



**CORVALLIS
CITY COUNCIL WORK SESSION**

**JUNE 21, 2016
3:30 pm -5:30 pm**

**Madison Avenue Meeting Room
500 SW Madison Avenue**

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- I. Call To Order
 - II. Bicycle and Pedestrian Advisory Board Annual Report
 - III. Community Police Review Advisory Board Annual Report
 - IV. Municipal Judge Report
 - V. Health Care Advisory Question and Explanatory Statement
 - VI. Community Comments (*Accepted on agenda items for this work session only. Members of the community wishing to offer advance written comments are encouraged to use the public input form at www.corvallisoregon.gov/publicinput.*)
 - VII. Adjournment

If you need special assistance to participate in this meeting, please contact the City Recorder at (541) 766-6901 (for TTY services, dial 7-1-1). Notification at least two business days prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (In compliance with the Americans with Disabilities Act, 28 CFR 35.102-35.104 ADA Title I and ORS 192.630(5)).

A Community That Honors Diversity

Annual Report of the Bicycle and Pedestrian Advisory Board



June 21, 2016

Members: Meghan Karas, Thomas Bahde, Brad Upton, David Ullman, Brian Bovee, Ron Georg, Trevor Heald

Staff: Greg Wilson, Lisa Scherf

Council Liaison: Mike Beilstein

Purpose/Mission summary:

The Bicycle and Pedestrian Advisory Board (BPAB) was formally established as the Bicycle and Pedestrian Advisory Commission in 1981 in the Corvallis Municipal Code Section 1.16.210. This states that BPAB is comprised of seven members, with membership “balanced to capably represent various bicycling and pedestrian issues”. BPAB has the following charge in its advisory role to the Council:

The Advisory Board shall advise Council on all matters relating to bicycle use, operation, pedestrian transportation, recreation, routing, and safety in the City limits.

Prior Year Report:

Activities and work completed:

- 1) BPAB Open House – To increase public involvement and awareness of how the Board functions as advisors to Council, BPAB members hosted an evening Open House for the public at the Corvallis – Benton County Public Library. The Board developed display materials for the event, talked with attendees about their projects, and gathered input on issues related to cycling and walking in Corvallis.
- 2) CIP - Reviewed and ranked eleven (11) bicycle and pedestrian related CIP project suggestions submitted by community members for possible inclusion in the 2016 – 2020 CIP documents.
- 3) Issue Monitor/Tracking Matrix - Developed a new regimen of recording, categorizing, and prioritizing bicycling and walking related transportation enhancements and for monitoring and tracking progress on various Board recommendations to staff and Council (e.g., on-street bicycle parking corrals, colored bicycle lane markings, etc.).
- 4) Enhanced communication between the Board and City Council, the Urban Services Committee and other advisory boards - Board members reviewed the duties of all city boards and

committees for their relevancy to the BPAB's charge. They then divided up responsibility for monitoring the agendas and issues before the various boards and committees that they felt to be relevant to the BPAB.

Activities and work in progress:

- 1) Public Works Leaf Collection Policy – BPAB members began researching ways to eliminate impediments to both transportation safety and the city's storm water collection system caused by leaves being placed in city streets. BPAB will be providing stakeholder input as needed on any recommended policy changes to Council.
- 2) Green Bike Lane Markings - Formed a working group to review and rank intersections with turning movement conflicts between cyclists and motor vehicles for possible installation of green lane markings. Researched state and national standards and guidelines for green lane standards and various design treatments that are employed in cities of similar size to Corvallis. Based on these standards, BPAB has developed a list of intersections where green lane markings would be effective at alerting drivers and cyclists to potential zones of conflict. In addition, BPAB has proposed a lane marking treatment that would provide enhanced visibility for such intersections while also remaining cost-effective.

Next Year Proposed Work Plan:

Regular activities and work (ongoing or annual):

The following activities are representative of the Board's desire to stay aware of and implement emerging innovations in multimodal transportation planning.

1. Provide guidance to staff regarding bicycle and pedestrian-related priorities in such categories as missing links, safety, security, signage, and promotion/outreach to the community.
2. Advise the Council on bicycle and pedestrian issues including changes to bicycle and pedestrian facilities through processes such as review and recommendation on projects in the CIP and prioritization on pursuing grants.
3. Work with staff on education, safety, and enforcement issues aimed at reducing traffic crashes involving bicyclists and pedestrians.
4. Through scheduled monthly meetings, provide a public forum through for discussion of methods and opportunities to improve, support, and expand bicycling and walking options.

Special activities and work for the year:

We envision the activities described below as special activities that enable us to meet goals outlined above.

1. Work with city staff to develop scoping for identified bicycling-and walk-related transportation enhancements (and maintenance needs).
2. Work with staff to help implement a phased approach for a new Public Works leaf collection policy.
3. Work with staff to implement at least one pilot installation of a colored lane marking treatment per BPAB recommendation. Intersections with high priority are SW 4th St. and SW Western Blvd. as well as NW Kings Blvd and NW Van Buren Ave.
4. Work with staff to develop a recommendation to increase safety for pedestrians at the intersection of 29th and Grant. The recommendation will be contingent upon staff assessment of the need/timing of full signalization and could include less intensive or temporary measures.
5. Work with staff to develop recommendation for removal of conflict areas between bike lanes and parking spots.
6. Pursue opportunities to enhance coordination and communication among bicycle and pedestrian interest groups in the community.

Resources:

Prior Year: One FTE

Needed for the next year:

The work as outlined can be accomplished with existing staff support levels.

Financial resources needed for the implementation of colored bike lanes, intersection improvements and other improvements will be planned as part of the annual capital or operations budgeting processes.

Feedback about the Annual Report Process:

The Advisory Board does not have any comments to provide about the Annual Report process.

Annual Report of the Community Police Review Advisory Board



June 21, 2016

Members: Rich Hein, Gary Evans, Jim Swinyard, Phyllis Lee, Denson Chatfield, Stewart Wershow, Tyler Jacobson

Staff: Jon Sassaman, Kathy Brennan

Council Liaison: Mike Beilstein

Purpose/Mission summary:

Section 1.16.330 - Community Police Review Advisory Board.

- 1) There is hereby created a Community Police Review Advisory Board for the City.
- 2) This Board shall consist of seven (7) voting members, all appointed by the Mayor.
 - a) Initial appointments will be three (3) members appointed to a three (3) year term; two (2) members appointed to a two (2) year term; and two (2) members appointed to a one (1) year term.
 - b) Board members may be appointed for two additional consecutive terms of three (3) years.
- 3) The objective of the Community Police Review Advisory Board is to:
 - a) Provide the community with an objective, unbiased, citizen-based, accessible process for the review of complaints against the Police Department and Police Officers.
 - b) Provide the community with information regarding the accountability of its Police Department in a way that builds trust and enhances communication between the Police and all members of the community.
- 4) Duties of the Board may include:
 - a) Reviewing unresolved complaints against sworn members of the Police Department.
 - b) Holding public meetings to conduct Requests for Review.
 - c) Taking testimony.
 - d) Reviewing and discussing confidential information in executive session.
 - e) Taking minutes at Board meetings.
 - f) Making written findings regarding Requests for Review.
 - g) Reviewing and making recommendations on Council, Administrative, and Police Department policies and procedures.
 - h) Reviewing and analyzing complaint summaries and trends of the Police Department.
 - i) Referring issues to the Chief of Police.

- j) Conducting public outreach to educate the public on the mission of the Board including direct outreach to the Community Policing Forum.
 - k) Requesting additional training on civil rights, legislation, community concerns, diversity and cultural issues.
- 5) The Board shall meet at least quarterly, or more frequently if necessary.
(Ord. [2014-16](#), § 16, 11/17/2014; Ord. 2007-08 § 1, 04/16/2007)

Prior Year Report:

Activities and work completed:

As required by Municipal Ordinance, the CPRAB has met quarterly since its inception, including this past year. Additionally, at each quarterly meeting, the CPRAB reviewed summaries of complaints and commendations of sworn staff.

Activities and work in progress:

During the past year, there has not been an incident causing the CPRAB to hold a formal complaint review or a formal hearing. Although no formal hearing occurred during the year, there have been valuable discussions related to processes and policies of the Police Department, on-body camera system development, and stop data collection, as well as other high profile events which have occurred in the community. These discussions have provided the Board opportunity to voice thoughts and provide guidance regarding Police Department operations and philosophy. Additionally, there have been occasions where community members attended the meetings, seeking additional information about the Board, guidance about resources available to the public in order to remedy concerns, and to provide positive comments on police services. These activities speak to the purpose and mission of the Board and will continue. There are no other activities or work efforts in progress.

Next Year Proposed Work Plan:

Regular activities and work (ongoing or annual):

The nature of the CPRAB is to be ready and available to review unresolved complaints against sworn members of the Police Department. In doing so, the CPRAB would review the Police Department's investigation of the complaint, take further testimony, and make written recommendations to the Chief of Police. As such, the regular activity of the CPRAB is to meet quarterly and review summaries of complaints and commendations of sworn staff. Trends, if any, are evaluated. This work will continue.

Special activities and work for the year:

There are no special activities for the upcoming year.

Resources:**Prior Year:**

Resources required to support the CPRAB are the Chief of Police and a Senior Administrative Specialist to prepare materials, schedule and secure the meeting room, set up and take down tables and chairs, minute taking and posting on the web. This work is done quarterly.

Needed for the next year:

No additional resources are required.

Feedback about the Annual Report Process:

Members feel the Annual Report Process is sufficient and has been inclusive. Members have provided input and have reviewed the report as it's been prepared. This process ensures the City Ordinance and the charge of the Board is visited annually which has been a healthy part of the process.

TO: City Council for June 21, 2016
FROM: Chris Dunfield, Municipal Judge
DATE: June 1, 2016
THROUGH: Mark W. Shepard, P.E., City Manager
SUBJECT: Procedural Fairness



Action Requested:

No action required. For information only.

Discussion:

At a recent judicial conference I attended, the issue of procedural fairness was discussed as significant interest across the country. In Corvallis, we are fortunate to have a Police Department and Municipal Judicial system that invests great effort into treating people fairly, equally, and with sensitivity. However, this is something we should not take for granted. Procedural fairness requires continuous vigilance and attention. Therefore, I thought it was important for me to share some thoughts on the issue.

At the conference, the perception of unfair or unequal treatment by police and courts was described as “the single most important source of popular dissatisfaction with the American legal system.”

To counteract perceptions of unequal treatment, legal commentators have urged those in the criminal justice system to strive for “procedural fairness” and to communicate clearly with people coming before the court. The premise is that if a citizen receives an adequate explanation of the court’s procedures, and is convinced that he or she has been heard and dealt with fairly, that citizen is much more likely to comply with court orders when the result is adverse, including payment of fines.

As part of its recent investigation into the practices of local courts in the U.S., the Department of Justice determined that some communities relied far too heavily on fines imposed by local courts to balance their budgets. This was of particular concern because in some jurisdictions, fines tended to fall disproportionately on African-Americans. In response, some state legislatures have enacted caps and other limitations on fines and costs imposed by local courts.

In Corvallis, only about 1% of the City’s revenue comes from court fines. This is far below the benchmark of 20% that is sometimes used to determine whether a municipality is relying too heavily on court fines. No one could reasonably claim that the City seeks to balance its budget by imposing fines on minorities. Additionally, most of the City’s fine structure has not been adjusted for inflation for many years. Nevertheless, it is likely that there would be close scrutiny of any attempt to “enhance revenue” by increasing court fines.

A related concern is the effect of suspension of driving privileges by the courts, especially in response to failure to pay traffic fines. Studies have shown that not only do these suspensions tend to fall disproportionately upon the poor, but about 75% of all persons whose licenses are suspended continue to drive, often without insurance. In 2015, California enacted a Traffic Amnesty Program in an attempt to mitigate the adverse effects of license suspensions.

There are several considerations the Council and staff should keep in mind regarding procedural fairness:

1. Setting of court fines needs to be done in the context of an appropriate fine amount for the conduct in question, without regard to budgetary needs.
2. The court needs to be careful regarding suspension of driving privileges for failure to pay fines (as opposed to failure to appear or contempt of court).
3. The court needs to communicate its procedures and reasoning clearly to community members, police officers and attorneys appearing before it, so that its decisions are perceived to be fair.
4. The Council should recognize that procedural fairness is a concept that is applicable to all City employees, not just those involved with Municipal Court.

Budget Impact:

None.

TO: City Council for June 21, 2016
 FROM: Nancy Brewer, Finance Director **NB**
 DATE: June 13, 2016
 THROUGH: Mark W. Shepard, P.E., City Manager **NB** AIC
 SUBJECT: Municipal Court Citation Statistics



Action Requested:

For information only, no action required.

Discussion:

The Council asked for statistics about the resolution rates of livability citations at Municipal Court. This data is currently difficult to put together and required a fair amount of manual work to present, and it does not present well in a matrix format due to variations in citation amounts and levels of fine reduction.

Citation Overview

Citation Type	Calendar Year		
	2013	2014	2015
Traffic	5,088	4,462	4,424
Criminal	1,078	860	711
Parking	16,822	16,202	14,522
Totals	22,988	21,524	19,657

Livability Statistics – Calendar Year 2015

of Cases

Minor in Possession (MIP) – Base fine = \$295	
Diversion – costs \$100	88
Diversion – costs \$200	23
Default – fines \$225 to \$295	9
Pled Guilty or No Contest – fines \$150 to \$250	38
Dismissed or Found Not Guilty – No fine	6
Diversion later terminated – fines \$200-\$300	<u>4</u>
	TOTAL 168
Allow Consumption by a Minor – Base fine = \$1,000	
Guilty – fines \$1,000 to \$3,500	2
City Attorney Diversion – costs \$350 to \$1,000	2
Case pending	<u>1</u>
	TOTAL 5

	<u># of Cases</u>
Interfering with Police – Base fine = \$500	
City Attorney Diversion	1
Case pending	<u>1</u>
	TOTAL 2
Open Container – Base fine \$100	
Court Diversion – costs \$100	6
City Attorney Diversion – costs \$350	2
Default – fines \$500	92
Pled Guilty/No Contest – fines \$100-\$500	66
Dismissed or Found Not Guilty	9
Case pending	<u>6</u>
	TOTAL 181
Hosting – Base fine \$1,000	
Dismissed	1
Human Waste – Base fine \$150	
Pled Guilty/No Contest – fines \$100-\$200	18
Default – fines \$500	<u>9</u>
	TOTAL 27
Loud Noise – Base fine \$200	
Default – fines \$500	1
Pled Guilty/No Contest – fines\$100-\$300	<u>9</u>
	TOTAL 10
Unlawful Amplified Sound – Base fine \$306	
City Attorney Diversion – costs \$350 - \$700	20
Default – fines \$100	1
Pled Guilty – fines \$300 - \$500	4
Dismissed – fines \$0 to \$400	6
Case pending	<u>1</u>
	TOTAL 32
Assault – Base fine \$500	
City Attorney Diversion – costs \$400	1
Dismissed – deferred adjudication	<u>1</u>
	TOTAL 2
Violent Conduct – Base fine \$500	
City Attorney Diversion – costs \$150	2
Pled Guilty/No Contest – fines\$350	2
Dismissed – deferred adjudication \$500	1
Case pending	<u>2</u>
	TOTAL 7
Harassment – Base fine \$500	
Case pending	1
Residential Parking District Citations – Base fine \$50	
Citations Issued	357
Fine total if all paid the base fine amount	\$1: ,572
Paid to Date	\$10,245
Adjusted by the Court	\$8,105

TERMS:

Base fine – the face amount on the ticket. Maximum fines can be higher or lower than the base fine amount.

Costs – fines may not be due, but court costs or costs for diversion programs are due.

Default – the defendant did not appear and the maximum fine amount has been assessed by the Court.

Deferred Adjudication – the defendant pled to the misdemeanor; the Judge placed the defendant in a diversion program requiring a period of 6 months to a year to stay out of trouble, perform community service, take an alcohol class, etc. If the defendant meets the terms of the adjudication, the case is dismissed; if not they are guilty of the misdemeanor.

Fines – Amount assessed for the activity cited. Fines assessed are not always paid.

TO: City Council for June 21, 2016
FROM: Jim Brewer, City Attorney
DATE: June 13, 2016
THROUGH: Mark W. Shepard, P.E., City Manager
SUBJECT: Advisory Question/Mid Valley Health Care Advocates



Action Requested:

Staff recommends Council review and make any necessary revisions to the attached draft ballot title, explanatory statement, and resolution for consideration at the July 5, 2016 City Council meeting.

Discussion:

As directed by the Council at its February 16, 2016 meeting, the City Attorney's Office and Bruce Thompson and Mike Huntington, representatives of Mid Valley Health Care Advocates, have worked together to draft a concise and impartial ballot title (Attachment A) and explanatory statement (Attachment B) for an advisory question regarding publicly funded universal health care for Oregon. These drafts meet the legal requirements for ballot titles and explanatory statements for measures put on the ballot by the local government. Because advisory questions are somewhat unique to Corvallis, both drafts include some introductory materials about what the measure will accomplish, as well addressing the particulars for the question presented to the voters.

In terms of legal requirements, the ballot title must be in the form of a caption (10-word maximum, identifying the main purpose), a question (20-word maximum identifying the main purpose) and a summary (175-word maximum, concisely and impartially summarizing the measure). Corvallis ordinances and the State also require the City to file an impartial, simple and understandable explanatory statement (500-word maximum). For this work session, the word counts are provided for these documents, so that the Council can work within the word limits.

Also attached is a draft resolution (Attachment C), intended as an advisory question placing publicly funded universal health care before the voters of Corvallis.

Representatives of the City Attorney's Office and Mid Valley Health Care Advocates will be available to answer questions.

Budget Impact:

There is no budget impact.

Attachments:

Draft Ballot title (Attachment A)
Draft Explanatory Statement (Attachment B)
Draft Resolution (Attachment C)

BALLOT TITLE

Attachment A

Advisory Question**Caption**

Oregon Shall Have an Affordable Universal Healthcare System (8/10)

Question

Shall the Oregon legislature, through a public process, design a health care system that serves all Oregonians? (17/20)

Summary

This non-binding advisory question asks whether the Oregon State Legislature in the 2017 session should establish a public process to design a health care system that serves all Oregon residents. The goal of the public process is to develop a proposal that will be referred to voters or enacted by the legislature. The health care system it develops will follow the legislative intent of ORS 414.018 (2011) and Oregon Laws 2013, Chapter 712 in allowing all Oregonians timely access to comprehensive health care, improving availability of desired healthcare providers, having effective cost controls, and emphasizing preventative care. The process of design for this system shall begin with findings and recommendations from a study authorized by Oregon Laws 2015, Chapter 725 to be reported to the 2017 regular session of the Legislative Assembly. (132/175)

Attachment B

DRAFT EXPLANATORY STATEMENT

This advisory question asks the voters of the City of Corvallis whether the Oregon State Legislature should design a public process in the 2017 session to design a health care system to serve all Oregonians. An advisory question informs the Mayor and City Council of the will of the voters, and the Mayor and City Council may take official action, forwarding the results of the advisory vote to the Oregon Legislature.

Mid-Valley Health Care Advocates asked the City Council to bring the following question to the voters:

Shall the Oregon Legislature, through a public process, design a health care system that serves all Oregonians?

The goal of the public process is to develop a proposal for a health care system that will be referred to voters or enacted by the legislature. The health care system the process develops should begin with the findings and recommendations from a study authorized by Oregon Laws 2015, Chapter 725, which requires a report on this study to the Legislature during the regular 2017 session.

The study is supposed to include four options for financing health care delivery in this state. Each option is intended to satisfy the findings the legislature adopted about providing the best system for the delivery and financing of health care in this state. In summary, the four options are:

1. An option for a publicly financed single-payer model for financing privately delivered health care, decoupled from employment with commercial insurance coverage available for supplemental health services.
2. An option that allows a person to choose between a publicly funded plan, with both a basic health program and private insurance coverage.
3. The current health care financing system in this state.
4. An option for a plan with components that provide essential health benefits with preventive care and hospital services, access to commercial markets, but collects and distributes revenue, preserves options and choices, addresses deductibles with respect to income earners above and below 400% of the federal poverty guidelines, accesses federal funding, and identifies program savings.

The public process would allow Oregonians to review, comment and refine the options and develop a proposal or proposals from the best options for the legislature to adopt or refer to the voters. (368/500)

Attachment C

RESOLUTION 2016-_____**A RESOLUTION FORWARDING AN ADVISORY QUESTION TO THE VOTERS AT THE NOVEMBER 8, 2016 GENERAL ELECTION, AND DIRECTING THE CITY RECORDER TO PUBLISH NOTICE OF MUNICIPAL ELECTION**

Minutes of the July 5, 2016 Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____

WHEREAS, at its February 16, 2016 meeting, the City Council approved submitting an Advisory Question regarding publicly funded universal health care to the voters; and

WHEREAS, the City Council directed City staff to work with representatives of Mid-Valley Health Care Associates to draft a ballot title and explanatory statement for the advisory question; and

WHEREAS, there will be a general election on November 8, 2016; and

WHEREAS, the Corvallis City Charter calls for a general election to be held biennially at the same time as the general biennial election for State and County Officers; and

WHEREAS, the City Council will be adopting additional resolutions, placing candidates for City Council positions and possibly other ballot measures on the ballot for the November 8, 2016 election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that at the November 8, 2016 general election, a non-binding advisory question shall be submitted to the legal voters of the City of Corvallis to consider whether the voters support the State of Oregon pursuing a public process to design a health care system that serves all Oregonians.

BE IT FURTHER RESOLVED that the Ballot Title of the Advisory Question and the form in which it will be printed on the official ballot, is as follows:

CAPTION ___ - __ OREGON SHALL HAVE AN AFFORDABLE UNIVERSAL HEALTHCARE SYSTEM

QUESTION: Shall the Oregon legislature, through a public process, design a health care system that serves all Oregonians?

SUMMARY: This non-binding advisory question asks whether the Oregon State Legislature in the 2017 session should establish a public process to design a health care system that serves all Oregon residents. The goal of the public process is to develop a proposal that will be referred to voters or enacted by the legislature. The health care system it develops will follow the legislative intent of ORS 414.018 (2011) and Oregon Laws 2013, Chapter 712 in allowing all Oregonians timely access to comprehensive health care, improving availability of desired healthcare providers, having effective cost controls, and emphasizing preventative care. The process of design for this system shall begin with findings and recommendations from a study authorized by Oregon Laws 2015, Chapter 725 to be reported to the 2017 regular session of the Legislative Assembly.

THE CITY COUNCIL FURTHER RESOLVES that the City Recorder is authorized and directed to take those actions needed to publish and file this Advisory Question for inclusion on the ballot either by itself or with any other general City election matters (including the election of all nine City Council positions) at the time the Council orders and calls the general City election, and to include this Advisory Question with the notice of the general election by publication in the *Corvallis Gazette-Times*, the official newspaper of the City of Corvallis, once a week for two successive and consecutive weeks within 30 days next preceding the election. The notice shall state the advisory question, and any other measures and positions to be voted upon at the election, and any other information required by law.

THE CITY COUNCIL FURTHER RESOLVES that the City Recorder is authorized and directed to take the actions needed to publish and file the explanatory statement approved by the Council on this same day in the Voters Pamphlet for the November 8, 2016 general election, as is required by City ordinance and State law.

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.