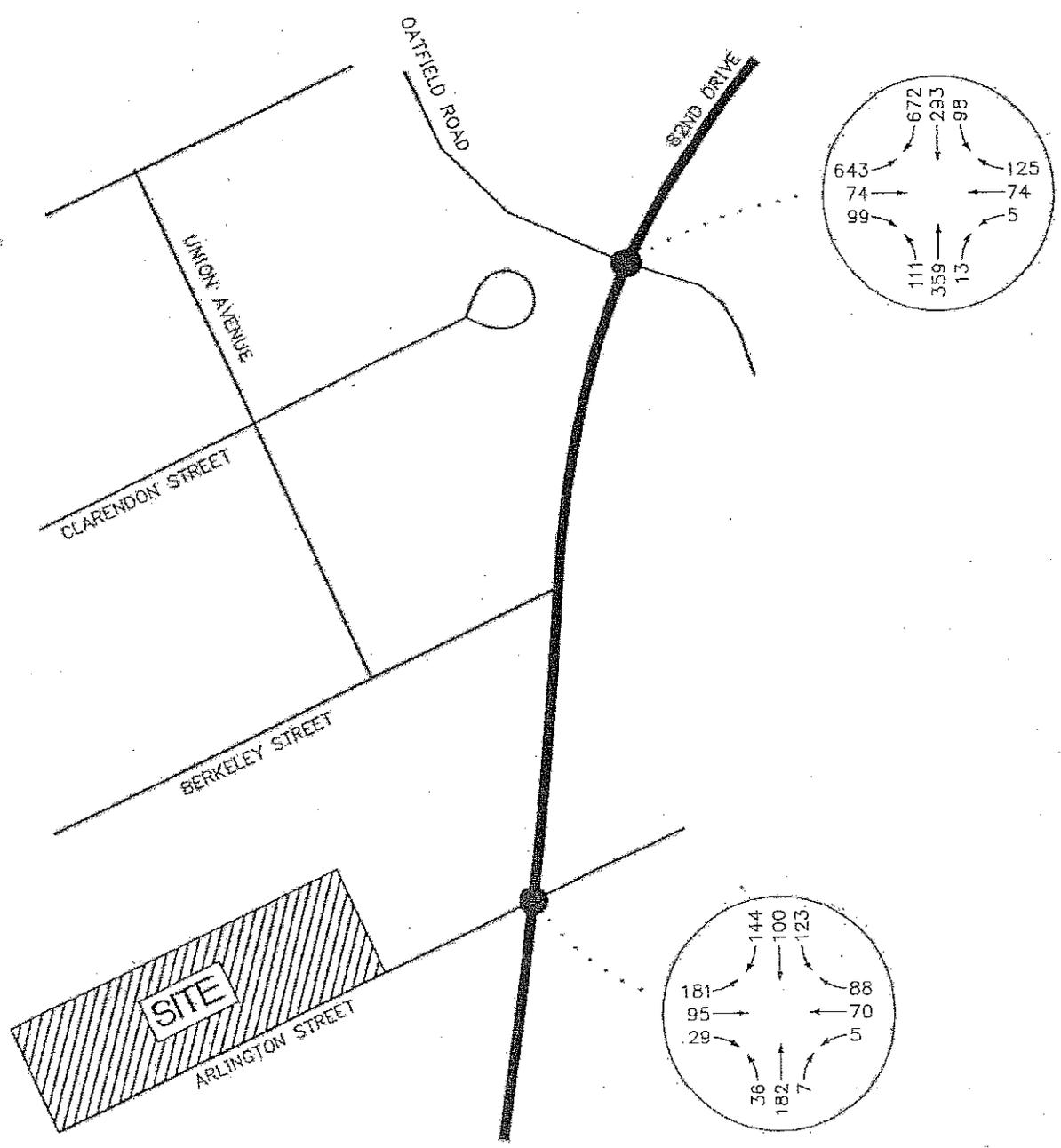
FIGURE

4

6-44



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CHECKED BY: CMC

JOB NO:
 2120136.00

2027 PRE-DEVELOPMENT TRAFFIC
 VOLUMES
 CURRENT ZONE

GOLD WRENCH - PA/ZC
 GLADSTONE, OREGON

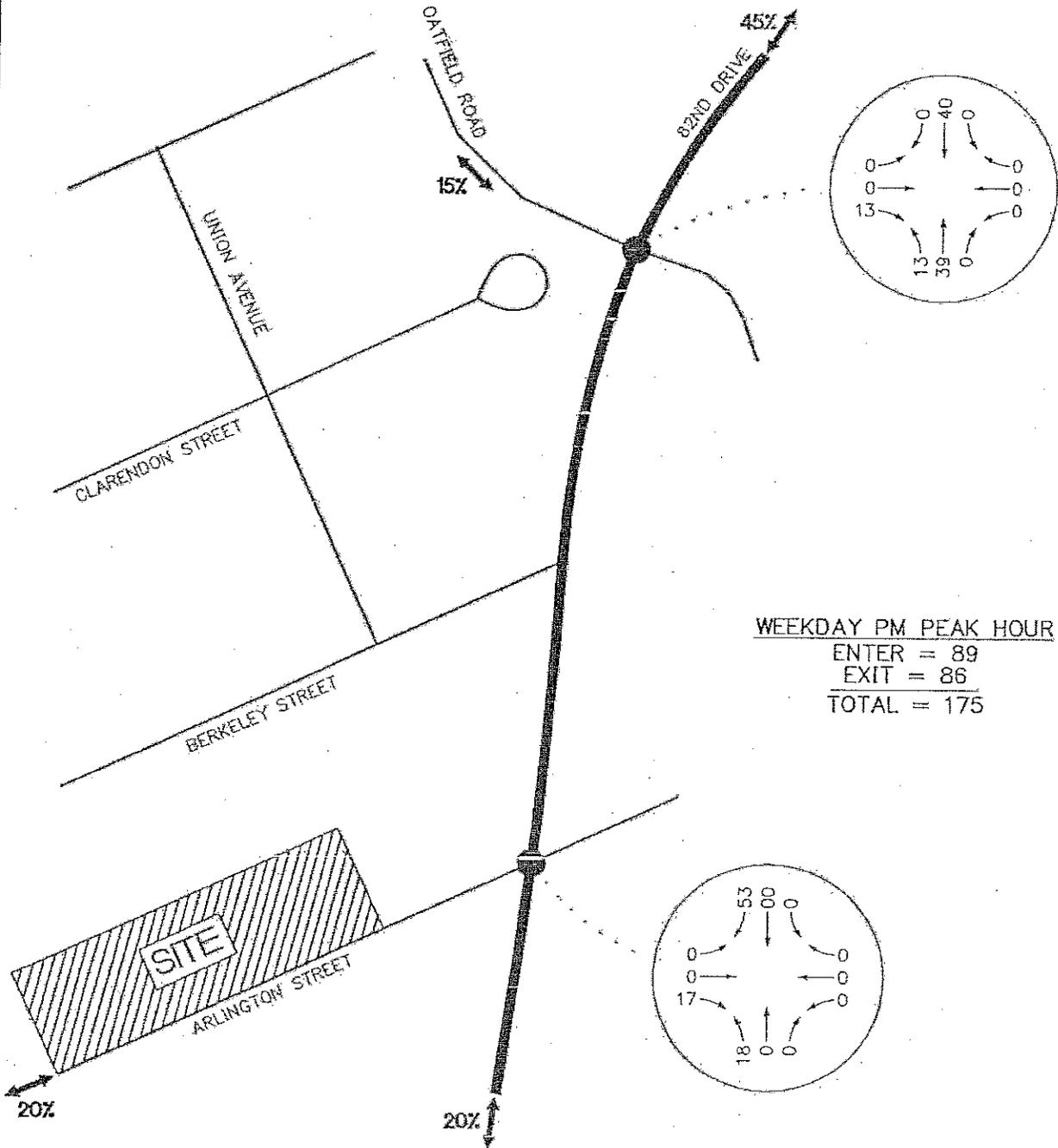
FIGURE

5

6-95



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DRAWN BY: MJD

CHECKED BY: CMC

JOB NO:
2120136.00

**SITE TRIP DISTRIBUTION AND
 TRAFFIC ASSIGNMENT
 WEEKDAY AM PEAK HOUR**

**GOLD WRENCH - PA/ZC
 GLADSTONE, OREGON**

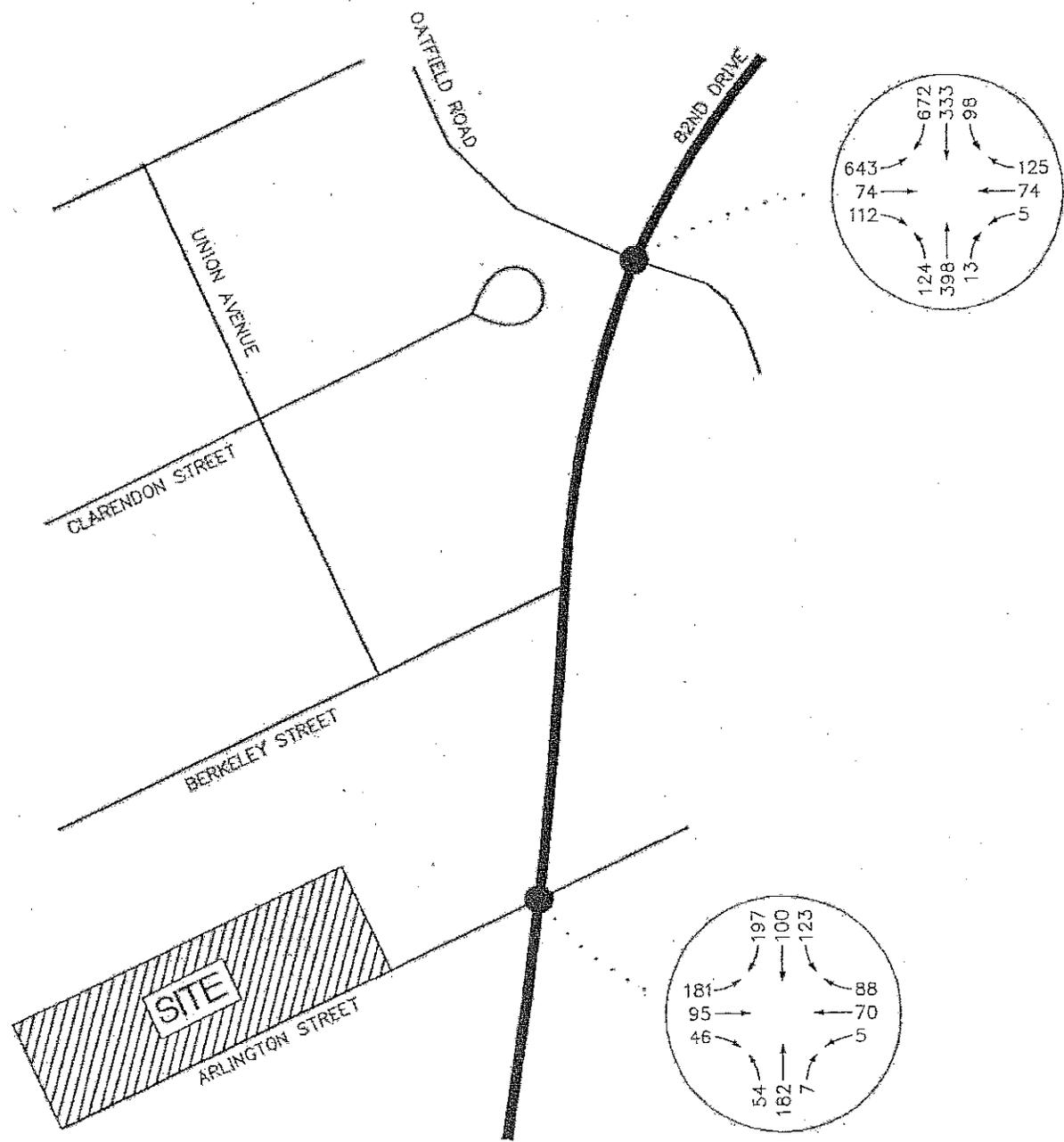
FIGURE

6

6-96



NOT TO SCALE



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MACKENZIE

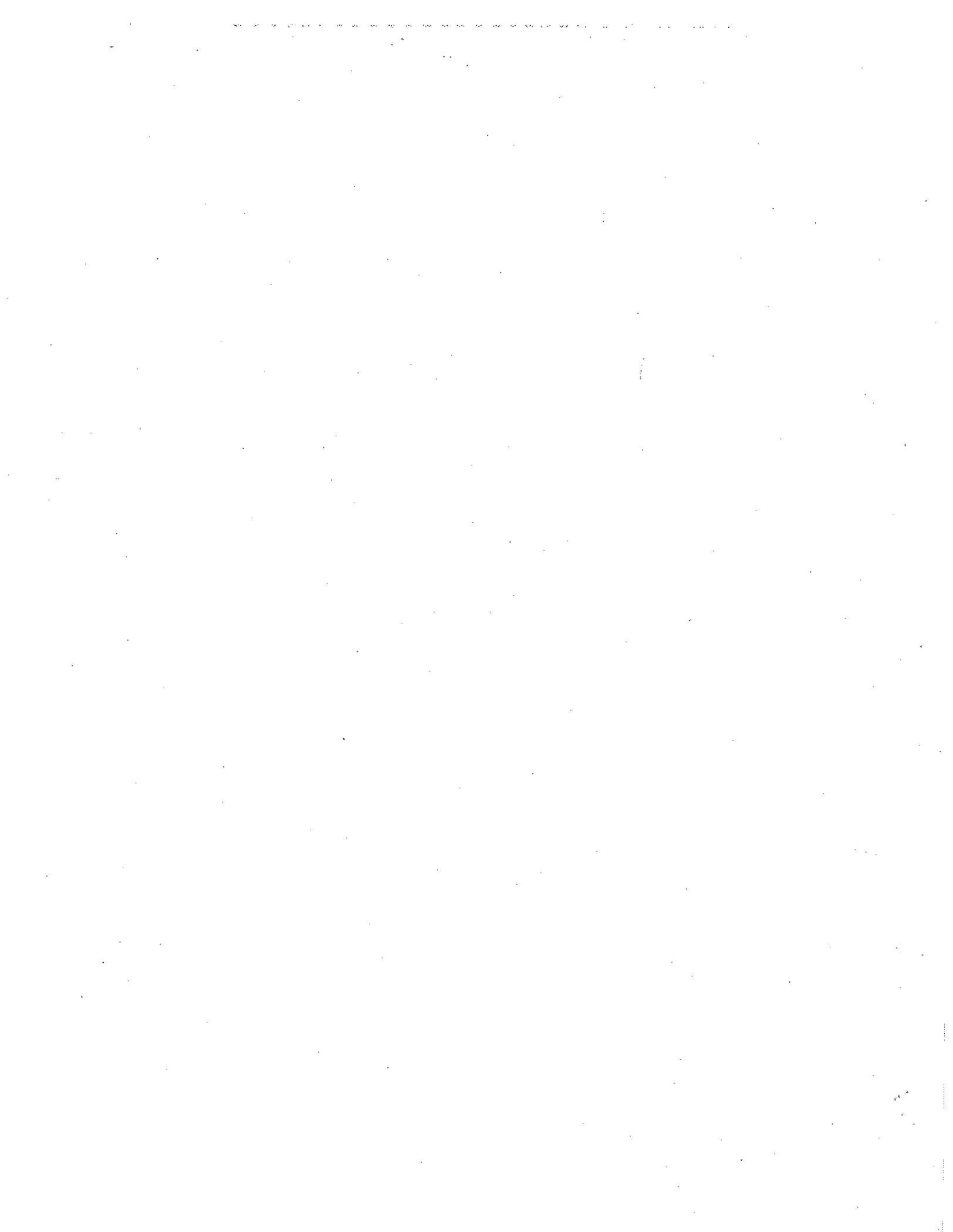
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 2120136.00

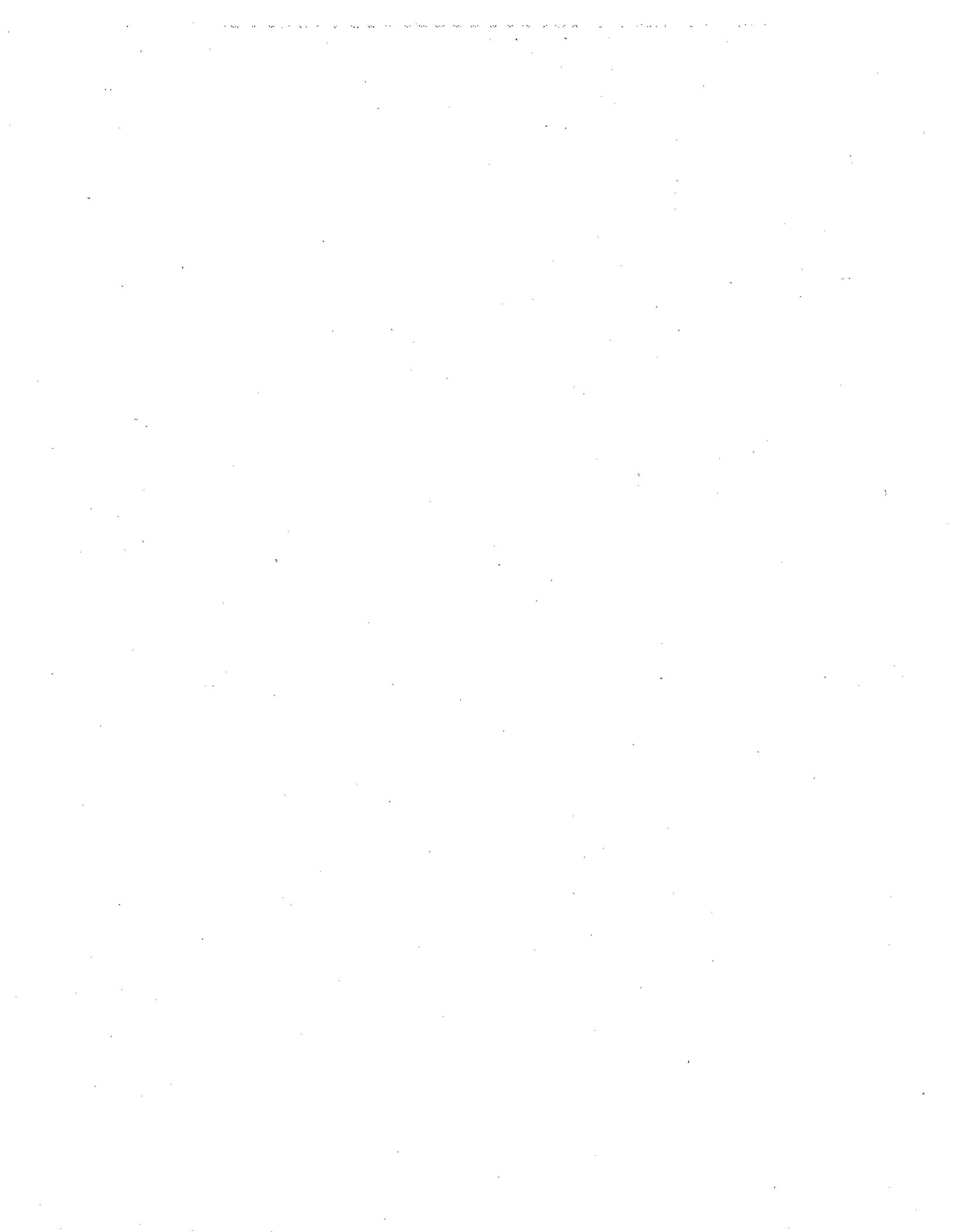
2027 POST-DEVELOPMENT TRAFFIC
 VOLUMES
 PROPOSED ZONE
 GOLD WRENCH - PA/ZC
 GLADSTONE, OREGON

FIGURE
7

6-97



APPENDIX B
Traffic Count
Summary

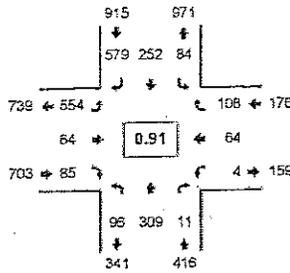


Type of peak hour being reported: Intersection Peak

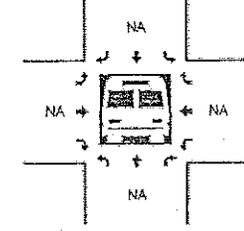
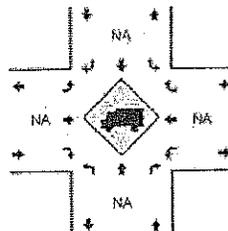
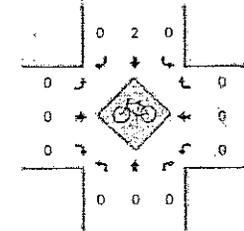
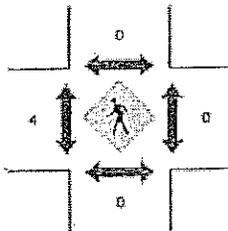
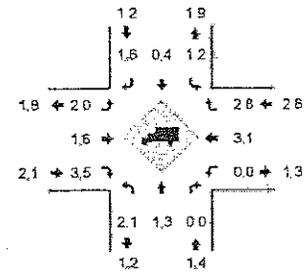
Method for determining peak hour: Total Entering Volume

LOCATION: 82nd Dr -- Oatfield Rd
CITY/STATE: Gladstone, OR

QC JOB #: 10780202
DATE: Tue, Jun 26 2012



Peak-Hour: 4:30 PM -- 5:30 PM
Peak 15-Min: 5:00 PM -- 5:15 PM



5-Min Count Period	82nd Dr (Northbound)				82nd Dr (Southbound)				Oatfield Rd (Eastbound)				Oatfield Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	2	21	3	0	11	21	49	0	29	2	5	0	2	2	6	0	153	
4:05 PM	6	21	2	0	6	23	46	0	42	4	4	0	0	5	14	0	173	
4:10 PM	10	32	1	0	6	40	54	0	37	5	6	0	0	6	8	0	205	
4:15 PM	6	23	0	0	9	24	43	0	45	2	6	0	0	2	13	0	173	
4:20 PM	8	31	1	0	9	28	36	0	50	2	11	0	0	2	12	0	190	
4:25 PM	10	18	0	0	8	21	38	0	45	6	9	0	0	3	9	0	167	
4:30 PM	5	28	2	0	8	21	44	0	42	5	9	0	1	4	8	0	177	
4:35 PM	8	32	0	0	7	24	55	0	35	5	5	0	0	7	10	0	191	
4:40 PM	13	17	2	0	7	23	46	0	54	5	9	0	1	3	10	0	190	
4:45 PM	6	20	0	0	6	24	51	0	38	5	7	0	0	5	10	0	182	
4:50 PM	6	26	0	0	3	15	40	0	60	9	6	0	0	1	4	0	170	
4:55 PM	6	25	1	0	6	19	40	0	33	5	8	0	0	5	10	0	156	
5:00 PM	4	27	0	0	6	17	51	0	46	6	13	0	1	8	9	0	190	
5:05 PM	11	35	1	0	9	26	58	0	45	4	3	0	1	6	6	0	205	
5:10 PM	15	30	2	0	9	22	47	0	54	4	4	0	0	3	9	0	209	
5:15 PM	5	23	0	0	5	22	38	0	59	5	3	0	0	8	9	0	179	
5:20 PM	9	25	0	0	11	23	44	0	34	5	12	0	0	7	8	0	178	
5:25 PM	6	21	3	0	7	16	54	0	41	4	5	0	0	6	15	0	183	
5:30 PM	9	15	1	0	12	14	48	0	40	12	6	0	0	5	11	0	173	
5:35 PM	4	15	1	0	6	17	65	0	56	5	5	0	1	4	12	0	191	
5:40 PM	7	18	0	0	9	20	69	0	34	2	9	0	1	6	8	0	183	
5:45 PM	5	21	0	0	3	20	56	0	37	8	5	0	0	10	10	0	175	
5:50 PM	7	8	0	0	8	15	60	0	41	5	4	0	0	7	8	0	163	
5:55 PM	15	11	0	0	6	15	59	0	41	1	3	0	1	9	7	0	168	
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
All Vehicles	120	368	12	0	96	260	624	0	620	64	80	0	6	68	96	0	2416	
Heavy Trucks	4	4	0	0	4	0	8	0	12	4	4	0	0	4	0	0	44	
Pedestrians	0	0	0	0	0	0	0	0	4	4	0	0	0	0	0	0	4	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad																		
Stopped Buses																		

Comments:

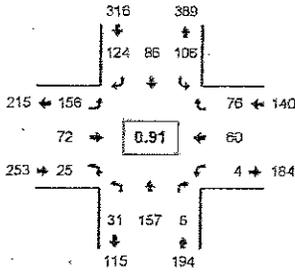
6-99

Type of peak hour being reported: Intersection Peak

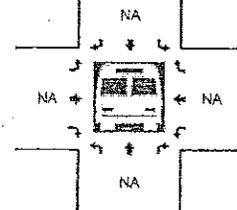
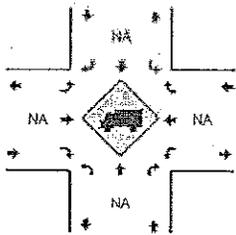
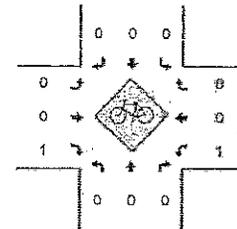
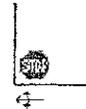
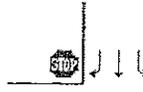
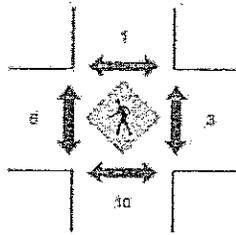
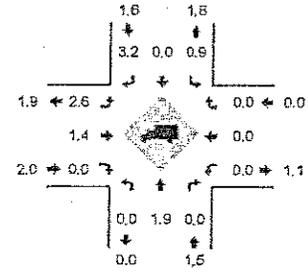
Method for determining peak hour: Total Entering Volume

LOCATION: 82nd Dr – Arlington St
CITY/STATE: Gladstone, OR

QC JOB #: 10780201
DATE: Tue, Jun 26 2012



Peak-Hour: 4:20 PM – 5:20 PM
Peak 15-Min: 5:00 PM – 5:15 PM



5-Min Count Period Beginning At	82nd Dr (Northbound)				82nd Dr (Southbound)				Arlington St (Eastbound)				Arlington St (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	4	10	2	0	7	7	12	0	6	4	1	0	0	2	7	0	62	
4:05 PM	4	17	0	0	10	5	11	0	13	2	2	0	1	3	3	0	71	
4:10 PM	2	14	1	0	11	7	17	0	12	4	1	0	0	7	5	0	81	
4:15 PM	2	14	0	0	9	9	10	0	13	2	1	0	0	5	3	0	68	
4:20 PM	2	18	0	0	12	16	10	0	11	8	3	0	1	7	6	0	94	
4:25 PM	5	14	1	0	11	14	8	0	8	5	3	0	0	6	6	0	81	
4:30 PM	1	15	0	0	12	5	7	0	11	4	4	0	1	5	4	0	69	
4:35 PM	2	17	1	0	6	6	10	0	9	8	0	0	0	3	8	0	70	
4:40 PM	1	7	0	0	5	6	14	0	7	3	2	0	0	6	7	0	59	
4:45 PM	6	7	0	0	9	7	13	0	13	9	3	0	0	5	9	0	81	
4:50 PM	5	13	0	0	6	4	12	0	19	4	1	0	0	6	5	0	75	
4:55 PM	1	10	0	0	6	4	12	0	8	5	2	0	1	2	6	0	59	869
5:00 PM	1	15	0	0	8	5	10	0	15	6	1	0	0	8	2	0	73	880
5:05 PM	4	16	0	0	7	5	10	0	17	6	2	0	0	5	8	0	80	885
5:10 PM	3	17	3	0	11	11	10	0	21	6	3	0	0	4	5	0	94	902
5:15 PM	1	8	0	0	13	3	7	0	17	8	1	0	0	3	3	0	65	903
5:20 PM	1	9	0	0	12	8	9	0	11	7	0	0	1	4	11	0	73	882
5:25 PM	2	9	0	0	7	4	13	0	10	4	1	0	0	4	7	0	61	862
5:30 PM	2	5	0	0	2	4	7	0	8	4	2	0	1	5	6	0	46	839
5:35 PM	0	6	0	0	12	5	5	0	12	6	0	0	0	3	5	0	54	823
5:40 PM	3	6	0	0	11	5	10	0	10	3	2	0	1	6	4	0	61	826
5:45 PM	5	10	0	0	7	2	9	0	6	7	1	0	0	3	6	0	56	801
5:50 PM	1	9	0	0	5	5	8	0	9	6	0	0	0	5	3	0	51	777
5:55 PM	3	4	0	0	6	4	8	0	3	12	0	0	0	7	9	0	56	774
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	32	192	16	0	104	84	120	0	212	72	24	0	4	68	60	0	986	
Heavy Trucks	0	0	0	0	0	0	8	0	4	0	0	0	0	0	0	0	12	
Pedestrians		8				0				4				4			16	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad																		
Stopped Buses																		

Comments:

6-100

Type of report: Tube Count - Speed Data

QC JOB #: 10780203
 LOCATION: Arlington St/bwn Columbia Ave & 82nd Dr
 DIRECTION: EBAWB
 SPECIFIC LOCATION: 0 ft from
 DATE: Jun 26 2012
 CITY/STATE: Gladstone, OR

Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	Pace Speed	Number in Pace
12:00 AM	0	1	15	16	2	1	0	0	0	0	0	0	0	0	35	21-30	31
1:00 AM	0	0	3	9	4	0	0	0	0	0	0	0	0	0	16	26-35	12
2:00 AM	0	1	3	4	1	0	0	0	0	0	0	0	0	0	9	21-30	7
3:00 AM	0	1	6	7	0	0	1	0	0	0	0	0	0	0	15	21-30	13
4:00 AM	0	1	7	3	2	0	0	0	0	0	0	0	0	0	13	21-30	10
5:00 AM	1	5	12	13	6	0	0	0	0	0	0	0	0	0	37	21-30	25
6:00 AM	4	7	32	62	18	2	0	0	0	0	0	0	0	0	125	21-30	93
7:00 AM	8	13	94	108	17	1	1	0	0	0	0	0	0	0	242	21-30	201
8:00 AM	1	18	82	122	21	0	0	0	0	0	0	0	0	0	244	21-30	203
9:00 AM	9	20	88	96	14	2	0	0	0	0	0	0	0	0	229	21-30	184
10:00 AM	9	29	115	116	15	0	0	1	0	0	0	0	0	0	285	21-30	231
11:00 AM	12	19	124	112	28	0	0	0	0	0	0	0	0	0	293	21-30	235
12:00 PM	9	19	155	128	19	2	1	0	0	0	0	0	0	0	333	21-30	283
1:00 PM	17	28	162	142	20	1	0	0	0	0	0	0	0	0	370	21-30	304
2:00 PM	13	34	159	147	15	3	0	0	0	0	0	0	0	0	371	21-30	305
3:00 PM	18	35	166	161	17	1	0	0	0	0	0	0	0	0	398	21-30	327
4:00 PM	19	22	192	161	29	2	0	0	0	0	0	0	0	0	425	21-30	353
5:00 PM	12	30	160	189	29	2	0	0	0	0	0	0	0	0	422	21-30	348
6:00 PM	9	14	111	148	23	2	0	0	0	0	0	0	0	0	307	21-30	259
7:00 PM	2	7	68	105	25	2	0	0	0	0	0	0	0	0	209	21-30	173
8:00 PM	4	7	59	82	17	0	0	0	0	0	0	0	0	0	169	21-30	140
9:00 PM	8	6	60	72	9	0	0	0	0	0	0	0	0	0	155	21-30	131
10:00 PM	0	7	45	42	15	4	1	0	0	0	0	1	0	0	115	21-30	86
11:00 PM	1	0	19	32	7	0	0	0	0	0	0	0	0	0	59	21-30	51
Day Total	156	324	1937	2077	351	25	4	1	0	0	0	1	0	0	4876	21-30	4013
Percent	3.2%	6.6%	39.7%	42.6%	7.2%	0.5%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			

ADT	4876
AM Peak Volume	11:00 AM 293
PM Peak Volume	4:00 PM 425

Comments:

6-101

6-102

SUMMARY - Tube Count - Speed Data

Type of report: Tube Count - Speed Data

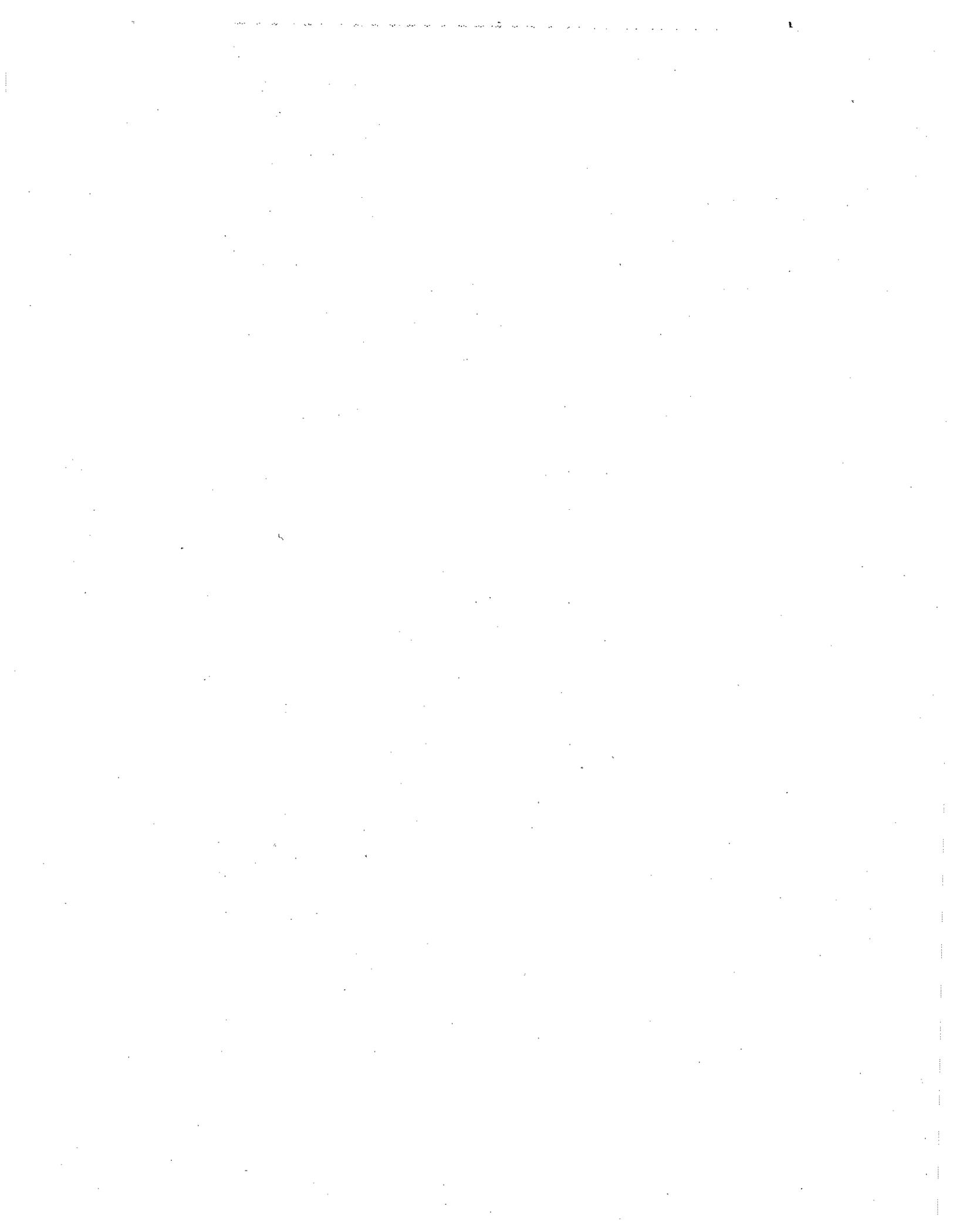
Type of report: Tube Count - Speed Data		SUMMARY - Tube Count - Speed Data													QC JOB #: 10780203	
LOCATION: Arlington St btwn Columbia Ave & 82nd Dr		DATE: Jun 26 2012 - Jun 26 2012													DIRECTION: EBWB	
SPECIFIC LOCATION: 0 ft from															Total	
CITY/STATE: Gladstone, OR															Pace	
															Speed	
															in Pace	
															Number	
															in Pace	
1	16	21	26	31	36	41	46	51	56	61	66	71	76	76	76	4013
15	20	25	30	35	40	45	50	55	60	65	70	75	.999			
Grand Total	156	324	1937	2077	351	4	1	0	0	0	1	0	0	0	0	4013
Percent	3.2%	6.6%	39.7%	42.6%	7.2%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
Cumulative Percent	3.2%	9.8%	49.6%	92.2%	99.4%	99.9%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	
ADT																85th Percentile: 29 MPH
4876																Mean Speed(Average): 24 MPH
																Median 25 MPH
																Mode: 28 MPH
Comments:																

Report generated on 6/28/2012 7:51 AM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

APPENDIX C
Crash Data

6-103





APPENDIX D
Capacity
Calculations

6-107

HCM Signalized Intersection Capacity Analysis
1: 82nd Drive & Oatfield Road

7/3/2012

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Lane Configurations													
Volume (vph)	554	64	85	4	64	108	96	309	11	84	252	579	
Ideal Flow (vphpl)	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	
Total Lost time (s)	4.5	5.5	5.5		5.0	5.0	5.0	5.5	5.5	4.5	5.5	4.5	
Lane Util. Factor	1.00	1.00	1.00		1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
Frt	1.00	1.00	0.85		1.00	0.85	1.00	1.00	0.85	1.00	1.00	0.85	
Flt Protected	0.95	1.00	1.00		1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00	
Satd. Flow (prot)	1630	1716	1430		1697	1444	1630	1733	1488	1646	1750	1458	
Flt Permitted	0.71	1.00	1.00		0.97	1.00	0.95	1.00	1.00	0.95	1.00	1.00	
Satd. Flow (perm)	1216	1716	1430		1658	1444	1630	1733	1488	1646	1750	1458	
Peak-hour factor, PHF	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	
Adj. Flow (vph)	609	70	93	4	70	119	105	340	12	92	277	636	
RTOR Reduction (vph)	0	0	48	0	0	111	0	0	7	0	0	102	
Lane Group Flow (vph)	609	70	45	0	74	8	105	340	5	92	277	534	
Heavy Vehicles (%)	2%	2%	4%	0%	3%	3%	2%	1%	0%	1%	0%	2%	
Turn Type	pm+pt	NA	Perm	Perm	NA	Perm	Prot	NA	Perm	Prot	NA	pm+ov	
Protected Phases	7	4			8		5	2		1	6	7	
Permitted Phases	4		4	8		8			2			6	
Actuated Green, G (s)	36.8	35.8	35.8		5.6	5.6	7.3	17.6	17.6	6.3	16.1	42.8	
Effective Green, g (s)	36.3	35.3	35.3		5.1	5.1	6.8	17.1	17.1	5.8	15.6	41.8	
Actuated g/C Ratio	0.49	0.48	0.48		0.07	0.07	0.09	0.23	0.23	0.08	0.21	0.57	
Clearance Time (s)	4.0	5.0	5.0		4.5	4.5	4.5	5.0	5.0	4.0	5.0	4.0	
Vehicle Extension (s)	2.5	2.5	2.5		2.5	2.5	2.5	4.0	4.0	2.5	4.0	2.5	
Lane Grp Cap (vph)	746	822	685		115	100	150	402	345	130	370	827	
v/s Ratio Prot	c0.29	0.04					c0.06	c0.20		0.06	0.16	0.23	
v/s Ratio Perm	c0.11		0.03		0.04	0.01			0.00			0.14	
v/c Ratio	0.82	0.09	0.07		0.64	0.08	0.70	0.85	0.01	0.71	0.75	0.65	
Uniform Delay, d1	15.1	10.4	10.3		33.4	32.1	32.5	27.0	21.8	33.1	27.2	10.9	
Progression Factor	1.00	1.00	1.00		1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
Incremental Delay, d2	6.7	0.0	0.0		10.4	0.3	12.4	15.6	0.0	15.0	8.6	1.5	
Delay (s)	21.9	10.5	10.4		43.8	32.4	44.8	42.6	21.8	48.2	35.8	12.4	
Level of Service	C	B	B		D	C	D	D	C	D	D	B	
Approach Delay (s)		19.4			36.8			42.6			22.1		
Approach LOS		B			D			D			C		
Intersection Summary													
HCM Average Control Delay			26.3									HCM Level of Service	C
HCM Volume to Capacity ratio			0.75										
Actuated Cycle Length (s)			73.7									Sum of lost time (s)	9.5
Intersection Capacity Utilization			75.6%									ICU Level of Service	D
Analysis Period (min)			15										
c Critical Lane Group													

6-109

HCM Unsignalized Intersection Capacity Analysis
 2: 82nd Drive & Arlington Street

7/3/2012



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕		↗	↖		↗	↖	
Sign Control		Stop			Stop			Stop			Stop	
Volume (vph)	156	82	25	4	60	76	31	157	6	106	86	124
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91
Hourly flow rate (vph)	171	90	27	4	66	84	34	173	7	116	95	136

Direction, Lane #	EB 1	WB 1	NB 1	NB 2	SB 1	SB 2
Volume Total (vph)	289	154	34	179	116	231
Volume Left (vph)	171	4	34	0	116	0
Volume Right (vph)	27	84	0	7	0	136
Hadj (s)	0.10	-0.32	0.50	0.01	0.52	-0.38
Departure Headway (s)	5.8	5.7	6.9	6.4	6.7	5.8
Degree Utilization, x	0.47	0.24	0.07	0.32	0.22	0.37
Capacity (veh/h)	582	566	483	522	503	583
Control Delay (s)	13.7	10.5	9.2	11.2	10.4	11.0
Approach Delay (s)	13.7	10.5	10.8		10.8	
Approach LOS	B	B	B		B	

Intersection Summary						
Delay			11.6			
HCM Level of Service			B			
Intersection Capacity Utilization		55.9%		ICU Level of Service		B
Analysis Period (min)			15			

6-109

HCM Signalized Intersection Capacity Analysis
 1: 82nd Drive & Oatfield Road

7/17/2012

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↙	↑	↘		↙	↑	↘	↑	↘	↙	↑	↘
Volume (vph)	643	74	99	5	74	125	111	359	13	98	293	672
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.5	5.5	5.5		5.0	5.0	5.0	5.5	5.5	4.5	5.5	4.5
Lane Util. Factor	1.00	1.00	1.00		1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt	1.00	1.00	0.85		1.00	0.85	1.00	1.00	0.85	1.00	1.00	0.85
Flt Protected	0.95	1.00	1.00		1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (prot)	1770	1863	1553		1842	1568	1770	1881	1615	1787	1900	1583
Flt Permitted	0.70	1.00	1.00		0.97	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (perm)	1306	1863	1553		1796	1568	1770	1881	1615	1787	1900	1583
Peak-hour factor, PHF	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91
Adj. Flow (vph)	707	81	109	5	81	137	122	395	14	108	322	738
RTOR Reduction (vph)	0	0	55	0	0	128	0	0	7	0	0	75
Lane Group Flow (vph)	707	81	54	0	86	9	122	395	7	108	322	663
Heavy Vehicles (%)	2%	2%	4%	0%	3%	3%	2%	1%	0%	1%	0%	2%
Turn Type	pm+pt	NA	Perm	Perm	NA	Perm	Prot	NA	Perm	Prot	NA	pm+ov
Protected Phases	7	4			8		5	2		1	6	7
Permitted Phases	4		4	8		8			2			6
Actuated Green, G (s)	40.2	39.2	39.2		5.7	5.7	7.4	19.1	19.1	6.2	17.4	47.4
Effective Green, g (s)	39.7	38.7	38.7		5.2	5.2	6.9	18.6	18.6	5.7	16.9	46.4
Actuated g/C Ratio	0.51	0.49	0.49		0.07	0.07	0.09	0.24	0.24	0.07	0.22	0.59
Clearance Time (s)	4.0	5.0	5.0		4.5	4.5	4.5	5.0	5.0	4.0	5.0	4.0
Vehicle Extension (s)	2.5	2.5	2.5		2.5	2.5	2.5	4.0	4.0	2.5	4.0	2.5
Lane Grp Cap (vph)	835	918	766		119	104	156	446	383	130	409	936
v/s Ratio Prot	c0.32	0.04					c0.07	c0.21		0.06	0.17	0.27
v/s Ratio Perm	c0.11		0.03		0.05	0.01			0.00			0.15
v/c Ratio	0.85	0.09	0.07		0.72	0.09	0.78	0.89	0.02	0.83	0.79	0.71
Uniform Delay, d1	16.0	10.5	10.5		35.9	34.4	35.1	28.9	23.0	35.9	29.1	11.3
Progression Factor	1.00	1.00	1.00		1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	7.8	0.0	0.0		18.3	0.3	21.4	19.0	0.0	33.7	10.2	2.3
Delay (s)	23.9	10.6	10.5		54.2	34.7	56.4	47.9	23.0	69.6	39.3	13.6
Level of Service	C	B	B		D	C	E	D	C	E	D	B
Approach Delay (s)		21.0			42.2			49.2			25.9	
Approach LOS		C			D			D			C	
Intersection Summary												
HCM Average Control Delay			30.0									HCM Level of Service C
HCM Volume to Capacity ratio			0.80									
Actuated Cycle Length (s)			78.5									Sum of lost time (s) 9.5
Intersection Capacity Utilization			79.5%									ICU Level of Service D
Analysis Period (min)			15									
c Critical Lane Group												

6-110

HCM Unsignalized Intersection Capacity Analysis
 3: 82nd Drive & Arlington Street

7/17/2012



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕		↗	↖		↗	↖	
Sign Control		Stop			Stop			Stop			Stop	
Volume (vph)	181	95	29	5	70	88	36	182	7	123	100	144
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91
Hourly flow rate (vph)	199	104	32	5	77	97	40	200	8	135	110	158

Direction/Lane #	EB 1	WB 1	NB 1	NB 2	SB 1	SB 2
Volume Total (vph)	335	179	40	208	135	268
Volume Left (vph)	199	5	40	0	135	0
Volume Right (vph)	32	97	0	8	0	158
Hadj (s)	0.10	-0.32	0.50	0.01	0.52	-0.38
Departure Headway (s)	6.2	6.2	7.4	6.9	7.2	6.3
Degree Utilization, x	0.58	0.31	0.08	0.40	0.27	0.47
Capacity (veh/h)	536	505	447	472	471	542
Control Delay (s)	17.5	12.0	9.9	13.3	11.7	13.5
Approach Delay (s)	17.5	12.0	12.7		12.9	
Approach LOS	C	B	B		B	

Intersection Summary

Delay	14.1
HCM Level of Service	B
Intersection Capacity Utilization	58.6%
ICU Level of Service	B
Analysis Period (min)	15

6-111

HCM Signalized Intersection Capacity Analysis
 1: 82nd Drive & Oatfield Road

7/17/2012

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	643	74	112	5	74	125	124	398	13	98	333	672
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.5	5.5	5.5		5.0	4.5	5.0	5.5	5.5	4.5	5.5	4.5
Lane Util. Factor	1.00	1.00	1.00		1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt	1.00	1.00	0.85		1.00	0.85	1.00	1.00	0.85	1.00	1.00	0.85
Flt Protected	0.95	1.00	1.00		1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (prot)	1770	1863	1553		1842	1568	1770	1881	1615	1787	1900	1583
Flt Permitted	0.70	1.00	1.00		0.97	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (perm)	1306	1863	1553		1796	1568	1770	1881	1615	1787	1900	1583
Peak-hour factor, PHF	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91
Adj. Flow (vph)	707	81	123	5	81	137	136	437	14	108	366	738
RTOR Reduction (vph)	0	0	63	0	0	118	0	0	7	0	0	68
Lane Group Flow (vph)	707	81	60	0	86	19	136	437	7	108	366	670
Heavy Vehicles (%)	2%	2%	4%	0%	3%	3%	2%	1%	0%	1%	0%	2%
Turn Type	pm+pt	NA	Perm	Perm	NA	pm+ov	Prot	NA	Perm	Prot	NA	pm+ov
Protected Phases	7	4			8	1	5	2		1	6	7
Permitted Phases	4		4	8		8			2			6
Actuated Green, G (s)	41.2	40.2	40.2		6.0	12.1	7.7	21.2	21.2	6.1	19.1	49.8
Effective Green, g (s)	40.7	39.7	39.7		5.5	11.1	7.2	20.7	20.7	5.6	18.6	48.8
Actuated g/C Ratio	0.50	0.49	0.49		0.07	0.14	0.09	0.25	0.25	0.07	0.23	0.60
Clearance Time (s)	4.0	5.0	5.0		4.5	4.0	4.5	5.0	5.0	4.0	5.0	4.0
Vehicle Extension (s)	2.5	2.5	2.5		2.5	2.5	2.5	4.0	4.0	2.5	4.0	2.5
Lane Grp Cap (vph)	824	907	756		121	214	156	478	410	123	434	948
v/s Ratio Prot	c0.32	0.04				0.01	c0.08	c0.23		0.06	0.19	0.26
v/s Ratio Perm	c0.11		0.04		0.05	0.01			0.00			0.16
v/c Ratio	0.86	0.09	0.08		0.71	0.09	0.87	0.91	0.02	0.88	0.84	0.71
Uniform Delay, d1	17.1	11.2	11.1		37.2	30.8	36.7	29.5	22.8	37.6	30.1	11.4
Progression Factor	1.00	1.00	1.00		1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	8.7	0.0	0.0		16.7	0.1	37.4	22.3	0.0	45.3	14.4	2.3
Delay (s)	25.8	11.2	11.2		53.9	30.9	74.1	51.8	22.8	83.0	44.4	13.6
Level of Service	C	B	B		D	C	E	D	C	F	D	B
Approach Delay (s)		22.5			39.8			56.3			29.1	
Approach LOS		C			D			E			C	
Intersection Summary												
HCM Average Control Delay			33.3									HCM Level of Service C
HCM Volume to Capacity ratio			0.83									
Actuated Cycle Length (s)			81.5							9.5		
Intersection Capacity Utilization			81.6%									ICU Level of Service D
Analysis Period (min)			15									
c Critical Lane Group												

6-112

HCM Unsignalized Intersection Capacity Analysis
 2: 82nd Drive & Arlington Street

7/17/2012

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↔			↔		↗	↖		↗	↖	
Signi Control		Stop			Stop			Stop			Stop	
Volume (vph)	181	95	46	5	70	88	54	182	7	123	100	197
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91
Hourly flow rate (vph)	199	104	51	5	77	97	59	200	8	135	110	216
Direction Lane #	EB 1	WB 1	NB 1	NB 2	SB 1	SB 2						
Volume Total (vph)	354	179	59	208	135	326						
Volume Left (vph)	199	5	59	0	135	0						
Volume Right (vph)	51	97	0	8	0	216						
Hadj (s)	0.06	-0.32	0.50	0.01	0.52	-0.43						
Departure Headway (s)	6.5	6.6	7.7	7.2	7.4	6.4						
Degree Utilization, x	0.64	0.33	0.13	0.42	0.28	0.58						
Capacity (veh/h)	523	478	431	454	462	528						
Control Delay (s)	20.0	12.8	10.6	14.0	12.1	16.9						
Approach Delay (s)	20.0	12.8	13.3		15.5							
Approach LOS	C	B	B		C							

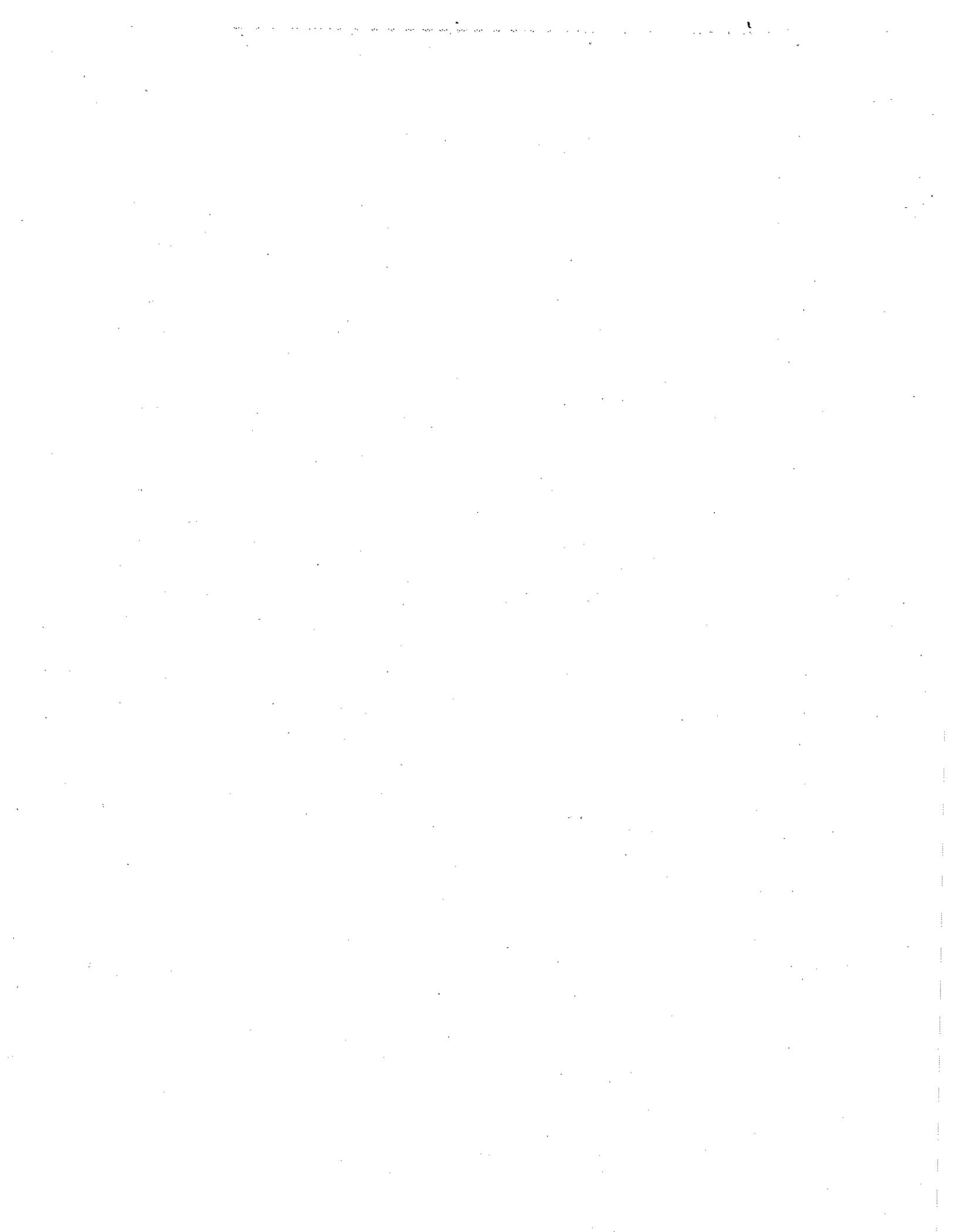
Intersection Summary

Delay	15.9					
HCM Level of Service	C					
Intersection Capacity Utilization	62.9%	ICU Level of Service	B			
Analysis Period (min)	15					

6-113

APPENDIX E
Signal Timing

6-114



Location: Oatfield Rd & 82nd Drive

Date sheet voided:

Date sheet in effect:

TABLE 1 Page 0

Function	Phase Functions (0+Key)						
	0	1	2	3	4	5	6
Van Recall		X					
Flad Recall							X
Red Lock							
Yellow Lock							
Permit Phase		X	X	X	X	X	X
Lead Phases		X	X	X	X	X	X
Doubt Entry		X	X	X	X	X	X
Sequential		X	X	X	X	X	X
Start Green		X	X	X	X	X	X
OLA=							
OLB=							
OLC=							
OLD=							
Exclusive							
Sim Gap							

TABLE 2 Page 0

Function	Key	Phase Timing (Ph. No. + Key)						
		1	2	3	4	5	6	7
Max Green	0	15	35		40	20	35	12
Max2 / HFDW	1	20	45		50	25	45	15
Walk	2		7		7		7	
Flashing DW	3		14		15		14	
Max Initial	4	4	14		6	4	14	6
Min Green	5	4	8		6	4	8	6
TBR	6	10	8		10	10	8	10
TTR	7	5	14		5	5	14	5
Observe Gap	8							
Passage	9	2.5	4.0		2.5	2.5	4.0	2.5
Min Gap	A	1.0	2.0		1.0	1.0	2.0	1.0
Add per Act	B		2.0				2.0	
Yellow	C	3.7	4.5		4.0	4.0	4.5	4.0
Red Clear	D	0.5	0.5		1.0	0.5	0.5	0.5
Red Revert	E	2.0	2.0		2.0	2.0	2.0	2.0
Walk 2	F							

TABLE 1 Page 0

Function	Key	Phase Number *						
		1	2	3	4	5	6	7
Van Recall	0		X					
Flad Recall	1							X
Red Lock	2							
Yellow Lock	3							
Permit Phase	4		X	X	X	X	X	X
Lead Phases	5		X	X	X	X	X	X
Doubt Entry	6		X	X	X	X	X	X
Sequential	7		X	X	X	X	X	X
Start Green	8		X	X	X	X	X	X
OLA=	A							
OLB=	B							
OLC=	C							
OLD=	D							
Exclusive	E							
Sim Gap	F							

TABLE 2 Page 0

Function	Key	Value	Phase Number						
			1	2	3	4	5	6	7
RT OLE	0								
RT OLF	1								
Red Rest	A								
Max Recall	B								
Flash Green	C								
Advance Walk	D								
Advance Walk	E								
Reinitial Ph	F								

TABLE 2 Page 0

Parameter	Key	Value	Notes						
			1	2	3	4	5	6	7
Short Pwr Dn	0	4							
Long Power Dn	1	4							
Preemption Delay Types	EVA	2							
	EVB	3							
	EVC	4							
	EVD	5							
RR	6								
Ped Inhibit	7								
OLA	Green	8							
OLA	Yellow	9	4.5						
OLB	Green	A							
OLB	Yellow	B							
OLC	Green	C							
OLC	Yellow	D							
OLD	Green	E							
OLD	Yellow	F							

TABLE 2 Page 0

Function	Key	Value	Phase Number						
			1	2	3	4	5	6	7
Max Green	0	15	35		40	20	35	12	
Max2 / HFDW	1	20	45		50	25	45	15	
Walk	2		7		7		7		
Flashing DW	3		14		15		14		
Max Initial	4	4	14		6	4	14	6	
Min Green	5	4	8		6	4	8	6	
TBR	6	10	8		10	10	8	10	
TTR	7	5	14		5	5	14	5	
Observe Gap	8								
Passage	9	2.5	4.0		2.5	2.5	4.0	2.5	
Min Gap	A	1.0	2.0		1.0	1.0	2.0	1.0	
Add per Act	B		2.0				2.0		
Yellow	C	3.7	4.5		4.0	4.0	4.5	4.0	
Red Clear	D	0.5	0.5		1.0	0.5	0.5	0.5	
Red Revert	E	2.0	2.0		2.0	2.0	2.0	2.0	
Walk 2	F								

TABLE 2 Page 0

Function	Key	Value	Phase Number						
			1	2	3	4	5	6	7
RT OLE	0								
RT OLF	1								
Red Rest	A								
Max Recall	B								
Flash Green	C								
Advance Walk	D								
Advance Walk	E								
Reinitial Ph	F								

TABLE 2 Page 0

Function	Key	Value	Phase Number						
			1	2	3	4	5	6	7
Max Green	0	15	35		40	20	35	12	
Max2 / HFDW	1	20	45		50	25	45	15	
Walk	2		7		7		7		
Flashing DW	3		14		15		14		
Max Initial	4	4	14		6	4	14	6	
Min Green	5	4	8		6	4	8	6	
TBR	6	10	8		10	10	8	10	
TTR	7	5	14		5	5	14	5	
Observe Gap	8								
Passage	9	2.5	4.0		2.5	2.5	4.0	2.5	
Min Gap	A	1.0	2.0		1.0	1.0	2.0	1.0	
Add per Act	B		2.0				2.0		
Yellow	C	3.7	4.5		4.0	4.0	4.5	4.0	
Red Clear	D	0.5	0.5		1.0	0.5	0.5	0.5	
Red Revert	E	2.0	2.0		2.0	2.0	2.0	2.0	
Walk 2	F								

TABLE 2 Page 0

Function	Key	Value	Phase Number						
			1	2	3	4	5	6	7
Max Green	0	15	35		40	20	35	12	
Max2 / HFDW	1	20	45		50	25	45	15	
Walk	2		7		7		7		
Flashing DW	3		14		15		14		
Max Initial	4	4	14		6	4	14	6	
Min Green	5	4	8		6	4	8	6	
TBR	6	10	8		10	10	8	10	
TTR	7	5	14		5	5	14	5	
Observe Gap	8								
Passage	9	2.5	4.0		2.5	2.5	4.0	2.5	
Min Gap	A	1.0	2.0		1.0	1.0	2.0	1.0	
Add per Act	B		2.0				2.0		
Yellow	C	3.7	4.5		4.0	4.0	4.5	4.0	
Red Clear	D	0.5	0.5		1.0	0.5	0.5	0.5	
Red Revert	E	2.0	2.0		2.0	2.0	2.0	2.0	
Walk 2	F								

Keyboard Entries when not in Free Display:
 A Advance D Column Advance
 B Back E Enter and Advance
 C Clear Display F Free Display

Reinitialization:
 D + 1 + F + 1 + E
 (Use only when in flash)

Phase Data Copy:
 C + X + C + Y + D
 X From Phase (X cannot be 3 or 6)
 Y To Phase(s) - up to 3 at a time

To observe timing for an individual phase:
 Enter C + A + F for Ring A (Phase 1-4) or
 enter C + B + F for Ring B (Phase 5-8)

Phase Conditions as shown on Free Display:
 00 Initial Entry
 01 Advance Walk
 02 Walk
 03 Flashing DW
 05 Min Green
 06 Rest
 09 Passage
 0b Added Initial

Page I.D. 0

Shown on Call/Active Display

SHEET 03

Oatfield & 82nd Dr trng Wapiti 2012_0621.xls

SHEET 3

6-115

Date sheet in effect;

Date sheet voided;

Location: Oatfield Rd & 82nd Drive

TABLE 7 (1 of 2)

Hardwire Conversion	Dial	1			2			3			Plan Number
	Offset	1	2	3	1	2	3	1	2	3	
Parameter	Key	Coordination Timing (B + Plan No. + Key)									
		1	2	3	4	5	6	7	8	9	
Cycle Length	0										
Forceoffs for Phase indicated by Key number	1										
	2										
	3										
	4										
	5										
	6										
	7										
	8										
Offset	9										
Permissive	A										
Max. Dwell	B										

	1	2	3	4	5	6	7	8
1 C Lead Phases								
D Coord. Phases								
E Perm. 2 Ph.								
F Min. Recall								
2 C Lead Phases								
D Coord. Phases								
E Perm. 2 Ph.								
F Min. Recall								
3 C Lead Phases								
D Coord. Phases								
E Perm. 2 Ph.								
F Min. Recall								

	1	2	3	4	5	6	7	8
4 C Lead Phases								
D Coord. Phases								
E Perm. 2 Ph.								
F Min. Recall								
5 C Lead Phases								
D Coord. Phases								
E Perm. 2 Ph.								
F Min. Recall								
6 C Lead Phases								
D Coord. Phases								
E Perm. 2 Ph.								
F Min. Recall								

	1	2	3	4	5	6	7	8
7 C Lead Phases								
D Coord. Phases								
E Perm. 2 Ph.								
F Min. Recall								
8 C Lead Phases								
D Coord. Phases								
E Perm. 2 Ph.								
F Min. Recall								
9 C Lead Phases								
D Coord. Phases								
E Perm. 2 Ph.								
F Min. Recall								

TABLE 7 (2 of 2)

Parameter	Key 2	Coordination Timing (B + D + Key 1 + Key 2)									Plan Number
		10	11	12	13	14	15	16	17	18	
		7	8	9	A	B	C	D	E	F	
Cycle Length	0										
Forceoffs for Phase indicated by Key number	1										
	2										
	3										
	4										
	5										
	6										
	7										
	8										
Offset	9										
Permissive	A										
Max. Dwell	B										

	1	2	3	4	5	6	7	8
10 C Lead Phases								
D Coord. Phases								
E Perm. 2 Ph.								
F Min. Recall								
11 C Lead Phases								
D Coord. Phases								
E Perm. 2 Ph.								
F Min. Recall								
12 C Lead Phases								
D Coord. Phases								
E Perm. 2 Ph.								
F Min. Recall								

	1	2	3	4	5	6	7	8
13 C Lead Phases								
D Coord. Phases								
E Perm. 2 Ph.								
F Min. Recall								
14 C Lead Phases								
D Coord. Phases								
E Perm. 2 Ph.								
F Min. Recall								
15 C Lead Phases								
D Coord. Phases								
E Perm. 2 Ph.								
F Min. Recall								

	1	2	3	4	5	6	7	8
16 C Lead Phases								
D Coord. Phases								
E Perm. 2 Ph.								
F Min. Recall								
17 C Lead Phases								
D Coord. Phases								
E Perm. 2 Ph.								
F Min. Recall								
18 C Lead Phases								
D Coord. Phases								
E Perm. 2 Ph.								
F Min. Recall								

6-116

Date sheet in effect:

Date sheet voided:

Location: Oatfield Rd & 82nd Drive

TABLE 5 (1 of 2)

Event Number	Time Clock Control (A+Code)										
	S	M	T	W	T	F	S	Hour	Min.	Func	
	1	2	3	4	5	6	7				
1								80	81	82	83
2	X	X	X	X	X	X	X	84	06	30	129
3	X	X	X	X	X	X	X	86	09	30	128
4	X	X	X	X	X	X	X	88	14	00	129
5	X							90	19	00	128
6	X							92	07	00	129
7								94	05	06	97
8								96	18	00	128
9								98	09	09	98
10								99	09	09	98
11								00	09	09	98
12								01	09	09	98
13								02	09	09	98
14								03	09	09	98
15								04	09	09	98
16								05	09	09	98

TABLE 5 (2 of 2)

Event Number	Time Clock Control (D+8+Code)										
	S	M	T	W	T	F	S	Hour	Min.	Func	
	1	2	3	4	5	6	7				
17	X	X	X	X	X	X	X	80	10	00	132
18								84	05	06	07
19								88	09	08	8B
20								8C	08	08	8F
21								90	01	02	93
22								94	05	06	97
23								96	09	09	9B
24								9C	09	09	9F
25								A0	01	02	A3
26								A4	05	06	A7
27								A8	09	09	AB
28								AC	08	08	AF
29								B0	01	02	B3
30								B4	05	06	B7
31								B8	09	09	BB
32								BC	08	08	BF

Event Number	Time Clock Control (D+8+Code)										
	S	M	T	W	T	F	S	Hour	Min.	Func	
	1	2	3	4	5	6	7				
49								C0	01	02	C3
50								C4	05	06	C7
51								C8	09	08	CB
52								CC	08	08	CF
53								D0	01	02	D3
54								D4	05	06	D7
55								D8	09	09	DB
56								DC	09	09	DF
57								E0	01	02	E3
58								E4	05	06	E7
59								E8	09	09	EB
60								EC	08	08	EF
61								F0	01	02	F3
62								F4	05	06	F7
63								F8	09	09	FB
64								FC	08	08	FF

Event numbers are for reference only.
Local TOD "Free" will override any plan received via an Interconnect line.

6-117



STIVEN Planning and Development Services, LLC

MEMORANDUM

TO: File

FROM: Marty Stiven, STIVEN Planning and Development Services, LLC

DATE: August 21, 2012

RE: Gladstone Vacant Lands Analysis

STIVEN Planning and Development Services, LLC analyzed the supply of vacant land in the vicinity of the Arlington Street properties that are the subject of a Comprehensive Plan Amendment. The findings of this analysis provide evidence that granting the Comprehensive Plan Amendment and Zone Change fulfills a public need and that the public need is best carried out by granting the request.

The five (5) properties that are the subject of the Comprehensive Plan Amendment and Zone Change (CPA/ZC) include five (5) single family homes at 610, 620, 650, 660 and 670 E Arlington Street. Together they include 35,000 square feet (.8 acre +/-). The applicant, The Gold Wrench Auto Repair wishes to relocate his business from its existing location at 655 E Arlington Street on the south side of the street to three (3) of the lots (650, 660, 670 E Arlington Street) on the north side of the street. The Gold Wrench is a long time Gladstone business and the owner does not want to relocate outside of the existing commercial district in which the business is located. In addition, Chase Bank has expressed interest in purchasing the existing site.

There are three (3) commercial neighborhoods within Gladstone. For purposes of this analysis they have been identified as the downtown, McLoughlin Corridor and I-205 commercial districts. Because the applicant wishes to remain within the I-205 commercial district, and does not believe he can reasonable sustain his business if relocated to either the McLouglin Corridor or the downtown, this analysis is limited to the availability of sites within the I-205 commercial district.

The I-205 commercial district is comprised of nearly 45 acres of land located north and south of I-205 and the southwestern edge of the City. It is broken into two (2) Sub-areas. Sub-area 1 is located west of the freeway and Sub-area 2 is located one east of the freeway. Sub-area 1 is primarily developed, with little vacant land and few building vacancies. Sub-area 2 is comprised of nearly 20 acres, of which ten (10) acres (50%), although zoned for commercial use, is actually either public or semi-public land, not available for re-development, including both freeway and railroad rights-of-way.

6-118

In order to understand how this area is used and if it has a supply of vacant land zoned for commercial use, each of the tax lots was reviewed to identify vacant and built sites. Further, tax records and site visits were made to determine if buildings were vacant or occupied. In some instances site visits were used to confirm tax records and aerial photographs. An inventory of each tax lot within Sub-areas 1 and 2 is attached.

Sub-area 1

Subarea 1 is located on the east side of the I-205 freeway and includes nearly 24 acres of land. The area is developed with office buildings, retail uses, Stocker City Park and a view residential uses. The largest land users are two (2) retail uses, Safeway and the Harley Davidson dealership. Table 1 illustrates the use of the Sub-area and the amount of vacant land.

**Table 1
Commercial Land Analysis
Sub-area 1**

<i>Land type</i>	<i>Size (acres)</i>	<i>Percentage</i>
Commercial	21.77	91
Public	.43	2
SFR	.72	3
MFR	.39	2
Vacant	.40	2
Total	23.71	100

The conclusion of the analysis of Sub-area 1 is that 91% of the area is occupied with commercial uses. Of the remaining 2+/- acres remaining, 5% is in residential use, 2% is in public use (Stocker Park) and only .40 acres or 2% of the area is vacant. All of the vacant land is located within one (1) tax lot which is located at the intersection of Princeton Avenue and Arlington Street.

Sub-area 2

Sub-area 2 is located on the west side of the I-205 freeway and is comprised of nearly 20 acres. The most distinguishing characteristic of Sub-area 2 is that although zoned for commercial use, half of the area is either I-205 or railroad right-of-way. Much of this area is consumed as freeway ramp shoulders. These properties are not suitable for development and although vacant should not be considered available for redevelopment. The balance of land within Sub-area 2 is used for commercial uses including Oregon Self-Storage, Clackamas River Racquet Club, and Western Psychological offices (both existing and that which is under construction). Table 2 illustrates the use of the properties within Sub-area 2 and the availability of vacant land.

**Table 2
Commercial Land Analysis
Sub-area 2**

<i>Land type</i>	<i>Size (acres)</i>	<i>Percentage</i>
Commercial	9.90	50
Public	9.86	50
SFR	0	0
MFR	0	0
Vacant	0	0
Total	19.76	100

6-119

The conclusion of the analysis of Sub-area 2 is that 50% of the area is occupied with commercial uses. Of the remaining 10+/- acres remaining, all is in public or semi-public use and not available for redevelopment. Outside of the land in public or semi-public ownership, there is no vacant land within Sub-area 2.

Commercial District 1

Combining these areas results in evidence that of the 43.47 acres commercial district, only 1% of the area is vacant land that could be developed and all of that is contained in one (1) tax lot. The land use distribution for the combined area is illustrated in Table 3.

Table 3
Commercial Land Analysis
Sub-area 2

<i>Land type</i>	<i>Size (acres)</i>	<i>Percentage</i>
Commercial	31.67	73
Public	10.29	23
SFR	.72	2
MFR	.39	1
Vacant	.40	1
Total	19.76	100

If one assumes that the residential lands could be assembled and redeveloped, the total area of the residential and vacant lands is 1.51 acres or 3.4% of the total land within the commercial district.

Based on this analysis, it is evident that there is not a good supply of sites for businesses within the I-205 commercial district that may wish to locate or expand. For The Gold Wrench to expand and re-locate while staying within the same commercial district, there are not many options. It is in the public's interest to accommodate the expansion and retention of existing businesses. In the case of the I-205 commercial district, there are not suitable alternative sites available to accommodate The Gold Wrench's expansion needs. If the City wishes to accommodate the applicant's business and new business interested in this commercial district, it will need to expand the land supply by converting other land types to commercial use.

Proposed PA /ZC
Arlington Street Property
Vacant Land Analysis
Clackamas River District , Gladstone

Neighborhood 1		
LAND	ACRES	PERCENTAGE
Commercial	21.77	91%
Public	0.43	2%
SFR	0.72	3%
MFR	0.39	2%
Vacant	0.40	2%
Total	23.71	100%

Neighborhood 2		
LAND	ACRES	PERCENTAGE
Commercial	9.90	50%
Public	9.86	50%
SFR	0.00	0%
MFR	0.00	0%
Vacant	0.00	0%
Total	19.76	100%

Combined Neighborhoods		
LAND	ACRES	PERCENTAGE
Commercial	31.67	73%
Public	10.29	23%
SFR	0.72	2%
MFR	0.39	1%
Vacant	0.40	1%
Total	43.47	100%

Neighborhood 1

115-45UR

115-40

T.2S. R.2E. COUNTY

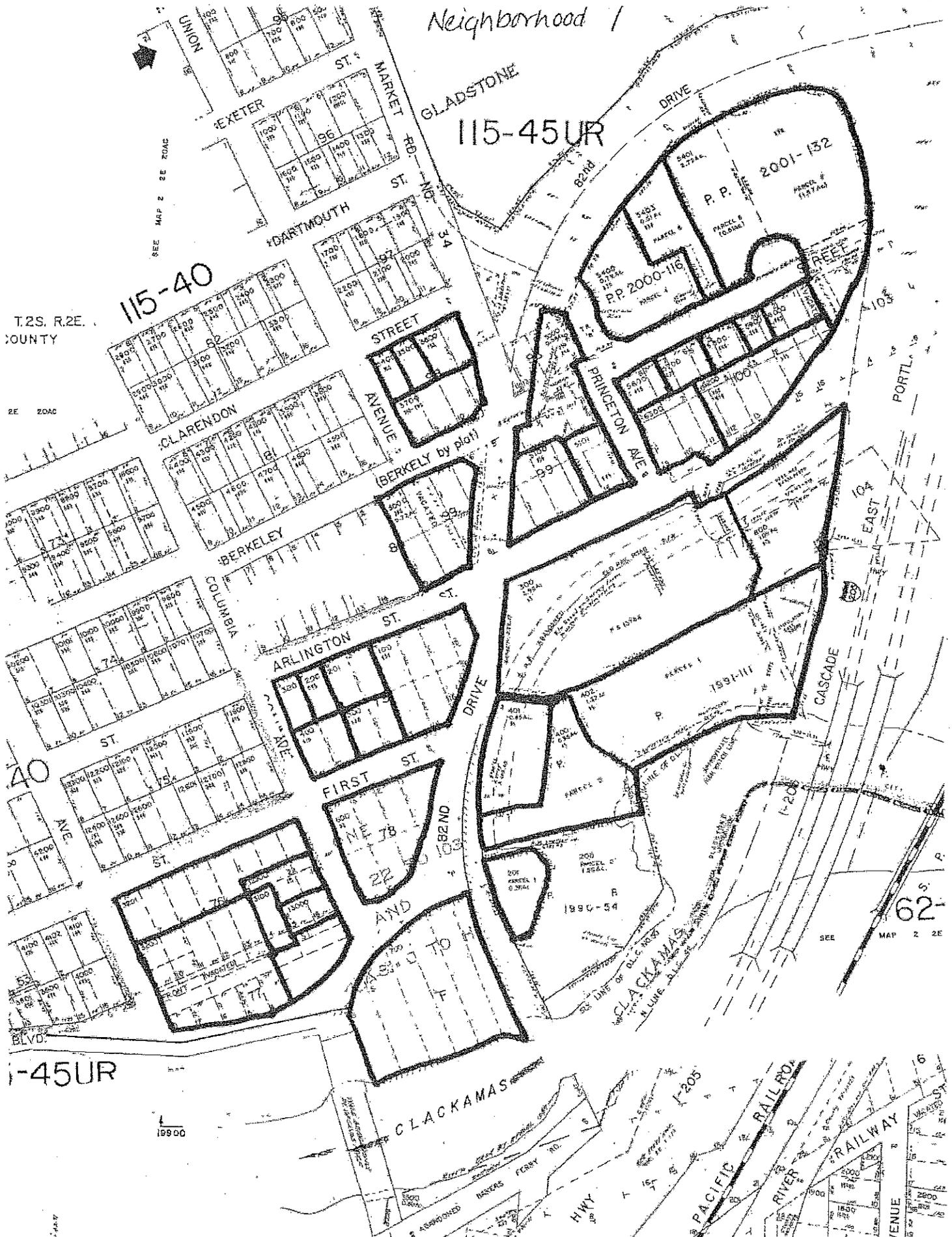
2E 20AC

115-45UR

18900

62

SEE MAP 2 2E



**SITTON PLAN AMENDMENT AND ZONE CHANGE
COMMERCIAL STUDY AREA - NEIGHBORHOOD 1**

Map 1 - Tax Map 22E20AD

LOT NUMBER	BUSINESS	ADDRESS	LOT SIZE - ACRES	DESCRIPTION
3400	Stocker City Park	705 E Clarendon Street	0.11	City Park
3500	Stocker City Park	705 E Clarendon Street	0.11	City Park
3600	Stocker City Park	705 E Clarendon Street	0.21	City Park
3700	Apartment Complex (5+ units)	710 E Berkeley Street	0.39	Multifamily Apartments
5000	Vacant Warehouse with Parking	260 82nd Drive	0.72	Warehouse with Parking Lot
5100	Gladstone Arco - AM/PM	810 E Arlington Street	0.51	Commercial
5101	Vintage Car Wash, LLC	880 E Arlington Street	0.27	Commercial
5300	Subway	240 Princeton Avenue	0.56	Commercial
	Cross Roads Café	250 Princeton Avenue		Commercial
	Vargo Insurance Agency	250 Princeton Avenue		Commercial - Office Building
	Gladstone Counseling	250 Princeton Avenue #204		Commercial - Office Building
5400	McDonald's	820 E Berkeley Street	0.79	Commercial
5401	Team Latus Motors - Harley Davidson	870 E Berkeley Street	2.73	Commercial
5403	Gladstone Chevron	830 E Berkeley Street	0.51	Commercial
5600	Single Family Home with a 24 Hours Locksmith business	805 E Berkeley Street	0.15	Commercial
5700	Single Family Home with Eagle Iron Motorcycle Accessory business	825 E Berkeley Street	0.17	Commercial
5800	Single Family Home with Farmers Insurance business	845 E Berkeley Street	0.14	Commercial
5900	Single Family Home with Ronald Chatterton CPA business	855 E Berkeley Street	0.10	Commercial
6000	Single Family Home with Delta Auto Glass business	865 E Berkeley Street	0.19	Commercial / Single Family
6200	SFR	910 E Arlington Street	0.72	Residential
6300	Vacant	No address	0.40	Vacant

TOTAL ACRES: 8.78

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**SITTON PLAN AMENDMENT AND ZONE CHANGE
COMMERCIAL STUDY AREA - NEIGHBORHOOD 1**

Map 2 - Tax Map 22E20DA

LOT NUMBER	BUSINESS	ADDRESS	LOT SIZE - ACRES	DESCRIPTION
100	The Gold Wrench	655 E Arlington Street	0.73	Commercial
200	Stryker Construction, Inc	645 E Arlington Street	0.11	Commercial
201	Stryker Construction, Inc	645 E Arlington Street	0.23	Commercial
300	Parking Lot	No Address	0.11	Parking Lot
400	In & Out Auto Care	610 First Street	0.22	Commercial
500	ABC Land and Paint	630 First Street	0.24	Commercial
	Christmas Light Specialties			
	Northcoast Manufactures Agency II, Inc			
600	River City Boat Sales	90 82nd Drive	0.76	Commercial
	Superior Tire Service			
	Pacific Trading Inland			
700	Clackamas Plaza Building	15 82nd Drive, Suite 210	1.50	Commercial - Office Building
	Covenant Technology Solutions	15 82nd Drive, Suite 120		
	State Farm Insurance - Chip McPhee	15 82nd Drive, Suite 100		
	USS King DLG 10 - US Navy			
	Mainlander Investments			

TOTAL ACRES: 3.90

**SITTON PLAN AMENDMENT AND ZONE CHANGE
COMMERCIAL STUDY AREA - NEIGHBORHOOD 1**

Map 3 - Tax Map 22E20DB

LOT NUMBER	BUSINESS	ADDRESS	LOT SIZE - ACRES	DESCRIPTION
800	DMV	10 82nd Drive	0.22	Commercial - Office Building
900	Parking Lot	No Address	0.12	Parking Lot
3200	Local Lodge 1005 - Meeting Hall	25 Cornell Avenue	1.23	Commercial - Office Building
	Woodworkers District Lodge 1, IAM			
	Machinists - Boilermakers			
3201	International Union of Operating Engineers - Building	555 First Street	0.81	Commercial - Office Building
12900	International Union of Operating Engineers - Parking Lot	595 First Street	0.22	Parking Lot
13000	Parking Lot	No Address	0.14	Parking Lot
13100	Parking Lot	No Address	0.15	Parking Lot

TOTAL ACRES: 2.89

6-125

**SITTON PLAN AMENDMENT AND ZONE CHANGE
COMMERCIAL STUDY AREA - NEIGHBORHOOD 1**

Map 4 - Tax Map 22E20S1

LOT NUMBER	BUSINESS	ADDRESS	LOT SIZE - ACRES	DESCRIPTION
201	Northwest School Equipment	25 82nd Drive, Suite 200	0.36	Commercial - Office Building
	Byron Bettles Insurance	25 82nd Drive, Suite 102		
	Mainlander Services Corporation			
	Farmers Insurance - Harold Peterson			
300	Safeway	95 82nd Drive	2.90	Commercial
400	BnK Construction, Inc	45 82nd Drive, Suite 53B	0.98	Commercial - Office Building
	Clackamas County - Oregon Youth Authority	45 82nd Drive, Suite 51B		
	Monterey Insurance, Inc	45 82nd Drive, Suite 45		
	Clackamas Income Tax & Accounting, Inc.	45 82nd Drive, Suite 55		
401	Mbank	35 82nd Drive	0.85	Commercial
402	Oxford Suites Portland	75 82nd Drive	2.32	Commercial - Hotel
800	High Rocks Restaurant & Lounge	915 E Arlington Street	1.09	Commercial - Restaurant

TOTAL ACRES: 8.14

6-126

SEE MAP

115-45UR

2 2E 16C

SUPP'L



115-45 UR

RRFF-5

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RRFF-5

62-26

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HIRAM STRAIGHT NO. 42
GEORGE ABERNETHY NO. 59
JAMES WINSTON NO. 69
FENDAL C. DASON NO. 50

SEE MAP

115-45UR

19300

115-45UR

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62-03

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SEE MAP
2 2E 20
(SUPP'L.)

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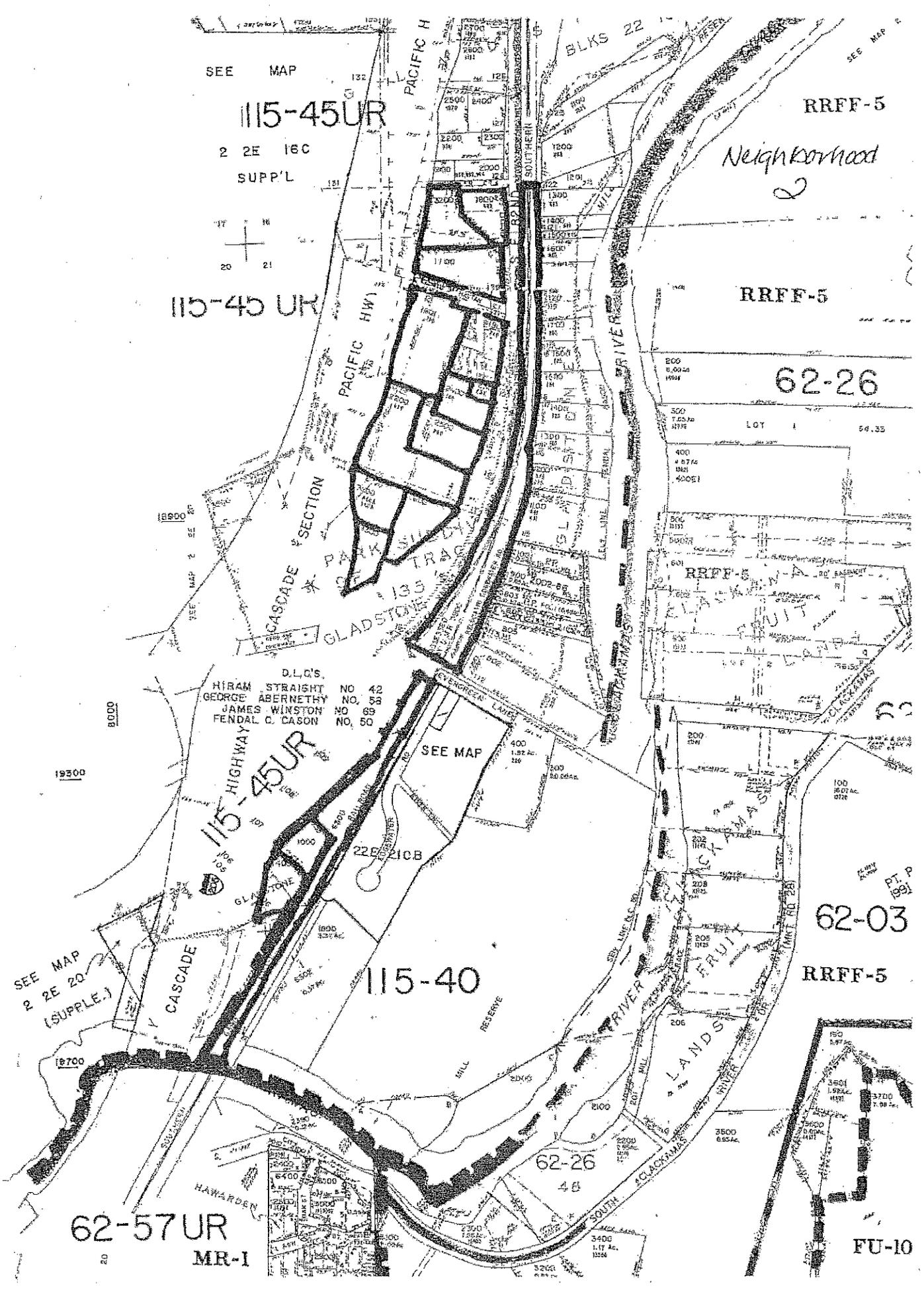
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**SITTON PLAN AMENDMENT AND ZONE CHANGE
COMMERCIAL STUDY AREA - NEIGHBORHOOD 2**

Map 1 - Tax Map 22E21C

LOT NUMBER	USE	ADDRESS	LOT SIZE - ACRES	DESCRIPTION
1000	Publicly Owned - Vacant	No Address	0.54	Freeway Ratrip
1400	Publicly Owned - Vacant	No Address	0.72	Freeway Ramp
6390	Railroad	No Address	3.14	Railroad ROW

TOTAL ACRES: 4.40

Map 2 - Tax Map 22E21B

LOT NUMBER	USE	ADDRESS	LOT SIZE - ACRES	DESCRIPTION
1900	Elting, Inc	780 82nd Drive	0.65	Commercial
	McCafferty - Whittle Paving Contractors			
1901	Clackamas River Racquet Club	790 82nd Drive	1.85	Commercial - Sports Club
2200	Oregon Self Storage	660 82nd Drive	2.06	Commercial
2300	ScubaRX	750 82nd Drive	0.16	Commercial - Office Building
2400	Homeseekers Magazine	740 82nd Drive	0.70	Commercial - Office Building
2500	Parking Lot	680 82nd Drive	1.11	Parking Lot
2600	Publicly Owned - Vacant	No Address	0.94	Vacant
3200	Office	640 82nd Drive	0.70	Office
3300	Publicly Owned - Vacant	No Address	0.57	Vacant
3600	Railroad	No Address	3.95	Railroad ROW

TOTAL ACRES: 12.69

Map 3 - Tax Map 22E16C

LOT NUMBER	USE	ADDRESS	LOT SIZE - ACRES	DESCRIPTION
1700	Western Psychological - Under Construction	No Address	1.17	Commercial - Office Building - Under Construction
1800	Western Psychological	880 82nd Drive	0.61	Commercial - Office Building
3200	Western Psychological - Under Construction	No Address	0.89	Commercial - Office Building - Under Construction

TOTAL ACRES: 2.67

6-128

6-109

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NW1/4 SE. SEC. 20 T.2S. R.2E. W.M.
CLACKAMAS COUNTY

This map was prepared for
assessment purposes only.

7799

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**NOTICE OF PUBLIC HEARING
GLADSTONE PLANNING COMMISSION and CITY COUNCIL**

DATE & TIME: Planning Commission – November 20, 2012; City Council – December 11, 2012. This item will not begin earlier than 7:00 p.m. However, it may begin later depending on the length of preceding items.

PLACE: Council Chambers of Gladstone City Hall, 525 Portland Ave., Gladstone, OR 97027

FILE NO: Z0549-12-CP, Z0550-12-Z

PURPOSE/PROPOSAL: Proposed Plan Map and Zoning Map change from R-5, Single Family Residential to C-3, Commercial. A public hearing will be held before the Planning Commission, from which a recommendation will be forwarded to the City Council. The Council will then make final decision on the request.

SUBJECT PROPERTY: 610 Arlington Street, et.al.; T2S., R2E., Sec 20DB, TL 11300 et.al.

CURRENT ZONE/PLAN: R-5/Single-family Residential

PROPOSED ZONE/PLAN: C-3/Commercial

APPLICANT: Lewis Properties, LLC

REVIEW STANDARDS: 17.68, Amendments and Zone Changes; 17.94 Hearing, of the Gladstone Municipal Code; Comprehensive Plan

You may attend, offer testimony or seek information at the hearing. Any correspondence received in advance of the meeting will be forwarded to the Planning Commission.

The staff report relating to this application will be available for inspection seven (7) days prior to the hearing at the Clackamas County Planning Division, 150 Beavercreek Road, Oregon City, OR 97045. Copies will be available for a reasonable cost. For further information, contact Clay Glasgow at 503-742-4528.

Those eligible to appeal this matter to the City Council are the owner, applicant, a representative of petitioners and persons who submitted oral or written testimony. Appeals must be filed within 15 days of the decision filing date on forms available from the Clackamas County Planning Division. Failure to raise an issue in person or by letter at the hearing with sufficient specificity to afford the decision-maker an opportunity to respond will preclude the ability to appeal. Furthermore, failure at the time of the hearing to specify, in person or by letter, to what land use standard(s) your comments or objections are directed, will preclude the ability to raise those issues on appeal.

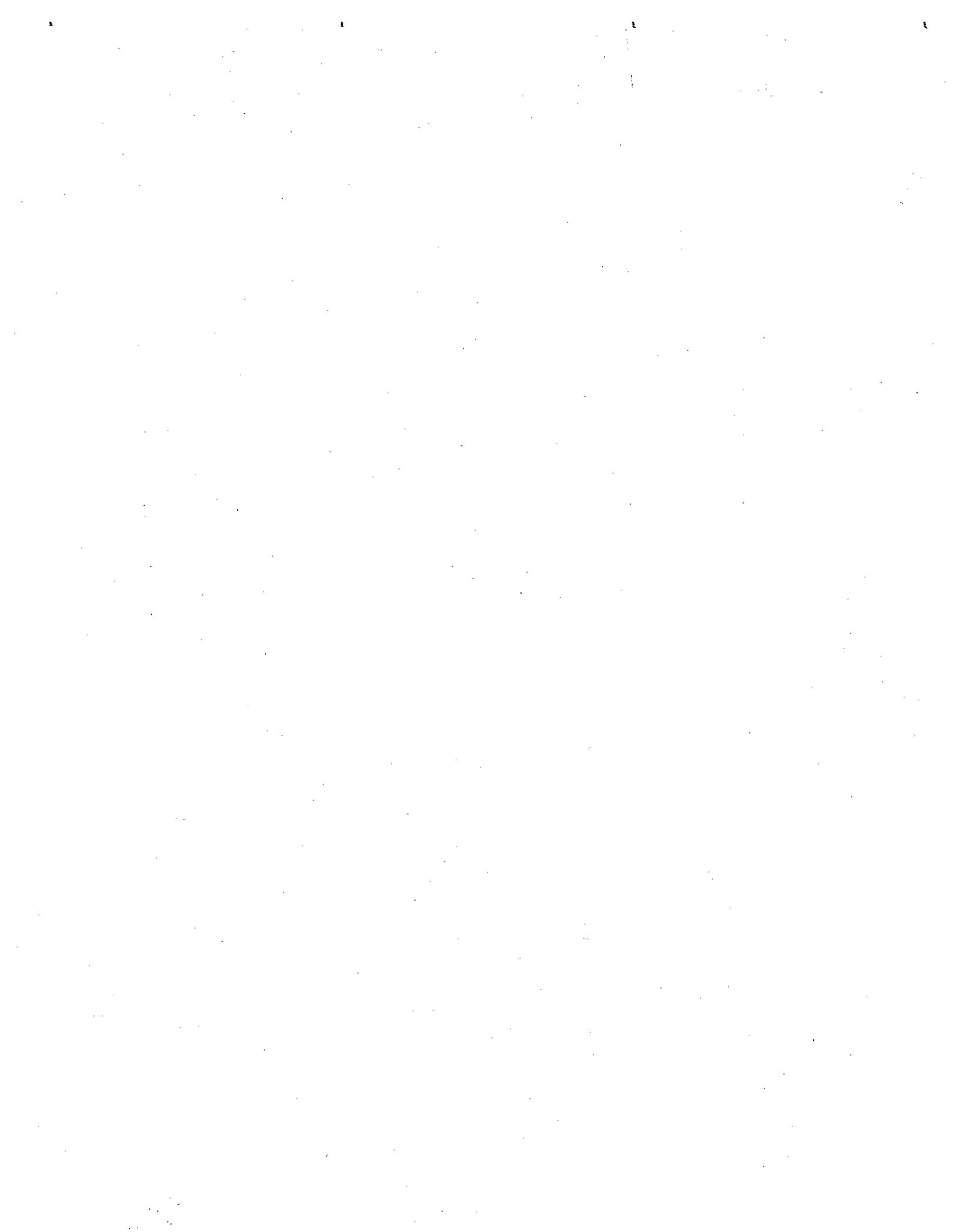


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GLADSTONE
CITY HALL &
POLICE
DEPARTMENT
525 Portland Avenue

January 2, 2013

Prepared by

GROUP
MACKENZIE

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Job# 2120509.00

TAB 1

INTRODUCTION
PROJECT INTRODUCTION
GROUP MACKENZIE
PROJECT BACKGROUND
EXECUTIVE SUMMARY

Project Introduction

The City of Gladstone contracted Group Mackenzie to evaluate the existing City Hall and Police building and prepare programming and space needs for the City of Gladstone's City Offices and Police Department. The investigation involved programming questionnaires filled out by key staff members; an existing site tour conducted by Chief Pryde with participation of City staff; and the development of a Space Needs Program created through input from both City Hall staff and the Police Department in conjunction with Group Mackenzie's professional experience on similar projects.

Key Participants

CITY OF GLADSTONE

Peter Boyce — City Administrator
James Pryde — Chief of Police

GROUP MACKENZIE

Jeff Humphreys — Project Principal
Brett Hanson — Project Manager
Jeff Matarrese — Architectural Designer

Group Mackenzie

Established in 1960 and based in Portland, Oregon, Group Mackenzie provides a range of professional design services including structural engineering, architecture, landscape architecture, civil engineering, land use planning, transportation planning and interior design. Group Mackenzie's Public Projects team specializes in civic and emergency response facility design, space needs evaluations, and bond campaign assistance. In the past decade, Group Mackenzie has worked on publicly funded projects in Oregon and Washington for more than 50 counties and municipalities, providing design and engineering services for more than 16 police facilities and six civic office buildings.

Project Background

The City of Gladstone's existing City Hall and Police Department building consists of a two-story, 9,918 square foot facility located on a 10,138 square foot site at the corner of E. Dartmouth Street and Portland Avenue. Originally built in the 1940s, the structure has undergone extensive renovations to accommodate its current occupants, is not designed to essential facility seismic standards and is in need of roofing replacement. Furthermore, the current facility shares off-street parking with the Gladstone Volunteer Fire Department, accommodating only five unsecured parking spaces for patrol vehicles. No permanent parking for City or Police Staff exists. In addition to the existing City Hall and Police Department building, the City of Gladstone Police utilize an off-site evidence storage building requiring Police personnel to commute between the two facilities.

Based on previous studies commissioned by the City of Gladstone and performed by Professional Roof Consultants, Inc. in January 2012 to evaluate the existing structural capacity of the building, it was determined that seismically upgrading the building to a Type IV seismic category, an essential facility construction standards would require substantial improvements and would amount to an estimated total cost of \$2,923,500, including a recommended full roofing replacement and exterior building envelope upgrades. As upgrade and replacement costs of the existing building mounted, the City of Gladstone sought design services to aid in evaluating the City's current space needs and provide recommendation for required space needs to accommodate existing City Hall and Police functions and equipment, as well as future projections to allow for growth. This report is a preliminary step toward identifying the current and future projected needs for the City of Gladstone and setting the stage for comparative cost analysis of a new facility to upgrade and ongoing repairs to the existing building.

Executive Summary

Under the scope of the space needs investigation, Group Mackenzie observed, documented, and evaluated existing deficiencies in order to provide the City of Gladstone recommendations for current space needs and projected growth requirements 20 years into the future. These efforts are intended to serve as the initial step in aiding the City in its goal of determining investment into the existing facility or pursuing next steps towards a new City Hall and Police Department for the City of Gladstone.

Group Mackenzie's experience, developed space standards, industry standards, and City input were used to identify and outline required needs. In conjunction, similar cities and comparable facilities were considered through the validation process. Through review and refinement of the space needs study, the projected growth identified indicates a 157% increase required to accommodate current and future needs. Examination and determination of these figures involved observation of the existing facility and operations, while furthering continued dialogue with users within the building as to the deficiencies of the existing building.

Primary deficiencies inherent to the existing building and operational conditions include:

- The existing building does not meet the necessary requirements of an emergency response facility as it pertains to its capability to withstand and continue operations following a seismic event as prescribed by current code for essential facilities.
- There are mounting deficiencies in many of the existing spaces, most prominently for Police as it pertains to necessary operational functions, such as equipment storage, restroom/locker facilities, physical training, suspect processing, and on-site evidence processing and storage.
- Current available space exhibits disjointed City Hall office functions, inefficient circulation, and lack of secure access within the City Hall offices. This was further observed with the potential safety hazards associated with municipal court staff and the judge sharing public functions, such as the restrooms, with defendants during court proceedings.
- Limited parking of Police vehicles results in unsecured, highly valued City property that is subject to vandalism and potential assaults on Police personnel, and potentially City and Court staff.
- The Police Department currently operates out of multiple facilities resulting in disjointed operations that reduce efficiencies, increase officer travel time, and offer additional security threats to multiple locations.
- The age of the building and building systems are reaching or, in cases, exceeding their lifespans and require costly repair or replacement.

Recommendation

Group Mackenzie has prepared and forecasted a comprehensive projection of required space needs for the City of Gladstone's 20 year growth. The existing facilities housing current City Hall and Police Department operations (including the 2,160 square foot evidence facility) total 12,078 square feet and do not meet current operational requirements of the City offices, Police Department, or public functions. Upon completion of this space needs examination Group Mackenzie found that the City of Gladstone is in need of a 19,008 square foot facility to both address current shortfalls and allow for future growth. Furthermore, based on the current expense of repair necessary of the existing facility, and its inability to meet projected growth and current seismic requirements of an essential facility. It is recommended that the City take additional measures and next steps towards evaluation and consideration of construction of a new facility to house City Hall, Municipal Court, and Police Department functions.

Gladstone Space Needs Comparison

	EXISTING	2023	2033
BUILDING AREA	12,078 SF*	17,582 SF	18,018 SF
EXTERIOR AREA EXCLUDING BUILDING FOOTPRINT	1,138 SF	16,130 SF	19,026 SF
PUBLIC PARKING	0 SPACES**	47 SPACES	47 SPACES
SECURE PARKING	0 SPACES***	22 SPACES	30 SPACES

*Includes existing City Hall/ Police building (9,918 SF) and evidence facility (2,160 SF).

**Public parking provided on-street.

***Three off-street police patrol vehicle spaces provided.

TAB 2

EXISTING CONDITIONS

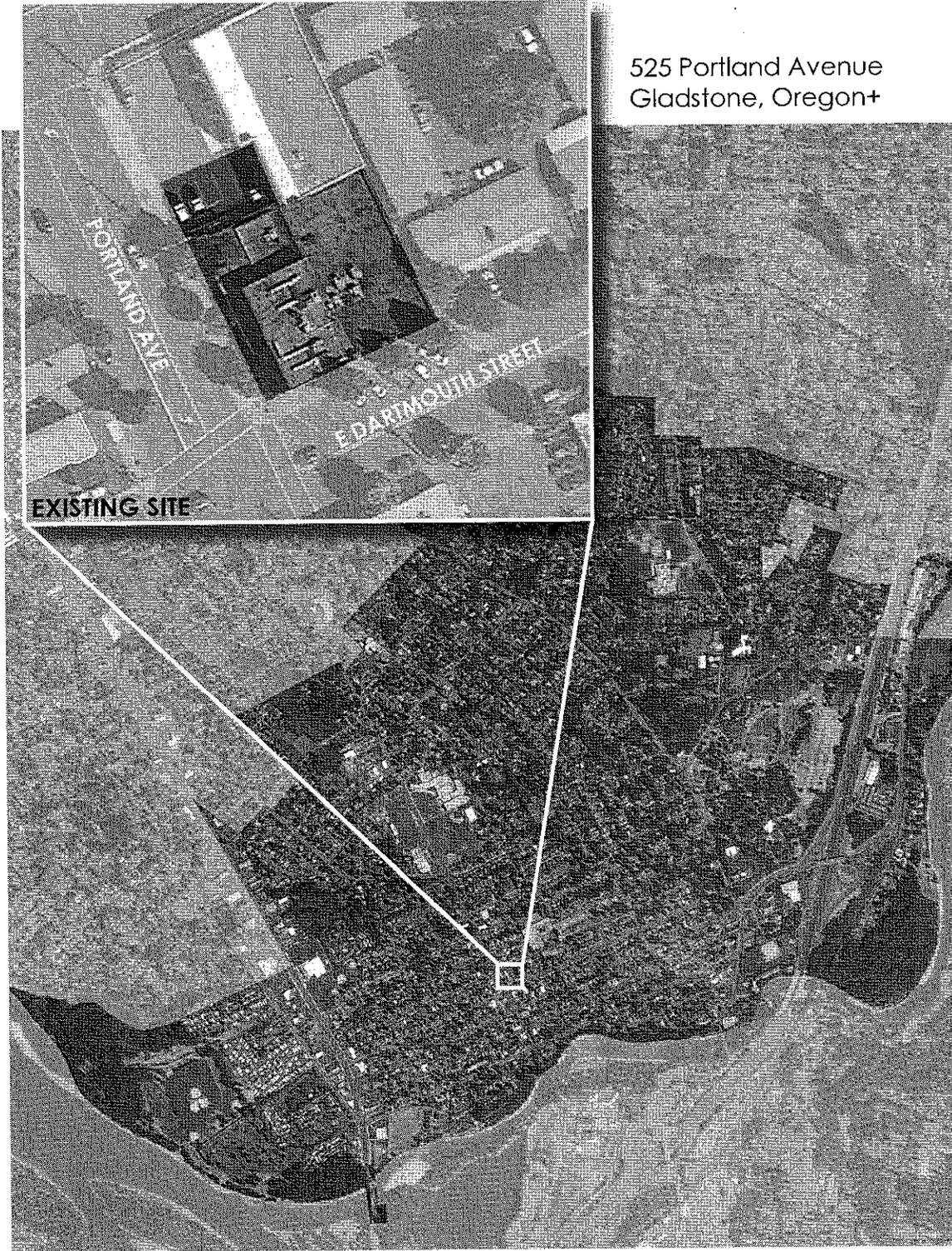
SITE MAP

EXISTING PLAN

EXISTING CITY HALL

EXISTING POLICE DEPARTMENT

EXISTING CONDITIONS



525 Portland Avenue
Gladstone, Oregon+

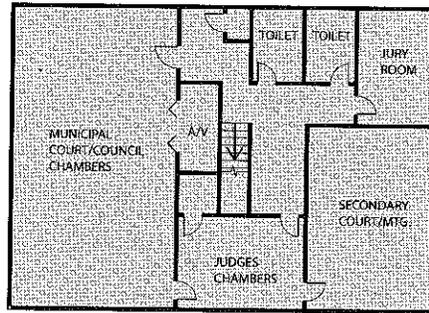
CITY OF GLADSTONE 

GLADSTONE CITY HALL & POLICE DEPARTMENT

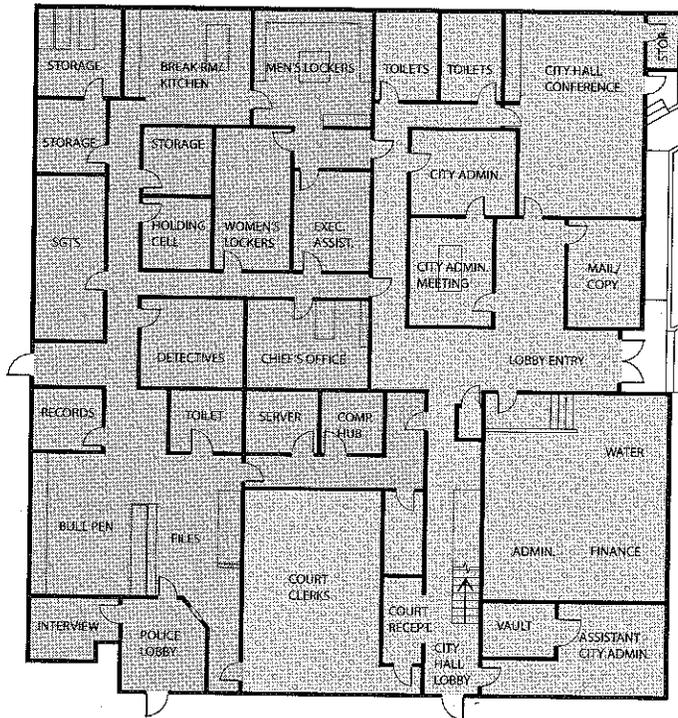
Existing City Hall and Police Facility Plan

LEGEND

-  CITY HALL
-  POLICE



 SECOND LEVEL



 GROUND LEVEL

Existing City Hall and Police Building

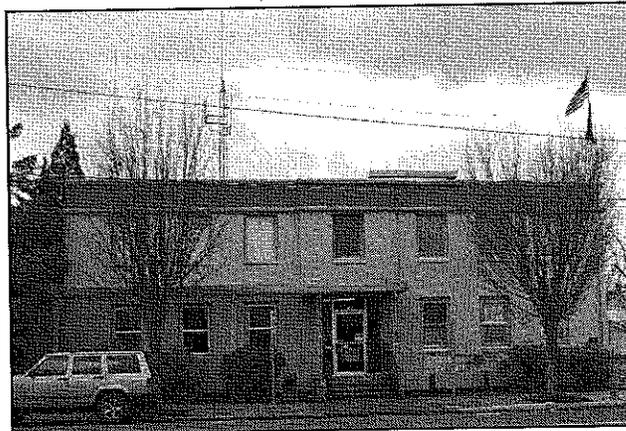
The existing City Hall and Police Department currently occupy a 9,918 square foot, two-story facility at 525 Portland Avenue in Gladstone Oregon, while the Police Department also has a stand alone 2,160 square foot evidence building at a separate location. The City Hall and Municipal Court functions occupy the south half of the first floor and the entire second floor of the building. The Police Department occupies the north half of the first floor only. Each entity has a separate entrance from the public street. The Police Department maintains 5 off street, unsecured parking stalls (FIG T), while the City Hall, Municipal Court, remaining Police, and public must utilize on-street parking. In addition to the space deficiencies, safety, and privacy concerns, the existing configuration of the rooms within the building have been found to layout inefficiently with additional space dedicated to circulation in lieu of usable rooms. As part of this layout, many office spaces are located internally resulting in limited to no natural light to occupied space.

As part of examination and observation of the existing building, the following was observed:

The building currently suffers from a significant lack of public space and inefficiencies associated to circulation throughout the building. Each entity has a separate disconnected entry that does not present a formalized civic entrance into the building (FIG A).

These separate entrances do not offer clear way finding to the particular City functions and further do not provide for a secure reception lobby and counter for the City Hall staff (FIG B). Clear way finding within the building does not exist and it was observed that visitors had unobstructed access to City office functions, while City staff further share public restrooms with visitors and court.

The City Council and Municipal Court functions are currently inadequate for the required uses and have experienced overcrowding. Within the court waiting space, cueing for court is inefficient and additionally prone to overcrowding. Additional security concerns surround shared public space with the judge and court staff. Currently the judge and jury space must share restrooms with defendants awaiting court.



The Police entry is secure, however uninviting to the public and does not allow secure access to the interview room (FIG J). The existing Police operations space is undersized and not properly dedicated to specific functions due to lack of space, which can result in reduced operational efficiencies and present safety and security concerns. The Police records and bull pen (FIG K) serves both Patrol Officers, as well as Records Staff, which can present competing functions. Detectives Offices were observed to be undersized with limited storage availability (FIG L). Between Detectives and Patrol an internal interview room does not exist for secure use limiting interviews to only occurring off the public lobby or within the secure portion of the department. Locker facilities for both men and woman are undersized and often used for ancillary storage space due to unavailability of alternative space (FIG R), while internal secure restrooms dedicated for police staff is limited to a single stall (FIG S), forcing police staff to share facilities with the public.

EXISTING CONDITIONS continued

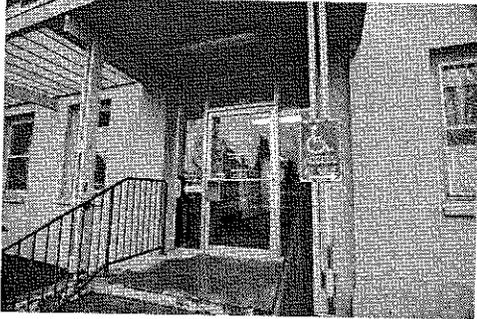


FIG A. ENTRY

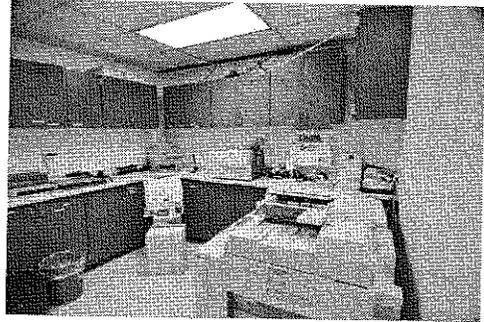


FIG E. COPY/MAIL ROOM



FIG B. LOBBY

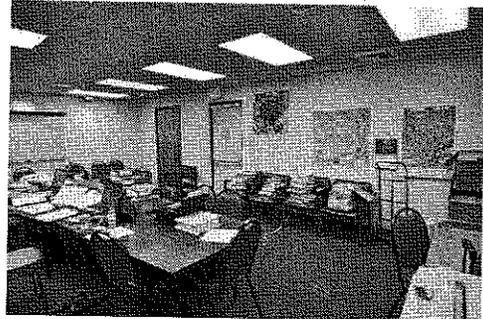


FIG F. CONFERENCE ROOM



FIG C. COURT CLERKS' OFFICE

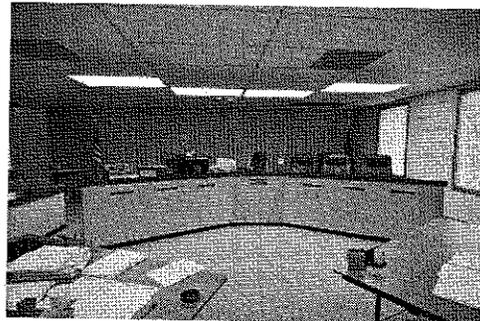


FIG G. COUNCIL CHAMBERS



FIG D. WATER, FINANCE, & ADMINISTRATION

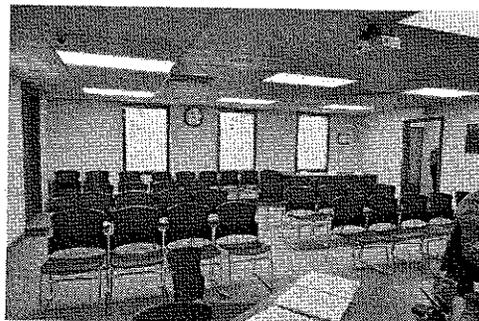


FIG H. COUNCIL CHAMBERS



FIG I. HUB ROOM

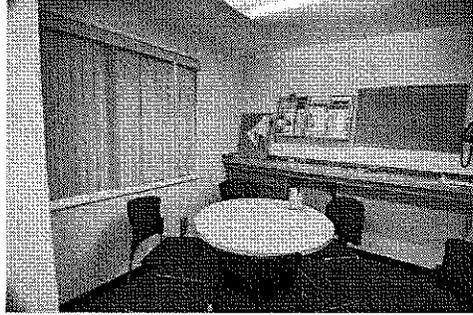


FIG M. INTERVIEW ROOM

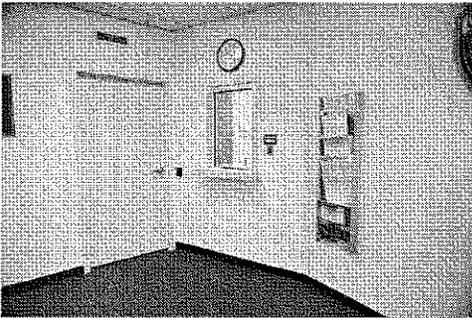


FIG J. POLICE LOBBY



FIG N. CHIEF'S OFFICE



FIG K. BULL PEN



FIG O. STORAGE



FIG L. DETECTIVES OFFICE

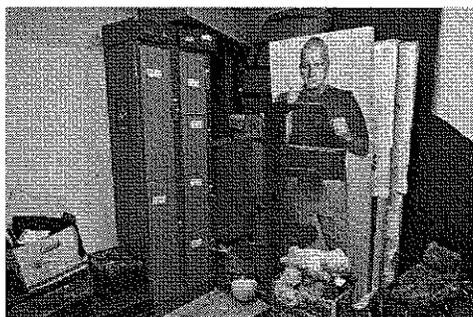


FIG P. EQUIPMENT STORAGE

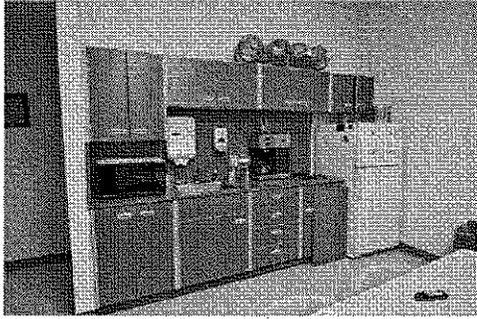


FIG Q. BREAK ROOM



FIG T. POLICE PARKING



FIG R. MENS' LOCKER ROOM



FIG U. EVIDENCE FACILITY

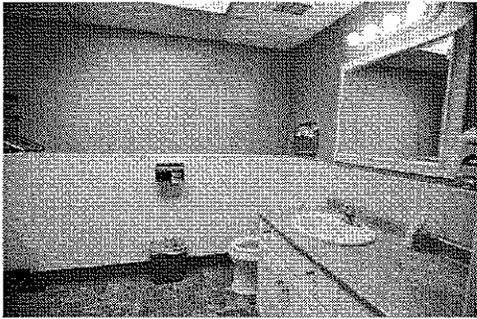


FIG S. RESTROOM



FIG V. EVIDENCE FACILITY

TAB 3

PROGRAMMING
SPACE NEEDS CONSIDERATIONS
SPACE NEEDS PROGRAM

Space Needs Considerations

Police facility design is unique in that the building and all its functions are tools integral to effective and efficient operation of a policing agency. The way in which a facility is designed focuses on functionality and stringent requirements associated with protection of the building, its staff, and the public it serves. Requirements defining this particular building type are driven by jurisdictional, state, and federal criteria for safety, security and operational procedures. These criteria ensure the facility not only operates effectively on a day-to-day basis, but is also capable of resisting and responding to the forces of natural events and terrorism, all the while maintaining the stature of a civic building.

Similar to a police facility, the design of a City Hall is focused on the protection of the building and it's staff. A City Hall also needs to maintain an open and welcoming visage to the community it serves. A City Hall provides a civic building that can be used for public gatherings and assist community functions.

Beyond the building program requirements, there are important site elements and considerations that must be taken into account for these types of facilities. These program elements include public parking; secure parking for city staff, police vehicles, and equipment; emergency power; building threat protection; and access to and from the site. The most challenging consideration, for any site, stems from public and secure parking requirements. These are governed by jurisdictional requirements, as well as department growth projections and space requirements for vehicles and equipment.

The following program summary outlines the overall categories and square footages for each departmental function within the building.

Program Summary

Space / Room Use	Staffing Requirements			Space Requirements			Space Size			Total Required Square Footage			Comments
	Exist	2023	2033	Exist	2023	2033	W	L	Area	Exist	2023	2033	
Department: Gladstone City Hall and Police Department													
Public Functions & Facility Core	1	1	1							755	1318	1318	
City Hall	8.5	8.5	8.5							5501	5623	5623	
Police Department	21	22	35							5822	10640	11077	
TOTAL BUILDING SQUARE FOOTAGE	30.6	31.5	44.6							12078	17582	18018	

Department: Gladstone City Hall and Police Department													
Space / Room Use	Staffing Requirements			Space Requirements			Space Size			Total Required Square Footage			Comments
	Exist	2023	2033	Exist	2023	2033	W	L	Area	Exist	2023	2033	
Public Functions & Facility Core	1	1	1							755	1318	1318	
Administration	5	5	5							2628	2134	2134	
City Council / Municipal Court	3.5	3.5	3.5							2873	3298	3298	
Support Functions	0	0	0							0	192	192	
Police Records / Administration	3.5	4.5	6							914	1469	1546	
Police Operations	17	17	28							1588	4730	5090	
Police Property / Storage	0.5	0.5	1							2160	2129	2129	Existing evidence facility square footage
Police Support Functions	0	0	0							1161	2312	2312	
TOTAL BUILDING SQUARE FOOTAGE	30.6	31.5	44.6							12078	17582	18018	
TOTAL EXTERIOR REQUIREMENTS										1138	16130	19026	
TOTAL SITE REQUIREMENTS (SINGLE STORY)										0	33712	37044	SINGLE STORY FACILITY
TOTAL SITE REQUIREMENTS (TWO STORY)										0	24921	28036	TWO STORY FACILITY

Space Needs Program

The programming information presented on the following pages represent current and future staffing counts, required spaces, sizes, functions, and general use. Future needs have been projected for a twenty-year growth and calculated based on future projections of crime, population, and city growth estimated by the City of Gladstone.

To begin the space needs evaluation process, the existing facility was toured, and current staff count, program, and space sizes documented within the program for comparative analysis.

In conjunction with existing facility documentation, the City Manager, Chief, and key City staff participated in discussions regarding their department and division work philosophy, current deficiencies, and required needs. This information was utilized in conjunction with architectural space standards and examination of recently built Police stations/City Halls in communities of similar size and demographic makeup to prepare and validate the space needs analysis on the following pages.

The program is organized into primary building elements, departments, and divisions to facilitate in identifying and assigning ancillary program needs to particular spaces unique to a civic facility. Total space size for each division is tabulated and an interior circulation factor of 20% assigned to cover primary hallways, stairways, elevators, mechanical space needs, and miscellaneous circulation needs typically required in civic facilities.

Space / Room Use	Staffing Requirements		Space Requirements			Space Size			Total Required Square Footage			Comments	
	Exist	2023	2033	Exist	2023	2033	W	L	Area	Exist	2023		2033
Department: Public Functions & Facility Core													
Public Functions													
Entry Vestibule				0	1	1	8	10	80	0	80	80	911 phone
Public Lobby Waiting Area / Foyer				1	1	1	15	20	300	80	300	300	Open lobby for Police and City Hall; 4-5 people
Lobby Information				0	1	1	2	10	20	0	20	20	Includes forms, information.
Display Area				0	1	1	2	10	20	0	20	20	Historical display space, PD and City Hall to confirm contents.
Report Taking Room				1	1	1	10	12	120	70	120	120	Dual access from Police Reception, 4-6 people camera & microphone.
Public Restrooms / Men's & Women's				4	2	2	10	20	200	340	400	400	
Group Total	0	0	0							490	940	940	
Facility Core													
Janitor				1	1	1	6	6	36	55	36	36	Additional (1) required for two-story facility.
Stairway				1	0	0	9	20	180	100	0	0	Required for two-story facility.
Elevator				1	0	0	6	8	48	30	0	0	Required for two-story facility.
Elevator Equipment Room				0	0	0	5	6	30	0	0	0	Required for two-story facility.
Mechanical Shaft				0	0	0	5	10	50	0	0	0	Required for two-story facility.
Server Room	1	1	1	1	1	1	10	15	150	80	150	150	1x staff space, room for storage.
Electrical Room				0	1	1	10	15	150	0	150	150	
Sprinkler Riser Room				0	1	1	6	7	42	0	42	42	
Group Total	1	1	1							266	378	378	
SUBTOTAL	1	1	1							755	1318	1318	
GENERAL CIRCULATION (0%)										0	0	0	
TOTAL SQUARE FOOTAGE (Public Functions & Facility Core)										755	1318	1318	

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Space / Room Use	Staffing Requirements			Space Requirements			Space Size			Total Required Square Footage			Comments
	Exist	2023	2033	Exist	2023	2033	W	L	Area	Exist	2023	2033	
	Department: City Hall Administration												
Administration													
Public Reception (Service Counter)				0	1	1	6	12	72	0	72	72	
Account Clerk	1	1	1	1	1	1	8	8	64	64	64	64	Open office.
Administrative Assistant	1	1	1	1	1	1	8	8	64	64	64	64	Open office.
Utilities Clerk	1	1	1	0	1	1	8	8	64	0	64	64	Open office, secure filing cabinets.
City Administrator	1	1	1	1	1	1	10	18	180	308	180	180	Office.
Assistant City Administrator	1	1	1	1	1	1	10	16	160	228	160	160	Office with window overseeing open office.
City Hall Conference Room / Jury Room				1	1	1	20	34	680	599	680	680	Seating for 20, dividable.
Volunteers	0	0	0	0	0	0	0	0	0	0	0	0	Two Volunteers, shared open office space.
Planning Counter				0	1	1	4	12	48	0	48	48	Work space for County Planner.
Parks Staff	0	0	0	0	0	0	0	0	0	0	0	0	3 seasonal staff.
Parks Storage				1	1	1	10	10	100	28	100	100	
Administrative Storage				1	1	1	6	8	48	60	48	48	Secure.
Copy/Print/Mail Center/Work Room				1	1	1	10	10	100	168	100	100	Copier, postage machine, form storage – accessible to clerks.
Files				0	1	1	10	15	150	0	150	150	Compact shelving, includes planning, files.
Supply Storage				1	1	1	6	8	48	23	48	48	
Group Total	5	5	5							2126	1776	1776	
SUBTOTAL	5	5	5							2126	1776	1776	
GENERAL CIRCULATION (20%)										502	356	356	
TOTAL SQUARE FOOTAGE (City Hall Administration)										2628	2134	2134	

Department: City Council / Municipal Court													
Support Functions													
Court/Council Chambers				1	1	1	35	50	1750	1432	1750	1750	Shared Council and Court chambers. Seating for 50-70.
Court Clerk	1.5	1.5	1.5	0	1	1	12	18	216	540	216	216	Lead court clerk & court clerk, shared office adjac. lobby/police for 3 w/ counter mailboxes.
Court Records				0	1	1	10	12	120	0	120	120	Secure.
Jury Room				1	0	0	16	28	448	135	0	0	Combined with City Hall Conference Room.
Judges Chambers	1	1	1	1	1	1	14	18	252	223	252	252	Guest seating.
Prosecutor	0.5	0.5	0.5	0	1	1	0	0	0	0	0	0	Interview room will double as council conference.
Indigent Defense	0.5	0.5	0.5	0	1	1	0	0	0	0	0	0	Interview room will double as council conference.
EOC Storage				0	1	1	10	15	150	0	150	150	Secure, access by police only. Emergency Power.
Chair / Table Storage				0	1	1	10	10	100	0	100	100	Secure.
Police Training Storage				0	1	1	8	10	80	0	80	80	Secure.
AV Room / Closet				0	1	1	8	10	80	0	80	80	
Group Total	3.5	3.5	3.5							2330	2746	2746	
SUBTOTAL	3.5	3.5	3.5							2330	2746	2746	
GENERAL CIRCULATION (20%)										543	550	550	
TOTAL SQUARE FOOTAGE (City Council / Municipal Court)										2873	3296	3296	

PROGRAMMING continued

Space / Room Use	Staffing Requirements			Space Requirements			Space Size			Total Required Square Footage			Comments
	Exist	2023	2033	Exist	2023	2033	W	L	Area	Exist	2023	2033	

Department: City Hall Support Functions													
Support Functions													
Unisex Toilet Room				0	1	1	8	10	80	0	80	80	1x vanity, 1x toilet.
Supply Storage				0	1	1	8	10	80	0	80	80	Misc storage requirements.
Group Total	0	0	0							0	160	160	
SUBTOTAL	0	0	0							0	160	160	
GENERAL CIRCULATION (20%)										0	32	32	
TOTAL SQUARE FOOTAGE (City Hall Support Functions)										0	192	192	

Department: Police Records / Administration													
Records													
Public Reception (Service Counter)				0	1	1	6	12	72	0	72	72	Secure w/ bullet resistant glazing & ADA counter.
Records - workstations	1	1	2	1	1	2	8	8	64	80	64	128	Open work station adjacent to reception counter.
Code Enforcement Officer	0.5	0.5	1	0	1	1	8	8	64	0	64	64	
Chief of Police	1	1	1	1	1	1	14	20	280	192	280	280	4x Conference, private office.
Lieutenant / Captain	0	1	1	0	1	1	10	16	160	0	160	160	Private office.
Executive Assistant	1	1	1	1	1	1	10	12	120	130	120	120	Private office.
Volunteers / Interns	0	0	0	0	1	1	6	6	36	0	36	36	Open workstation adjacent to Exec. Assistant 8-10 volunteers.
Confidential Records				0	1	1	8	8	64	0	64	64	Internal investigations, personnel documents.
Supply Storage				1	1	1	8	8	64	65	64	64	
Copy/Print/Mail Center/Work Room				0	1	1	10	15	150	0	150	150	Shared with court.
Records Files				0	1	1	10	15	150	222	150	150	Compact shelving with window.
Group Total	3.5	4.5	6							689	1224	1288	
SUBTOTAL	3.5	4.5	6							689	1224	1288	
GENERAL CIRCULATION (20%)										225	243	258	
TOTAL SQUARE FOOTAGE (Police Records / Administration)										914	1469	1546	

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Space / Room Use	Staffing Requirements			Space Requirements			Space Size			Total Required Square Footage			Comments
	Exist	2023	2033	Exist	2023	2033	W	L	Area	Exist	2023	2033	
Department: Police Operations													
Operations													
Patrol - Sergeants	3	3	4	1	3	4	10	12	120	194	360	480	Private offices.
Patrol Officers	10	10	13	0	0	0	0	0	0	0	0	0	Space included in report writing.
Reserve Officers	2	2	8	0	0	0	8	8	64	0	0	0	Space allocated in patrol room/patrol officer work stations.
Detectives	2	2	3	1	2	3	10	10	100	168	200	300	Bull pen office, adjacent to patrol.
Report Writing				1	1	1	18	20	360	300	360	360	Bull pen, 6x shared work stations.
Briefing / Conference Room				0	1	1	20	30	600	0	600	600	Equipped with audio/video equipment.
Interview Room				1	2	3	8	10	80	80	160	240	
Storage - Detectives				0	1	1	8	10	80	0	80	80	
Radio / Equipment Storage - Patrol				1	1	1	6	8	48	80	48	48	Located in report writing.
Group Total	17	17	28							822	1808	2108	
Inventory / Equipment Storage													
Armory/ammunition/weapons				1	1	1	12	14	168	80	168	168	
Ammunition Storage				0	1	1	6	8	48	0	48	48	
Weapons Maintenance				0	1	1	0	0	0	0	0	0	Included within Armory.
Equipment Storage / Issuance				0	1	1	10	15	150	150	150	150	
Group Total	0	0	0							230	366	366	
Booking													
Custody Processing				0	1	1	12	20	240	127	240	240	Includes officer workspace.
Temp Holding Cell				0	2	2	8	10	80	80	160	160	Equipped w/ audio/video equipment, separate male and female cells.
Hard Interview / Intox Room - small				1	1	1	10	12	120	0	120	120	AV requirements, audio/visual, Lockable Cabinet for Intoxilizer.
Unisex Toilet				0	1	1	6	8	48	0	48	48	
Access Vestibule				0	1	1	0	0	0	0	0	0	Weapon lockup area, sq. ft. within circulation.
Storage				0	1	1	8	10	80	0	80	80	
Sally Port				0	1	1	28	40	1120	0	1120	1120	Single car garage, pull-in.
Group Total	0	0	0							207	1768	1768	
SUBTOTAL:	17	17	28							1259	3942	4312	
GENERAL CIRCULATION (20%)										325	788	848	
TOTAL SQUARE FOOTAGE (Police Operations)										1584	4730	5090	

PROGRAMMING continued

Space / Room Use	Staffing Requirements			Space Requirements			Space Size			Total Required Square Footage			Comments
	Exist	2023	2033	Exist	2023	2033	W	L	Area	Exist	2023	2033	
Department: Property / Evidence													
Property / Evidence													
Evidence Processing - Officer				0	1	1	10	15	150	220	150	150	Temp lockers, evidence lockers, work area space included for tag/bag supplies/equipment.
Evidence Technician - Workstation	0.5	0.5	1	0	0	0	0	0	0	0	0	0	Open to work room, single staff member shared with Code Enforcement Officer.
Evidence Technician Work Room				0	1	1	10	15	150	220	150	150	Evidence Tech Processing area.
Evidence Storage - General				0	1	1	20	30	600	640	600	600	High density compact shelving.
Evidence Storage - Drying Room				0	1	1	8	10	80	0	80	80	
Refrigerated Storage				0	1	1	6	3	18	0	18	18	Refrigerator.
Narcotics Storage				0	1	1	6	8	48	0	48	48	Access from General Storage.
Cash Storage				0	0	0	0	0	0	0	0	0	Vault within General Storage.
Weapons Storage				0	1	1	6	8	48	0	48	48	Access from General Storage.
Oversized Item Storage				0	1	1	4	20	80	0	80	80	Open shelving, within General Storage room.
Vehicle Garage				0	1	1	20	30	600	720	600	600	
Bicycle Storage - Impound				0	0	0	0	0	0	0	0	0	Exterior, Covered, Secure, 50x bicycle capacity.
Group Total	0.5	0.5	1							1800	1774	1774	
SUBTOTAL	0.5	0.5	1							1800	1774	1774	
GENERAL CIRCULATION (20%)										437	355	355	
TOTAL SQUARE FOOTAGE (Property / Evidence)										2237	2129	2129	

Department: Police Support Functions													
Police Restrooms/Showers													
Unisex Toilet / Shower Room				0	3	3	9	10	90	0	270	270	1x Shower, 1x vanity, 1x toilet each.
Unisex Toilet Room				1	1	1	8	10	80	80	80	80	Adjacent to records.
Quiet Room				0	1	1	8	10	80	0	80	80	Adjacent locker rooms.
Men's Locker Room				1	1	1	20	26	520	256	520	520	30 Lockers.
Women's Locker Room				1	1	1	10	20	200	185	200	200	10 Lockers.
Group Total	0	0	0							594	1150	1150	

Shared													
Mud Room Vestibule / Ready Room				0	1	1	8	14	112	85	112	112	Access from secured parking w/ auto slide doors, includes 15x equipment storage cubbies.
Supply Storage				0	1	1	5	5	25	81	25	25	Misc storage requirements.
Break Room				1	1	1	12	16	192	216	192	192	Room for 2-4x people, 1 RF, 2 MW, 1 DW, 1 GD, 1 RG, adjacent to Council Chamber.
Physical Training Room				0	1	1	20	20	400	0	400	400	Shared with City Hall.
Laundry Closet				0	1	1	6	8	48	0	48	48	
Group Total	0	0	0							362	777	777	
SUBTOTAL	0	0	0							303	1927	1927	
GENERAL CIRCULATION (20%)										258	385	385	
TOTAL SQUARE FOOTAGE (Police Support Functions)										1161	2312	2312	

Space / Room Use	Staffing Requirements			Space Requirements			Space Size			Total Required Square Footage			Comments
	Exist	2023	2033	Exist	2023	2033	W	L	Area	Exist	2023	2033	

Department: Exterior Requirements

Public Parking													
Public Parking - City Hall				0	30	30	9	18	162	0	4860	4860	
Public Parking - Police Department				0	5	5	9	18	162	0	810	810	
Staff Parking - City Hall				0	12	12	9	18	162	0	1944	1944	
Bicycle Parking				0	10	10	4	6	24	0	240	240	
Group Total				0	47	47				0	2994	2994	

Secured Parking													
Police Personal Vehicles				0	8	12	9	18	162	0	1296	1944	
Squad Vehicle Parking / Patrol				5	6	8	10	20	200	810	1200	1600	Covered.
Detectives' Vehicle Parking				0	2	3	10	20	200	0	400	600	Covered.
Sergeant Vehicle Parking				0	1	1	10	20	200	0	200	200	Covered.
Chief's Vehicle Parking				0	1	1	10	20	200	0	200	200	Covered.
Code Enforcement Parking				0	1	2	10	20	200	0	200	400	Covered.
Admin Vehicle Parking				0	1	1	10	20	200	0	200	200	
Radar Trailer				0	1	1	10	20	200	0	200	200	
K-9 Parking				0	1	1	10	20	200	0	200	200	
Emergency Generator				1	1	1	15	25	375	100	375	375	Includes 4'-0" clearances, concrete pad required.
Trash/Recycling				0	1	1	10	20	200	0	200	200	Verify trash requirements with provider.
Bicycle Storage / Impound				0	1	1	20	20	400	0	400	400	50x bicycles, covered.
Group Total				5	22	30				910	5071	6519	

SUBTOTAL										910	8065	9513	
GENERAL CIRCULATION (100%)										228	8065	9513	
TOTAL SQUARE FOOTAGE (Exterior Requirements)										1138	16130	19026	



Beery Elsner
& Hammond LLP

MEMORANDUM

TO: Honorable Mayor and Gladstone City Council
FROM: ^{HM} Heather Martin, Office of the City Attorney
SUBJECT: City Hall Renovations/Lease Issue
DATE: December 31, 2012

******Confidential Attorney-Client Privileged Communication******

The City Council has contemplated several different scenarios concerning renovations to City Hall. At a minimum, the structure's roof must be replaced but there are other options that have been identified including the possibility of completely renovating the current City Hall; building a new structure at a different location; or demolishing the current building and rebuilding on the current site. As the Council is aware, there has been a potential offer by a local developer to demolish and rebuild City Hall. Towards that end, the recent City Charter amendments would come into play.

Assuming the City does not have to incur any debt for this project (i.e., the developer builds it, the City leases), the Charter amendment that limits spending over \$1,000,000 would be applicable and states:

no public building shall be constructed by or for the City if such construction will require the actual or reasonably projected expenditure of \$1,000,000 or more from existing City funds or current or future City revenues...

From that language, if the developer built the City Hall and merely leased it (i.e., at fair market value) back to the City, this would be fine because even though it was constructed FOR the City, it did not come from existing, current or future City revenues. But, more likely the payments would be structured as a "lease plus" payment taking into account the costs incurred to finance and construct the building. In that scenario, City funds would indirectly be used for the building's construction or it could be argued that future City funds were used to construct the public building. Either way, it might seem like an end run around the Charter requirement if there was no public vote on the new City Hall because City funds would clearly be implicated in a "lease plus" situation, particularly if there was an agreement with the developer to this effect. It is also important to note that prevailing wage rates would likely apply because the construction

December 31, 2012

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would probably be considered a "public work" as that term is defined under state prevailing wage laws. Prevailing wage applies when a public entity leases more than 25% of the total square footage of a completed building. Given that the project would likely be subject to prevailing wage, it would be even harder for the City to argue that it is not a project that is benefiting the City.

At one Council meeting, there was also mention of using the funds from the sale of the library site for the new City Hall construction. This is fine, but any spending over \$1,000,000 on the construction of City Hall would still require a public vote.

I look forward to discussing this issue with you in more detail at Tuesday's meeting.

DEII
DEII

7-28

City of GLADSTONE

Date: January 2, 2013
To: Mayor Byers and City Council
From: Pete Boyce, City Administrator *PB*
Re: Library Operations Outsourcing

I have been asked to do an informal inquiry as to the feasibility of the City of Gladstone outsourcing library operations to Library Systems and Services, LLC (LSSI). My interpretation of this city council directive is to determine whether or not LSSI could operate and manage the Gladstone Library while the City maintains its participation in the Clackamas County Library District (District). Continued participation in the District would mean fulfilling City of Gladstone requirements of the attached intergovernmental agreement (IGA) thus making Gladstone eligible for its share of the District tax revenue which is over \$550,000 per year.

Research indicates that LSSI is the only private non-governmental firm that provides this service. The company headquarters are located in Maryland with west coast operations in Riverside, California. LSSI operates many libraries across the country (see attached list) including Jackson County, Oregon.

In general my research has shown that the majority of jurisdictions using LSSI were under financial stress or had management issues that facilitated the change. According to the company and news articles LSSI has been able to operate these facilities at a lower cost while maintaining or increasing library hours and services. The reduction in expenditures varies depending on the individual conditions at each library and the agreed scope of work but range between 13% to over 20%. The savings is reached through reduced benefits for employees, automation and purchasing for the large number of libraries run by LSSI. Library employees end employment with the jurisdiction and given the opportunity and preference to apply for comparable positions with LSSI. Research has indicated that a few libraries have terminated contracts with LSSI for various reasons.

Contracts with LSSI (see attached sample contract) usually call for the City to retain ownership of the library and maintain the structure and grounds. The City would retain ownership of the equipment, collection, supplies, records, files and data. The City would also continue to cover

City Hall
525 Portland Avenue
Gladstone, OR 97027
(503) 656-5223
FAX: (503) 650-8938
E-Mail: (last name)@
ci.gladstone.or.us

Municipal Court
525 Portland Avenue
Gladstone, OR 97027
(503) 656-5224 ext. 1
E-Mail: municourt@
ci.gladstone.or.us

Police Department
535 Portland Avenue
Gladstone, OR 97027
(503) 656-4253
E-Mail: (last name)@
ci.gladstone.or.us

Fire Department
555 Portland Avenue
Gladstone, OR 97027
(503) 557-2776
E-Mail: (last name)@
ci.gladstone.or.us

Public Library
135 E. Dartmouth
Gladstone, OR 97027
(503) 656-2411
FAX: (503) 655-2438

Senior Center
1050 Portland Avenue
Gladstone, OR 97027
(503) 655-7701
FAX: (503) 650-4840

City Shop
18595 Portland Avenue
Gladstone, OR 97027
(503) 656-7957
FAX: (503) 722-9078

janitorial services and property insurance. Contacts usually allow for the City to continue its policy discretion over the library with its Library Board and City Council.

News reports have indicated that detractors of LSSI have sited employee issues, loss of local management control, nonpayment of bills in one circumstance and loss of local character in the library collection as reasons not to contract with LSSI. I have also attached an American Library Association (ALA) publication titled *Keeping Public Libraries Public* which indicates that the current ALA policy regarding library outsourcing as "ALA affirms that publicly funded libraries should remain directly accountable to the public they serve. Therefore, the ALA opposes the shifting of policy making and management oversight of library services for the public to the private for-profit sector."

In summary with the initial question being could LSSI operate and manage the Gladstone Library while the City maintains its participation in the Clackamas County Library District? The answer is yes, LSSI could operate the Gladstone Library in such a way as to continue participation in the District most likely at a reduced cost yet to be determined. More work would need to be done to ensure the quality and amount of service would remain at current levels. The City would need a qualified Library Director or equivalent consultant to help with this determination. If City Council wishes to proceed with the analysis a formal proposal from LSSI should be solicited in order to determine scope of work and financial projections, followed by an evaluation of proposed library services by a qualified independent consultant along with public input sessions.

March 2011

COOPERATIVE INTERGOVERNMENTAL AGREEMENT
BETWEEN
CLACKAMAS COUNTY
AND
THE CITY OF GLADSTONE

THIS COOPERATIVE INTERGOVERNMENTAL AGREEMENT (this "Agreement"), is entered into this 7 day of April, 2011, by and between the Clackamas County (the "County") a political subdivision of the State of Oregon, and the City of Gladstone, a municipal corporation (the "City").

WHEREAS, the County has formed the Library District of Clackamas County (the "District"), a county service district dedicated to supporting the provision of library services within its boundaries; and

WHEREAS, as part of the preparatory process for the formation of the District, the Board of County Commissioners proposed a one-time contribution from the County general fund to each city providing library services in the District for the sole purpose of capital improvements to the libraries therein (the "Capital Contribution"); and

WHEREAS, the City and other cities within the District have entered into a separate intergovernmental agreement dated August 20, 2009 with the District for the distribution of District funds for the purposes of operating, maintaining and enhancing services at the libraries within the District (the "District IGA"); and

WHEREAS, the County is entering into similar intergovernmental agreements with city library service providers ("Library Cities") for their respective Capital Contributions; and

WHEREAS, the parties desire to enter into this Agreement to reflect the terms of the Capital Contribution by the County;

NOW, THEREFORE, the County and City each covenant and agree to the following:

Section 1 Obligations of the County

- 1.1 County Capital Contribution. The County shall provide a one-time capital contribution of Two Million Five Hundred Thousand and No/100 Dollars (\$2,500,000.00) to the City for the purposes set forth in Section 2.2 (the "Capital Contribution"), which will be distributed in one or more distributions pursuant to Section 1.3 hereof. The goal of distributing such capital funds is to assist libraries in meeting the Service Standards as defined in the District IGA. The Capital Contribution shall consist of \$1 million from the County general fund as with all other Library Cities as defined in the District IGA, \$1 million

March 2011

from the County Library Capital Fund originally intended for capital improvements to County-operated libraries, and \$500,000 from anticipated savings in County Library operations.

- 1.2 Library Capital Trust Fund. The County shall allocate a guaranteed amount per fiscal year to a County-managed dedicated library capital trust fund (the "Capital Fund") as scheduled and set forth in Exhibit A (the "Disbursement Schedule").
- 1.3 Capital Fund Distribution. The County shall disburse the Capital Contribution from the Capital Fund to the City and other Library Cities based on the Disbursement Schedule. The County shall make distributions up to the maximum available amount for that fiscal year. Such distribution will be made by the County no earlier than January of such fiscal year and no later than 60 days after the City submits to the County a capital plan identifying how the City will use the Capital Contribution. If requests for distributions in a given fiscal year are for a total amount less than the total amount in the Capital Fund, the County shall carry forward such balance to the next fiscal year for distribution as requested. The Parties intend that City shall receive its disbursement in February 2011.
- 1.4 Changes In Capital Fund Disbursement Schedule. To the extent the City desires a change in the schedule of disbursement, the City shall meet with representatives of the other Library Cities as constituted by the Library District Advisory Committee or otherwise and arrive at a mutually agreeable reordering of the Disbursement Schedule, which shall then be presented to the County Board for its approval. The City hereby consents to an alteration of the Disbursement Schedule without requiring the adoption of a specific amendment upon presentation of a resolution agreed to by a majority of the representatives of the Library Cities consenting to such change and upon approval of the requested change by the Board of County Commissioners.
- 1.5 Library Network. The County currently funds and operates the Library Network of Clackamas County (the "Network") to support the provision of services by the libraries in Clackamas County. The County shall fund the Network to provide the following services at an overall service level at least equal to that being provided by Network in fiscal year 2008/2009:
 - 1.5.1 Automated library system and related telecommunications and technical support;
 - 1.5.2 Courier services;
 - 1.5.3 Administration;
 - 1.5.4 Database management services including creating/acquiring MARC format bibliographic records;
 - 1.5.5 Inter-library loan services;
 - 1.5.6 Inter and intra-regional cooperative library planning;

- 1.5.7 Shared online databases for public use; and
- 1.5.8 Internet Service Provider for member libraries.

The County shall not be financially or otherwise responsible for the provision of new services requested or added to Network at the request of the City. To the extent the City or Library Cities generally request new or additional services, such requesting provider(s) will be billed back on separate contracts initiated as services are added. Such agreements shall not modify or restrict the covenants and agreements of the parties hereto.

Section 2 Obligations of the City

- 2.1 Capital Fund Disbursement. The City shall receive its Capital Contribution pursuant to Sections 1.3 and 1.4 hereof.
- 2.2 Use of Funds. The City shall expend the Capital Contribution solely for library purposes such as library construction, remodel, expansion, building and site improvements, library construction bonded debt service, and/or collection development.
- 2.3 Proof of Use. After distribution, the County may monitor the use of the Capital Contribution to ensure that these County general funds are used for purposes permitted by Section 2.2. Upon request of the County the City shall provide a certification that the Capital Contribution has been so used to the head of the Business and Community Services Department of Clackamas County or his or her designee.
- 2.4 Library Board Representation. The City shall provide for fair representation of served library patrons on the City's Library Board, including patrons from unincorporated Clackamas County.

Section 3 Term and Termination

- 3.1 Term. This Agreement shall commence on July 1, 2010 and automatically renew annually thereafter, unless otherwise terminated as set forth herein.
- 3.2 Termination. This Agreement shall terminate upon the agreement of both parties, or upon one hundred eighty (180) days prior written notice from one party to the other.
- 3.3 Amendment. This Agreement may be amended at any time upon the agreement of both parties.

March 2011

- 3.4 Failure of the City to use Capital Contribution for Library Purpose. If the City at any time uses the Capital Contribution other than for purposes permitted in Section 2.2., the City will be in material breach of this Agreement and shall promptly repay to the County that portion of the Capital Contribution not so used plus accrued interest on such sum calculated from the date of disbursement to the date of repayment at a rate of 6% per annum.

Section 4 General Provisions

- 4.1 Indemnification. Each party shall release, defend, indemnify and/or hold harmless the other, its officers, commissioners, councilors, elected officials, employees, and agents, from and against all damages, claims, injuries, costs, or judgments that may in any manner arise as a result of the party's performance under this contract, subject to Oregon Tort claims limitations.
- 4.2 Governing Law. This Agreement shall be construed and governed in all respects in accordance with laws of the State of Oregon, without giving effect to the conflict of law provisions thereof.
- 4.3 Savings. Should any portion of this Agreement or amendment thereto be adjudged by a Court of appropriate final jurisdiction to be in violation of any local, state or federal law, then such portion or portions shall become null and void, and the balance of the Agreement shall remain in effect. Both parties shall immediately renegotiate any part of this Agreement found to be in such violation by the Court and to bring it into compliance with said laws.
- 4.4 Reasonable Attorney's Fees. In the event any action is brought to enforce, modify or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorneys fees and costs incurred in connection with such action or on appeal or review; said amount to be set by the court before which the matter is heard.
- 4.5 Notices. Formal notices, demands and communications between the Parties shall be deemed given three (3) business days after being sent by registered or certified mail, postage prepaid, return receipt requested to the principal offices of the Agency and the City as designated herein. Such written notices, demands and communication may be sent in the same manner to such other addresses and to such other persons and entities as either party may from time to time designate by mail as provided in this section. Notices shall be sent to the addresses shown below and to the attention of the person indicated.

The principal offices and mailing address of the Parties are:

Clackamas County
Attn: Board of County Commissioners

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2051 Kaen Road
Oregon City, Oregon 97045

With a copy to:
Clackamas County Libraries
Atten: Doris Grolbert, Library Director
150 Beaver Creek Road, 4th Floor
Oregon City, OR 97045

City of Gladstone
Attn: Pete Boyce, City Administrator
525 Portland Avenue
Gladstone, Oregon 97027

- 4.6 No Personal Liability. No member, official, agent, or employee of the County or any City shall be personally liable to the other or any successor-in-interest thereto in the event of any default or breach by such entity.
- 4.7 No Agency. Neither anything in this Agreement nor any acts of the parties hereto shall be deemed or construed by the parties hereto, or any of them, or by any third person, to create the relationship of principal and agent, or of partnership, or of joint venture, or of any association between any of the parties to this Agreement. No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.
- 4.8 Entire Agreement. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto and supersedes all negotiations or previous agreements between the parties or the predecessors in interest with respect to all or any part of the subject matter hereof. All waivers of the provisions of this Agreement must be in writing by the appropriate authorities of the party granting such waiver.
- 4.9 Further Action. The parties hereto shall, without additional consideration, acknowledge, execute, and deliver from time to time such further instruments as a requesting party may reasonably require to accomplish the purposes of this Agreement.
- 4.10 Non-Waiver of Rights. The failure of a party to insist on the strict performance of any provision of this Agreement or to exercise any right, power or remedy upon a breach of any provision of this Agreement shall not constitute a waiver of any provision of this Agreement or limit the party's right thereafter to enforce any provision or exercise any right.
- 4.11 Time is of the Essence. A material consideration of the parties entering into this Agreement is that the parties will perform all obligations under this Agreement

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in a timely manner. Time is of the essence as to each and every provision of this Agreement.

- 4.12 Restricted Assignment. No party hereto may assign its rights, responsibilities or obligations hereunder to another party, by operation of law or otherwise, without (i) seeking and receiving an amendment of this Agreement and (ii) having said party join this Agreement on the terms, conditions and covenants herewith.
- 4.13 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and such counterparts shall constitute one and the same instrument.
- 4.14 Library Authority. Clackamas County operates public libraries pursuant to a board order creating public libraries for all Clackamas County residents dated July 9, 1938, as amended and updated pursuant to Board Order 85-1221 dated October 31, 1985. The Library Cities operate or in future plan to operate public libraries under state law within their boundaries. Under the District IGA, the Library Cities have agreed to provide public library services in unincorporated areas of the County as well as within City boundaries. Clackamas County nonexclusively delegates the authority to operate public libraries for the benefit of incorporated and unincorporated residents of Clackamas County to the City.

Section 5 **Transition of Oak Lodge Library**

- 5.1 Transfer of Operations. The County currently operates the Oak Lodge Public Library for the benefit of unincorporated residents in the Oak Lodge Service Area as defined in the District IGA. The City operates the Gladstone Public Library for the benefit of its citizens and a number of unincorporated residents in the surrounding area. Upon completion of a new Public Library located at 18235 Webster Road, the Oak Lodge Library will close and the City's service population will change as specified in the District IGA to include areas of the Oak Lodge service population. The City shall provide for fair representation of served library patrons on the City's library board, including patrons from unincorporated Clackamas County to comply with Section 2. .4.
- 5.2 Transfer of Employees. County employees of the Oak Lodge Public Library may be transferred to the employ of the City pursuant to ORS 236.605-640. No later than ninety (90) days before the opening of the new public library both parties agree to enter into a separate agreement regarding the transition of materials, resources and labor from the Oak Lodge Public Library to the new Public Library.
- 5.3 Transfer of Assets. The County will transfer or assign, as appropriate, to the City all assets of the Oak Lodge Public Library desired by the City as agreed by

March 2011

the parties. No later than ninety (90) days before the opening of the new public library both parties agree to enter into a separate agreement regarding the transition of materials, resources and labor from the Oak Lodge Public Library to the new Public Library.

[Signature Page Follows]

March 2011

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers or representatives as of the day and year first above written.

THE CITY OF GLADSTONE	CLACKAMAS COUNTY
By: <u>Wade Byers</u>	By: <u>Charlotta Behan</u>
Title: Mayor	Title: Chair
ATTEST: <u>[Signature]</u>	ATTEST: <u>Mary Raethke</u> 4-7-11

Exhibit A**Disbursement Schedule**

	Year 1 2009/10	Year 2 2010/11	Year 3 2011/12	Year 4 2012/13	Year 5 2013/14	TOTAL
Annual Distribution	3,500,000	3,000,000	2,500,000	2,000,000	1,250,000	12,250,000
Prior Year Carryover	--	1,350,000	350,000	850,000	--	
Total Funds Available	3,500,000	4,350,000	2,850,000	2,850,000	1,250,000	
Library Cities:						
<i>Canby</i>				1,000,000		1,000,000
<i>Estacada</i>	1,000,000					1,000,000
<i>Gladstone</i>		2,500,000				2,500,000
<i>Happy Valley</i>		2,000,000				2,000,000
<i>Lake Oswego</i>			1,000,000			1,000,000
<i>Milwaukie</i>				1,000,000		1,000,000
<i>Molalla</i>	150,000			850,000		1,000,000
<i>Oregon City</i>		1,000,000				1,000,000
<i>Sandy</i>			1,000,000		250,000	1,250,000
<i>West Linn</i>	1,000,000					1,000,000
<i>Wilsonville</i>					1,000,000	1,000,000
Total						13,750,000
Carryover:	1,350,000	350,000	850,000	--	--	



innovation. experience. opportunity.



SERVICES

COMMUNITIES

CAREERS

ABOUT US

CONTACT US

Community Libraries Operated by LSSI

Leander, TX

Leander, TX Library

Camarillo, CA

Camarillo, CA

Camarillo Public Library

Moorpark, CA

Moorpark, CA

Moorpark City Library

Redding/Shasta County, CA

Anderson, CA

Burney, CA

Redding, CA

Shasta Public Libraries

Anderson Library

Burney Library

Redding Library

Riverside County, CA

Anza, CA

Cabazon, CA

Calimesa, CA

Canyon Lake, CA

Cathedral City, CA

Coachella Valley, CA

Coachella, CA

Desert Hot Springs, CA

Eastvale, CA

El Cerrito, CA

Glen Avon, CA

Highgrove, CA

Home Gardens, CA

Idyllwild, CA

Indio, CA

La Quinta, CA

Lake Elsinore, CA

Lake Tamarisk, CA

Lakeside, CA

Mead Valley, CA

Mecca, CA

Mission Trail, CA

Norco, CA

Nuvview, CA

Palm Desert, CA

Paloma Valley, CA

Perris, CA

Romoland, CA

Rubidoux, CA

San Jacinto, CA

Sun City, CA

Temecula, CA

Temecula, CA

Thousand Palms, CA

Valle Vista, CA

West County, CA

Woodcrest, CA

Riverside County Library System

Anza Library

Cabazon Library

Calimesa Library

Canyon Lake Library

Cathedral City Library

Coachella Valley Bookmobile

Coachella Library

Desert Hot Springs Library

Eastvale Library

El Cerrito Library

Glen Avon Library

Highgrove Library

Home Gardens Library

Idyllwild Library

Indio Library

La Quinta Library

Lake Elsinore Library

Lake Tamarisk Library

Lakeside Library

Mead Valley Public Library

Mecca Library

Mission Trail Library

Norco Library

Nuvview Library

Palm Desert Library

Paloma Valley Library

Perris Library

Romoland Library

Louis Robidoux Library

San Jacinto Library

Sun City Library

Temecula Public Library

Grace Mellman Community Library

Thousand Palms Library

Valle Vista Library

West County Bookmobile

Woodcrest Library

Santa Clarita, CA

Santa Clarita, CA

Santa Clarita, CA

Santa Clarita, CA

The City of Santa Clarita Public Library

Canyon Country Jo Anne Darcy Library

Newhall Library

Valencia Library

Finney County, KS

Garden City, KS

Finney County Public Library

Jackson County, OR

Applegate, OR

Ashland, OR

Butte Falls, OR

Central Point, OR

Eagle Point, OR

Gold Hill, OR

Jacksonville, OR

Jackson County Library Services

Applegate Branch Library

Ashland Regional Library

Butte Falls Branch Library

Central Point Branch Library

Eagle Point Branch Library

Gold Hill Branch Library

Jacksonville Branch Library

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<p>OR OR OR ver, OR</p>	<p>Central Library Phoenix Branch Library Prospect Branch Library Rogue River Branch Library Ruch Branch Library</p>	<p>Library Outsourcing Library Management Library Services © 2011 Library Systems & Services, LLC. All rights reserved.</p>
<p>Shady Cove, OR Talent, OR White City, OR</p>	<p>Shady Cove Branch Library Talent Branch Library White City Branch Library</p>	
<p>Arlington, TN Arlington, TN</p>	<p>Sam T. Wilson Public Library</p>	
<p>Collegedale, TN Collegedale, TN</p>	<p>Collegedale Public Library</p>	
<p>Collierville, TN Collierville, TN</p>	<p>Lucius E. and Elsie C. Burch, Jr. Library</p>	
<p>Germantown, TN Germantown, TN Germantown, TN</p>	<p>Germantown Community Library Germantown Regional History and Genealogy Center</p>	
<p>Jackson-Madison County, TN Jackson, TN Jackson, TN</p>	<p>Jackson-Madison County Libraries Jackson-Madison County Library Library North</p>	
<p>Millington, TN Millington, TN</p>	<p>Millington Public Library</p>	
<p>Farmers Branch, TX Farmers Branch, TX</p>	<p>Farmers Branch Manske Library</p>	
<p>Red Oak, TX Red Oak, TX</p>	<p>Red Oak Public Library</p>	
<p>San Juan, TX San Juan, TX</p>	<p>San Juan Public Library</p>	
<p>Osceola County, FL Celebration, FL Kenansville, FL Kissimmee, FL Kissimmee, FL Kissimmee, FL St. Cloud, FL</p>	<p>Osceola Library System West Osceola Branch Library Kenansville Library Hart Memorial Central Library Buenaventura Lakes Branch Library Poinciana Branch Library St. Cloud Branch Library</p>	

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LIBRARY ADMINISTRATION AND OPERATIONS AGREEMENT

This Agreement is made as of _____, 201_ between:

LIBRARY SYSTEMS & SERVICES, LLC, a Maryland limited liability company with a mailing address at 12850 Middlebrook Road, Suite 400, Germantown, Maryland 20874, ("LSSI"); and _____, with a mailing address at _____, ("Customer"). LSSI and Customer are each sometimes referred to herein as a "Party" and collectively, the "Parties".

The Parties agree as follows:

1. Services and Goods.

(a) *Services.* During the term of this Agreement, LSSI will provide the labor and administrative services described on Schedule A (collectively, "Services").

(b) *Provision of Goods.* LSSI may purchase goods for use in the management and operation of the Library (as defined below). At LSSI's sole discretion, LSSI may select sources of goods. Title to all items purchased by LSSI shall at all times reside in Customer. If LSSI furnishes any goods to Customer, LSSI will use good faith efforts to extend the manufacturer's warranty, if any, to Customer.

2. Term and Termination.

(a) *Term.* This Agreement shall commence on _____, 201_ ("Effective Date"), and continues in force until _____, 201_ ("Expiration Date"), unless sooner terminated in accordance with this Section 2.

(b) *Termination for Convenience.* Either Party may terminate this Agreement after twelve (12) calendar months from the Effective Date with or without cause by giving the other Party six (6) calendar months written notice of termination prior to the end of Customer's fiscal year which ends in the month of _____.

(c) *Termination for Default.* If either Party breaches any material provision of this Agreement and fails to correct the breach within thirty (30) days after receiving written notice specifying the breach (or, if the breach cannot be corrected within thirty (30) days, fails to progress diligently towards correction), then the other Party may terminate this Agreement by giving written notice to the breaching Party, except that LSSI shall have the right to terminate this Agreement if Customer fails to pay any amount due LSSI and such failure continues for ten (10) days after written notice thereof.

(d) *Renewal.* Subject to the termination provisions in accordance with this Section 2, this Agreement shall automatically renew and the Expiration Date extended for successive renewal periods equal in duration to the original term of this Agreement, unless written notice of intent to not renew is given by a Party at least six (6) calendar months prior to the Expiration Date.

3. Price and Payment.

(a) *Price.* LSSI shall perform the Services for the Charges (exclusive of any current or future taxes) set forth in Section E of Schedule A.

(b) *Payments.* LSSI shall invoice Customer prior to each month's service for the monthly amount set forth in Section E of Schedule A. Invoices shall be paid by bank wire transfer or Automated Clearing House direct debit to a bank account designated by LSSI on or before the fifth (5th) day of such month (the "Due Date") and shall bear interest at the rate of one and one quarter percent (1¼%) per month if not paid in full by the Due Date. If LSSI has not received payment by the Due Date, it may suspend performance contemplated under this Agreement until full payment has been received. LSSI shall add to its invoices any current or future taxes (other than LSSI's income tax) payable by LSSI on account of this Agreement, the Services, or Customer's payments hereunder, except to the extent Customer furnishes in advance a valid certificate of exemption from such taxes.

4. Insurance.

(a) *Insurance.* During the term of this Agreement, LSSI shall maintain in force at its own expense commercial general liability insurance coverage of at least one million dollars (\$1,000,000) each occurrence and two million dollars (\$2,000,000) annual aggregate. LSSI also shall maintain workers compensation insurance providing the statutory benefits required by law.

(b) *Property Insurance.* Customer will keep its buildings and their contents insured against loss, cost, damage or expense resulting from fire, explosion or any other casualty in an amount equal to the full replacement cost thereof ("Casualty Insurance"). If any loss, cost, damage or expense resulting from fire, explosion, or any other casualty or occurrence is incurred by Customer in connection with its buildings or their contents, then Customer hereby releases LSSI, its owners, officers, employees, agents and volunteers from any liability it may have on account of such loss, cost, damage or expense to the extent of any amount receivable by reason of such Casualty Insurance, and waives any right of subrogation which might otherwise have existed or accrued to any person on account thereof.

5. Information, Intellectual Property and Employees.

(a) *Information.* In the performance of this Agreement, LSSI may be exposed to information regarding the identity of Customer's patrons, Customer may be exposed to information regarding LSSI's proprietary library management techniques, and either Party may be exposed to other information designated in writing by the disclosing Party as confidential (collectively, "Confidential Information"). Each Party shall: (1) use the same care to protect the other Party's Confidential Information from disclosure that such Party uses to protect its own information of like importance; (2) limit duplication of Confidential Information to the extent needed to perform this Agreement; and (3) disclose Confidential Information only to employees having a need to know in connection with performance of this Agreement, and who are informed of the contents of this provision prior to disclosure. This provision shall survive termination or expiration of this Agreement; and, on such termination or expiration, each Party shall return all Confidential Information, including all copies, to the owner of such

information and, if requested, shall certify in writing that all such information has been returned. Because the damage resulting from a breach of this provision would be difficult or impossible to quantify and remedy at law, in case of such breach, or the threat of such breach, the Party whose Confidential Information is threatened to be disclosed shall be entitled to injunctive or other equitable relief.

(b) *Intellectual Property.* Nothing in this Agreement confers any license or right to use any trademark, service mark, copyright or other intellectual property right, whether now owned or hereafter developed, of either Party.

(c) *Employees.* Customer shall not actively solicit for hire or hire any employee of LSSI during the term of this Agreement or for a period of six (6) months after termination or expiration of this Agreement, unless such employee previously was an employee of Customer.

6. Customer's Obligations.

(a) *Facilities, etc.* Customer shall make available to LSSI without charge, solely for LSSI's use in performing the Services, all properties, facilities, equipment, collections, supplies, records, files and data used or useful in the operation of the Library that are in Customer's possession, custody or control as of the date hereof. Customer reserves all ownership rights in such properties and LSSI shall return such properties to Customer, ordinary wear and tear excepted, at the termination or expiration of this Agreement.

Customer is responsible for the structure, improvements, maintenance, janitorial services and janitorial supplies, repairs and property insurance at the Library building (except for damage caused by LSSI). This includes the interior and exterior of the structure, all restrooms, electrical, building systems, and the heating and air conditioning system. LSSI shall work with LSSI Staff and City to ensure effective building maintenance by promptly identifying and reporting problems with the facilities.

Customer is responsible for maintaining the entire Library site, including landscaping and grounds maintenance.

(b) *Utilities.* Customer is responsible for payment of utilities at the library facilities, including electricity, gas, water, waste disposal and recycling, telecommunications and internet access.

(c) *Policies.* Customer shall be responsible for setting all policies that govern the operations of the Library.

(d) *Revenue Generating Opportunities.* Customer shall make available to LSSI without charge adequate space in the Library to develop and implement new revenue generating services, such as services to the business community, retail sales (books, gifts, refreshments, etc.) and other fee based services, to benefit the community, Customer and LSSI ("Additional Services"). Customer will use its best efforts to assist LSSI in the promotion and implementation of these Additional Services. Customer shall have the final approval of all Additional Services, with such approval to not be

unreasonably withheld, conditioned or delayed. Unless otherwise approved by Customer, the provision of these Additional Services shall not in any way substantially reduce the space or Library services provided prior to the implementation of these Additional Services.

7. Excluded Services.

Notwithstanding any other provision of this Agreement to the contrary, the Services shall not include, LSSI shall have no responsibility for and Customer shall be fully responsible for the following:

- (a) Any goods or services, including payroll, that were rendered to Customer prior to the Effective Date.
- (b) Unfair labor practices, grievances, or any claims or litigation whatsoever arising out of the hiring and/or firing, layoff, subcontracting, assignment, reassignment or discipline of any Library staff not employed by LSSI at the time of the relevant incident.
- (c) Any worker's compensation or other claims arising from injuries sustained prior to the Effective Date by any Library staff not employed by LSSI at the time of such injuries.
- (d) Any costs of any current or future employee benefits, including payroll taxes, retirement benefits, voluntary retirement incentives, pension contributions, employee buyouts or other similar programs adopted by Customer.

8. Conflict of Interest.

LSSI shall not, directly or indirectly, acquire any interest which will conflict in any manner or degree with the performance of its services hereunder. In this connection, LSSI, its employees and consultants shall make no political contributions to any political campaign or initiative affecting the Customer, nor should the customer make such a request of LSSI to do so.

9. Notices

Any notice regarding the performance of services under this contract shall be considered delivered using regular U.S. mail services, email, or fax to the attention of the parties listed below:

[Customer Name]

LSSI

Ronald A. Dubberly, CEO
12850 Middlebrook Road, Suite 400
Germantown, MD 20874
Email: Ron.Dubberly@lssi.com
Fax: 301-540-5522

10. Miscellaneous.

- (a) *Independent Contractors.* The relationship of the parties is that of independent contractors, and no partnership, joint venture, agency, employment, or other relationship is intended.
- (b) *Assignment.* Neither Party may assign this Agreement to a third party not affiliated with such Party without the prior written consent of the other Party, except that LSSI may subcontract or delegate portions of the Services; provided, however, that in no case shall Customer be liable to any party other than LSSI, or for any amount in excess of the price specified on Schedule A, plus any additional charges permitted hereunder.
- (c) *Warranty.* LSSI warrants that it will perform the Services with at least the care, diligence and expertise generally accepted in the library service industry. **There are no other warranties, express or implied, including warranties of merchantability or fitness for a particular purpose.**
- (d) *Limitation of Liability.* In no case shall either Party be liable for any damages, losses, costs or expenses under or in connection with this Agreement, whether for breach of contract, tort or otherwise in excess of an amount equal to the lesser of (i) the actual damages suffered by the aggrieved Party, or (ii) the Charges for the twelve (12) month period (as shown in Schedule A, as it may be amended) in which such damages were allegedly incurred. In no case shall either Party be liable for any punitive, exemplary, incidental, consequential, or special damages arising out of or in connection with this Agreement.
- (e) *Force Majeure.* LSSI shall not be liable for any failure or delay in performance of this Agreement due to causes beyond its control, including, but not limited to, strike, war or civil disturbance, weather emergency, or general failure of any necessary supply, service or utility.
- (f) *Customer's Representation.* Customer represents and warrants that it has all necessary legal authority to enter into and perform this Agreement and that the person executing this Agreement on its behalf is legally authorized to do so.
- (g) *Notices.* Notices required or permitted under this Agreement shall be effective upon the third (3rd) business day after deposit in First Class mail, or the next business day after deposit with a recognized overnight courier, or upon receipt if e-mailed or faxed to the respective e-mail addresses or fax numbers, if addressed to the parties' respective addresses and marked to the attention shown on the first page of this Agreement.
- (h) *Law and Enforceability.* This Agreement shall be governed by and construed in accordance with the laws of the State of _____. If any provision of this Agreement is conclusively determined to be illegal, invalid or unenforceable, then such provision shall be severed, and the remaining provisions of this Agreement shall be so construed to carry out, as nearly as legally permitted, the intentions of the parties.

(i) *Survival.* The provisions of Sections 5 and 8 shall survive any termination or expiration of this Agreement.

(j) *Entire Agreement.* This Agreement contains the entire understanding of the parties on the subject matter hereof and supersedes all prior statements and agreements on that subject. No failure or delay by either Party in enforcing any provision of this Agreement shall operate as a waiver. This Agreement may be modified or waived only in writing signed by the Party against whom such modification or waiver is sought to be enforced.

Intending to be legally bound, the parties have caused this Agreement to be executed by their duly authorized representatives.

LIBRARY SYSTEMS & SERVICES, LLC

By: _____
Name: _____
Title: _____

By: _____
Ronald A. Dubberly
CEO

KEEPING PUBLIC LIBRARIES PUBLIC

A Checklist for Communities Considering
Privatization of Public Libraries

Keeping Public Libraries Public

A Checklist for Communities Considering
Privatization of Public Libraries

June 2011

Permission granted to libraries, other groups, and individuals to
reproduce this publication for nonprofit use.

This publication was created by the 2010–2011 ALA Committee on
Library Advocacy's Task Force on Privatization:

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- Carolyn Anthony, Director, Skokie (Ill.) Public Library
- Audra Caplan, 2010-2011 President, Public Library Association
- Peggy Danhof, Board Trustee President, Fountaindale Public Library,
Bolingbrook, Illinois
- Kathleen Hage, Youth Services Librarian, West Palm Beach (Fla.)
Public Library
- Christine Lind Hage, Director, Rochester Hills (Mich.) Public Library
- Donna McDonald, Director, Arkansas River Valley Regional Library;
Trustee, Arkansas State Library Board
- Barb Macikas, Executive Director, Public Library Association
- Marci Merola, Director, ALA Office for Library Advocacy
- Sally Reed, Executive Director, Citizens for Libraries

The Task Force acknowledges the contributions of Nancy Bolt,
President, Nancy Bolt and Associates, and Dr. Karen Strege, Consultant,
in creating this document.

Visit www.ala.org/outourcingandprivatization to download this
document or to find additional information on this issue.

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ALA American Library Association

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Introduction

Privatization of public services, including libraries, has been an issue for many years. In the 1980s, the federal government began to contract with private companies to manage and operate federal libraries. Other special libraries also have a history of privatization. However, only in the last 10 years have city and county governing bodies considered privatization of public libraries.

For over 200 years, public libraries have earned the respect of the residents they serve. It is interesting to note that public library service began in the colonial United States through "subscription libraries," available only to those who could afford to pay the fee necessary to support their existence. With the development of a free education system in the U.S., many communities expanded the concept of public education by establishing public library services for their residents through tax support. Public libraries were viewed as a public good—a common resource available to all, funded by public dollars and governed by local residents. These governing boards were given unique responsibilities within a municipality to act on behalf of the community. Trustees were charged with a public trust: overseeing the collective, public assets of the library and hiring the library director, who makes operational decisions for the good of the community and who is directly accountable to the governing body. Even in cases where trustees serve in an advisory capacity only, there is a strong recognition that libraries must be accountable to the residents that fund them. Has the view of the library as a common public good changed in the 21st century?

Recently, questions about the role of government have become the center of national debates. These questions have prompted some government officials to search for options to deliver public services. Officials may entertain the notion of privatization because the presumed cost savings and other efficiencies gained are appealing. Experience has shown that privatization of public services has not necessarily produced substantial cost savings.

As local officials review these choices, they should understand the full scope of services their libraries offer, and the impact that libraries have on their communities. They must also answer the following questions:

- Can a private company maintain the level of public trust that has been earned by the local library?
- Will the library director always make the operational decisions that are in the best interest of the community, even if those decisions reduce or do not contribute to the private company's profit?
- Can or should library services be provided through private companies?
- Does the relationship between a public library and its community change when a library is privatized?
- Does the role of the library as a public good change when the library is privatized?

The American Library Association affirms that policymaking and management oversight of public libraries should remain securely in the public domain. This report is designed to help librarians, trustees, Friends, and other library supporters address the issue of privatization and prepare for any discussions about privatization that might arise in their communities. The report includes:

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I. Current ALA Policy

In 2001, after considering the issues of outsourcing and privatization, ALA Council voted to adopt the following policy:

“ALA affirms that publicly funded libraries should remain directly accountable to the public they serve. Therefore, the ALA opposes the shifting of policymaking and management oversight of library services for the public to the private for-profit sector.”

II. Definitions

The Public Library Association used the following two definitions in its report *Outsourcing: A Public Library Checklist*, issued in August 2000. (For more information, visit: <http://www.pla.org/ala/mgrps/divs/pla/placareers/outsourc.pdf>.) The definition of “privatization” was derived from the 1998 deliberations of the American Library Association's Outsourcing Task Force.

Outsourcing involves transfer to a third party, outside vendor, contractor, independent workers, or provider to perform certain work-related tasks involving recurring internal activities that are not core to the mission of the library.

Privatization is the shifting of library service from the public to the private sector through transference of library management and operations from a government agency to a commercial company.

The distinction between outsourcing and privatization deserves some additional discussion. Some people suggest that there is no difference between outsourcing and privatization. After all, they argue, in outsourcing, a third party provides a service and makes a profit, just as in privatization.

One of the main differences between the two is that in outsourcing, the contract is typically narrow and for a specific service that can be easily defined and monitored. For example, a library might contract with a regional cooperative for cataloging, standing orders, or continuous services with a book jobber. In each of these cases, the private company decides how a service is delivered but the publicly funded library staff controls what that service is through a contract.

Privatization takes outsourcing to another level. Privatization encompasses all library services and controls not only how services are delivered but what services are offered and delivered. Privatization brings to light a variety of issues that will be covered in the following section of this document. All of these issues hinge on the premise that any and all contracts entered into should ensure that profits do not supersede the needs of the community.

III. Major Issues in Library Privatization

Quality of library services: How will a private company maintain or increase the level of service to the community and still make a profit? Who will make the final decision about the addition, reduction, or elimination of services?

Loss of local community control: Community control of the library, its services, and expenditure of tax dollars is at risk. Decisions about library service, operations, and budget are transferred from the public sector to a private, for-profit company. Will a private company be receptive to community feedback about the library?

Governance: Will policy remain under local control? What is the role of the board of trustees? Will existing trustees continue to have whatever authority is given them in state law?

Loss of control of tax dollars: Public money will go to a business with little or no transparency and accountability. What is the company's profit margin, and how does this impact library service?

Intellectual freedom: Will the company adhere to local policies such as protection of user privacy, requiring a court order prior to reveal user information, a collection development policy, intellectual freedom, and the Library Bill of Rights? (See the Library Bill of Rights: <http://www.ala.org/ala/issuesadvocacy/intfreedom/librarybill/index.cfm>.)

Collection development: Library staff buys materials that reflect the needs of its local communities. In many privatized libraries, off-site staff at the company's headquarters selects materials. Will a provision for local input be part of the contract to ensure that local needs are being met?

Loss of community involvement with foundations, nonprofits, Friends groups: Will the library have difficulty receiving grants from private foundations or soliciting donations from private individuals because the library is now managed by a for-profit company and thus the contributions help a private company make a profit? Will Friends, foundations, and other bodies continue to raise funds for the local library if it is privatized? Will any percentage of funds raised go to the for-profit company? Is donated money under the control of the governing board or the for-profit company? If it is under the control of the for-profit company or management, is a Friends group's 501(c)3 status in jeopardy?

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IV. Key Messages and Talking Points

These key messages and talking points are for use by library staff, trustees, and other library supporters in talking to media representatives and others about privatization. (See www.inthepublicinterest.org/whats-at-stake for an example of how this can be graphically presented.)

Key Message 1: There are certain community services that should be held by the public. Libraries are one of them.

Talking point: Democracy depends on a well-informed and well-educated society in order to be self-governing. Public libraries provide access to an infinite array of ideas both present and past, our world's history, our literary heritage, and learning resources for people of all ages. Today, access to 21st-century technologies has become increasingly critical for global networking, information access, and the routine tasks of individual commerce. Public libraries provide this access to all who use them without regard to means or background. Without access to these technologies, the digital divide grows deeper; more people are left further behind, and the gap between the "haves" and the "have nots" widens. Libraries continue their traditional role of connecting people with the resources they need to be fully participating members of society. Because libraries are critical to the public good, they should remain in the public domain.

Talking point: Public libraries are accountable to the public for the money they spend and the way they operate. They are governed by officials who answer to the voters. Private companies answer to the need to make a profit.

Talking point: A resident can see exactly how much money is spent on public library services. Depending on the contract, this same accountability may not be available under a private company, which shields its profits from public view. Use of public funds should be transparent.

Key Message 2: Will privatization save money?

Talking point: These are tough times for cities and counties, but library privatization has hidden and uncontrolled costs and may not save money in the long run.

Talking point: Like all contracts, privatization contracts for the public library must be carefully scrutinized to ensure that the community is receiving top service for a fair price. For example:

- Administrative costs and other fees should be clearly stated, including potential handling fees on materials or staff recruitment.
- The contract should address capital improvement and replacements, and address who is responsible for unexpected costs that may occur mid-contract, such as utility increases, repairs, or unexpected maintenance needs.
- Check to see if the company takes a percentage of any grants received.
- Who is responsible for administrative errors and associated penalties?

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Key Message 3: Apparent reductions in labor costs may be offset by increases in legal costs resulting from employment actions.

Key Message 4: The public should be kept in public libraries. Privatizing the library threatens two pillars of public control: accountability and transparency.

Talking point: Private companies may not be obligated to disclose earnings. Governing bodies should insist on seeing current audited financial statements and information on the profit margin of a privately held company in order to maintain transparency.

Talking point: Public libraries are subject to the Freedom of Information Act. This same level of accountability is not required in privately held firms. Private companies can shield vital information from public view by claiming that such information is "proprietary."

Talking point: Public officials make decisions about library operations in public meetings open to everyone. Privatization may close the door on public meetings and shut the public out of decision-making.

Key Message 5: Decisions made regarding public library services should be driven by the best interests of the community and not driven by profit.

Talking point: Public librarians view the control of public assets as a trust that must be managed for the long-term interests of the community, not driven by immediate private commercial interests.

Key Message 6: Professional standards and maintenance of quality service may be at risk with privatized service.

Talking point: Private companies have a primary interest in making profit, which can create incentives to let quality slip and assets degrade by cutting corners on maintenance of the community's buildings and other assets, such as computing equipment and furniture.

Talking point: Private companies interested in keeping staff costs low may hire library workers who lack the necessary training or experience needed to provide quality library service.

Talking point: Some city and county governments cancelled or did not renew their privatization contracts after officials realized that they could save money by keeping library services in-house, or that the company failed to pay bills on time or requested to increase the budget.

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V. A Checklist for Considering Privatization

Deciding to privatize public library management and operations is a critical decision that can have unforeseen consequences or an impact beyond what is expected, and be divisive within a community. It is important that a governing body (library board, city council, or county commission) consider multiple aspects of this decision. This checklist presents issues that should be discussed by a governing body prior to making this crucial decision. Governing boards should consider each question in light of its relevance to their local communities.

Funding

- How much money will the contract save? Has the library staff been asked if they can produce an equal amount of savings?
- How much profit margin will the company expect?
- Could profit paid to the company, combined with new library efficiencies, preserve public control of the library?
- How will the governing body monitor and verify that the anticipated cost savings occurred without damage to library services?
- Does the proposed contract include costs to fully manage the library—for example, the costs of rent, building and ground maintenance, and utilities?
- What are the costs of exiting any existing vendor or other cooperative contracts if the private company cancels them?
- What are the costs of cancelling the contract if the privatization service is not satisfactory? Can the city retain staff hired by the private company?

Library Services

- Will the same range of services be offered? Will services (including hours and locations) be decreased in number of offerings or frequency?
- Some services incur greater expenses for resources while others are very staff intensive. If forced to reduce, eliminate, or initiate services, will the private company be able to make informed decisions, mindful of the needs of the community? Will community input be solicited?
- What specific improvements in public service will result from the contract? How will the company pay for these improvements?
- Who, specifically, will evaluate that the library is providing the same or better library service? What specific criteria will be used in this determination?
- Will reciprocal borrowing (the ability to borrow from other libraries in the region) be continued, or will local library users be denied quick access to materials in other libraries? If these privileges are removed, will the library still participate in interlibrary loan agreements?
- Will the company engage in strategic planning?
- Will current library staff be retained? Experienced and dedicated library staff is the heart of library services to a community. Staff costs are the largest percentage of any organization's budget. Therefore, how a private company will handle staff costs must be understood before a contract is signed. What will the staffing patterns of the library be when it becomes privatized? How many full- and part-time staff will be employed?
- Will the hours and benefits of current staff be reduced? If so, by how much? Will existing employment contracts be honored?

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Community Control

- Will there continue to be a library board, and will it continue to have the same level of authority and responsibility authorized in state law? Who will make library policies regarding such areas as the ability of children to use the Internet, or the setting of fees and fines?
- Will policy remain under local control? What is the role of the board of trustees? Will existing trustees continue to have whatever authority is given them in state law? To whom is the director of a privatized library accountable?
- Who will develop the library's collection to meet the needs of the local community? Will corporate staff at the company's headquarters make decisions about what goes in the library's collection? What input will the public and library staff have?
- What input will the community have when the contract is up for renewal? How will community satisfaction be determined? How will the community be informed of library plans, budgets, and performance? Will Friends, foundations, and other entities be able to continue to operate and provide financial support under their present structures?
- How will the community know where their library tax money is spent and what amount goes to company profit?

Political Questions

- Have library governing or advisory boards been involved in planning and decision-making? Does the library governing or advisory board support the privatization decision?
- Has the local community been involved in the privatization decision-making process? Has the community been asked what library services they prefer? Does the community support privatization of the library?
- How will the library reestablish public management of the library if the private company is not satisfactory?

Organization and Staff

- Does the company propose a change to the organizational structure of the library? Will library staff be retained?
- If current employees are not rehired by the company, what is the city's financial or human resource obligation to them? Who pays unemployment, retirement, or other termination costs? How will the city or county pay for legal defense arising from employment issues?
- Will volunteers replace existing trained staff?
- How will the company train volunteers and pay for any associated workmen's compensation insurance?
- Will company hiring practices include recruiting a diverse population to match the make-up of the community?
- If the contract with the private company ends, can the governing body retain library staff without paying a finder's fee to the company?

Legal

- How will compliance to all library-specific federal, state, and local laws and regulations be addressed?
- How will current collective bargaining contracts, employee benefits, and related issues be handled?
- Has a search of legal records been done to determine if there are any liens or judgments against the company?
- Has the potential impact on directors and officers insurance been investigated?

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VI. A Checklist for Contract Consideration

What should be considered when soliciting a proposal and developing a contract for a public library? A private company may indicate that it cannot answer these questions until it has begun to manage the library. However, a discussion with the private company should include the governing authority's intentions. The same questions should be asked of the local library as a competitor for the contract, which would keep the library fully under public control.

Contract Provisions

- Frequency and content of regular reports to the governing body
- Oversight of the contract by governing body staff or officials
- Performance measures to ensure quality performance such as:
 - Circulation and circulation per capita (print, electronic, CD/DVD, etc.)
 - Community presentations
 - Number of individuals served through outreach services
 - Registration as percentage of population
 - Reference transactions and reference transactions per capita (on-site, phone- and virtual reference)
 - In-library use, visits (walk-in traffic, computer usage)
 - Web visits, database usage
 - Interlibrary loan statistics
 - Program attendance
 - Number of programs by month and year
 - Growth or decline of existing services
 - Establishment of new services to meet community needs
 - Hours open, total and by day
 - Status in relation to any state standards
 - The ratio between full-time and part-time staff
 - The ratio between librarians with an MLS degree and staff without MLS degrees
 - Number of volunteers and volunteer hours
 - Holds-to-copy ratio
 - Return on Investment
 - Services offered to different demographics (i.e., teen services, emergent literacy, ESOL)
- Criteria governing cancellation of the contract for performance issues
- Areas of library service where profit may be realized at the expense of quality. Degree to which any state standards must be met, i.e., no less than before privatization or above average for peer libraries
- Ability to retain library staff without paying a finder's fee to the private company if the contract is cancelled
- Company adherence to all applicable state library law, including privacy of library records and use
- Any protections for current library staff jobs, salaries, or benefits
- Degree of transparency that the private company will provide about its financial operation of the library, particularly its profit margin

VII. Action Steps for Libraries and Their Supporters

If Privatization Is Being Considered

Privatization of public libraries has become an option that is being considered by some cities and counties (governing bodies). The American Library Association has taken a position against such privatization, particularly on a long-term basis. Library staff and their supporters—boards of trustees, Friends groups, library foundations—play a major role in keeping public libraries public. Here are four steps one can take if privatization is being considered.

- Be an advocate.
- Be informed.
- Be prepared.
- Be competitive.

Be an Advocate

The best defense against privatization of public libraries is for the library staff and supporters to maintain a good relationship with the library's governing body and operate the most efficient library possible while providing the best possible service to meet the community's needs. Libraries maintain good relations by:

- Demonstrating the value of the library in addressing community needs
- Delivering quality customer service to meet community needs
- Cultivating vocal community support for the library
- Being in regular, positive contact with governing officials
- Sharing good news about library successes
- Involving governing officials in library activities
- Regularly improving library operation and letting the governing officials know about these improvements

Learning advocacy skills is the first step in becoming an effective advocate.

The American Library Association, the Public Library Association, state associations, and state libraries offer training and other resources. If governing officials are pleased with the library and aware of strong public support, the issue of privatizing the public library is not as likely to arise.

Be Informed

The legal authority of a library board of trustees may vary depending on specific state statutes. However, as guardians of a public trust, all trustees have an obligation to understand their duties and obligations to the communities they serve. Citizens for Libraries: The Association of Library Trustees, Advocates, Friends and Foundations has developed a list of 10 trustee competencies that are essential to performing the job of a trustee. The question of privatization is less likely to occur if the library trustees demonstrate their knowledge and expertise of these competencies. The competencies are: general knowledge; board operation; advocacy; decision-making; strategic planning; finance; fundraising; policy-making; lobbying; and professional development. (For more information, visit <http://www.ala.org/ala/mgrps/divs/altaff/trustees/tipsheets/tipsheet9.pdf>.) Ongoing board development and education are essential to maintaining a knowledgeable board.

Be Prepared

All library advocates must be prepared for the question of whether or not privatizing the local public library could be in the best interest of the community. In these days of limited financial resources, every public service must justify its value to the public it serves. Transparency and accountability are paramount. Library trustees and administrators must continually document and validate library services and expenditures. This documentation may also prove essential in providing an accurate comparison between the cost of current library service and privatized service.

When the idea of privatizing public libraries arises, library advocates should be prepared to counter the idea in a timely manner and thoroughly analyze why privatization is being considered. Do governing officials lack key information about the library? Do governing officials know the extent of library services?

Some public officials are intrigued with the idea of privatization but do not really understand all that privatization entails or what its implications can be. Library staff should share ALA's Checklist for Considering Privatization. This checklist will give a better understanding of what should be considered in privatization decisions.

The better prepared a library is to show its value to the community, the better the chance of deflecting privatization before governing officials seriously consider it. Advocates should collect and update the information listed below. If one waits until privatization is at hand, there might not be enough time to gather the necessary documentation to show the value of the library. An additional benefit of gathering this information is that it can support current advocacy efforts with governing officials, the public, the press, and other stakeholders. Here are the kinds of information to have readily available:

- A long-range or strategic plan of service that shows that the library continually considers the best way to provide library service for the community
- Recent audits showing improvements in fiscal management that have saved the library money and how the saved money was spent to improve library service
- Staffing levels and responsibilities of professional and support staff
- Data on library use over time for common library uses such as resource circulation, reference, and programming
- A complete list of all library services, including use over time and any information on favorable reception by the public
- Any data profile that is required by the state
- Comparisons of the local library to its peers showing its success in providing service with limited resources, if possible
- Testimonial from library users about their satisfaction with the local library and the quality of service they receive
- Accomplishments of the library over the last two or three years
- Cooperative ventures and partnerships in place to better serve library users
- Involvement of Friends, foundations, and other support groups.

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If governing officials are philosophically in favor of working with private companies or cooperative ventures to save money, library staff and trustees might show that they are already seriously involved in outsourcing, but that library governance and policymaking should remain in the public sector. Libraries commonly outsource services in the following areas:

- **Collection development:** Materials may be ordered already processed from a private vendor so that library staff does not have to do this; similarly, databases may be provided by private companies, saving the library money in print magazine subscriptions. However, library staff still have the critical responsibility of collection development.
- **Programming:** The library contracts with private performers and speakers to provide programming for adults and youth.
- **Building maintenance:** Janitorial and building maintenance might be outsourced.
- **Ancillary services:** Technology support, accounting, payroll, benefits management might be outsourced.

Be Competitive

If the library's governing body has released a Request for Proposals (RFP) for library services, a response on behalf of the library should also be submitted. If the library responds to the RFP:

- Read the RFP thoroughly. Be ready to respond to every section in the RFP as comprehensively as possible. Try to determine the reason for the interest in privatizing the library. Is it to save money? If so, demonstrate that the current library administration and trustees can be responsive to the continuing need for efficiency in library operation. Is it lack of awareness of the performance of the library in the community? If so, document this performance in the RFP response.
- Review the documents collected in "Be Prepared" to see if they contain information necessary to respond to the RFP. Add whatever additional information is missing.
- Review the RFP and responses to ensure that the proposal answers all the questions in the RFP.
- Create a calendar and a work plan to respond to the RFP. Pay attention to deadlines. Also plan to implement any changes in library services and operations that are mentioned in the RFP.
- Solicit letters of support from influential community members, representatives of important community groups, Friends groups, the library trustees, and demographic groups. Follow the RFP process closely. If a private company is given an opportunity to submit additional information or a revised budget, ask for the same privilege for the library. If possible, obtain legal advice on the required RFP process and procedures and verify that the governing body is following these correctly.

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If Privatization Is Being Pursued

If the governing authority has decided to privatize the local public library, the new goal is to ensure quality library service for the community. Here are two steps one can take if privatization is being pursued.

1. Insist on accountability in the contract

First, share the checklist on what should go into a contract with governing officials, executive staff, and appropriate legal counsel. Assuming the contract is a public document, library supporters can raise issues about the contract content to ensure the highest possible library service.

Second, the contract should specify performance-measurement indicators prior to privatization and require that those measurements are compared in regular increments throughout the contract period.

2. Monitor all new library policies and administrative activities.

Monitor any privatization contracts to make sure service to the public does not suffer. The contract should specify areas that should be monitored on a regular basis, including:

- Adherence to and adoption of library policy
- Payment of bills
- Adherence to all library contracts
- Adherences to state library law and standards
- Adherence to or development of a strategic plan
- Appropriate use of grants
- Cost-cutting measures do not negatively impact service
- Community comments or suggestions and the company's responses to them are forwarded to the governing board

If the state library or state library law have standards for public libraries, monitor the company's performance to ensure that the library meets or exceeds these standards, and that library performance in relation to the standards does not deteriorate after privatization.

Make sure that each board member has a copy of any recently developed long-range or strategic plan and watches to see that all elements of the plan are being addressed and that positive progress is being made, or that the for-profit company is providing information relative to any deviations. Be sure that the governing board is involved in any revisions in the plan.

In addition:

- Be sure that staff receives continuing education or on-the-job training to ensure quality public service.
- The company should receive an annual performance review based on the contract. If deficiencies are found, an action plan for remediation within a specific time frame should be developed.
- Watch for cost-cutting measures such as employing mostly part-time employees and/or using volunteers for work that should be done by paid staff. When such measures are noted, be cognizant of how they affect library services and activities.
- Require that the for-profit company provide monthly copies of all community input received and an explanation of actions taken by the company in relation to each. Develop other methods for monitoring community response to the new library set-up and related actions taken by the company.
- Review all points above and determine exactly what action will be taken by the board or by city or county government in the event that the for-profit fails to meet requirements and expectations. How long will the company be given to correct any problem? Will there be any penalty fee charged to the company if there is a problem but it is corrected? How will the board establish an appropriate level of correction in each case?

Conclusion

This report is designed to help communities understand the implications of public library privatization, and to provide the tools to help assess the issues surrounding it. There are many other resources available about such privatization. We encourage additional research.

Remember, no decision is ever final. At the time this document was created, approximately 20 privatization contracts for libraries or library systems had been signed nationwide. Six of those were later terminated or not renewed.

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LSSI Proposal Budget - At Current Hours						
	Year 1	Year 2	Year 3	Year 4	Year 5	
Salaries & Benefits	\$ 2,766,952	\$ 2,808,446	\$ 2,850,573	\$ 2,893,331	\$ 2,936,731	
LSSI Operating	\$ 1,317,428	\$ 1,317,442	\$ 1,324,035	\$ 1,330,657	\$ 1,336,704	
Capital Outlay *	\$ 600,000	\$ 600,000	\$ 612,000	\$ 624,240	\$ 636,725	
Handling Fee	\$ 30,000	\$ 30,000	\$ 30,600	\$ 31,212	\$ 31,836	
LSSI Total:	\$ 4,714,380	\$ 4,755,888	\$ 4,817,208	\$ 4,879,440	\$ 4,941,996	
County Operating/Capital	\$ 672,522	\$ 583,972	\$ 595,652	\$ 607,565	\$ 619,716	
Sub Total:	\$ 5,386,902	\$ 5,339,860	\$ 5,412,860	\$ 5,487,005	\$ 5,561,712	
Transfers Out **	\$ 983,037	\$ 950,000	\$ 342,500	\$ 153,750	\$ 157,594	
Totals:	\$ 6,369,939	\$ 6,289,860	\$ 5,755,360	\$ 5,640,755	\$ 5,719,306	
						TOTAL LSSI: \$ 29,775,220

Osceola Library System Comparison Budget - At Current Hours						
	Year 1	Year 2	Year 3	Year 4	Year 5	
Salaries & Benefits	\$ 3,219,902	\$ 3,316,499	\$ 3,415,994	\$ 3,518,474	\$ 3,624,028	
Operating Expenses	\$ 2,148,134	\$ 2,191,097	\$ 2,234,919	\$ 2,279,617	\$ 2,325,209	
Capital Outlay *	\$ 814,110	\$ 600,000	\$ 612,000	\$ 624,240	\$ 636,725	
Sub Total:	\$ 6,182,146	\$ 6,107,596	\$ 6,262,913	\$ 6,422,331	\$ 6,585,962	
Transfers Out	\$ 988,783	\$ 950,000	\$ 950,000	\$ 973,750	\$ 998,094	
Totals:	\$ 7,170,929	\$ 7,057,596	\$ 7,212,913	\$ 7,396,081	\$ 7,584,056	
						TOTAL COUNTY: \$ 36,421,574

PROJECTED SAVINGS: \$ 6,646,354

Miscellaneous Considerations:						
	Year 1	Year 2	Year 3	Year 4	Year 5	
If FL Grant Lost:	\$ -	\$ -	\$ -	\$ -	\$ -	
50% of Director's Salary:	\$ (61,037)	\$ (62,868)	\$ (64,754)	\$ (66,696)	\$ (68,697)	
~ payout to County FTEs:	\$ (300,000)	\$ -	\$ -	\$ -	\$ -	
Totals:	\$ (361,037)	\$ (62,868)	\$ (64,754)	\$ (66,696)	\$ (68,697)	

TOTAL POTENTIAL CONSIDERATIONS: \$ (624,052)

POTENTIAL ADJUSTED SAVINGS: \$ 6,022,302

***Capital Outlay:** Both entities in Year 1 includes \$100,000 for the purchase of a new air handler for the St. Cloud branch.

****LSSI Transfers Out: Cost allocations...** It should be noted that while LSSI will not be utilizing all General Fund services that currently support the Library Fund, there will still be some services utilized after the first couple of years. In addition, while there is a savings to the Library Fund there is a reduction in funds transferred to the General Fund as the support is no longer being provided.

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Judge: Simi Valley Can Privatize

<http://lj.libraryjournal.com/2012/07/litigation/judge-simi-valley-can-privatize/>

December 18, 2012

On July 6, Judge Henry Walsh ruled that Simi Valley legally left the Ventura County Library system in December, according to *The Ventura County Star*.

That means the town doesn't have to abide by a California state law that took effect in January, which would have required Simi Valley to show cost savings before privatizing the Simi Valley Library, and to preserve the jobs and benefits of existing library staff.

Service Employees International Union Local 721, which represents library staff, and local resident Garr Wharry filed the suit, as *LJ* reported. The plaintiffs argued that the withdrawal amounted to a legislative act, which takes 30 days to go into effect, rather than an administrative act, which can be enforced immediately. Had Walsh backed their interpretation, those 30 days would have brought Simi Valley within the scope of the new law.

SEIU spokesman Jesse Luna said the union is considering appealing the decision.

Simi Valley had issued an RFP for operating the library and received three proposals, from Library Systems and Services (LSSI), the low bidder at \$1.4 million a year; Ventura County at \$1.85 million a year; and Thousand Oaks at \$2.1 million a year plus half a million in startup costs.

All three proposals were rejected because of the ongoing lawsuit, though only in the case of LSSI was there a legal impediment: In February Walsh temporarily barred the city from contracting with a private firm such as LSSI, but not from contracting with a public agency such as the county or Thousand Oaks, or from choosing to run the library itself.

The city manager's office had recommended that the RFP be reissued if the lawsuit were resolved in the city's favor. If it does so, Mike McCey, a spokesman for LSSI, said the company will "absolutely" resubmit a proposal; Ventura County and Thousand Oaks said they would consider resubmitting.

In the meantime, the county continues to run the library. "Although the original agreement for the county to run the library did expire on June 30, the county and the

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city verbally agreed to extend the agreement for another year," Library Director Jackie Y. Griffin told *LJ*. "We are working to finalize the details of a written extension of the agreement." Griffin said budget remains about \$1.85 million.

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THE COMMERCIAL APPEAL

Memphis, Tennessee

Printer-friendly story

Read more at commercialappeal.com

Millington library wants to end contract with private operator

By Sherri Drake Silence

Monday, December 3, 2012

Library officials in Millington want to cut ties with their private operator and create a library services department in the city.

They say the move will save the city money, improve customer service and provide more book options for residents.

Millington contracted with Library Systems and Services (LSSI) in 2005, when control of the public library transferred from Shelby County to the city. The libraries in Germantown, Collierville and Arlington also contract with LSSI, which provides library outsourcing for communities.

Sue Nan Hartley, chair of the Millington Library Board, told the Board of Mayor and Aldermen Monday night that LSSI has been helpful over the years, but recently has boxed them in, limiting what books they can order and what equipment they can purchase.

"LSSI is making it very hard for the Millington Public Library to be the Millington Public Library," Hartley said. "I call it the cookie-cutter approach. We're not Germantown or Collierville. We do things a little different out here."

Hartley recommended that the board end its contract with LSSI this month, in time to give the company the required 180 days notice. Standing next to her in support Monday night was Brian Miller, director of the Millington Public Library and LSSI employee.

Miller said LSSI has repeatedly denied the Millington library's requests for specific books because they weren't on the company's approved list. And he said, the contractor has made it difficult to get electronic books and requires the library to purchase equipment from specific companies, even if it's cheaper somewhere else.

Hartley and Miller presented the board with a proposed 2013-14 budget that would save the city about \$25,000 and includes the purchase of 15 computers with software. The current annual budget with LSSI is more than \$283,000.

"I think it's certainly something the city should do," Alderman Mike Caruthers said at the meeting.

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Alderman Keith Barger said he wasn't comfortable making a decision Monday night. "We just heard about it," he said.

The board set a public hearing on the matter for Dec. 14 at 4 p.m. Board members will likely vote on a resolution at that special meeting.



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San Juan Memorial Library marks one year in new home

Elizabeth Findell | Twitter: @efindell | Posted: Sunday, November 18, 2012 5:21 pm

SAN JUAN — For San Juan library Director Armandina Sesin, it's the little things about her job that are amazing: like seeing people come in and actually be able to peruse different shelves for books.

“The other library was very small and the shelves were just walls in the library,” she said. “That’s what surprises me: that patrons come and browse through the shelves where they didn’t do it before.”

It’s been a year since the San Juan Memorial Library opened Nov. 12, 2011, replacing a 2,500-square-foot trailer with a 16,000-square-foot stone-and-brick building at 1010 S. Standard Ave.

During that year, 93,562 visitors checked out 59,846 items, versus 14,317 visitors taking out 3,821 items the year before, according to library data.

“The work of turning it into what it should be — not just a library, but a learning resource center — has been productive,” Mayor San Juanita Sanchez said. “Of course I knew the numbers would be there, I knew the demand would be there, but I’m pleasantly surprised that the numbers are even more than what we had anticipated.”

Now city leaders are planning an anniversary celebration tentatively set for Nov. 28. They are also evaluating management issues as they prepare to transition from Maryland-based library managers Library Systems and Services to city control of the facility.

San Juan commissioners voted Aug. 28 to terminate LSSI, overruling Sanchez, who has regularly championed the company’s work.

The company had proposed continuing to operate the library for the same annual price, \$281,686, plus a 3 percent employee cost-of-living increase. But adding extra services the city had requested, including more teen programming, Sunday hours, more books and another employee would add roughly \$120,000.

Commissioners said they believed the city could add those services itself for less money.

City Manager J.J. Rodriguez said the city had not yet taken any steps to detail which services the city will be able to provide at what cost, adding that he figured staffing would be the biggest factor.

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“The key component to that operation is going to be the personnel, and I will not know that until we advertise and get applicants to come in,” he said. “Of course, we’re not going to compromise on the services provided, but on the cost, there’s no cookie-cutter response to that. I’m going to have to figure it out when I’m there.”

It remains unclear when the city will take control. Leaders had first indicated the shift would take six months, but LSSI’s contract states that it can be terminated only with six months’ notice before the end of the fiscal year in September. Rodriguez said the city attorney was discussing the matter with LSSI.

City Attorney Jerry Muñoz refused to explain further, but said he did not know when the transition would be completed.

Sesin called the pending change somewhat stressful — particularly as she and another staff member may not be able to be hired back by the city. But she said it hasn’t diminished her enjoyment of watching the increased visitors, seeing people begin to browse the Spanish sections of the library as well as getting to teach English classes periodically.

“Time flies when you’re having fun,” she said. “It’s already a year, my goodness.”

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Elizabeth Findell covers Pharr, San Juan, Alamo, the Mid-Valley and general assignments for *The Monitor*. She can be reached at efindell@themonitor.com and (956) 683-4428.

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San Juan fires library managers

Elizabeth Findell | Twitter: @efindell | Posted: Friday, August 31, 2012 12:00 am

SAN JUAN — Library Director Armandina Sesin brought book-decorated cupcakes for the City Commission on her birthday Tuesday night, but became drawn into controversy during the meeting when commissioners voted to terminate the contract of her employer, library managers Library Systems & Services.

Maryland-based LSSI has run San Juan's library since 2007, including its move from a 2,500-square-foot trailer to a 16,000-square-foot building that opened last year at 1010 S. Standard Ave.

The company proposed continuing to operate the library for the current \$281,686 annual tab, plus a 3 percent employee cost-of-living increase. Expanded services the city had requested, including additional teen programming, Sunday hours, more books and a seventh employee, would cumulatively add \$120,000.

Commissioners declared that cost for the added services unacceptable and nixed the company, overruling Mayor San Juanita Sanchez and opting to see if the city could add hours and staff for less money.

"If we can manage our library — like every other municipality in the Valley — why shouldn't we do it?" Mayor Pro Tem Armando Garza said.

LSSI Vice President Bob Windrow released a short statement Thursday saying the company would work with the city for a smooth transition of services.

"Naturally we were disappointed to learn of what happened at Tuesday night's commission meeting," he said. "LSSI is very proud of the accomplishments of our partnership with the City over the past five years. The citizens of San Juan now have a new, beautiful, state-of-the-art library facility to enjoy, which did not exist when we started."

The LSSI contract gives the company six months to continue operations before the city takes over, and prohibits the city from offering jobs to LSSI employees — including Sesin and two others — for six months. It remained unclear whether that provision would put those individuals out of a job.

The mayor, who has long championed LSSI, decried the move and called it unrealistic that costs wouldn't increase in a large new building.

"This library has been maintained at this budget for five years," Sanchez said. "You're no longer looking at a double-wide."

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LIBRARY COSTS

City Manager J.J. Rodriguez said he hasn't specifically analyzed whether the city could operate the facility for less money than LSSI.

"I don't have a study done to that level of detail," he said. "The best I can do is estimate based on what other cities are doing."

The library closest in size to San Juan is that of Mercedes, which cost some \$297,000 to run in 2010 with nine staff members, but no hours on Sunday.

San Juan's is one of the cheaper libraries to operate in the Valley, according to information from the Texas State Library and Archives Commission, with 2010 being the most recent year numbers are available.

That year San Juan paid \$242,588 to operate the facility from a 2,500-square-foot trailer with five employees and 29,235 titles. Since moving into its new 16,000-square-foot home last year, visitors have more than tripled.

San Juan has by far the lowest per-capita expenditures of RGV libraries for the population it serves.

"San Juan doesn't spend a lot in comparison to other libraries," said Weslaco Library Director Arnaldo Becho. "They actually save a lot of money."

Susan Hauer, LSSI managing director for eastern operations, said the company is often able to negotiate lower prices for items and services because they operate 76 libraries nationwide.

But commissioners lodged frustration that LSSI routinely refuses to divulge its profit margin. A budget LSSI provided the city last year gives a breakdown of staff costs and material costs — noting there is a 7.5 percent LSSI fee on materials — but does not otherwise outline the company's fee.

"If we're paying a management fee, then maybe we can use that management fee to fund more employees or books, or whatever the library needs, and save on the consultant fee," Commissioner Luis Ramos said.

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Elizabeth Findell covers Pharr, San Juan, Alamo, the Mid-Valley and general assignments for *The Monitor*. She can be reached at efindell@themonitor.com and (956) 683-4428.

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Municipal Budgeting Is Rigged Against Infrastructure Fixes



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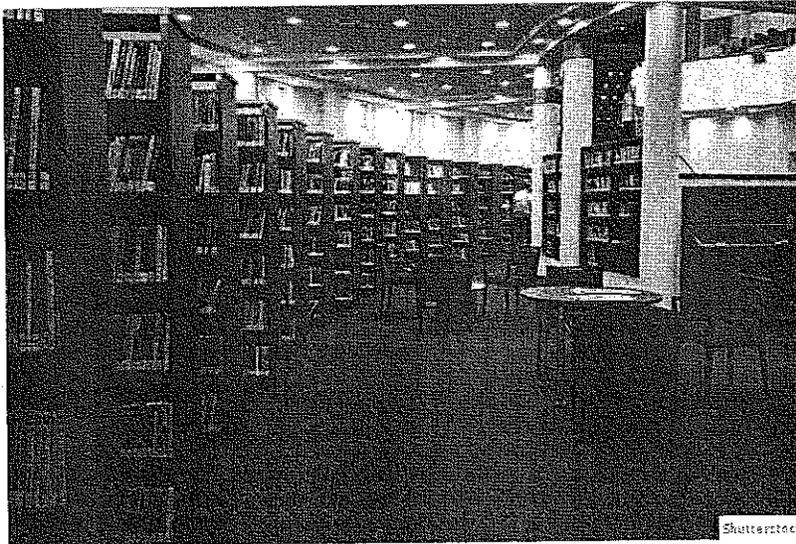
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URBAN WONK

Are Privatized Public Libraries So Bad?

AMANDA ERICKSON MAR 28, 2012 97 COMMENTS



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I'll admit, to me, the idea of a privatized public library has a certain dystopian ring to it, the ultimate public space corrupted for a profit. That image was not much aided by my first (and second and third) call to Library System and Services Inc., the only library privatization company in the United States. LSSI now runs at least 15 library systems in California, Oregon, Tennessee, and Texas. This means it is, effectively, the fifth largest library system in the country.

Time and again, I ran through an automated response system without finding a real person. A week's worth of emails went unanswered. And then, there's the message at one of LSSI's libraries, which directs you press two for "costumer service."

Is this the future of the reference desk, I wondered? Not exactly the library system of my childhood, where each call about books on hold was answered by the same librarian I had known since I started attending kid's corner book readings.

But then, there's the example of Santa Clarita, California. In 2010, the city decided to pull their three libraries out of the Los Angeles County Library system. Officials had considered running the system locally, but ultimately, the council voted (4 to 1) to turn the system over to LSSI to run. More than 100 residents protested the change at acrimonious meetings with "keep our libraries public" signs and t-shirts emblazoned with the slogan, "I love L.A. County Libraries."

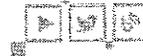
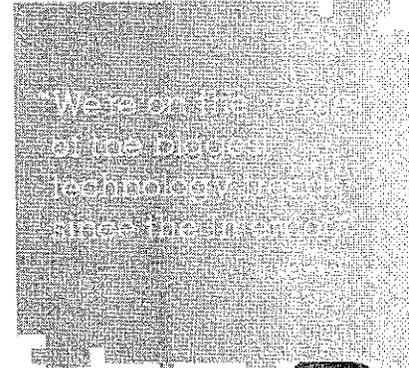
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One opponent, Jane Hanson, was so unnerved by the outsourcing contract that she became involved in local politics for the first time since 1969, when she joined a recall movement related to the Vietnam War. Her petition (which she circulated at a card table in front of the main library branch) alleged that LSSI would result in "greater cost, fewer books and less access." She collected 1,200 signatures in three weekends.

But even the councilman who opposed the move, Bob Kellar, says he hasn't heard any complaints since the new system opened in July. "I have visited the library a couple of times and walked around. I was very impressed with what I've seen," he says. "I really haven't felt that there has been any push-back."

Indeed, it sounds like there's not much to complain about. Hours have increased. The library is now open on Sundays. There are 77 new computers, a new book collection dedicated to homeschooling parents and more children's programs. Santa Clarita is even installing a fancy laptop dispenser, where patrons can swipe their card to check out a laptop to use anywhere in the system. Visits are up; a new facility is in the works.

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When Santa Clarita began considering privatization, the decision drew national attention. It was, according to the *New York Times*, the first financially vibrant city to make the switch.

Deputy City Manager Darren Hernandez is careful to stress that this decision was made because of LSSI's "expertise" — "we didn't have experience operating libraries," he says — though he acknowledges that cost did play a role. The city thought they could run their system for \$5.1 million a year; LSSI gets \$3.8 million.

This savings means the city has been able to budget \$4.8 million a year for libraries, with the extra \$1 million going to buying new books and a new, LEED-certified building.

The bulk of the lower costs, both for the city and LSSI, comes from cutting the benefits previously afforded to librarians. Santa Clarita's library staff has been removed from the state's pension plan, and must instead contribute to a 401K. According to the American Libraries Association, this is the main reason library staffs tend to oppose privatization.

It also has some unions up in arms. A new California law requires all cities to "clearly demonstrate" that a contract with a private firm will result in "actual overall cost savings," and it requires cities to hear at least three bids before making a decision, was pushed forward, in a large part, by the SEIU.

But LSSI says there's no other way. In a 2010 *New York Times* article, then-LSSI chief Frank A. Pezzanite argued that public libraries are "all about job security. That's why the profession is nervous about us. You can go to a library for 35 years and never have to do anything and then have your retirement. We're not running our company that way."

"Pensions crushed General Motors, and it is crushing the governments in California," he told the *Times*.

Then there's the question of profitability: how much is LSSI really making from these deals?

No one quite knows the answer. LSSI, which got its start developing software for government use in the 1980s, will not disclose that information. It's owned by a private equity firm in Boston and has about \$35 million in annual revenue and 800 employees.

"It's a closely-guarded secret," says Jane Jerrard, who wrote a book on the issue for the ALA. Jerrard compared privatized libraries with similar publicly run facilities in the same state, looking at how library visits, materials held and circulation changed after LSSI took over.

In one example, Kansas's Finney County library system saw a 29 percent drop in the materials held between 2003 (when LSSI took over) and 2009. The number of visits rose just half a percent. At the same time, a similarly sized public library in Hutchinson county saw visits jump by 100 percent.

But before LSSI took over, rural Finney County struggled to attract a qualified MLS-degreed librarian, Jerrard says. LSSI has provided a stable head librarian - as a result, the staff is more productive and better trained.

On the whole, Jerrard says, the privatized libraries she looked at seem slightly less good than

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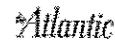


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average. But, she's careful to note, most of the libraries are in distressed districts, so it's hard to know how they would do if they weren't privatized. Often, she says, it's difficult to tell whether a library has been privatized or not.

The real question is whether the public might be able to do just as well. In one example, librarians from the Jackson-Madison County Public Library in Tennessee put in their own bid to run the library on a much smaller budget. "Unfortunately, a governing board is not going to take that seriously," Jerrad says.

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And, of course, there is a less tangible problem with library privatization: it makes many people very uncomfortable, even if they can't quite explain why. According to Patricia Tumulty, of the American Library Association, it comes down to questions of access. "With privatization, the public loses some direct control," she says. "You're having the chief operating officer answerable to a third party rather than answerable directly to the public or the county commission."

Tumulty helped the ALA (which is on record against privatization) develop guidelines for what kind of questions a library should ask when considering whether to outsource their services. These include queries about quality of library services ("how will a private library maintain or increase the level of service to the community and still make a profit?"), intellectual freedom ("will the company adhere to local policies such as the protection of user privacy?") and loss of community involvement.

But the question that resonates -- not just for libraries, but for so many cities grappling with privatizing public services to cut costs -- is one of community control. When a city lets a private company run the show, who controls the resource, and how much say do we get?

Santa Clarita officials say questions like these miss the point. The city argues the system still belongs to the public -- it's just given LSSI permission to oversee certain tasks. "We're a contract city," says Santa Clarita's communications manager. Hernandez likens it to hiring a landscaping service to mow your lawn. "That lawn still belongs to you."

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Keywords: Libraries



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For immediate release

September 14, 2011

**Florida Library Association opposes outsourcing
of Osceola Library System**

In response to proposed outsourcing of library services by Osceola County, FLA President Gloria Colvin has sent the following letter to the Florida library community:

September 14, 2011

To the Florida Library Community,

I want to alert you and other library supporters about a recent step toward outsourcing management of public library service for a Florida county.

On Monday, September 12, the Osceola County Board of County Commissioners authorized the county administrator to enter into negotiations with Library Systems and Services LLC (LSSI), a for-profit library management company based in Maryland. This issue was not specifically on the meeting agenda and the action was not reported in the press.

The Florida Library Association opposes outsourcing of the management of library services to private companies. Here are some of the reasons and some questions that outsourcing raises:

Loss of Local Community Control – When government outsources the management of library service, it loses the ability to direct the library organization and staff providing service in its name. Library services are different from those like landscaping, security, custodial and fleet maintenance because library staff members are agents of the county interacting daily with public in the name of the county. In that role, they provide services, programs, and resources that are responsive to the needs of the community.

Will a private company be receptive to community feedback about the library? Will selection of materials be done at the local level or by company staff at another location? Will there be a provision in the contract for local input in order to meet local needs? Will policy remain under local control? What is the role of the board of trustees?

How Can LSSI Save Money for the County? – LSSI has provided the county with an estimate of savings. LSSI has acknowledged that they reduce costs in part by laying off all current employees, then rehiring *some*, but with reduced salaries and benefits. What services and service levels will be reduced to achieve LSSI's budget projections? When will the public know what services and levels of service LSSI is proposing to provide? Will there be a full accounting of how these savings will be realized and time for discussion before there is a vote on a contract?

How Will the County Obtain Assurance About the Amount and Quality of Service Provided? – How will the county know, with reasonable confidence, what services will be provided and at what level of quality? Who will develop an enforceable service plan? Who will the county employ, with the expertise and ability to administer and monitor the contract, and ensure that LSSI lives up to the plan and contract requirements?

Necessary Transparency – By the County and By LSSI – Will the community have the opportunity to review the negotiated contract and service plan with sufficient notice so that these can be discussed with the Commission? There was no public notice about the decision to move forward with negotiation. There has been no public notice that this action is being taken. When will the commission fully inform residents about terms of a proposed contract and provide the time and opportunity for full discussion?

What about LSSI's transparency should a contract be approved? Will the public have access to LSSI's records to ensure that its business practices are ethical and sound while doing business in the name of Osceola County? Fargo, North Dakota terminated its contract with LSSI when the company did not pay bills in a timely manner.

What Is LSSI's Profit Margin? – One report suggests LSSI's profits are around 15% and that any unexpended funds become profit. The public should have a right to know how much a private company is being paid to provide a service. It is particularly hard to understand how LSSI can generate savings for the county while earning sufficient profit for itself as well as for the private equity firm that loaned its operating capital and provide adequate library services. Outsourcing management of libraries to a private company creates a tension between the desire of the company to make a profit and the services the library provides.

This is Not a Competitive Bid Process – These negotiations are not part of a competitive bid process. LSSI is the only bidder and there are not other competitors in the market. This means that the county is not benefiting from competitive bidding. LSSI clearly wants to get a customer in Florida and may be willing to take a loss for a while to do so. What sort of assurance does the county have that LSSI isn't low-balling them now to get the contract that they will then seek to increase later? In at least one community (Fargo, ND), LSSI fees were substantially increased after the initial contract.

The Florida Library Association believes it is not in the best interest of the residents of Florida for publicly supported libraries to be managed by for-profit organizations. Therefore the Association opposes any efforts to provide library service by contracting with such organizations.

Sincerely,

Gloria P. Colvin

Gloria P. Colvin
President, Florida Library

**The Riverside County Library System:
Thirteen Years of Innovation, Experimentation, and Progress**

Gary Christmas, MLS
Chief Deputy County Executive Officer (retired)
County of Riverside, Executive Office

June 17, 2010



The Riverside County Library System: Innovation, Experimentation, and Progress

Introduction and Celebration

The following is an excerpt of a conversation overheard recently at our Palm Desert Library.

A man speaking to his wife, "I guess there isn't much point to libraries anymore when everything is on the Internet."

Her response: "Oh, no, these libraries are busier than ever. You should see this library—there is tons of people here every day. And the La Quinta Library? You can barely find a place to sit, there are so many people there!"

We hear repeatedly how libraries are more important—and more used—now than ever, in a time when resources of all types, public and private, are being stretched to meet demand. Indeed, in response to that stretching, more than 2400 libraries nationwide have cut back their hours; many have had to close entirely.

In stark contrast to such sad statistics, our library hours, programming, and materials here in Riverside County have increased. Additionally, our efforts have been lauded—here in California and by national organizations.

The purpose of this paper is to describe how we've arrived at this momentous point.

An Important Management Difference

A mid-1990s state-mandated proposition in California shifted property taxes to education, resulting in a dramatic reduction in library funding. Riverside County's Board of Supervisors and County staff recognized they could no longer afford status-quo operations and defined a way to manage this precious public asset—our community's libraries—with the discipline and analysis more typically found in private organizations. We established a public-private partnership that could yield increased services within the available funding.

The public libraries in Riverside County are funded by a 1.15% ad valorem property tax dedicated to the library. In the 13-years of this public-private partnership, we have not had to seek an increase in this percentage rate. Rather, as new development came to the County and as property values increased, the value of this 1.15% allocation grew accordingly. However, the County Supervisors had the foresight to regularly earmark a portion of this revenue to build an unrecognized fund balance dedicated for library funding, exclusively. Monies from this budget have only been spent on an as-needed basis to balance the budget. Over time, a library reserve budget was built by conservatively budgeting revenues and by not increasing expenses. This is an enviable financial situation that never existed under the previous contractual arrangement with the City of Riverside which managed the County's libraries for 85-years.

Under the strict terms of this new partnership agreement, we also gained more control over the services and usage of monies that voters and the County's municipal partners demand and deserve. The results of this agreement were soon visible and dramatic, as described later in this document. During the 13 years of the partnership:

- Supplemental funding of approximately \$5 million in grant money has been secured by our private partner, thereby greatly enhancing what we can accomplish over and above what tax revenues can support.
- Extra expertise—in technology, fund-raising, and community outreach—has been brought to bear on our library operations through talents available elsewhere in our partner's network of other libraries that are operated through similar public-private partnership models which now total 64 public library facilities nationwide.
- Support services provided by our partner, including accounting, automation support, training, and human resources, have been consolidated, resulting in far less overhead.

Understandably, in the years since their initial decision, our County Board of Supervisors has twice unanimously voted to extend this public-private partnership agreement for additional 5-year periods.

Specific Steps in Creating the Partnership

In 1997, we solicited bids by using a standard procurement process for the County. We prepared and issued a Request for Proposals that stated in no uncertain terms what we wanted to contract for and how we would judge proposals. One of our primary objectives was to regain local control over setting library policies. We insisted in the RFP that it was part of our "zero-based" planning and restructuring; that is, reforms would be required for the entire endeavor, not just working with "new money" or tinkering around the edges. We asked prospective respondents to give us "out-of-the-box" proposals for providing "traditional" public library services in a non-traditional way. In addition, we were careful to ensure that:

- We would receive the highest levels of service within the County's dedicated funding for libraries, not just accept the lowest bid.
- We would draw on expertise from the California State Library in a consulting role, evaluating proposals.
- We would meet company representatives in person before any selection so we could ask questions on the spot and assess their motivation and decision-making.

We received proposals from three sources – the Riverside County Office of Education, the San Bernardino County Library and Library Systems & Services, LLC (LSSI). The contract was awarded to LSSI, a private library management company headquartered in Germantown, Maryland, with West Coast offices established here in Riverside County to facilitate a close relationship with us. We became the first local government organization in the United States to outsource the management of day-to-day library operations to a private company. We are, therefore, a public institution with a private partner; our partnership is structured to assign to each partner the functions that it does best.

Important Early Steps

Public entities have long incorporated different employment models for library staff in different roles. They draw at times on part-timers, temporaries, substitutes, volunteers, contractor technical staff, and interns as well as full-time professional staff. The Riverside County public-private partnership model added to this array another paradigm for the organizational environment of public libraries: the employment of formerly public employees by a private company. This removed some expensive aspects of their employment from our budget, but we had structured the contract to make sure we still had a voice in the hiring of key library management positions.

LSSI offered employment to all existing library staff. The new LSSI employees received the same rate of base pay, accumulated vacation time and vacation accrual rates. Their prior investment in the California Public Employees' Retirement System (CalPERS) was protected. They also became eligible for Social Security for the first time and they were given the option of participating in their new employer's 401-K plan and other LSSI employee benefits.

They also became part of a merit-based, results-oriented awards system for salary increases and promotion. The arrangement has proven satisfactory for most: many of those incumbent employees are still working within our system; more than fifty received 10-year service awards from LSSI in 2008; and currently, Riverside County, through LSSI, is providing employment for 214 professional librarians and paraprofessionals.

Another innovation was the establishment of regions or zones within our large county so our citizens receive the best services and materials regardless of where they live. Here's how we have benefited from that:

- We are able to establish operational procedures that allow the local libraries to work more cohesively because of their proximity.
- Regional policies and shared services in zones can better reflect the needs and culture of these smaller "slices" of the County.
- Funding for the libraries is fairer because each zone has its own library usage and property tax figures.
- Patrons in each zone have access to their own Principal Reference Center with specialists and select materials instead of relying solely on one reference collection at a central library.

Immediate Results

Within the first year of this partnership we saw significant improvements:

- A \$900,000 decrease in operations costs;
- A doubling in our materials budget which has since grown approximately ten-fold to almost \$2 million annually;
- 34% increase (on average) in expanded library operating hours (which have now more than doubled);
- 15% increase in circulation of our materials;
- More programming relative to the needs of each community, resulting in greater participation at library-sponsored events;
- Saved people's jobs, avoiding the possibility they might have to relocate in order to continue working as librarians, or start entirely new careers.

These accomplishments were immediately noted and enjoyed by our citizens and others. We even received a national award from the National Council for Public-Private Partnerships.

5 Years Later -- Impressive Improvements

Within just the first five years of this partnership--without changing the library's funding sources, increasing taxes, or imposing usage fees--we had accomplished:

- 86% increase in operating hours, system-wide, including popular, new Sunday hours;
- Doubling of staffing, including the influx of more master's degree-level staff;
- Continued expansion of the materials budget;
- 10% increase in circulation of our materials;
- Significant technology upgrades including:
 - Addition of more than 200 new public-access internet terminals;
 - Installation of a \$140,000 computer system for staff usage to better track collection items for our patrons and to contain operating costs;
 - Upgrade to high-speed Internet access in our facilities;
- Access to far more materials for our patrons because of more far-reaching delivery of materials among our facilities;
- Doubling of mobile library service throughout the county;
- Construction of new library buildings and renovations to existing properties
- Established a new joint use library facility with the Perris Union High School District
- Our partner paid for an independent financial audit, by an outside firm, for improved transparency and accountability of public dollars for our citizens.

All of this, and more, was accomplished during the first five years of this public-private partnership.

13 Years Later

Since Riverside County began operating its libraries under this innovative business model, the County has realized extraordinary management efficiencies:

- Reclaimed control over our public libraries. The County became more accountable for how millions of taxpayer dollars were being spent;
- Completed 20 construction projects, including 11 replacement facilities and 9 entirely new libraries, as well as 7 major library renovations;
- Introduced an early childhood literacy program that has helped over 15,000 children enter school reading or ready to read since 2002;
- Created an English as a Second Language program that has helped thousands of adults learn to speak, read and write English;
- Launched an award-winning Latino outreach program called Leer Es Triunfar (Reading Is Succeeding) and become a best-practice example in the state of California for such programs as Día de los Niños/ Día de los Libros;
- Initiated and continues to operate six joint-use library facilities shared with local school districts;
- Installed a Radio Frequency-Identification (RFID) self-service system in many facilities, so people can check out their own materials, speeding up that process and also preventing theft of materials;
- Introduced a new web site providing 24/7 access to reference services, databases, interactive programs, staff blogs, and a chance to comment and interact with others around topics and areas of interest. Users can also request RSS feeds sent to their e-mail, and interact with library staff and services online;
- Installed a new print-on-demand system with a \$100,000 grant from the State of California so patrons can print, cover, and bind books from computer files. The service is free if patrons return the book to the library's collection after they read it; as an option, they can elect to keep the book and pay a small fee;
- Saved people's jobs, avoiding the possibility they might have to relocate in order to continue working as librarians, or start entirely new careers.
- We created more than 100 new jobs

Recognition

The U.S. Green Building Council has recognized us for the first county-owned environmentally friendly building: our LEED-certified Woodcrest Library uses about 22,000 kilowatt hours less electricity in a year than comparable-size branches even though it is open more hours. (And this saves the County about \$2,100/year.)

Riverside and San Bernardino Counties received \$250,000 in grant funding to create a combined automated system that allows residents in both counties access to the combined collections of both libraries.

In 2005, the American Library Association awarded Riverside County Library System the prestigious John Cotton Dana Award for its Latino outreach program Leer Es Triunfar (Reading Is Succeeding).

In 2008, RCLS was awarded the Raúl and Estela Mora Award for its exemplary Día de los Niños/Día de los Libros (Day of the Child/Day of the Book) celebrations and for leading efforts to have the State Library of California adopt the promotion of statewide “Día” celebration.

California’s Council on the Humanities chose the Riverside County Library System to be its sole partner for its “Making a Difference” programs promoting civic engagement in libraries.

The Association of Library Services to Children, a division of the American Library Association, selected the Riverside County Library System to host the 2010 May Hill Arbutnot Honor Lecture, only the fourth time in 40 years that this prestigious event has been held in California.

Summary Statistics

	1997	2010
Facilities	24	33
Hours open per week	612	1,343
Circulation	1.9 million*	3.4 million
Number staff (FTE)	125	214
Number MLS (FTE)	20	33
Book budget	\$180,000	\$2,600,000
Annual visits	1.9 million	3.1 million
Program attendance	20,844	127,717
Adult program attendance	1,082	61,204
New formats		More in Spanish; More “play-aways”; Print-on-Demand
New technology		RFID, advanced web capabilities
New financial accountability		Outside independent audit

*Circulation for 1999-2000 (previous year’s circulation figures included in-house use)

These statistics indicate that the steady improvements in library facilities and collections, together with the introduction of innovative services and programs, is beginning to yield significant increases in public use of the library system and its resources. Circulation in the last three years has increased over 70% and attendance at RCLS programs has increased 150% in the same period. The increases shown above in attendance at programs from 1997-98 to 2008-09, including an astounding increase in adult attendance from just over 1,000 to over 61,000 last year, reflect our attempt to create dynamic and exciting programs and services for all ages.

Summary: Delivering Important Results

The end of the first decade of the 21st Century and the start of the second decade will be remembered worldwide in government circles and with taxpayers as a time of high budget deficits, staff and service cutbacks, coupled with challenging, creative and sometimes painfully-contortionist financial juggling.

According to the American Library Association, nationwide, the average per capita operating expenditure for public libraries was \$34.95 in 2007 (the most recent information available). We have been able to give our citizens more library benefits than ever before, but at roughly half that amount of funding. Riverside County has built a modern 21st century public library system that is award-winning and the innovator of new services and technologies to serve our citizens better, year in and year out.

ADDENDUM

Significant Infrastructure Projects since start of Public-Private Partnership

New Buildings in a New Service Location (10)

- Eastvale: school joint use
- El Cerrito: school joint use
- Home Gardens
- Lakeside: school joint use
- Mead Valley (status: design phase)
- Mission Trail
- Paloma Valley: school joint use
- Romoland: school joint use
- Temecula City Library
- Woodcrest (TEMPORARY store front)

New Buildings to Replace Existing Libraries (11)

- Anza
- Calimesa
- Canyon Lake
- Highgrove (under construction)
- La Quinta: 10,000 sq. ft.
- Mecca
- Robidoux
- San Jacinto – school joint use
- Sun City
- Thousand Palms
- Woodcrest – First LEED Certified building in Riverside County

Renovations/Expansions of Existing Libraries (8)

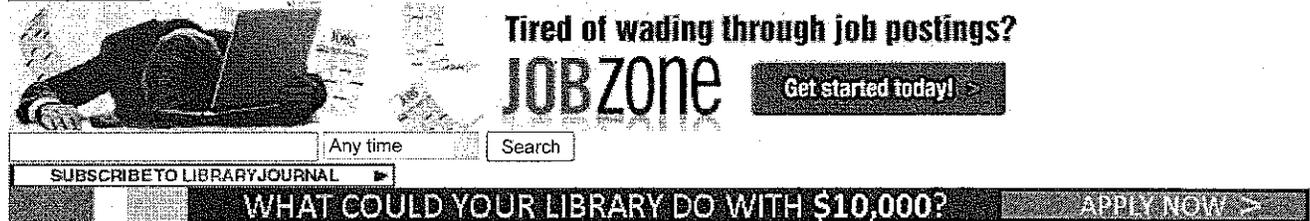
- Highgrove
- Valle Vista
- La Quinta expansion: expanded to 20,000 sq. ft.
- Cathedral City
- Palm Desert (design phase)
- Canyon Lake expansion
- Home Gardens expansion
- Grace Mellman

Bookmobiles

- Coachella Valley Bookmobile – replacement
- Western County Bookmobile – replacement
-

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Lawsuit in California Stirs Debate Over Patron Records

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By Michael Kelley Nov 4, 2010

As more commercial third parties gain access to library patrons' confidential records, public libraries may be diluting their reputation as reliable stewards of such sensitive information.

This concern, expressed by librarians and privacy advocates to *Library Journal*, has come to the fore in a legal skirmish in southern California, where a nonprofit group, Save Our Library, has sued to stop the city of Santa Clarita from contracting out library services to Library Services & Systems LLC (LSSI) of Germantown, MD.

The group argues that turning over patron records to LSSI, a private for-profit company, would violate patrons' privacy rights.

In October, Santa Clarita signed a five-year, \$19.1 million contract with LSSI to run the city's three libraries, following an earlier decision by the city council to withdraw from the County of Los Angeles Public Library system.

Donald Ricketts, Save Our Library's lawyer, told *LJ* that only the public entity that owns the library could collect and access registration and circulation records. He said the LSSI deal would weaken safeguards and expose patrons to potential identity theft and mass marketing appeals.

"The risk of breach of privacy increases geometrically," he said. "It's why we have privacy laws."

LSSI may reregister patrons

Scott Kuha, who is representing the county and County Librarian Margaret Donnellan Todd, said in an email to Ricketts that there were no plans at this time to turn circulation or registration records over to the city or LSSI. He also has agreed not to turn over any records to the city unless he provides Ricketts 20-days' notice.

LSSI may have to start from scratch.

"If LSSI implements a new integrated library system for the city," Robert Windrow, LSSI's vice president for sales and marketing, told *LJ*, "patrons will be asked to reregister."

Save Our Library would also oppose this.

"The next motion, probably later this week or early next," Ricketts said "is to prevent the city from allowing LSSI to gather confidential information to issue new library cards. That, we argue, can only be done by the city, and the information collected may not be given to LSSI."

Clear contracts are important

In its contract with the city, LSSI agrees to abide by the California Public Records Act, which governs patron records. City Attorney Carl Newton told The Signal that LSSI would be held "to the same standards of privacy as the city and county."

For Stacey Aldrich, the California State Librarian, the issue is a "very legitimate concern" but not one of private versus public, or profit versus nonprofit. She said what matters most is that the stewardship of the records rests in competent, law-abiding hands.

"As librarians, we have to be very aware of where information starts and where it goes and how we insure that the data of our users is protected."

"The real important thing with any vendor is that [it has] a clear agreement about how that data is used," Aldrich said. "We have to be clear in our contracts."

Commercialization of data

Molly Milligan, a senior fellow at the Center for Governmental Studies in Los Angeles, said even though the LSSI contract acknowledges the Public Records Act, it should have been more explicit about potential commercial uses of the data.

"The city of Santa Clarita could have specifically denied this contractor the right to use any such information for any commercial purpose," she said.

Lynn Wheeler, the director of the Carroll County Public Library in Westminster, MD, who sits on LSSI's advisory board and worked as the transition director in several LSSI libraries from 2002 to 2004, defended LSSI's record on privacy.

"There's no way in the world that LSSI would do anything to cross that privacy boundary," Wheeler said. "They are as interested in protecting library records as any other library in the nation."

LSSI, of course, is not a library.

A question of servers

Jennifer Mellon, the senior management analyst for the city of Moorpark, CA, which contracted with LSSI three years ago, said that when LSSI arrived two things happened: 1) the Ventura county system, to which Moorpark had belonged, transferred the library's online catalog to a system from SirsiDynix of Provo, UT, and 2) patrons of Moorpark had to register anew with the library and that information is also housed by SirsiDynix.

Patron information, Mellon said, is accessible only to those LSSI employees who work in the library.

"If someone wanted to get that information, they come through the city and put through a public information request," she said.

Gerry Maginnity, bureau chief in library development services for the California State Library, noted that the hosting of ILS and patron information in remote servers is itself part of the growing concern about third-party access.

"Up until ten or 15 years ago or so, the server was housed in the library or in the municipal computing center," he said. "Now, it could be across the county, and there is some concern that if something comes up, you can't just run down to the basement and pull the plug on it."

Under its Santa Clarita contract, LSSI is responsible for the acquisition and maintenance of the library's servers. Currently, Los Angeles County hosts and manages all aspects of the ILS system.

Ricketts said that Save Our Friends would like the city to own and operate any library server.

Opting out and privacy policies

In a study of 27 major third-party vendors of library online resources, Trina Magi, an associate professor and reference librarian at the University of Vermont, found very little evidence that the vendors had privacy policies that measured up to the standards articulated by either the American Library Association or the information technology industry.

"What does it do for the trust of library patrons all over the country?" she asked. "Everyone has to worry that their information could be given to a third party."

Pam Dixon, the executive director of the World Privacy Forum in Cardiff by the Sea, CA, said that patrons should be told when any library is providing their information to a third party and that they should be given the opportunity to deny access to their information.

"If a patron has 25 years' of records at a library, and suddenly the library services are subcontracted out, and there are no contractual clauses that prohibit using the data for commercial purposes, then a patron should have the ability to say yes or no," Dixon said.

Ricketts said allowing patrons to opt out is reasonable, but it also presents a dilemma.

"You can say no to a credit card company, but if you opt out of the library, you are being denied the right to public services that are publically funded."

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Reader Comments (9)

The Santa Clarita lawsuit by Save Our Library is an "invalidation" or "reverse validation" action. A "validation action" is brought by a City or County (usually) to get a quick court ruling validating something that they have done so that they can do it immediately without the cloud of years of litigation hanging over it and the possibility that it would ultimately be declared unlawful. The cloud often makes obtaining financing difficult. A "reverse validation" action seeks the opposite—it asks a court to rule that what the City or County did was unlawful and the court should enjoin (stop) it. Many people can challenge an action by a City or County by filing a lawsuit, forcing the City or County to defend many suits. The purpose of a validation or reverse validation action is to prevent this by making the court's ruling in a single case binding on everyone. To do this the summons that is issued by the court in this kind of case (the court order to the defendants named in the suit to appear in court and answer the complaint) is directed to "all interested persons". It is published. It advises that any interested person may appear in the case (without being "subject to to punitive action, such as wage garnishment or seizure of their real or personal property") and join with the party who brought the case (the plaintiff) in challenging the action of the City or County. Thus, having had the opportunity to appear in the case, and rejecting it, the court is justified in making the ruling binding on everyone. This is a national issue and there are many "interested persons". I would hope that some would appear and join in the challenge to this. Don Ricketts - SOL@socal.rr.com

Posted by Don Ricketts on November 5, 2010 01:03:38PM

I believe this law suit is needed and hopefully will be successful in getting the city of Santa Clarita to change its action. The country of LA has done an excellent job in supplying our area with all the necessary library products needed. There is no big need for this private company to take over and personally I don't want them to have access to my information. Lets all get behind this action as " interested parties" and support this suit.

Posted by Jim Mc Guire on November 5, 2010 05:40:21PM

I wanted to emphasize the illegality, under California law, of what the City Council of Moorpark has done and what the City Council of Santa Clarita proposes to do. Notably, they have the same large municipal law firm representing them. The first level of unlawfulness is the taking of private library patron information by LSSI. The second level of unlawfulness is the giving of that library patron information to a private computer server operator SirsiDynix. Frankly, it doesn't matter what professional librarians' opinions are, and what their professional ethical standards are, because the California Legislature has passed a law, backed by an express provision of the California Constitution, saying that Californian's private library records cannot be disclosed to ANY third parties. From experience, I can say that members of the California Legislature, both Republican and Democrat, get particularly outraged when lower level elected officials and their employees blithely violate laws which the Legislature takes great care to write in a clear way. Here those relevant laws and California Constitutional provisions, of which both California librarians, city council members and city attorneys should take note. Emphasis on the privacy related text is added in all capitals: "CALIFORNIA CONSTITUTION ARTICLE I. SECTION 1. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and PRIVACY." CALIFORNIA PUBLIC RECORDS ACT, GOVERNMENT CODE "Section 6250. In enacting this chapter, the Legislature, MINDFUL OF THE RIGHT OF INDIVIDUALS TO PRIVACY, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." "Section 6254(j)...nothing in this chapter shall be construed to require disclosure of records that are any of the following: (j) Library circulation records kept for the purpose of identifying the borrower of items available in libraries, and library and museum materials made or acquired and presented solely for reference or exhibition purposes. The exemption in this subdivision shall not apply to records of fines imposed on the borrowers." "Section 6267. All registration and circulation records of any library which is in whole or in part supported by public funds shall remain confidential and SHALL NOT BE DISCLOSED TO ANY PERSON*, LOCAL AGENCY OR STATE AGENCY except as follows: (a) By a person acting within the scope of his or her duties within the administration of the library. (b) By a person authorized, in writing, by the individual to whom the records pertain, to inspect the records. (c) By order of the appropriate superior court. As used in this section, the term "registration records" includes any information which a library requires a patron to provide in order to become eligible to borrow books and other materials, and the term "circulation records" includes any information which identifies the patrons borrowing particular books and other material. This section shall not apply to statistical reports of registration and circulation nor to records of fines collected by the library." *And yes, under California law, the word "PERSON" as used in those laws includes corporations, limited liability companies, partnerships, trusts and any other sort of entity wrongdoers can imagine. The city attorney law firm which represents the city which is involved in the litigation, Santa Clarita, is infamous for refusing to settle cases, even when their city clients are in the wrong, and for running up massive attorneys fees and costs which are paid at taxpayers' expense. As a result, I fully expect the City of Santa Clarita, guided by their cash driven lawyers, to drag this case all the way to the California Supreme Court.

Posted by Michael Shaw on November 5, 2010 07:12:59PM

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Posted by Michael Shaw on November 5, 2010 07:15:44PM

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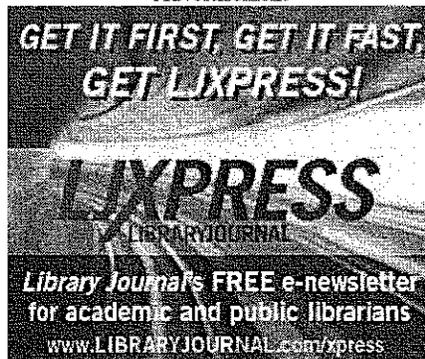
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September 26, 2010

Anger as a Private Company Takes Over Libraries

By DAVID STREITFELD

SANTA CLARITA, Calif. — A private company in Maryland has taken over public libraries in ailing cities in California, Oregon, Tennessee and Texas, growing into the country's fifth-largest library system.

Now the company, Library Systems & Services, has been hired for the first time to run a system in a relatively healthy city, setting off an intense and often acrimonious debate about the role of outsourcing in a ravaged economy.

A \$4 million deal to run the three libraries here is a chance for the company to demonstrate that a dose of private management can be good for communities, whatever their financial situation. But in an era when outsourcing is most often an act of budget desperation — with janitors, police forces and even entire city halls farmed out in one town or another — the contract in Santa Clarita has touched a deep nerve and begun a round of second-guessing.

Can a municipal service like a library hold so central a place that it should be entrusted to a profit-driven contractor only as a last resort — and maybe not even then?

"There's this American flag, apple pie thing about libraries," said Frank A. Pezzanite, the outsourcing company's chief executive. He has pledged to save \$1 million a year in Santa Clarita, mainly by cutting overhead and replacing unionized employees. "Somehow they have been put in the category of a sacred organization."

The company, known as L.S.S.I., runs 14 library systems operating 63 locations. Its basic pitch

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to cities is that it fixes broken libraries — more often than not by cleaning house.

“A lot of libraries are atrocious,” Mr. Pezzanite said. “Their policies are all about job security. That’s why the profession is nervous about us. You can go to a library for 35 years and never have to do anything and then have your retirement. We’re not running our company that way. You come to us, you’re going to have to work.”

The members of the Santa Clarita City Council who voted to hire L.S.S.I. acknowledge there was no immediate threat to the libraries. The council members say they want to ensure the libraries’ long-term survival in a state with increasingly shaky finances.

Until now, the three branch locations have been part of the Los Angeles County library system. Under the new contract, the branches will be withdrawn from county control and all operations — including hiring staff and buying books — ceded to L.S.S.I.

“The libraries are still going to be public libraries,” said the mayor pro tem, Marsha McLean. “When people say we’re privatizing libraries, that is just not a true statement, period.”

Library employees are furious about the contract. But the reaction has been mostly led by patrons who say they cannot imagine Santa Clarita with libraries run for profit.

“A library is the heart of the community,” said one opponent, Jane Hanson. “I’m in favor of private enterprise, but I can’t feel comfortable with what the city is doing here.”

Mrs. Hanson and her husband, Tom, go to their local branch every week or two to pick up tapes for the car and books to read after dinner. Mrs. Hanson recently checked out Willa Cather’s classic “Death Comes for the Archbishop,” although she was only mildly in favor of its episodic style; she has higher hopes for her current choice, on the shadowy world of North Korea.

The suggestion that a library is different — and somehow off limits to the outsourcing fever — has been echoed wherever L.S.S.I. has gone. The head of the county library system, Margaret Donnellan Todd, says L.S.S.I. is viewed as an unwelcome outsider.

“There is no local connection,” she said. “People are receiving superb service in Santa Clarita. I challenge that L.S.S.I. will be able to do much better.”

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As a recent afternoon shaded into evening, there were more than a hundred patrons at the main Santa Clarita library. Students were doing their homework. Old men paged through newspapers. Children gathered up arm's loads of picture books. It was a portrait of civic harmony and engagement.

Mrs. Hanson, who is 81 and has been a library patron for nearly 50 years, was so bothered by the outsourcing contract that she became involved in local politics for the first time since 1969, when she worked for a recall movement related to the Vietnam War.

She drew up a petition warning that the L.S.S.I. contract would result in "greater cost, fewer books and less access," with "no benefit to the citizens." Using a card table in front of the main library branch, she gathered 1,200 signatures in three weekends.

L.S.S.I. says none of Mrs. Hanson's fears are warranted, but the anti-outsourcing forces continue to air their suspicions at private meetings and public forums, even wondering whether a recall election is feasible.

"Public libraries invoke images of our freedom to learn, a cornerstone of our democracy," Deanna Hanashiro, a retired teacher, said at the most recent city council meeting.

Frank Ferry, a Santa Clarita councilman, dismisses the criticism as the work of the Service Employees International Union, which has 87 members in the libraries. The union has been distributing red shirts defending the status quo. "Union members out in red shirts in defense of union jobs," Mr. Ferry said.

Library employees are often the most resistant to his company, said Mr. Pezzanite, a co-founder of L.S.S.I. — and, he suggested, for reasons that only reinforce the need for a new approach.

"Pensions crushed General Motors, and it is crushing the governments in California," he said. While the company says it rehires many of the municipal librarians, they must be content with a 401(k) retirement fund and no pension.

L.S.S.I. got its start 30 years ago developing software for government use, then expanded into running libraries for federal agencies. In the mid-1990s, it moved into the municipal library market, and now, when ranked by number of branches, it places immediately after Los Angeles

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County, New York City, Chicago and the City of Los Angeles.

The company is majority owned by Islington Capital Partners, a private equity firm in Boston, and has about \$35 million in annual revenue and 800 employees. Officials would not discuss the company's profitability.

Some L.S.S.I. customers have ended their contracts, while in other places, opposition has faded with time. In Redding, Calif., Jim Ceragioli, a board member of the Friends of Shasta County Library, said he initially counted himself among the skeptics.

But he has since changed his mind. "I can't think of anything that's been lost," Mr. Ceragioli said.

The library in Redding has expanded its services and hours. And the volunteers are still showing up — even if their assistance is now aiding a private company. "We volunteer more than ever now," Mr. Ceragioli said.

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Posted by [Norman Oder](#)

New Organization in Santa Clarita, CA, Sues To Block LSSI Contract

October 6th, 2010

A new nonprofit organization, Save Our Library, has [filed suit](#) to stop the city of Santa Clarita, CA, from taking over the branches in the city from the County of Los Angeles Public Library and hiring outsourcing company Library Systems & Services LLC (LSSI) to run the libraries.

(News of the deal made the front page of the *New York Times* and [generated 599 comments](#).)

The suit may be a stretch. It alleges that letting libraries be run by LSSI would “violate library patrons’ right of privacy guaranteed by the California Constitution and would be a clear violation of California’s Public Records Act.” However, LSSI already operates other libraries in California without a lawsuit raising this charge.

In a [comment](#) on SCVTalk.com, attorney Don Ricketts acknowledged, “I have been unable to find any case on this subject.”

City Attorney Carl Newton [told The Signal](#): “(Ricketts) fails to recognize that under the contract, (LSSI) would be operating as an agent of the city. We would hold them to the same standards of privacy as the city and county.”

Still, questions surround the deal. According to a press release on SCVTalk.com, Ricketts said he wants to depose city Council members and the city’s Deputy City Manager.

“It was suddenly sprung on the public in a very undemocratic way with very little transparency,” he said. “Maybe everything was legal and above-board, but the secrecy and speed sure raise suspicions—especially in light of the fact that no one other than the City and LSSI are in favor of this.”

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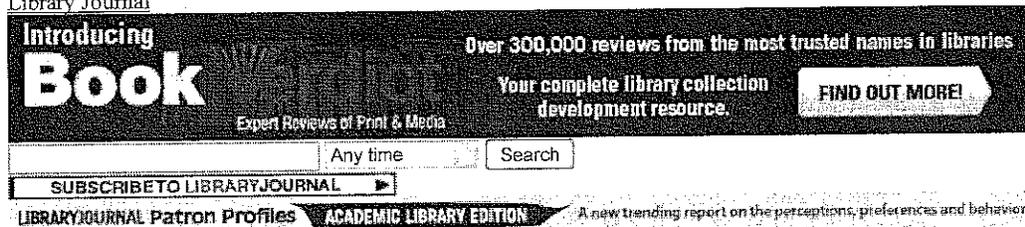
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Public Library Association - PLA-Annual Conference - Portland

By Brian Kenney -- Library Journal, 04/02/2010

- Panel draws small crowd
- From outsourcing to private management
- No rebuttal from critics of LSSI methods

It can be a hugely controversial local issue when officials consider contracting with Library Systems & Services, LLC (LSSI), the only company that offers turnkey private library management, but a March 27 program, billed as "Outsourcing Public Library Services: Pros and Cons." was mainly a humdrum sales pitch from LSSI, with fewer than 40 people in attendance.

LSSI put its best foot forward, highlighting a locally successful effort in Jackson County, OR. However, there was no one on the panel to offer any rebuttal, which left several people in the audience baffled and dissatisfied.

ALA reports less relevant

The session kicked off with Raymond Santiago, director of the Miami-Dade Public Library System, who referenced the American Library Association's 1999 report, Outsourcing & Privatization in America's Libraries and ALA's 2000 report Impact of Outsourcing and Privatization On Library Services and Management.

The latter, according to Santiago, "found that outsourcing posed no threat to library governance." The issue today, said Santiago, a member of the ALA Outsourcing Task Force, was not so much outsourcing, which nearly every library does to some degree, but privatization--or private management--when local government contracts with a vendor to provide library services.

Santiago threw out some cautionary questions: "Does the private sector always do it better?...Is everything privatizable? Do we privatize the police force?"

Anticipating a contentious discussion, Santiago admonished the audience to "not follow the lead set by our Congress," but instead treat each other civilly. He reminded that audience that "we should also keep in mind that this discussion isn't about one particular business," an assertion undermined by the presence of only one vendor on the dais.

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Pros and cons

Portland-based consultant Ruth Metz provided a list of outsourcing pros ("it's allows for flexibility, nimbleness," "let's libraries accomplish what they couldn't do—or do as well.>").

However, when it came to LSSI-type management, she was more dubious. "It's difficult to compare the two models," she said, referring to not-for-profit public libraries and libraries managed by for-profit companies. "If you insist on transparency in the numbers, you will get pushback," said Metz, who evaluated LSSI's contract in Riverside, CA. (LSSI has been criticized for not stating how many employees it will use to provide service.)

At the same time, "we can learn a lot from LSSI," Metz declared. "Staff needs to be more empathetic to elected leaders, more thoughtful of the big picture." The fundamental question, she said, is "do we have the staffing plan that the delivers the service this community needs?"

The Jackson County story

Danny Jordan, county administrator for Jackson County (Medford, OR), recounted the process in 2007 that led to his county contracting with LSSI to manage its 15-branch library system. Federal funding through the Secure Rural School and Community Self-Determination Act of 2000, known as the "timber subsidy," had dried up, leaving the county with a deficit of \$23 million, of which \$8 million came from the library's budget.

While there was little opportunity to plan, the county tried unsuccessfully to create a library tax district. They issued an RFP to run the system, with LSSI chosen over a library management team bid.

"The county maintains policy, but LSSI implements the policy," Jordan said. Bringing in LSSI has increased involvement among friends and library advisory groups, he said. "But they remain our collections, our buildings, our libraries."

Inside LSSI

Mark Smith, LSSI's Senior Vice President for Public Library Operations/West and also project manager for the 35-branch Riverside County Library System (CA), provided a PowerPoint presentation, "The View from Inside LSSI," which documented the company's success since they took over the Riverside system in 1997. (*LJ* provided a more nuanced take in its 10/1/04 feature, When LSSI Comes to Town.)

Smith said LSSI has suffered "denigration of its work by the library establishment, including the library press." He then presented metrics touting the library's limited growth in circulation, substantial gains in program attendance, and several awards.

While library staffers have seen their benefits decline, Smith said they appreciate working for a company that has a "shared sense of purpose" and where there is "speed to resolution," that is, things get done quickly. They are also "sheltered by contracts," and LSSI has had "no layoffs, furloughs, hiring freezes, reduced hours, or wage reductions."

"What can we steal from you?" one librarian asked Smith during the Q & A session. ("I'd like to steal a big pile of money from them," quipped Jordan.)

"We benefit from economy of scale: attorney, payroll, purchasing power," Smith said, a claim questioned in *LJ's* coverage.

"Look at their staffing plan," Metz added. "They run a lean, mean machine. We might be constrained in what we can do with benefits and salaries. They know our weak spots."

Some concern

"I'm very disappointed in this session," said Ruth Anna, a trustee at the Jefferson County Public Library, CO, addressing the panel. "There was no point-counterpoint. It was just a public relations effort by LSSI and gave me none of the information I need to make a decision."

Her sentiment was seconded by several in the audience, though LSSI staffers from Jackson County enthusiastically applauded the company. (Also participating on the panel was Linda Mielke, director of the Butte County Library, CA, and a former LSSI staffer.)

"If you want the con, just read the pages of *American Libraries*. Or *Library Journal*," responded Smith.

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Public libraries, private company: the outsourcing compromise

by Norman Oder -- Library Journal, 10/01/2004

See also [More on LSSI...](#)

At meetings of national city and county associations, the only library exhibitor is often Library Systems & Services, LLC (LSSI), the first company to offer full outsourcing (or privatization, to some) of public libraries. LSSI offers a seductive line: it can do more with less.

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As local governments squeeze budgets, LSSI, which has a history in both outsourced federal government libraries and virtual reference, sees more business, even though it has fewer than ten public library contracts at this point. In July, the city of Germantown, TN, hired LSSI to run its branch; the decision to go independent saved money but meant cardholders could no longer borrow books from the Memphis–Shelby County system it had left. It's unclear whether city managers anticipated that, but outsourcing often brings compromises—ones perhaps more apparent to professional librarians than their municipal bosses.

LSSI can boost professionalism in struggling libraries, at least for the short term, and guarantee certain service benchmarks. Indeed, LSSI clients—mostly local officials, not librarians—praised the company's performance, according to a 2002 report by the Florida House of Representatives.

Outsourcing can save money, but at what cost? LSSI's performance eludes full evaluation—statistics like hours, circulation, and spending provide only a sketch. But LSSI's record suggests tensions between a profit-seeking company and a public agency. Savings may go to profits instead of services. Fully outsourced libraries no longer control compensation—and LSSI saves money on staff. Also, the library may be less publicly accountable.

The company makes some librarians uneasy. Barbara Custen, executive director of the Metropolitan Cooperative Library System (MCLS), Pasadena, CA, notes that when cities ask her what it would cost to run their own libraries, MCLS provides “an objective number.” LSSI, she points out, may advise a city on how to run its own library, then bid on that same service.

A profession confronted

The library profession has not fully addressed the outsourcing issue. Outsourcing cataloging, processing, and some other professional tasks has become routine, but the extension to book selection and management was a shock. As a result, the American Library Association (ALA) established a task force on outsourcing and privatization after the Hawaii State PL System outsourced all book selection to Baker & Taylor in 1996 and Riverside County, CA, officials hired LSSI to run the Riverside County Library System (RCLS) in 1997.

The task force observed that good library work is closely tied to the community, not “a simple commodity,” and that libraries represent a “public good,” essential public services most efficiently provided by the government, not the marketplace. The task force recommended that ALA oppose “privatizing core library services to for-profit corporations,” but, in 1999, ALA Council found the task force's work too speculative.

Council instead approved a study that looked at the outsourcing of cataloging, two cases regarding materials selection, and two concerning management (Riverside and NASA libraries). The study observed that the condition of libraries in Riverside “continues to be poor” because of underfunding but concluded that “outsourcing has been an effective managerial tool”—a statement LSSI reproduces on its web site (www.lssi.com).

To the investigators, no case study constituted privatization. Led by Robert Martin, then professor in the School of Library and Information Studies at Texas Woman's University, Denton, and now head of the federal Institute of Museum and Library Services, they found the task force's terms unworkable. They defined privatization as relinquishing policy control to a vendor—a shift that no vendor had sought. In 2001, Council endorsed a milder statement opposing the “shifting of policymaking and management oversight of library services from the public to the private for-profit sector”—which has no effect on LSSI contracts since the library board or municipality makes policy.

While some communities—such as Fargo, ND, and Finney County, KS—hired LSSI after learning about the company from ALA or the Southwest Kansas Library System, LSSI no longer pitches management services at library conferences. “We’re a company that brings value to our customers and improved library service,” company CEO Frank Pezzanite tells LJ. He notes that LSSI’s Virtual Reference service, since sold to Tutor.com, was welcomed by many. “[But] I get the impression from time to time that we’re considered to be the Darth Vader of the industry.”

Profit pressure

LSSI generally manages the entire library budget, whether it employs all staffers or just senior managers. VP Bob Windrow told the *Dallas Morning News* in 2001 that the company “earns money through streamlining procedures, automation, changing procedures, and staff training.” The article doesn’t mention that LSSI charges some clients (though not RCLS) general and administrative costs up to 15%, which include handling fees on materials of 5%. Additionally, the difference between the budget and what is spent contributes to profit.

Also, while LSSI can ramp up libraries that have lagged technologically, Windrow’s statement sidesteps a key LSSI strategy: saving money on staff. In a proposal to the Dallas PL (DPL) board last year, Windrow acknowledged, according to board minutes, that the company would keep costs down by paying lower salaries and benefits, hiring fewer librarians, and choosing less-educated employees than current DPL staff.

Fargo PL director Charles Pace, a former LSSI staffer, sees the tension between quality and profit. He was hired in June 2001 by LSSI to run Fargo PL. In 2003, he was employed directly by the city after the library board canceled its LSSI contract, dismayed that the company fell behind on several bills. Pace notes, as do two board members, that LSSI’s temporary director in Fargo, Lynn Wheeler, stabilized the library, which had lacked leadership. LSSI, according to the Florida report, also significantly reduced the time it took to bring books to Fargo PL shelves.

LSSI, Pace recounts, “brought in well-respected library consultant Ron Dubberly”—a member of the company’s Advisory Council—to help with strategic planning and also “provided a collection development expert.” However, says Pace, after a few months in his job, “the positive phase of LSSI’s accomplishments here came to an end. There was a considerable amount of pressure [from LSSI] to look at ways we could generate revenue and not to spend out the full library budget.” LSSI also requested a 28% budget increase and got 11%. Pace adds, “It was very difficult to serve two masters.” Company spokeswoman Terri Armand says, “LSSI does not typically comment on statements made about LSSI by former employees or clients.”

Riverside: a showcase?

“We’ve accomplished more growth in service, developed more functional partnerships, and completed more building projects (without a tax increase or bonding) in the last seven years than I have ever witnessed in a system of comparable size and resources,” says Gordon Conable, LSSI’s executive VP of public library operations. Recently, RCLS and neighbor San Bernardino jointly upgraded musty automation systems. LSSI points to RCLS as evidence it can boost service elsewhere.

But RCLS is an unusual case, as Ronald Baker indicated in “Outsourcing in Riverside County: Anomaly, Not Prophecy” (*LJ* 3/15/98, p. 34–37). Once part of a combined city-county system, RCLS offers stripped-down library service, with no central library—nor coordinators for collection development or youth services. More than 90% of staff—a notably high number—work on public service and local library operations. The system—with 28 branches, two bookmobiles, and two other

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facilities—has 33 MLS librarians, a respectable ratio out of 139 FTE staff but one that indicates basic branch coverage.

LSSI itself operates leanly. According to a 2002 county audit, the company used 5.29% of the contract for overhead—well below the 10% charged previously by the city of Riverside as an administrative fee. Pezzanite, an automation veteran, oversees some contracts himself, as does his wife, Judy, the COO and a librarian, from LSSI's Germantown, MD, office.

In "Why Outsourcing Is Our Friend" (*American Libraries*, 1/98, p. 72–74), LSSI advisor Dubberly called the Riverside/LSSI model "eminently replicable." Gary Christmas, Riverside county librarian from 1997 until this July (when he became deputy county executive officer), praises LSSI, noting the county sought the most service, not the lowest bid. Still, he acknowledges that RCLS's experience "can't be a model for anyone else, because they don't have the circumstances we do."

As Baker, who formerly headed the combined system's central library, wrote, the county had a white elephant library administrative service center—which now costs \$567,432 a year in debt service. In June 1998, less than a year after outsourcing, RCLS found a tenant for that building. Now tenants pay nearly all that debt service, expanding the budget for the library—something not mentioned in LSSI accounts of Riverside.

Service at RCLS can be seen through two distinct lenses. Hours, materials, and the number of librarians have jumped, thanks to increased public funding and the service plan developed by LSSI and the county. Still, with a per capita budget under \$14 for its 892,800 constituents, RCLS lags behind most peer libraries. The materials budget, \$180,000 in 1997, now includes \$450,000 from the library fund, plus \$600,000 in mitigation fees from new residential development. However, materials funding remains less than half the \$2.61 per capita figure—the level of the lowest quartile of peer libraries—that LSSI's own consultant, Dubberly, recommended back in 1998. Meanwhile, RCLS cardholders account for 40% of the library's checkouts in Rancho Mirage, a Riverside County community with a well-funded independent library.

Workers shortchanged?

At conferences, LSSI distributes a 2002 article from *The American Enterprise* (published by a conservative think tank) that lauds LSSI's work: "For vested interests like unions, however, the company's ability efficiently to meet terms set by local officials offers no solace."

Some LSSI practices, such as a reliance on paraprofessionals, reflect tactics adopted by other cash-strapped libraries. According to the Riverside County audit, LSSI spent 50.02% of its budget on direct labor and 13.12% on fringe benefits—somewhat less than many comparable systems. LSSI prefers having all library employees work for the company. "We have much more control. We can incent them," says Pezzanite. "If an employee does a good job, we like to give them a \$5 gift certificate to Borders Books or Mrs. Fields."

Existing RCLS workers were offered the same salary; Pezzanite notes they were happy to gain stability. Future hires received lower pay, according to the ALA report, which also acknowledged "vague indications of increasing workloads and decreasing compensation—especially in terms of benefits."

Pezzanite asserts, "If you took the pension out of the equation, the [benefits] scale would be tilted in our favor. Throw the pension on there, maybe it's equal, or maybe it slides the other way a little bit."

The difference in retirement benefits, unspecified in the ALA report, is stark. Those working for LSSI get a chance to contribute to their own 401(k) plan—a sum subject to market vagaries—to which LSSI provides a match it wouldn't specify. By contrast, 20-year Riverside city or county employees who participate in California Public Employees' Retirement System (CALPERS) are eligible for a lifetime pension at age 55 of 40% of their annual salary.

The loss of civil service rights and pension vesting has alarmed unions and library groups. "Having that package changed on you is very disruptive to the entire institution," notes Pat Tumulty, executive director of the New Jersey Library Association (NJLA).

Last year, staff at the Passaic PL, NJ, joined a union to fight a proposed LSSI contract that would have made them all company employees. NJLA, which had not opposed LSSI contracts where the company provided managers but staff remained public employees, says the proposed contract—since dropped—would have been the state's first privatization of a public library.

The volunteer dilemma

Staff costs make up the largest chunk of a library budget, so at an LSSI library, volunteers embody not only community spirit but also potential profit. New management may liberate untapped energies; when the company took over the library in Calabasas, CA, formerly a branch of the County of Los Angeles PL, it initiated a Friends group.

Asked to comment on the use of volunteers, Sally Reed, executive director of the Friends of Libraries USA and a critic of outsourcing when on the ALA Executive Board, says, "There should be full disclosure that money saved through volunteer services may well translate into increased profits for a private company ...making the company look better."

In Lancaster, TX, LSSI operates a building more than three times the size of its predecessor, even as the number of FTE staff has increased from seven (three MLS) to 8.5 (two MLS). Volunteer hours have more than quadrupled, though Armand points out that they represent little more than 1 FTE and that the library has new sources of volunteers via the Texas court system and from teens.

The library has seen significant turnover: seven of nine employees listed on the library web site since outsourcing have left. Armand would not say whether volunteers did work such as reference or processing but did stress that LSSI "does not use volunteers in lieu of paid library staff or as a means of controlling costs."

The bottom line

It's hard to determine how much profit LSSI makes. Only Riverside County has released a full audit of its LSSI contract; an analysis of 2002 expenditures showed that LSSI earned only an \$80,000 profit (1.02%) on the contract that year beyond its overhead. Is that good negotiating by Riverside, an LSSI willingness to make the library a showcase, or both?

In Texas, LSSI representatives said they didn't "foresee a profit in the first few years, but their number one goal is to have a presence in the area," according to Lori Iwanicki, assistant to the Lancaster city manager. LSSI has since signed contracts in two other Texas jurisdictions.

LSSI has apparently made a profit in Lancaster, a Dallas suburb, though the numbers are unclear. Some 42.7% of Lancaster's 2002 budget and 45.7% in 2003, according to statistics provided to the state library, constituted "other operating expenses." What's in that category? "As long as they're doing what they need to do, we're not going to ask them to detail every expenditure," says Iwanicki.

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Meanwhile, spending on staff and materials went down; LSSI's Armand says its profit also went down but would not provide details. For salaries/benefits, Lancaster spent 50% of its budget in 2002 and 48% in 2003, losing one of three MLS librarians. Three neighboring library systems spent from 64% to 80% on staff (with more librarians), yet they also spent a greater percentage on materials. Though 15% spending on materials is considered good, Lancaster spent 8% in 2002 and 6.6% in 2003.

The city's new building opened in 2001 with a new collection, just as it began outsourcing. Notes city spokeswoman Opal Mauldin-Robertson, "The materials budget will increase as necessary to keep the collection fresh." Lancaster had a higher circulation rate in 2003 than two neighbors (by 11% and 32%) but also a 14-day rather than a 21-day loan period.

Similarly, in Finney County, KS, spending on staff went from 59.5% in 2002 to 51.9% in 2003, while materials spending declined from 12.4% to 11.4%. Armand says LSSI's profit also went down but would not elaborate. Board chair Pat Fishback, asked how LSSI makes a profit, says, "There are certain things since they are a private company that's not required to be public knowledge. We know the amount of money we pay them for the services we contract for, and we are satisfied." Previously, two board members, concerned about the loss of local control, resigned in protest when the county hired LSSI.

When the city of Linden, NJ, ended its LSSI contract early, Linden mayor John Gregorio said the city would save \$300,000—about 15% of the library budget—by running the library itself. Six of 37 staff members had retired, but the budget LSSI was managing had held constant.

Marketing claims

Some LSSI marketing claims are, at best, imprecise. In a February 14, 2003, pitch letter to potential customers, then-LSSI West Coast director of sales and marketing Lee Ireland claimed that LSSI manages "over 45 public libraries across the United States." At that time, LSSI had seven public library contracts but managed some 45 public library *buildings*.

A flyer distributed at the New Jersey Conference of Mayors last April said, "LSSI is currently managing libraries for these communities"; the 20 communities listed represented seven contracts, two of which had expired by that time.

LSSI press releases say the company recruited new directors for the libraries in both Lancaster, TX, and Finney County, KS. LSSI did provide veteran interim staff for the libraries, which had had long vacancies, but the directors ultimately hired had applied for the positions before the communities officially contracted with LSSI.

A 2002 LSSI press release cited more than \$250,000 in grants gained in Lancaster—part of the reason the Northeast Texas Library System later named Lancaster's Cami Loucks the library employee/director of the year for 2003. However, the library must share nearly half the money: two grants totaling \$225,000 underwrite shared services in Lancaster and neighboring Cedar Hill.

Compromising transparency

As public agencies, libraries should be transparent, but this ethic does not necessarily hold for a private company. In the past, LSSI has trumpeted good news but been elusive when asked tougher questions. When the city of Linden, NJ, ended its LSSI contract early, it contractually agreed to portray the management change in the "most positive manner possible" and an effusive quote from Mayor Gregorio appears on LSSI's web site. Neither that endorsement nor the subsequent LSSI press release acknowledges the city's \$300,000 savings.

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Because of a contract clause preventing current Jersey City PL (JCPL) top managers from discussing LSSI, it's hard to evaluate fully LSSI's performance at JCPL, where it operated from 1999 to 2001. A study by Arthur Andersen noted that the library "lacked automation, training, and leadership prior to LSSI's arrival." The New Jersey State Librarian had refused to release grant funds. Allan Kleiman, head of reference at Westfield PL, NJ, and a one-year employee of LSSI at Jersey City, says, "I don't know who could have done it outside an LSSI type that could bring in a heavy-duty team."

When the contract ended, LSSI sought to block criticism from new director Priscilla Gardner—who once criticized LSSI vocally—and the assistant director. The nondisparagement clause might have been a quid pro quo. Board chair Mofalc Meinga tells *LJ*, "It was a mutual agreement, because they let us out of a contract early," thus avoiding a potential "sizable fee" to terminate. "I would give them a good recommendation," he adds with a laugh. "I'm not gagged on that."

Former employees say LSSI has required them to sign a nondisclosure agreement. LSSI would not comment on that. This requirement was not mentioned in either the Florida or ALA reports on outsourcing.

New ventures

In most LSSI libraries, budget pressures limit service, but it is a constraint LSSI can embrace. Steve Coffman, LSSI VP for business development, has called for libraries to be run more like bookstores, questioning how much the differences (reference, cataloging) are worth to library patrons—and LSSI recently proposed such an "efficient library" project. Most recently, he has argued that libraries should emulate public radio and raise private operating funds. In June, LSSI released a report on such "plural funding," written by a veteran public radio consultant and partly funded by three library entities (see *News, LJ 7/04*, p. 22ff.).

Coffman's crusade—which has sparked criticism from those who emphasize more public support—also could boost LSSI, though Coffman notes, "LSSI is not selling any of these concepts." The web site for the "Plural Funding Project" (www.pluralfunding.org) declares, "Dedicated to improving the funding for America's libraries," but the site, which provides useful resources but does not represent a nonprofit organization, is owned by LSSI. The pilot plural funding project will be in Riverside, which means fundraising might increase LSSI's profits or burnish its showcase.

For now, LSSI's fundraising record in Riverside lags behind its own goals. The RCLS Foundation LSSI established as part of its contract has raised about \$60,000, though company consultant Dubberly said in 1998 that it should raise \$200,000 by the close of FY00. LSSI cites a lag in board members; Christmas points to a lack of foundation staff and that residents identify with branches, not the county. A foundation brochure, which *LJ* picked up at an RCLS branch in January, lists the foundation's web address as www.lssi.com/rclfoundation, but the web site has never been built.

Last resort

If LSSI didn't exist, would it have to be invented? Fargo PL tried hard to find a director before turning to LSSI. The New Jersey State Librarian welcomed the company to supply top managers at Jersey City. The NJLA's Tumulty says LSSI's presence points out that libraries must practice long-term planning and boards must be actively involved.

In Paterson, NJ, the board considered an LSSI proposal but instead found a new automation-savvy director, Cindy Czesak. "I'd have no trouble hiring LSSI to do consulting, but I have real questions about them running a whole system," says Czesak, a former NJLA president. "I think they worry less about developing long-term relationships within the community."

The Florida report concluded that outsourcing fits only libraries with multiple problem issues that can't be solved in-house. Libraries in crisis, NJLA said in 2001, should consider outsourcing management a last resort and first ask the state library for help. Last year, when the Passaic PL board considered an LSSI contract, pushed by the mayor, the state did such a review.

If communities outsource, a professional librarian might best monitor the contract, as Riverside County officials have recommended; LSSI's other, smaller contracts are mostly monitored by nonlibrarians. Riverside's Christmas helped in collection development and sat in on most interviews to hire librarians, while elsewhere LSSI takes on those roles, under the policy guidance of the board.

As long as LSSI meets contract terms, there is little incentive for communities that find their problems solved to look too closely. That suggests a role for library groups to monitor the contract process with the checklists ALA and state units have promulgated. The California Library Association states, for example, that "the rights of library workers to negotiate the conditions of their work must be preserved." The Public Library Association asks, "Have library staff had the opportunity to participate in the planning and decision-making process?" Former LSSI employee Pace suggests that management companies be paid separately from the library budget and that the fee be all-inclusive. That might help address a fundamental question unmentioned on the checklists: If a company runs a library for a profit, how much profit is fair, and what might be sacrificed in the process?

Norman Oder is Editor, News, LJ

Advisory Council

LSSI has hired some well-respected veteran librarians, such as Gordon Conable and Bob Smith, and has connections to several others. When LSSI got the Riverside contract in 1997, the company announced the creation of an Advisory Council. Among the members is Charlie Robinson, former director of the Baltimore County PL and controversial proponent of "give 'em what they want" library service, emphasizing high circulating popular materials. Some former Baltimore County managers have worked for LSSI.

In that press release, which remained on LSSI's web site until this spring, the company said Riverside staffers "will have a chance to get help directly from the most experienced and forward-thinking public librarians in the country." Such help, however, costs extra. While LSSI has hired council members Ron Dubberly, now a consultant, and George D'Elia (professor of library and information studies, Univ. of Buffalo, SUNY) to help clients on projects, council members mainly advise the company on market trends.

Other members are Henriette Avram (ex-Library of Congress, leader in the development of MARC), Linda Crismond, (consultant, former ALA executive director), June Garcia (Dubberly Garcia Associates, former director of San Antonio PL), Ron Kozlowski (former director, Anne Arundel Cty. PL, MD), Robert Rohlf (consultant, former director Hennepin Cty. Lib., MN), and Claudia Sumler (director, Camden Cty. Lib. Syst., NJ). Dubberly, Garcia, Robinson, and Rohlf are past Public Library Association presidents.

For Ramiro Salazar, director of the Dallas PL (DPL), membership on the Advisory Council—even though council members don't solicit business—led to an awkward situation. LSSI last year made two presentations before the DPL, proposing pilot projects. Mary Suhm, then the city's first assistant city manager and a former librarian, says she suggested that Salazar's connection to LSSI could

B-83

damage his credibility and the confidence of his staff. Salazar then left the council. DPL has not contracted with LSSI.

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Linden agreement requires "most positive" explanation; Passaic board nixes proposal, but company might still bid

by Norman Oder -- Library Journal, 04/15/2004

The Linden Free Public Library, NJ, ended its second two-year management contract with Library Systems & Services (LSSI) on February 29, ten months ahead of schedule.

An official press release, read by Mayor John Gregorio at the library board meeting March 23, was headlined, "LSSI Completes Linden Contract Ahead of Schedule." The statement praised LSSI effusively, noting significant improvements—a surge in patron use, an overhauled network infrastructure—since the contract began in September 2000. "We highly recommend that other communities strongly consider contracting with LSSI," Gregorio said in the statement.

At the same meeting, however, Gregorio announced that by severing the relationship with LSSI, the city also would save \$300,000—a fact not mentioned in the press release. Neither the press release nor anyone at the board meeting noted that LSSI had been delinquent in paying some of the library's bills, which library board chair Marilyn Coplan acknowledged earlier to *LJ* but didn't state as a reason for the break. Such late payments were the main reason cited by the board of the Fargo Public Library, ND, in August 2003 when it canceled its contract with LSSI.

Just as Fargo was able to have its director, provided by LSSI, become a city employee, Linden Free PL hired Director Greg Pringle as a city employee. Linden did not have to pay LSSI specifically for Pringle's services, but as part of closing the contract, Linden agreed to pay the company \$32,000. Linden hired LSSI to provide management services, primarily a director, while other library workers remained city employees. In some other LSSI locations, notably the Riverside County Library System, CA, all library workers are company employees.

"Most positive" clause

The variance between the press release and information learned by *LJ* might be attributed to a clause in contract language regarding the end of the agreement:

LSSI and the Board of Trustees shall jointly develop a press release that will serve as the formal statement from both parties and will explain the change in Linden Free PL management structure in the most positive manner possible (the "Press Release"). Future references concerning

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LSSI that are provided by members of the Board of Trustees and/or employees serving Linden Free PL shall be consistent with the Press Release.

Asked to comment on the contract language, Tom Devine, legal director of the Washington, DC-based Government Accountability Project, said, "It hints that the truth is secondary, but it doesn't spell out an improper conclusion." Devine, whose organization represents whistleblowers, noted that the contract could not be used to gag employees from "exposing illegality or other information that the public has a right to know," nor could it be used to promote perjury if an employee were testifying in a trial or before government regulators.

However, he said, the clause "potentially could be enforced" to stop employees from talking to the press or public about the contract. "There's really no whistleblower [protection] for an employee to debate with a company or agency's advertising department," he said. "It has to be specific forms of misconduct."

Saving \$300,000

How will Linden save money? It had maintained its library budget at \$1.95 million, with LSSI handling the funds. "LSSI structured the contract to increase efficiencies within the already allocated budget," Pringle said. "A portion of that is staff attrition."

Since 2000, the cost of running the library has declined. Linden Free PL lost six of 37 staff members through retirement, closed a two-person branch, and expects to close the remaining branch.

Had the contract continued, LSSI apparently was poised to earn a sum approaching \$300,000 (the savings in the library budget), minus its own corporate staff expenses to support the contract. Instead, Linden Free PL now will lower its operating budget by \$300,000, to about \$1.65 million, and use the savings to expand the main library.

Passaic pending

LSSI may still be in the running for a possible contract in Passaic, NJ, but not the controversial one proposed last year. Passaic's city council president and mayor, both of whom support outsourcing, last year offered to add \$50,000—about a five percent increase—to the library budget to encourage the board to choose LSSI.

Passaic PL staff, who proceeded to join a union, mounted a vigorous protest, noting that the LSSI contract would have made them employees of the company, not the city. The New Jersey Library Association also opposed the contract, calling it full privatization rather than outsourcing of management, as in previous LSSI contracts in Jersey City and Linden.

The library board decided to wait for a report from the state library, which called the library understaffed, underfunded, and underperforming (see News, *LJ* 12/03, p. 16ff.). The board subsequently decided that the proposed LSSI contract was "null and void" and that any future proposals must maintain the current contract with employees.

Knowing the library needs a long-range plan, the board also asked the library community as well as consultants to submit suggestions on developing one. The deadline for those submissions was April 1; they were to be announced at the library board meeting April 14; LSSI was expected to submit a proposal.

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May 25, 1999

METRO NEWS BRIEFS: NEW JERSEY

METRO NEWS BRIEFS: NEW JERSEY; Library May Hire Company Cited in Suit

JERSEY CITY— The trustees of the Jersey City Public Library plan to hire as consultants a private company that was scheduled to manage the library before a judge voided the management contract.

In October, Judge Arthur D'Italia of State Superior Court voided the contract between the trustees and Library Systems & Services Inc., a Maryland company, finding that the trustees had failed to provide adequate notice of the contract in July. He was ruling in a lawsuit by the union representing library employees. Critics of the contract, which was backed by Mayor Bret Schundler, also questioned whether it was legal to hire a private firm to run a public library, but Judge D'Italia did not address that issue.

The trustees have scheduled a meeting for 5:30 P.M. today at the library's Five Corners Branch to discuss the contract, which could be awarded on June 1.

Richard McCallister, an aide to the Mayor who also serves as his alternate on the board of trustees, said the new contract gives the trustees, not the company, control over spending, hiring and firing.

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October 18, 1998

METRO NEWS BRIEFS: NEW JERSEY

METRO NEWS BRIEFS: NEW JERSEY; Library Contract Voided, And Board Is Faulted

JERSEY CITY— A contract with a private consulting firm to manage the public library was voided Friday by a judge who declared that the library's board of trustees had failed to take proper steps in awarding the contract.

The contract with a Maryland company, Library Systems and Services Inc., went in effect Aug. 1 and attracted nationwide attention as one of the first to privatize the operation of a major public library.

In his ruling, Judge Arthur D'Italia of State Superior Court in Jersey City criticized the board for failing to allow for public discussion of the matter and for failing to properly advertise the July 14 meeting at which the contract was awarded, officials said. The judge also ordered that library funds be placed back in city accounts, after Library Systems had deposited them, officials said.

A spokeswoman for Mayor Bret Schundler said that no decision had been made whether to appeal.

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July 16, 1998

METRO NEWS BRIEFS: NEW JERSEY

METRO NEWS BRIEFS: NEW JERSEY; Jersey City Library to Get Private Management

JERSEY CITY— In a move unprecedented in the region, the trustees of the Jersey City Public Library voted Tuesday night to turn over management of the library, the state's second largest, to a private operator.

Library Systems & Services Inc. will be paid 3 percent of the library's \$6.4 million budget, or about \$200,000, in the first year of a three-year deal, then 2 percent in each of the following years, said Mayor Bret Schundler. The Maryland-based company will manage day-to-day operation of the system and oversee its computerization, Mr. Schundler said.

Mr. Schundler, who appointed the library board and supported the contract despite opposition from the library director and City Council members, said he expected hours to be extended and employees to be made more efficient and more helpful. He said patrons would be surveyed to gauge the company's performance.

Last July, Library Systems became what experts said was the first private company to manage a large public library, in Riverside County, Calif.

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Jersey City Weighs Private Management of Libraries

By ROBERT HANLEY with STEVE STRUNSKY
Published: June 29, 1998

At the dawn of its second century, Jersey City's public library is fighting a plan by Mayor Bret Schundler to let a private company run it, a move that could reverberate throughout the nation's libraries, especially those facing budget squeezes.

Mr. Schundler wants to turn over management of the library's daily affairs to a Maryland company, Library Systems and Services. Last July, Library Systems was hired to take over the operations of the Riverside County, Calif., library system, which experts say is the first large public system in the United States to be turned over to private management.

The Mayor and the library's trustees, all Schundler appointees, are talking with Library Systems about a less sweeping takeover in which the company would manage the main library, the 11 neighborhood branches and the system's \$6.3 million budget, and oversee putting the card catalogue system on computer. But critics worry that the move could help erode the tradition of the hometown public library directing its own affairs for the intellectual benefit of its community.

One critic, the state librarian, John Livingstone, says he is alarmed about the notion of a private company running a public library.

"This is completely new to New Jersey," said Mr. Livingstone, who runs the state library in Trenton. "Once you privatize it, I guess, it's a private library open to the public. How will they make a profit unless they start charging for things?"

He said most free public library systems in the state were created through popular referendum, including Jersey City's at the turn of the century. Because of that vote, he asked, can a private for-profit company be given control of a library system and the taxpayer dollars financing it? And, he asked, can a library run by a private company still qualify for state aid?

He said he would ask the state's Attorney General to explore the issue if the turnover occurs.

Connecticut's acting state librarian, Patricia Owens, also seemed cautious. "It's not a normal situation," she said. "They need to look at it very closely."

Others seem more open-minded. Janet Welsch, New York's state librarian, said outside managers could bring fresh ideas to an old library system. "It's probably good to get some good advice," Ms. Welsch said.

Ginnie Cooper, president of the Public Library Association and the library director in Portland, Ore., said the hiring of private contractors dates to the last century, when libraries in the West used private book vendors to provide start-up collections, a practice that continues today.

Ms. Cooper also said public libraries routinely hire private contractors to provide janitorial and security services, buy some books, conduct story-hour programs and prepare books for shelving.

She said she did not know all the details of Mayor Schundler's plans. But, in general, she said, "There's nothing on the face of this that says it's absolutely wrong."

The American Library Association, which represents about 125,000 librarians from public, academic and government libraries, has taken no position on the issue as it awaits recommendations from a panel studying how to respond to the use of outside contractors. The recommendations are to be submitted next winter.

But one national critic, Ronald J. Baker, director of the public library in Monmouth, Ore., says he fears that the growing use of outside contractors will threaten the "essence and ethics" of public libraries.

"The very nature of public libraries is such that outsourcing is a violation of the concept of public libraries," he said.

The practice, he said, may be suitable for maintenance and automation of card catalogues. But there is danger, he went on, in using contractors for what librarians call "core competencies," including running the reference desk, selecting books and other materials and designing specialized programs for a library's communities.

"All of these are very much community related," Mr. Baker said. "They're customized to a particular community after careful analysis. Can it be done in an outsourced environment?"

Mayor Schundler says his chief aim in turning over management of Jersey City's library system is to make it more efficient. The move, he said, is similar to his decision earlier in his administration to turn over management of the water department to a private company.

"Our real focus here is a way to improve the service," Mayor Schundler said. "We're not doing this to try to crank down costs."

Greg Corrado, a library trustee who is also the city's assistant business administrator, said that trustees hope that private managers will be able to expand library hours and to buy more books. The ordering of books, he said, has been delayed because of disputes among staff members.

The Mayor and his aides also question the ability of library officials to oversee a planned two-year, \$1.5 million project to computerize the card catalog and connect all the branches by computer.

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But the library's director, Dennis Hayes, calls the Mayor and the trustees meddlers. "The common denominator here is interference from City Hall because the members of our board are mostly city employees," Mr. Hayes said.

As the trustees negotiate with Library Systems, many of the library's 125 staff members are worrying that their jobs may be at stake. About three dozen of them appeared at a City Council meeting Wednesday night to ask members to join their fight against the plan.

The Council does not have the right to vote on any contract with Library Systems, said the Council president, Tom DeGise, though he said the library's services needed improvement and some privatizing was worthwhile.

But, he added, the jobs of staff members must be protected. "The workers are all civil servants and they should stay that way," Mr. DeGise said.

Mr. Corrado says no one will be dismissed and civil service rules protecting workers will be honored.

Before it was hired last summer to run Riverside County's 25-branch system, which serves one million patrons, Library Systems specialized in managing corporate and Federal libraries, including the Department of Energy's. It receives no fee for managing the Riverside system, but gets to keep any savings it squeezes from the budget, said a company vice president, Robert E. Windrow. A similar arrangement is contemplated in Jersey City, Mr. Corrado said.

Mr. Windrow said that by introducing efficiencies, Library Systems was able to expand operating hours by 34 percent in the Riverside system, increase full-time staff positions to 118 from 80, and double spending on books and on-line access to journals. He declined to say if the company had made any money on the Riverside contract.

Some Jersey City librarians say they are also uneasy because Library Services is a subsidiary of the Follett Corporation, which operates college bookstores. That means, they say, that Follett would have an edge in selling books to a system run by Library Services.

Mr. Windrow said his company had not bought any books from Follett for Riverside.

"We have an arm's length relationship with them," he said, adding that Follett must submit bids just as other private book vendors do.

Mr. Corrado said the city was studying other areas in which library service could be improved through the hiring of private contractors. He said the library paid too much -- \$9 per book -- to unpack new arrived books, place them in plastic jackets, apply bar codes and Dewey numbers to their spines, and get them on shelves. He said City Hall is thinking of hiring another private company, Baker & Taylor, to take over that work. Baker & Taylor, he said, would charge only 75 cents a book for getting new books on the shelves.

Baker & Taylor, a major book wholesaler based in Charlotte, N.C., is at the heart of what has been the biggest furor over library privatization. In 1996, Hawaii's state library system, faced with budget cuts, granted Baker & Taylor an \$11 million contract to select, buy and catalogue its new books.

Book selection is the cherished domain of public librarians, who say they best know the tastes and needs of their patrons. Hawaii's librarians revolted, accusing Baker & Taylor of sending them too many duplicate books, too many cheap paperbacks and not enough books dealing with Hawaiian culture.

Last summer, Hawaii ended the contract, prompting a lawsuit by Baker & Taylor, and the Legislature passed a law banning selection of books by private outside vendors.

Because of the turmoil in Hawaii, Mr. Corrado said, book selection in Jersey City will remain the province of its librarians.

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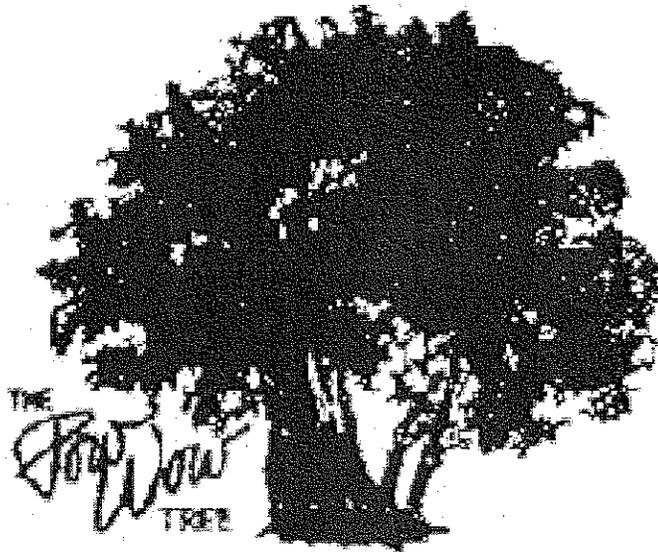
COUNCIL LIAISON APPOINTMENTS*
May 8, 2012

Volunteer Fire Department, (meets first Wednesday each month)	Councilor Hal Busch Councilor Len Nelson
Senior Center Advisory Board, (meets quarterly, in the afternoon)	Councilor Walt Fitch
Park and Recreation Board, (meets infrequently)	Councilor Kari Martinez
Traffic Safety Commission, (meets infrequently)	Councilor Kari Martinez
Library Board (meets first Tuesday each month)	Councilor Tom Mersereau
Business & Civic Liaison	Mayor Wade Byers Councilor Walt Fitch
Public Works, Regional Issues	Councilor Ray Jaren
C-4, Clackamas County Coordinating Committee	Mayor Wade Byers Councilor Hal Busch
Emergency Management Committee	Councilor Len Nelson

*Does not preclude any City Council member from being involved in areas when they have an interest.

Council Guidebook

City of Gladstone, Oregon



COUNCIL GUIDEBOOK
City of Gladstone, Oregon

This Guidebook was adopted by the Gladstone City Council at a public meeting. The Guidebook is intended to be a working document that is a guide for Council actions and practices. It is expected that the same laws, policies and ways of doing business will change over time and that this Guidebook will be amended.

The most current, signed version of the Council Guidebook is filed with the Gladstone City Clerk. A copy is posted on the City of Gladstone website under the City Government/ City Council section,

Gladstone, Oregon - City Council Guidebook

Approved: January 13, 2013 - DRAFT

Amended:

Amended:

Amended:

Signed:

Wade Byers, Mayor

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FORWARD

In the course of serving as a public official, you will become involved with many issues. This manual attempts to centralize information on common practices related to local government and your role as a member of the Gladstone City Council. The guidelines and issues addressed in this publication are often complex and subjective.

Use this guide only as a reference; it is not intended to establish law. Many formal policies that impact the City Council are included in the Appendices. However, it is not possible for this guide to incorporate all materials and information necessary for undertaking Council business. Many other laws, plans, and documents exist which bind the City Council to certain courses of action and practices.

This guide is intended to be a helpful resource, and should not be used as a substitute for the guidance or opinion of the City Attorney.

Information contained in this guide will be reviewed by the City Council as needed, or every two years in conjunction with orientation for the new City Council members.

While many laws and documents lead the way, the City Council has taken on a City Mission, Vision and Value Statement to assist in developing and making decisions.

City Mission Statement

The city government of Gladstone provides active planning and implementation to support a high quality of life for our community.

We do that by:

- Communicating and working cooperatively with the citizens
- Controlling costs through training, contractual work, careful budgeting and managing administrative expenses
- Supporting and diversifying funding for city services including parks, libraries, public safety, the senior center and utilities
- Using volunteers and citizen committees effectively
- Promoting good customer service
- Building collaborations with federal, state and county organizations

City Vision Statement

Gladstone attracts those who enjoy our parks, rivers, recreational trails, local history and culture. Visitors have a diverse, small town shopping experience, special places to dine, and an opportunity to enjoy the local history and culture of this historic community during their stay.

Gladstone is a place where community members are comfortable, safe, raise families, work, and play in a friendly atmosphere. The schools are vibrant with curious students and dedicated teachers. Sidewalks and cross walks are clean, well lit and safe, with beautiful sustainable landscaping, and easy access to pedestrian shopping.

Public transit connects local and regional commercial areas to residential areas while providing diversity with a strong tax base. Our citizens know that a prosperous economy results in a sustainable healthy environment.

The community has a “small town” feel, with access to diverse local goods and services so people don’t have far to drive for convenience items. In the evening, downtown is bustling with diners eating and drinking while overlooking our river vistas. One can join friends and neighbors in a setting surrounded by sustainable garden planting demonstrating pride of ownership. Old and new buildings blend to make the downtown interesting and dynamic. The two-rivers setting inspires small business development that is unique and specialized – offering an unusual shopping experience. Gladstone is for everybody!

City Values Statement

The council and staff of the City of Gladstone believe our priority is to be transparent in our work and fiscally responsible with public monies. We hold dear our pride in the volunteers that give time and effort into making this community more beautiful, sustainable and culturally rich. We respect and trust our community organizations and governmental partners that keep us diverse, and we value and cherish the unfiltered debate between citizens, city staff and city government over challenges and opportunities that come our way. We appreciate how citizens advocate to others about this place we call home.

FREQUENTLY ASKED QUESTIONS

What is the Consent Agenda? (See 2-25)

How do I place something on the agenda? (See 2-17 thru 2-23 Sections re: the meeting process)

How specific should motions be? (See Parliamentary Procedures in Appendix B)

How does an Executive Session get scheduled? (See 2-32 Executive Sessions)

What happens to an item once it is referred to a committee? (See-3-5 What happens to an item once it is referred to an advisory board or Committees?)

How do I know if a letter addressed to the full Council has been responded to? (See Chapter 7 the Communications chapter)

How much staff time can I use for policy research? (See Chapter 4 - Interaction with City Staff & Officials)

CHAPTER 1 - INTRODUCTION AND OVERVIEW

As a Gladstone City Council member, you establish important and often critical policies for the community. You are also a board member of a public corporation with an annual budget in the millions of dollars. State laws and local ordinances grant the powers and the responsibilities of the Council. New Council members learn early that on the scope of services and issues addressed by the city organization go well beyond those frequently reported in the newspaper or discussed at City Council meetings. In addition, the City Council is subject to certain City of Gladstone Administration Guidelines, of which the applicable guidelines are included in Appendix A of this document.

1-1 History of Gladstone City Government

According to history, Judge Cross formally incorporated his city on January 10, 1911 and Oscar C. Freytag became its first Mayor. In the early years a Councilor was known as an Alderman. Since 1911, there have been 132 persons on record as being Mayors or Council members thru 2012. Since that time there has been a Mayor and six Council/Alderman members. Mayor Wade Byers has been in office since 1979 – Present. He started as a Councilor a couple of years prior to becoming Mayor.

1-2 Council-Administrator Form of Government

The chief characteristic of this form is that the council appoints a qualified professional person as an administrator to take charge of the daily supervision of city affairs. The administrator serves at the pleasure of the council.

An absolute separation between policy and administration does not really exist in city government. However, the councilor-administrator plan works best when the council exercises its responsibility for policy leadership and respects the administrator's leadership role and responsibility of administration.

The Council members shall not give orders to city employees. If any of the Councilor's think differently than how something is done and/or is handled, they will work the specific issue(s) with the City Administrator of which he or she will handle as they see fit.

It is also understood that City Council members will not attempt to influence or coerce the City Administrator with respect to appointments, purchasing, or other matters. However, the charters do not prohibit the council from discussing administrative matters with the Administrator in open meetings.

1-3 Orientation of New Members

It is important for the members of the City Council to gain an understanding of the full range of services and programs provided by the City. As new members join the City Council, the City Administrator and Department heads will host an orientation program that provides an opportunity for members to tour municipal facilities and meet with key staff.

At any time, if there are facilities or programs about which you would like more information, please make arrangements through the City Administrator and Department heads to increase your awareness of these operations.

1-4 Overview of Basic City Documents

The link to some documents is through the Cities website at <http://www.ci.gladstone.or.us>.

The other documents that affect this Gladstone City Council Guidebook are noted in Appendix A and Appendix B.

Appendix A covers those documents that are controlled/written generally by Gladstone City staff or Attorney(s) and were approved, by the Gladstone City Council.

Appendix B covers documents that were written and approved by the State of Oregon or League of Oregon Cities.

1-5 Gladstone Municipal Code (GMC)

The Gladstone Municipal Codes starts with a Table of Contents with the Cities Charter and Charter Index and Titles thereafter from one thru the end, of which there is an Index and Tables that provides an Ordinance List and Disposition Table to assist in finding the specific item/code that you are looking for.

The Cities Charter covers how the city is governed while Titles and codes thereafter break down specifics for the Titles listed.

1-6 City Administrative Guidelines

The City's Administrative Guidelines are personnel policies developed by the City Administrator and his/her staff and Department Heads. The Gladstone Personnel Handbook is a composite of these guidelines and its use is approved by the City Council.

These guidelines as applicable to the City Council are included in Appendix A of this document.

1-7 Comprehensive Plan

A Comprehensive Plan is a long-range general policy guide in which a municipal government sets forth its major policies concerning desirable future development over a period of fifteen to twenty years.

The Gladstone Comprehensive Plan includes two Sections. The first covers the Goals, Objectives, Policies and Implementation Strategies. This section was originally completed in 1979 and has been updated four times since, October 2006 being the last.

The second section covers Inventory and Analysis and was completed in April of 1979.

1-8 Annual Budget

The annual budget is the primary tool and road map for accomplishing the goals of the City. The budget document is the result of one of the most important processes the City undertakes. By adopting the annual budget each June, the City Council makes policy decisions, sets priorities, allocates resources, and provides the framework for governmental operations.

The City of Gladstone and Gladstone Urban Renewal budget is estimated by the City Administrator. A packet of material is reviewed and approved by the Budget Committee and City Councilors prior to each fiscal year end. The Fiscal Year for Gladstone is July 1st - June 30th.

CHAPTER 2 - GLADSTONE CITY COUNCIL: GENERAL POWERS AND RESPONSIBILITIES

2-1 Overview

Fundamentally, the powers of the City Council are to be utilized for the good of the city and its residents; to provide for the health, safety and general welfare of the citizenry. Accordingly, the City of Gladstone values personal honesty and integrity, open and accessible government, fiscal responsibility, fair treatment of individuals and a customer service emphasis in an organization.

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor has some additional ceremonial and presiding officer responsibilities as described below, when it comes to establishing policies, voting, and in other significant areas, all members are equal.

Policy is established by at least a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. Council members should respect adopted Council policy.

It is the City Administrator's responsibility to ensure the policy of the Council is enacted. Actions of staff to pursue the policy direction established by a majority of Council do not reflect any bias against Council members who held a minority opinion on an issue.

2-2 Council Non-Participation in Administration

The City Council is the legislative branch of Gladstone City Government, and the City Administrator and his/her staff are the executive/administrative branch. In order to uphold the integrity of the council-administrative form of government, and to provide proper checks and balances, members of the City Council refrain from becoming directly involved in the administrative activities; as previously noted in the Council-Administrator Form of Government subject matter

2-3 Council Non-Participation in Judicial Matters

The Municipal Court Judge is appointed by the Council.

The City Administrator, Municipal Court judge, and the City Attorney, staff and Council may not interfere with judicial processes or decisions. Furthermore, the City Council has no policy direction over judicial matters

2-4 Role of Council Members

Members of the Gladstone City Council are collectively responsible for establishing policy, adopting an annual budget, providing vision and goals, and hiring and supervising the City Administrator, Municipal Court judge, and the City Attorney. The following outline is a brief description of the various duties of Council members. The description is not intended to be comprehensive, but rather it is an effort to summarize the primary responsibilities of the Council.

Obligatory Duties

Summary of Council duties and responsibilities as established by the City Council while staying within the Cities Charter as set forth by the Gladstone Municipal Code (GMC.)

2.4.1 Establish Policy

- 2.4.1.1 Adopted goals and objectives
- 2.4.1.2 Establish priorities for public services
- 2.4.1.3 Approve and/or amend the operating and capital budgets
- 2.4.1.4 Approve intergovernmental agreements and contracts
- 2.4.1.5 Adopt resolutions

2.4.2 Enact Local Laws

- 2.4.2.1 Adopt ordinances

2.4.3 Supervise Appointed Officials

- 2.4.3.1 Appoint City Administrator, Municipal Court judge, and the City Attorney,
- 2.4.3.2 Evaluate performance of City Administrator, Municipal Court judge, and the City Attorney,
- 2.4.3.3 Establish advisory boards and commissions
- 2.4.3.4 Make appointments to advisory bodies
- 2.4.3.5 Provide direction to advisory bodies

2.4.4 Decide annually which Council members will serve on outside boards, councils, commissions or committees.

2.4.5 Call special elections when necessary

Council's Role in the Community

Summary of implied or traditional Council duties and responsibilities

2.4.6 Provide Public Leadership

2.4.6.1 Relate wishes of constituents to promote representative governance

2.4.6.2 Mediate conflicting interests while building a consensus

2.4.6.3 Communicate the City's vision and goals to constituents

2.4.6.4 Represent the City's interest at regional, county, state, and federal levels

2.4.7 Decision-Making

2.4.7.1 Study problems

2.4.7.2 Review alternatives

2.4.7.3 Determine best course of public policy

2-5 City Department Operations and Public Policies

The City has several departments that have an impact on how the City operates. It is the desire of the City Council to have an operational and public policy for each department that falls within the framework of this Guidebook. The Departments within this framework include:

2.5.1 City Administration

2.5.1.1 Personnel Handbook – Goal January 2013

2.5.2 Police Department

2.5.2.1 *Public Policy on Policing for the City of Gladstone, Jan.2010*

2.5.3 Fire Department

2.5.3.1 Waiting – (In process)

2.5.4. Public Works

2.5.4.1 Waiting – (In process)

2.5.5 Library

2.5.5.1 Waiting – (In process)

2.5.6 Senior Center

2.5.6.1 Waiting – (In process)

The City Council will ensure that departmental operations and public policies are made and enforced. The City Council will also make certain that policies are reviewed by each department on a minimum of five years and updated as appropriate.

2-6 Representation on Council Committees, Commissions and Boards

The Gladstone City Council has established six (6) standing committee, by the City ordinance. The committees are named accordingly:

2.6.1 Budget Committee

The Budget Committee consists of the seven (7) members of the City Council and an equal number of citizens at large. Appointments are made by the City Council for three year terms, which are staggered so that about one-third of appointed terms end each year (Chapter 294 of the Oregon Revised Statutes.) Usually in early spring, the Budget Committee receives a copy of the proposed budget and the budget message. When the Committee is satisfied with the proposed budget, including any additions to or deletions from the one prepared by the budget officer, it is approved. The budget is then referred to the City Council and Urban Renewal Agency for Public Hearings prior to adoption, appropriations and levying of taxes. In recent years, the Budget Committee has discharged its duties in one Tuesday evening meeting, although additional meetings may be called.

Budgets from prior years are shown on the City's website
<http://www.ci.gladstone.or.us>

2.6.2 Library Board

The Library Board consists of five (5) members who are not officers or employees of the city and are appointed by the City Council to four (4) year terms. Members are eligible for re-appointment to a second four year consecutive term, staggered so that there will always be holdover members. The Board meets monthly on fourth Tuesday evenings.

Each Board member shall have one (1) vote. The Library Director shall sit with the Board and take part in its discussions or deliberations, but shall have no vote on any matter to come before the Board. The Mayor also appoints with the approval of the City Council, a liaison from the City Council that does not have a vote.

The Board makes recommendations to the City Council regarding prospective Board members based on review of a standard application form(s) and possible personal interview(s) when vacancy(s) occur. The Mayor and City Councilors make the final approval of applicants (Resolution No. 618 including the Bylaws.)

Duties include:

- 2.6.2.1 Advise the Library Director on policy matters pertaining to the Gladstone Public Library.
- 2.6.2.2 Assist in the formulation of policies for the operation and development of library services and facilities to best meet the current and long-standing needs of the community.
- 2.6.2.3 Make recommendations to the City Council regarding matters as outlined above.
- 2.6.2.4 Recommend to the City Council prospective Board members based upon review of a standard application form and possible personal interview as Board vacancies occur.
- 2.6.2.5 Serve as an autonomous body to represent the needs, interests, and desires of the entire service area of the library.

2.6.3 Parks and Recreation Board

The Parks and Recreation Board, consists of nine (9) members. One (1) member shall be from the Planning Commission and one (1) member shall be from the City Council. The remaining seven (7) members shall be residents of the city. The Park Board shall meet at least once per month. Five members present at the meeting shall constitute a quorum. This Board is appointed by the Mayor with approval of the City Council (Resolution (Resolution Nos. 299, 438, 556 and 603.)

Duties include:

- 2.6.3.1 Citizen and agency involvement in park and recreation.

2.6.3.2 An advisory capacity to the City Council in matters pertaining to park and recreation programs, developing park master plans.

2.6.3.3 An advisory board regarding development of the Gladstone Comprehensive Plan and its periodic review and update.

2.6.4 Planning Commission

The Planning Commission (PC) consists of seven (7) residents who are appointed by the City Council based on their qualifications. The Commission is to meet once a month per Gladstone Municipal Code, which are to be attended by the City Attorney who offers legal and procedural advice on relatively complex matters.

A Gladstone City Council member is not to be a part of a PC session that is addressing a Gladstone Municipal Code project. The PC is to make a decision that is not to be influenced by the City's Council involvement. After an issue is voted on, a recommendation is presented to the Council, by the City Administrator. Of which a final decision can be made by the Council most of the time (exceptions to apply pursuant to Chapter 17 of the GMC.) The Minutes of the proceeding PC sessions, and any important information leading to the decision is to be a part of the final decision. If the Council needs more information then more testimony can be asked to clarify the issue by the PC. Likewise a PC member, can introduce input, regarding a PC recommendation, if he/she believes the information presented may lead to a misunderstanding and possibly a poor decision made by the City Council.

Duties include:

2.6.4.1 Design Review

2.6.4.2 Code Review

2.6.4.3 Code Development

2.6.4.4 Comprehensive Plan Review

2.6.5 Senior Centers Advisory Board

The Senior Center Board of Directors consists of seven (7) voting members; two thirds (2/3) of whom shall be fifty-five (55) years of age or older who are not officers or employees of the city; one (1) representative from each of the following groups shall sit on the Board but shall hold no vote: City Council, Loaves & Fishes and Senior Center Staff. The Board is appointed by the

Mayor with the approval of the Council for terms of three years and is scheduled to meet quarterly, usually on a Tuesday afternoon. Duties of the Senior Center Board of Directors include (Resolution No. 624 including the Bylaws):

Duties include:

- 2.6.5.1 Serve in an advisory capacity to the City of Gladstone, City Council, and Senior Center staff on matters affecting program and policy.
- 2.6.5.2 Provide for educational, recreational, nutritional, social and cultural needs, and promote mutual friendliness between individuals and groups who participate.
- 2.6.5.3 Ascertain the needs of older persons, to coordinate and mobilize public and private resources at all levels, and to gain, build, develop and maintain such programs.
- 2.6.5.4 Develop volunteer opportunities for all individuals to serve one another and their community.
- 2.6.5.5 Cooperate with the city and other agencies to provide enhanced senior services for the center and its community.

2.6.6 Traffic Safety Commission

The Traffic Safety Commission consists of seven (7) members appointed to a three year term by the Mayor with the approval of the City Council. A City Council member, that is a liaison to the Commission, has full voting rights but is not eligible for election as an officer. Applicants must be city residents. Recently the Traffic Safety Commission has met infrequently, probably two or three times per year, in large part due to use by the Police Department of a Speed Monitoring Awareness Radar Trailer that is placed on streets in response to speeding complaints. The Traffic Safety Commission usually meets on the fourth Monday evening of a month.

Duties include:

- 2.6.6.1 Researching, developing, and implementing coordinated traffic safety programs which meet local needs.
- 2.6.6.2 Acting in an advisory capacity to the City Council and the City Administrator in the coordination of traffic safety activities of the official agencies and departments of the City of Gladstone.

- 2.6.6.3 Upon request, providing research and furnishing information to other official agencies of the City of Gladstone.
- 2.6.6.4 Promoting public acceptance of official programs proposed or instigated by the city.
- 2.6.6.5 Fostering public knowledge and support of traffic law enforcement and traffic engineering problems.
- 2.6.6.6 Coordinating with the public and private school systems of the city in promoting traffic safety aids in the schools and promoting the education of the public on traffic safety.
- 2.6.6.7 Assisting in the overall reduction of traffic accidents, injuries, and deaths on the city's streets.

2-7 How Committee Agendas are Formed

A draft work plan, including tentative schedule, is developed by the committee at its first meeting of the year. The work plan is based on referred items carried on from the prior year, plus committee member and staff knowledge of emerging issues / policies. The draft work plan is forwarded to the full Council for review and approval as a Consent Agenda item.

During the year, items by concurrence with a referral request by a majority of Council members at a Council meeting. Requests for a referral to a committee may be made by the Mayor, individual Council members, or the City Administrator.

Throughout the year, a Council majority may refer an item to a committee agenda during the regular meeting. Afterwards, the staff liaison will consult with the committee chair to determine when this referral can be added to the committee's current work plan. Due to time constraints and / or heavy work loads, the committee chair may decide the item should be added to the work plan for the next year. In this case, if a majority of the Council members still feel the item should go to the committee in the current year, they may request the committee chair add an extra meeting to the committee agenda.

2-8 Committee Recommendations

Committee recommendations will be presented to the full Council by the respective Committee Chair. Usually, the committee chair will report the committee's findings during member reports at the Council meeting, or findings may appear as an action item

on the Consent Agenda. If an item does not have a unanimous recommendation from the committee, it shall not be placed on the Council's Consent Agenda. A Council committee chair may request that a specific item from the committee be placed on the Council's agenda as an "Regular Business" item, even if committee support is unanimous. When a committee recommendation is forwarded to the Council for action, the staff (transmittal) report will include an explanation from the committee chair of the committee's rationale for its recommendations. The rationale will be presented in a on the ("staff") report.

2-9 Non-Committee Member Attendance at Council Committee Meetings

A Council member may go, as any person to a public committee meeting. It should be understood however, that no more than three (3) City Council members shall be part of any committee other than a public Council Meeting, Work Session or Special Session.

An advisory committee is generally created by a city council resolution, and its members are selected by the Mayor and Council. City Councilors may be appointed as regular members of such committees, as ex officio members, or maybe given liaison roles.

2-10 Representation on Inter-local and Community Boards by Council Members

The same as previously noted in 2-8.

The City's Boards include:

2.10.1 Park and Recreation Board

2.10.1.1 Nine members, one being a City Councilor, one being from the Planning Commission and seven lay members that are City residents (Resolution Nos. 299, 438, 556 and 603.)

2.10.2 Gladstone Library Board

2.10.2.1 Five members. The Library Director shall sit with and be part of discussions but will have no vote. One City Councilor is appointed liaison, with no vote Resolution No. 618 including the Bylaws.)

2.10.3 Gladstone Seniors Board of Directors

2.10.3.1 Seven members. One City Councilor is appointed to attend with no vote, along with the Loaves and Fishes, and Senior Center staff (Ordinance 928, Resolution No. 624 including the Bylaws.)

2-11 Role of Mayor

The mayor shall be chairperson to the Council and preside over its deliberations. The Mayor shall be an equal voting member of the Council. The Mayor shall have the authority to preserve order, enforce the rules and determine the order of the business under rules of the Council.

The Mayor shall oversee the general affairs of the city. The mayor shall appoint, with approval of the Council, the committees provided by the rules of the Council. He/she sign all records of proceedings approved by the Council. He/she shall have no veto power.

2-12 President of the Council

A Council member shall be elected by ballot, by the membership to take the Mayors place in his/her absence. The election will take place at its first meeting of each odd-numbered year, or when the presiding Council President leaves office. Whenever the Mayor is unable to perform the functions of his/her office, the President shall act as mayor.

2-13 Absence of Mayor and Council Members/Forfeiture of Office

Whenever both the Mayor and President of the Council are absent, the Council shall, by majority vote, elect a chairperson to preside over the meeting(s) of the Council.

2-14 Personnel Appointments

The officers of the City, reporting directly to the City Council, shall be a Municipal Judge, City Administrator, and City Attorney. Each appointed officer may be removed by the Mayor with approval of the Council. Said officers shall be subject to performance evaluations no less than every four years.

2-15 Incompatibility of Offices

There are certain restrictions on a Council member holding any public office or employment within city government. The Mayor and City Council members shall not be

a member of the Planning Commission or any other position that may lead to a conflict of interests.

2-16 Emergency Response

2.16.1 Declaration of emergency. (GMC 8.16.050)

When, in the judgment of the City Council, a state of emergency exists, it shall declare in writing and publicize the existence of the emergency. The state of emergency declared pursuant to this section shall specify the area(s) which warrant the exercise of emergency control as listed in section 8.16.070(1) through (9). If Circumstances prohibit the timely action of the City Council, the Mayor may declare a state of emergency provided that approval by a majority of the city Council shall be sought and obtained at the first available opportunity. The Mayor shall terminate the state of emergency when the emergency no longer exists or the threat of an emergency has passed.

2.16.2 Succession of authority. (GMC 8.16.060)

- (1) Upon a declaration of emergency, the Mayor is empowered to assume centralized control of and have authority over all departments and offices of the city in order to implement the provisions of this chapter.
- (2) In the event the Mayor is unavailable or unable to perform his/her duties under this chapter, the duties shall be performed by:
 - (a) President of the Council.
 - (b) City Administrator.
 - (c) Police Chief.
 - (d) Fire Chief
- (3) All references to the Mayor in this chapter shall be deemed to refer to the successor referred to in this section.

2.16.3 Regulation and control. (GMC 8.16.070)

Whenever a state of emergency has been declared to exist within the city, the City Council is empowered to order and enforce the measures listed herein below. However, if circumstances prohibit the timely action of the City Council, the Mayor may order the following measures, provided that approval from a majority of the City Council is sought and obtained at the first available opportunity, or the Mayor's order will become null and void:

12-22

- (1) Establish a curfew for the area designated as an emergency area which fixes the hours during which all persons other than officially authorized personnel may not be upon the public streets or other public places.
- (2) Prohibit or limit the number of persons who may gather or congregate upon any public street, public place or any outdoor place within the area designated as an emergency area.
- (3) Barricade streets or roads, as well as access points onto streets and roads, and prohibit vehicular or pedestrian traffic, or restrict as an emergency area for such distance or degree of regulation as may be deemed necessary under the circumstances.
- (4) Evacuate persons from the area designated as an emergency area.
- (5) Close taverns or bars and prohibit the sale of alcoholic beverages throughout the city or a portion thereof.
- (6) Commit to mutual-aid agreements.
- (7) Suspend standard procurement procedures to obtain necessary services and/or equipment.
- (8) Redirect funds for emergency use.
- (9) Order such other measures as are found to be immediately necessary for the protection of life and/or property.

2.16.4 Responsibility for emergency program management. (GMC8.16.100)

For the purposes of this chapter, the City Council has appointed the Police Chief as the emergency program manager responsible for managing the city's emergency program. Specific duties shall include, but not be limited to, the following:

- (1) To develop, update and revise the city's basic emergency operations plan.
- (2) To coordinate the activities of city departments and other agencies with emergency services capabilities in the development of individual operational annexes to the basic plan.

- (3) To provide for the coordination of emergency plans, programs and operations with the county, neighboring jurisdictions and other public and private agencies with emergency services responsibilities including use of the National Information management System and National Incident Command System.
- (4) To develop working agreements with the county, neighboring jurisdictions and service districts to assure coordinated response to an emergency in the city;
- (5) To provide for the procurement of personnel, equipment, materials and supplies from higher authority, and for the accounting thereof for use in the event of a declared emergency
- (6) To provide for coordinated operations under simulated emergency conditions
- (7) To recommend to the council any ordinances, policies or procedures which would assist the council and other city officials in the performance of their duties in preparing for, responding to, and recovering from an emergency.

2-17 City Council Meetings

Each regular meeting of the Gladstone Council shall be conducted in accordance with a printed agenda setting forth the business to be transacted. The monthly meetings are held on the second Tuesday of each month unless otherwise advertized as required by Oregon Public Meeting laws.

2-18 Meeting Schedule

The Gladstone City Council has established that the second Tuesday will be for City Council Regular meetings. The fourth Tuesday is to be set aside for Work Sessions or Special Sessions. The current meeting schedule for the Council as well as other City committees and City Board meetings is posted at City Hall and on the City's website. .

2-19 Public Notice of Meetings and Hearings

The agenda and accompanying reports and documents are posted typically no later than 3:00 pm the Thursday before a meeting which is to be held on the following Tuesday.

Copies of the agenda are available for pick up at City Hall during regular business hours. In addition, a copy of the entire Council packet is available for viewing at City Hall and on the website. <http://www.ci.gladstone.or.us> .

Gladstone citizens can receive an electronic meeting notice if they register their email address with the Assistant City Administrator.

2-20 How can a City Council Member advance a policy issue?

It takes a majority of the City Council to bring a policy item before the full Council or a committee. The following are the routes a Council member may take to advance a policy issue:

2.20.1 Advisory Committee Work Plans:

A committee will draft work plans that committee chairs will come to the Council with an agenda request. The Council will then review the request and make a motion to accept the proposed and/or request further information that may lead to the policy's approval.

2.20.1 Regular Meetings

At any time during a regular Council meeting, a member may make a referral for an item to be addressed by a committee or by the full Council in the form of a Work and/or Study Session.

The City Administrator may also ask the Council to allow him/her to provide further information that can be studied by the Council or other City committees.

2-21 Legislative Process

All measures proposed for Council consideration must have the endorsement and sponsorship of at least one member or be recommended by a Council committee or be advanced by staff as a Consent Agenda item.

All proposed measures, except Consent Agenda items, must be referred to a Council committee of proper jurisdiction, unless the majority of the Council members present

approve a suspension of the rules and one of the following alternative dispositions of the proposal:

2.21.1 Referral to the Committee of the whole for later consideration, or

2.21.2 Immediate consideration, or

2.21.3 Referral to an advisory committee, or

2.21.4 Referral to staff for investigation and report.

2-22 Scheduling the Agenda

The meeting's agenda is provided by the City Administrator, noon Thursday, the week prior to a City Council Regular Meeting, Work Session or Special Session. The Mayor, City Council and City Administrator help develop the agenda based on issues at hand that seem to be most pressing. The City's Attorney may also advise about issues that should be discussed.

2-23 Agenda – Order of Business

The City Council has established the following order of business for its typical regular meetings:

- Type of Meeting
- Location
- Starting Time
- Roll Call
- Flag Salute

BUSINESS FROM THE AUDIENCE

CONSENT AGENDA

1. Payment of the month's Claims

CORRESPONDENCE

REGULAR AGENDA

- 2.
3. (Others as required)

12-20

BUSINESS FROM THE COUNCIL

RECESS TO GLADSTONE URBAN RENEWAL AGENCY MEETING (If required)

URBAN RENEWAL AGENDA

ROLL CALL

1. Approval of the last Urban Renewal meeting Minutes
2. Public Hearing (as example)

ADJOURN URBAN RENEWAL MEETING

RECONVENE

EXECUTIVE SESSION (If required)

ADJOURN

2-24 Procedure for Communication - During - Business From The Audience

The City Council appreciates hearing from citizens about items relating to city business and normally sets aside up to thirty minutes at the beginning of Council Regular Meetings for Business From The Audience (BFTA.) This forum is a limited public forum and all matters discussed shall relate to city business.

The manner and extent to which members of the public participate in the BFTA portion of the agenda is under the control of the Mayor. Therefore, to the extent necessary to prevent unreasonable interference with the meeting, the Mayor is empowered to curtail or prohibit testimony that is overly repetitive or lengthy, beyond the reasonable scope of city business, or of a nature that would endanger the safety or wellbeing of the persons attending the meeting or city employees. The Mayor is also empowered to establish time constraints on testimony, if necessary, to prevent unreasonable delay of the Council meeting.

Sign-in for BFTA begins when the doors to the Council Chambers are open (about 30 minutes in advance of the start of the meeting) and continues until the Mayor gavels the meeting to order, with the exact time at staff's discretion. Everyone who has signed in by the time the time registration is closed will be provided an opportunity to comment at that evening's meeting, either during the initial 30 minutes scheduled on the agenda for BFTA, at the end of the meeting if everyone is not accommodated within the initial 30

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minutes, or in another order if proposed by the Mayor at any time during a meeting and agreed to by a majority of Council members in attendance at that meeting.

If time allows during the initial 30 minutes set aside on the agenda for BFTA, the Mayor may ask if anyone else in the audience wishes to speak. In this circumstance, BFTA will not exceed 30 minutes total of testimony time, and additional comment will not be carried forward to the end of the meeting.

It is not the intent by the Mayor or Council to limit the testimony time of any speaker. An individual's comment, during BFTA, is generally limited to five minutes or less as a guideline only. The sign in procedure allows the Mayor to establish an understanding of how much business the audience has to bring forward for the Council's consideration at that meeting. If the Mayor believes that the time has to be limited, to give every person giving testimony a chance, he/she will do so.

Comments should be directed to the Council as a whole. Speakers may not cede all or a part of their time to another speaker.

Out of respect for the time of our citizens, Council, and staff - the Mayor, on behalf of the entire Council, will thank the individuals who spoke. In addition, the Mayor should either ask the Council and City Administrator what steps should be followed and/or make a recommendation to address the issue(s) presented.

2-25 The Consent Agenda

The City Administrator, Mayor and/or President of the Council will propose which items are on the Consent Agenda. The Consent Agenda consists of items of a routine nature that do not normally need discussion. An ordinance typically requires two (2) separate readings at a regularly scheduled Council meeting. Final passage typically occurs on a second reading, although a second reading may be waived by an affirmative vote of at least two-thirds of the Council members present.

During the regular meeting, any Council member and/or member of the audience may pull a Consent Agenda item for discussion prior to approval of the Consent Agenda.

2-26 Council Members Reports

Council member reports are intended to allow Council members an opportunity to share brief updates on committee and Council assignments and to seek guidance and direction. Council members should do their best to be concise and restrict their remarks to these topics. Generally, Council member Reports should be no more than five minutes each.

For reports about Council Committee actions, the Committee's chair should give a brief recap of the committee's discussion and recommendations. Items needing Council action or discussion and will be scheduled for a subsequent Council meeting, so that all Council members and the public have background information on the topic along with recommendations, if any.

2-27 Public Hearings

Sign in for Public Hearings is similar to Business From The Audience. Please refer to that section (2-24.)

Individual comment during Public Hearings is generally limited to five minutes or less. Comments should be directed to the Council as a whole. Speakers may not cede all or a part of their time to another speaker. The Mayor will determine the order and protocols for public testimony.

The Mayor shall announce at the start of the Public Hearing a list of any public hearings scheduled within the upcoming 45 days or held in the previous 45 days. However, by concurrence of a majority of Council members, testimony for a public hearing may be continued or remain open until a specified date on time.

2-28 Council Action

Any action of the Council shall be by ordinance, resolution, proclamation, or motion and shall be conducted only in open public meetings unless otherwise provided by law. Any such action (except for the passage of any ordinance or the granting or revocation of any license or franchise) shall be deemed approved by an affirmative vote of a majority of those Council members who are present and vote. The passage of any ordinance that grants or revokes a license or franchise, and any resolution for payment of money requires the affirmative vote of at least a majority of the whole membership of the Council. Public emergency ordinances that take effect immediately, must be passed by a majority of the whole membership, plus one.

A vote of any matter shall be taken by roll call. Any Council member may abstain from voting on any matter.

An ordinance or budget resolution shall undergo two (2) separate readings, and final passage, and final passage may not be accomplished before the second reading. The readings shall occur at regular meetings. This guideline may be suspended by an unanimous vote of all the Council members present, in which case final passage may be accomplished at the same meeting the ordinance or budget resolution was introduced,

unless precluded by law. As a general practice, the City Administrator will not recommend that the Council take action as a first and final reading.

2-29 Open Public Meetings Law

Oregon's Public Meeting Law (ORS 192.610 to 192.710) gives members of the public the right to attend all meetings of governing bodies of public agencies, with a few specific exceptions.

Scope of the law – A governing body is defined by the Public Meeting Law as a deliberative body of the city that consists of two or more members who have the authority to make decisions or recommendations for the city. This includes all city councils, as well as planning commission, budget committees, library boards, citizen advisory committees, council committees, and others, even if their functions are purely advisory. It does not include ad hoc committees of department heads or other informal groups.

The Public Meeting Law applies when one of these governing bodies convenes on the matter to make a decision or to deliberate toward a decision. It includes "conference call" telephone meetings. If such meetings are held, arrangements must be made for the public to hear what is said, such as providing loud speakers attached to the telephone system. Judicial proceedings and state agency contested cases, as defined by state law, are not subject to the Public Meeting Law. However, a quasi-judicial proceeding conducted by a city council such as a hearing and deliberation on a zone change, is not exempt from the open meeting requirements since it is not considered a judicial proceeding, and land use decisions are required to be public.

Requirements – In addition to the basic requirement that governing body meetings be open to the public, meetings may not be held in a place where discrimination on the basis of race, color, sex, age or national origin is practiced. In addition, meetings are to be held at a place accessible to the disabled, and a good faith effort to have an interpreter available for the hearing impaired when requested to do so should be made. In general, meetings may not be held outside the city, although there are some exceptions to that rule. Except in emergencies, there must be reasonable notice to the public for any meeting, and the notice must include a list of principal subjects to be discussed and must identify any matters to be taken up in executive session. However, additional subjects not anticipated or listed may be considered at the meeting. Written minutes of all meetings are required, except the executive sessions may be just tape recorded. Smoking is prohibited as in any public setting.

Executive Sessions – Closed door executive sessions are authorized in limited and specifically identified circumstances. No final actions may be taken at these meetings. More specifics of executive sessions guidelines are noted at 2-31.

2-30 Work Sessions

A Work Session is an informal opportunity for Council members to learn about and discuss policy issues. Work Sessions will generally be scheduled to take place on the fourth Tuesday of a given month. However, from time-to-time Work Sessions may be scheduled at a special time during a month's Regular meeting, if there appears to be an adequate amount of time to cover the issue.

2-31 Special Meetings

A special meeting may be called at any time by the Mayor or by a majority of the Council. Notice will be provided per Oregon's Public Meeting Law (ORS 192.610 to 192.710.)

If more than three (3) Council members attend and participate in an official capacity at any meeting, it shall be considered a Special Meeting and notice shall be given.

In addition, the City Administrator shall follow up with Council members by telephone, email or such other convenient communication method reasonable to apprise the members of a Special Meeting. The City Administrator may also, at his/her discretion, provide notice to interested parties.

2-32 Executive Sessions

Executive Sessions may be held to discuss certain matters specified by law (ORS 192.660) including:

- 2.32.1 Initial employment of public officials and employees;
- 2.32.2 Dismissal or disciplining of an officer or employee or performance evaluation of an officer or employee, unless the officer or employee requests an open meeting;
- 2.32.3 Deliberations with persons designated to negotiate real property transactions;
- 2.32.4 Deliberations with persons designated to conduct labor negotiations;
- 2.32.5 Discussion of records that are exempt from public inspection;
- 2.32.6 Negotiations involving matters of trade and commerce when the unit of government is in competition with other areas;

- 2.32.7 Legal rights and duties of a public body with regard to current litigation or litigation likely to be filed;
- 2.32.8 Review and evaluation of an executive officer, public officer, employee or staff member, unless an open hearing is requested by the person being reviewed; or
- 2.32.9 Negotiations regarding public investments.

2-33 Televised and/or Videoed Meetings

Gladstone City Council meetings, when held in the City Council Chambers are not currently televised.

The meetings are videotaped and are posted on the City's website.

<http://www.ci.gladstone.or.us>

2-34 Council Attendance Policy

There is no attendance policy for the City Council at this time. However, it is generally recognized that Council members should notify the City Administrator or Mayor that they will not be present for a meeting.

2-35 Council Member Resignations

There is no policy in place regarding a resignation of a Council member.

However, if the Mayor recognizes an issue he/she will determine what consideration should take place.

As a courtesy, a member who wishes to resign should submit a letter to the City Clerk that clearly states his/her intention to resign and the effective date.

2-36 Meeting Minutes

Robert's rules of Order define minutes as the record of the proceedings which state what action was taken. The essentials of the record include all main motions (except those that were withdrawn) and points of order and appeals, whether sustained or lost, and all other motions that were not lost or withdrawn.

2-37 Parliamentary Procedure

The City Council uses Robert's Rules of Order to help run its meetings. Robert's Rules work within the Council's process, and not the other way around.

2-38 Parliamentarian

The City Attorney shall assist the City Council on questions of parliamentary procedure and the application of the parliamentary rules contained in Robert's Rules of Order. Before deciding any questions of parliamentary procedure, the Mayor may request advice from the City Attorney. In cases where serious errors in procedure are being used or being contemplated, the City Attorney may give advice even when it has not been requested. Please refer to Appendix B for more detailed information about Parliamentary Procedures, including a summary of Robert's Rules, scripts and quick reference guide to motions.

CHAPTER 3 - ADVISORY BOARDS AND COMMITTEES

For more information about advisory bodies, see the City's website at <http://www.ci.gladstone.or.us>

Boards, commissions and citizen committees provide a great deal of assistance to the Gladstone Council when formulating public policy and transforming policy decisions into action. As noted in previous sections the City has the following standing boards and commissions which are appointed by the Council:

- 3.0.1 Budget Committee
- 3.0.2 Library Board
- 3.0.3 Park and Recreation Board
- 3.0.4 Planning Commission
- 3.0.5 Senior Center Advisory Board
- 3.0.6 Traffic Safety Commission

In addition, special purpose committees and task forces are appointed from time-to-time to address issues of interest or to conduct background work on technical or politically sensitive issues. Special or ad hoc committees will be dissolved upon completion of the intended task.

While membership on most committees is by Council appointment, the following is an important volunteer program that is promoted on the City's website:

- 3.0.7 Emergency Management Volunteer Program
<http://www.ci.gladstone.or.us> (Emergency Preparedness – Tab)

3-1 Establishment of Advisory Committees/Commissions/Boards Appointed by the City Council

There are many reasons for setting up citizen advisory committees and many ways to use them. A committee might be established to conduct an in-depth study of a special issue and to serve as a sounding board for city action proposals. Some committees are organized to improve communications with specific segments of the community.

The Gladstone Mayor and City Council appointed Committee/Commissions/Boards are established by action of the entire Council, usually by resolution..

3-2 Committee/Commission Resignations

In the interest of timely noticing of vacancies, and to minimize the impact of vacancies, on boards and commissions, the City Council delegates to the chair of the specific committee or commission the authority to accept resignations, and to notify the city staff liaisons of the vacancies. The Assistant City Administrator or City Administrator, are generally the persons that will assure that vacancies are posted in the Gladstone City Newsletter.

3-3 Staff Relationship to Advisory Bodies

The City Administrator and Assistant Administrator, or designee, shall act as liaison(s) to advisory committees, commissions or boards.

The members of the commissions, boards are responsible for the functions of the advisory body. The chairperson is responsible for compliance with the municipal code and/or committee Bylaws except in case of the Planning Commission which is assisted by the Assistant City Administrator and City Attorney.

3-4 Council Members' Role and Relationship with City Advisory Bodies

A City Council member acts as an advisory member on several advisory bodies as previously noted.

The City Council annually reviews and approves work plans for each advisory committee, except for the Planning Commission (primarily a quasi-judicial group.)

In the case of the Planning Commission, it makes recommendations to the Mayor and City Council regarding development of the City of Gladstone.

3-5 What happens to an item once it is referred to an advisory board or committee?

Each year, advisory boards, committees and commissions form a work plan for the year. If an item is referred during the year, the staff liaison will notify the committee chair of the referral. The committee Chair will usually report back to the Council regarding their ability to absorb the referral into their current work plan.

It is expected the chair of the advisory committee or their designee, rather than a staff person, report the findings to the Council. Accordingly, committee chairs should attend the Council meeting when the recommendation is presented and be available for questions or clarification on the committee recommendation.

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CHAPTER 4 - INTERACTION WITH CITY STAFF/OFFICIALS

4-1 Overview

City Council policies are implemented through a dedicated and professional staff. It is critical to understand the Council/staff relationship so that policies and programs may be implemented successfully.

4-2 Council Administrator Plan of Government

The introduction of this guidebook gives a brief overview of the Council City Administrator form of government. The responsibilities and duties of the City Administrator include:

- 4.2.1 Generally supervise the administration of the City
- 4.2.2 Appoint and remove department directors (with City Council confirmation) and employees
- 4.2.3 Attend all meetings of the Council at which the City Administrator's attendance is required by Council
- 4.2.4 See that all laws and ordinances are faithfully executed, subject to the authority which the Council may grant the Mayor and Council to maintain law and order in times of emergency
- 4.2.5 Make policy recommendations to the Council
- 4.2.6 Prepare and submit reports to the Council
- 4.2.7 Keep the Council fully advised of the financial conditions of the City and its future needs
- 4.2.8 Prepare and submit, to the Council, a proposed budget for the fiscal year
- 4.2.9 Perform such other duties as the Council may determine by ordinance or resolution.

4-3 Roles and Information Flow

4.3.1 Council Roles

The City Council retains authority to accept, reject, or amend the staff recommendation on policy matters.

Members of the City Council must not intrude into those areas that are the responsibility of the staff. Individual Council members may not intervene in staff decision making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the City Council as a whole. Individual Council members will refrain from asking City staff to work outside normal hours. This is necessary to keep staff focused on established Council priorities and avoid undue influence and pressure from individual Council members. It also allows staff to execute priorities given by management and the Council as a whole using their best professional judgment without fear of reprisal. If a Council member wishes to influence the actions, decisions, recommendations, workload, work schedule, or priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy.

4.3.2 Significant Requests

Council members are free to directly contact the staff for general information. If the request is significant in nature or initiates any significant project or study the consent of a majority of the Council must be obtained before redirecting work to this new effort. Individual Council members also should not request or direct the City Administrator or department directors to initiate any significant action or prepare any report that is significant in nature, without majority Council approval. Council members may discuss ideas with the City Administrator, and he/she will determine whether or not the request is significant and needs Council direction.

4.3.3 Access to Information

The City Administrator is the liaison between Council and City staff other than general information or routine requests. Requests from Council members are to be directed to the City Administrator and will be responded to promptly. The information or response will generally be copied to all members of the Council so that each member may be equally informed. The equal sharing of information with the City Council is one of the City Administrators highest priorities.

There are limited restrictions regarding when information can and cannot be provided. The City is legally bound not to release certain confidential personnel information. Likewise, certain aspects of police department affairs (i.e., access to restricted or confidential information related to crimes) may not be available to

members of the City Council. The City Attorney can advise Council members in these areas.

4-4 City Council/ City Administrator Relationship

The employment relationship between the City Council and City Administrator recognizes that the City Administrator is the chief executive of the City. All dealings with the City Administrator, whether in public or private, should acknowledge the authority of the City Administrator in administrative matters.

The City Administrator must respect and be sensitive to the policy responsibilities of the City Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the City Council.

4.4.1 Administrative Issues

The City Council is to work through the City Administrator when dealing with management of the City. In no matter, either directly or indirectly, shall a council member become involved in, or attempt to influence, personnel matters that are under the direction of the City Administrator.

4.4.2 Performance Evaluations

The City Council evaluates the City Administrator on an annual basis to ensure that both the City Council and City Administrator are in agreement about performance and goals based upon mutual trust and common objectives. The City Administrator's performance is evaluated in the areas as mutually agreed by the Council and City Administrator.

4-5 City Council/ City Staff Relationship

The primary functions of staff are to execute Council policy and actions and to keep the Council members informed. Staff is to take guidance and direction only from the City Administrator or Department Director. This direction shall follow the policy guidance of the City Council as a whole.

City Council member contact with City staff members, exclusive of the City Administrator, will be during regular business hours as much as possible, except in the case of unforeseeable circumstances.

4.5.1 Political Involvement

Gladstone is a nonpartisan local government. Professional staff formulates recommendations in compliance with Council policy and are not to be influenced by political factors. For this reason, it is very important to understand the restrictions of political involvement of staff.

By working for the City, staff members do not surrender rights to be involved in political activities during their non-working hours. They may register to vote, sign nominating or recall petitions, and may vote in any election.

There are restrictions against the use of public funds, public property or public facilities to support or oppose ballot propositions or individual candidates. The basic concepts to keep in mind are that public facilities should not be used for campaign purposes, and employees should not promote or oppose a ballot measure or a candidate during work hours.

4-6 City Council/ City Attorney Relationship

The City Attorney is appointed by the City Council. The City Attorney is the legal advisor for the Council, its committees, commissions and boards, the City Administrator, and all City officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City. The general legal responsibilities of the City Attorney's Office are to:

- 4.6.1 Provide legal assistance necessary for formulation and implementation of legislative policies and projects;
- 4.6.2 Represent the City's interest in, civil litigation, administrative hearings, negotiations, and similar proceedings;
- 4.6.3 Prepare or approve as to form ordinances, resolutions contracts, and other legal documents to best reflect and implement the purposes and intentions of the City Council; and
- 4.6.4 Keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the city.

It is important to note that the City Attorney does not represent individual members of Council, but rather the City Council as a whole.

CHAPTER 5 - SUPPORT PROVIDED TO CITY COUNCIL

5-1 Staff/Clerical Support

Staff and administrative support to members of the City Council is provided through the City Administrators' office.

Secretarial services, including scheduling of appointments, receipt of telephone messages, and word processing, can be made available if approved by the Administrator, and/or a special project is approved by the Mayor and City Councilors.

Sensitivity to the workload of support staff members in the City Administrator's office is appreciated. Please note that individuals may have work assignments with high priority.

5-2 Office Equipment

Standard office equipment, such as phones, copiers and fax machines are available at City Hall for the Council to use.

Please remember, this equipment is used to keep the city running – so make sure you have approval and training, as required, before trying to use it.

5-3 Meeting Rooms

Please contact the appropriate staff to insure conference rooms are properly scheduled.

5-4 Mail, Deliveries

Members of the City Council receive a large volume of mail and other materials that are delivered primarily through the use of email and individual mailboxes. Individual mail boxes are maintained for each Council member by the City Administrator's staff. Council members are encouraged to check mailboxes often.

Written letters to the Mayor and/or Council are usually scanned by the City Administrator's staff and distributed via email to the entire Council and the City Administrator.

All correspondence to Council members is a public record, potentially eligible for release.

See the Communications Section (7-8) for procedures regarding Council correspondence and response to citizens.

CHAPTER 6 - FINANCIAL MATTERS

6-1 Council Compensation

The Mayor and Council members provide all of their services for no compensation.

6-2 Annual Operating Budget, Master Plans and Capital Project Considerations

The City's annual Operating Budget is prepared on a fiscal year basis. The Operating Budget, Capital Project is prepared each year by the City Administrator

6.2.1 Development and Preparation

The Budget is prepared by the City Administrator with a lot of input by the Mayor, City Council and Budget Committee members. The potential Adopted Budget is reviewed by the Budget Committee and Council.

The City Administrator wants to work towards receiving more input from the Budget Committee and Council earlier in the process.

The goal is to continually improve the tools and methods that are used to develop the budget.

6.2.2 Master Plans

The Master plans are being established as required. The Master Plans currently underway and/or under consideration to be worked included:

6.2.2.1 Storm Water Master Plan

6.2.2.2 Water Master Plan,

6.2.2.3 Sanitary Sewer Master Plan

6.2.2.4 Street Pavement Master Plan

After the Master plans have been completed the appropriate expenditures will be proposed annually and approved as needed.

6.2.3 Capital Projects

Capital projects for City's facilities and equipment have been reviewed on a as needed basis. A list of projects and their cost is established in the budget packet annually. The highest priority is generally requested by the Department Director/head with approval of the City Administrator. The City's Mayor and City Council review, ask questions, discuss and then generally make a motion to approve, not approve or consider another option.

6.2.4 Monitoring

Expenditures and Resources are monitored by the City Administrator and Department heads, throughout the year to ensure that funds are used in an approved and adopted manner.

The City Council also review monthly reports and approves payment of claims.

6.2.5 Evaluation

Oregon law requires an annual independent audit (ORS 297.435.) The required audit must be prepared by the Secretary of State or by an independent accountant who is licensed as a municipal auditor by the State Board of Accountancy. The Secretary of State's office has extensive supervisory powers over implementation of audit findings, including the power to withhold certain state payments until compliance is achieved.

6-3 Long-Term Financial Strategy

The Council has adopted the following long-term financial strategy:

Key Principals:

6.3.1 Make Trade-offs (Do not initiate major new services without either);

6.3.1.1 ensuring that revenue to pay for the service can be sustained over time, or

6.3.1.2 making trade-offs of existing services.

6.3.2 Do it well (If the City cannot deliver a service well, the service will not be provided at all.)

- 6.3.3 Focus programs on Gladstone Residents and Businesses (Give priority to existing infrastructure.)
- 6.3.4 Use Unexpected One-Time Resources for One-time Costs or Reserves (One-time Resources, or Resources above projections, will be used strategically to fund prioritized projects.)
- 6.3.5 Invest in employees (The City will invest in employees and provide resources to maximize their productivity.)
- 6.3.6 Pursue innovative approaches to service delivery (Continue to implement operational efficiencies and cost saving measures in achieving community values. Pursue partnerships and cost sharing strategies with others.)
- 6.3.7 Contract In/Contract Out (Consider alternative delivery to maximize efficiency and effectiveness.)
- 6.3.8 Maintain capacity to respond to emerging community needs
- 6.3.9 Pursue entrepreneurial initiatives
- 6.3.10 Address unfunded liabilities
- 6.3.11 Selectively recover costs (On a selective bases, have those who use a service pay the full cost.)
- 6.3.12 Recognize the connection between the Operating Budget and the Capital Budget.

6-4 Long Range Planning Tool

The Long Range Planning Tool has been developed by the City Council. This tool shows nine plus years of historical data and works to:

- 6.4.1 allow for planning over 20 years;
- 6.4.2 keep the tool transparent;
- 6.4.3 show all meaningful assumptions;
- 6.4.4 link the Long Range Planning tool with the Adopted Budget and Historical Data;
- 6.4.5 simplify the complexity of the Cities financial systems while showing enough detail that can be linked to the Adopted Budget packet;

- 6.4.6 make this tool easy to use and easy to update;
- 6.4.7 show a list of projects that are listed on the Cities Adopted Budget packet as well as the possible expenditures that may be seen in the future for repair or replacement of Water Lines, Storm and Sewage Lines and/or Streets;
- 6.4.8 help persons understand that expenditures & resources need to be linked to certain fund types;
- 6.4.9 make this tool a living document that can be improved;
- 6.4.10 This tool is approved by the City Council and its use will be controlled by the City Staff.

The goal for this Tool, is its use to help the City Administrator to develop the annual budget. It also can be used for “What-if Scenarios” to determine what expenditures may be seen in future years, as well as seeing what resources are needed to meet the needs of the Master Plans and/or special projects.

6-5 Financial Disclosure

The Oregon State law requires reporting requirements for city elected officials, as well as all city managers/administrators, municipal judges, justices of the peace and members of some local boards and commissions, are required to file these statements by April 15th each year. (ORS 244.160 to 244.201)

6-6 Contracting

The City’s contracting procedures and contract documents are reviewed by the City Attorney.

6-7 Travel Policy, Miscellaneous Expense and Food Policy (Reimbursement)

It is general policy of the City to pay for mileage, transportation, lodging, meals and other necessary travel expenses incurred while on official City business.

Miscellaneous and food for special events is normally preapproved, and paid for. If the City has not set up the event, reimbursements will be made only when valid receipts are presented by Council members.

6-8 Recognition Policy

The City's Recognition Policy establishes policies and procedures related to expenses incurred for Council recognition, celebration, retirement or resignation events.

CHAPTER 7 - COMMUNICATIONS

7-1 Overview

Perhaps the most fundamental role of a Council member is communication:

- 7.1.1 Communication with the public to assess community opinions and needs, and to share the vision and goals of the City with constituents; and
- 7.1.2 Communications with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives.

7-2 Local Ballot Measures

At times, initiatives may be placed on the ballots that affect City Council policy. There are restrictions regarding what actions the City may take on ballot measures. Specifically, state statutes prohibit the City from using its personnel, equipment, materials, buildings, or other resources to influence the outcome of elections. What the City can do is distribute informational reports or pamphlets for the purpose of informing the public of the facts of an issue.

7-3 Proclamations

The City prepares two types of proclamations, regular and Mayoral. A (regular) proclamation goes to the full Council and is read aloud. The Council then hands it to a representative from the audience. A Mayoral proclamation is given to the Mayor in his mail box for signatures and then it is usually mailed to the organization.

7-4 Oregon Public Records Law

The Oregon Public Records Law (ORS192.410 to 192.505) applies to all “public bodies” including governing bodies, officers, departments, commissions, etc. It also applies to all “public records”, which includes any “writing” containing information that pertains to the conduct of the public business. “Writing” is defined broadly and includes handwriting, typewriting, photographs, maps, discs and tapes.

7-5 Electronic Communications

As soon as an email hits the server it may be subject to public disclosure. An email is automatically saved in an archive and retained in accordance with state law.

7-6 Correspondence from Council Members

Members of the City Council may be called to write letters to citizens, businesses, or other public agencies. Typically the Mayor will be charged with transmitting the City's position matters to outside agencies on behalf of the City Council and/or the City Administrator will do the same, for the Mayor.

7-7 Response to Emails

If any Council member receives an email sent directly to his/her address, he/she is not required to share his/her response with the full Council. However, if he/she would like the full Council to be aware of the response, it is up to him/her to copy to the "council" email address on that response. It needs to be understood that the Oregon Public Records Law applies to emails.

7-8 Response to Paper Letters

All paper letters (whether addressed to all or one) will be scanned and emailed to the full Council. If the City Administrator deems the letter needs a response he/she will identify a staff member to respond, and follow the same procedure listed above (7-7) (except he/she will not send an initial response to the sender, and the staff responder should forward a paper copy of his/her response to the City Administrator so he/she can forward it to the full Council.

CHAPTER 8 - CONFLICTS OF INTEREST, ETHICS AND LIABILITY OF ELECTED OFFICIALS

The Gladstone Mayor and City Council members must not allow being part of a conflict of interest that is covered by a Constitutional Provision or Statutory Provision.

8-1 Conflicts of Interest

State law (ORS 244.040) requires that Mayor and City Council not use their official positions or offices to obtain financial gain other than official salary, honorariums, or reimbursements of expenses. The law also limits the value of gifts that officials, candidates, or members of their families may solicit receive, or that any person may offer, and prohibits public officials from soliciting or receiving offers of future employment in return for influence. The law also prohibits public officials from furthering their personal gain by use of official information.

8-2 Applicability

All City officers, elected and appointed, are subject to the conflict of interest laws.

8-3 Acts not Constituting a Conflict of Interest

The following are acts not Constituting a Conflict of interest:

- 8.3.1 Receiving municipal services on the same terms and conditions as if not a City official. Thus, when a Council member, who owns a business within the City, votes for or against an increase in the business license fees, a conflict would not exist because this action would apply to all businesses in the corporate limits.
- 8.3.2 An officer or employee of another political subdivision or public agency unless it is the same governmental entity being serviced who is voting on a contract or decision which would not confer a direct economic benefit or detriment upon the officer. Therefore, a Council member who is a school teacher may vote to enter into an intergovernmental agreement with the school district, unless such agreement would confer some direct economic benefit, such as a salary increase, upon the Council member.

- 8.3.3 A member of a trade, business, occupation, profession, or class of persons and has no greater interest than the other members of that trade, business, occupation, or class of persons.

8-4 Declaration of a conflict

When a substantial interest exists, the City official must:

- 8.4.1 Refrain from voting or in any way influencing a decision of the City Council; and
- 8.4.2 Declare that a conflict of interest exists and make it known in the official records of the City.

8-5 City Attorney Opinions

A Council member's request for an opinion from the City Attorney concerning conflict of interest is confidential. Council members may seek advice from a private attorney, at their own expense, concerning potential conflicts. In such cases, no disclosure policy would apply.

8-6 Liability

A public official may be personally liable for an action in tort. However, under the Oregon Tort Claims Act (OTCA), public officials are to be defended and saved harmless by their public body for actions taken in their official capacity, except for malfeasance in office or willful or wanton neglect of duty.

CHAPTER 9 - LEAVING OFFICE

9-1 Return of Materials and Equipment

During their services the City Council, members may have acquired or been provided with equipment such as computers or other items entailing a significant expense, as well as keys, etc. These items are to be returned to the City at the conclusion of a Council members term.

9-2 Filling Council Vacancies

The purpose of this section is to provide guidance to the City Council when a member's position becomes vacant before the expiration of the elected officials term of office. Pursuant to state law, a vacancy shall be filled only until the next municipal election to fill that particular position.

9-3 Appointment Process

The Gladstone Council members position to be filled, will be advertised in the Gladstone Newsletter. The applications for the requirements are pretty specific and will be reviewed by the remaining Mayor and Council members.

The Mayor and Council may approve or not approve applicants based on their qualifications

APPENDIX A: List – (City of Gladstone Policies & Procedures)

Gladstone Municipal Code

City Mission Statement – Amended Approved 09.11.2012

City Vision Statement – *Amended Approved 09.11.2012*

City Values Statement – *Amended Approved 09.11.2012*

Gladstone Accounts Payable Policy

Public Policy on Policing for the City of Gladstone, January 6, 2010

GLADSTONE COMPREHENSIVE PLAN – GOALS, OBJECTIVES, POLICIES AND IMPLEMENTATION STRATEGIES – UPDATED OCTOBER 2006

GLADSTONE COMPREHENSIVE PLAN – INVENTORY AND ANALYSIS – ARIL, 1979

Gladstone Personnel Handbook – January 2013

APPENDIX B: List – (Other References)

HANDBOOK FOR OREGON CITY COUNCILORS – Updated January, 2004

OREGON GOVERNMENT STANDARDS AND PRACTICES LAW - A GUIDE FOR
PUBLIC OFFICIALS

THE NEW ROBERT'S RULES OF ORDER

APPENDIX C – (City Charter)

CHARTER

Note

*Note: The Charter was approved at the general election held November 6, 1984.

To provide for the government of the City Gladstone, Clackamas County, Oregon; and to repeal all Charter provisions of the city enacted prior to the time that this Charter takes effect, except as hereinafter provided in Section 4.

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF GLADSTONE,
CLACKAMAS COUNTY, OREGON:**

CHAPTER I NAME AND BOUNDARIES

Section 1. Title of Enactment. This enactment shall be referred to as the City of Gladstone Charter of 1984.

Section 2. Name of City. The municipality of Gladstone, Clackamas County, Oregon, shall continue to be a municipal corporation with the name City of Gladstone, Oregon.

Section 3. Boundaries. The city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the council, or by any other agency with legal power to modify them. The city shall keep at the city hall at least two copies of this Charter in each of which shall be maintained an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours.

CHAPTER II POWERS

Section 4. Powers of the City. The city shall have all powers which the constitutions, statutes, and common law of the United States and of this state expressly or implied grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction of Charter. In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally

construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

CHAPTER III FORM OF GOVERNMENT

Section 6. Where Powers Vested. Except as this chapter provides otherwise, all powers of the city shall be vested in the council.

Section 7. City Council. The council shall be composed of a mayor and six council members elected from the city at large and by position number.

Section 8. Council Members. Each council position shall bear a number from one through six and all candidates for council positions shall designate on their nomination petition the number of the council position to which they seek election. No candidate may run for more than one position at an election. The council members whose terms of office expire January, 1986, shall be assigned positions No. 1,3 and 5. The council members whose terms of office expire January, 1985, shall be assigned positions No. 2,4 and 6. The council members in office at the time this charter is adopted shall continue in office, each until the end of the term of office as fixed by the charter of the city in effect at the time this charter is adopted. Council members shall be elected for a term of four years at each biennial general election thereafter for vacancies that have occurred or to fill unexpired terms.

Section 9. Mayor. At the biennial general election held in 1986, and every fourth year thereafter, a mayor shall be elected for a term of four years. The term of office of the mayor incumbent at the time this charter is adopted shall continue until January, 1987.

Section 10. Appointed Officers. Officers of the city, reporting directly to the city council, shall be a Municipal Judge, City Administrator, and City Attorney, and such other appointed officers as the council deems necessary. Each of these officers shall be appointed and may be removed by the mayor, with the consent of the council. Said officers shall be subject to performance evaluations no less than every four years.

Section 11. Compensation. The compensation for the services of each appointed city officer and employee shall be the amount fixed by the council.

Section 12. Qualifications of Officers. No person shall be eligible for an elective office of the city unless at the time of his election he is a qualified elector within the meaning of the state constitution and has resided in the city during the 12 months immediately preceding the election and maintains continuous residency during the term of office. The council shall be final judge of the qualifications and election of its own members.

CHAPTER IV COUNCIL

Section 13. Meetings. The council shall hold a regular meeting at least once each month in the city at a time and at a place which it designates. Meetings of the council may also be held at any time by consent of a majority of the members of the council. The mayor or three members of the council may, by giving notice thereof to all available members of the council, call an emergency meeting of the council. The council shall adopt rules for the government of its members and proceedings.

Section 14. Quorum. A majority of members of the council shall constitute a quorum for its business.

Section 15. Record of Proceedings. The council shall cause a record of its proceedings to be kept. Upon the request of any of its members, and ayes and nays upon any questions before it shall be taken and entered in the record.

Section 16. Proceedings to be Public. No action by the council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

Section 17. Mayor's Functions at Council Meetings. The mayor shall be chairman of the council and preside over its deliberations. The mayor shall be a voting member of the council. He shall have authority to preserve order, enforce the rules of the council, and determine the order of the business under the rules of the council.

Section 18. President of the Council. At its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the council shall elect by ballot a president from its membership. Upon the mayor's absence from a council meeting, the president shall preside. Whenever the mayor is unable to perform the functions of his office, the president shall act as mayor.

Section 19. Vote Required. Except as this charter otherwise provides, the concurrence of a majority of the council members present at a council meeting shall be necessary to decide any question before the council.

CHAPTER V POWERS AND DUTIES OF OFFICERS

Section 20. Mayor. The mayor shall oversee the general affairs of the city. The mayor shall appoint, with the approval of the council, the committees provided by the rules of the council. He shall sign all records of proceedings approved by the council. He shall have no veto power.

Section 21. City Administrator.

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- (a) The City Administrator shall be the administrative head of the government of the city.
- (b) Term. The City Administrator shall be appointed for an indefinite term and may be removed at the pleasure of the council.
- (c) Powers and Duties. The powers and duties of the City Administrator shall be those set forth by the council.

Section 22. Municipal Judge.

- (a) The council may appoint a municipal judge who serves at the pleasure of the council. The municipal judge shall be a member in good standing of the Oregon State Bar.
- (b) Powers and Duties. He shall hold within the city a court known as the municipal court for the City of Gladstone, Clackamas County, Oregon. The court shall be open for the transaction of judicial business at times specified by the council. All area within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction over all crimes and offenses defined and made punishable by ordinances of the city and all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinance of the city. He shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court. In addition, the municipal judge shall have such jurisdiction and powers as set forth in the state statutes. When not governed by ordinances of this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

Section 23. City Attorney.

The council may appoint a City Attorney who serves at the pleasure of the council and serves as the legal officer of the city. The City Attorney shall be a member in good standing of the Oregon State Bar.

- (a) Powers and Duties. The powers and duties of the City Attorney shall be those set forth by the council.

CHAPTER VI ELECTIONS

Section 24. Regular Elections. Regular city elections shall be held at the same times and places as biennial general state elections, in accordance with applicable state election laws.

Section 25. Notice of Regular Elections. At least ten days notice of each regular city election shall be given by posting notice thereof at a conspicuous place in the City Hall and two notices at conspicuous places in the City of Gladstone, Oregon. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon and the time and place of the election.

Section 26. Special Elections. The council shall provide the time, manner and means for holding any special election. At least ten days notice of each special election shall be given in the manner provided by the action of the council ordering the election.

Section 27. Regulations of Elections. Except as this charter provides otherwise and as the council provides otherwise by ordinances relating to elections, the general laws of the state shall apply to the conduct of all city elections, canvasses and recounts of the returns therefrom, and contests thereof.

Section 28. Tie Votes. In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by council.

Section 29. Commencement of Terms of Office. The term of office of a person elected at a regular city election shall commence the first meeting of the year immediately following the election.

Section 30. Oath of Office. Before entering upon the duties of his office, each officer shall take an oath or shall affirm that he will support the constitutions, charters and laws of the United States, the State of Oregon and the City of Gladstone, and that he will faithfully perform the duties of his office.

Section 31. Nominations. The council shall provide by ordinance the mode for nominating elective officers, provided any qualified person may be nominated by petition filed by 25 legal voters of the city.

CHAPTER VII VACANCIES IN OFFICE

Section 32. What Creates Vacancy. An office shall be deemed vacant upon the incumbent's death; court-ordered incompetence; conviction of a felony, other offense pertaining to his office, or unlawful destruction of public records; resignation, recall from office; or ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefore within ten days after the

time for his term of office to commence; and upon a declaration by the council of the vacancy.

Section 33. Filling of Vacancies. Vacant elective offices in the city shall be filled by appointment. A majority vote of the council shall be required to validate the appointment. The appointee's term shall begin immediately upon his appointment and shall continue until the beginning of the year following the next general biennial election and until his successor is qualified, and his successor for the unexpired term shall be chosen at the next general biennial election after said appointment. During the temporary disability of any officer or during his absence temporarily from the city for any cause, his office may be filled pro tem in the manner provided for filling vacancies in office permanently.

CHAPTER VIII ORDINANCES

Section 34. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, "The City of Gladstone ordains as follows:"

Section 35. Mode of Enactment.

- (1) Except as provided in the second and third paragraphs of this section, every ordinance of the council shall, before being put upon its final passage, be read fully and distinctly in open council meeting on two different days.
- (2) Except as the third paragraph of this section provides to the contrary, an ordinance may be enacted at a single meeting of the council by unanimous vote of the council members present, upon being read first in full and then by title.
- (3) Any of the readings may be by title only if no council member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each council member and three copies are provided for public inspection at City Hall not later than one week before the first reading of the ordinance, and if notice of their availability is given forthwith upon the filing, by written notice posted at the City Hall and two other public places in the city or by advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading unless each section incorporating such a difference is read fully and distinctly in open council meeting as finally amended prior to being approved by the council.
- (4) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings.
- (5) Upon the enactment of an ordinance, an officer of the city, as designated by the council, shall sign it with the date of its passage and his name and title of office.

Section 36. When Ordinance Takes Effect. Any ordinance enacted by the council shall take effect on the 30th day after its enactment. When the council deems it advisable, however, an ordinance may provide a different time for it to take effect, and in case of an emergency, it may take effect immediately.

CHAPTER IX PUBLIC IMPROVEMENTS

Section 37. Condemnation. Any necessity of taking property for the city by condemnation shall be determined by the council and declared by a resolution of the council describing the property and stating the uses to which it shall be devoted.

Section 38. Improvements. The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of three-fifths of the area to be specifically assessed therefore. In this section "owner" shall mean the record holder of legal title or, where land is being purchased under a land sale contract recorded or verified to the city in writing by the record holder of legal title to the land, the purchaser shall be deemed the "owner".

Section 39. Special Assessments. The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

Section 40. Bids. Competitive procurement methods shall be adopted by ordinance.

CHAPTER X MISCELLANEOUS PROVISIONS

Section 41. Debt Limit. Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed \$5,000. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 42. Bonded Indebtedness. Except as authorized by general state law, the city shall not issue and sell general obligation bonds unless authorized by the consent of a majority of the voters at an election. This restriction shall not apply to the issuance and sale of general obligation improvement bonds.

Section 43. Grammatical Interpretation. The following grammatical rules shall apply in this charter, unless it is apparent from the context that a different construction is intended:

- (a) Gender: Each gender includes the masculine, feminine and neuter genders.
- (b) Singular and Plural: The singular number includes the plural and the plural includes the singular.
- (c) Tenses: Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

Section 44. Garbage Burning. The City Attorney is directed to prevent the discharge of cancer-causing agents, lead or mercury from garbage burning within one mile of schools in Gladstone.

Section 45. Existing Ordinances Continued. All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 46. Repeal of Previously Enacted Provisions.

All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed.

Section 47. Time of Effect of Charter. This charter shall take effect 30 days after its approval by the voters of the City of Gladstone.

INFORMATION
ONLY



STEVE WHEELER
COUNTY ADMINISTRATOR

OFFICE OF THE COUNTY ADMINISTRATOR

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

December 12, 2012

Mr. Peter Boyce, City Manager
City of Gladstone
525 Portland Ave.
Gladstone, OR 97027

Mr. Boyce:

This letter is regarding the status of library capital funds provided to the City of Gladstone. On November 6, 2012, ballot measure 3-413 was put before Gladstone voters to consider whether to authorize the City to incur debt to build a new library. The initiative was defeated and the citizens decided not to incur debt to build a library facility which would have served City and unincorporated residents.

When the Library District of Clackamas County was formed in 2008, the parties entered into two intergovernmental agreements regarding the construction of a new Gladstone Library to serve the citizens of Gladstone and unincorporated citizens in the Oak Grove service area. The agreement between the District and the City (the "District IGA") called for transition payments using District funds that would otherwise have supported the Oak Lodge Library's operations, and the agreement between the City and Clackamas County (the "County IGA") provided for capital contributions intended to help with the cost of constructing the new Gladstone Library in lieu of capital improvements to the Oak Lodge Library. On March 28, 2011 the City of Gladstone requested \$2.5 million for library planning and construction.

As part of the Library District formation negotiations in 2008, the County agreed to give each library city in Clackamas County one million dollars for capital projects. Given the planned expansion of the Gladstone Library to serve the area currently served by the Oak Lodge Library, the County agreed to the City's request for additional funding.

To fund the District IGA, the Oak Lodge Library limited spending in order to provide Gladstone with money for the construction project by delaying efforts to bring the Oak Lodge Library up to the District IGA-agreed OLA standards. In the first two years of the District, Oak Lodge saved \$500,000 of operational funds. In April 2011, the County distributed \$500,000 in transition payments to the City of Gladstone for the construction of their future library.

It is our view that, as with every other Library City, Gladstone is entitled to expend their original \$1,000,000 capital contribution on its own library without expanding its service area. As the County IGA and District IGA show, the additional \$1.5 million provided to the City were in support of and conditioned on a new library that would expand the level of service to include areas of unincorporated Clackamas County that are currently being served by the Oak Lodge Library. Ballot measure 3-413 puts that plan in grave doubt.

Therefore, the County requests the City return \$1 million of the \$2 million capital contribution provided by the County and the District requests that the City return the \$500,000 transition payment. Per the County IGA, \$1 million shall be deposited into the County Library Fund to support the Oak Lodge Library, and per the District IGA the \$500,000 shall be deposited into the Library District fund.

One of the key themes of the District IGA was guaranteeing autonomy for each Library City, including Gladstone, regarding the operation of its library. The County and the District respect the decision of the City and its voters, and view the return of these funds as a reset based on the decisions arising from that autonomy.

The District looks forward to working with the City and the District Advisory Committee to find the best path forward in providing quality library service to both City and unincorporated residents in the affected service areas.

Sincerely,



Steve Wheeler
Clackamas County Administrator

cc: Gary Barth
Doris Grolbert
Laurel Butman



