



**CORVALLIS
CITY COUNCIL AGENDA**

**May 15, 2006
12:00 pm and 7:00 pm**

**Downtown Fire Station
400 NW Harrison Boulevard**

COUNCIL ACTION

PLEDGE OF ALLEGIANCE

I. ROLL CALL

II. CONSENT AGENDA

The following items are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member (or a citizen through a Council member) so requests, in which case the item will be removed from the Consent Agenda and considered separately. If any item involves a potential conflict of interest, Council members should so note before adoption of the Consent Agenda.

- A. Reading of Minutes
 - 1. City Council Meeting – May 1, 2006
 - 2. City Council Special Meeting – April 24, 2006
 - 3. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Bicycle and Pedestrian Advisory Commission – April 7, 2006
 - b. Citizens Advisory Commission on Civic Beautification and Urban Forestry – April 13, 2006
 - c. Citizens Advisory Commission on Transit – April 12, 2006
 - d. Committee for Citizen Involvement – April 6, 2006
 - e. Corvallis-Benton County Public Library Board – March 1, 2006
 - f. Open Space Advisory Commission – April 11, 2006
 - g. Watershed Management Advisory Commission – April 18, 2006
- B. Confirmation of Appointment to Commission for Martin Luther King, Jr. (Alexander)
- C. Announcement of Vacancy on Parks and Recreation Advisory Board (Sandago)
- D. Authorization to enter into and for the City Manager to sign Intergovernmental Agreements with Benton County for records services and staffing consolidation

- E. Schedule an Executive Session following the regular noon meeting under ORS 192.660(2)(d) (status of labor negotiations)

III. ITEMS REMOVED FROM CONSENT AGENDA

IV. UNFINISHED BUSINESS

- A. Adoption of Findings of Fact on an appeal of a Land Development Hearings Board decision (HPP06-00001 – Full Gospel Assembly Church)
- B. City Charter Amendment
- C. Senior Center/Chintimini Park Project Timeline

V. MAYOR, COUNCIL, AND STAFF REPORTS

- A. Mayor's Reports
 - 1. Proclamation of National Police Week – May 14-20, 2006
 - 2. Proclamation of Get There Another Way Week – May 15-19, 2006
 - 3. Proclamation of National Public Works Week – May 21-27, 2006
- B. Council Reports
- C. Staff Reports
 - 1. City Manager's Report – April 2006
 - 2. Council Request Follow-up Report – May 11, 2006
 - 3. Airport Wetland Mitigation Strategy

VI. VISITORS' PROPOSITIONS – 7:00 pm *(Note that Visitors' Propositions will continue following any scheduled public hearings, if necessary and if any are scheduled)*

VII. PUBLIC HEARINGS – 7:30 pm

- A. A public hearing to consider a Telecommunications Service Tax

VIII. & IX. STANDING COMMITTEE REPORTS, ORDINANCES, RESOLUTIONS, AND MOTIONS

- A. Human Services Committee – May 2, 2006
 - 1. Social Services Second Quarter Report
 - 2. Boys and Girls Club Annual Report

- B. Urban Services Committee – None.
- C. Administrative Services Committee – May 4, 2006
 - 1. Economic Development Allocations Orientation
 - 2. Telecommunications Service Tax (evening meeting)
 - ACTION: An ordinance creating a new Corvallis Municipal Code Chapter 3.07, "Telecommunications Service Tax," and stating an effective date, to be read by the City Attorney*
 - ACTION: An ordinance relating to telecommunications services and telecommunications infrastructure located within the public right-of-way, amending Ordinance 99-26, as amended, and stating an effective date, to be read by the City Attorney*
 - 3. Low Income Utility Bill Assistance Program

X. NEW BUSINESS

- A. United Way Transition Process and Benton County Needs Assessment Report
- B. Corvallis Skate Park Renaming Proposal
- C. Liquor License Annual Renewals
- D. Authorization to enter into and for the City Manager to sign a Memorandum of Understanding with Benton County, AFSCME Local 2064, and AFSCME Local 2975 (transfer of records employees) (evening meeting)

XI. ADJOURNMENT

For the hearing impaired, a sign language interpreter can be provided with 48 hours' notice prior to the meeting. Please call 766-6901 or TTY/TDD telephone 766-6477 to arrange for such service.

A LARGE PRINT AGENDA CAN BE AVAILABLE BY CALLING 766-6901.

A Community That Honors Diversity



**CITY OF CORVALLIS
ACTIVITY CALENDAR**

MAY 15 - JUNE 3, 2006

MONDAY, MAY 15

- ▶ City Council - 12:00 pm and 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard

TUESDAY, MAY 16

- ▶ No Human Services Committee
- ▶ Urban Services Committee - 4:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ Watershed Management Advisory Commission - 5:30 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ Economic Development Allocations Committee - 5:30 pm - Majestic Theatre Community Room, 119 SW Second Street (presentations)

WEDNESDAY, MAY 17

- ▶ Historic Month Activity - 9:00 am - Hull-Oakes Sawmill Tour (space is limited to 20 people; call 766-6918 ext. 6293 for reservations; transportation provided - meet at 360 SW Avery Avenue)
- ▶ Housing and Community Development Commission - 12:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ Planning Commission - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard (deliberations: Schlosser; public hearing: Industrial Welding Comprehensive Plan Amendment)
- ▶ Citizen Review Board Forum - 7:00 pm - Library Main Meeting Room, 645 NW Monroe Avenue

THURSDAY, MAY 18

- ▶ Commission for Martin Luther King, Jr. - 11:30 am - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ No Administrative Services Committee
- ▶ City Council, Benton County Board of Commissioners, Albany City Council - 4:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard (presentation: Donovan Rypkema "Sustainability, Economic, and [Historic] Preservation")
- ▶ Economic Development Allocations Committee - 4:30 pm - Majestic Theatre Community Room, 119 SW Second Street (deliberations)
- ▶ Parks and Recreation Advisory Board - 6:30 pm - Downtown Fire Station, 400 NW Harrison Boulevard
- ▶ Historic Preservation Month Activity - 7:00 pm - First United Methodist Church, 1165 NW Monroe Avenue (presentation by Donovan Rypkema)

SATURDAY, MAY 20

- ▶ Government Comment Corner (Corvallis School District 509J Board Members Kari Rieck, Donna Keim, Nell O'Malley) - 10:00 am - Library Lobby, 645 NW Monroe Avenue
- ▶ Historic Month Activity - 2:00 pm - Wren Community Hall Tour (meet at Wren Community Hall)

SUNDAY, MAY 21

- ▶ Historic Month Activity - 2:00 pm - Franklin Square Neighborhood Walking Tour, Franklin Square Park (meet at NW 15th Street and NW Taylor Avenue)

MONDAY, MAY 22

- ▶ City Council - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard (Land Development Code Chapter 2.9, "Historic Preservation Provisions")

TUESDAY, MAY 23

- ▶ Human Services Committee - 12:45 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

WEDNESDAY, MAY 24

- ▶ Downtown Parking Commission - 5:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ Historic Month Activity - 6:30 pm - Historic Downtown Walking Tour (meet at Riverfront Commemorative Park Fountain on First Street)

THURSDAY, MAY 25

- ▶ Historic Month Activity - 7:00 pm - ArtCentric, 700 SW Madison Avenue (Annual Presentation Awards Ceremony)

SATURDAY, MAY 27

- ▶ No Government Comment Corner

MONDAY, MAY 29

- ▶ City Holiday – all offices closed

TUESDAY, MAY 30

- ▶ City Council - 5:30 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue (Planning Commission applicant interviews)

WEDNESDAY, MAY 31

- ▶ City Council - 5:30 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue (Planning Commission applicant interviews)

THURSDAY, JUNE 1

- ▶ Committee for Citizen Involvement - 7:15 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

FRIDAY, JUNE 2

- ▶ Bicycle and Pedestrian Advisory Commission - 7:00 am - Madison Avenue Meeting Room, 500 SW Madison Avenue

SATURDAY, JUNE 3

- ▶ Government Comment Corner (Corvallis School District 509J Board Members Helen Higgins, Sara Gelser, Matt Donahue) - 10:00 am - Library Lobby, 645 NW Monroe Avenue

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

April 24, 2006

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Public Hearing 1. LDC Text Amendment – Chapter 2.9 (Historic Preservation Provisions) and other related LDC Chapters Page 237-249		Deliberations: May 8, 2006	

Glossary of Terms

LDC Land Development Code

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

April 24, 2006

The special meeting of the City Council of the City of Corvallis, Oregon, was called to order at 7:07 pm on April 24, 2006, in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Acting Mayor Griffiths presiding.

I. ROLL CALL

PRESENT: Acting Mayor Griffiths, Councilors Hagen, Brauner, Tomlinson, Zimbrick, Davis

ABSENT: Councilors Mayor Berg, Daniels, Grosch, Gándara (all excused)

Acting Mayor Griffiths explained that Mayor Berg could not attend tonight's meeting, as she was fulfilling Governor Kulongoski's duties at another event.

II. PUBLIC HEARING

- A. A public hearing to consider a Land Development Code Text Amendment to revise Chapter 2.9 (Historic Preservation Provisions) and other related Land Development Code Chapters (LDT05-00001)

Acting Mayor Griffiths reviewed the order of proceedings and opened the public hearing.

Declaration of Conflicts of Interest

Councilor Tomlinson declared a conflict of interest because his residence has a Historic Preservation Overlay. Based upon this situation, the City Attorney's Office advised him to declare a conflict of interest and not participate in the Council's public hearing proceedings. He left the Council meeting at 7:12 pm.

Staff Report

Planning Division Manager Towne referenced material distributed to the Council tonight, including written testimony received after publication of the staff report (Attachment A), an outline of the extensive staff report (Attachment B), and an outline of tonight's presentation (Attachment C). He proceeded to review Attachment C, noting that Land Development Code (LDC) Chapters 1.6 ("Definitions"), 2.2 ("Development District Changes"), and 2.9 ("Historic Preservation Provisions") would be changed substantially under the proposed LDC amendment; other chapters would have minor amendments to reference new historic preservation standards. He reviewed the objectives of the LDC text amendment review project, as outlined in Attachment C, noting that the City does not currently conduct public hearings for Historic Preservation Permit (HPP) applications.

Senior Planner Schlesener continued the review of Attachment C, including a review of historic resource classifications and the proposed historic preservation decision process. In

reviewing the proposed decision process, she explained that all City decisions would be appealable; staff decisions would be appealed to the Historic Preservation Advisory Board (HPAB), and HPAB decisions would be appealed to the Council.

Ms. Schlesener explained that Exhibit I of the staff report is the most-recent draft of the proposed LDC text amendments and incorporates Planning Commission language amendment recommendations.

Mr. Towne reviewed from Attachment C the Planning Commission's recommendations. He believes the proposed HPP program would be better than the City's current historic preservation program, and he does not anticipate any additional costs under the proposed program.

Mr. Towne reviewed staff's recommendation for the Council's consideration and the anticipated schedule of future action regarding the LDC text amendment.

Questions of Staff

In response to Councilor Zimbrick's inquiry, Mr. Towne explained that the Council would be required to adopt the LDC text amendments via ordinance. The format of the HPAB is outlined in the Municipal Code, so any amendments to that format would be approved through a separate ordinance. Staff anticipates the Council rendering tentative decisions regarding the LDC text amendments and the HPAB's format, from which staff would develop ordinances for the Council's adoption.

In response to Councilor Hagen's inquiry, Mr. Towne said property owners typically confer with staff regarding the potential levels of decision required for their HPP applications. Problems can occur when property owners take action without seeking staff guidance. He noted that staff can direct property owners in achieving their objectives through a process with a lower level of decision and a shorter process or advise them that modifying their project may qualify it for exemption from HPP requirements. Staff can help property owners preserve their historic resources while meeting their property needs.

Public Testimony

Vincent Martorello of Oregon State University (OSU) Facilities Services opined that the recommendation before the Council is good, and he commended everyone involved in the LDC update process for developing a good proposal.

Mr. Martorello reviewed portions of written testimony he distributed to the Council (Attachment D). He opined that the current LDC does not address review criteria for historic districts or structures within historic districts, specifically in terms of the visual character of a historic district. He said the attributes contributing to the character of a historic district are important in the formation of the district. Thereafter, rehabilitation of structures within the district is measured against the district's character. He suggested inclusion of language to address this concern, with historic district character being a crucial measurement of rehabilitation within a district. His written testimony included

proposed language to transition rehabilitation from a structure-centered project to a district focus.

Mr. Martorello said OSU will submit to the HPAB a recommendation for LDC regulations to address historic preservation within OSU's anticipated historic district. State Historic Preservation Office (SHPO), HPAB members, Planning Commissioners, staff, and community members supported OSU's plan for specific LDC provisions regarding OSU as a historic district. He said it is important for OSU to create a distinct historic district to address its unique needs regarding facility maintenance. He asked the Council to officially acknowledge OSU's pursuit of a historic district designation, so OSU can begin working with the HPAB and neighboring property owners to develop an OSU historic district.

Mr. Martorello urged the Council to consider specific historic preservation provisions for each historic district within the city, noting that each district was formed because of its unique visual character and entities. Allowing property owners within each district to work with City staff and the HPAB to develop LDC language specifically addressing their needs would result in improved solutions to treatment approaches that may be presented tonight. He anticipated that property owners would offer more support to LDC provisions specific to their historic district. He urged developing a "stronger voice" among property owners when creating historic districts.

Mr. Martorello referenced suggested LDC language regarding proposed developments adjacent to historic districts being subject to regulations about impacting the visual elements of the adjacent district. He suggested that the language would subject non-historic resources to a potential HPAB review. The LDC does not clearly specify the type of review that would occur, the criteria that would be used to assess visual impact, who would determine visual impact, and how the review process would be implemented. He believes the suggested LDC language would greatly expand the intent and purpose of historic preservation. He asked that staff respond in writing to the questions outlined in his written testimony. He noted that redevelopment along NW Monroe Avenue would be subject to the visual impact criterion and HPAB review, as it would be adjacent to (across the street from) the anticipated OSU historic district. He suggested reconsidering the new LDC provision regarding visual impacts.

Mr. Martorello said a non-historic, non-contributing structure within a historic district should not be subject to a HPAB review prior to demolition. He speculated that the City and the HPAB are concerned that demolition of a non-historic, non-contributing resource could harm historic resources. He suggested that the initial review of a demolition request could be made by the Community Development Director. Further, the City could require a site plan and construction plan indicating the extent of demolition and any mechanisms for protecting historic resources. He believes the City could develop objective criteria against which the Community Development Director could evaluate a demolition request. The request could be reviewed by the HPAB, if the Director believes a historic resource might be impacted. Requiring HPAB review of all demolition requests could unnecessarily involve a large amount of staff and HPAB time.

B. A. Beierle distributed and reviewed written testimony (Attachment E). She noted that the HPAB did not have opportunity to review and discuss the proposed provisions of LDC

Chapter 2.9 regarding economically feasible rehabilitation; this language was presented to the Planning Commission, after the HPAB completed its review of the LDC update.

Ms. Beierle displayed a Civil War sword and noted that the sword, like the City's historic resources, satisfies several factors for historic significance – it is associated with events that made a significant contribution to the broad patterns of political, economic, cultural, or industrial history; it is associated with the life and activities of a person, group, organization, or institution that made a significant contribution; it embodies distinctive characteristics of a particular type and method of construction; it is a prime example of a style or design and may represent a type of construction that was once common and is now one of a few remaining examples; and it demonstrates high artistic values in its workmanship or materials. Based upon the proposed definition of "economically feasible rehabilitation," the sword (which had an Internet value this evening of more than \$2,000) could be replaced for \$100. Under the definition of "economically feasible rehabilitation," any repair of the sword costing more than \$75 would negate the sword's value and would not justify retaining the original sword. She said the sword, like the City's historic resources, has integrity and enduring value separate from its financial value.

Ms. Beierle requested that the public record remain open for additional written testimony.

City Manager Nelson asked Ms. Beierle for suggestions to mitigate her concerns regarding the proposed 75-percent economically feasible rehabilitation provision. Ms. Beierle responded that the economic hardship clause could address her concern and satisfy the City's Constitutional mandate. She recommended removing the single reference to the 75-percent rate. Applicants still have remedies available, but the reference to a 75-percent rate complicates the situation.

In response to Councilor Zimbrick's inquiry, Ms. Beierle noted that demolition is addressed in proposed LDC Section 2.9.110.02 on pages 81 through 85 of Exhibit I of the staff report.

Mr. Towne referred the Council to proposed LDC Section 2.9.90.09.b (regarding the undue hardship appeal) on page 67 of Exhibit I of the staff report.

Dan Brown, 3009 NW VanBuren Avenue, president of the College Hill Neighborhood Association (CHNA), distributed a letter from the CHNA (Attachment F). He said residents of his neighborhood have varying opinions regarding the proposed LDC provisions, and many of the residents would like to withdraw from the National Register of Historic Places (NRHP). He believes it would be better to create LDC provisions that property owners would find more acceptable as a solution to potential problems.

Mr. Brown said CHNA members attended all HPAB and Planning Commission meetings regarding the LDC update and stayed informed of the review process. The CHNA contributed substantial information to the official record regarding the LDC update. He noted that he suggested initiation of the LDC update last year, and he believes the proposed LDC provisions are much better than the existing LDC provisions. He acknowledged the extensive amount of time, energy, and financial resources City staff and community members invested in the update process. The CHNA appreciates the proposed LDC improvements.

Mr. Brown referenced Attachment F and written testimony the CHNA previously submitted and urged that the Council adopt the proposed LDC text amendment with modifications suggested by the CHNA.

Mr. Brown referenced Mr. Towne's earlier review of the purposes of the LDC update. The CHNA would like a LDC that encourages property owners to maintain historic properties; while most property owners in the College Hill West Historic District (CHWHD) maintain their properties, several absent landowners have allowed their properties to deteriorate, possibly because of discouragement regarding the historic preservation provisions.

Mr. Brown said the CHNA would also like all property owners to pursue the HPP process specified in the LDC, as it would provide the best outcome for property owners and historic preservation. He estimated that at least one-half of owners of historic resources do not obtain HPPs, citing problems with the existing LDC and the process to obtain HPPs.

The CHNA would like more historic districts in Corvallis, but he doubts that property owners would be enthusiastic about creating historic districts, based upon the experiences of the North College Neighborhood Association as they attempted to seek designation under the existing LDC provisions.

The CHNA would like LDC provisions that would encourage property owners to purchase and maintain properties in historic areas or to list properties individually in the local or national register of historic properties. He opined that the LDC should be encouraging, rather than restrictive.

Mr. Brown referenced Attachment F and the issue of neighboring properties. He said the proposed LDC provisions would create historic restrictions on properties not in historic districts. Generally, the LDC provisions apply only to designated historic properties. He opined that owners of adjacent properties would not like the restrictions imposed on them. He questioned whether property owners adjacent to historic districts were notified of the proposed provisions, noting that they would not have reason to expect the proposed LDC update to affect them.

Mr. Brown referenced the issue of energy-efficient windows and said the CHNA would like a City policy regarding energy efficiency. Historic preservation is an important goal of the City; however, other goals are also important, as indicated in the *"2020 Vision Statement."* He suggested developing a policy within the LDC to explain to the HPAB the community's values regarding livability and energy efficiency.

Mr. Brown noted that most of the 500 historic properties in Corvallis are located within historic districts. The LDC was developed based upon the concept of individually listed properties. The CHNA campaigned for LDC provisions for historic districts or even for each historic district, as well as for individual properties. He asserted that provisions for individual properties are being used for properties within historic districts, and this situation should be corrected.

Mr. Brown expressed concern that the definition of "preservation" is very limited and is not what people would typically mean in terms of historic preservation. The definition in the

proposed LDC language does not correlate with the four definition options offered by the United States Secretary of the Interior. He believes the City's limited definition would create situations of confusion and potential abuse.

Tammy Stehr, 3560 NW Tyler Avenue, read a prepared statement (Attachment G).

Rebecca Landis, 2725 SW Morris Avenue, concurred with Ms. Beierle regarding the proposed 75-percent economically feasible rehabilitation provision. She believes the provision was intended as a positive compromise but has unintended consequences. She concurred with Ms. Beierle that some aspects of historic resources cannot be measured. She noted that the City can develop clear and objective provisions to an extent, and then the provisions are interpreted by people.

Edward L. Miller, 304 NW 28th Street, owns a house, built in 1915, at NW 28th Street and NW VanBuren Avenue. Mr. Miller and his wife are committed to maintaining the original nature of the house but made some modifications (enclosed a side porch and added a plant window in the kitchen) before the house was included in a historic district. The modifications were made carefully to maintain the appearance of the house. The house is classified as historic and contributing in the CHWHD, which he and his wife voluntarily joined. He expressed concern that the proposed LDC amendments would result in a more-stringent process with greater effort for property owners. He referenced staff's assertion that the proposed provisions would result in shorter processing times for HPP proposals, and he would like examples of how the procedure would be accelerated.

Mr. Miller said the proposed LDC update seems greater in scope than was presented to property owners when they approved formation of a historic district, and he equated it to a "bait and switch" situation in which property owners approved creation of a district with a general character. Property owners within the CHWHD do not want new construction that aesthetically conflicts with the existing neighborhood; however, they do not want all aspects of their home maintenance efforts scrutinized and regulated. He referenced Mr. Brown's testimony regarding LDC standards for individually listed historic properties to ensure their preservation, while districts should be addressed as a unit. He believes that, if the proposed LDC provisions were in effect, the home owners within the CHWHD would not have approved formation of the district. While he had not reviewed all of the proposed amendments, those he reviewed caused him to sense that the new provisions would be a greater burden on property owners. He would like reassurance that the new provisions would make historic preservation easier for property owners. He suggested that the Council consider whether the proposed LDC language would discourage formation of more historic districts.

Deb Kadas, 3105 NW Jackson Avenue, distributed written testimony (Attachment H). She has lived in Corvallis for 30 years, has a degree in design, and has lived in the CHWHD for 11 years. She received an award from the HPAB for historically sensitive improvements to her home and has subsequently designed historic interior remodeling plans for older residences.

Ms. Kadas expressed concern regarding economically feasible rehabilitation. She agreed with the testimony of Ms. Beierle and others that the proposed LDC provision may be

"abused" because of different interpretations. She supported Ms. Beierle's suggestion to delete the definition of "economically feasible rehabilitation."

Ms. Kadas questioned use of the term "historically significant tree," as she could not find a definition of the term in the proposed LDC update.

Ms. Kadas referenced the issue of in-kind repair or replacement with energy-efficient windows. She explained that the issue was broached in her neighborhood when property owners discussed becoming a historic district, with questions of whether deteriorating structural features could be replaced; property owners were assured that replacement would be allowed. She displayed to the Council a Historic Designation of Individual Sites Fact Sheet distributed by the City to property owners; the brochure states that routine maintenance or replacement with similar materials can be approved with a letter of request and staff review.

Ms. Kadas expressed doubt that most people would consider a new wooden window of the same size and number of panes (but double-pane, rather than single-pane) as the original to be a change in materials. She encouraged the Council to address this issue, which is a major concern in her neighborhood. Since the CHWHD was created, three of her neighbors changed windows without seeking City approval because they believed the City would not fulfill its earlier promises.

Ms. Kadas displayed to the Council an e-mail that stated that the City permits reasonable modifications to house exteriors if the modifications are compatible with the historic character of the specific resource and the neighborhood. She said the LDC is intended to allow property owners to continue to use, enjoy, and modify their properties while protecting the most valuable historic aspects of their houses.

Ms. Kadas displayed to the Council a brochure from the SHPO that states that restrictions and controls in a historic district are established by the local jurisdiction. She believes the City can determine whether energy-efficient windows should be allowed. She emphasized that she was speaking only on behalf of the CHWHD and not for the Avery-Helm Historic District (A-HHD) or publicly owned historic buildings.

Ms. Kadas displayed to the Council a brochure that stated that a permit is required for replacement of windows and doors with dissimilar styles and materials, and a permit is not required when it does not involve a change to the external appearance of the property.

Ms. Kadas displayed to the Council a November 24, 2003, document from the City that stated that routine like-for-like maintenance that does not result in a visual or material change in the building exterior, including window replacement and re-roofing, is exempt from the permit requirement.

Under the proposed LDC provisions, window replacements on historic, contributing properties are not exempt or subject to approval by the Community Development Director or the HPAB and are not addressed in the provision. Ms. Kadas does not believe omission of window replacement was intended, based upon what the City represented to her

neighborhood. She suggested that the City offer financial incentives for property owners to retain their original wood-framed windows and screens.

Ms. Kadas said she did not find in the proposed LDC text any provisions regarding re-roofing. She suggested that the LDC include examples of like-for-like exemptions for different types of maintenance and replacement projects, such as roofs, sidewalks, and driveways.

Ms. Kadas concluded by saying the City encouraged the College Hill West Neighborhood to become a historic district because of the Neighborhood's historic character. Property owners within the Neighborhood maintained the historic character for nearly 80 years without a historic district status or HPPs. Keeping the LDC user friendly while maintaining community livability, versus maintaining each historic aspect of structures, would elicit more participation from the Neighborhood.

Councilor Zimbrick referenced Ms. Kadas' concern regarding in-kind repair and replacement with energy-efficient windows and cited proposed LDC provision 2.9.70.t regarding windows on non-historic, non-contributing buildings. In response to his inquiry, Ms. Kadas indicated that she did not find a similar provision for historic, contributing buildings.

Tom Dowling, 235 NW 29th Street, has lived in the CHWHD since 1978. He and his wife rebuilt their 910-square-foot bungalow house in the early 1990s and added three bedrooms and two bathrooms on a second floor; the remodeling won an architectural award from the City and prompted three neighboring property owners to make similar improvements. His family was honored by the College Hill West Neighborhood Association for improving a neighboring, non-historic, non-contributing rental property that had deteriorated. He is proud to live in the CHWHD and has financially invested in improving property values in his neighborhood.

Mr. Dowling referenced his previously submitted written testimony. He said many of his neighbors believe their needs have not been well represented throughout the historic district formation process and that the City did not keep its promises to the CHWHD property owners.

Mr. Dowling speculated that many CHWHD property owners feel they lost their Constitutional and personal rights to modernize and improve their houses. As a property owner and neighbor, he is concerned that property owners will no longer invest in the CHWHD and will not construct improvements because of the administrative "red tape." He said a couple considering purchasing a house near him chose not to do so because the Realtor indicated that it would take two years and cost a significant financial investment to make any improvements to the house. He does not want historic preservation to diminish the livability of the community or the neighborhood, and he does not want people to not invest in their properties.

Mr. Dowling suggested that the HPAB not be reformatted to a *quasi-judicial* body. He believes it would be better public policy and more efficient to allow HPAB decisions to be appealed through the Planning Commission, rather than directly to the Council. He does not believe the City has the funds or staff time to investigate issues for Council review. He

expects that, under the proposed LDC appeal provisions, the Council could become enmeshed in issues that could be resolved by the Planning Commission.

Mr. Dowling urged the Council to not decide on updating the LDC until the HPAB membership issues are resolved. The HPAB membership terms were extended during the past year to allow the existing members to complete the LDC update process. He believes many CHWHD property owners do not believe the HPAB membership selection process represents the needs of either of the City's historic districts.

Mr. Dowling believes the proposed LDC provision regarding demolition of historic structures is not associated with economic reality. Referencing Ms. Beierle's analogy of the Civil War sword, he said the sword is not alive, does not represent a family, and is not a home in a neighborhood. If it costs \$400,000 to \$600,000 to renovate a badly deteriorated historic structure that is unsafe, it is bad public policy to allow the structure to remain standing; the structure should be subject to the same demolition requirements as any other structure in terms of public safety. He believes it is unfair for anyone purchasing badly deteriorated properties to be required to make improvements that are economically, architecturally, and structurally unfeasible.

Mr. Dowling alluded to definition problems in LDC Chapter 1.6. He said several of his neighbors are renovating their properties without obtaining HPPs. He considers it bad public policy for citizens to intentionally avoid and break the law because they believe they are being subjected to unreasonable and burdensome provisions.

Karen Miller, 304 NW 28th Street, said people refer to livability, which implies living a comfortable 20th Century life with modern conveniences and structural materials prevalent in other neighborhoods while enjoying the benefits of a historic home. She referenced recent media discussions regarding global warming and the need to make substantive changes in how people live in order to conserve energy over time. She believes everyone must eventually (in the relatively near future) face the need to install solar panels as general practice or legislative requirements. She expressed concern that the City consider how such requirements might be limited or restricted in historic districts. She said solar panels can be installed on structures in historic districts only if they cannot be seen. She expects that property owners within historic districts will have difficulty complying with the City's policies regarding sustainability and environmental responsibility.

Gary Angelo, 143 NW 28th Street, an officer of the CHNA, expressed support for the written testimony Mr. Brown submitted on behalf of the CHNA and the oral testimony presented tonight by Mr. Brown, Ms. Kadas, and Mr. Dowling regarding energy-efficient windows. He concurred with the suggestion that the issue of replacing windows with similarly sized and designed energy-efficient windows be allowed through the LDC by exemption or Community Development Director approval. He said he replaced all the windows in his house, which is in the CHWHD, with custom-made, double-pane windows; neighbors only commented that he had "painted his windows," indicating that it is not obvious that the windows are not the original structural features. He noted that double-pane windows provide energy efficiency and noise reduction and have greatly improved the livability of his house by reducing noise from outside the house. He would not have

invested in replacing the windows if doing so would have required seeking approval from the HPAB and maintaining the single-pane window design.

Mr. Angelo referenced the differentiation between historic properties and historic district character, as noted in the CHNA written testimony and mentioned during oral testimony tonight. He said property owners presented these concerns to the HPAB during their review of the LDC update, but the concerns were not acknowledged in terms of LDC amendments. He said historic properties are being treated individually, rather than as part of a historic district, and this situation should be addressed through the LDC.

Mr. Angelo referenced from the CHNA a concern regarding the definition of "preservation." He said applying the single definition to all instances creates a very restrictive LDC that may be "abused." He urged distinguishing between the United States Secretary of the Interior standards of preservation, versus the generic term of preservation. He emphasized property owners' concern for rehabilitation, rather than strict preservation.

Mr. Angelo asked that public input be included in revising the composition of the HPAB.

Acting Mayor Griffiths requested specific, written suggestions for reformatting the HPAB.

Councilor Hagen inquired how differentiating historic properties from historic districts would affect the historic preservation program.

Mr. Angelo responded that the CHWHD asked the City to consider the character of the neighborhood and that modifications, alterations, and developments within the neighborhood maintain the character of the historic district, rather than applying strict standards to each property. The CHWHD was created with the understanding that property owners would maintain the character of the historic neighborhood.

Mr. Nelson summarized that the context of a decision should be based upon the appearance and ambiance of a historic district, rather than the regulations, as they pertain to each structure.

Nicholas Testa, 218 NW 31st Street, has lived in his residence since 1991. He concurred with the testimony of Mr. Brown and Ms. Kadas. He urged that the HPAB not be reformatted to a *quasi-judicial* body. He asked the Council to not include landscaping and trees as historic elements in historic districts. He said the issue of energy-efficient windows is important to the CHWHD and inquired how not allowing property owners to make their houses energy efficient by installing double-pane windows would align with Governor Kulongoski's Executive Order regarding sustainability plans. He said not allowing owners of historic properties to take advantage of sustainable features for their residences would be inequitable and inconsistent with the cited Executive Order.

Carolyn VerLinden, 644 SW Fifth Street, resides in the A-HHD and supports Ms. Beierle's testimony. She said she does not understand how the appearance of a historic district can be maintained if the appearance of individual structures within the district are not maintained, as the individual structures comprise the district. The historic character of a

district would not be maintained if individual property owners were allowed to change the appearance of their houses.

Ms. VerLinden noted that the proposed LDC provisions would allow double-pane windows in a non-historic structural addition or a location not visible by the public, thereby maintaining the appearance of the historic resource. She found that 50 to 75 percent of energy loss is not through windows; older houses tend to leak, so heat is lost throughout the structure.

Ms. VerLinden expressed support for the HPAB. She said two property owners from within the CHWHD and one property owner from within the A-HHD serve on the HPAB. She believes the City's two historic districts have been well represented during the LDC update process. She said the CHWHD property owners were aware of the existing LDC when their district was created; the LDC is being revised. She believes the HPAB has been very flexible with the City's historic district property owners and has allowed skylights and double-pane windows. She questioned the contentions that the HPAB will reject applications. She said the HPAB is a valuable resource for helping property owners understand historically sensitive renovations.

Ms. VerLinden referenced Mr. Dowling's statement regarding the extensive time involved in obtaining a HPP and said many property owners within the A-HHD began renovating their houses after the A-HHD was formed. Many people have wanted to purchase houses within the A-HHD and renovate them to historical accuracy. She noted a problem in her neighborhood of landlords allowing property to deteriorate while continuing to collect rent, and she acknowledged that this situation can occur in any neighborhood. She believes the proposed LDC historic preservation guidelines would alleviate this situation.

Acting Mayor Griffiths recessed the meeting from 9:05 pm until 9:15 pm.

Request for Continuance

No one requested to continue the public hearing.

Request to Hold Record Open

In response to Ms. Beierle's request, Councilors Brauner and Hagen, respectively, moved and seconded to hold open the public record seven calendar days for submission of written testimony. The motion passed unanimously. Acting Mayor Griffiths announced that written testimony must be received by the Planning Division by 5:00 pm, May 1st.

Acting Mayor Griffiths closed the public hearing.

Questions of Staff

Acting Mayor Griffiths announced that staff will provide written responses to the Council's questions as part of the May 8th Council meeting packet. Staff will also provide written responses to testimony presented tonight.

Mr. Towne asked that Council members submit their written questions to the Planning Division by May 1st. As was done previously, staff will develop a chart analyzing each question and testimony suggestion.

Ms. Schlesener noted that pages 190 and 191 of Exhibit V of the staff report contain a discussion of the issue of window replacement, which is pertinent to tonight's testimony.

Acting Mayor Griffiths said she did not understand how "economically feasible rehabilitation" was added as a definition. She referenced testimony regarding all of the definitions applying to more than the large issue of historic preservation. She understood that the definitions are included in several portions of the LDC.

Mr. Towne responded that the proposed LDC update includes new definitions. Some definitions, such as those pertaining to land use procedures, involve existing procedures and were included in the historic preservation provision portion of the LDC based upon the Planning Commission's suggestion.

Councilor Brauner said he would like the Council to discuss how a *quasi-judicial* body could still fulfill a valid advocacy role. He inquired as to the current HPAB functions that would be "lost," if the HPAB is reformatted to a *quasi-judicial* body, as well as the new functions that would be gained by the reformatting. He also inquired whether there are alternatives to achieve staff's proposed objective, rather than establishing a separate *quasi-judicial* body. He questioned how the City could obtain the HPAB's advocacy role, if it is no longer provided by the HPAB, and how the HPAB could provide the advocacy role while serving as a *quasi-judicial* body.

Mr. Towne said staff attempted to identify – clearly and objectively – exemptions and decisions that could be made by the Community Development Director. Staff hopes these guidelines will be welcomed and followed by property owners, thereby reducing the number of decisions that must be made by the HPAB. Staff hopes that the criteria related to the HPAB will assist the HPAB in making consistent decisions that probably will not be appealed to the Council.

Mr. Towne distributed to the Council his April 24th memorandum (Attachment I) regarding potential Municipal Code amendments, if the Council approves reformatting the HPAB to a *quasi-judicial* body. He explained that the Council's action must be consistent with the State and Federal requirements of Certified Local Governments (CLG); based upon the requirements, staff recommended some amendments to the HPAB format, even if the HPAB is not reformatted to a *quasi-judicial* body. The requirements specify that 12 classifications of members comprise the majority of the HPAB, to the extent these classifications of potential members are available in the community. Community members recommended that the HPAB include as members people who own property and/or reside within a recognized historic district. If the HPAB is reformatted to a *quasi-judicial* body, its name must be changed to indicate that it is no longer an advisory body. Staff recommended increasing the HPAB's membership to nine people for purposes of breaking tied votes. If the HPAB becomes a decision-making body, its members should be appointed by the Council, similarly to appointment of Planning Commissioners.

Mr. Towne reported that the Planning Commission supported most of staff's suggestions regarding the HPAB and suggested including a representative of OSU. The Commission expressed concern that HPAB members possess, as specified by the CLG requirements, a demonstrated interest, competence, or knowledge in historic preservation. The Commission suggested that a HPAB member should have knowledge of commercial, industrial, or institutional buildings, which would probably be provided by an architect. The Commission was also concerned about how advocacy services would be provided, should the HPAB be reformatted to a decision-making body.

Mr. Towne said the HPAB is developing guidelines for how historic preservation can be pursued in the community. This is an advocacy role but is not related to specific applications. The Planning Commission suggested that the HPAB specify types of materials, amenities, and methods that have been accepted and can be used as a methodology.

Mr. Towne said staff drafted proposed amendments to Municipal Code Section 1.16.250 regarding the HPAB, suggesting how recommendations of the Planning Commission and staff could be incorporated into the Municipal Code.

In response to Acting Mayor Griffiths' inquiry, Mr. Towne clarified that the CLG requirements specify the membership profile of a *quasi-judicial* form of the HPAB. SHPO requirements specify that the majority of HPAB members be preservation professionals and/or persons working in historic preservation-related disciplines, based upon 12 classifications, along with having a demonstrated positive interest in historic preservation.

Mr. Towne added that the Council does not need to decide tonight regarding the format of the HPAB. Some format changes should be made for compliance with CLG requirements, regardless whether the HPAB is reformatted to a *quasi-judicial* body.

Acting Mayor Griffiths announced that the Council will continue tonight's discussion May 8th.

III. ADJOURNMENT

The meeting was adjourned at 9:37 pm.

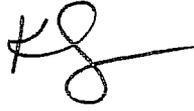
APPROVED:

MAYOR

ATTEST:

CITY RECORDER

MEMORANDUM

From: Kelly Schlesener, Senior Planner 
To: Mayor and City Council
Date: April 24, 2006
Re: Land Development Code Text Amendment (LDT05-00001) to Revise Chapter 2.9 of the Land Development Code (Historic Preservation Provisions) and Other Related Chapters

- **Additional Public Testimony Submitted Following Completion of the City Council Staff Report and Prior to 5:00 pm April 24, 2006**

Attached is the public testimony submitted to the City Council following completion of the City Council staff report and prior to 5:00 pm on April 24, 2006. This testimony includes the following:

Testimony	Address
1. April 17, 2006, e-mail from Marlan Carlson	226 NW 29TH ST CORVALLIS OR 97330-5345
2. April 19, 2006, e-mail from Chrissy Curran, National Register Nominations Coordinator Oregon State Historic Preservation Office (SHPO)	725 Summer Street NE, Suite C Salem, OR 97301
3. April 24, 2006, e-mail from Barbara Ketchum	234 NW 30 th Street Corvallis, OR 97330

Towne, Fred

Subject: FW: CORRECTED VERSION OF PREVIOUS MEMOS

From: Carlson, Marlan [mailto:mcarlson@oregonstate.edu]
Sent: Monday, April 17, 2006 2:12 PM
To: fred.towne@ci.corvallis.or.us
Cc: Dan Brown; Dowling, Tom - COB; Charlie Tomlinson; Carlson, Angela R.; Carlson, Marlan
Subject: FW: Neighborhood

Fred Towne, here's a memo I wrote to Charlie Tomlinson. I'm a 34 year resident in my own home on College Hill, and I feel that we have been bushwhacked, misled and sold a bill of goods by a tiny minority of zealots in this area.....and I'm none too happy about it. I expect at this point, it's too late. But, so be it. As I noted in my memo, the transformation over the last three decades of this neighborhood from a hodge podge of rundown, shabby-looking, poorly maintained houses to a beautiful, well-kept and well-loved neighborhood has been truly remarkable.....thanks to the commitment of the property owners themselves, not layers of bureaucracy, reams of regulations and an Inquisition Board that do nothing for livability.

Mark 2006 on your calendar. From now on you can look forward to the decline in the condition of homes in this area. If people can't continually modernize and enhance the livability of their homes, such as by installing skylights for light and air in the cramped second stories of many houses, they'll either neglect them, move out, or convert them to rentals. What goes up must come down.

Sign me, totally fed up.

Marlan Carlson
 226 NW 29th St.

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

From: Carlson, Marlan
To: Charlie Tomlinson
Cc: Dowling, Tom - COB ; Carlson, Angela R. ; Dan Brown ; Carlson, Marlan
Sent: Friday, April 14, 2006 10:35 AM
Subject: Neighborhood

Charlie.....

I'm in a terrible rush today, but I wanted to register my vigorous opposition to (and anger about) the movement on the part of a small minority in our neighborhood to impose a set of property improvement historical guidelines on us that frankly hardly anyone wants. I am speaking from the perspective of a person who claims a degree of seniority as a neighborhood resident, having moved into our house at 226 NW 29th in 1972. At that time, our street was pretty run down.....for a variety of reasons, not the least of which was the fact that practically no one had the time, energy, money or interest in "upgrading." The vigilante committee on historic preservation would have probably been quite happy to see that nothing was changing, other than that caused by the relentless, deteriorating effects of nature taking its course.....i.e. rotting siding, peeling paint, shabby windows, collapsing porches, etc.

Thanks to the efforts of the property owners themselves over the last 25 years, who moved into this neighborhood, especially on my street, i.e. 29th Street between Jackson and Van Buren, every single house on the block is now in very good to excellent condition. Some which have had 2nd stories added could be characterized as superb. In other words, it is the owners themselves who have made this block a truly outstanding block.....a beautiful and imminently livable place to be. It used to be a ghetto of elderly owners who couldn't keep up their properties, and rental junkers.

In particular I want to mention that 2nd stories were added to three houses of the houses on our bloc. Under

the dictatorial guidelines of the "Committee of Zealots" these additions probably would not have been approved. What a shame.....or rather what a way to ensure that these houses would again, like mine 30 years ago, become rundown rentals. As it stands now, with the expansion in living space in these three houses, they have become far too expensive to serve as rentals. Is this good? As a person living on this block, I say yes..... even if someone who had lived here in 1920 were to come back and exclaim, "Oh my....this isn't the way I remember that dinky little bungalow."

Charlie, have we lost all common sense? It's property owners like my fine neighbors who make this a wonderful, livable, beautiful neighborhood.....not a gang of do-gooders who want to sit in judgement of people who care about their property, their neighbors' properties, their very neighborhood. Please oppose the adoption of this insanity. If you're in any doubt, I defy the City Council to take a vote in this neighborhood to see what people think about this.

Enter my comment in the record if you like.

Marlan Carlson
226 NW 29th St.

No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.1.385 / Virus Database: 268.4.1/311 - Release Date: 4/13/2006

1-A

From: Chrissy Curran [Chrissy.Curran@state.or.us]
Sent: Wednesday, April 19, 2006 12:27 PM
To: Schlesener, Kelly
Cc: Stephen Poyser; Kirk Ranzetta; Roger Roper
Subject: Reclass question

Hi Kelly,

Steve Poyser forwarded to me your question regarding the reclassification process within NR districts.

Ideally, any corrections to NR nominations would be funneled through you, the local government. The local govt. lets us know, in writing, about the mistakes, including supporting evidence (photos, etc...) if you are petitioning for a reclassification in a district. If we agree with the reclass, the corrections are made with a note in the file, and the local govt. is notified that the change has been made.

If, for some reason, there are numerous corrections in a district, we do a formal amendment to the NR, which involves paperwork that goes to Washington DC. Address changes, and delisting a lost resource also require a formal amendment. The reason we don't do a formal amendment for every reclassification in a district is that the National Register is unconcerned with who is contributing and who is non-contributing, or a date of construction that's a few years off, or an incorrect style. As long as the character of the district as a whole is maintained, they're happy. They care about the forest, not the trees. Local governments care about the trees, because they regulate houses in districts on the basis of their contributing or non-contributing status. That's why we keep the records updated here at the state office.

If you are consistently finding ambiguities in a district's classification methodology, which can happen in the really old nominations, you may want to consider applying for a CLG grant to do an update of the nomination.

If you have any additional questions, feel free to call me.

Sincerely,

Christine Curran
Architectural Historian
National Register Nominations Coordinator
Oregon SHPO
725 Summer Street, Suite C, Salem, OR 97301
Tel: (503) 986-0684
Fax: (503) 986-0793
chrissy.curran@state.or.us

From: Barbara Ketchum [bketchum@coas.oregonstate.edu]
Sent: Monday, April 24, 2006 3:56 PM
To: Towne, Fred
Subject: Tonight's Meeting

Fred--I don't believe that I sent these thoughts to you earlier, so I'm sending them now before tonight's meeting. Thanks very much.

Barb Ketchum
234 NW 30th St.
Corvallis, OR 97330
752-6840

The role/mission of the Board should be to help residents be successful in their housing rehabilitation; not to be adversarial or to impose strict regulations. The Board should appreciate the need for a balance between the modern family and the retention of architectural integrity and history. A successful board has the ability to blend these elements together in a complementary way.

Rehabilitation/renovation encourages property maintenance and improvement in a more architecturally mixed neighborhood such as College Hill. Rehabilitation/renovation will accomplish more in terms of neighborhood enhancement than preservation/restoration--more residents will feel positive about the Board, the neighborhood, and their property if they have some flexibility with what they can do to their homes.

Strict preservation/restoration guidelines could result in:
1) only a small minority going before the Board and following guidelines
2) majority of residents doing one or more of the following:
a) doing improvements/construction without going before the Board
b) selling property due to frustration over strict Board guidelines
c) doing nothing because guidelines so strict (can lead to property deterioration)
d) turning property into a rental (can lead to property deterioration)

Unless the Board is made up of professional architects, designers, and historic preservationists it should not be making judgment and setting architectural requirements for residents. It should be more of an advisory board making suggestions and offering advice for rehabilitation resources and techniques.

Conservation and energy costs are important in today's environment. As long as residents are sensitive to the architecture and streetscape, they should be permitted to incorporate new materials into their renovation. It's not appropriate to have a strict set of guidelines for College Hill and another set for OSU, who has been permitted to use energy efficient materials.

Refurbishing original materials can be very expensive. Many residents can't afford the costs associated with preservation/restoration. Rehabilitation/renovation is the best approach for offering the majority of neighborhood residents an opportunity to fix-up a home.

Safety issues also become a concern when preservation/restoration regulations prohibit the addition of railing to steps/stairs, for example, because they're not original to the house. And, what about features that accommodate the disabled? They are not original to the structure, but need to be considered. There would be too many exceptions needed under the preservation/restoration approach.

"CHAPTER 2.9 UPDATE" LAND DEVELOPMENT CODE TEXT AMENDMENT
(LDT05-00001)

OUTLINE OF VARIOUS PARTS OF THE APRIL 11, 2006,
CITY COUNCIL STAFF REPORT

I.	ISSUE	pgs. 1 - 2
II.	BACKGROUND	pgs. 4 - 9
	A. <u>Need for Revisions to the City's Historic Preservation Provisions</u>	pgs. 2 - 3
	B. <u>Process to Date for Proposed Land Development Code Text Changes Associated with Revisions to the City's Historic Preservation Provisions</u>	pgs. 3 - 4
	C. <u>Summary of HPAB Recommendation to Planning Commission</u>	pgs. 4 - 9
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	9. Chapter 2.16 - Request for Interpretation	pg. 8
	10. Chapter 2.19 - Appeals	pgs. 8 - 9
	11. Chapter 3.31 - HPO (Historic Preservation Overlay) District	pg. 9
	12. Chapter 4.0 - Improvements Required with Development	pg. 9
	13. Chapter 4.2 - Landscaping, Buffering, and Screening	pg. 9
	14. Chapter 4.7 - Corvallis Sign Regulations	pg. 9
	15. Chapter 4.9 - Additional Provisions	pg. 9
III.	EVALUATION	pgs. 9 - 32
	Introductory Comments	pgs. 9 - 10

	<p>A. <u>Planning Commission Revisions to HPAB-recommended Materials</u></p> <ol style="list-style-type: none"> 1. Global Changes 2. Chapters 1.1 - The City Council and Its Agencies and Officers; Chapter 2.0 - Public Hearings; Chapter 1.3 - Enforcement; Chapter 2.3 - Conditional Development, Chapter 2.5 - Planned Development; Chapter 2.16 - Request for Interpretation; Chapter 4.0 - Improvements Required with Development; Chapter 4.2 - Landscaping, Buffering, and Screening; and Chapter 4.9 - Additional Provisions 3. Chapter 1.2 - Legal Framework 4. Chapter 1.6 - Definitions 5. Chapter 2.2 - Development District Changes 6. Chapter 2.9 - Historic Preservation Provisions 7. Chapter 2.19 - Appeals 8. Chapter 3.31 - HPO (Historic Preservation Overlay) District 9. Chapter 4.7 - Corvallis Sign Regulations 	<p><u>pgs. 11 - 28</u></p> <p>pg. 11 pg. 11</p> <p>pg. 11 pgs. 11 - 15 pgs. 15 - 17 pgs. 18 - 27 pg. 27 pg. 27</p> <p>pg. 27</p>
	<p>B. <u>Additional Staff-recommended Revisions to Planning Commission-recommended Materials</u></p> <ol style="list-style-type: none"> 1. Section 2.9.70 - Exemptions 2. Section 2.9.100.03 - Alteration or New Construction Parameters and Review Criteria for a Director-Level Historic Preservation Permit 	<p><u>pgs. 28 - 32</u></p> <p>pgs. 28 - 31 pgs. 31 - 32</p>
<p>IV. REQUEST</p>		<p><u>pgs. 32 - 33</u></p>
<p>V. EXHIBITS</p>	<p>(Full Description of Parts of Each Exhibit Starting on Next Page)</p> <p>EXHIBIT I - "Clean" Version of the Planning Commission's recommendation with Additional Minor Revisions Recommended by Staff. (Staff's additional minor revisions indicated in italics.)</p> <p>EXHIBIT II - March 28, 2006, Planning Commission Notice of Disposition (Order #2006-046)</p> <p>EXHIBIT III - Updated Matrices Comparing Existing Historic Preservation Provisions and Planning Commission Recommendation</p> <p>EXHIBIT IV - Planning Commission Minutes (Applicable Excerpts of March 8 and 22, 2006; February 8, 15, and 22, 2006; and January 25, 2006 Minutes)</p> <p>EXHIBIT V - Supplemental Memos from Staff to Planning Commission (Post Release of Planning Commission Staff Report)</p> <p>EXHIBIT VI - January 9, 2006, Staff Report to the Planning Commission</p> <p>EXHIBIT VII - Testimony Submitted After Completion of Planning Commission Public Hearing Process</p>	<p>Remainder of Report</p> <p>(Each Exhibit has its own page numbers in the center of the right side of the page)</p>

	<p><u>Exhibit I - "Clean" Version of the Planning Commission's Recommendation with Additional Minor Revisions Recommended by Staff. (Staff's additional minor revisions indicated in italics.)</u></p> <ol style="list-style-type: none"> 1. Chapter 1.1 - The City Council and Its Agencies and Officers 2. Chapter 1.2 - Legal Framework 3. Chapter 1.3 - Enforcement 4. Chapter 1.6 - Definitions 5. Chapter 2.0 - Public Hearings 6. Chapter 2.2 - Development District Changes 7. Chapter 2.3 - Conditional Development 8. Chapter 2.5 - Planned Development 9. Chapter 2.9 - Historic Preservation Provisions 10. Chapter 2.16 - Request for Interpretation 11. Chapter 2.19 - Appeals 12. Chapter 3.31 - HPO (Historic Preservation Overlay) District 13. Chapter 4.0 - Improvements Required with Development 14. Chapter 4.2 - Landscaping, Buffering, and Screening 15. Chapter 4.7 - Corvallis Sign Regulations 16. Chapter 4.9 - Additional Provisions 	<p>(Yellow Color) <u>Exhibit I -</u> <u>Pages 1-108</u></p> <p>pgs. 1 - 4</p> <p>pgs. 5 - 8</p> <p>pgs. 9 - 10</p> <p>pgs. 11 - 26</p> <p>pgs. 27 - 30</p> <p>pgs. 31 - 46</p> <p>pgs. 47 - 48</p> <p>pgs. 49 - 50</p> <p>pgs. 51 - 90</p> <p>pgs. 91 - 92</p> <p>pgs. 93 - 96</p> <p>pgs. 97 - 98</p> <p>pgs. 99-102</p> <p>pgs. 103-104</p> <p>pgs. 105-106</p> <p>pg. 107</p>
	<p><u>Exhibit II - March 28, 2006, Planning Commission Notice of Disposition (Order #2006-046)</u></p> <ol style="list-style-type: none"> 1. Cover Portion 2. Chapter 1.1 - The City Council and Its Agencies and Officers 3. Chapter 1.2 - Legal Framework 4. Chapter 1.3 - Enforcement 5. Chapter 1.6 - Definitions 6. Chapter 2.0 - Public Hearings 7. Chapter 2.2 - Development District Changes 8. Chapter 2.3 - Conditional Development 9. Chapter 2.5 - Planned Development 10. Chapter 2.9 - Historic Preservation Provisions 11. Chapter 2.19 - Appeals 12. Chapter 3.31 - HPO (Historic Preservation Overlay) District 13. Chapter 4.0 - Improvements Required with Development 14. Chapter 4.2 - Landscaping, Buffering, and Screening 15. Chapter 4.7 - Corvallis Sign Regulations 16. Chapter 4.9 - Additional Provisions 	<p><u>Exhibit II -</u> <u>Pages 1-131</u></p> <p>pgs. 1 - 4</p> <p>pgs. 5 - 8</p> <p>pgs. 9 - 12</p> <p>pgs. 13 - 16</p> <p>pgs. 17 - 30</p> <p>pgs. 31 - 36</p> <p>pgs. 37 - 54</p> <p>pgs. 55 - 56</p> <p>pgs. 57 - 58</p> <p>pgs. 59 -110</p> <p>pgs. 111-116</p> <p>pgs. 117-120</p> <p>pgs. 121-124</p> <p>pgs. 125-128</p> <p>pgs. 129-130</p> <p>pg. 131</p>

	<p><u>EXHIBIT III - Updated Matrices Comparing Existing Historic Preservation Provisions and Planning Commission Recommendation</u></p> <ol style="list-style-type: none"> 1. Matrix Comparing How Actual Historic Preservation Permit Applications for the Last 5 Years Would be Reviewed Relative to Current Code vs. Planning Commission-recommended Version of Text Amendment vs. HPAB-recommended Version 2. Matrix Comparing Current Code vs. Planning Commission-recommended Version of Text Amendment Relative to How Exempt, Director-Level, and HPAB-Level Items are Reviewed 	<p><u>Exhibit III - Pages 1-40</u></p> <p>pgs. 1 - 8</p> <p>pgs. 9 - 40</p>
	<p><u>EXHIBIT IV - Planning Commission Minutes (Applicable Excerpts)</u></p> <ol style="list-style-type: none"> 1. January 25, 2006 Minutes 2. February 8, 2006 Minutes 3. February 15, 2006 4. February 22, 2006 5. March 8, 2006 6. March 22, 2006 	<p><u>Exhibit IV - Pages 1-66</u></p> <p>pgs. 1 - 8</p> <p>pgs. 9 - 16</p> <p>pgs. 17 - 21</p> <p>pgs. 23 - 32</p> <p>pgs. 33 - 46</p> <p>pgs. 47 - 66</p>

	<p><u>EXHIBIT V - Supplemental Memos from Staff to Planning Commission (Post Release of Planning Commission Staff Report)</u></p> <ol style="list-style-type: none"> 1. January 25, 2006, Memo from Fred Towne to Planning Commission Re: Outstanding Issues 2. January 26, 2006, Memo from Fred Towne to Planning Commission Re: Additional Testimony 3. February 3, 2006, Memo from Fred Towne to Planning Commission Re: Additional Testimony 4. February 8, 2006, Memo from Fred Towne to Planning Commission Re: a Listing of Testimony to date in order of Code Chapters 5. February 8, 2006, Memo from Fred Towne to Planning Commission Re: Additional Testimony 6. February 15, 2006, Memo from Fred Towne to Planning Commission Re: Additional Testimony 7. February 22, 2006, Memo from Fred Towne to Planning Commission Re: Primary Issues Addressed by Public Comments 8. February 22, 2006, Memo from Fred Towne to Planning Commission Re: Additional Testimony 9. February 28, 2006, Memo from Fred Towne to Planning Commission Re: Previously Distributed Testimony 10. March 8, 2006, Memo from Staff to Planning Commission Re: Suggested Order of Remaining Deliberation Items & Suggested Solutions 11. March 15, 2006, Memo from Fred Towne to Planning Commission Re: Previously Distributed E-mail 12. March 17, 2006, Memo from Kelly Schlesener to Planning Commission Re: Planning Commission Changes to Date 13. March 21, 2006, E-mail from Fred Towne to Planning Commission Re: Three Additional Issues 	<p><u>Exhibit V - Pages 1-350</u></p> <p>pgs. 1 - 6</p> <p>pgs. 7 - 102</p> <p>pgs. 103-12</p> <p>pgs. 113-144</p> <p>pgs. 145-174</p> <p>pgs. 175-188</p> <p>pgs. 189-194</p> <p>pgs. 195-228</p> <p>pgs. 229-236</p> <p>pgs. 237-254</p> <p>pgs. 255-262</p> <p>pgs. 263-348</p> <p>pgs. 349-350</p>
	<p><u>EXHIBIT VI - January 9, 2006. Staff Report to the Planning Commission</u></p> <ul style="list-style-type: none"> • Executive Summary • Introduction/Issue/Background • Process for Legislative Amendments to Land Development Code and Comprehensive Plan Proposal (Brief Overview) • Criteria, Discussion, Conclusions 	<p><u>Exhibit VI</u></p> <p>pgs. 1 - 3</p> <p>pgs. 1 - 5</p> <p>pgs. 5 - 6</p> <p>pgs. 6 - 12</p> <p>pgs. 12 - 136</p>
	<ol style="list-style-type: none"> 1. <u>Applicable Review Criteria:</u> <ol style="list-style-type: none"> A. Land Development Code B. Comprehensive Plan Policies C. Statewide Land Use Planning Goals D. Certified Local Government/State Land Use Requirements 	<p>pg. 12 - 25</p> <p>pg. 13 - 14</p> <p>pg. 14 - 19</p> <p>pg. 20 - 23</p> <p>pg. 23 - 25</p>

	<p><u>2. Specific Code Provisions:</u></p> <p>A. Chapter 1.6 - Definitions</p> <p>B. Chapter 2.2 - Development District Changes*</p> <p>C. Chapter 3.31 - Historic Preservation Overlay District</p> <p>D. Chapter 2.9 - Historic Preservation Provisions*</p> <p>E. Chapter 2.0 - Public Hearings</p> <p>F. Chapter 4.0 - Improvements Required with Development</p> <p>G. Chapter 4.2 - Landscaping, Buffering, Screening</p> <p>H. Chapter 4.7 - Corvallis Sign Regulations</p> <p>I. Chapter 1.1 - The City Council and Its Agencies and Officers</p> <p>J. Chapter 1.2 - Legal Framework</p> <p>K. Chapter 1.3 - Enforcement</p> <p>L. Chapter 2.19 - Appeals</p> <p>M. Chapter 2.3 - Conditional Development and Chapter 2.5 - Planned Development</p> <p>N. Chapter 2.16 - Request for Interpretation</p> <p>O. Chapter 4.9 - Additional Provisions</p>	<p>pg. 25 - 136</p> <p>pg. 27 - 34</p> <p>pg. 34 - 50</p> <p>pg. 51 - 53</p> <p>pg. 53 - 114</p> <p>pg. 114 - 120</p> <p>pg. 120 - 122</p> <p>pg. 122 - 124</p> <p>pg. 124 - 125</p> <p>pg. 125 - 127</p> <p>pg. 128 - 130</p> <p>pg. 130 - 131</p> <p>pg. 131 - 132</p> <p>pg. 133 - 134</p> <p>pg. 134 - 135</p> <p>pg. 135 - 136</p>
	<ul style="list-style-type: none"> • Outstanding Issues (for Planning Commission - Issues Identified Prior to Completion of Planning Commission Staff Report) • Summary of Recommendations/Requested Actions (for Planning Commission to Consider During Its Public Hearing Process) • HPAB-recommended Version of Chapter 2.2 - Development District Changes, as it appeared in the Planning Commission Staff Report 	<p>pgs. 136-137</p> <p>pgs. 137-141</p> <p>pgs. 34-50</p>
	<p>2.2.10 - Background</p> <p>2.2.20 - Purposes</p> <p>2.2.40 - Quasi-Judicial Change Procedures for District Changes Subject to a Public Hearing</p>	<p>pg. 34 - 37</p>
	<p>2.2.40.01 - Initiation</p> <p>2.2.40.02 - Application Requirements</p> <p>2.2.40.03 - Acceptance of Application</p>	<p>pg. 38 - 40</p>

	2.2.40.05 - Review Criteria 2.2.40.06 - Action by the Hearing Authority 2.2.40.07 - Notice of Disposition 2.2.40.08 - Appeals 2.2.40.09 - Effective Date	pg. 40 - 45
	2.2.50 - Quasi-Judicial Change Procedures for Administrative District Changes 2.2.60 - Procedures for Reclassifying a Designated Historic Resource in a National Register of Historic Places Historic District	pg. 45 - 50
	<ul style="list-style-type: none"> HPAB-recommended Version of Chapter 2.9 - Historic Preservation Provisions, as it appeared in the Planning Commission Staff Report 	pg. 53 - 114
	2.9.10 - Background and Applicability 2.9.20 - Purposes	pg. 54 - 56
	2.9.60 - Determining Applicability and Appropriate Historic Preservation Permit Review Procedure(s)	pg. 56 - 58
	2.9.70 - Exemptions	pg. 58 - 64
	2.9.80 - Emergency Actions	pg. 64 - 66
	2.9.90 - <u>Procedures for All Required Historic Preservation Permits:</u> 2.9.90.02 - Application Requirements 2.9.90.06 - Review Criteria 2.9.90.07 - Action on Application 2.9.90.09 - Appeals 2.9.90.12 - Reapplication	<u>pg. 66 - 76</u> pg. 66 - 69 pg. 69 - 73 pg. 73 pg. 74 - 75 pg. 75 - 76
	2.9.100 - <u>Alteration or New Construction Activities Involving a Designated Historic Resource:</u> 2.9.100.01 - Definition 2.9.100.02 - Historic Preservation Permit Required for Alteration or New Construction 2.9.100.03 - Alteration or New Construction Parameters and Review Criteria for a Director-Level Historic Preservation Permit 2.9.100.04 - Alteration or New Construction Parameters and Review Criteria for an HPAB-Level Historic Preservation Permit 2.9.100.05 - Status of Properties for Which an HPAB-Level Historic Permit has Been Approved to Install a Moved Resource	<u>pg. 76 - 100</u> pg. 76-78 pg. 78 - 80 pg. 80 - 90 pg. 90 - 99 pg. 99 - 100

	<p>2.9.110 - <u>Demolition Involving a Designated Historic Resource:</u></p> <p>2.9.110.02 - Historic Preservation Permit Required for Demolition</p> <p>2.9.110.03 - Review Criteria</p> <p>2.9.110.04 - Documentation Required Prior to Demolition</p> <p>2.9.110.05 - Status of Properties for Which Demolition Approved</p> <p>2.9.110.06 - Temporary Stay of Demolition Building Permit for Publicly-Owned Historic Resources</p>	<p>pg. 101 - 108</p> <p>pg. 101 - 104</p> <p>pg. 101 - 104</p> <p>pg. 104 - 105</p> <p>pg. 105 - 106</p> <p>pg. 106 - 108</p>
	<p>2.9.120 - <u>Moving a Designated Historic Resources:</u></p> <p>2.9.120.01 - Definition of Moving a Designated Historic Resource</p> <p>2.9.120.02 - Historic Preservation Permit Required for Moving</p> <p>2.9.120.03 - Review Criteria</p> <p>2.9.120.04 - Documentation Required Prior to Moving</p> <p>2.9.120.05 - Status of Properties for Which Moving Approved</p>	<p>pg. 108 - 111</p> <p>pg. 108 - 111</p> <p>pg. 109 -111</p> <p>pg. 109 - 111</p> <p>pg. 109 - 111</p> <p>pg. 109 - 111</p>
	<p>2.9.130 - <u>Administrative:</u></p> <p>2.9.130.01 - Enforcement</p> <p>2.9.130.02 - Ordered Remedies</p>	<p>pg. 111 - 112</p> <p>pg. 111 - 112</p> <p>pg. 111 - 112</p>
	Overall Conclusions	pg. 112 - 114

	<ul style="list-style-type: none"> • Attachments A - HPAB-Recommended Land Development Code Text Amendment (With Staffs' Recommended Changes Indicated) B - Map of Avery-Helm National Register of Historic Places Historic District C - Map of College Hill West National Register of Historic Places Historic District D - Map of All Designated Historic Resources in the City of Corvallis E - Existing Land Development Code Chapter 2.9 - Historic Preservation Provisions F - Applicable Review Criteria – Land Development Code G - Applicable Review Criteria – Comprehensive Plan Policies H - Applicable Review Criteria – Statewide Land Use Planning Goals I - Primary State Laws Pertaining to Local Level Historic Preservation Programs J - Oregon State Historic Preservation Office Certified Local Government Program Annotated Performance Standards and Local Government Participation Procedures K - Chapter 2.9 Update - Matrix Identifying Historic Preservation Permits Reviewed Between 2000 and 2005 and Comparing Review Processes in the Existing, Staff-Proposed, and HPAB-Proposed Historic Preservation Code Provisions L - Chapter 2.9 Update - Matrix Comparing Existing, Staff-Proposed, and HPAB-Proposed Historic Preservation Code Provisions M - 1995 Federal Secretary of Interior Standards for the Treatment of Historic Properties (Includes Standards for Rehabilitation and Preservation) N - City Attorney Office Memoranda Pertaining to Text Amendment O - State Historic Preservation Office Correspondence Pertaining to the Text Amendment P - Minutes and Public Testimony for all HPAB Chapter 2.9 Update Meetings/Work Sessions Q - Other Public Testimony Submitted Following Historic Preservation Advisory Board Workshops (Received Through January 4, 2006). R - List of the Historic Preservation Codes From Other Jurisdictions Surveyed by Staff S - City Council Initiation of Text Amendment (Excerpt from June 20, 2005, Minutes) T - Memorandum Dated June 9, 2005, from Community Development Director Ken Gibb to Mayor and City Council Regarding Initiation of Text Amendment 	
	<p><u>EXHIBIT VII - Additional Testimony Received to Date Following Planning Commission Public Hearing Process</u></p> <ol style="list-style-type: none"> 1. Letter from College Hill Neighborhood Assn. 2. Letter from Deb Kadas 3. Letter from Thomas Dowling 	<p><u>Exhibit VII - Pages 1-42</u> pgs. 1 - 8 pgs. 9 - 40 pgs. 41 - 42</p>

HANDOUTS FOR THIS EVENING - APRIL 24, 2006

- **April 24, 2006, Memo from Kelly Schlesener containing public testimony received following completion of City Council Staff Report;**
- **Copies of the Overheads for the Staff Report;**
- **Copies for the public of the Outline of the Various Parts of the April 11, 2006, City Council Staff Report (distributed previously to the City Council on April 17, 2006).**

LAND DEVELOPMENT CODE TEXT AMENDMENT (LDT05-00001)

BACKGROUND

- **Update Chapter 2.9 (Historic Preservation Provisions) and Other Related Chapters of the Land Development Code Land Development Code (Chapters 1.1, 1.2, 1.3, 1.6, 2.0, 2.2, 2.3, 2.5, 2.9, 2.16, 2.19, 3.31, 4.0, 4.2, 4.7, and 4.9).**
- **Historic Preservation Provisions last amended in July 2003, principally to establish requirements relevant to established Historic Districts -**
 - **Avery-Helm formed on January 27, 2000; and**
 - **College Hill West formed on August 1, 2002.**
- **Properties currently subject to the City's Historic Preservation Provisions has increased to just over 500, including the individually listed resources.**

- **The staffing and the HPAB's work program has shifted to emphasis on Historic Preservation Permit (HPP) review.**
- **Since 2003, staff, the HPAB, and affected property owners have gained experience with the implementation of the new Code provisions.**
- **Grey areas and gaps have been identified regarding which review procedures should apply to specific development scenarios.**

GOALS OF TEXT AMENDMENT

- **PRIMARY GOAL - To improve upon the clarity and objectivity of the criteria and standards that guide land use decisions affecting historic resources.**
- **OTHER IMPORTANT OBJECTIVES -**
 - **To clarify the appropriate decision-maker or decision-making body for different categories of Historic Preservation decision;**
 - **To provide appropriate review criteria for each type of decision;**

- **To establish the decision-maker for Historic Preservation Permit applications that require a public hearing.**
 - **The Historic Preservation Advisory Board is proposed to assume a quasi-judicial decision-making role for certain Historic Preservation Permit applications;**
 - **The existing Code specifies that the Board make recommendations on Historic Preservation Permits to the Director, and the Director then acts on those recommendations;**
 - **In many ways the Board has assumed a de facto decision-making role and it may be appropriate to recognize the Board as the appropriate decision-making body for discretionary Historic Preservation Permits;**
 - **The Board's assumption of a quasi-judicial decision-making role is consistent with the situation in many other jurisdictions acting as Certified Local Governments to carry out local, state, and federal Historic Preservation regulations. The Oregon State Historic Preservation Office (SHPO), which oversees the Certified Local Government program, also supports the HPAB's assumption of a quasi-judicial decision-making role.**

- **To address state land use requirements. For example, the Code changes are intended to ensure that all Historic Preservation Provision decisions can be acted upon at the local level within 120 days from the date of a complete application. Accordingly, some layers of review have been eliminated to guarantee that all reviews, including possible local appeals, can be accommodated within this 120-day period under the existing Code.**

PUBLIC REVIEW TO DATE

- **The City Council initiated this Text Amendment on June 20, 2005.**
- **June 22, 2005, staff presented a draft package of Historic Preservation Provisions laying out a basic permit review framework as a starting point.**
- **The Historic Preservation Advisory Board (HPAB) held eight work sessions on the proposed Text Amendment between July 7, 2005, and October 12, 2005, (July 7th, July 27th, August 4th, August 16th, September 8th, September 13th, October 6th, October 12th).**
- **The HPAB, staff, and the public worked hard to create clear definitions and a clear decision-making process. The HPAB improved upon the staff draft and forwarded a recommendation to the Planning Commission.**
- **The Planning Commission held a public hearing on January 25, 2006, and February 8, 2006. The Commission conducted deliberations on February 8, 15, and 22; and on March 8 and 22, 2006.**
- **The Commission, staff, and the public worked hard to further refine the Text Amendment to meet the goals of the project. The Commission's refinements to the Text Amendment improved the proposed regulations and are outlined in the introductory memo of the Council staff report. The Commission forwarded a unanimous recommendation to the City Council, for approval of the Text Amendment (Exhibits I and II of the Council staff report).**

FRAMEWORK OF TYPES OF HISTORIC RESOURCES

Local Register	National Register of Historic Places	National Register of Historic Places Historic District
Individual Designation	Individual Designation	1) Historic/Contributing
		2) Historic/Non-Contributing
		3) Non-Historic/Non-Contributing

- **The only time the terms Historic/Contributing, Historic/Noncontributing, and Nonhistoric/Noncontributing are used is in reference to the classification of a resource that is in a National Register of Historic Places Historic District. The classifications are descriptors of the resource’s contribution (or lack thereof) to the District itself.**
- **Many historic resources have multiple types of designations. Examples include:**
 - **An individual resource that is in the Local Register and also in a National Register of Historic Places Historic District; or**
 - **An individual resource that is in the National Register of Historic Places and also in a National Register of Historic Places Historic District; or**
 - **An individual resource that is in the Local Register, in the National Register of Historic Places, and also in a National Register of Historic Places Historic District, etc.**

DESCRIPTION OF PLANNING COMMISSION RECOMMENDED PROGRAM

GENERAL -

- Comprehensive description contained in the cover memo of the City Council Staff report. The modifications to most chapters are primarily housekeeping changes to implement the larger changes associated with Chapters 2.2 - Development District Changes, and Chapter 2.9 - Historic Preservation Provisions.
- Chapter 1.6 - Definitions incorporates specific definitions for the terminology used throughout Chapter 2.9 - Historic Preservation Provisions, and other affected chapters of the Code. At the direction of the Planning Commission, the changes also now include specific definitions for each land use process identified by the Code.

HISTORIC PRESERVATION OVERLAYS MOVED TO CHAPTER 2.2 - DEVELOPMENT DISTRICT CHANGES -

- Application and removal of Historic Preservation Overlays was moved from *Chapter 2.9-Historic Preservation Provisions* to *Chapter 2.2-Development District Changes*, in recognition that these decisions are in essence, District Change decisions;
- Introduction of new application requirements and review criteria for application for or removal of a Historic Preservation Overlay;
- Introduction of Quasi-Judicial Administrative District Change procedures to address:
 - 1) Removal, under certain conditions, of an HPO from a property where prior property owner objection occurred (to address the provisions of ORS 197.772(3)); and
 - 2) Removal of an HPO, under certain conditions, from a property where a Designated Historic Resource has been legally demolished.

NEW CHAPTER 2.9 - HISTORIC PRESERVATION PROVISIONS DEVELOPED TO REPLACE EXISTING CHAPTER 2.9 -

- **Basic Outline Components of Chapter -**
 - 1) **Background and Purposes (Sections 2.9.10 & 2.9.20);**
 - 2) **Procedural Requirements (Sections 2.9.30 - 2.9.60; and 2.9.90);**
 - 3) **Exemptions from HPP Requirements (Section 2.9.70);**
 - 4) **Emergency Actions (Section 2.9.80);**
 - 5) **Alteration or New Construction Activities (Section 2.9.100);**
 - 6) **Demolition Activities (Section 2.9.110);**
 - 7) **Moving Activities (Section 2.9.120); and**
 - 8) **Administrative (Enforcement) (Section 2.9.130).**

- **The entire program breaks down into 3 simple types of decisions:**

EXEMPTIONS - NO HISTORIC PRESERVATION PERMIT REQUIRED.	DIRECTOR-LEVEL HISTORIC PRESERVATION PERMIT	HPAB-LEVEL HISTORIC PRESERVATION PERMIT
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EXEMPTIONS -

- **Exemptions from HPP Requirements -**
 - **List of Exempted activities greatly clarified; and**
 - **List of Exempted activities includes 22 activities such as:**
 - **Interior Alterations;**
 - **Routine Maintenance and/or In-kind repair and replacement;**
 - **Certain Repair or replacement of gutters and downspouts;**
 - **Certain Accessory Development;**
 - **Certain Freestanding Trellises;**
 - **Certain Rear Deck or Patio Additions; etc.**

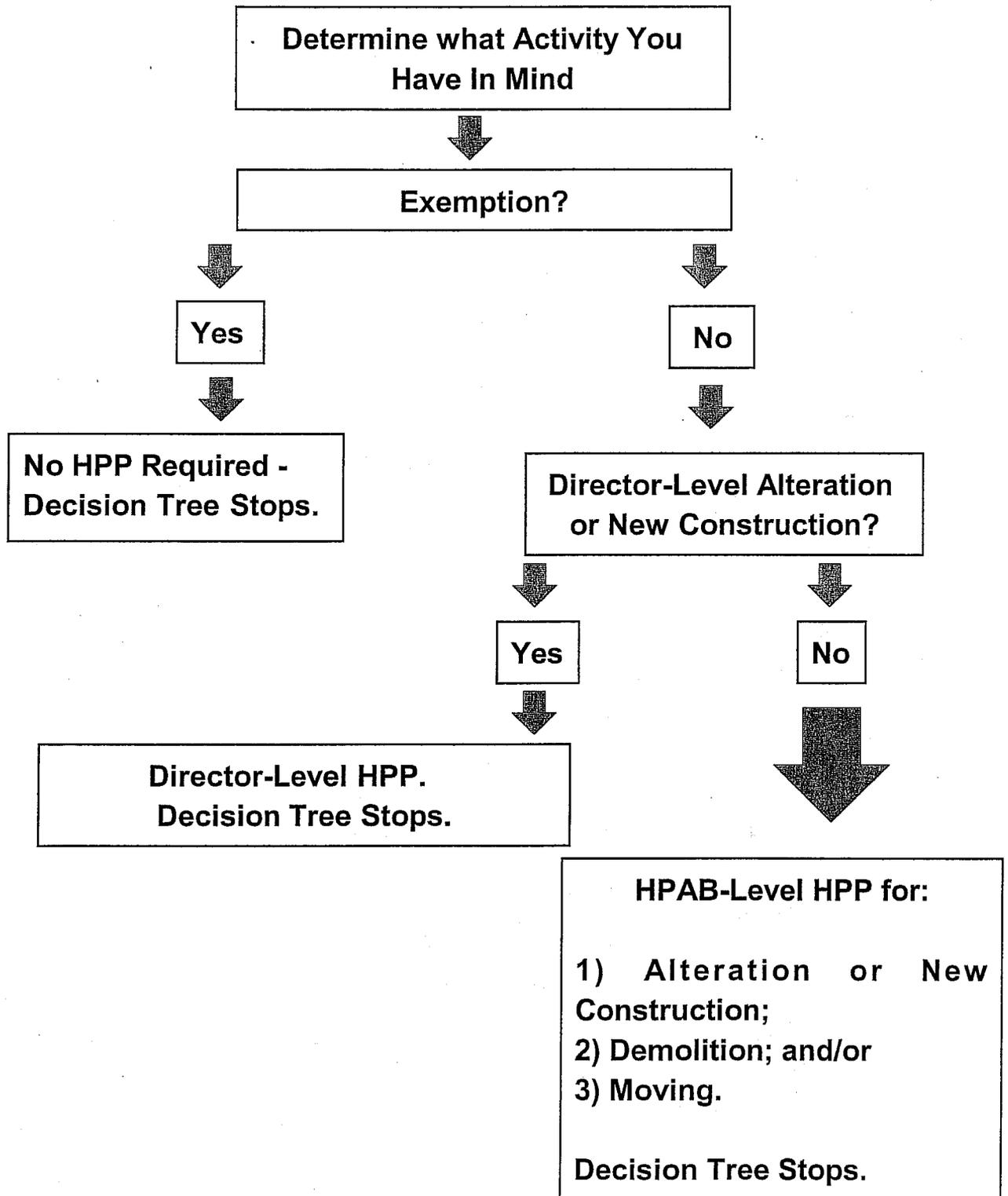
DIRECTOR-LEVEL AND HPAB-LEVEL HISTORIC PRESERVATION PERMITS

- Each of the 3 Categories of Historic Preservation Permits has procedures that determine how the HPP will be processed:

Alteration or New Construction	Demolition	Moving
<p>1) <u>Director-Level</u></p> <p>(Items not qualifying as Exemptions, but falling within the definition of one or more of the 15 different activities listed)</p>	<p><u>HPAB-Level</u> (All items not qualifying as Exemptions)</p>	<p><u>HPAB-Level</u> (All items not qualifying as Exemptions)</p>
<p>2) <u>HPAB-Level</u></p> <p>(All items not qualifying as Exemptions or Director-Level)</p>		

- The clear and objective review criteria for Director-Level HPP's for Alteration and Construction Activities are embedded within the actual definition for each of the 15 activities listed.
- The review criteria for HPAB-Level HPP's are outlined within each of the 3 categories of HPP (Alteration or New Construction; Demolition; and Moving). They can be seen in Exhibit I of the Council staff report.

DECISION TREE FOR ACTIVITIES INVOLVING A DESIGNATED HISTORIC RESOURCE



PROCESS AND REVIEW CRITERIA FOR TEXT AMENDMENT

- **Legislative decision**
- **Planning Commission recommends action to City Council and City Council makes final decision.**
- **Criteria used to Evaluate This Text Amendment -**
 - **Land Development Code criteria;**
 - **Comprehensive Plan policies;**
 - **Oregon Statewide Planning Goals;**
 - **ORS (197.772);**
 - **OAR (660-023-200);**
 - **Oregon SHPO- CLG Program;**
 - **Nation Historic Preservation Act, etc.- implemented by State Statute, Rules, etc.**
- **Findings addressing these criteria and indicating consistency summarized on pages 137-141 of Exhibit VI - The Planning Commission staff report.**

RECOMMENDATION

- **Staff proposes a limited number of changes to the Planning Commission-recommended program. These limited changes generally involve minor issues and are outlined on pages 28-32 of the City Council staff report.**
- **Staff believes that the Planning Commission-recommended program, as further modified to include the minor issues raised by staff, addresses the City Council's original objectives.**
 - **It clearly defines different types of development, making identification of the proper decision-making process clear;**
 - **It clearly identifies the activities that are exempt from the requirement for a Historic Preservation Permit;**
 - **It clearly establishes the Director-Level reviews as non-discretionary, administrative decisions for certain Alteration or New Construction activities;**
 - **It makes the HPAB a quasi-judicial decision-making body using a public hearing process, with a framework of more specifically developed review criteria, consistent with state requirements for discretionary decisions;**
 - **It generally will result in shorter processing times for development proposals;**
 - **In many areas it provides greater incentive for compliance and will address much of the information distributed by the City in support of the College Hill West Historic District creation; and**

- **Finally, by focusing on clear and objective criteria that can be implemented through the Exemption category and the Director-Level review process, and the more specifically defined criteria that can be implemented through the HPAB-Level review process, the City's Historic Preservation Program can be effectively implemented given anticipated budgetary considerations.**

OVERALL RECOMMENDATION

- **The options for the Council to consider are outlined on pages 32 and 33 of the City Council staff report.**
- **From the facts presented, staff recommend that the City Council choose Option #2, modifying the Planning Commission's recommendation and approving the Land Development Code Text Amendment (LDT05-00001) as outlined in the Planning Commission's Notice of Disposition and further modified by the minor changes recommended by staff (Exhibit I), subject to the review and approval of a final order.**

NEXT STEPS

- **Conduct the public hearing;**
- **Consider holding the written record open until May 1, 2006. The additional testimony could then go out in the packet for the May 8, 2006, Council meeting;**
- **Begin deliberations on May 8, 2006, and conclude deliberations on either May 15 or May 22, 2006.**
- **Consider an ordinance and findings pertaining to the Council's decision on June 5, 2006.**



April 24, 2006

Members of City Council
501 SW Madison Avenue
Corvallis, Oregon 97331

Dear Members of City Council:

On behalf of Oregon State University, please accept this letter as written testimony in response to the City of Corvallis, City Council hearing on the Planning Commission's recommendations regarding LDT05-00001-Update of City's Historic Preservation Provisions, including Chapter 2.9 and related chapters.

General Observation:

Chapter 2.9 does not contain any specific criteria that relate to Historic Districts. All the review criteria relate to structures and do not address the overall "historic character" of a Historic District. It is commonly known that historic resources within a Historic District are allowed a greater degree of flexibility than individual listings in rehabilitation treatment since the impact of changes is measured against the "historic character" of the District. The City needs to include in Chapter 2.9 criteria that promote the visual character of the district and establish the visual character as the crucial benchmark when assessing rehabilitation initiatives within a Historic District. Language might include: *"resembles the existing historic character of Historic District"* or *"does not diminish, or negatively impact the existing visual character of the Historic District"*. By including such language, the City will ensure that the rehabilitation of individual structures within a district is done in a manner consistent with the "character" of the Historic District, and that the emphasis placed on a single structure does not supersede the overall purpose of the Historic District.

Historic Preservation Code Language:

Oregon State University (OSU) is currently completing a nomination application to have a portion of its campus registered on the National Registry of Historic Places. In accordance with this work, OSU will prepare zoning code language for adoption by the City. This zoning code language will be specific to OSU and include historic preservation regulations for OSU's historic resources. OSU has shared its intent to create this zoning code language with the State Historic

Preservation Office, City Planning staff, the Historic Preservation Advisory Board, and the Planning Commission; each has expressed their support.

OSU would request that during the adoption of Chapter 2.9 update, the City Council acknowledge its support (via a motion) for OSU to prepare its own historic preservation zoning code language. OSU will work with the HPAB and the Planning Commission to prepare the zoning code language prior to review and adoption by the City Council.

Language specific to the need, purpose and function of OSU, will ensure that preservation efforts are tailored to the dynamic nature of a major university campus and its facilities.

OSU requests that the City Council strongly consider the benefits of having such a distinction for Historic Districts within the Land Development Code. A Historic District is defined by all the elements, features and resources within a specific geographic area and a particular period of significance.

Creating separate and distinct code language for each Historic District within the City of Corvallis, would allow property owners to have input into how their property will be protected or rehabilitated. Most of the properties being discussed by the City are homes for people; as such, the City Council should be particularly interested whether the homeowners find certain preservation or rehabilitation regulations acceptable. Allowing homeowners within a district input in the creation of code language specific to their district will ensure greater long term support and compliance.

I would volunteer my time and prepare the zoning code language with the homeowners. This will offset the work burden on City staff. **During your deliberation of the Chapter 2.9 updates acknowledge support for this concept via a motion.** The homeowners within the Historic Districts should have regulations in the code specific to their District and needs.

Chapter 2.3 and 2.5

Under the review criteria for each of these sections, the following language is included

"If the proposed development is adjacent to a Historic District, the impact of visual elements (as described in "B" above) of the development on any adjacent designated resource(s)"

OSU would offer that the City is potentially subjecting non-historic resources to an HPAB review. This broadly expands the intent and purpose of historic preservation. Please answer the following questions in a written response.

Which entity within the City will determine the visual impact on a historic district?

What criteria will be used to assess the visual impact?

What resources will be used to establish an objective review of the visual impact?

What role, if any, will the members of the HPAB have in the review?

If the HPAB has a role in the review, will it be advisory or quasi-judicial?

If quasi-judicial, then how does the City find this to be an appropriate level of review if the property in question is not historic?

Has the City properly notified all the property owners that would be affected by such a regulation?

Does the City find that the adoption of such code language unnecessarily creates a hardship for the property owner who happens to own a home adjacent to a Historic District?

Does the City realize that by having such code language in LDC, all redevelopment efforts along Monroe Street would be subject to this criterion (and potentially a HPAB review) since OSU will have a Historic District along Monroe Street?

It appears the City is stretching the parameters of historic preservation review and as such may subject property owners to an unanticipated hardship. OSU would recommend the City Council delete this new criterion from Chapter 2.3 and Chapter 2.5.

Chapter 2.9.110.02 – Demolition Involving a Designated Historic Resource

Section b of this Chapter states that the demolition of Nonhistoric/Noncontributing structures listed in a National Register of Historic

Places Historic District will require a review by the HPAB. This presents a significant problem for OSU.

A structure designated as Nonhistoric/Noncontributing has been identified as a resource, which does not have any contributing historic qualities. The HPAB would like to review such structures under the assumption that the removal of such structures may or may not affect (i.e., damage, obscure, or negatively impact) historic resources within a National Register of Historic Places Historic District. Shouldn't such an effect be determined before review by the HPAB? By writing the code in such a manner, the City is presupposing that each demolition would affect a historic resource, perhaps unnecessarily subjecting the applicant to a time-consuming quasi-judicial review. Many properties will be affected by this requirement that otherwise would not be affected by historic preservation zoning code.

As an alternative, OSU would suggest that the City make such a review a Director Level review. This type of review would require a site plan showing the extent of construction or demolition boundaries, truck access to the area, staging area for construction vehicles, manner or mechanism for protecting the windows, architectural features, etc of buildings immediately adjacent to the building proposed for demolition. By having such information, the Director would be able to review the potential damage.

If the Director finds that the demolition has the potential to impact historic resources, then the HPAB would review the application.

Thank you,



Vincent Martorello, AICP
Interim Director Facilities Services
Oregon State University

City Council of Corvallis
Written Testimony re: 2.9 Updates and related Chapters, April 24, 2006
BA Beierle

I would like to thank the Preservation Commission for yeoman's work refining the draft ordinance changes forwarded by the HPAB following their public workshop program. Generally the Commission's work has substantially improved the document with few notable exceptions.

2.9.20.c (Exhibit 1, page 52) Resources listed in the National Register of Historic Places include individual sites, not just Districts. Add the language "Sites or" before Districts.

2.9.100.01.a (Exhibit 1, page 69) This language speaks only to buildings. Sites or structures are also defined as Historic Resources (Exhibit 1, page 15), and this proposed language is less meaningful for non-building resources. Craft additional language to better reflect the scope of all the Historic Resources.

2.9.100.04.b.3.d. (Exhibit 1 page 78). This language is in conflict with itself. The draft code stipulates that "New additions or new construction **shall be smaller** than the impacted designated historic resource." In the next sentence, the language continues ". . . where an addition or new construction **is proposed** to be larger than the original designated historic resource, . . ." To respect the first statement, strike the remainder.

Chapter 1.6 (Exhibit 1 page 14), definition of "Economically Feasible Rehabilitation" and its singular reference in Chapter 2.9 (Exhibit 1 page 82), 2.9.110.03.c.a

The proposed 75% standard, while based on Housing and Urban Development practice, is arbitrary and capricious when applied to historic resources. While this percentage may appear clear and objective, it is based on an undefined "replacement" value. Is the replacement value defined by a real estate appraisal? More than one appraisal? Is it based on a fair market comparison provided by a real estate salesperson? Is it the best guess of a contractor who may or may not be familiar with respectful rehabilitation or preservation techniques? Or is it the property owner's best guess? If an applicant feels a discretionary decision is not economically feasible, the draft code offers an application for an Economic Hardship Appeal in Section 2.9.90.09.b (Exhibit 1 page 67) with clear parameters established for determining financial burden. There are too many variables in the language "replacement value" for Council to let this language stand.

In its only application in the draft code, this crude definition of economically feasible rehabilitation in and of itself, permits demolition of a designated historic resource. Demolition is forever, and once this step is taken, it can never be called back. Consequently, as the hearing body charged with conservation of the city's historic resources, the HPAB must be extraordinarily thoughtful in approving demolition. This proposed definition makes light of an extremely weighty constitutional matter. **Further, if left in the code, this language renders the balance of the code meaningless.**

Another concern touches on two matters: 2.2.40.05.c.1.a. and b, removal of a historic preservation overlay, (Exhibit 1 Page 41), and 2.9.110.03.c.2.a alternatives to demolishing a designated historic resource (Exhibit 1 page 83). This concern exists in the current code as well as in the proposed draft. In both formats, the code cautions property owners that their actions or inactions may not substantially reduce or diminish a designated resource. In alternatives to demolition, a property owner is encouraged to explore public or private acquisition of the resource. Unfortunately, a formidable disconnect exists between the spirit of the code and the letter of the code. If a property owner allows a resource to deteriorate beyond rehabilitation and then finds a buyer, the seller has satisfied code by finding an alternative to demolition. Since the deteriorated condition of the resource is not the fault of the buyer, the buyer is then able – under the code – to apply for a demolition permit, since the deteriorated condition of the resource occurred prior to his or her watch. This disconnect creates a loop hole large enough to drive a bulldozer through. Direct the city attorney to craft language to correct this challenge.

Together with the proposed economically feasible rehabilitation definition, these components are a formula for wholesale loss of long-suffering but historically significant resources. Failure to address this concern puts this code at odds with its purposes 2.9.20 (Exhibit 1 page 52), the established policies in the Comprehensive Plan Article 5, Section 5.4, and statewide planning goals and possibly other state land use requirements. The economically feasible rehabilitation definition loses sight of intrinsic historic value, that is difficult to define, but easy to demonstrate.

I respectfully request that the record remain open.

Thank you for your kind and thoughtful attention and consideration.

COLLEGE HILL NEIGHBORHOOD ASSOCIATION

Dan Brown, President (754-8420); Gary Angelo, Vice President (753-5789);
Christine Stillger, Secretary (753-5108); Mike Middleton, Treasurer, (738-0827)

April 24, 2006

Dear City Councilors,

Finally being able to review the "clean" draft of the revised historic preservation language has inspired the following discussion. It goes beyond our earlier written testimony submitted to the City Council and included in your materials as part of EXHIBIT VII. We ask the City Council to choose **OPTION 3**:

Modify the Planning Commission's recommendation in some other manner not identified in Options#1 and #2 and approve the Land Development Code Text Amendment (LDT05-00001, subject to the review and approval of a final order.

Neighboring Properties

Although the College Hill Neighborhood Association represents many properties in the College Hill West Historic District, we also represent other members who own neighboring properties. We are concerned about everyone's interests, and we see both sides of the changes to the Land Development Code in **2.3.30.04k** and **2.5.40.04k**. These changes would impose restrictions on changes to non-historic properties adjacent to historic resources.

As we see it, as a matter of principle, incorporating this new language now is a bad idea for the City government. These new provisions apply historic preservation standards to properties that have never been officially designated as historic resources. First, owners will naturally question the propriety of such a policy. Second, if adopted by the City Council now, this action will be taken without reasonable notice to many property owners in Corvallis who, since they do not live in designated historic structures or in designated historic districts, have no reason to be following the current development of historic preservation regulations. Not informing these people that they will be subject to "compatibility" review (by the new Quasi-Judicial group we suppose) would be unfortunate for the City of Corvallis.

We recommend that the City Council delete the proposed changes, to 2.3.30.04.k. and to 2.5.40.04.k.

Energy Efficient Windows

Historic preservation is an important goal for the City of Corvallis. However, it is not the only important goal. We believe that energy conservation and livability, featured in the 2020 Vision Statement, are equally important. Thus, as a matter of policy, the Land Development Code should make an explicit compromise in 2.9 to accommodate energy-efficient windows which will make homes quieter and less drafty and save energy.

We endorsed 2.9.100.03.n in our previous, written testimony to the City Council (See EXHIBIT VII), based on March 28, 2006 draft (See EXHIBIT II-PAGE 87). However, since then the conjunction “and” and not “or” has been inserted into the document between 1) and 2) (See EXHIBIT I –PAGE 73, now 2.9.100.03m). This change makes the resulting policy very restrictive even if the replacement windows are expensive wood windows with divided lights as required by section 2).

In some previous drafts of the proposed code revisions, wood double pane windows were exempt if they were matching the old in all other respects. Now, under Director-Level decisions, matching wood double pane windows are allowed only if “not visible” or on “Non-Historic additions. Further, there is no policy on energy efficient windows at the Quasi-Judicial level.

Particularly in historic districts, where many included properties are not museum pieces in their own right, the installation of double pane windows which match the windows they replace in all other respects is a reasonable compromise between the demands of historic protection and other City goals.

We ask the City Council to either (1) change the conjunction from “and” to “or”, thus affirming the Director-Level authority to permit double paned windows or (2) to insert a statement under 2.9.100.04 to guide the new Quasi-Judicial body about energy efficient windows and (3) to allow such windows to be installed in historic homes.

In addition, we ask the City Council to (4) delete either the word “fenestration” (a Latin word for windows) in 2.9.100.04.b.3.c or to delete the phrase “[windows] shall be retained or repaired, unless deteriorated beyond repair.”

The limited written testimony has not scientifically established that modern double-pane windows do not create a net benefit to society and to owners in terms of long-run livability and energy efficiency – especially for designated historic structures intended to be preserved indefinitely.

Character of the Historic District

Since the beginning of the process to revise historic preservation regulations in 2005, we have argued that historic districts should be separated, in the code, from individually-listed properties. The reason is that there are many significant differences between the two types. By not explicitly separating out guidelines for historic districts, the revised historic preservation regulations are more appropriate for individually-listed properties than for those located in historic districts. This is problematic because the district properties by far outnumber those individually-listed.

Now we have a prime example of such an error. For properties in a national historic district, individual structures do not stand alone. Whether historic or non-historic and whether contributing or non-contributing, the overall purpose is the protection of the “historic character of the district,” and not a particular structure. This results in some properties being held to a higher standard and some properties to a lower standard than if they were individually-listed.

The criterion of "historic character of the district" has been left out of the proposed code, and so the new Quasi-Judicial body will not specifically understand the intent of the Corvallis community about historic district properties.

In order to guide the decisions of the new Quasi-Judicial body, we ask the City Council to explicitly include "preserve the historic character of historic districts" as a substitute for "preserve the structure" in 2.9.100.04.

Definition of "Preservation"

In Chapter 1.6, there is a new definition of "Preservation" which implies only a very narrow definition to be applied in the Land Development Code.

(as applied to Designated Historic Resources) – As used in this Code . . ."
(See EXHIBIT I – PAGE 23)

We hope that this problem is merely an oversight. If not, we take the greatest exception.

This new definition, along with the definition of "Rehabilitation" should refer only to two of four alternate treatment possibilities identified by the Secretary of the Interior. (None is required under federal law, and "Preservation" certainly is not required.) "Preservation" is an archival quality type of "preservation," appropriate for publicly-owned resources such as Monticello or Colonial Williamsburg, which does not permit additions to homes and requires repair of worn-out or rotten materials rather than replacement. Much testimony from Corvallis citizens, testimony from the State Historic Preservation Office, and practice in other Oregon municipalities favors a general standard of "Rehabilitation" over "Preservation" as a treatment strategy.

The problem comes in the frequent use of "preservation" in a different, general usage, sense in the code:

"Chapter 2.9 – HISTORIC PRESERVATION PROVISIONS;"

"Historic Preservation Overlay;"

"Historic Preservation Permit;"

"Historic Preservation Review Board," etc.

In the cases above, a very different meaning is implied. The definition problem can be corrected in a number of different ways.

We ask the City Council to insert language to clarify that the definitions in Chapter 1.6 of "Preservation" and "Rehabilitation" only refer to Department of Interior treatment options and not other more general usage.

Definition Conflict for Non-Historic/Non-Contributing (Revisited)

In our previous written testimony, to the City Council (See EXHIBIT VII – PAGE 5), we recommended that Chapter 1.6 be altered to reflect the consultant's use of the period of significance ending in 1945 – in addition to being less than 50 years old – to determine which properties were Non-Historic/Non-Contributing in the College Hill West Historic District. We would now like to point out that there is a nearby precedent in Albany. Here are Albany's related definitions for all of their historic districts:

Non-contributing: A building or structure that was originally constructed after 1945, outside the period of significance. [Ord. 5488, 7/11/01]

Historic Non-contributing: A building or structure originally constructed before 1946 that retains but does not exhibit sufficient historic features to convey a sense of history. These properties do not strengthen the historic character of the district in their current condition. [Ord. 5488, 7/11/01]

Historic Contributing: A building or structure originally constructed before 1946 that retains and exhibits sufficient integrity (materials, design, and setting) to convey a sense of history. These properties strengthen the historic character of the district. [Ord. 5488, 7/11/01]

(For verification, see EXHIBIT VI – Attachment D, pp. 219 and 220). As with the CHWHD consultants, Albany felt that the postwar architecture and development represented a break from the prewar historic trend.

Thank you for the opportunity to address you on the Update of the City's Historic Preservation Provisions. I personally attended most of the 8 HPAB workshops, as well as 5 of the 6 Planning Commission meetings on this matter. As a member of the College Hill Neighborhood Association, which overlaps in part with the College Hill West Historic District in which I am a resident and property owner, I would like to express my support for virtually all of the testimony presented by Dan Brown throughout these deliberations over the course of the last year. I also would like to state that I concur with virtually all of the testimony presented by Deb Kadas. I would like tonight to also briefly reiterate some of the concerns I have raised in the past, as well as air some distress I'm experiencing over the health of historic preservation in this town.

As I've stated before, I do not see that the proposed provisions adequately protect *public* historic resources. As the workshops and public hearings progressed, the focus came more and more to rest on the plight and handling of residential properties, whether individually listed or within districts. The County, the State, the City, the School District, and the State Board of Higher Education all own properties which will fall under the jurisdiction of these revised provisions. More accurately stated, of course, the *public* owns the properties in question; the County, the State, the City, the School District, and the State Board of Higher Education—along with their employees—are the *stewards* of these public resources. And sometimes career ambitions, even outright tunnel vision, can impinge on responsible stewardship of these public resources. We have seen in the case of OSU, for example, in both the matter of the siting of the Kelley Engineering Building and the Apperson Hall sign change, that other Comp Plan Policies were deemed subordinate to the mandate of 13.2.1.: "The University and the City should work cooperatively to develop and recognize means and methods to allow the University to provide the mission activities." In effect this has meant that if OSU bureaucrats claim

they need a waiver from other Comp Plan requirements in order to fulfill any scheme they claim fulfills its mission in some way, some are inclined to roll over and give them carte blanche. Frankly, based on these examples, it's not hard to imagine OSU again and again petitioning for exemptions from these Historic Preservation Provisions and effectively undermining their intent vis a vis the OSU Historic Resources already listed on the Local Register, not to mention any Nationally designated Individual or District listings which may or may not occur.

Government at all levels across this country has thousands of resources listed on the National Historic Register. In Corvallis, we have the Benton County Courthouse, and nothing else I believe. That is shameful. We had a high school, but it was callously torn down. Other higher ed institutions in this state have resources on the National Register, but not OSU. This leads me to a broader question: Why does Corvallis have such a terrible track record when it comes to honoring the spirit and the practice of Historic Preservation, both in the public as well as the private sector?

The National Register includes nearly 79,000 listings encompassing 1.2 million individual resources, including historic areas in the National Park System, over 2,300 National Historic Landmarks, tens of thousands if not hundreds of thousands of residential homes, and 12,967 Districts. National Historic Districts are a common phenomenon across this country. Just drive I-5 through Washington and Oregon and you'll see numerous brown and white signs alerting travelers to the existence of Historic Districts from Ashland to Blaine. I asked the HPAB over two years ago when Corvallis was going to request such signage out on I-5 from the appropriate agencies, and I didn't even get the courtesy of a response.

Just look at this print-out I made four years ago of the Oregon listings on the National Historic Register. Every page in this notebook has multiple

properties. There are hundreds, even thousands of properties. Every blue tab denotes a Historic District, in Oregon. Yet, here in Corvallis, I have realized during these deliberations over the past year that Historic Preservation has a very bad name in this town: prominent citizens are agitating to reverse the creation of the College Hill West Historic District; horror stories circulate about the capricious nature of HPAB findings; more and more people are ignoring the Land Development Code altogether and repairing and altering historic properties without consultation with the city.

Why do hundreds, if not thousands, of other towns make Historic Preservation work, but Corvallis cannot? I'm really not sure this document before you contains the answers. I *do* believe it will feed the adversarial divide that has grown up between the citizens and the HPAB; it will further the hypocrisy of governmental units abusing their positions as stewards of publicly owned historic resources; it will contribute to the degradation of our designated historic districts; and it will cripple the cause of historic preservation in Corvallis for years to come. This code is not clear and objective, rather it creates a great deal of opportunity for the HPAB to render subjective, if not outright capricious, decisions. Put very bluntly, many of my neighbors are scared of the HPAB, and these proposed revisions do very little to calm their fears. I don't have the answer, but I am painfully aware of many problems and would urge you to acknowledge the problems as well, and strive to craft more effective provisions.

Thank you for your time and attention in these matters.

To: Corvallis City Council
From: Deb Kadas, Homeowner
College Hill West Historic District
Re: Comments regarding LDC Text Amendments, Chapter 2.9
Date: April 24, 2006

Thank you for this opportunity to provide public input regarding the updating of LDC Chapter 2.9, and other affected City Codes. I have participated in this process since the beginning and I can appreciate everyone's interest in bringing this to a close.

SUPPORT FOR CITY COUNCIL TO CHOOSE OPTION 3

While I too am exhausted and anxious to see a final version of the Code approved by the City Council, I do NOT support Exhibit I, Planning Commission Recommended Text Amendment as currently written. I have several outstanding concerns, as outlined on the next page. Therefore, I want to encourage the City Council to choose Option 3, make the modifications to the code as suggested by me, my neighbors and my neighborhood association, and *then* approve the code.

WHAT ARE THE PROBLEMS THAT NEED TO BE SOLVED?

Before the Council evaluates the 2.9 Code revisions, it is worth remembering what current problems exist. Changes to the Code should reflect the intention to solve these problems, and not be to satisfy any extreme minority position. As I see it, the biggest problems with 2.9 as it currently exists are:

1. The Code needs to be clarified and made objectively verifiable.
2. The Historic Preservation Permit process needs streamlining.
3. The City made "promises" to the property owners of College Hill West, and needs to keep them in order to maintain trust.
4. The City needs a Code that encourages widespread compliance and participation, thereby offering maximum protection of historic resources.
5. The City needs to "do the right thing" now so that potential future historic resources will be voluntarily protected.

The City of Corvallis slogan on their logo reads, "Enhancing Community Livability." When evaluating the Code revisions, the question "Does this enhance livability?" should be asked. The need to protect valuable resources should be balanced with the City's goals for livability and economic vitality, especially in the case of the many homes in historic districts. With respect to old historic resources, a good code with incentives and flexibility will give the City the greatest return on its investment.

Changing the code now to be more restrictive will generate mistrust, non-compliance, and could actually encourage deterioration, as property owners become discouraged and decide to do nothing or sell their old homes to absentee landlords.

Balancing the need to maintain livability with the need to preserve character of neighborhoods will generate historically-sensitive maintenance, repairs, and additions and encourage enthusiastic support by resource owners.

OUTSTANDING CONCERNS RELATED TO 2.9 / EXHBIT 1

In addition to the concerns I submitted in writing on April 11, 2006, I would like to submit the following additional issues as significant concerns which I hope the City Council will address and change in the final version of 2.9. I have listed my concerns in order as they appear in the Code document and not in my order of priority.

1. Economically Feasible Rehabilitation (pg. 4) This definition begs for abuse. Who determines the costs and values of the replacement? Are second opinions allowed? Required? Challenged? How and where will this definition be applied? I am in the historic remodeling design business, and I can guarantee you that I can get you a bid on any replacement, and then get another one for DOUBLE, sometimes even TRIPLE, the price. "Similar quality of construction" is extremely vague in the construction business. I recommend completely deleting this definition.
2. Historically Significant Tree (pg. 6) This is a house-keeping matter. A2 states that a tree must meet the definition of Significant Tree in 1.6, but I find NO DEFINITION of significant tree in 1.6, or at least not under "S" for Significant.
3. In-Kind Repair or Replacement (with regard to Energy Efficient Windows) (Pg. 7) Without question, this has been one of the most debated topics of 2.9. I emphatically URGE the City Council to include energy efficient windows in the definition IF the windows match exactly in size, material (almost always wood), number of panes, etc. The Council should make this change for the following reasons: 1) The City will be keeping its promises (both written and implied) made to homeowners in the College Hill West neighborhood; 2) Double-paned windows are energy efficient and fulfill one of the code's purposes to promote energy efficiency; 3) Changing old wood and clear glass windows to new double-paned wood and clear glass windows does NOT involve a change in materials, unless of course, the City considers argon gas an unacceptable replacement for air; and 4) replacing deteriorated windows does NOT diminish the historic character of the neighborhood, which was THE primary goal when we formed our district. From the sidewalk, very few people can tell the difference between an old double-hung wood sash window and a new double-hung, double-paned wood sash window. I CAN ASSURE THE COUNCIL THAT IF THIS RULE WAS IN PLACE AT THE TIME OF THE NOMINATION, THE COLLEGE HILL WEST NEIGHBORHOOD WOULD NOT HAVE AGREED TO BECOME A HISTORIC DISTRICT. Currently neighbors left and right are circumventing the system completely, sometimes putting in cheap vinyl windows. Encouraging property owners to participate in the permit process and put in high-quality wood windows is far preferable to owners not complying and putting in windows that DO look plastic and inappropriate. IF the City Council wants some measure beyond exemption for energy-conserving windows, then placing this particular In-Kind Replacement would be acceptable at the Director-Level permit process. Finally, I recommend the City consider incentives to motivate property owners to KEEP their original windows, by offering rebates for having wood-framed, storm windows/screens made to fit their old windows. (Similar to the washing machine rebates.) A list of providers would also be helpful, like the City lists for sidewalk repairs and tree/vegetation pruning along rights-of-ways.

* Note: I have no problem with a stricter, more Preservation-oriented approach for windows on public buildings that are maintained with public dollars. I also have no problem with our friends in the Avery-Helm Historic District preferring the stricter Code language as it applies to their district. I am speaking about this issue on behalf of my neighbors in the College Hill neighborhood only.

4. Routine Maintenance and/or In-Kind Repair or Replacement (pg. 55) See argument made above. In addition, I suggest clearer language, specifically listing the following most common repairs/replacements as exemptions: a composition roof needing repair/replacement with a new composition roof (visible and non-visible), rotten wood siding with new wood siding, crumbled cement driveways with new cement driveways, and old wood doors and windows with new wood doors and windows...Remember: this is ALL with the clear understanding that it does not involve a change in the design, style, dimension, or material of the resource
5. Re-roofing (pg. 59) If not specifically stated in In-Kind Repair or Replacement, then replacing old composition roofing with new composition roofing should surely be mentioned here, under exemptions to HPP's. (Various forms of re-roofing are mentioned in Exempt, Director-level, and HPAB-level, but no where is replacing an old composition roof with a new composition roof specified.)
6. Application Requirements (pg. 61) Although the Director (or his appointee?) may waive certain items, requiring an applicant to submit detailed information on 15 different points is OVERKILL and unreasonable, especially for Director Level permits. This will discourage participation. (Unless the City staff can guarantee that every applicant coming to the counter will leave after his/her first visit with a clear understanding of all the waivers to their particular application.) Is it really necessary for a resource owner wanting to attach a sign or install a freestanding trellis to complete an application of 15 items that includes a narrative of what they hope to accomplish, a narrative description regarding how their request complies with applicable review criteria, a site plan drawn to scale, showing the location of structures, driveways, and landscaped areas on the site, setback dimensions.....etc. I recommend simplifying the Director-Level application to Items 1-6, with additional items 7-15 specifically noted for a few, very certain Director-Level permits.
7. Repair or Replacement of Windows (pg. 73) If replacement of old windows with new, energy-efficient windows is not covered under like-for-like circumstances, (but it should, if the law is followed to the letter) then Director review of the replacements for matching in material, design, size, number of divided lights, and shape should surely be allowed. This would be the place in the Code to specify replacement with energy-efficient windows is allowed if the like-for-like criterion is followed. This can easily be accomplished by replacing the word "and" with the word "or" in between items number 1 and 2. (In fact, the word "and" was inserted since the last version of the code, without discussion.)

CONCLUSION

The College Hill West neighborhood was encouraged to become a Historic District, by the City, because of its historic character as a neighborhood. Residents of our neighborhood maintained the historic character very well for almost 80 years, without Historic District status or Historic Preservation permits. Property owners have generally done the right thing for over 80 years, because they love their homes and they love how livable the neighborhood is.

What motivated College Hill to allow the City to create our historic district was NOT the desire to micro-manage our neighbor's (or worse yet, Avery-Helm's) window replacements, patio constructions, or even control their plastic fences (even though we might agree they lack historic integrity.) What motivated me and my neighbors was the desire to maintain the historic character of the neighborhood. This meant reviewing the designs of additions, new construction, ADU's, garages, etc. to make sure they were generally compatible with the historic character of the neighborhood. This meant no T-111 siding or metal sliding windows. This meant Harding School would likely be spared the wrecking ball and the trees on Harrison would likely be preserved.

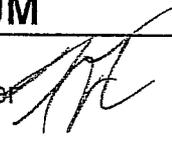
I urge the City Council to take whatever time necessary to write the best code possible. Please consider the City's slogan "Enhancing Community Livability" when reviewing the code and please consider the fact that property owners in the College Hill neighborhood did NOT sign up to be a 300+ home Preservation Project. We want a Code that protects the character of our neighborhood without making every old home a living museum, at the owner's expense.

Historic Preservation's best chance for success in Corvallis is through positive partnership. Rules, regulations, enforcement and fines will not encourage future preservation. Enthusiasm, incentives, advice and education, cooperation, and flexibility will all go much further in advancing our cause. Personally, I would enjoy being an enthusiastic voice in the Historic Preservation movement in Corvallis, if extreme positions are avoided, if the Code remains clear and objective, and if expectations for private property owners are kept reasonable. I hope our City Council chooses this positive direction and becomes a model for future success.

Most Sincerely,

Deb Kadas
3105 NW Jackson Avenue, Corvallis
754-6611

MEMORANDUM

From: Fred Towne, Planning Division Manager 
To: Mayor and City Council
Date: April 24, 2006
Re: Potential Amendments to Municipal Code Section 1.16.250 Regarding the Historic Preservation Advisory Board

I. Issue

As the City Council considers the recommendation from the Planning Commission to adopt LDT05-00001, which would amend the City's Historic Preservation provisions, it must recognize the need for some changes to the Municipal Code to respond to such an amendment. The primary issue is the change of responsibility for the Historic Preservation Advisory Board (HPAB) from that of an advisory board to a decision-making body. Other issues to address are ensuring the make-up of the body is consistent with state and federal requirements for Certified Local Governments (CLG), deciding if the body should be required to include members of established Historic Districts, deciding on the size of the body, and deciding whether the Mayor or the full Council appoint the members.

II. Background

To date, the HPAB has been an advisory board for the Community Development Director on many decisions affecting Designated Historic Resources. In this role, applicants present proposals to the HPAB describing modifications proposed to be made. The HPAB makes a recommendation to the Community Development Director regarding these applications, often with recommended Conditions of Approval that are intended to maintain a resource's Historic Integrity. The final decision is made by the Community Development Director based on public comment, staff expertise, and the recommendation from the HPAB. In most cases, the Community Development Director's decision has reflected the HPAB's recommendation. Because of this situation, the HPAB has become a de-facto quasi-judicial decision-maker on the Historic Preservation Permits that come before it. With this type of decision, comes a need to meet strict State-mandated public meeting and decision-making process standards. The proposed amendments to the Land Development Code contained in the Planning Commission recommendation (LDT05-00001) recognize and formalize this decision-making authority. Should the City Council choose to adopt LDT05-00001 consistent with this part of the Planning Commission recommendation, amendments to Municipal Code Section 1.16.250 will be needed. Following that initial decision, the specifics of those amendments can be considered.

III. Discussion

Amending Municipal Code Section 1.16.250 focuses on five key areas.

A. State and Federal Requirements for Certified Local Governments with Respect to Representation on Historic Boards

Oregon State Historic Preservation Office (SHPO) requirements state that the *majority* of the members on Historic Boards should be preservation professionals and/or persons working in historic preservation-related disciplines- based on the following category headings:

1. Archaeology: (a) Prehistoric Archaeology - Graduate degree in Anthropology or Prehistoric Archaeology, plus 2.5 years full-time professional experience; or (b) Historic Archaeology - Graduate degree in Anthropology or Historic Archaeology, plus 2.5 years full-time professional experience;
2. Architectural History: (a) Graduate degree in Architectural History or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Architectural History or a closely related field, plus 4 years full-time professional experience;
3. Conservation: (a) Graduate degree in Conservation or a closely related field, plus 3 years full-time professional experience; or (b) an undergraduate degree in Conservation or a closely related field, plus 3 years full-time apprenticeship in the field;
4. Cultural Anthropology: (a) Graduate degree in Anthropology with specialization in Applied Cultural Anthropology, plus 2 years full-time professional experience; or (b) an undergraduate degree in anthropology with specialization in applied cultural anthropology, plus 4 years full-time professional experience;
5. Curation: (a) Graduate degree in Museum Studies or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Museum Studies or a closely related field, plus 4 years full-time professional experience;

6. Engineering: (a) State Government-recognized license to practice Civil or Structural Engineering plus 2 years full-time professional experience; or (b) a Masters of Civil Engineering degree with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) a Bachelor's of Civil Engineering degree with one year of graduate study in Historic Preservation or a closely related field, plus 2 years full-time professional experience;
7. Folklore: (a) Graduate degree in Folklore or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Folklore or a closely related field, plus 4 years full-time professional experience;
8. Historic Architecture: (a) State Government-recognized license to practice Architecture plus 2 years full-time professional experience; or (b) a Masters of Architecture degree with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) a Bachelor's of Architecture with one year of graduate study in Historic Preservation or a closely related field plus 2 years full-time professional experience;
9. Historic Landscape Architecture: (a) a State Government-recognized license to practice Landscape Architecture plus 2 years full-time professional experience; or (b) a Masters degree in Landscape Architecture with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) a four or five year Bachelor's degree in Landscape Architecture plus 3 years full-time professional experience;
10. Historic Preservation Planning: (a) State Government-recognized certification or license in Land Use Planning, plus 2 years full-time professional experience; or (b) a graduate degree in Planning with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) an undergraduate degree in Planning with course work in Historic Preservation or a closely related field, plus 4 years full-time professional experience;

11. Historic Preservation: (a) Graduate degree in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Historic Preservation or a closely related field, plus 4 years full-time professional experience; or
12. History: (a) Graduate degree in History or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in History or a closely related field, plus 4 years full-time professional experience.

These are also the Federal standards. The State CLG regulations *require* and the Federal regulations *encourage* appointment of individuals with these qualifications *to the extent that they are available in the community*. Both the State and Federal regulations state that if a reasonable effort has been made to obtain the services of such individuals, but they are not available, members of the general public may be appointed instead. The Board's make-up with regard to these categories is a change to Municipal Code Section 1.16.250 that the City Council should consider whether LDT05-00001 is approved or not.

B. Specific Inclusion on the HPAB of Owners/residents from Recognized Historic Districts

During both the HPAB workshops and the Planning Commission public hearing regarding these Historic Preservation provisions, public testimony was offered recommending that the Historic Board resulting from this effort should include owners and/or residents of the recognized Historic Districts. In those meetings, staff pointed out that decisions regarding the Historic Board's make-up were not directly included in the Land Development Code itself. Instead, they would be taken up during any Municipal Code amendments Council believes are needed to address the LDT05-00001 Text Amendment. This is also an issue that could be taken up whether LDT05-00001 is approved or not.

C. Change in the Name of the Historic Preservation Advisory Board

Should the Council choose to approve the Planning Commission's recommendation that the HPAB become a quasi-judicial decision-making body, the term "Advisory Board" will no longer be appropriate. Any number of names might be chosen. Consistent with the quasi-judicial decision-

making character of the Planning Commission, "Historic Preservation Commission" may be appropriate.

D. Change in Number of Board Members

Council may wish to change the number of members on the Board. It is currently an 8-member Board, and decisions are made by a majority vote, or five members. Should Historic District residents/owners be designated as members, an increase to nine members (similar to the Planning Commission) may be appropriate. Since this majority of 5 must also be "qualified," yet the number in the majority does not increase for a body of either 8 or 9 members, those positions are no more difficult to fill. Again, this is a choice that could be made whether the Council approves LDT05-00001 or not.

E. Change in Method of Appointment

Currently, the Municipal Code states that, "...unless otherwise provided by ordinance, all commission and board members shall be appointed by the Mayor, subject to the advice and consent of Council." The HPAB is currently appointed in this manner; however, the other primary quasi-judicial decision-making body, the Planning Commission, is appointed by the Council. With approval of LDT05-00001, the Council may wish to change the appointment method consistent with that of the Planning Commission.

IV. Planning Commission's Comments

At its April 19, 2006, meeting, the Planning Commission discussed these issues, indicated a general agreement with the identified direction, and offered the following suggestions. First, the Commission was generally supportive of the inclusion of owners/residents from the Historic Districts on the new decision-making body. It was thought that given the many Historic Resources on the OSU Campus, consideration also should be given to having someone associated with OSU appointed. However, the Commission was concerned that any such appointees should meet the CLG requirement that members have a demonstrated interest, competence, or knowledge in historic preservation, or as the State standards state, members shall have a demonstrated *positive* interest, competence, or knowledge in historic preservation. This level of expertise was seen as a good way to avoid any potential for bias. Another concern was the need to revisit this requirement if additional Historic Districts are formed.

The Planning Commission also believes that it is important for a person on the body to have knowledge of commercial, industrial, and institutional buildings and how they operate. Most of the Historic Resources in the community are residential (with the exception of OSU), but this perspective is one that would be valuable in the review of permit requests for non-residential resources.

The Planning Commission is aware that the decision-making body will no longer be able to fill the advisory role currently identified in its charter. The Commission is also aware of the Historic Preservation Guidelines that the HPAB has initiated work on and that these guidelines should be helpful to future applicants for Historic Preservation Permits. It was suggested, however, that a library of accepted materials, amenities, and methods, based on previous approvals, might also be of help. This is beyond the immediate scope of this project.

IV. Proposed Update to Municipal Code Section 1.16.250

Should the Council choose to make the changes identified above, staff has drafted the following amendments to Section 1.16.250- Historic Preservation Advisory Board:

Section 1.16.250 ~~Historic Preservation Advisory Board~~ Commission

- 1) A ~~Historic Preservation Advisory Board~~ Commission is hereby created for the City.

- 2) This ~~Board~~ Commission shall consist of ~~nine~~ eight members as described in "a" through "e" below. All Commission members shall have a demonstrated positive interest, competence, or knowledge in historic preservation. An individual appointed to the Board may represent both "a" and up to one of the other categories in "b" through "d" below. However, an individual appointed to the Board may not be counted to satisfy representation for both "d" below and either "b" or "c." In addition, a member of the Planning Commission shall serve as an ex officio member of the Commission with all the rights and privileges attendant thereto except the right to vote.
 - a) At least five mMembers shall meet one or more of with the following knowledge, ~~Federal Historic Preservation Professional Qualification Standards listed in 1-12 below, qualifications, to the extent that these members are available in the community. If a reasonable effort has been made to fill these five positions, and members meeting the qualifications are unavailable, the positions may be filled by persons meeting the qualifications in "b" through "e" below, and/or experience shall be appointed to serve on the Board: 1) historic resources protection; 2) building industry; 3) fire, life, and safety codes; 4) licensed architect; and 5) representative of the Benton~~

~~County Historical Society. An individual appointed to the Board may represent no more than two of these areas. Once all of these areas of interest are represented, additional members may be appointed to the Board who represent the general public. In addition, a member of the Planning Commission shall serve as an ex-officio member of the Board with all the rights and privileges attendant thereto except the right to vote.~~

1. **Archaeology:** (a) Prehistoric Archaeology - Graduate degree in Anthropology or Prehistoric Archaeology, plus 2.5 years full-time professional experience; or (b) Historic Archaeology - Graduate degree in Anthropology or Historic Archaeology, plus 2.5 years full-time professional experience;
2. **Architectural History:** (a) Graduate degree in Architectural History or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Architectural History or a closely related field, plus 4 years full-time professional experience;
3. **Conservation:** (a) Graduate degree in Conservation or a closely related field, plus 3 years full-time professional experience; or (b) an undergraduate degree in Conservation or a closely related field, plus 3 years full-time apprenticeship in the field;
4. **Cultural Anthropology:** (a) Graduate degree in Anthropology with specialization in Applied Cultural Anthropology, plus 2 years full-time professional experience; or (b) an undergraduate degree in anthropology with specialization in applied cultural anthropology, plus 4 years full-time professional experience;
5. **Curation:** (a) Graduate degree in Museum Studies or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Museum Studies or a closely related field, plus 4 years full-time professional experience;
6. **Engineering:** (a) State Government-recognized license to practice Civil or Structural Engineering plus 2 years full-time professional experience; or (b) a Masters of Civil Engineering degree with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) a Bachelor's of Civil Engineering degree with one year of graduate study in Historic Preservation or a closely related field, plus 2 years full-time professional experience;

7. **Folklore:** (a) Graduate degree in Folklore or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Folklore or a closely related field, plus 4 years full-time professional experience;
8. **Historic Architecture:** (a) State Government-recognized license to practice Architecture plus 2 years full-time professional experience; or (b) a Masters of Architecture degree with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) a Bachelor's of Architecture with one year of graduate study in Historic Preservation or a closely related field plus 2 years full-time professional experience;
9. **Historic Landscape Architecture:** (a) a State Government-recognized license to practice Landscape Architecture plus 2 years full-time professional experience; or (b) a Masters degree in Landscape Architecture with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) a four or five year Bachelor's degree in Landscape Architecture plus 3 years full-time professional experience;
10. **Historic Preservation Planning:** (a) State Government-recognized certification or license in Land Use Planning, plus 2 years full-time professional experience; or (b) a graduate degree in Planning with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) an undergraduate degree in Planning with course work in Historic Preservation or a closely related field, plus 4 years full-time professional experience;
11. **Historic Preservation:** (a) Graduate degree in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Historic Preservation or a closely related field, plus 4 years full-time professional experience; or
12. **History:** (a) Graduate degree in History or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in History or a closely related field, plus 4 years full-time professional experience.

- b) At least one member from each established Historic District. These Historic District representatives must be property owners and residents of the Historic District that they represent;

- c) At least one member that is a representative of Oregon State University. If an Oregon State University Historic District is eventually established, this member requirement will no longer be needed, as an OSU representative would already exist through "b" above; and
 - d) Additional members representing the general public, as needed, to fill the Commission's nine positions.
- 3) The Board-Commission shall be a quasi-judicial decision-maker for matters that include the following:
- a) District Change decisions regarding the application or removal of a Historic Preservation Overlay in cases where a public hearing is required by Land Development Code Chapter 2.2 - Development District Changes;
 - b) HPAB-level Historic Preservation Permit decisions; and
 - c) Appeals of Director-level Historic Preservation Permit decisions.
- 4) The Commission shall advise and assist Council, the Planning Commission, and the Community Development Director in all-matters pertaining to historic and cultural resource preservation. Such matters shall include:
- ~~a) Recommendations concerning applications for alterations, demolitions, additions, modifications, or changes of use for any structure listed on Corvallis' Register of Historic Landmarks and Districts;~~
 - ab) Recommendations concerning amendments to sections of the Land Development Code pertaining to historic preservation.
 - be) Recommendations concerning the nominations of sites or structures for the National Register of Historic Places.
 - ~~d) Recommendations on additions or deletions to the Corvallis Register of Historic Landmarks and Districts;~~
 - ce) Encouraging Recommendations concerning additional inventories and/or surveys of Corvallis' historic sites and structures.
 - df) Coordinating Coordination of public information or educational programs pertaining to historic and cultural resources.
- 54) If a site or structure on the Corvallis Register of Historic Landmarks and Districts is to be demolished, insofar as practicable and as either public or private funds are available, the ~~Historic Preservation Advisory Board-Commission~~ shall obtain a pictorial record of the site and structure with such additional data as it may obtain. In addition, insofar as practicable and to the extent that public or private funds are available, the Historic Preservation Advisory Board-Commission shall obtain artifacts from the structure or site which it deems worthy of preservation, such as carvings, cast iron work, or other materials it deems of artistic or historical

significance. Such pictorial records and artifacts shall be made available for display in public buildings and buildings open to the public including, but not limited to, ~~such buildings as the~~ Corvallis City Hall, the Benton County Historical Museum, the Corvallis Arts Center, and the Horner Museum.

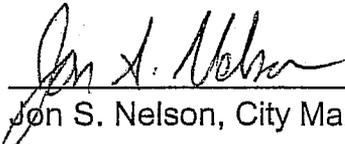
- 6) Upon expiration of a term or vacancy, a public announcement of the opening will be announced in a newspaper of general circulation in the City. The notice shall contain the qualifications for appointment in subsection 2) and a list of the qualifications of existing commissioners. After receiving applications Council may conduct interviews. If more than one application is submitted, Council shall hold a ballot vote conducted by the City Recorder. Any person receiving a majority vote shall be appointed to the Historic Preservation Commission. If no person receives a majority vote, the two receiving the most votes shall be voted upon again. The one then receiving the majority vote shall be appointed to the Historic Preservation Commission.

The Municipal Code changes identified above are for information only at this time. Once the Land Development Code provisions for Historic Preservation are agreed upon, these provisions can be refined further as needed.

V. Request

Following an initial approval of the proposed amendments to the Corvallis Historic Preservation Provisions in LDT05-00001 (should approval occur), staff requests that the Council adopt the above-referenced changes (or portions thereof) to *Section 1.16.250 Historic Preservation Advisory Board* of the Corvallis Municipal Code, as appropriate. Staff will draft ordinances accomplishing both tasks, which can then be adopted consecutively.

Review and Concur:



Jon S. Nelson, City Manager

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

May 1, 2006

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Consent Agenda Pages 257-258			
New Business 1. EPA Green Power Community Presentation Pages 258-259	Yes		
Unfinished Business 1. Full Gospel Assembly Church Deliberations Pages 259-260			<ul style="list-style-type: none"> • Uphold LDHB; deny application to remove HPO passed 7-0, 2 abstain
Mayor's Reports 1. Proclamation of Public Service Recognition Week – May 1-7, 2006 2. Proclamation of Adopt a Homeless Animal Day – May 7, 2006 3. Proclamation of Building Safety Week – May 7-11, 2006 4. Proclamation of Drinking Water Week – May 7-14, 2006 5. Proclamation of National Historic Preservation Month – May 2006 6. Proclamation of Older Americans Month – May 2006 7. Proclamation of National Mental Health Month – May 2006 Page 260			<ul style="list-style-type: none"> • Proclaimed
Council Reports 1. MPO and CWCOG Contract Update (Griffiths) 2. Corvallis Sister Cities Week Activities (Gándara) 3. Ward 5 Battle of Bands (Gándara) 4. Spring Garden Festival (Tomlinson) 5. Corvallis Sustainability Project (Hagen) 6. Disposing Electronic Waste (Hagen)	Yes Yes Yes Yes Yes Yes		

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
7. Citizens Review Board Public Outreach (Hagen, Grosch) 8. OSU Lake Shasta Alternative (Hagen) 9. Day Without an Immigrant Boycott (Grosch) 10. CNHS and LCAH Merger (Griffiths) Pages 260-261	Yes Yes Yes Yes		
Staff Reports 1. Historic Preservation Presentation 2. Council Request Follow-up Report – April 27, 2006 3. LDC Phase I Appeal Order Page 261	Yes Yes Yes		
Items of HSC Meeting of April 18, 2006 1. Majestic Theatre Annual Report 2. Municipal Code Revisions to Chapter 10.06, “Downtown Tree Management Program” 3. Municipal Code Chapter 8.11, “Social Gaming” Annual Review 4. Alcohol/Neighborhood Livability Strategic Action Plan Pages 262-263		<ul style="list-style-type: none"> • Contract negotiations 	<ul style="list-style-type: none"> • Accept Annual Report <u>passed U</u> • Repeal Chapter 10.06 <u>passed U</u> • Affirm Chapter 8.11 <u>passed U</u> • Approve Action Plan <u>passed U</u>
Items of ASC Meeting of April 20, 2006 1. daVinci Days Loan Agreement Status Annual Report 2. Allied Waste Services Annual Report 3. Fire Fees Legislation 4. Nuisance Fire Alarm Response Fees Pages 263-264	Yes		<ul style="list-style-type: none"> • Accept Annual Report <u>passed U</u> • ORDINANCE 2006-10 <u>passed U</u> • ORDINANCE 2006-11 <u>passed U</u>
Other Related Matters 1. Municipal Judge Pro Tempore – Lacy Page 265			<ul style="list-style-type: none"> • RESOLUTION 2006-14 <u>passed U</u>
Executive Session 1. Potential Land Acquisition 2. LDC Phase III Appeal 3. Pending Litigation – Alberti Page 265	Yes Yes Yes		

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Visitors' Propositions 1. Van Buren Bridge Alternatives (Lampton, Van Vliet, Howell) Pages 265-267	Yes		
Public Hearings 1. CDBG/HOME Investment Partnerships Program FY 2006-2007 Action Plan 2. City Charter Amendment Pages 267-276		City Council May 15, 2006	<ul style="list-style-type: none"> • Approve Action Plan; authorize Mayor Berg to sign HUD application and certification documents • Approve HOME Program allocation as tentative CHDO reservation to CNHS

Glossary of Terms

ASC	Administrative Services Committee
CDBG	Community Development Block Grant
CNDO	Community Housing Development Organization
CNHS	Corvallis Neighborhood Housing Association
CWCOG	Cascades West Council of Governments
EPA	Environmental Protection Agency
FY	Fiscal Year
HPO	Historic Preservation Overlay
HSC	Human Services Committee
HUD	Housing and Urban Development
LCAH	Linn County Affordable Housing
LDC	Land Development Code
LDHB	Land Development Hearings Board
LUBA	Land Use Board of Appeals
MPO	Metropolitan Planning Organization
OSU	Oregon State University
U	Unanimous

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

May 1, 2006

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 12:01 pm on May 1, 2006 in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Berg presiding.

PLEDGE OF ALLEGIANCE

I. ROLL CALL

PRESENT: Mayor Berg, Councilors Brauner, Tomlinson, Griffiths, Zimbrick, Daniels, Grosch, Davis, Gándara, Hagen

II. CONSENT AGENDA

Councilors Tomlinson and Zimbrick, respectively, moved and seconded to adopt the Consent Agenda as follows:

- A. Reading of Minutes
 - 1. City Council Meeting – April 17, 2006
 - 2. City Council Work Session – April 17, 2006
 - 3. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Airport Commission – April 4, 2006
 - b. Citizens Advisory Commission on Civic Beautification and Urban Forestry – March 13, 2006
 - c. Housing and Community Development Commission – March 8 and 9, and April 5, 2006
 - d. Open Space Advisory Commission – March 14, 2006
 - e. Parks and Recreation Advisory Board – March 16, 2006
- B. Announcement of Vacancy on Advisory Commissions (Commission for Martin Luther King, Jr. - Collision; Citizens Advisory Commission on Transit - Warloe)
- C. Announcement of Appointment to Commission for Martin Luther King, Jr. (Alexander)
- D. Confirmation of Appointments to Advisory Commissions (Bicycle and Pedestrian Advisory Commission - Upton; Watershed Management Advisory Commission - Strong)
- E. Schedule a public hearing for June 5, 2006 to consider a possible appeal of a Planning Commission decision (PLD05-00019, SUB05-00007, PCR05-00009 – Seventh Street Station)
- F. Schedule public hearings for June 5, 2006 to consider State Revenue Sharing Funds for Fiscal Year 2006-2007 and a Fiscal Year 2006-2007 budget

- G. Authorization to enter into and for the City Manager to sign an Intergovernmental Agreement with Oregon State University for recreational programs services
- H. Authorization to enter into and for the City Manager to transfer real property
- I. Schedule an Executive Session following the regular noon meeting under ORS 192.660(2)(e)(h) (status of real property transaction; status of pending litigation or litigation likely to be filed)

The motion passed unanimously.

III. ITEMS REMOVED FROM CONSENT AGENDA – None.

X. NEW BUSINESS

- A. Presentation by Environmental Protection Agency (green power community)

Teresa Bodwell of the Renewable Northwest Project introduced Matt Clouse, Environmental Protection Agency (EPA) Director and Green Power Partnership Co-developer. Mr. Clouse oversees EPA program operations and works with utilities and green power marketers to encourage large organizations to move toward green power.

Mr. Clouse congratulated the Mayor and Council for choosing to use more electricity from clean, renewable energy. He recognized Corvallis as the first Northwest Green Power community and the third in the nation to join the partnership and meet the EPA procurement bench marks. More than ten percent of local businesses and residents are purchasing green power, which represents almost three percent of annual electricity use. Corvallis' choice to buy more renewable energy will be used as an example to inspire other communities.

Although clean energy resources are capable of supplying a large amount of the country's electrical supply, Mr. Clouse said less than two percent comes from non-hydro renewable energy sources. The major component of EPA's Green Power Partnership is to increase the amount of electricity supplied from renewable resources such as solar, wind, biomass, and landfill gas.

Mr. Clouse said it is unusual for the Green Power Partnership to work with an entire community instead of one of the 600 organizations currently enrolled. The Partnership purchases more than four billion kilowatt hours of renewable energy annually, enough to power approximately 300,000 homes.

Mr. Clouse presented two street signs to Mayor Berg recognizing Corvallis' commitment to green power.

In response to Councilor Tomlinson's comments, Mr. Clouse said the EPA will provide stickers to update the signs each year. He said the dates confirm that Corvallis is continuing to meet the requirements of the program. Councilor Gándara suggested the sticker identify that Corvallis has been meeting the requirements "since" 2006.

Councilor Griffiths said she was impressed with the diversity of local participants in the Blue Sky program.

In response to Councilor Tomlinson's inquiry, Mr. Clause said Moab, Utah and Boulder, Colorado are the other two communities that have joined the Green Power Partnership and met standards. Ten cities are ready to begin participation in the partnership and many more cities have indicated interest.

Councilor Tomlinson said Corvallis has committed to purchasing Blue Sky blocks and recognized Public Works Director Rogers, Public Works Administration Division Manager Steckel, and Customer Services Manager Krieg for taking a leadership role in the City's purchasing of renewable energy.

IV. UNFINISHED BUSINESS

- A. Deliberations on an appeal of a Land Development Hearings Board decision (HPP06-00001 – Full Gospel Assembly Church)

City Manager Nelson reported that no additional testimony was submitted for consideration.

Councilors Brauner and Gándara both reported that they were absent during the public hearing related to this matter and had not listened to the recorded meeting; therefore, they will abstain from voting.

Declaration of Ex Parte Contacts since April 17 Public Hearing – None.

Deliberations

Councilors Griffiths and Grosch, respectively, moved and seconded to uphold the Land Development Hearings Board decision to deny the Historic Preservation Permit application HPP06-0001, subject to review and approval of formal findings and a final order; thereby, denying the request to remove the Historic Preservation Overlay applied to the Full Gospel Assembly Church property, and denying the request to de-list the property from the Corvallis Register of Historic Landmarks and Districts.

Councilor Griffiths said it was well documented that the property owner did not take any action to request removal of the historic preservation designation. Although she empathizes with the property owner, it was his responsibility to followup with staff about what he did or did not want for his property.

Councilor Griffiths said during the April 17 public hearing, the property owner stated that he was not planning to do anything to the building that would not be allowed by the historic preservation designation. The property owner's argument about the decrease in property value was not substantiated.

Councilor Daniels said she will support the motion based on the fact that the permit application does not comply with the criteria for removing a historic designation noted in Land Development Code 2.9.60.04, and for the reasons stated by Councilor Griffiths.

The motion passed seven to zero, with Councilors Brauner and Gándara abstaining.

V. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

1. Proclamation of Public Service Recognition Week – May 1-7, 2006
2. Proclamation of Adopt a Homeless Animal Day – May 7, 2006
3. Proclamation of Building Safety Week – May 7-11, 2006
4. Proclamation of Drinking Water Week – May 7-14, 2006
5. Proclamation of National Historic Preservation Month – May 2006
6. Proclamation of Older Americans Month – May 2006
7. Proclamation of National Mental Health Month – May 2006

Mayor Berg briefly discussed each proclamation.

B. Council Reports

Councilor Griffiths referred to the memorandum she drafted to the Metropolitan Planning Organization (MPO) related to the MPO budget and contract. She reported that the MPO Board agreed to a three-year service contract with the Cascades West Council of Governments (CWCOG) that includes additional language to allow either party to revise the conditions of the contract. The MPO has requested a three-year projected budget from CWCOG for fall budget discussions. The concern is increasing administration costs.

Councilor Gándara reported that this week represents Corvallis Sister Cities Week. Activities include Uzhgorod Sister Cities Organization speakers on May 2; Gondar culture, history, and silent auction presentation on May 4; a flower basket sale on May 7; Touch Project speaker on May 21; and an annual members meeting on June 20 in the Library.

Councilor Gándara announced that the sixth annual Ward 5 Battle of the Bands will be held at The Union (formerly AJs), May 11-13. This year's theme is "Czech My Republic" and bands are encouraged to sing about freedom and America.

Councilor Tomlinson reported that the Madison Avenue Task Force is holding their annual Spring Garden Festival at ArtCentric on May 7.

Councilor Hagen met with Oregon State University (OSU) graduate student David Lane regarding his project detailing Corvallis sustainability. She also met with an OSU business student about marketing a business to dispose electronic waste. A presentation will be made by the student to Council at a future meeting.

Councilor Hagen reported that she attended the first public outreach meeting about forming a Citizens Review Board. Councilor Grosch added that 25 to 30 people attended the first meeting.

In response to Mayor Berg's inquiry, Councilor Hagen confirmed that OSU has formed a Lake Shasta alternative task force to develop local activities.

Councilor Grosch recognized the Day Without an Immigrant boycott to honor service workers. He said there is an ongoing national debate regarding House Bill 4437, an anti-immigrant bill. The bill victimizes immigrants currently working and paying taxes in the United States, and makes no distinction between who is hiring and who is working. Councilor Grosch said prior to last week, there had only been two businesses in the United States charged with employing illegal immigrants within the last five years. Mayor Berg noted that demonstrations were planned for Salem and Portland.

Councilor Griffiths reported that Corvallis Neighborhood Housing Services and Linn County Affordable Housing have decided to pursue a merger of the two non-profit organizations. She said they are committed to continue providing current services and ensuring that local resources stay local. A memorandum of understanding has been signed and a steering committee is working out the specifics of the merger.

C. Staff Reports

Mr. Nelson referred to a memorandum from Associate Planner Richardson (Attachment A) related to a historic preservation expert presentation on May 18. A special meeting with the presenter has been scheduled in the Downtown Fire Station from 4:00 to 5:30 pm for elected officials and staff from Corvallis, Benton County, and Albany. The public presentation is scheduled for 7:00 pm at the First United Methodist Church.

1. Council Request Follow-up Report – April 27, 2006

Mr. Nelson briefly reviewed the Report.

2. Stipulated Order for Phase I Appeal of the Land Development Code Update

Mr. Nelson said the order was submitted by the City to the Land Use Board of Appeals (LUBA). When a response is received from LUBA, staff will return with an implementation strategy for Council consideration.

VIII. & IX. STANDING COMMITTEE REPORTS, ORDINANCES, RESOLUTIONS, AND MOTIONS

A. Human Services Committee – April 18, 2006

1. Majestic Theatre Annual Report

Councilors Daniels and Tomlinson, respectively, moved and seconded to accept the Majestic Theatre Annual Report for Fiscal Year 2004-2005.

The motion passed unanimously.

Councilor Daniels reported that Majestic Theatre Management, Inc. (MTM) is in contract negotiations with the Parks and Recreation Department. Currently, the City allocates monies to MTM from interest earned on an endowment fund. MTM requests the contract language be amended to provide an annual allocation of \$48,000 for stable funding in light of decreasing interest rates. Councilor Daniels said contract amendments are usually referred to the Administrative Services Committee (ASC); however, since the Human Services Committee (HSC) reviews the annual report and has already discussed this issue, HSC requests keeping the contract discussions at HSC prior to Council consideration.

Councilor Griffiths expressed concerns about the requested funds. She said more information is needed about MTM's investment strategies of the funds they control. The implied "six percent" equaling \$48,000 would be on a fund of \$800,000, about double the amount of the endowment. Councilor Griffiths said she is not in favor of pursuing this late budget request.

Mr. Nelson clarified that contract negotiations are between MTM and the Parks and Recreation Department. A specific request will be brought back to Council through the committee level. This request is to confirm that the process stay with HSC.

As Chair of the ASC, Councilor Brauner agreed that the issue remain with the HSC, and Council concurred.

2. Municipal Code Revisions to Chapter 10.06, "Downtown Tree Management Program"

Councilor Daniels reported that this Chapter is no longer needed due to recent language additions and changes adopted in Chapter 2.19, "Tree and Park Strip Planting."

City Attorney Fewel read an ordinance repealing Municipal Code Chapter 10.06, "Downtown Tree Management Program."

ORDINANCE 2006-09 passed unanimously.

3. Municipal Code Chapter 8.11, "Social Gaming" Annual Review

Councilor Daniels reported that there have not been any significant problems related to this Chapter. At staff's request, the Committee reviewed interpretation of the language related to advertising and awarding prizes. The Committee agreed with staff interpretation.

Councilors Daniels and Hagen, respectively, moved and seconded to affirm Municipal Code Chapter 8.11, "Social Gaming."

Councilor Gándara said approximately six months ago a business owner inquired about making minor revisions to the Social Gaming Chapter. Councilor Gándara requested Council delay action on affirmation of this Chapter until he could contact the business owner.

Councilor Tomlinson suggested that Council move forward with the affirmation which would not preclude the business owner from approaching the HSC at any time to request amendments.

The motion passed unanimously.

4. Alcohol/Neighborhood Livability Strategic Action Plan

Councilor Daniels commended Police Chief Boldizar, Community Policing Forum Chair Wershow, and the task force for addressing alcohol abuse and negative interactions between students, neighborhoods, and merchants, with a positive, well developed plan. She reviewed the four objectives of the five-year plan.

Councilors Daniels and Tomlinson, respectively, moved and seconded to approve the Alcohol/Neighborhood Livability Strategic Action Plan.

The motion passed unanimously.

B. Urban Services Committee – None.

C. Administrative Services Committee – April 20, 2006

1. daVinci Days Loan Agreement Status Annual Report

Councilor Brauner reported that the City approved a \$20,000 loan for daVinci Days last year with payments to be made from excess revenues. Because no profits were realized last year, no payments were made to the City. daVinci Days is implementing changes and hopes to be more successful with the next festival. They have included a \$1,000 payment in their budget as a sign of good faith. Councilor Brauner added that the new director and board are making positive efforts in turning the festival into a self-sustaining event.

Councilors Brauner and Zimbrick, respectively, moved and seconded to accept the 2005 daVinci Days Annual Report.

Councilor Tomlinson said as the daVinci Days liaison, he has observed the new board making great strides in financial reporting and standings. He said he is confident they will make this festival successful.

The motion passed unanimously.

2. Allied Waste Services Annual Report

Councilor Brauner reported that Allied Waste of Corvallis (AWC) is exploring the use of large commingle recycling bins (similar to the yard waste bins) that would be emptied every two weeks. Besides increasing the amount of collected recycling materials, the bins will help control loose materials from blowing around the neighborhood. This issue was presented for information only; no council action is needed.

3. Fire Fees Legislation

Councilor Brauner explained that this proposal provides the Fire Department with a way to recover response costs for special rescue services from those who do not pay taxes in Corvallis. The issue was discussed during the budget process and the language has been drafted from successful plans in other cities. Councilor Brauner estimated the revenue to be \$25,000 to \$45,000 annually.

Mr. Fewel read an ordinance related to the recovery of service costs provided to non City of Corvallis/Corvallis Rural Fire Protection District residents, creating a new Municipal Code Chapter 7.10, "Non-Resident Service Cost Recovery," and stating an effective date.

ORDINANCE 2006-10 passed unanimously.

4. Nuisance Fire Alarm Response Fees

Councilor Brauner reported that the Fire Department receives a high number of false fire alarms that occur due to mechanical failure, malfunction, improper installation, and/or lack of proper maintenance. Responding to these nuisance alarms takes staff away from real emergencies and costs the City an estimated \$1,200 per call. The proposal institutes escalating fees for three or more occurrences in a consecutive 12 month period.

Mr. Fewel read an ordinance related to fees for multiple "nuisance" fire alarms, creating a new Municipal Code Chapter 7.11, "Fees for Multiple Nuisance Fire Alarm Responses," and stating an effective date.

ORDINANCE 2006-11 passed unanimously.

D. Other Related Matters

1. A resolution appointing Patricia Lacy as Municipal Judge Pro Tempore for May 21, 2006 for the purpose of performing a wedding ceremony

Mr. Fewel read a resolution appointing Patricia Lacy as Municipal Judge Pro Tempore for May 21, 2006 for the purpose of performing a wedding ceremony.

Councilors Tomlinson and Griffiths, respectively, moved and seconded the resolution.

RESOLUTION 2006-14 passed unanimously.

The Council entered Executive Session at 1:12 pm.

Parks and Recreation Director Conway briefed Council about a potential land acquisition.

Deputy City Attorney Brewer briefed the Council about the Land Development Code Phase III appeal. He expects a decision from the Land Use Board of Appeals in September.

Mr. Brewer and Finance Director Brewer briefed the Council regarding the status of pending litigation involving a land dispute between the City and John Alberti.

Mayor Berg recessed the Council at 1:36 pm and reconvened the Council at 7:00 pm in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon.

I. ROLL CALL

PRESENT: Mayor Berg, Councilors Brauner (7:04 pm), Tomlinson, Zimbrick, Daniels, Grosch, Davis, Gándara

ABSENT: Councilors Griffiths and Hagen (excused)

VI. VISITORS' PROPOSITIONS

Pat Lampton, 2323 SW 45th Street, testified about maintaining pedestrian access on the historic Van Buren Bridge. Mr. Lampton said, although he is a member of the Downtown Corvallis Association and the Van Buren Bridge stakeholders group, he is not representing either group. Mr. Lampton referred to a memorandum and attachments from himself, Tony Van Vliet and Tony Howell (Attachment B).

Mr. Lampton said during the last bridge public hearing, various alternatives were presented, including removing the approaches and leaving the steel trusses. Mr. Lampton compared this plan to a similar project that occurred in Grants Pass and referred to the pictures included in the attachment. Mr. Lampton encouraged the Council to take necessary steps to ensure continued use of the existing historic Van Buren Bridge for pedestrian travel.

Tony Van Vliet, 1530 NW 13th Street, testified that the Riverfront Commission always considered using the Van Buren Bridge as a connection from the Riverfront to the east side of the river with the eventual development of greenway paths. The Oregon Department of Transportation (ODOT) will be rehabilitating the historic bridge and bringing it up to its current level of service until the new bridge is built. It will remain safe and functional for bike and pedestrian uses indefinitely, with a reasonable investment in annual maintenance and 25 year paint projects eligible for federal funding. ODOT is ready to make a decision about the future of this historic bridge. Mr. Van Vliet encouraged Council to adopt a resolution in support of the re-use of the bridge and approaches as a pedestrian facility under the ownership and maintenance of ODOT.

Tony Howell, 2030 SE DeBord Street, said from a transportation planning point of view, a new bridge would not be pleasant or encouraging for pedestrian traffic. The plans for the east side of the river move slowly, but there is still a vision to develop a pedestrian connection across the river. There is an opportunity that fits the federal mandate for ODOT funding that works with continuing use of the Van Buren Bridge as a pedestrian facility. It is in the community's interest to have that crossing as an enhancement to the Riverfront. Mr. Howell said the key to the proposal is to include the bridge and approaches in the environmental analysis phase.

In response to Councilor Daniels' inquiry about the state transportation planning rule requirement that all jurisdictions working with state funds provide alternative modes of transportation, Mr. Howell said his testimony was not specific to that requirement. He said the Harrison Bridge has two lanes, no bicycle lane, and typical sidewalks. It is very loud and frightening to use as a pedestrian bridge. The Van Buren Bridge is less frightening because it is one lane and the vehicles move at a slower rate. If the new bridge is wider with a bicycle lane separating the direction of traffic, or a multi-modal bridge separated by a concrete divider, it will not be attractive for pedestrian traffic.

Mr. Van Vliet said any federal highway bridge project is required to have a pedestrian and bicycle path. ODOT originally felt that putting a pedestrian and bicycle path on the new bridge would be sufficient and they could remove the use of the Van Buren Bridge. Most bridge bicycle and pedestrian paths are built for fast-paced work commuters, whereas the Van Buren Bridge has always been viewed as a leisurely way to cross the river for those who want to continue their walk along the river front.

In response to Councilor Daniels' inquiry, Mr. Lampton said the Council needs to move forward on this issue soon.

Mayor Berg noted the transparency of the project. She said is there is not enough funding to easily do what everyone wants.

In response to Mayor Berg's inquiry about the third bullet on the memorandum, Mr. Van Vliet said the paragraph refers to his understanding that ODOT will bring the Van Buren Bridge up to an almost new standard. That maintenance will last many years, and future maintenance would be low if the bridge is to be maintained as a pedestrian crossing. The ODOT Bridge Preservation Unit has indicated that ODOT will be able to provide funding for future maintenance.

Mr. Lampton opined that the real choice is the third bullet of the memorandum or a bridge view similar to the Grants Pass bridge. ODOT wants to limit possible liability in the long-term; however, having a project similar to the Grants Pass bridge would not be a good entrance to Corvallis.

In response to Councilor Tomlinson's inquiry about referring this issue to committee, Councilor Grosch said the issue would normally be reviewed by the Urban Services Committee.

Mr. Nelson reported that he and Public Works Director Rogers met with the ODOT regional and district engineers to discuss these concerns and others. Messrs. Nelson and Rogers plan to meet with Mayor Berg and Councilor Brauner, as members of the stakeholder and management groups, and with the ODOT engineers again. He suggested providing an update to Council during the second meeting in May.

Councilor Grosch concurred as long as Council has an opportunity to make a recommendation prior to the next stakeholders meeting.

Councilor Gándara said his concern is that Council make a statement by mid-June. In regards to the Grants Pass bridge, he opined that the letter of historic preservation was met, but it is a shadow of what historic means.

Mr. Van Vliet said he will be meeting with ODOT and Senator Morse next week. He will discuss the outcome of that meeting with Mr. Nelson.

VII. PUBLIC HEARINGS

- A. A public hearing to consider the Community Development Block Grant/HOME Investment Partnerships Program Fiscal Year 2006-2007 Action Plan

Mayor Berg reviewed the order of proceedings and opened the public hearing.

Staff Report

Housing Division Manager Weiss said Council conducted the first of two required public hearings in January and a request for proposals (RFP) process was conducted to seek projects providing capital, services, or other funding. The Housing Division staff and the Housing and Community Development Commission (HCDC) reviewed and evaluated the proposals for consistency with the Consolidated Plan Goals and compliance with the federal regulations applicable to the CDBG and HOME programs. Mr. Weiss said, of the 15 presentations heard, 11 were from human service agencies and all 11 are recommended for funding. The recommendation also includes funding for the Corvallis Neighborhood Housing Services (CNHS) microenterprise program, CNHS operations as a Community Housing Development Organization (CHDO) for the City's HOME program, and initial funding for a joint development project with CNHS and the Center Against Rape and Domestic Violence (CARDV) that will provide transitional housing for victims of domestic violence. Mr. Weiss explained that the CNHS/CARDV project is not included in the financial action plan because the monies needed were identified in a prior action plan for housing activities.

Mr. Weiss referred to the staff report that includes a budget summary, overview of activities scheduled for Fiscal Year 2006-2007, detailed explanations of the activities, and a draft Action Plan. The Action Plan details each activity and funding levels. Minutes from the HCDC meetings held to consider the proposals are included in the Action Plan.

Mr. Weiss said the purpose of the public hearing is for Council to consider the staff report and Action Plan, review activities for the next fiscal year, approve the submission to the United States Department of Housing and Urban Development (HUD), and to consider approval of a Fiscal Year 2004-2005 HOME program allocation in the amount of \$105,555 for the initial funding of the proposed transitional housing project under a CHDO project set-aside agreement.

Questions of Staff – None.

Public Testimony

Jim Moorefield, CNHS Director, referred to a copy of the City's Vision 2010 Statement, prepared in 1989, which estimates the population of Corvallis in 2010 to be 62,500, and includes riverfront drawings with terraces, promenade, and a river boat. Mr. Moorefield quoted a portion of the Statement: "Nonprofit housing development corporation and rental rehabilitation loans ensure a decent supply of affordable housing for low income families." He said many things came to fruition from that vision, including the creation of CNHS in 1991.

Mr. Moorefield stated appreciation for the financial assistance the City has provided to CNHS in the past, for the inclusion of funding in the Fiscal Year 2006-2007 Action Plan for the microenterprise program, its financial literacy program, and the operations of CNHS as a CHDO for the City's HOME Program.

Nancy O'Mara, CARDV Executive Director, said the joint CNHS/CARDV project for transitional housing for survivors of domestic violence will make a profound difference to those wanting to sustain a life away from violence. Safe, affordable, transitional housing along with education, skill building, and support are keys to creating a safer community.

Barbara Ross, CNHS Board Member, said the CNHS/CARDV joint project fills a gap in services by providing 8 to 10 units to house survivors after their initial time in the shelter. While in the transitional housing, they will receive support and guidance on issues such as finding jobs and daycare, working through financial difficulties, mending relationships with families and friends, and beginning a new, healthy lifestyle. Ms. Ross referred to the Action Plan attachments that include January testimony about this project.

Ms. Ross reported that the public meetings about the Community Land Trust concept were attended by 101 individuals. She identified members of the policy development group established to explore the concept further.

In response to Mayor Berg's inquiry, Mr. Moorefield clarified that the CNHS/CARDV project goal is to provide 8 to 10 units. Ms. O'Mara opined that the units would always be at capacity. The support services connected to the transitional housing will help the survivors learn to sustain an independent life when, in most cases, they have not been the wage earner. She said what has prevented some women from taking the first step away from a violent relationship is wondering what will happen to them in three or six months.

Councilor Gándara inquired about the microenterprise program. He said he has participated in the program and is excited about its progress. Mr. Moorefield said the program is offered in two counties, and being able to serve Corvallis effectively is dependent on raising money to serve both counties. He reported that the Benton County Commissioners sponsored an application to the State for CDBG funding that will provide approximately 60 percent of the microenterprise program funding. Mr. Moorefield was recently notified that the program was successful in obtaining the funds. Councilor Gándara noted that the program is well attended by individuals who have good ideas and positive energy.

In response to Mayor Berg's inquiry, Mr. Moorefield confirmed that CNHS has been discussing a merger with Linn County Affordable Housing. He will update Council as details develop.

Darlene Kay Osburn, Circle of Hope Drop-in Center, thanked the Ecumenical Advisory Group who supports Circle of Hope, along with others connected to people who are homeless, low income, mentally ill, and disabled. Circle of Hope offers a mail stop, phone messaging system, and long-distance calling for employment opportunities and family contact. They provide transportation to detoxification facilities, hospitals, pharmacies, social security offices, County mental health, and court. They provide for pregnancy testing, hotel accommodations, and help families attempt to remove their children from foster care. She said the Circle of Hope provides a place for the homeless to socialize without the need for association with drugs or alcohol. Ms. Osburn reported that Circle of Hope is working to help establish a homeless shelter for men.

In response to Mayor Berg's inquiry, Ms. Osburn said most of the individuals seen at the Circle of Hope are not allowed to receive overnight shelter at Community Outreach due to their drug and alcohol policies.

Pauline McGinty, said her main function as a volunteer at the Circle of Hope is to help process the monthly reports and write grants. She commended the Housing Division staff for their help in report processing. Ms. McGinty said the Circle of Hope served more than 6,000 meals to 2,000 people last quarter.

Councilor Daniels noted that Ms. Osburn also spent an entire day working with the corrections mental health transition work group on a long-range strategic planning effort. A large percentage of the Circle of Hope clientele come into contact with corrections and also suffer from mental illness.

Judy Hecht, thanked Council for CDBG funding support for the South Corvallis Food Bank. Currently, the food bank is serving 200 households per month. Volunteers continue to see the numbers of individuals requesting help increase. Having the food bank in South Corvallis allows clients to walk and/or ride bicycles to the bank, which would be difficult if it was located away from South Corvallis. The food bank uses CDBG funds to rent the current location while they are continuing to work on obtaining a permanent location.

Mayor Berg closed the public hearing.

Deliberations and Final Decisions

In response to Councilor Tomlinson's inquiry, Mr. Weiss said administrative costs for CDBG funds are capped at 20 percent. The HOME Program is capped at 10 percent. CDBG and non-federal Revolving Loan Fund monies are used to subsidize the HOME Program administrative costs. As federal funding allocations have decreased in recent years, there has been a trend for Administrative Services, Risk Management, and Management Information Services charges to increase. This combination of trends is reflected in the higher percentage of overall administrative costs within the Revolving Loan Fund.

Mr. Weiss said the Consolidated Plan Housing Goals listed on page three of the Action Plan are aggressive and it is doubtful the City will obtain the first goal to create 250 new owner or renter housing opportunities by Fiscal Year 2007-2008. The goals were based on assumptions of smaller unit costs and the ability to provide more first time home buyer loans than the City is currently seeing. Other CDBG and HOME program managers around the state have reported that they are also struggling with this type of goal, especially as it relates to the first time home buyer loans and increasing housing costs.

Councilor Tomlinson said a Community Land Trust would provide housing affordability over the long-term and not subsidize mortgage payments for unaffordable houses when the subsidies are decreasing, as a percentage, and the home price is rising dramatically. Mr. Weiss said the Land Trust concept would be eligible in the plan as a housing acquisition activity.

Councilor Daniels said, as the Council liaison to HCDC, she attended the meetings related to the CDBG and HOME Programs, but did not participate in decision making or voting.

Councilor Davis said he is on the CNHS Board of Directors; however, he believes he can make a fair and impartial decision.

Councilors Tomlinson and Daniels, respectively, moved and seconded to approve the Housing and Community Development Commission's proposed Fiscal Year 2006-2007 CDBG/HOME Program Action Plan, authorize the Mayor to sign the HUD application and certification documents to be included in the Plan, and direct staff to submit the Plan to HUD for review and approval.

The motion passed unanimously.

Councilors Tomlinson and Zimbrick, respectively, moved and seconded to approve the Fiscal Year 2004-2005 HOME Program allocation of at least \$105,555 as a tentative CHDO project reservation to Corvallis Neighborhood Housing Services to support its creation of transitional housing units for victims of domestic violence and their families. The project will return again to the HCDC and Council for further consideration and approval of a final funding amount as it becomes more clearly defined in the future.

The motion passed unanimously.

B. A public hearing to consider a City Charter Amendment

Councilor Brauner explained that Council set a goal to review the City Charter for diversity issues and consistency with State law. During the fall of 2005, the Administrative Services Committee (ASC) developed a process to bring the goal forward by soliciting public comment through three focus group meetings. The meetings were well attended and valuable comments were received. On March 13, the ASC hosted a public forum for additional comments, and on March 23 the ASC reviewed all testimony and gave staff direction on drafting changes, which was reviewed by the ASC on April 6.

Councilor Brauner said during the review of the testimony, the ASC attempted to sort through what is appropriate for Charter changes and what might be placed in policy and ordinances to carry out the Charter. Although all of the testimony received was taken under advisement, it was not all brought forward into the recommended changes.

Councilor Brauner added that Council will take under advisement any testimony heard during this public hearing, but will not take any action today. On May 15, Council will give staff direction related to Charter changes and on June 8 ASC will review draft ballot title language which is scheduled to be approved by the Council on June 19. This time line allows for filing deadlines to place the proposed changes on the November election ballot.

Mayor Berg reviewed the order of proceedings and opened the public hearing.

Public Testimony

Clinton Downs, testified as the Co-Chair of the Basic Rights Action Team Corvallis (BRATC). Mr. Downs said BRATC is committed to enhancing Corvallis in making sure lesbian, gay, bisexual, and trans people feel welcome, comfortable, and supported in this community. BRATC is also committed to its allies; people who have supported BRATC in the past and who will support them in the future, who may also be under-represented or disenfranchised. Mr. Downs added that several people will be testifying about their experiences and specific proposed language (Attachment C).

Keisha Merchant, Chairperson, Oregon National Organization for Women (NOW) Task Force for the Elimination of Racism read her prepared statement (Attachment D).

Prudence Miles, 1002 NW Polk, said she was on the Council when it passed the civil rights ordinance in 1992 and was later employed by the City to implement the policy and investigate discrimination complaints.

As an employee of Oregon State University (OSU), Ms. Miles recently helped add gender identity to listed protections at OSU. After that experience, she decided to pursue having the City include gender identity to its list of protected people. She originally thought this process would be simple housekeeping until she discussed the issue with members of BRATC and Alex Johnson. She believes it is more appropriate to look at the City's founding document, the City Charter.

Ms. Miles said she is in support of more comprehensive language than what was proposed by the ASC. She appreciates what has been recommended, but hopes the City will think about the responsibility to rid barriers of participation in the community.

In response to Mayor Berg's inquiry, Ms. Miles said the City has an Affirmative Action Plan for hiring, but the BRATC's proposal for Chapter 5 is specific to appointments to Boards and Commissions. She said it is critical that the City commits to diverse appointments, including geographic and ethnic diversity. The proposed language will make the Boards and Commissions look a little more like the community.

Brenda McCune, said she is not protected as a transgender person under the language that exists in many work places. Language related to gender identity and expression is very important to people like her, their families, and colleagues. Gender expression and sexual orientation are different. Ms. McCune said she currently works at OSU and has found Corvallis and the OSU community to be very welcoming and open. She has been discriminated in a few instances, but not often, and not always overtly. Including BRATC's proposed language would make her feel more secure in this community.

Ms. McCune said decisions are often made by committees, without malice or prejudice, that sometimes affect people from traditionally marginalized groups. Those decisions might not be made quite the same way if those groups were represented on the committee making the decision. Consequently, having a broader representation in the decision making process would provide more security for groups who have been traditionally marginalized. Including the language would be a step forward in the progress of an inclusive society that is transparent and available to all citizens.

Mayor Berg said the opportunity to participate in Corvallis is great and anything anyone can do to encourage participation is appreciated. She added that it is difficult to fill more than 200 Boards and Commissions appointments.

Mr. Downs opined that somewhere between the initial diversity discussions of protection, access, and representation, and the final recommendation to Council, language proposals were missed. That is what prompted BRATC to submit the proposed language.

Mr. Downs said ordinances to address representation development and support for volunteers not familiar with meeting process is welcome; however, the Charter language needs to drive the value statement that diversity matters, including representation and access to Boards and Commissions.

Mr. Downs reviewed the four sections recommended by BRATC:

- Section 3a – Responsibility of City government to support diversity. (Adds action to “A Community That Honors Diversity.”)
- Section 3b – Power for the protection of citizens. (Same as the ASC recommendations.)
- Chapter 5, Section 21 – Mayor. (Insert second sentence to ensure that future Mayors understand their responsibility for diverse appointments.)
- Chapter 9 – Public Improvements and Environmental Justice. (Insert new section to ensure protection for Corvallis' values and be attentive to communities in development and land use.)

Mr. Downs defined Environmental Justice: “Identify and address disproportionately high and adverse human health or environmental effects of programs, policies, and activities of minority and low income populations.”

Mr. Downs said there is a local team of individuals working to meet with people across the City to define why it is important to amend the City Charter. The group supports the City's willingness to take this amendment to the voters and is committed to what has been proposed during this hearing.

In response to Councilor Gándara's inquiries, Mr. Downs clarified that the proposed Section 3a language is in addition to the ASC recommendation; that proposed Section 3b includes the addition of the word "representation"; and Chapter 9 language would be a new section.

Discussion ensued on the formatting of Section 3 between current Charter language, ASC recommended language, and BRATC's proposed language. Mr. Downs confirmed that BRATC is proposing three sub-sections for Section 3: general power language (current), responsibility (BRATC proposal 3a), and protection (BRATC proposal 3b).

Councilor Tomlinson inquired whether the language proposed by BRATC in Chapter 5, Section 21, limits the appointments by demographics. If the appointments were patterned after Corvallis demographics, 93 percent of the Boards and Commissions would be Anglo. Ms. McCune said the intent was not a proportional representation, but a representation of the points along the spectrum of diversity within the community. Councilor Grosch added that the statement is a philosophy that says Corvallis will have all groups within the City represented. Councilor Tomlinson opined that without the language being specific to the stated interpretation, someone in the future could interpret it to mean demographics.

Mayor Berg said despite her best efforts, she has never been able to appoint enough individuals from marginalized groups to reduce the 90 percent Anglo representation.

Mayor Berg recessed the meeting from 8:59 to 9:10 pm.

In reference to the proposed language in Chapter 5, Section 21, Mr. Downs said it is the intent that diverse people be represented and BRATC does not believe the language is limiting.

Councilor Tomlinson said the City operates under the laws of the State and Federal governments. He inquired what "protect from incursion" means as stated in the BRATC proposal for Chapter 9. Mr. Downs responded that the intent is for Corvallis to stand up for its values, such as diversity, land use, and environmental justice. Councilor Tomlinson said Council refers to that as protecting from local pre-emption.

Mayor Berg requested an example of environmental injustice in Corvallis. Mr. Downs said no one wants environmental injustice to happen in Corvallis. He said the creation of Interstate 5 through Northeast Portland increased asthma rates in poverty stricken areas. The issue was not taken into consideration during the decision of interstate placement.

Councilor Grosch said one of the issues Council has looked at is increasing density. A negative consequence to increasing density is the impact on land value. Increasing density increases land value, which decreases the ability to create affordable housing.

Councilor Daniels said a large number of people voted against the County's effort to locate a jail in South Corvallis because they thought it was discriminatory.

Councilor Zimbrick said there were three public forums, a public hearing, and several ASC discussions about proposed City Charter language. He is familiar with some of BRATC's proposed language in Sections 3a, 3b, and Chapter 5, Section 21. He does not recall ever

hearing about the proposed language for Chapter 9. Mr. Downs said the issue was brought up during discussions about land use decisions or other planning decisions that affect marginalized communities. He said this is an issue of representation and protection of communities that lack having a voice. The actual language may be new; however, it was based on elements from other proposals.

Councilor Brauner said inclusive language means listing everything or everyone the language pertains to; otherwise, it could be interpreted not to include certain things or people. BRATC's proposed language for Chapter 9 only refers to one way of discrimination, which makes it special. Councilor Brauner inquired whether the language needed to include every type of discrimination. Ms. McCune said many forms of discrimination are one-on-one and personal. Environmental injustice affects communities that have an identity of their own. Ms. McCune opined that it is important enough to single it out in the language. She said Affirmative Action language does not address a disenfranchised community.

Councilor Brauner said the debate is in determining what should be Charter changes and what should be emphasized and implemented through ordinances. Although he does not disagree with the issue, he is questioning why this specific form of discrimination rises to the level of Charter amendments. A Charter lasts for a long time, is not easily amended, and needs to be a strong statement of ensuring protection, treatment, and representation. Issues that can cause problems and change through time may be better dealt with through ordinances.

Mr. Downs said these discussions help everyone understand how public policy affects the operations of the City. Environmental justice is an important issue of our time. The discussions need to continue after the amendments are approved. Councilor Brauner inquired why some of these discussions could not occur during ordinance and policy debates.

Councilor Gándara stated that traditionally, this language is about individuals not being discriminated. BRATC's proposal incorporates groups of people and policy decisions that impact not only individuals, but groups of people within the community. He opined that the Charter would have more power if BRATC's Section 3b read, "...equal protection, treatment, and representation for individuals and groups of people..."

Tina Empol, National Association for the Advancement of Colored People (NAACP) Political Chair, said she supports the five language proposals submitted by BRATC and believes the proposals are appropriate for the Charter. She cited proposed language important to communities of color:

- assess barriers that limit opportunities,
- exercise government power to ensure equal protection, and
- assure appointments that reflect Corvallis diversity.

In reference to Chapter 5, Section 21, Ms. Empol said the language is specific to limit the Mayor from appointing all white, wealthy men, or all women of a certain political party. By placing the proposed language in the Charter, it states that the Mayor respects the diversity in Corvallis and lives up to the principles of a community that honors diversity.

Ms. Empol said during a public meeting she spoke about Corvallis having annexation language within the Charter. When the State attempted to pre-empt annexation, Corvallis reported to the State leaders that annexation is a part of the Corvallis Charter because it is a principle important to the identity and livability of the people of Corvallis. Ms. Empol opined that the proposed language for Chapter 9 is of the same importance.

Steven Leider, OSU Pride Center, said he has felt welcome and included in the Corvallis community since arriving eight months ago. He said, although he has never been uncomfortable in front of the Council, it might be considerably different for a person of color filing a complaint. Very rarely is there an opportunity to revisit and examine the City Charter, and there are a limited number of opportunities to get it right from one generation to the next. Demographics continually change and Corvallis is on the cutting edge of being inclusive. The City's motto is an aspiration and it is imperative that Council seriously consider BRATC's language proposals.

Alex Johnson, 2705 SW Pickford, said on behalf of Terry Ross, the OSU Office of Community and Diversity is willing to work with the ASC to help finalize Charter changes.

In response to Councilor Gándara's inquiry, Mr. Johnson clarified that the intent is to help draft language, educate citizens, and help implement the language. Councilor Gándara opined that the real work will be interpretation of policy.

Councilor Daniels said if the Charter amendments do not pass, she hopes some of these issues can be worked on through ordinances.

Mayor Berg thanked Mr. Johnson for his efforts in organizing and facilitating the Charter public outreach meetings and closed the public hearing.

The Council briefly discussed process for City Charter deliberations scheduled for May 15. Councilor Brauner suggested that the Council move on the proposal recommended by the ASC and then consider motions to amend based on subsequent testimony. The Council concurred.

Councilor Daniels commended the ASC for working through a very involved issue with dignity and openness.

XI. ADJOURNMENT

The meeting adjourned at 9:49 pm.

APPROVED:

ATTEST:

MAYOR

CITY RECORDER

Memorandum

To: Mayor and City Council

From: Bob Richardson, Associate Planner FAR

Date: May 1, 2006

Subject: Multi-jurisdictional worksession with Historic Preservation expert

On May 18, 2006, Historic Preservation expert, Donovan Rypkema will give a presentation entitled *Sustainability, Economics & Preservation*. This presentation, designed for the general public, will begin at 7:00 p.m., and will be held at First United Methodist Church, 1165 NW Monroe Avenue, Corvallis.

On March 6, 2006, the City Council expressed interest in participating in a special worksession with Benton County Commissioners and members of the Albany City Council, to hear a separate a presentation by Mr. Rypkema, also on the topic of *Sustainability, Economics and Preservation*, but tailored to issues facing local decision-makers. Based on the interest expressed by the Council, staff from Benton County and the cities of Corvallis and Albany, organized a special joint-worksession with Mr. Rypkema. This memo is to confirm that the joint-worksession is scheduled for Thursday, May 18, 2006, between 4:00-5:30pm in the Corvallis downtown fire station.

Benton County Commissioners, the Albany City Council, and the State Historic Preservation Office, have been notified of this worksession. It is expected that between 8-10 representatives from Albany(including staff) and up to 5 representatives from the County (including staff) would attend. It is also possible that a small number of representatives from the State Historic Preservation Office will be present. It is understood that scheduling conflicts will prevent a number of Corvallis Councilors from attending this meeting, but those that are able to attend are encouraged to do so.

Memorandum

To: Mayor and City Council
From: Pat Lampton, Downtown representative to Van Buren Bridge Stakeholders Group
Tony Van Vliet, Corvallis Riverfront Commission
Tony Howell
Date: May 1, 2006
Subject: Maintaining pedestrian access on historic Van Buren Bridge

As you know, ODOT will soon be finalizing which alternatives for the construction of a new bridge will be reviewed in the Environmental Analysis phase of its planning. Alternatives that do not undergo an Environmental Analysis will in all likelihood be excluded from later consideration. The Stakeholders Group meeting planned for this week is being rescheduled to June, and it will likely be their last meeting before the alternatives are finalized by the Management Team.

We would like to encourage the Mayor and Council to take all necessary steps needed to ensure that the continued use of the existing historic Van Buren Bridge for pedestrian travel be included in the design of one or more alternatives that undergo ODOT's Environmental Analysis. The following is a brief list of factors supporting this recommendation:

- It is consistent with the current recommendations of the Corvallis Riverfront Commission and Parks & Recreation Advisory Board, with the position of the City Council in 1993, and with the Riverfront Park Plan.
- Utilization of the historic bridge for vehicle travel during construction of a new bridge provides a significant cost savings over building a temporary bridge.
- According to Ray Bottenberg of the ODOT Bridge Preservation unit, ODOT will be rehabilitating the historic bridge, bringing it up to its current level of service until the new bridge is built. It will remain safe and functional for bike/ped uses indefinitely, with a reasonable investment in annual maintenance and with paint projects every 25 years that are eligible for federal funding.
- Federal highway funding regulations (Section 4(f)), require the re-use of historic bridges when "prudent and feasible." Re-use of the bridge as a pedestrian facility appears to be both prudent and feasible, as well as desirable from the community's perspective. Under this interpretation, ODOT would maintain responsibility for the bridge.
- ODOT has recently proposed maintaining the historic bridge but removing the approaches to the bridge, and not allowing pedestrian access. This was done with the Richardson Bridge in Grants Pass (see attached photos). They have presented the argument that the approaches may not be part of the historic bridge, and therefore ODOT is not obligated to maintain them.

We do not want to see the community's investment in the Riverfront diminished by an inaccessible bridge skeleton, when it has such a wonderful potential as a safe, enjoyable passage to the east side of the river, as well as an incomparable place to pause and view the city.

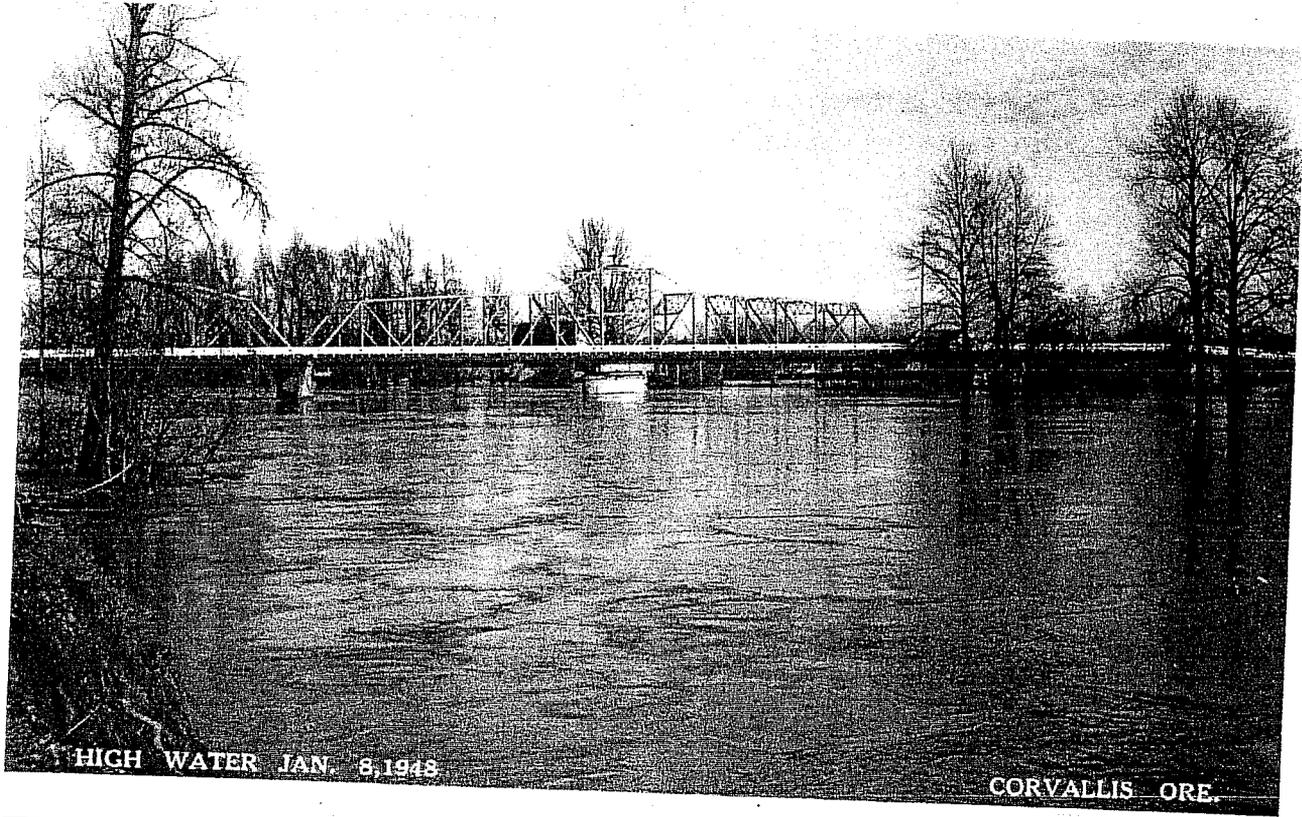
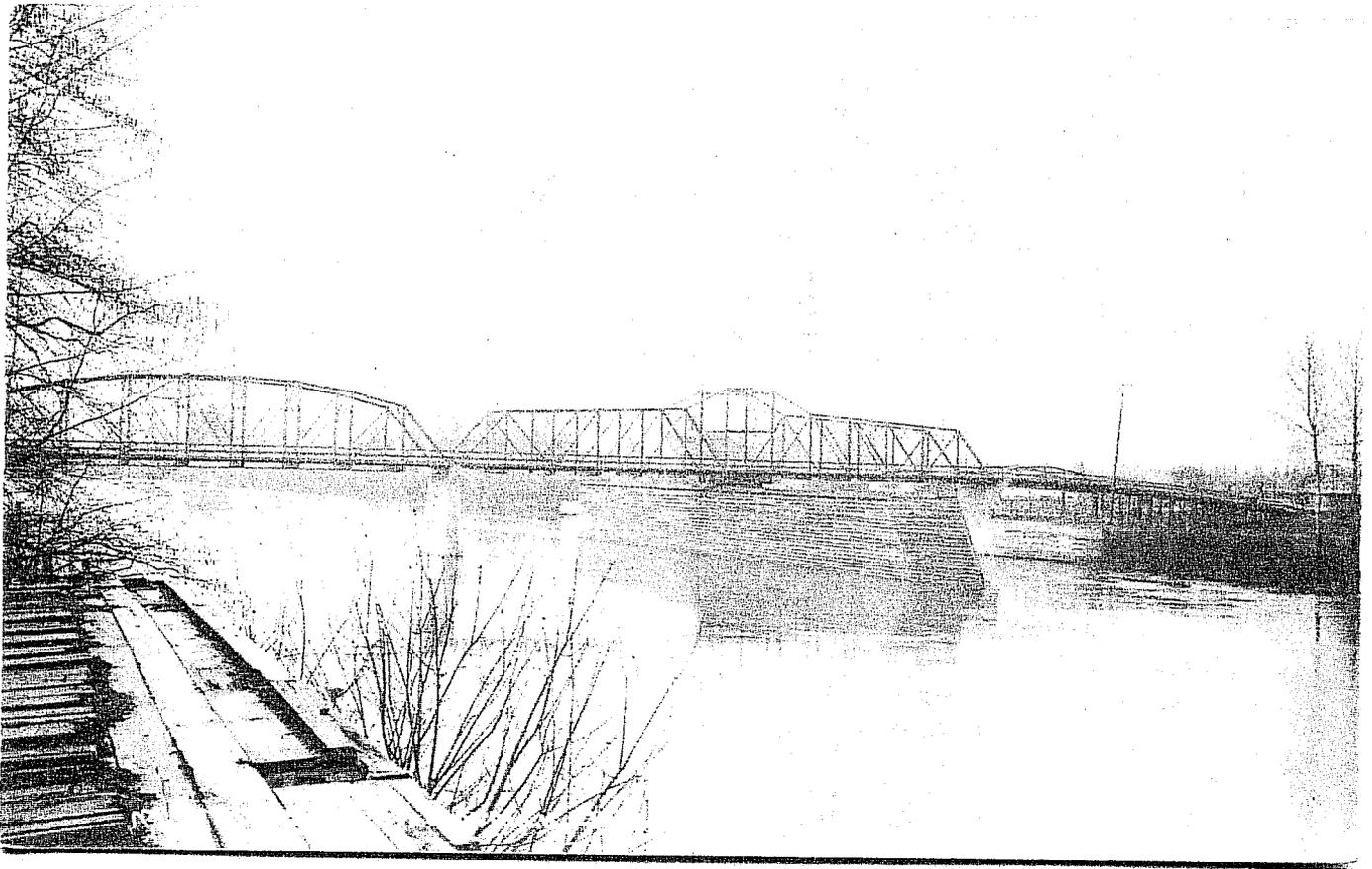
As much as they would like Corvallis to assume the cost, it appears that ODOT is obliged under federal funding requirements to re-use the bridge for pedestrian uses, and to maintain ownership and maintenance responsibility. The approaches to the historic bridge, whether or not they have been altered over time, are a critical element to the re-use of the bridge and must be part of the final design. Even if this point continues to be debated, it must remain in the alternatives forwarded to the Environmental Analysis.

If desired by the City Council, the following is a possible motion to assist in accomplishing this:

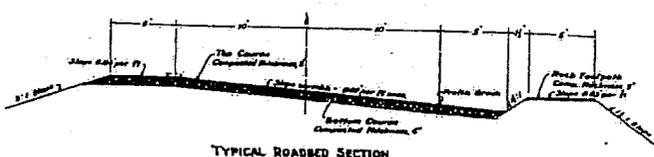
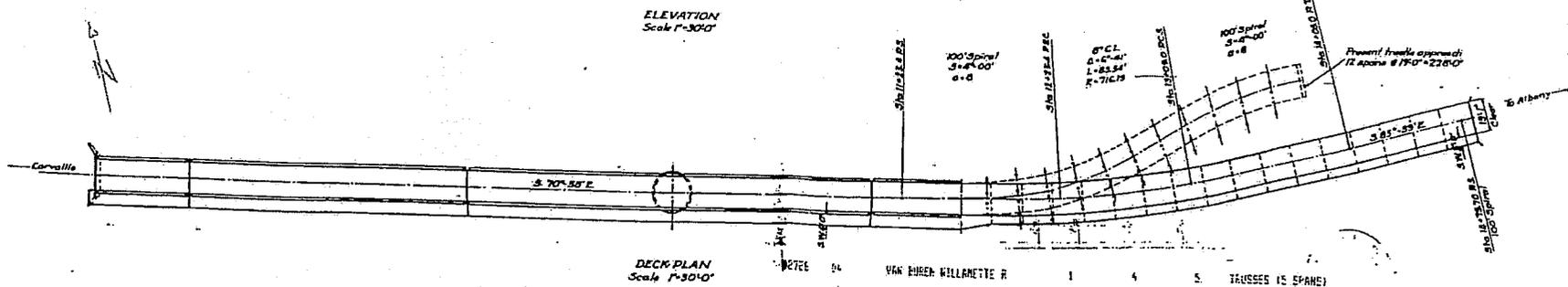
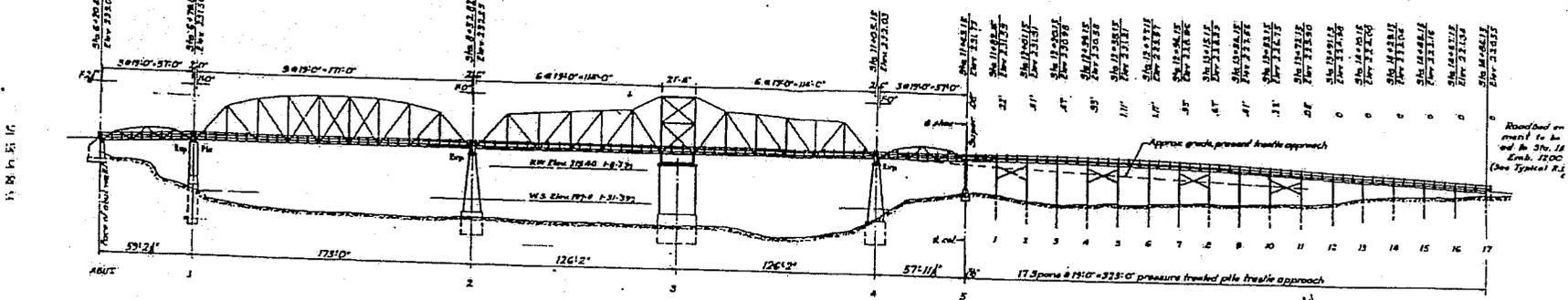
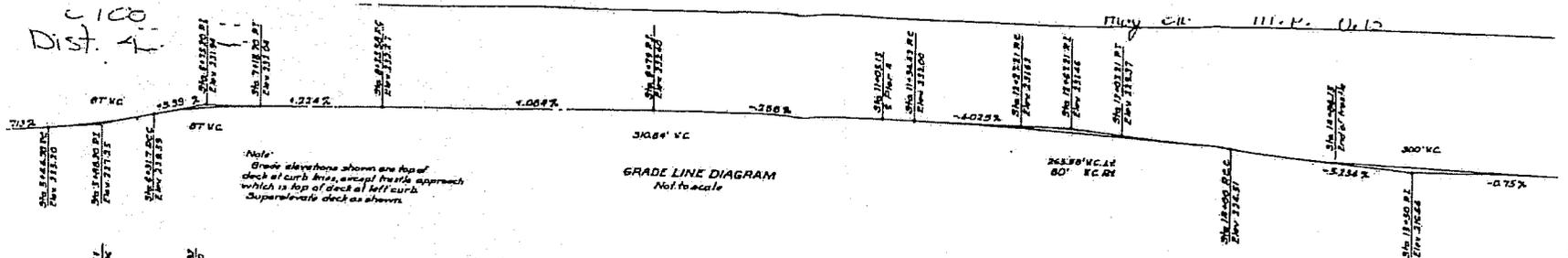
MOTION: The City Council supports the re-use of the historic Van Buren Bridge, including its approaches, as a pedestrian facility under the ownership and maintenance of ODOT, consistent with Federal highway funding requirements. The Council, through its representation on the Stakeholder Group and Management Team, will actively pursue its inclusion in the alternatives undergoing the Environmental Analysis.

Van Buren Bridge

Corvallis, Oregon



C 100
Dist. 4



TRUSSES (5 SPANS)
SPAN 1 AND 3
BOT. CHORD -
DIAGONALS (PANEL 1, 2)
SPAN 2
BOT. CHORD
VERTS (PP 1)
DIAGONALS (PANEL 1, 2, 3, 4)
SPAN 3 AND 4
BOT. CHORD (14-14)
TOP CHORD (14-14)
VERTS (PP 1, 2, 3, 4)

JAN. 1960

OREGON
HIGHWAY COMMISSION
IS DRAW SPAN
OVER
RIVER AT CORVALLIS
BENTON COUNTY
AND ELEVATION





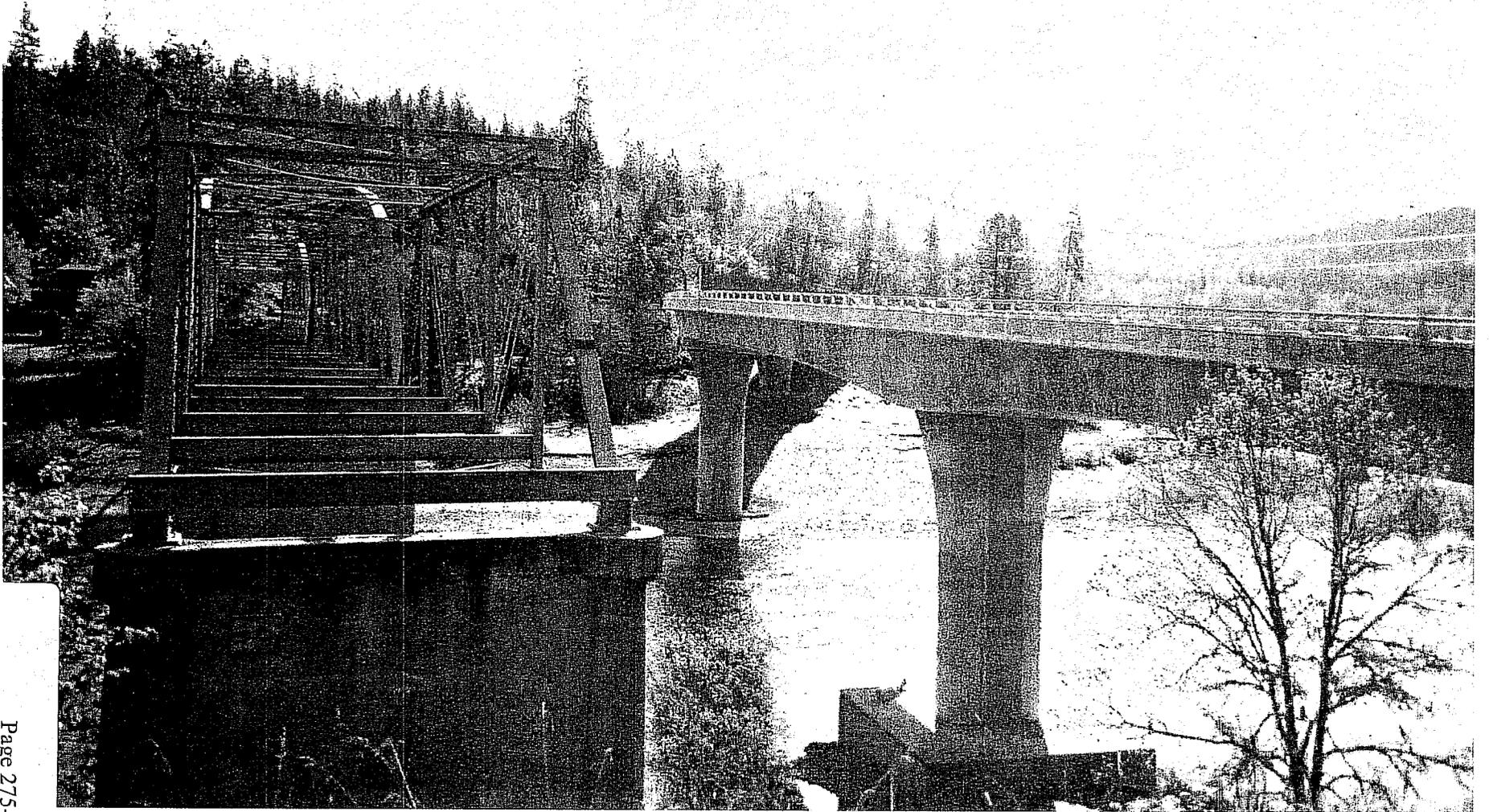


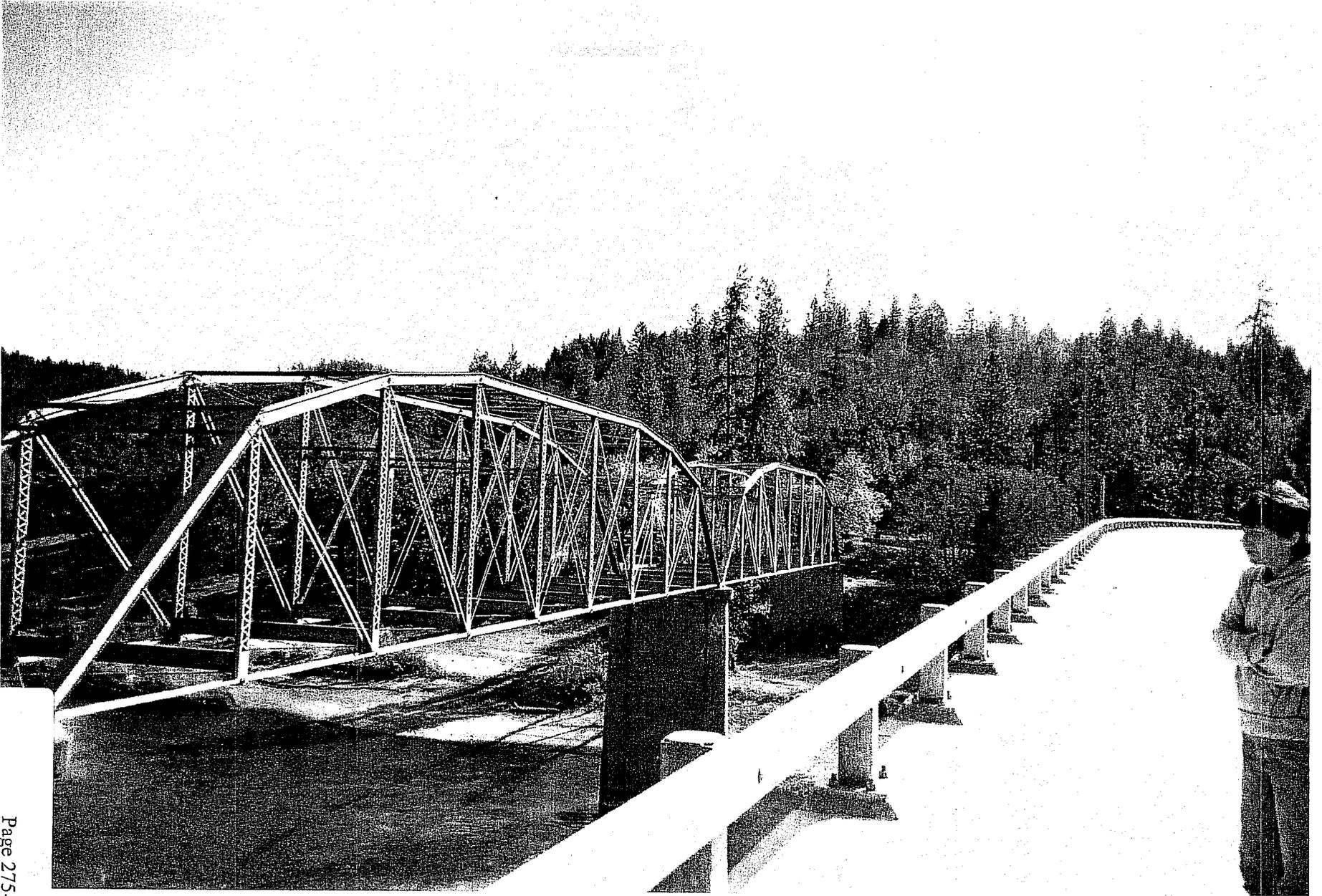


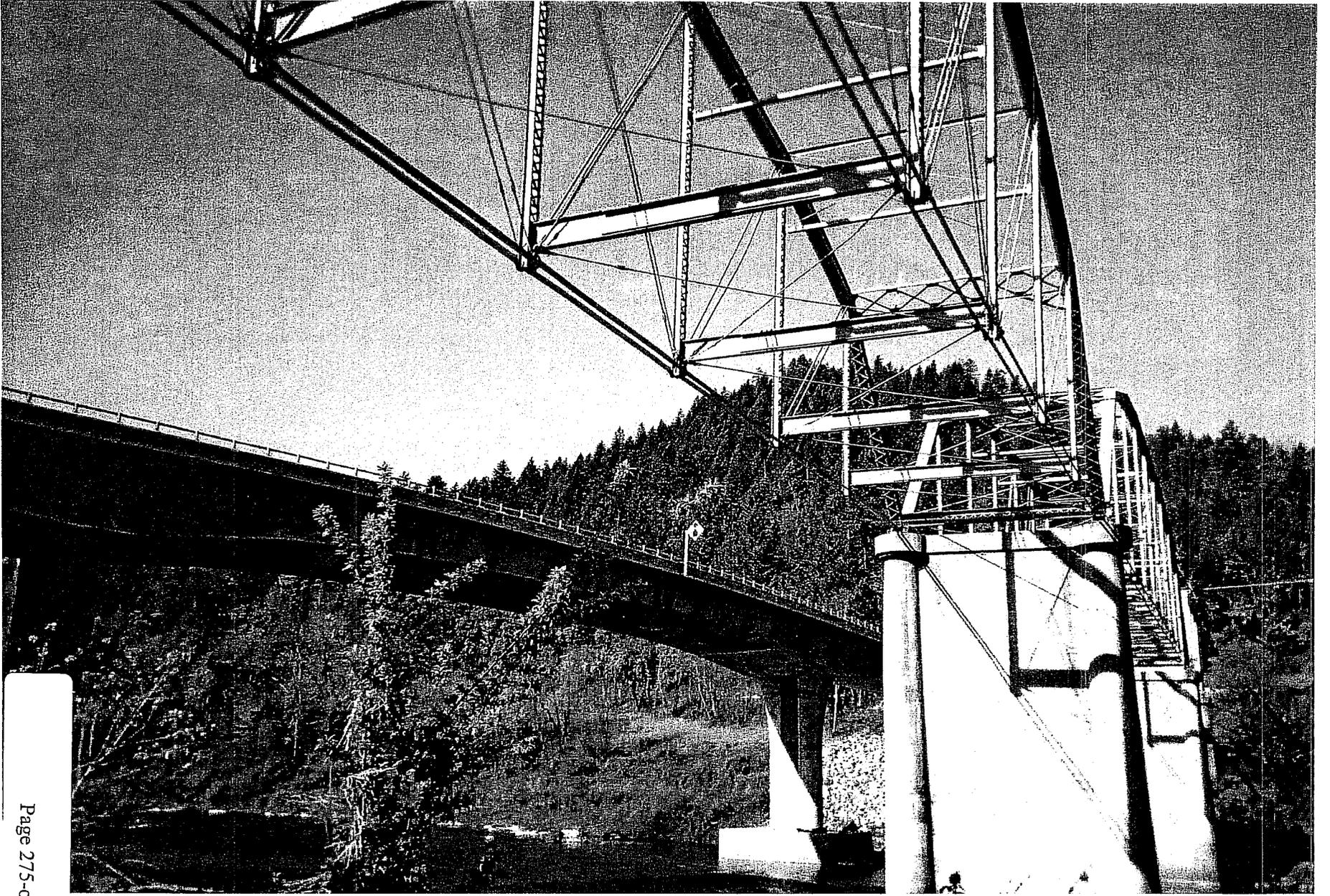
Richardson Bridge

Grants Pass, Oregon









*Submitted to Council by Clinton
Downs on 5/11/06. K. [Signature]*

Comprehensive Diversity Proposal to the City Council to amend the City Charter

ASC Proposes:

Section 3(A).

Power for the protection of citizens.

The City shall exercise its power to ensure the equal protection and treatment of all persons without discrimination including, but not limited to, age, citizenship status, color, disability, gender identity or expression, marital status, national origin, race, religion, religious observance, sex, and sexual orientation. Corvallis is a community that honors diversity and diverse interests, and aspires to be free of prejudice, bigotry, and hate.

We Propose:

Sec 3a

Responsibility of city government to support diversity.

In its actions, city government shall assess barriers that limit opportunities or disproportionately impact historically marginalized persons including, but not limited to, age, citizenship status, color, disability (mental or physical), gender identity or expression, marital status, national origin, race, religion, religious observance, sex, sexual orientation, and source of income.

Sec 3b

Power for the protection of citizens.

The city shall exercise its power to ensure the equal protection, treatment and representation of all persons without discrimination based on age, citizenship status, color, disability (mental or physical), gender identity or expression, marital status, national origin, race, religion, religious observance, sex, sexual orientation, and source of income. Corvallis is a community that honors diversity, diverse interests, and aspires to be free of prejudice, bigotry, and hate.

Chapter 5, Section 21

Mayor.

The mayor shall appoint the committees under the rules of the council. S/he shall undertake all reasonable methods to assure that her/his appointments to boards, commissions, and committees reflect Corvallis's diversity, including geographic and ethnic diversity.

Chapter 9

Public Improvements and Environmental Justice

It is the responsibility of the City of Corvallis to provide and protect from incursion from the State and Federal government the city charter, municipal code, and land use development codes. It shall be the business of the Corvallis City Council to ensure environmental justice, being especially attentive of economic and geographic displacement of marginalized communities.

April 30, 2006, 9:42p.m.

To Whom It May Concern:

Tonight, We Must!

"Justice denied anywhere diminishes justice everywhere." Martin Luther King Jr.¹

"In the end anti-black, anti-female, and all forms of discrimination are equivalent to the same thing -- anti-humanism."²

Shirley Chisholm quotes (American Politician, the first African-American to seat in Congress 1924)³

"The very ink with which all history is written is merely fluid prejudice"
Mark Twain quotes (American Humorist, Writer and Lecturer. 1835)⁴

Tonight I pondered over the ideas of why is it urgent and important to reconstruct the language of the Corvallis City Charter. In my efforts to explain my three major concerns will testify why I am writing to all officials and officers to implement BASIC Rights methods of performance to transform our City's charter platform to ignite the stand against discrimination and the elimination of institutionalize racism, sexism, classism and other forms of oppression. We must become a sensitive-based society under one rule, the common of all humanity, **interconnectedness diversity.**

Therefore, we should examine the **first priority of the city's evaluation.** My testimony is to evaluate what has been proposed by the city versus the activist performance of expertise and standard. In order to evaluate we must first ask ourselves if an approved doctor or lawyer came today, they would testify in a language of expertise. Regardless of the council or charter language, they would be deemed worthy of approval of their expertise in law and medicine. These experts would solidify the method of the necessary process due to their validation without question, and so the officials would comply with their requests in order to bring sensitive information to the forefront. As so, the BASIC Rights have civil expertise. Thus, we should comply for that reason as a doctor and lawyer.

¹ www.thinkexist.com

² www.thinkexist.com

³ www.thinkexist.com

⁴ www.thinkexist.com

Let Us Not Ignore, And So Become Ignorant In Our Decision Making!

In addition, the question that I have presented today is EQUAL in expertise. These civil activists are experts in their field like-minded as the doctor in medicine and lawyers in law. The civil agenda of diversity begins in the grassroots framework. These pioneers and activists begin the **diversity trail blaze**. (Thus, as a city council or charter, the advisory board in making decisions would not depend on lawyers or doctors, but activists to create a framework that is time *sensitive information as language, method and process*.) Therefore, the formula of our evaluation is this, "*Who is the expert, what are their language and their method? And so, Let us use their advice.*" Finally, we conclude the adoption to these experts' process.

The Win/Win Solution: The Experts Platform

Second I would like to mention, Quality is a number one asset. My testimony is this, if a doctor performs a surgery, does the expert use the language of a lawyer to perform, and does a lawyer use a doctor method to perform a hearing? Nor would I expect a city charter to perform a civil language without the expert implementing the proper procedure of its document. Thus, this brings me to if I am not mistaken, the purpose of our city officials are to demonstrate the ability to reflect the demands and needs of their constituents, the city at large. In addition, the language therefore must reflect the whole rather a few to increase success of its regulation.

Likewise doctor performances rely on its expertise in language and methods. Our rights are ignored because of the language and methods used, so therefore do we hold our officials accountable of negligence and improper procedures as doctors who do not perform their duties appropriately? As a social system, our culture faces the decision to evolve or to regress. Those are the only two decisions we have as members of it. **There is no stand still approach.** The officials and its officers depend on the experts of the systems as an advisory board in making proper decisions upon a social society. This account brings me to my final concern that as a priority our city charter is a reflection of their ambassadors. As the Declaration of Independence, this document was a reflection of the heart, integrity and pathway of that culture. As so, we too find ourselves entering into another phase of transition. Our position we cannot ignore that we must not underestimate the power of words. We cannot ignore that these men that signed the Declaration of Independence fell in love with their slaves, their black women and black children. In order for these documents to include independence for all, we are faced with the truth that their minds were open to the possibilities of including an interconnectedness diversity into their framework. It was the suggestion of their invisible force that transform their writings. It was the people who did not get recognition who developed their articulate document. It was their desire to eliminate dependence on prejudice, and so we take it to the next level today.

Let Us Not Ignore the Power of Words!

In ink we are developing our near future for Corvallis. We would not have the surgeon come unprepared for his surgery. Nor would we desire for our council to come unprepared for the city charter. We cannot afford to ignore such a time as this. We are experts of our field who have come to you today to testify and our witness is this, we all face extinction upon each word that is written in a document. Do not be fool, it is a interconnectedness society, if we face extinction so do you. everyone counts on this vision, strategic plan, we face a growth or decay. Let the civil surgeons develop the strategic plan of our future. In a business plan, you plan to fail or plan to succeed, but every detail is precise and refined. Let us not ignore the details. It is evident that what has spoken in the past is neither qualified nor fit for the future. Let us not fall asleep and miss an opportunity as this. Our civil surgeons are equipped to strategize a plan for our city vision for the future, and there is success in their regimes. Diversity is a must in order for our culture to withstand the disease of mortality decay of injustice and prejudice. We must foreshadow our steps.

Within your reach, you have greatness; the people are trying to evolve in this system of Corvallis. Let your civil experts become the reflection of our future, your future. Your craftsmanship will be your signature of approval. As a doctor of medicine and a lawyer of law, the system of the process involves language, method and precision, and so let our method as a civil system qualify to practice our surgery on your documents. You be the civil notary of those documents. Like a judge, you may judge our work, but carefully consider the possibilities of our expertise. We ask you today, not to ignore the document. BASIC Rights lay before you.⁵ Let our city team be a democratic system not dictatorial climax waiting for its fall.

Eternally,



Revi Keisha L. Merchant D.D.
Universal Life Church & Monastery
Independent Universe and Global Issues
21st Century Activist & Coach

Also: OREGON NOW Chairperson Taskforce of Elimination of Racism
(AGAINST) RACISM KSM

⁵ Activism is the next advisory committee, in order for us to survive, let us listen to the experts.

Draft
Bicycle and Pedestrian Advisory Commission
Minutes
April 7, 2006

Present

Susan Nelson, Vice Chair
 Rosie Toy
 Andrew Ross, Vice Chair
 Jack Schubert
 Josh Storer
 George Grosch, City Council
 Joel Rea

Absent

Staff

Joe Whinnery, Public Works
 Steve Rogers, Public Works
 Lt. Jon Keefer, Police Department
 Jon Katin, Public Works

Visitors

Walt Prichard, Mid-Valley Bike Club
 Tam Peterson, Benton County Health Dept.
 Greg Alpert, Bicycle Transportation Alliance
 Brad Upton, BPAC Subcommittee

SUMMARY OF DISCUSSION

Agenda Item	Infor- mation Only	Held for Further Review	Recommendations
I. Call Meeting to Order/Introductions	X		
II. Approve March 3, 2006 Minutes			Approved, as amended.
III. Visitors Comments	X		
IV. Old Business • Vision Clearance in Urban Core/Follow- up from DPC	X		
V. New Business • Report from Subcommittee on Education and Enforcement • Discussion of Speed Limit Enforcement on Pedestrian/Vehicle Crash Outcomes	X	X	
VI. Information Sharing	X		

I. Call Meeting to Order/Introductions

The meeting was called to order and introductions were made.

II. Approve March 3, 2006 Minutes

Under Visitors Comments, the bold section “Education”, question 1, the word “advertising” shall be replaced with “marketing”.

Commissioners Storer and Toy, respectively, moved and seconded that the March 3, 2006 minutes be approved, as amended. The motion passed unanimously.

III. Visitors Comments

Greg Alpert, Corvallis Safety Instructor for the Bicycle Transportation Alliance (BTA), attended as part of a campaign to introduce himself to the various advisory commissions. Mr. Alpert is a regular bicycle commuter and is concerned about sandwich boards located on City streets which present a potential hazard to bicyclists and motorists. Steve Rogers said the City does not have a code enforcement officer, so complaints regarding sandwich boards and the like are handled on a complaint basis only.

IV. Old Business

- **Vision Clearance in Urban Core/Follow-up from DPC**

Joe Whinnery reported the issue of vision clearance problems at several downtown intersections was presented to the Downtown Parking Commission (DPC) at its March meeting. DPC voted four to one to support BPAC's recommendation to convert four spaces at selected intersections to motorcycle-only parking. Downtown Corvallis Association (DCA) opposed the recommendation because it feared the loss of motor vehicle parking could hurt business in the urban core. Michael Ronkin, ODOT's Bicycle/Pedestrian Program Manager, said that with the low speeds in the urban core, the removal of parking may hurt downtown business. He said on-street parking is often an asset in bicycle/pedestrian safety.

Mr. Whinnery said the advantage of converting the spaces to motorcycle-only, rather than eliminating the spaces, is to lessen confusion over which vehicles will be permitted to park in the spaces.

Commissioner Storer said in areas like South 3rd Street, there is a need for additional buffers to protect bicyclists and pedestrians.

Mr. Rogers added that employees are not permitted to parking in the Downtown Free Customer Zone. Some parking meters outside of the Downtown Free Customer Zone have been removed from some parking spaces near Safeway on SW 3rd Street. It is hoped that by allowing employees to park without charge in these spaces, spaces in the Downtown Free Customer Zone will be freed up for customer parking. This should more than offset the loss of the four spaces. If a resident lives within the urban core, he/she is eligible to park in front of downtown businesses.

V. New Business

- **Report from Subcommittee on Education and Enforcement**

Commissioner Storer reported the subcommittee has met three times. The focus is pursuance of a short list of concrete recommendations, to be presented to the Commission and then to City Council, for reducing crashes between motor vehicles and pedestrians/bicyclists and to create a safer environment for cycling and walking. The City recently purchased a radar speed trailer to use in various parts of the City. Commissioner Storer anticipates the subcommittee will

continue meeting for approximately six more weeks. The subcommittee will update the Commission at the May meeting.

Brad Upton said he and Eric Urbikeit met with Lt. Jon Keefer of the Corvallis Police Department to discuss ideas for education and enforcement programs.

- **Discussion of Speed Limit Enforcement on Pedestrian/Vehicle Crash Outcomes**

This agenda item was a result of the fact that any crash involving a motor vehicle and either a pedestrian or bicyclist nearly always results in more damage to the pedestrian or bicyclist than to the motor vehicle. Lt. Keefer was previously tabbed to lead this discussion but was not present at the meeting. Mr. Whinnery said the subcommittee's scope includes this item and its findings will address it. Lt. Keefer indicated that he had not had the opportunity to complete his analysis, but would give a full report to the committee as soon as that occurred.

VI. Information Sharing

- The Commission cleaned up trash from its adopted trail. There will be a vegetation pruning event held the first week in May. The date will be agreed upon via email.
- Mr. Rogers distributed a notice for a conservation plan workshop sponsored by the Green Belt Land Trust, to be held Saturday, April 29.
- The pedestrian safety project on South 3rd Street is approximately 50% complete. Some poles are already in place on the medians that will hold pedestrian crossing signs with flashing lights below and above the signs. The lights will be pedestrian-activated.
- The Brooklane Drive project, to add bike lanes, bid on April 6. The engineer's estimate was higher than available dollars, the lowest bid was even higher than the engineer's estimate. Despite that circumstance, the project is expected to move forward this summer. Bike lanes will be added to Brooklane between Philomath Boulevard and Chintimini. A full overlay will also be added.
- CTS ridership for March set an all-time high with a 19% increase. This was the second-highest monthly ridership ever recorded. Route changes go into effect April 17. Changes were implemented to address on-time performance.
- The City co-sponsored a day-long bike symposium in Eugene last week as part of the Governor's Conference on Tourism. The goal of the symposium was to find ways to enhance the availability of information through a central clearinghouse which would encourage tourists to visit Oregon to bicycle tour.
- The City's requests for grants were submitted. Rulings to move forward on the grants will take place by April 10th. Final applications are due by June 30th. One grant submitted was the 35th Street project which contained modifications suggested by ODOT. The other grant was one that was originally submitted by Benton County but did not pass the initial screening. The grant is to create bike paths linking Corvallis and Albany. The City's part of the project would connect Circle Boulevard with Conifer Boulevard, then travel through Village Green Park and across Cheldelin School grounds to the edge of the City's property. "Trails With Rails" would

then pick up the County's portion and continue to Albany. The City has met with representatives from Benton County and City of Albany in conjunction with the proposal. Julee Conway of the City's Parks and Rec Department said that if ODOT were unable to fund some of the County's portion, perhaps there could be a recreational trails grant program which could provide funding.

- Get There Another Way Week is May 15-19. There will be an Employee Transportation Coordinators (ETC) discussion and planning meeting April 18th. Planning for the August in Motion celebration began with a meeting April 6. Historically, the Commission has hosted a breakfast booth at Central Park to coincide with one of these events. The Commission agreed to discuss before the next meeting what, if any, events it will host at either or both of these upcoming events.
- Commissioner Rea asked how far along is the Sidewalk Safety Program work. Mr. Rogers answered the work was approximately halfway complete. Commissioner Rea worried that unfinished work areas could potentially create a safety hazard for bicyclists and pedestrians. Mr. Rogers said he would look into solutions to these types of problems and discuss it with the contractor.

Next meetings: May 5, 2006, at Madison Avenue Meeting Room, 7:00 a.m.
June 2, 2006, at Madison Avenue Meeting Room, 7:00 a.m.

**CITY OF CORVALLIS
MINUTES OF THE CIVIC BEAUTIFICATION AND URBAN FORESTRY
COMMISSION
APRIL 13, 2006**

Attendance

Kent Daniels
Betty Griffiths, Council Liaison
Ray Harris
Merritt Jensen
Bill Johnson
Ross Parkerson
Mike Riddle, Vice Chair
Maria Tomlinson

Staff

Julee Conway, Director
Mark Lindgren, Recorder
Becky Merja, Urban Forester

Visitors

Jay Neil, Pacific Power
Fred Towne, Community Development

Absent/Excused

Helen Ellis, Chair
Lori Hendrick
David Sandroock, OSU Liaison

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
II. Review of Minutes	X		
III. Visitors' Propositions	X		
IV. City/ OSU Staff Reports			Motion passed to support the decision of Forester Merja regarding denial of a tree permit to remove two Sweetgum trees, subject to additional information from property owner.
V. Committee Reports	X		
VI. Old Business	X		
VII. New Business	X		
VIII. Adjournment	X		The next Civic Beautification meeting will be at 8 a.m. May 11, 2006, at the Parks and Rec Conference Room.

CONTENT OF DISCUSSION

- I. CALL TO ORDER:** Vice-Chair Mike Riddle called the meeting to order at 8:02 A.M.

II. REVIEW OF MINUTES. Ross Parkerson moved and Merritt Jensen seconded to approve Mar. 9, 2006 minutes as presented; motion passed.

III. VISITORS' PROPOSITIONS. Jay Neil, Pacific Power, related he had noticed city had been planting inappropriately tall tree species in Dixon Creek riparian areas that were under power lines. He stated he would like to identify shrubs that were more appropriate for planting in riparian areas with overhead power lines. Forester Becky Merja suggested they work together with the City engineer on those projects to clarify tree setbacks for such plantings. Kent Daniels added that Public Works Director Steve Rogers had presented at the previous CBUF meeting, citing the need for more riparian plantings.

Neil added that the landscape architect for the Corvallis High School project specified Zelkova trees (50-80' tall) under the 30' power lines there. Merja added that Neil wrote a letter to the school district, explaining PUC requirements relating to tree size and pruning; she concurred with what he had written and forwarded the letter to Planning, which will probably contact the architect. Parkerson observed that it appears the trees are being prepared to be removed.

IV. CITY/OSU STAFF REPORTS. Merja highlighted Arbor Day proclamation scheduled to be read at the April 17 City Council meeting. The City will be receiving Tree City USA Award and Tree City USA Growth Awards, for work done on the ordinance revisions and the Tree Walk brochure.

On April 18, the Human Services Committee will review the Downtown Tree Management ordinance; she will ask for a revision of the ordinance; she asked for a CBUF representative to come speak in favor of the action. On April 22, CBUF will have a booth at the Earth Fair event; there will be a tree raffle. Merja reported the sequoia at 15th and Harrison, discussed at the previous CBUF meeting, is scheduled for removal April 15; she highlighted the informational sheet being distributed regarding the removal. CBUF will have a booth at the May 7 Spring Garden Festival.

She related she was alerted to Willamette Graystone topping trees in landscaped beds that were part of the requirement of development. The manager wanted more clearance of signs being obscured by growing red maples. She discussed how tree topping is not appropriate tree pruning with the manager and reported the matter to the Planning Department; the two already-topped trees will be replaced.

Merja related that two months ago the Edward Jones office at 5th and Adams requested a tree removal permit to remove and replace two Sweetgum trees in front of the office. The primary concerns cited were sidewalk damage and concern that older clients could slip on the round ball-like seeds. She inspected the site and found minimal sidewalk damage, though there was some evidence of previous grinding. She related that these were two of the best-behaved Sweetgum trees in Corvallis. They are some of the largest trees in the area and are growing in an eight-foot park strip, showing relatively little root disturbance. There are non-powerline utility cables overhead.

Her estimation was that repairs could happen to the sidewalk and the trees could remain in place; therefore, she denied the permit request. Bill Mercer of Edward Jones would like to appeal the permit; he had stated an office representative would be present at today's meeting. He is working with a landscaper to redo the park strips. She has asked Mercer to submit the appeal in writing. She reviewed the appeal process. She added that there is not an approved street tree list yet. She noted that Sweetgum trees have often become problematic in narrower park strips around town.

Parkerson asserted that Forester Merja had made the right choice and cited the importance of mature trees in the streetscape and the district. Council Liaison Betty Griffiths asked if there was a possible compromise. Discussion eventually dismissed the possibility of using a chemical application (Florel) to

suppress flowering buds (and thus production of seeds) due to concern regarding chemical drift. Ray Harris suggested that regularly sweeping the seeds from the sidewalk is not onerous. Daniels noted there are many Sweetgums in park strips around Corvallis with similar problems. While they would not now be placed on an approved street tree list for planting, CBUF is not advocating they be cut down in numbers simply because they are messy.

Merja, upon review, noted the appeal process had been left out of the revised ordinance. She read, "...the City Manager may, in his or her discretion, issue a permit or permits, to the property owner or authorized designee, to plant, prune or remove trees, shrubs or vegetation from the park strip". She clarified the Forester acts on behalf of the City Manager in these matters.

Griffiths noted that because property owners are liable for the sidewalk in front of their office or home, she suggested checking the City's liability, in the case that someone does trip and the owner then claims it is the City's fault for preventing him from cutting down the tree.

Kent Daniels moved and Parkerson seconded to support the decision of Urban Forester Merja; motion passed. Merja stated she will inform Mercer of CBUF's decision to keep the trees and invite him to come to CBUF with more information, as his representative was not present at the meeting today.

Liaison Griffiths invited members to attend the Greenbelt Land Trust's conservation planning workshop April 29; Mid-Willamette Valley growth scenarios and projections are among the topics. She thanked Merja for her work with the neighborhood association in regard to the proposed removal of the sequoia tree at 15th and Harrison. Griffiths related that following the outreach, residents seemed to understand the necessity of removing the tree.

Griffiths related the Administrative Services Committee will review the proposed telecommunications tax this evening and encouraged members to attend. Landline franchises now pay 7%; wireless services pay nothing. The proposed tax would initially fund replacement of fire vehicle reserves; FAQ's are posted at the City website.

Merja highlighted coupons for the Papa's Pizza benefit for the department Family Assistance Program.

Harris reported he distributed fliers to residents regarding the removal of eight large cottonwood trees adjacent to the Sunset Park ball fields. Merja added the trees were sold for pulp; there were no complaints before or after their removal last week.

- V. **COMMITTEE REPORTS.** Daniels reported the Planning/Ordinances/Partnerships Committee met and discussed the revised 2006-2008 priorities list and agreed on dates. He asked that an item for how to develop a CIP program for street trees be placed on the next meeting's agenda.

Riddle expressed concern that early in the review process, no tree species are indicated; however, by the time it comes for final review and the planting plan is there, it is very difficult that late in the process, when things are so fully developed and developers are ready to go, to point out that particular trees may not be appropriate. It is costly for developers to make the changes at that point. He stated he wanted to discuss with Director Conway whether it was possible to indicate tree varieties on the initial plan, so they can be reviewed at that time, and changed if necessary, early in the process.

Daniels related he had discussed the matter with Director Conway; also, Dan Carlson indicated that the check-off process is being reviewed. Merja noted that currently she sees the conceptual drawings, but not the final plans.

Planning Division Manager Fred Towne related that there have been problems, such as having trees proposed for locations over water meters. The department is trying to coordinate up front to avoid such issues. Riddle suggested Planning could encourage developers to identify trees earlier on by noting that doing so could avoid delaying a project.

Harris expressed concern regarding the poor quality of fill sometimes placed by developers in park strips. Bill Johnson observed the industry currently does not support amending tree holes. Merja noted that where there is not adequate planting volume for tree roots, the longevity and size of a tree is compromised. Also, soil can be badly compacted during construction; probably the soil should be broken up by a backhoe before planting. She related that a Planning Department staff representative relayed that there are no specifications for tree planting and soil volume and compaction. She will check specifications from other cities. She suggested the P/O/P committee also follow up on the standards issue.

Towne added that the department tries to address the issue partly with three-year planting and maintenance bonds. He supported adding precise planting standards based on using industry standards. Also, engineers could receive training on tree planting. Riddle suggested bringing the Forester on ride-alongs with the City engineering inspector to provide advice and input.

Daniels set the next P/O/P committee meeting for April 27.

Harris reported Green Gable Farms has offered access to greenhouses, media and soil for propagation of materials for Parks and Rec. They are available in spring and summer for uses such as making root cuttings. Merja responded that the department will likely be recruiting for an ornamental horticulture position; once that person is on board, that opportunity could be explored.

Merritt Jensen praised the G-T ad for Arbor Day, sponsored by Pacific Power (Right Tree, Right Place). He acclaimed the new trees planted on 5th Street, between Jefferson and Madison, in the Concrete for Trees program, in cooperation with Public Works.

Maria Tomlinson reported that the Education/Outreach/Volunteers committee has not met. Merja stated advertising for the CBUF grants has been in the City Newsletter and will be in the June issue; she suggested placing an ad in the G-T. Riddle suggested Director Conway inform CBUF regarding what grant funds are available at the next meeting.

Tomlinson suggested a June 1 deadline for submitting photos for the Civic Beautification Award nominations; she encouraged submission of digital photos, if possible. She noted that while she has coordinated the process in the past, her term expires June 30, 2006; she won't be extending her tenure.

Harris reported he met with John Hinkle and Jackie Rochefort regarding redesigning the bulbed intersections on Madison. More appropriate plants will likely be planted in the future.

VI. OLD BUSINESS. Fred Towne, Community Development Planning Division Manager, presented on Land Development Code Chapter 2.9 updates, regarding historic trees. He related the Historic Preservation Advisory Board did a great job updating the standards, based on review of other jurisdictions and past actions. There was a series of eight workshops and a number of public hearings,

during which the document was modified and reorganized; staff made additional modifications. The Planning Commission took the document through additional public hearings.

The new document adds a limited set of street tree protections, primarily for those on historic properties and defines historically significant trees. There will be a public hearing April 24, followed by several City Council meetings on the matter. A removal of a tree meeting historic tree criteria must be approved by the HPAB. He related the appeal of the Phase III of the LDC to the Land Use Board of Appeals has been dismissed; an appeal will probably be dismissed by the Court of Appeals as well, in the near future. He emphasized that the ordinance does *not* address Landmark Trees. Riddle noted the document incorporates a lot of issues that CBUF is concerned with.

- VII. NEW BUSINESS.** Tomlinson reported that a committee is planning for the 150th anniversary of Corvallis, with the theme, "Lasting Legacy". The committee is asking that boards and commission, over the next year, use the theme and logo in their publications and activities.
- VIII. ADJOURNMENT:** Meeting adjourned at 9:30 A.M.

DRAFT
CORVALLIS CITIZENS ADVISORY COMMISSION ON TRANSIT
MINUTES

April 12, 2006

Members Present

Stephan Friedt
 Bob Lowry, Chair
 Brandon Trelstad
 Lita Verts, Vice-Chair
 Robert E. Wilson

Absent

Scott Carroll
 Emily Hagen, City Councilor
 Annie McMahan
 Bjorn Warloe

Staff

Jon Katin, Public Works
 Michelle Rhoads, Public Works

Visitors

Paul Morgan
 Stewart Wershow
 Abe Drabkin

SUMMARY OF DISCUSSION

Agenda Item	Infor- mation Only	Held for Further Review	Recommendations/Action
I. Introductions	X		
II. Approval of Minutes- March 8, 2006			Approved, as amended
III. CACOT/Visitor's Comments	X		
IV. Follow-up to Citizen's Request for CTS Buses to Operate on SE Bethel between SE Lilly and SE Crystal Lake	X		
V. Follow-up on Spare Ratio of Vehicles for Back-up	X		
VI. Update on Wheelchair Lift Failures	X		
VII. Information Sharing	X		
VIII. Adjournment	X		

CONTENT OF DISCUSSION

I. Introductions

Introductions of Commission members, staff and visitors were made.

II. Approval of Minutes- March 8, 2006

Page 2, item III, paragraph two, sentence two, should read "There were, by the driver's count, sixty-seven riders on board."

Commissioners Friedt and Trelstad, respectively, moved and seconded that the Commission approve the March 8, 2006 minutes. The motion passed unanimously.

III. CACOT/Visitor's Comments

Paul Morgan said he recently noticed an increase in cigarette smoking inside bus shelters at the Transit Mall. He said the "No Smoking" decals previously affixed to bus shelters are no longer there. He suggested establishing designated smoking areas.

Mr. Morgan said he recently activated the wayside sign at a bus stop and was given bus information based on the scheduled time and not the actual bus status. The Route 5 bus that Mr. Morgan was waiting for was twenty-five minutes late. Because that bus was within 5 minutes of the following Route 5 bus, the wayside sign acknowledged only the second bus, confirming its on-time status. Ms. Rhoads said beginning April 17, Route 5 will be paired with Route 6 in an effort to improve on-time performance. The standby bus was not available because recent on-time improvements have made the standby bus unnecessary. Ms. Rhoads also said the wayside signs are not set up to handle that statuses of two buses running so close together.

Chair Lowry said he has noticed smokers gathering at the shelter nearest to Monroe Avenue because this shelter is not currently used as a bus stop. Ms. Rhoads said smoking is prohibited within a certain distance of City buildings. Bus shelters are classified as City buildings. Any exception to this would need to be approved by City Council. Ms. Rhoads said she would check into the "No Smoking" decals missing from the bus shelters.

Mr. Wershow noted that there is a new ban on smoking in Central Park. Mr. Katin urged caution to the Commission in any recommendations regarding establishing a smoking area because it may lead to confusion about where smoking is allowed and where it is not allowed.

On Monday April 17, Chair Lowry will give a historical slide show presentation at The Museum in Philomath on logging railroads of the past.

IV. Follow-up to Citizen's Request for CTS Buses to Operate at 15 mph on SE Bethel between Lilly and Crystal Lake

Background:

At the March CACOT meeting there was a citizen's request to remove bus routes from SE Bethel. Since the City and CACOT do not see that as an acceptable option at this time, the alternative suggested by the citizen was a 15 mph speed limit for buses on SE Bethel between Lilly and Crystal Lake.

Discussion:

Ms. Rhoads attended both CTS drivers meetings during March and provided notice to drivers of the 15 mph speed limit on SE Bethel. The drivers agreed that this was a good policy and that there is a "natural tendency" to slow down through that area anyway due to the constriction. There have been no complaints from citizens since the policy took effect.

V. Follow-up on Spare Ratio of Vehicles for Back-up

The trolley is a vehicle that is used as a last resort back-up because it is not meant to be used as a regular use-commercial grade vehicle. There are eight Gillig buses available for route use and six buses on the road at any given time. By inter-governmental agreement with the City of Philomath, the City of Corvallis is obligated to provide a spare bus to Philomath if need be. To recap, there are ten vehicles in the fleet including the Philomath bus, with seven buses needed at any one time. Therefore, there are two spare Gillig buses and the trolley in case of additional breakdown or failures.

Lately, there have been a rash of bus transmission problems which have forced the spare buses into serviced. One bus is currently being serviced for a transmission leak.

The City has a grant with FTA to assist in funding replacement of one of the buses and within the next year another grant will help pay for another replacement bus. It is anticipated that the first replacement bus will arrive in January, 2007 due to the nearly one year lead time in receiving a new bus.

Commissioner Wilson asked what is the average age of a CTS bus. Mr. Katin said the average age is 8.1 years. Chair Lowry commented that when ODOT was offering bus replacement funds during the last discretionary grant process, other transit agencies in the state were seeking funds to replace 20+ year old buses.

It was mentioned that during the week prior to this meeting, a CTS bus had a mechanical failure while at Hewlett-Packard. There was an approximate forty minute wait for a replacement bus. Rhoads will follow up with Laidlaw on the incident and length of time for response.

VI. Update on Wheelchair Lift Failures

Ms. Rhoads said the City is reviewing Laidlaw's maintenance practices. ADA regulations require the City to provide accessible vehicles in fixed-route service and complementary paratransit service. Wheelchair lift failures seem to have occurred several times on the same bus even though that bus has received maintenance or work on it several times. Chair Lowry said Laidlaw's maintenance staff faces a dilemma in that the buses are of various ages and therefore have various lift features.

VII. Information Sharing

Commissioner Trelstad distributed pamphlets which outlined OSU campus shuttle route revisions. Information on the revisions were distributed through various media outlets as well as on buses and bus stops. Despite these attempts to inform the public, many were still unaware of the revisions and when they were put into effect. The extensive revisions were made in large part to better interface with CTS routes and to de-emphasize free parking on and around campus. The intersection of 15th Street and Jefferson Way is now a major transfer point. In the future, it is the desire of OSU to make the parking lot, which is now both staff/faculty and student visitor parking on the northeast corner of 15th and Jefferson, into a transit hub by decommissioning about half of the available parking. CTS, Linn-Benton Loop and the OSU

Shuttle would then be able to provide transfers without having to wait in the right-of-way. The route revisions will also provide accessible transportation along Jefferson.

Commissioner Wilson asked Commissioner Trelstad why OSU Shuttles no longer travel through the parking lot of Reser Stadium. Service is now provided adjacent to the parking lot. Because there is free parking on the south of the lot, it is a short walk to the shuttle stop.

Commissioner Verts asked why the parking lot between the Memorial Union and the Library is now a pay lot for visitors. Commissioner Trelstad said it was changed to a pay lot years ago in an attempt to minimize traffic because the lot is in the middle of campus. It is the desire of OSU to have visitors use the campus shuttle or park in the lot near LaSells Stewart Center.

Commissioner Friedt said he has heard from some drivers that the new pairing of Routes 3 and 4 will have difficulty staying on time. Ms. Rhoads said if any of the routes have on-time issues, the system will be adjusted to address the issues.

Ridership records were set for March. Ms. Rhoads was asked what factors are most responsible for the recent increase in ridership. Ms. Rhoads cited it is likely due to multiple factors including customer service by drivers, the redesign of the CTS schedule two years ago, a slight population increase, a hike in gas prices and promotions and advertising done by CTS. Commissioner Verts added OSU parking restrictions to the list of factors. Commissioner Wilson asked if there have been any changes made to ridership collecting or reporting methods. Ms. Rhoads responded these are currently being handled in the same method.

Chair Lowry said he spoke to a driver who mentioned that the left turn onto NW Elks Drive from northbound 9th Street for Route 2 is a safety issue.

Ms. Rhoads said there is a travel training and nylon strap installation event scheduled to last two hours on April 22. Volunteers were solicited to greet and register participants.

Mr. Katin said he met with Annie McMahon and other ASOSU representatives to discuss the Beaver Bus. When ASOSU first considered a Beaver Bus operation and possibly partner with

Laidlaw to use two school buses, it was to run the buses three nights per week for six hours per night. Hours of operations would be Thursday-Saturday from 9:00pm-3:00am. One bus route would run from the Downtown Transit Center along 9th Street and the other would run from the Transit Center to Monroe Avenue, Kings Boulevard and Timberhill, then return. Each route would run one hour trips.

The City Budget Commission was solicited for \$21,000, the Corvallis business community will be solicited for an additional \$21,000 and OSU will be asked to provide the remaining \$21,000. Mr. Katin asked ASOSU why CTS was not asked to perform the transportation services for the Beaver Bus. ASOSU told Mr. Katin that CTS would be considered. ASOSU will work with the Police Department to ensure all citizen rights and rules are followed regarding control of unruly passengers. ASOSU also agreed to ensure cleanliness of the bus.

ASOSU will update this proposal to the City Budget Commission on May 4, 2006 for further discussion. The program is scheduled to begin in the Fall of 2006. Mr. Katin said the funding to accommodate this payment is not currently within the Transit Program and it would require an additional appropriation to meet this obligation.

Mr. Katin was asked if insurance is covered in the operating costs. The question related to whether there would be additional liability or risk to the City with operating this service. Insurance is covered by Laidlaw in terms of collision liability insurance. Risk management insurance coverage is to be determined by staff.

Mr. Wershow said riders will not just be OSU students going to bars but also those who work at late night businesses who have no other way home. It would need to be promoted to the entire Corvallis community. This is a one-year pilot program which may be continued, if successful.

It was asked why the OSU Shuttle isn't being considered as a transportation provider for this program. Commissioner Trelstad said the OSU Shuttle would be considered if demand were not high enough to necessitate a CTS bus.

Additional comments during the meeting are listed below.

- Describe the service as "regularly scheduled" rather than "fixed-route".
- Consider the public perception of using large buses versus small buses depending on number of passengers.

- Where would the origination point be - along 2nd St. or at 5th & Monroe, the Transit Center?
- A request for \$21,000 seems like a large amount to ask of merchants.
- The service needs to address the needs of the south and southwest parts of Corvallis in addition to the north and northwest.

Ms. Rhoads reported that Commissioner Warloe is moving from the area for a new job and commission members were encouraged to wish him well.

VIII. Adjournment

Commissioners Wilson and Friedt, respectively, moved and seconded that the Commission approve adjournment. The motion passed unanimously.

Future Meetings:

Wednesday, May 10, 2006, 8:15 a.m., Madison Avenue Meeting Room
Wednesday, June 14, 2006 8:15 a.m., Madison Avenue Meeting Room
Wednesday, July 12, 2006 8:15 a.m., Madison Avenue Meeting Room

CITY OF CORVALLIS
MINUTES OF THE COMMITTEE FOR CITIZEN INVOLVEMENT
Madison Building Meeting Room
April 6, 2006

Attendance

Barbara Bull
 Larry Earhart, Chair
 Kirk Newburgh
 Tom Powell
 Felicien Rwangano
 Frank Hann, Planning Commission Liaison
 Charlie Tomlinson, City Council

Staff

Kathy Gager, Associate Planner
 Terry Nix, Recorder

Visitors

Cindy Mitchell
 Charlie Tomlinson

Absent

Brian Holcomb
 Chris Nordyke
 Mysty Rusk
 Trish Daniels, City Council Liaison

SUMMARY OF DISCUSSION

	Agenda Item	Summary of Recommendations/Actions
I.	Call to Order; Review Agenda	Called to order at 7:19 p.m.
II.	Visitors' Propositions	Information Only.
III.	Review March 2, 2006 Meeting Minutes	Approved as presented.
IV.	Discussion Item: Review of Human Services Committee and City Council Neighborhood	Information Only.
V.	Discussion and Decision Item: Fishbowl Subcommittee Report	Decided to postpone the Fishbowl until the end of May.
VI.	Discussion Item: Review Status of Each Work Program Item	Revised CCI FY 2005-2006 Work Program, as detailed below. Decided to reserve the Birkenstock Store display area between September 6 th and 18 th .
VII.	Reports Regarding Other Organizations	Information Only.
VIII.	Next Steps	Next regular meeting: May 4, 2006, 7:15 p.m. Subcommittee meeting: April 20, 2006, 11:45 a.m.
X.	Adjournment	The meeting was adjourned at 9:31 p.m.

CONTENT OF DISCUSSION

I. CALL TO ORDER; REVIEW AGENDA

Chair Larry Earhart called the meeting to order at 7:19 p.m.

II. VISITORS' PROPOSITIONS: None.

III. REVIEW MEETING MINUTES: March 2, 2006

MOTION: Kirk Newburgh moved to approve the minutes as presented. Felicien Rwangano seconded the motion and it **passed** unanimously.

IV. DISCUSSION ITEM: REVIEW OF HUMAN SERVICES COMMITTEE AND CITY COUNCIL MEETINGS

Associate Planner Kathy Gager reported that the Human Services Committee and City Council supported proposed changes to the CCI work program. Changes will allow CCI to expand its role while continuing to have an emphasis on land use, explore a ward-based concept, and prepare materials to assist City Departments in encouraging public involvement and to advise the public on how to get involved. Gager added that CCI passed its Sunset Review and will be officially renewed at a Council meeting in June.

Associate Planner Gager also reported that the City Council accepted CCI recommendations on the Neighborhood Empowerment Grants, that an extra \$400 was allocated to Central Park Neighborhood Association for trees, and that an extra \$300 was allocated to Friends of the Gardens toward the creation of a fourth ADA accessible planting bed. Gager added that all of the applicants have made positive comments about the process.

Chair Earhart stated that the Birkenstock Store display area is available September 6 through September 18, but it must be reserved before May 1. Following brief discussion, it was agreed to reserve the display area and to discuss display content at the June meeting.

V. DISCUSSION AND DECISION ITEM: FISHBOWL SUBCOMMITTEE REPORT

Barbara Bull reviewed subcommittee discussions and stated that there will need to be more than one project identified for the Fishbowl, currently scheduled for April 27. Bull confirmed that Ray Harris is the only person from Camas Commons who has agreed to participate and that it may be better to focus on a more recent project. Bull introduced Cindy Mitchell, Director of Habitat for Humanity, and stated that she invited Ms. Mitchell to attend tonight's meeting to discuss her potential involvement in the Fishbowl.

In response to a request from the Chair, Kirk Newburgh reviewed the Fishbowl concept - to create a positive discussion about a topic and to share what has been positive about an experience. The physical layout includes an inner circle of people who are connected to a

topic, a second circle of interested parties who are allowed by the facilitator to enter the discussion at certain points, and a third tier of people who are mostly there to observe. Newburgh stated that it would be ideal to highlight a project which started out contentiously but, through discussions and process, ended up with a positive outcome.

Cindy Mitchell stated that she would love to participate, but would first need to get permission from her Board. Mitchell stated that she has a full schedule this month and may have a conflict with the April 27 date.

Mitchell also noted that Habitat for Humanity has had success with outreach processes in the past, including the Hilltop project. Discussion followed regarding potential projects for the Fishbowl, including the 5th and B Street, Conifer, and Hilltop developments.

There was general agreement to reschedule the Fishbowl to a date in May. Kirk Newburgh agreed to find out the availability of the facilitator during May. Newburgh also agreed to draft a handout which describes the Fishbowl concept. Barbara Bull agreed to contact Ray Harris of the date change. Associate Planner Kathy Gager stated that she will look for a meeting space once the facilitator has agreed to a date. Cindy Mitchell stated that she will present this information to her Board next Thursday. Barbara Bull will coordinate with Cindy and Jim Moorefield.

A subcommittee meeting was scheduled for Thursday, April 20, 2006, 11:45 a.m., at the New Morning Bakery.

VI. DISCUSSION AND DECISION ITEM: REVIEW STATUS OF EACH WORK PROGRAM ITEM

Associate Planner Gager noted that the CCI has an assertive work program and she suggested a review and prioritization of each item. Gager distributed the CCI FY 2005-2006 Work Program and the Committee discussed as follows:

A1. Felicien Rwangano agreed to contact the da Vinci Days program coordinator. It was noted that the location of the booth is important and that last year's location was very good. Kathy Gager agreed to locate the posters and brochures used last year and to update as necessary. Committee members recalled that there had been posters of the Neighborhood Associations and the Comprehensive Plan Map. It was also noted that a Ward Map and a poster outlining the Neighborhood Empowerment Grant program would be good additions. Barbara Bull agreed to provide the table and canopy.

A2. Chair Earhart noted that the Birkenstock Store reservation has been changed to Sept. 6 - 18.

A3. Barbara Bull reviewed previous discussions with the Library. She found the Library staff is organizing a way-finding system for the Library in general. Barbara

Bull agreed to follow up and report. The CCI considered this task to be completed for CCI action.

B1. Barbara Bull initiated discussion about concerns from the League of Women Voters and others related to the changing Land Development Code and reduced opportunities for public involvement.

Associate Planner Gager distributed and reviewed "Corvallis Land Use Decision Making Processes." Gager stated that revisions to the processes are initiated through public review during the Land Development Code Phase 1 and Phase III Updates. In essence, Phase III is a Planned Development for the entire UGB, in that it is pre-designed and balances environmental issues with compatibility and housing needs. A discussion followed. Barbara Bull suggested that explaining these changes to the process may present a good opportunity to communicate with the public. It was also noted that it may be more appropriate to address this after the LDC Updates have gone through the appeals process. Chair Earhart suggested that Barbara Bull be listed as CCI Sponsor for this work item and that the Time Frame remain at Future.

B2. Associate Planner Kathy Gager distributed "City of Corvallis Planning and Building Permit Requests by City Council Ward Areas" and "Public Hearing Planning Permits and Building Permits for Over \$500,000" as sample graphics of a public ward map and list of projects for each ward that might be published side by side in the newspaper. Readers could then use project numbers to get additional information on any particular project from the web site. This would be a fairly automated system, requiring only a few staff hours per month. Kirk Newburgh suggested that the \$500,000 amount be used internally, but not included in the published information. Barbara Bull agreed to check with the newspaper about space availability.

B3. Associate Planner Kathy Gager said the City is not able to broadcast City Council meetings on non-cable television, as was suggested by the LOWV. In discussion, Gager stated that the City Council meetings are the only meetings which are broadcast on the cable station, due to budget considerations. Gager also noted that much is available on laser fiche and the City's website. Chair Earhart said it may be helpful to note that fact on the public channel.

B4. In discussion and in response to inquiry, Associate Planner Gager stated that public process information and links to various resources are already on the City's web site. There was agreement to change this work item to read "Information on the Web," to change the CCI Sponsor to Kirk Newburgh and Larry Earhart, and to keep the Time Frame at Future.

B5. Chair Earhart agreed to follow up with Mysty Rusk and Tom Powell regarding this item.

B6. It was noted that the Fishbowl is currently being planned.

C1. And C2. Committee members are performing these ongoing tasks.

C3. This is a future item.

D1. It was agreed to change the description to "Host Neighborhood Association/Ward Outreach" and to change the Time Frame to November.

E1. Associate Planner Kathy Gager distributed "Corvallis Municipal Code Chapter 1.16 Boards and Commissions" and "City of Corvallis Advisory Boards, Commissions, and Committees Charge and Activity Summary." Gager asked that Committee members review the materials as background for future discussions on this work item. It was generally agreed to change the Time Frame to August or September.

E2. Associate Planner Gager suggested that this item be started in October or November, with an anticipated completion time of at least seven months. It was agreed to assign this at a future meeting.

E3. and E4. These items have been completed.

VII. REPORTS OTHER ORGANIZATIONS

Associate Planner Kathy Gager reported on activities of the Downtown Corvallis Association (DCA). Gager stated that there is a planning committee which is developing a strategic plan and marketing study for downtown. Gager noted that there has been some investigation into whether to bring forward a redevelopment commission approach. Doing so would require City Council approval and would include financial implications to the City. She said the City is also preparing for a public hearing process to consider Land Development Code changes for the downtown. A brief discussion followed.

Planning Commission Liaison Frank Hann reported that, following a thorough review process, the Planning Commission has forwarded a recommendation to the City Council regarding Land Development Code provisions related to historic resources, Chapter 2.9. Hann stated that the goal of the recommendation is to provide clear and objective standards regarding historic resources, to make the HPAB a quasi-judicial decision making body, and to give more structure to the process.

VIII. NEXT STEPS

The next regular meeting will be held Thursday, May 4, 2006, at the Madison Building, 500 SW Madison Avenue.

IX. ADJOURNMENT

The meeting was adjourned at 9:31 p.m.

Approved at the May 4, 2006 CCI Meeting

CORVALLIS-BENTON COUNTY PUBLIC LIBRARY BOARD MINUTES
March 1, 2006

Board Present	Staff Present
Bonnie Helpenstell, Chair	Carolyn Rawles-Heiser, Library Director
Hal Brauner	Mary Finnegan, Adult Services Manager
Karin Frederick	Carol Klamkin, Management Assistant
Phyllis Mix	Teresa Landers, Deputy Library Director
Sandy Ridlington	Mary Norman, Technical Services Manager
Mohammad Saeed	
Mary Lee Seward	
Cliff Trow, Vice Chair	
Chuck Wicks	
Tom Wogaman	
<u>Excused</u> Linda Modrell, Phoenix Ries, Eric Teegarden	

Summary of Discussion

Agenda Item	Information Only	Action/Recommendation
Call to Order	x	7:33 p.m.
Visitors' Propositions	None	_____
Minutes: February 1, 2006		Approved as Revised
Library Board Packet	x	
Committee & Board Reports	x	
Director's Report	x	
Library Division Managers' Reports	x	
Information Sharing	x	
Adjournment	8:37 p.m.	April 5, 2006

CONTENT OF DISCUSSION

I. CALL TO ORDER

Chair, Bonnie Helpenstell, called the meeting to order at 7:33 p.m.

II. VISITORS' PROPOSITIONS

There were no visitors present.

III. APPROVAL OF MINUTES

Carolyn Rawles-Heiser noted changes in three sections of the minutes:

- II. Demo: Library2Go – It was presented by Teresa Landers, not John Donel.

- V. Library Board Packet Questions and Comments – In the third paragraph, Mary Finnegan, not Carolyn, replied to Phyllis' question.
- VIII. Library Division Managers' Reports: Extension Services – The plumbing problems at Philomath were caused by the sewer not being reconnected after street work, not by a septic system problem.

MOTION: Cliff Trow moved approval of the minutes as revised. The motion was seconded by Phyllis Mix and it carried unanimously.

IV. LIBRARY BOARD PACKET QUESTIONS AND COMMENTS

Phyllis wanted to know what the Even Start group is that toured the Library. Teresa and Carolyn replied that it is a group that works with Spanish-speaking families. Mary Finnegan added that her staff gave a tour to the mothers in the group, who also brought along some babies. Carolyn noted that this group was involved in our early efforts to bring more Latinos into the Library.

Bonnie commented that she enjoyed the recent display of vintage purses and wondered how well the display cases are being used. Carol Klamkin replied that the display cases are reserved most months and new displays will be installed soon, including one that will include information about The Arc of Benton County that will also have items in the Main Meeting Room. Hal Brauner asked what type of displays we encourage. Carolyn explained that anyone can put up a display. Hal suggested that we contact the Historical Society if we have a vacancy. Carolyn went on to explain that the cases are public forum areas and that we do not censor a display in any way unless it is blatantly illegal. She described an issue in the past with a political display that was controversial.

V. COMMITTEE AND BOARD REPORTS

Friends of the Library: Mary Lee Seward reported that Lois Malango's term as president ends in June, and that Corrine Gobeli and Cheryl Maze will co-chair. New co-treasurers are Debbie Bell, doing the accounts payable portion, and Phyllis Sartain, a CPA. A publicity chair is still needed.

The book sale collected \$26,308, but about \$3000 will be spent on rent and other expenses. This sale had the most books ever and there were many videos, which sold well. There were fewer buyers because there was less publicity. This year, Browsers Book Store couldn't take the leftovers. On Sunday afternoon, many books were sent to OSU for recycling. However, two people from Philomath High School took several boxes of history books. Mary Lee suggested that the schools be contacted to come at the end to take the cheap books. Bonnie noted that the high school library book budget is very small. Mary Lee that the volunteers from the fraternities worked very hard on the sale.

Mary Lee also said that Leila Crawford reviewed the Friends' policies at the meeting, that the Library's needs list will be submitted twice a year so that any revisions can be approved by the Friends, and that Carolyn reported on recent book thefts.

Phyllis asked if there was any discussion about book sale attendees questioning the increase in prices because she had several while she was cashiering. Mary Lee said she had been told that only about five people asked about the prices. Phyllis also noted that a couple people wanted to know how many books were Library discards and that she told them about 20%. However, another volunteer worker told them it was about 70%, which is incorrect.

Foundation Board: Cliff Trow reported that the Foundation hadn't met since the last Board meeting, however the Brookes solarium project is moving forward. Carolyn added that the project was in

the public comment period. Cliff also reported that donations from the annual fund raiser have reached about \$21,000 so far.

VI. DIRECTOR'S REPORT

Trustee Handbook: Carolyn passed out new handbooks for library trustees that are published by the State Library. Though some things in the book don't apply to this board because it is an advisory board, not a governing board, each member should keep it with their Board binders.

Articles about Library2Go: Carolyn also routed two articles from the Sunday Oregonian and the Tribune about Library2Go. These articles didn't make it into the Board packet.

Wireless Project: Carolyn said that testing is underway to find the best location to get the strongest signal. The first computer will be for staff and the public to see which public Internet computer is going to be available next. Then some wireless catalog computers will be installed. Next fiscal year the system will be available for the public from their own laptops.

Read Across America: Carolyn and Curtis Kiefer will be guest readers at Jefferson School for Read Across America, which celebrates Dr. Seuss' birthday.

New Chairs: Carolyn brought attention to the new chairs being used around the table and thanked Mohammad Saeed for getting us in touch with Hewlett Packard's surplus property program. We received tens of thousands of dollars worth of chairs, tables, workstations, and other furniture for the Circulation workroom.

Materials Challenges: Carolyn reported that the Library has received two challenges to materials that will be reviewed by Management Team tomorrow. One is a video, Tipping the Velvet, a BBC production. The patron objected to it because she believed it was pornographic. It portrays a lesbian affair in Victorian England. The other challenge is to the Sports Illustrated swimsuit issue. The patron complained about the cover, which pictures topless models. It will be kept behind the desk until it is reviewed, because this issue is often stolen.

Book Thefts: Carolyn reported that there were two theft incidents last week. The first one was reported in the GT crime reports section and involved a woman who claimed that someone stole her identify to get a library card and then checked out \$1000 worth of CDs. Carolyn said the woman did not let anyone know until she was contacted by the collection agency for the missing materials. The woman lives in Philomath so she contacted the Benton County Sheriff's Department. She claimed that her sister had stolen her ID, gotten a library card, and checked out the CDs to sell for drugs. Carolyn conceded that it might be possible.

Carolyn went on to say that in the second incident, a different woman called to say that two men were selling Library materials and were getting ready to leave town. The staff person who took the call thought it might be connected to the other incident and called the County deputy who was dealing with that case. Carolyn said the two men were identified by the woman. One owes about \$1750 worth of materials and is in collection. He had come in every few days over the course of a month and checked out several large expensive books each time. She stated that the other person's books aren't due yet, but they are worth about \$800. The deputy took a list of the materials and found one of the items at Book Bin. Mary Finnegan called Browsers Books and alerted them to the problem. Scott, from Browsers, called back within 10 minutes to say that one of the men was there in the store trying to sell some of the

books. He was unable to stall the man, but got his license plate number when he left the books and fled. Carolyn said that the men were caught that evening. One had meth in his possession.

The Board continued to explore this topic in a lengthy discussion. This was the information that resulted:

- The books were modified in a way that made it very difficult to tell they were library books.
- The men are aged 48 and 32.
- The City has insurance for thefts, but in this case the borrowers would be responsible.
- Book Bin has a large volume of books and it has been difficult for them to spot library books even if they have a list of stolen materials. Browsers has had better luck in identifying our materials. Mary Finnegan indicated that Book Bin's owner and staff never got back to us a few weeks ago when we had other stolen materials we were looking for.
- A property stamp inside books or embossing has been discussed with staff in the past, but not implemented because of extra time needed to do the processing. However, in light of these recent thefts, stamps or embossing has become necessary.
- There is no limit to the number of items a patron can check out and the idea of profiling people who check out a lot of expensive materials is unrealistic. Many regular patrons check out large numbers of items and are never a problem. We don't want to make rules that will penalize the majority of our regular users.
- Although it wouldn't make a difference in this case since the items were checked out legitimately, the Library is implementing more preventative precautions including improving materials security and inventorying sections of the collection. The solution will probably be multi-pronged, including changing our processing, keeping AV materials separate or checking them out differently, and getting a more modern materials security system like RFID (radio frequency identification).
- Teresa is currently doing a survey of Oregon libraries and others around the country to see how they are handling theft of materials and how big a problem it is for them. A reference book on library security indicates that the average loss rate for books is about five percent per year and up to 25 percent per year for AV materials.
- RFID is expensive to implement and it isn't as effective with AV materials because CDs can be stacked in such a way that the tags won't be read by the scanner. Also, the large targets used on materials can easily be removed by thieves.
- The costs and benefits must be determined for any security system or policy changes.
- Public relations implications must also be considered. The Library must do something about this issue or it will be seen as very irresponsible by the public.
- It was suggested that the Board send letters to Browsers and Book Bin thanking them for their help in recovering the stolen items.
- Items that are missing are only discovered if someone tries to put the item on hold because we don't do a regular inventory. We will try to do a partial inventory soon.
- If we implement RFID, the Board will need to be prepared for controversy because there are people who believe that it is dangerous or an invasion of privacy.

VII. LIBRARY DIVISION MANAGERS' REPORTS

Youth Services: Teresa reported for Curtis Kiefer who was at a workshop in Portland. Librarian Debbie Levy has resigned to stay home with her new baby. Debbie was instrumental in developing Zorro, the children's catalog, and in expanding our programs to the Latino community. A new self-check machine will be installed in the children's area this month. Preparation has begun on the 2006 Summer Reading Program. The theme is Paws, Claws, Scales and Tales.

Extension Services: Teresa reported that Richard Turi, the architect who was working on the study for a new Monroe library, has backed out of the project. He is based out of North Bend and is now too busy with other projects to travel to the Willamette Valley. They are looking for a local architect. Hal suggested Dick Bryant who has done several local community projects, including the Boys and Girls Club and part of the Riverfront project.

Adult Services: Mary Finnegan reported that she, Curtis and Cliff attended an Oregon tourism think tank where they learned about marketing techniques and participated in the committee starting work on Corvallis' 2007 150th birthday celebration.

Circulation: Mary Norman reported for Lori Hilterbrand who is on medical leave. A long-time shelver, Kevin Goodrich, has resigned to move back East and pursue a career in his field. A new touch-screen monitor was installed at the Circulation desk and staff are learning to use it.

Administration: Carol Klamkin had nothing to report. She was taking minutes.

VIII. INFORMATION SHARING

Phyllis shared that in a discussion at her book group, one member said she could no longer use the Library because she can't find the information she needs. The computer system is hard for her to use. Phyllis said that some of our older users aren't comfortable and wondered what we can do to help this population. We seem to be focusing on newer technology and losing these people. Hal suggested that a volunteer could help show them how to use the system. Teresa said that we offer one-on-one classes at the branches for people to get help on any aspect of computers or our catalog system. Bonnie wondered if it is more of an issue of comfort level of using computers. Phyllis said that the difference between her home Mac mouse and the Library mouse is difficult. Her friends just aren't coming in any more. Mary Finnegan said she and her staff are trying to do more slow walk-throughs of the building, which seems to encourage people to stop them and ask questions. Cliff commented that a central place on the first floor is needed where people can go for help. Carolyn responded that the Ask Here Desk is just that place, but it doesn't always have someone there. She also said that we still buy reference books and many people may be more comfortable with them than with the computer databases. Teresa suggested that we need to do a better job of marketing our reference services. Phyllis requested an article in the newsletter and better signs. Carolyn indicated that we would love to have the staff to go to book clubs or other groups to talk about our services, but that type of outreach (adult programming) was cut during our service reductions. She said we are trying hard to balance traditional services with new technology, but our staff is limited. Bonnie suggested that Phyllis ask her book club friends what they want and what they think might help them get back to using the Library. Let them know that the Library is concerned and wants them to use our services. Karin Frederick indicated that the City has been looking for ways that the Library and Parks and Recreation can collaborate, and the computer center and classes at the Senior Center might be one way to do that. Carolyn indicated that the subcommittee to followup on the Council Goals project will be meeting soon. She also reported that a patron who had recently been turned over to collections for outstanding items complained that we didn't have enough technology such as pod casts and streaming video. So he wanted just the opposite of Phyllis' friends. Carolyn did tell him that we now offer downloadable audio books.

IX. ADJOURNMENT

The meeting was adjourned at 8:37 p.m.

NEXT MEETING: April 5, 2006 at 7:30 p.m. Woman's Club Board Room

**CITY OF CORVALLIS
MINUTES OF THE OPEN SPACE ADVISORY COMMISSION
APRIL 11, 2006**

Attendance

Mary Buckman
Paul A. Hohenlohe
Margie Powell
Janine Salwasser, Chair
Philip Schary
Cary B. Stephens, Vice Chair

Staff

Julee Conway, Director
Mark Lindgren, Recorder
Jackie Rochefort, Park Planner

Visitors

Absent/Excused

Charlie Tomlinson, Council Liaison
Terri Valiant

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
II. Visitors' Propositions	X		
III. Approval of Minutes	X		
IV. Member Updates	X		
V. Staff Reports	X		
VI. CIP Project Idea Discussion		X	
VII. Vision Refinement	X		
VIII. Goals and Objectives Refinement	X		
IX. Adjourn	X		The next Open Space Advisory Commission meeting will be on May 9, 2006, 4:00 p.m. at the OSU library.

CONTENT OF DISCUSSION

- I. CALL TO ORDER:** Vice Chair Janine Salwasser called the meeting to order at 4:06 p.m.
- II. VISITORS' PROPOSITIONS.** None.

- III. APPROVAL OF MINUTES.** It was observed that the City Council meeting referenced on page 2, second paragraph, under Staff Reports, should be in *March*, not *May*. Also, in the second paragraph of page 4, under Vision Discussion, the word *updated* should be *updating*. Cary Stephens moved and Mary Buckman seconded to approve March 14, 2006 minutes as revised; motion passed.
- IV. MEMBER UPDATES.** Salwasser related meeting with the leadership members of Parks and Recreation Advisory Board (PRAB) and Open Space Commission. They discussed issues such as how to better collaborate with the PRAB, creation of a comprehensive map, ways of increasing administrative efficiencies, developing an outreach strategy and sharing an action plan (including expediting management plan development). Another meeting is scheduled for this afternoon.

Stephens reported trail building work is continuing at Timberhill open space; gravelling of the section closest to the 29th Street entrance has been completed. Staff Volunteer Coordinator Steve McGettigan has arranged for Benton County Correction work crews to do further work, which will complement volunteer work there. The intent is to get connections between Timberhill and Chip Ross Park and MacDonald Forest. Director Conway added that more extensive improvements to the site will probably be put on hold until development plans for private adjacent lands come forward; also, new adjacent street and sidewalk alignment will drive trail placement in the future on the property owned and being developed by Legend Homes.

- V. STAFF REPORTS.** Director Conway reported that members should receive a memo from the mayor and the City Council regarding April 13 and April 20 hearings on a proposed telecommunications service tax. The Administrative Services Committee should forward a recommendation May 4; the City Council will likely consider it at its second May meeting. Those funds would initially be dedicated for three to five years to support fire vehicle reserves; when those are established, funds could then support as-yet unidentified City services, including Parks and Rec services.

She related the Budget Commission will meet May 4 and May 11 to finalize budget proposals. The commission in March supported energy efficiency funding for Osborn Aquatic Center and a one-time \$6,500 allocation for operation plans (largely related to sustainability) specific to Parks and Recreation sites, including open spaces. She clarified these will not replace the full-fledged management plans still needed for many parks and open spaces.

A City Council subcommittee will meet in May to consider the results of the joint boards and commissions meetings and develop a list of firm recommendations to forward to the City Council. The group will determine what could be done immediately and which proposals need more work and resources. She added the group would like the Council to develop a goal for the next Council that specifically relates to parks and Recreation.

Director Conway reported that the Benton County Rails with Trails effort (Corvallis to Albany) did not receive a hoped-for grant for planning work. Benton County Public Works is now applying for another grant and will know by the end of May whether it has made it through the preliminary review of the grant. If so, they would like another letter of support from OSAC. This is for the FY 09-11 Federal Transportation Agency grant funding, for \$1.2 million, would mostly cover engineering and permitting.

Director Conway related she wrote a resolution based on the PRAB recommendation regarding the Corvallis to the Sea Trail proposal that went to the last City Council meeting. The City Council slightly modified it, adopted it at a recent meeting. The resolution will be used by project proponents to support getting easements from private and public landowners to forward the process.

Park Planner Jackie Rochefort highlighted the April 29 Greenbelt Land Trust public meeting at Adair Village; one of the speakers, David Hulse, will focus on Willamette Valley Futures; Director Conway will also present.

VI. CIP PROJECT IDEA DISCUSSION. Director Conway noted that while this year's Capital Improvement Program (CIP) process will be similar to previous years', the PRAB will use this year to re-examine the decision criteria, especially given the number of new members on department boards and commissions generally. She reminded the commission that current Phil Schary is the primary representative to the CIP subcommittee, with Paul Hohenlohe being the alternative. Salwasser volunteered to be the second alternative.

Planner Rochefort highlighted the CIP calendar. The department manages its own section of the CIP process. The Public Works Department manages the overall process, sending out solicitations for suggestions from the public, beginning in April, which the department gets in late June; the cutoff for submission of ideas is in July. Boards and commissions can also submit project-funding requests.

The CIP subcommittee, with representatives from all department board and commissions, generally meets twice: in July and August. It forwards its recommendations to the PRAB for its review and approval at its August meeting; the PRAB recommendations are forwarded within a week for review by Public Works and the City Manager and Finance Director.

Director Conway noted that in order for projects to go into the 07-08 CIP, they must have identified funding. Other projects with less well identified funding can be put further out in the five-year document or be put on the pending list. She cautioned that often the pace of projects is very deliberate: the Crystal Lake Sports Fields took nine or ten years; the skate park project took about three years. Also, every capital project includes a category for operating impacts; staff needs some lead-time to be able to estimate those costs (operating funds generally come from property tax dollars).

Rochefort cautioned that many trail projects are valued at less than the minimum \$10,000 required for CIP projects. Also, larger trail projects that would likely cost more than \$10,000 require crossings of private property and so require lead-time to negotiate with property owners to determine whether they are interest in selling land or easements. Every year \$50,000 is set aside from System Development Charges to fund acquisition of open space; while it is not large, it would allow purchase of options, easements or to fund an appraisal. (It does not accumulate from year to year).

Stephens asked if improvement of an entire trail system within a *specific* open space would qualify for CIP funding; Rochefort confirmed that it would. Director Conway stated that CIP funding is already designated in this fiscal year for Mary's River Natural Park to evaluate, with resource agencies, if a bridge can be built across Mary's River. From that, some cost estimates could be developed. A site plan for Owens Farm open space is also underway in this fiscal year. Work is also underway with consultants for planning and greenway permits for improvements for the North Riverfront Park area and Willamette Park. Stephens volunteered to be the OSAC liaison for stakeholder groups for both areas, since he is such a heavy user of the river.

Rochefort pointed out that relatively few open space projects are ready to go in the next fiscal year. However, getting a project on paper does help get a project to happen eventually. Stephens stated that he saw the lack of management plans for many open space areas as a significant hurdle; without them, it is very hard to propose CIP projects for them. Because of this, he stressed the importance of expediting development of management plans. Director Conway noted that since there is already a management plan for Owens Farm, it would be a good place to suggest CIP projects.

Salwasser suggested funding the City piece of the proposed Ponderosa to Oak Creek trail. Director Conway noted that it is on the list; however, most of the trail is outside City limits, so it is probably a City Public Works project, since it is not Park property. Rochefort added that the City section is so short that it probably would fall under the \$10,000 minimum; the impetus probably needs to come from the County, who owns most of the land, along with OSU; once the County and OSU built a trail on their land, it would force the City to complete its section.

Rochefort suggested a joint project with the Greenbelt Land Trust (GBLT) at **Owens Farm** for an **integrated trails system**, which would have interpretive information; the group concurred. In some cases there, a trail would require a boardwalk; she would have to evaluate the project. Salwasser noted that ODOT would look askance at access there from Highway 99W. Director Conway replied that the site plan work would address this and other issues; then the Planning Department could address road, sewer and other issues. Stephens added that the GBLT is interested in such a project; the only question is a where and when. Rochefort added a consultant should begin work on the site plan by the end of April. Director Conway added that both OSAC and the PRAB had developed recommendations for Owens Farm.

Salwasser cited discussion of doing management plans for adjoining similar areas. Rochefort suggested that if a bridge connects the two areas, it could be logical for Mary's River Natural Park and Caldwell open space management plans to be done together. The group concurred on a **Mary's River/Caldwell connection**, with trails, signage, ADA accessibility and tying management plans together. Rochefort suggested considering a multimodal path.

Director Conway related that the department did not get a grant for expanding the parking lot at the Oak Creek trailhead of Bald Hill. She is discussing downsizing the project with the County; an adjacent property owner has indicated willingness to help, as well. The very linear site is constrained by the nearby stream and the road.

Phil Schary suggested pursuing a **Kiger Island trail connection**, south of Rivergreen Avenue, where Dry Creek crosses Hwy 99W; he opined it would be a good entryway. Rochefort pointed out that the 3rd Street median project now under construction will include a planted, signed gateway at Kiger island Drive.

Salwasser suggested pursuing developing **Herbert connections**; it could be discussed during the upcoming tour. Schary added that a trail is needed between Herbert and Avery Park.

Stephens asserted that given the increasing popularity of canoeing and kayaking, and given the completion of the upstream Willamette Water Trail, Corvallis needs a place where those boaters could stop and camp, such as at the campground at Willamette Park. He suggested **Water Trail rest spots, launching and take-out areas and facilities at Willamette Park and north riverfront.**

Salwasser suggested that given Legend Homes adjacent development, **Witham Hill Natural Park trail connections and interpretive signage** should be developed. Stephens agreed, noting that the park will be very heavily used once the development is built. There is an informal trail system there now. Rochefort cautioned that unless the system is comprehensively planned there, with paved or boardwalk sections and interpretive signage and picnic facilities, it would probably come in under the \$10,000 minimum. Salwasser added that the developer would likely be able to help fund some of that development. Director Conway cautioned that while it is anticipated the developer will donate additional acreage, including a wetland area, detailed planning should await the developer's submission of a development plan. She noted the developers have indicated they want to develop a management plan in concert with the City.

Stephens asked about the status of the barn at MLK, Jr. Park. Rochefort replied that it was in an out year in the CIP; funding for barn restoration is very difficult to find. He asked about the Bald Hill Barn. Director Conway replied that it was in the restoration process now, through maintenance activities.

Stephens noted that many properties have fir that must be thinned. Salwasser added that Beazell Forest funded much of their education center there with timber harvesting. She asked if the City could do the same. Director Conway responded that would depend on what the City Council chooses to do with the watershed plan which is currently under review. Rochefort added that thinning of firs would almost certainly not come under the CIP process, regardless of cost. Thinning alone is a management issue.

Stephens suggested packaging a number of parts of a **Timberhill/Chip Ross Trail Plan Development**. He noted that a large enough plan could avoid taking gravel costs from the operating budget, decreasing maintenance costs over the long term.

CIP Project Brainstorm List:

- 1. Owens Farm integrated trails system.**
- 2. Mary's River/Caldwell connection.**
- 3. Kiger Island trail connection.**
- 4. Herbert connections.**
- 5. Water Trail rest spots, launching and take-out areas and facilities at Willamette Park and north riverfront.**
- 6. Witham Hill Natural Park trail connections and interpretive signage.**
- 7. Timberhill/Chip Ross Trail Plan Development.**

Salwasser stated the group needed at a future meeting to prioritize the list that it had just brainstormed. Rochefort pointed out the commission would need to finalize its recommendations by its June meeting.

In group discussion regarding the May 9 open space tour, there was consensus to accept the GBLT invitation to include some GBLT properties along Muddy Creek, as well as Herbert. Schary suggested touring Caldwell, too. Stephens suggested touring from around 3-6 p.m. or 4-7 p.m. Several members spoke in favor of the opportunity to make connections with PRAB members. Stephens related that GBLT Director Karleen McCabe had recommended starting at Finley. Director summarized the tour tentatively included Finley, Buchanan, Herbert and Caldwell over several hours; she will discuss it at the PRAB meeting next week.

VII. VISION REFINEMENT. Salwasser asked whether the new vision statement could be inserted into the new brochure; Director Conway said the deadline was in three weeks.

There was consensus to adopt Paul Hohenlohe's distributed, group-edited draft OSAC Vision Statement with a slightly modified opening sentence, using only that first sentence in the brochure:

“Corvallis Open Space Vision...a continuous, ecologically functional network of natural areas that is integrated within the regional environment. This system of open spaces protects a diversity of natural, cultural and recreational resources, including land and waterways, for the use and enjoyment by current and future generations. It forms part of the working landscape that benefits everyone and is managed by a partnership of public, private and nonprofit stakeholders”.

Director Conway related that she is exploring with the graphic artist the possibility of combining the Open Space and general Parks brochures; the artist is estimating the cost. The map now hanging in the lobby would be the base map; it can be more easily updated in the future. She said the Trails and Dogs Off-Leash brochures will be kept as separate brochures.

VIII. GOALS AND OBJECTIVES REFINEMENT. Salwasser suggested more collaborative effort with the PRAB, focusing on areas where the two groups' interest overlap and how they could become more effective by working together.

There was consensus to place "Explore Development and Promotion of the Ponderosa/Oak Creek Trail" as the new Task #4, under Goal 1, Objective B; Salwasser suggested making it Priority B and volunteered for the task.

Schary advocated a pedestrian link along Highway 20 to the County's Hyak Park. Rochefort responded that that would be more of an ODOT project. Director Conway added that the proposed Rails with Trails Corvallis to Albany project would make a similar link.

IX. ADJOURN. The meeting adjourned at 6:06 P.M.

Draft
Watershed Management Advisory Commission
Minutes
April 18, 2006

Present

Jim Fairchild
 Robert Griffiths, Vice-Chair
 David Hamby, Chair
 Frank Morris
 Walt Schmidt

Staff

Tom Penpraze, Public Works
 Steve Rogers, Public Works
 Mike Hinton, Public Works

Visitors

Nicole Strong, Commissioner Appointee
 Scott Ferguson, Trout Mountain
 Mark Miller, Trout Mountain
 Frank Davis, Siuslaw National Forest

Absent

Hal Brauner, City Council
 George Brown

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Introductions	X		
II. Approval of March 21, 2006 Minutes			Approved
III. Broad View of the Watershed	X		
IV. Discuss Alternative Stewardship Pathways	X		
V. Peer Review Team			Commission approved list of team members.
VI. Begin Review of Issues	N/A		
VII. Other Business	X		
VIII. Public Comment Period	N/A		

I. Introductions

Introductions of Commissioners, staff and visitors were made.

II. Approval of March 21, 2006 Minutes

The March 21, 2006 minutes were approved.

III. Broad View of the Watershed

The consultants have spent time at the watershed evaluating the condition of the stands.

Similarities in past histories were found among all the stands. The consultants referred back to the Forest Service's watershed analysis which talked about general history in the area. All stands that were observed have a substantial component of older trees which have a 300-400 year-old age class. In some places, these old trees are very widely scattered. Almost all the trees have fire scars or charred bark. This is consistent with data that shows the stands have a history of frequent, low-intensity fires. The middle-aged stands were harvested in 1920-1940 when the dominant practice was a modified clear-cut and burning of the area to regenerate natural fir. The younger stands, 20-50 year-old stands, were clear-cut and often burned and then replanted. This resulted in a heavily populated Douglas fir forest in the younger two classes. The historic stands are much denser than 200 years ago.

In the plantations, the common practice was to clear-cut, plant dense fir. There is little evidence of follow-up brush control and there was no evidence of stands which had been commercially thinned.

The middle-aged class has 50-100 year-old stands. There are some residual trees which were too small or defective at the time to be utilized. The gaps are more variable than the plantations and the regeneration was generally very good.

In all age classes of stands, there was very little woody debris on the ground and very few snags or rotten logs. The stands have been very stable for a long time but they are changing. The older stands are quite variable. There is not a lot of cedar hemlock to be found.

Mr. Miller was asked about soil quality. He said the south side road cuts contained a reddish, high-quality soil. The south side of Rock Creek is rocky soil on the tops of the ridges. The north side contains a lot of surface rock associated with the open stands. Some of the best older stands, where there are 200-300 year-old trees are on the north side on some of the poorest soil. This is because there are so few of the larger trees per acre that the stands are able to remain stable. There was very little evidence of root rot and "blow down" debris.

The consultants were asked if the watershed is in such a state of disrepair that it will take a major undertaking to fix. Mr. Miller said there is a large number of healthy stands with vigorous growth. There is some evidence of snow damage in some of the dense, young stands. The desired future condition is to grow a fairly old forest in some parts of the property, as stated in the Request for Proposal. This is not typical in the forest industry. The current standard is to grow 100-150 year old forests but how to recreate a 300-400 year old stand is still somewhat unknown.

The consultants were asked if there are any areas of concerns in the young stands where the crown has been sufficiently reduced that there might be a danger of survival for the remaining trees. Mr. Ferguson answered the trees are growing so much in height each year that thinning is effective in alleviating the short crowns. By regaining thirty feet of crown in tree height, 50% of crown can be regained within ten years.

The consultants were asked if it is possible to determine if trees have been affected by more than one fire episode. Mr. Miller said it is difficult to determine the date of a particular fire scar. The bigger trees are a variety of ages. Research shows many multiple fire events.

Mr. Miller said the watershed's road network is in very good shape. The Franklin Ridge road could be used on a temporary basis instead of being rebuilt to its previous standard.

IV. Discuss Alternative Stewardship Pathways

The three pathways were each defined by their given characteristics. The difference among them was mainly in the amount of activity. The "Maximize Habitat" option was renamed "Low Intervention". This pathway would have the least amount of activity and be characterized by young stands to improve conditions, improve diversity, and promote more structure. Thinnings would be characterized by variable densities.

This second pathway would involve more intervention in the middle age stands but stay out of the older stands. The middle age stands will need to be thinned to promote and preserve some of the current diversity.

The "Pragmatic" approach would be an actively managed forest outside the current reserves. There may be some exchange of lands where high risk areas would be created. The older forests would be thinned where it's compatible with wildlife habitat to promote the habitat.

There would be regeneration cuts in possibly both the younger aged stands. Though not high-intensity forestry, fairly active forestry would take place which would yield a lot more harvest activity and disturbance. Restoration activity would be done with a low-intervention approach.

Mr. Ferguson said Dick Brainerd, the consultants' plant expert, is very interested in looking at the effects of the various approaches on plant species. Mr. Ferguson was asked about harvest levels on the "Blended" pathway being listed as "+ or - 50%". He said it was a measure of what may be acquired by thinning the stands.

The consultants were asked how the different harvest levels may impact current riparian zones. Mr. Miller answered they are waiting for analysis of the riparian areas and the fish resources; it is too early to have the data. Riparian areas tend to be dominated by alder, the short-lived trees. Other than sediment, one of the biggest threats to the streams would be landslides in high-risk areas. Infrequent landslides into streams are actually a healthy process as long as trees are involved. Therefore, it is important to not cut heavily in a landslide-prone area.

Mr. Ferguson said the consultants looked at risks for each of the three pathways. Some other risks not listed in the guiding principles are social risks such as how supportive the public will be toward a pathway. Climate change is another risk. With current trends of warmer and drier weather, it is important to determine how different stand conditions will be suited to the risks. No one pathway stands out over the others in terms of being high or low risk across the board. The "Blended" pathway is more complex in terms of having the public understand and gain trust.

Mr. Ferguson said chances of fire episodes are greatly increased when the majority of the stands are younger stands. The hardwoods are among the best protectors against fire. Also, thinning would help lessen the demand for water among the trees.

Mr. Miller said he would feel more comfortable presenting a preferred pathway to the public rather than presenting the three pathways. He pointed out there are still a couple of months in which to decide on a preferred pathway.

V. Peer Review Team

The consultants reviewed the list of suggested persons for the peer review team. They attempted to get a broad array of expertise and have a reasonable number of members with whom to work. Ideally, the consultants prefer to have ten-twelve members on the team. Those agreeing to serve include: John Bliss, Marys River Watershed Council; Dr. Kim Nelson, OSU Fish and Wildlife; Dr. Paul Adams; John Tappeiner Al Kitzman, Benton County Parks & Rec; John Berry, Sierra Club member; Rana Foster, public member; Frank Davis, Suislaw National Forest; Eric Forsman; and Gary Springer, former Commissioner.

Ms. Strong suggested Jennifer Weikel, an employee of ODWF, as a possible team member to be considered.

VI. Begin Review of Issues

Mr. Ferguson said the consultants will delve into policy issues in detail within the next few meetings.

VII. Other Business

There will be an additional Commission meeting Tuesday, June 6th.

The Commission was asked about its interest in a field trip to the watershed. This trip would not be in lieu of any of the scheduled Commission meetings. The Commission unanimously

agreed to the trip on May 16th, before the next scheduled Commission meeting. Mr. Rogers said Public Works would provide a van from City Hall to ferry Commissioners to the tour.

VIII. Public Comment Period

No comments from the public.

Next meetings: May 16, 2006, Tour of Watershed and Commission meeting at Rock Creek Treatment Plant, 5:30 p.m.

June 6, 2006, Madison Avenue Meeting Room, 5:30 p.m.

June 20, 2006, Madison Avenue Meeting Room, 5:30 p.m.

MEMORANDUM

To: City Council Members
From: Mayor Helen M. Berg 
Date: May 10, 2006
Subject: Confirmation of Appointment to Commission for Martin Luther King, Jr.

As you know, at our last regular meeting I appointed the following person to the Commission for Martin Luther King, Jr., with the term of office indicated:

Dana Alexander
24194 SW Decker Avenue
Corvallis, OR 97333
Telephone: 929-8888
Term expires: June 30, 2006

I ask that you confirm this appointment at our next Council meeting, May 15, 2006.

1035

MEMORANDUM

To: City Council Members

From: Helen M. Berg, Mayor

Helen

Date: May 10, 2006

Subject: Vacancy on Parks and Recreation Advisory Board

Allyson Sandago has announced her resignation from the Parks and Recreation Advisory Board, due to her family relocating out of Corvallis. Allyson's term on the Board expires June 30, 2007.

I would appreciate your nominations of citizens to fill this vacancy.

1034

MEMORANDUM

April 19, 2006

TO: City Council

FROM: Gary Boldizar, Chief of Police  AIC

SUBJECT: Intergovernmental Agreements Consolidating Public Safety Records Staff from Benton County Sheriff's Office to Corvallis Police Department and providing Records Services to Benton County Sheriff's Office

ISSUE:

The City of Corvallis Police Department intends to enter into agreement with the Benton County Sheriff's Office to provide reception and records services. These agreements effectively consolidate the Benton County Sheriff's Office Records Unit into the City of Corvallis Police Department Records Unit and provide for records and reception services to be provided to Benton County Sheriff's Office by the Corvallis Police Department. Council action is required to authorize the City Manager to enter into these intergovernmental agreements.

BACKGROUND:

During 2003, the City of Corvallis and Benton County entered into a joint study to determine the feasibility of consolidating law enforcement services. Although complete consolidation was not recommended, City Council adopted eight collaborative objectives inclusive of consolidating the Benton County Sheriff's office Records Unit with the Corvallis Police Department Records Unit.

The appointed joint steering committee comprised of both City and County officials responsible for implementing consolidation and collaborative initiatives have agreed that most records functions will be conducted by Corvallis Police Records staff under the supervision of the Corvallis Police Department, operating under Corvallis records protocols. Ultimately, Benton County Records staff will become members of the Corvallis Police Department. The Benton County Sheriff will maintain one FTE for civil, probation and parole and jail records work. Transition will require very little, if any, structural modification.

DISCUSSION:

Benton County and City staff have prepared two intergovernmental agreements.

1. A "Personnel Transfer Intergovernmental Agreement" transferring 1.5 full time employees from Benton County, becoming City of Corvallis employees, and
2. An "Operational Intergovernmental Agreement" detailing the reception and records services the Corvallis Police Department will provide the Benton County Sheriff's Office.

Personnel Transfer

The transfer of personnel will be conducted in accordance with Oregon Revised Statutes 236.605 through 236.640, as well as the applicable AFSCME contract negotiations transferring employees. County employees will transfer from AFSCME Local 2064 to AFSCME Local 2975. The transfer is scheduled to occur July 1, 2006

The personnel transfer also requires a final AFSCME negotiation detailing the transfer of vacation and sick hours, and retirement, medical and dental benefits. The City will receive a dollar amount accounting for all transferring leave hours and benefits obligations agreed upon by the City and Benton County.

Operations/Services Agreement

The operations agreement details the services the Corvallis Police Department will provide to the Benton County Sheriff's Office. The Police Department will provide: Public Reception, Police Report Review, Report Control, Release of Public Information, Records Maintenance, Data and Police Report Entry and Records Retrieval.

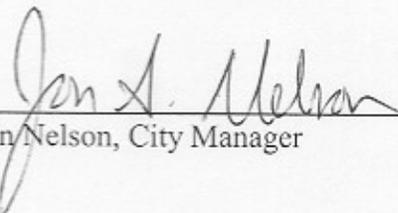
As part of the operations agreement the Corvallis Police Department Records Unit will be open Monday through Friday, 8:00am to 5:00pm. The Benton County Sheriff's Office will be required to follow the Corvallis Police Department's National Accredited Records Administration and Operational policies and procedures.

Staff worked with both City and County finance department to develop a budget accounting for all personal and non-personal services. Benton County will pay the City quarterly an equal amount totaling for fiscal year 2006/07, \$109,760. Each subsequent year will be re-evaluated and modified reflecting service costs.

RECOMMENDATION:

Staff recommends that Council authorize the City Manager to enter into these agreements.

Review and Concur:



Jon Nelson, City Manager

Attachments: 1) IGA Transferring Public Safety Records Employees
2) IGA for Records and Reception Services Provided to Benton County Sheriff's Office by City of Corvallis

INTERGOVERNMENTAL AGREEMENT BETWEEN
BENTON COUNTY, OREGON (COUNTY) AND CITY OF CORVALLIS, OREGON (CITY)
Records and Reception Services Provided to Benton County Sheriff's Office by City of Corvallis

BENTON COUNTY, a municipal corporation of the State of Oregon, hereinafter referred to as COUNTY, and the CITY OF CORVALLIS, a municipal corporation of the State of Oregon, hereinafter referred to as CITY, and jointly referred to as PARTIES, or individually as a PARTY, mutually agree as follows:

All notifications necessary under this contract shall be addressed to:

City of Corvallis Police Department
Attention: Chief Gary Boldizsar
PO Box 1083
Corvallis, OR 97339-1083
(541) 766-6925

Benton County Sheriff's Office
Attention: Sheriff Jim Swinyard
180 NW 5th Street
Corvallis, OR 97330
(541) 766-6858

1. Term:

- 1.1 The parties have entered into this agreement under the authority of ORS Chapter 190. This agreement is effective upon execution.
- 1.2 This agreement is effective unless amended or cancelled in writing and signed by both PARTIES, or unless otherwise terminated as described in the Termination Section of this agreement.
- 1.3 CITY and COUNTY will conduct a formal review of the services being provided at intervals of 6 months, 1 year and thereafter every 2 years.
- 1.4 If this contract crosses fiscal years, funding for future years is contingent upon the City Council adopting appropriations.

2. SCOPE:

- 2.1 CITY, its employees, and agents are performing services under this Agreement as independent contractors and not as officers, employees, or agents of COUNTY. COUNTY and CITY shall perform the necessary services as described in the Services Section of this Agreement.
- 2.2 The Scope of Services under this Agreement is intended for the City of Corvallis Police Department to provide only the Benton County Sheriff's Office (Patrol and Detectives, Probation and Patrol and Benton County Corrections) the following services. Additional definitions and specifics are detailed in the Corvallis Police Department General Orders under Section 9 / Services of this agreement:
 - a. Public reception:
CITY records will provide counter and phone reception and direct the public to the proper Sheriff's Office Department.
 - b. Report review:
CITY records will conduct a review of reports to ensure any attachments to the reports are submitted and code the reports for proper Uniform Crime Reporting/NIBRS purposes.
 - c. Report control:
CITY records will control the availability and confidentiality of all reports and records.
 - d. Release of public information:
CITY records will manage the Press Board consistent with CITY Police Department policy on public records disclosure pursuant to Corvallis Police Department General Order 54, Public Information.
 - e. Records maintenance:
CITY records will maintain all reports and records and distribute copies to authorized persons/agencies.
 - f. Data and Report entry:
CITY records will enter data from police reports and citations into the records management system in accordance is CITY operational protocols.
 - g. Records retrieval:
Filing and retrieval of reports will be by the report incident number and managed by CITY records.

3. PARTIES AGREE:

- 3.1 Both PARTIES are employers under ORS Chapter 656, employing workers as defined in ORS 656.027. Both PARTIES shall maintain currently valid worker's compensation insurance covering all workers, as required by ORS 656.017. Both PARTIES shall maintain this insurance throughout the period of this agreement.
- 3.2 The PARTIES intend that, in performing this agreement, each shall act as an independent contractor and shall have the control of the work and the manner in which it is performed. Neither CITY nor COUNTY is to be considered an agent or employee of the other.
- 3.3 Subject to the limitations and conditions of the Oregon Tort Claims Act ORS 30.260-30.300, each party agrees to hold the other harmless, to indemnify and to defend the other, its officers, agents, volunteers and employees from any and all liability, actions, claims, losses, damages or other costs including attorneys fees and witness costs that may be asserted by any person or entity arising from, during, or in connection with the performance of the work described in this agreement, when such liability, action, claim, loss, damage or other cost results from the actions of that party in the course of this agreement. Nothing in this agreement shall be deemed to create a liability for any party in excess of the Oregon Tort claims limits for either party.
- 3.4 Both PARTIES agree to comply with all federal, state, county, and local laws, ordinances, and regulations applicable to this agreement. They specifically agree that the applicable provisions of ORS chapters 279A, B and C, particularly 279C.500, 279C.510, 279C.515, 279C.520 and 279C.530, as amended shall apply to the performance of this contract.
- 3.5 General Liability insurance with a combined single limit, or the equivalent, of not less than \$500,000 each claim, incident, or occurrence for Bodily Injury and Property Damage. It shall include contractual liability coverage for the indemnity provided under this contract, and shall be in a form at least as broad as Commercial General Liability ISO form CG 0001.
- 3.6 Each insurance endorsement shall state that coverage shall not be suspended, voided, or canceled by either party, reduced in coverage or in material limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the other PARTY. Each PARTY shall furnish acceptable insurance certificates to the other with original endorsements for each insurance policy signed by a person authorized by that insurer to bind coverage on its behalf. Certificates will be received and approved by prior to its issuance of a Notice to Proceed. Each PARTY shall be financially responsible for all pertinent deductibles, self-insured retention and/or self-insurance

4. NONDISCRIMINATION

- 4.1 PARTIES shall comply with all applicable federal, state and local laws, rules and regulations on nondiscrimination in employment. The parties agree not to discriminate on the basis of race, religion, sex, color, national origin, family status, marital status, sexual orientation, gender identification, age, source of income, or mental or physical disability in the performance of this agreement.

5. PAYMENT OF SERVICES

- 5.1 For Fiscal Year 2006/2007, total cost for services equals \$109,760. CITY shall submit a billing to COUNTY quarterly, beginning with a billing no later than September 30, 2006, reflecting the prior quarter. Subsequent billings will occur no later than December 31, 2006, March 31, 2007 and June 30, 2007. Four equal billings of \$27,440 will occur on the above specified dates. Costs for services will be modified each fiscal year thereafter reflecting costs for services.

6. TERMINATION

- 6.1 Subject to the terms of this agreement, if either PARTY fails to perform any of its obligations under this contract, within the time and in the manner provided, or otherwise violates any of the terms of this agreement, the other PARTY may terminate the agreement by giving a hundred and eighty (180) day written notice to the violating PARTY. Terminating PARTY must state the reason for the termination. Either PARTY may terminate the

agreement due to a loss of funding to support the terms of the agreement. If COUNTY terminates pursuant to this paragraph, CITY shall be entitled to receive full payment for all services satisfactorily rendered and expenses incurred; provided that there shall be deducted from such amount the amount of damage, if any, sustained by COUNTY due to the breach of agreement by CITY. If CITY terminates this agreement pursuant to this paragraph, COUNTY shall make full payment to CITY for all services satisfactorily rendered and expenses incurred. Further, either PARTY may terminate at any time without cause by giving a hundred and eighty (180) day written notice to the other PARTY.

7. UNEXPECTED COSTS:

- 7.1 Any unexpected costs that are incurred during the term of this agreement for services will be shared proportionally. CITY will provide COUNTY an itemization for additional costs at the time they are billed to County.
- 8.1 City will exercise full responsibility for the fiscal, personnel and operational administration of the records and reception functions.

9. SERVICES

9.1 COUNTY agrees to provide:

- A. Quarterly payments in the contracted amount as specified above.
- B. COUNTY will submit records/reports/citations in accordance with the policies and procedures as set forth in the City of Corvallis Police Department General Orders:
1. Traffic Administration, G.O. 61.2, Issued/Revised 3-1-05
 2. Traffic Crash Investigation, G.O. 63.3, Issued/Revised 3-1-05
 3. Records: Administration, G.O. 82.1, Issued/Revised 3-1-05
 4. Records: Operation, G.O. 82.2, Issued/Revised 3-1-05
 5. Preparation of Citation/Report, G.O. 62.1.7, Issued/Revised 3-1-05
- C. COUNTY agrees the CITY will only electronically report Oregon Uniform Crime Report (OUCR) to the State Of Oregon, for the COUNTY which will be the result of the quality of reports submitted by sworn COUNTY staff.

9.2 CITY agrees to provide:

- A. CITY shall provide consolidated crime reports to COUNTY no later than on a quarterly basis.
- B. CITY will only electronically report Oregon Uniform Crime Report (OUCR) to the State Of Oregon, for the COUNTY which will be the result of the quality of reports submitted by sworn COUNTY staff. CITY will provide the results of the OUCR reporting to the State of Oregon to the COUNTY for COUNTY reports.
- C. CITY shall provide, public reception, report review, report control, release of public information, records maintenance, data entry, report entry and records retrieval for the COUNTY, Monday through Friday 8:00 a.m. to 5:00 p.m.
- D. CITY shall provide a detailed budget for Records Management to the COUNTY by the last day in February of each fiscal year for purposes of COUNTY financial planning.

10. COUNTY and CITY Agree:

- 10.1 COUNTY and CITY agree to perform reviews at any time during the life of this agreement, at the request of either PARTY, in addition to set service review intervals.

11. METHOD AND PLACE OF GIVING NOTICE, SUBMITTING BILLS, AND MAKING PAYMENTS

- 11.1 All notices, bills and payments shall be made in writing and may be given by personal delivery or mail. Notices, bills, and payments sent by mail should be addressed as follows:

COUNTY: Benton County Sheriff
180 NW 5th St.
Corvallis, OR 97330

City: City of Corvallis
P.O. Box 1083
Corvallis, OR 97330

When so addressed, shall be deemed given upon deposit in the United States Mail, postage prepaid. In all other instances, notices, bills, and payments shall be deemed given at the time of actual delivery. Changes may be made in the names and addresses of the persons to whom notices, bills, and payments are to be given by giving notice pursuant to this paragraph.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, in two duplicate originals by their officers thereunto duly authorized.

DATED this _____ day of _____, 2006.

CITY OF CORVALLIS

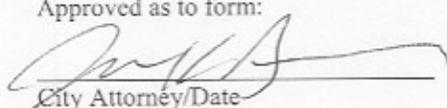
BENTON COUNTY BOARD OF COMMISSIONERS

City Manager

Chair

Approved as to form:

Commissioner



City Attorney/Date

Commissioner

Sheriff

Approved as to form:

County Counsel/Date

**City of Corvallis/ Benton County
Intergovernmental Agreement
Transferring Public Safety Records Employees**

The CITY OF CORVALLIS, a municipal corporation of the State of Oregon, hereinafter referred to as CITY, and Benton County, a municipal corporation of the State of Oregon, hereinafter referred to as COUNTY, and jointly referred to as PARTIES, or individually as a PARTY, mutually agree as follows:

All notifications necessary under this contract shall be addressed to:

City of Corvallis Police Department
Attention: Chief Gary Boldizar
PO Box 1083
Corvallis, OR 97339-1083
541 766-6925

Benton County Sheriff's Office
Attention: Sheriff Jim Swinyard
180 NW 5th Street
Corvallis, OR 97330
541 766-6858

1. TERM: CITY and COUNTY agree that this intergovernmental agreement is entered into pursuant to ORS 190.010 and to ORS 236.605-236.640. It is the intent of the PARTIES that this agreement be effective upon execution.
2. SCOPE: This Agreement specifically relates to the transfer of two employees of the COUNTY who shall be transferred and become employees of the CITY effective July 1, 2006. This Agreement provides for the terms of this transfer.
 - 2.1. Employees to be transferred are Tiffany Crain and Lois Struble hereinafter known as the employees.
 - 2.2. Transfer is effective July 1, 2006.
 - 2.3. COUNTY is to pay all sums owed in wages or other compensation through a final check or automatic deposit for transferred employees as of June 30, 2006 in accordance with COUNTY policy and the applicable labor contract.
 - 2.4. COUNTY shall provide for continuation of the employees health insurance and other benefits through June 30, 2006.
 - 2.5. CITY shall hire the employees as of July 1, 2006 as Records Specialists in accordance with the provisions of the Intergovernmental Agreement on Operations between the PARTIES and any applicable labor agreements.
 - 2.6. CITY shall be responsible for the employees as of July 1, 2006 and for all expenses related to their City service as of July 1, 2006 subject to the agreed upon contract charges for service pursuant to the Intergovernmental Agreement on Operations.
 - 2.7. COUNTY shall be responsible for any liability, grievance, or claim as a result of the transfer of the employees or any action pursuant to their status as COUNTY employees prior to July 1, 2006 and shall indemnify and hold the CITY harmless from any and all such expense subject to the limitations of the Tort Claims Act and this Agreement.
3. COMPENSATION:
 - 3.1. Transfer of funds to provide for current liabilities associated with the transferred leaves and benefits of the employees shall be the responsibility of the COUNTY. Payment of such costs from COUNTY to CITY shall occur no later than July 1, 2006. Costing of such liabilities shall be as follows:

- 3.1.1. The agreed upon value of all leaves transferred to CITY from COUNTY.
 - 3.1.2. The agreed upon value of the retirement health benefit currently in place for Lois Struble.
 - 3.1.3. The agreed upon value of health benefits for the month of July 2006 for the employees.
- 3.2. Ongoing costs associated with the costs to provide law enforcement records services shall be in accordance with the separate Intergovernmental Agreement for Operations between CITY and COUNTY.
4. The PARTIES intend that, in performing this agreement, each shall act as an independent contractor and shall have the control of the work and the manner in which it is performed. Neither CITY nor COUNTY is to be considered an agent or employee of the other.
5. INDEMNIFICATION: Subject to the limitations and conditions of the Oregon Tort Claims Act ORS 30.260-30.300, each party agrees to hold the other harmless, to indemnify and to defend the other, its officers, agents, volunteers and employees from any and all liability, actions, claims, losses, damages or other costs including attorneys fees and witness costs that may be asserted by any person or entity arising from, during, or in connection with the performance of the work described in this agreement, when such liability, action, claim, loss, damage or other cost results from the actions of that party in the course of this agreement. Nothing in this agreement shall be deemed to create a liability for any party in excess of the Oregon Tort claims limits for either party.
6. INSURANCE: The PARTIES shall provide insurance as indicated:
 - 6.1. Workers' compensation insurance in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers.
 - 6.2. General Liability insurance with a combined single limit, or the equivalent, of not less than \$500,000 each claim, incident, or occurrence for Bodily Injury and Property Damage. It shall include contractual liability coverage for the indemnity provided under this contract, and shall be in a form at least as broad as Commercial General Liability ISO form CG 0001.
 - 6.3. Each insurance endorsement shall state that coverage shall not be suspended, voided, or canceled by either party, reduced in coverage or in material limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the other PARTY. Each PARTY shall furnish acceptable insurance certificates to the other with original endorsements for each insurance policy signed by a person authorized by that insurer to bind coverage on its behalf. Certificates will be received and approved by prior to its issuance of a Notice to Proceed. Each PARTY shall be financially responsible for all pertinent deductibles, self-insured retention and/or self-insurance.
7. PARTIES shall comply with all applicable federal, state and local laws, rules and regulations on nondiscrimination in employment. The parties agree not to discriminate on the basis of race, religion, sex, color, national origin, family status, marital status, sexual orientation, gender identification, age, source of income, or mental or physical disability in the performance of this agreement.
8. PARTIES shall comply with the Americans with Disabilities Act of 1990 (Pub. Law No. 101-336), ORS 30.670 to ORS 30.685, ORS 659.425, ORS 659.430, and all regulations and administrative rules established pursuant to those laws.
9. This writing is intended both as the final expression of the agreement between the PARTIES with respect to the included terms and as a complete and exclusive statement of the terms of the agreement. No modification of this agreement shall be effective unless and until it is made in writing and signed by both PARTIES.

Dated this day of

Benton County Sheriff

Approved as to form:

Benton County Attorney

City Manager

Approved as to form:



City Attorney

Memorandum

To: Mayor and City Council

From: Ken Gibb, Community Development Director



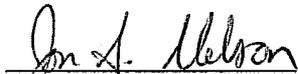
Date: May 10, 2006

Subject: Formal Findings and Conclusions - Full Gospel Assembly Church (HPP06-00001)

On May 1, 2006, the Council deliberated on the appeal of the Land Development Hearings Board decision regarding the Full Gospel Assembly Church Historic Preservation Permit request to remove the Historic Preservation Overlay from the site.

The Council unanimously decided to uphold the LDHB's decision to deny the Historic Preservation Permit request, subject to review and approval of formal findings and a final order. Enclosed with this memo are Formal Findings and a draft Notice of Disposition.

REVIEW AND CONCUR:



Jon S. Nelson,
City Manager



Scott Fewel,
City Attorney



**CORVALLIS CITY COUNCIL
NOTICE OF DISPOSITION**

ORDER: 2006-

CASE Full Gospel Assembly Church, Historic Preservation Permit (HPP06-00001)

REQUEST Appeal of Land Development Hearings Board decision denying an Historic Preservation Permit request to remove a Historic Preservation Overlay from the subject site, and remove the property from the Local Register of Historic Landmarks and Districts.

APPELLANT / OWNER : Michael Sivetz
Sivetz Coffee
349 SW 4th Street
Corvallis, Oregon 97333

LOCATION The subject area is a 0.12 acre site located at the northeast corner of the intersection of Adams Avenue and 4th Street. The site is also identified on Benton County Assessor's Map 12-5-2 BA as Tax Lots 700 and 800.

The City Council held a duly-advertised, de novo public hearing on the appeal of the LDHB decision on April 17, 2006. The written record was held open until April 24, 2006. The Council deliberated on the matter on May 1, 2006, and unanimously decided to uphold the LDHB's decision to deny the Historic Preservation Permit application, subject to review and approval of Formal Findings and Conclusions. On May 15, 2006, the City Council adopted formal findings to support the decision to deny the appeal.

If you wish to appeal these decisions, an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date of the decision.

The proposal, staff report, hearing minutes, memoranda to City Council, and findings and conclusions may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

Helen M. Berg, Mayor
Corvallis City Council

Signed: May 15, 2006
Appeal Deadline: June 5, 2006

Attachments: City Council Adopted Formal Findings And Conclusions

BEFORE THE CITY COUNCIL

OF THE CITY OF CORVALLIS

FINDINGS - FULL GOSPEL ASSEMBLY CHURCH,
HISTORIC PRESERVATION PERMIT

In the matter of a City Council)
decision to **deny the appeal** and to)
uphold the Land Development)
Hearings Board decision to **deny**, the) HPP06-00001
Full Gospel Assembly Church)
Historic Preservation Permit)
application.)
)
)

PREAMBLE

This matter before the Corvallis City Council is a decision regarding an appeal of the Land Development Hearings Board (LDHB) denial of an Historic Preservation Permit application. The subject area is a 0.12 acre site located at the northeast corner of the intersection of Adams Avenue and 4th Street. The Comprehensive Plan Map designates the site as Central Business, and the site is in the Central Business Zoning District. Since approximately 1980, the appellant has owned the property and has operated a coffee roasting business on the site. In November, 1989, an Historic Preservation Overlay (HPO) was placed on the site. At the same time, the property was listed on the Corvallis Register of Historic Landmarks and Districts (Local Register).

On January 9, 2006, the appellant submitted an application requesting that the HPO be removed from the subject property and that the property be removed from the Local Register.

On February 13, 2006, the Historic Preservation Advisory Board (HPAB) deliberated on the applicant's request to remove the HPO. Referencing applicable criteria from Land Development Code (LDC) Chapter 2.9 - Historic Preservation Provisions, the HPAB unanimously recommended that the LDHB deny the applicant's Historic Preservation

Permit application. A notice of this recommendation was mailed to the applicant and those who testified on the matter during the February 13, 2006, HPAB meeting.

On March 15, 2006, the LDHB deliberated on the applicant's request to remove the HPO. Referencing applicable criteria from Land Development Code (LDC) Chapter 2.9 - Historic Preservation Provisions, the LDHB unanimously voted to deny the applicant's Historic Preservation Permit application. A Notice of Disposition was mailed on March 17, 2006, to the applicant and those who testified on the matter during the March 15, 2006, LDHB meeting.

On March 23, 2006, the applicant submitted a letter to Corvallis Planning Division staff appealing the LDHB's decision. The City Council held a duly-advertised, de novo public hearing on the appeal of the LDHB decision on April 17, 2006. The written record was held open until April 24, 2006, for the appellant to submit final written argument. The Council deliberated on the matter on May 1, 2006, and unanimously decided to uphold the LDHB's decision to deny the Historic Preservation Permit application, subject to approval of Formal Findings and Conclusions.

Applicable Criteria

All applicable legal criteria governing review of this application are identified in the staff memorandum to the Mayor and City Council dated April 10, 2006, and the approved Minutes of the February 13, 2006, HPAB meeting, the March 15, 2006, LDHB Public Hearing, the April 17, 2006 City Council Public Hearing, and City Council Deliberations on this matter, held on May 1, 2006.

FINDINGS RELATING TO ISSUES ON THE APPEAL OF THE HISTORIC PRESERVATION PERMIT APPLICATION (HPP06-00001)

1. The City Council accepts and adopts the findings included in the staff report to the LDHB, dated March 6, 2006, which supports denial of the Historic Preservation Permit request. The City Council specifically accepts and adopts the rationale given during deliberations by members of the LDHB expressing their rationale for denying the request, as reflected in the Minutes of the March 15, 2006, LDHB meeting.

The City Council accepts and adopts the findings included in the April 10, 2006, Memorandum from Community Development Director Gibb to the Mayor and City Council, which support denial of the Historic Preservation Permit request. The City Council specifically accepts and adopts the rationale given during deliberations in the May 1, 2006, meeting by Council Members expressing their opposition to the Historic Preservation Permit request. The findings below supplement and elaborate on the findings contained in the materials noted above, all of which are attached and incorporated within. When there is a conflict between these findings

and the above-referenced findings incorporated by reference, these findings shall prevail.

2. The City Council notes that the record contains all information needed to evaluate the Historic Preservation Permit decision for compliance with the relevant criteria.
3. The City Council notes that the Comprehensive Plan contains the following policies relative to this decision:

Policy 5.4.1

The city shall continue to use the Corvallis Register of Historic Landmarks and districts as the City's official historic site listing. The intent of this inventory is to increase community awareness of historic structures and to ensure that these structures are given due consideration prior to alterations that may affect the historic integrity of the structure.

Policy 5.4.2

The City shall encourage property owners to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner.

The City Council notes that in 1989, the Full Gospel Assembly Church structure was placed on the Corvallis Register of Historic Landmarks and Districts (Local Register) to ensure that alterations to this historic building were given due consideration prior to such alterations. The Historic Preservation Permit application seeking to remove the Historic Preservation Overlay (HPO) has been reviewed by the HPAB and the LDHB prior to the LDHB decision being appealed to City Council, where it was reviewed in a De Novo public hearing.

The Council finds that listing the property on the Local Register, and the review of proposal by the HPAB, LDHB, and City Council are in compliance with Policy 5.4.1.

The Council notes that Policy 5.4.2 encourages property owners to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner. The building was purchased by the appellant in the early 1980's to house the appellant's coffee roasting business. This business has operated in the building prior to, and after the listing of the structure on the Local Register.

Given the above, the Council finds that a balance between historic preservation and maintenance of an economically viable use has been achieved consistent with Policy 5.4.1.

4. Oregon Revised Statute 197.772

The City Council notes that in reviewing requests to remove historic designations, one of the first considerations is the relevance of Oregon Revised Statute (ORS)197.772. Oregon Revised Statute 197.772 subsection 1 states,

“ a local government shall allow a property owner to refuse to consent to any form of historic property designation at any point during the designation process. Such refusal to consent shall remove the property from any form of consideration for historic property designation...except to the National Register of Historic Places.”

Oregon Revised Statute 197.772 subsection 3 states,

“A local government shall allow a property owner to remove from the property a historic property designation that was imposed on the property by the local government.”

The Council notes that, in the only case dealing directly with the meaning of the language in ORS 197.772(3), LUBA carefully analyzed the meaning of the word “imposed.” The Council notes that LUBA stated, “Accordingly, we conclude from our examination of the statutory text, context, and legislative history, that ORS 197.772(3) requires that a historic designation have been placed on a property by the local government over the objection of the owner in order to have that designation removed pursuant to the statute.” Demlow v. City of Hillsboro, 39 OR LUBA 307 (2001).

In consideration of ORS 197.772, and LUBA’s interpretation of this statute, the City Council notes that if the owner objected, and a historic designation was still placed on the owner’s property, the historic designation would have been imposed on the property against the owner’s will. In this scenario, the owner could ask the City to remove the historic designation, and the City would be required, per ORS 197.772(3), to remove the historic designation.

The City Council notes that, if the owner did not refuse to consent to the historic designation of the property, the designation, even if initiated by the City, would not be viewed as having been “imposed” for purposes of ORS 197.772(3), and the City would not be required to remove the historic designation per ORS 197.772(3).

The Council notes that pages one and two of the Appellant’s appeal letter dated March 23, 2006, cite ORS 197.772 as the statute permitting removal of the Historic Preservation Overlay. The applicant’s letter states:

“This (ORS197.772) is the law and the Historic board has violated the law by not allowing de-designation”.

The Council notes, that the appellant also submitted a letter from his attorney, Cary B. Stephens. Mr. Stephen’s letter stated, “...the designation was “imposed” upon

you in 1989 due to the doctrine of estoppel and due process considerations.” Excerpts of the appellant’s argument for removing the HPO based on the doctrines of estoppel and due process are provided below.

Estoppel

The Council notes, that, in his March 23, 2006, letter to the appellant, Mr. Stephens stated,

“They (HPAB) came to you, you did not come to them. When HPAB first came to you , you were not interested in the designation. However, members of HPAB represented to you that you would receive certain benefits if you allowed designation. Notably, you were told that you would be entitled to a freeze on assessments for 15 years. Based upon this information you did not directly challenge the designation”.

“In fact, the designation did not come with the benefits represented by the City. The property did not qualify for an assessment freeze. Thus the City should be estopped from arguing that the designation was not “imposed” on you....Any claim of estoppel is predicated on proof of two essential elements: the party against whom estoppel is claimed must do or say something calculated or intended to induce another party to believe that certain facts exist and to act on that belief; and the other party must change his/her position in reliance on those facts, thereby, incurring some injury”.

Due Process

The Council notes, that the March 23, 2006, letter to the appellant from Mr. Stephens stated,

“due to the misrepresentation by the City, your failure to challenge the designation was not a voluntary act...Stated simply, the City cannot convince people to forego their procedural rights through misrepresentation”.

The City Council notes that, although it is not clear what representations, if any, were made by the individual members of the HPAB to the appellant, in 1989, there is nothing in the record to indicate that individual members of this volunteer advisory board had any authority to make any representations on behalf of the City. The Council notes, there is nothing in the record to indicate that the LDHB knew about or agreed with any such representations.

The City Council notes that on October 25, 1989, a Notice of Public Hearing was mailed to the appellant informing him that an HPAB proposal to apply an HPO and list the subject property on the Local Register would be considered by the LDHB.

The Council notes that on November 21, 1989, the Land Development Hearings Board reviewed and approved the HPAB’s request to apply an HPO and list the subject property on the Local Register. The Council notes that minutes from the November 21, 1989, LDHB hearing document that Mr. Sivetz was present at this

hearing and provided testimony. The Council notes his testimony did not oppose the HPAB proposal to apply the HPO on the subject site.

Considering the issues raised by the appellant, the plain language of ORS197.772, and the minutes of the November 21, 1989, LDHB hearing, the City Council finds:

- The record of the 1989 decision contains no information indicating that the appellant was opposed to placement of the HPO on the subject site at the time the appellant was first approached by members of the HPAB seeking to place an HPO on the site; and
- The record of the 1989 decision contains no information indicating that the members of the HPAB informed the appellant that he would be able to freeze the assessed value of his property if it were listed on the Local Register, thereby causing the appellant to change positions and support the application of the HPO, rather than oppose it; and
- The appellant/owner of the Full Gospel Assembly Church building was duly notified of the 1989 HPAB application to apply an HPO to the subject site;
- The appellant attended the November 21, 1989, LDHB public hearing at which the request to apply the HPO to the subject site was considered; and
- The appellant gave oral testimony during the November 21, 1989, LDHB hearing, and nothing in that testimony suggested that the appellant was opposed to the application of the HPO on the subject site.
- The record of the 1989 decision contains no information indicating the property owner took any action during the designation process to request removal of the historic preservation designation.
- The record of the 1989 decision contains no information indicating that the HPO prevented the appellant from using or modifying the property, thereby causing injury to the appellant, as suggested by the appellant's attorney.

With regard to these findings, the Council concludes that the appellant "did not refuse to consent" to the historic property designation as described in ORS 197.772(1), and the local government did not impose the historic property designation on the subject site as described by ORS 197.772(3). Therefore, the LDHB was correct in evaluating the Historic Preservation Permit request to remove the HPO by using Land Development Code Chapter 2.9 criteria.

5. LDC Section 2.9.60 - Procedures for Removing a Historic Designation

The City Council notes that, even if the historic designation was not imposed on the property, and removal is not required under ORS 197.772(3), an owner of a designated historic property in Corvallis may still request to remove the historic designation. This request must be presented, as the appellant did, in the form of an Historic Preservation Permit application which is evaluated first by the HPAB, then by the LDHB, against applicable review criteria found in the Land Development Code (LDC) and Comprehensive Plan policies.

The City Council notes that LDC Section 2.9.60.04 lists the following criteria to evaluate requests to remove historic designations.

2.9.60.04 - Criteria for Removing a Historic Designation

The Historic Preservation Advisory Board shall evaluate the request for removal of a landmark or historic district designation based on an analysis of the economic, social, environmental, and energy consequences of the proposed and existing uses as defined by OAR 660-16-000 and upon finding that removal of the historic designation will not adversely impact properties in the surrounding area or integrity of a historic district, if applicable. Also, in order to approve an application it must be found that at least one of the following has occurred since the site was listed as a historic resource:

- a. Reevaluation of the resources' original determination shows that, under current criteria, the resource is no longer considered significant;**
- b. Due to unavoidable circumstances that were not a result of action or inaction by the property owner the integrity of the resource or district has been substantially reduced or diminished;**
- c. Value of a proposed conflicting use substantially outweighs the value of preserving the historic nature of the resource or district.**

The Council notes that based on these criteria, the HPAB made a recommendation to the LDHB to deny the request to remove the HPO, and the LDHB unanimously denied the request to remove the HPO from the subject site.

In evaluating the proposal against the above criteria, the City Council notes that the first LDC Criterion in Section 2.9.60.04 requires an evaluation of the request to remove a Historic Designation based on an analysis of the economic, social, environmental, and energy consequences of the proposed and existing uses (ESEE analysis).

ESEE Analysis

The Council notes that the LDHB questioned the applicability of an ESEE analysis, noting that a new use for the site was not proposed. However, the Council notes that LDHB did not dispute the HPAB's ESEE analysis with the exception of the economic component. The LDHB findings regarding the economic component are

presented first below, followed by a summary of the HPAB's analysis for the Social, Energy and Environment components, excerpted from the March 6, 2006, Staff Report to the LDHB.

The City Council notes that the Council reviewed and concurred with the LDHB findings as presented below, which were made, in part, based on findings of the HPAB.

Economic

The appellant estimated that the HPO would result in a resale loss \$25,000. Contrary to the appellant's estimate, the HPAB adopted testimony that quoted from the Forum Journal, Winter 2006, Volume 20, No.2, page 35, that stated,

"By far the most common conclusion is that properties within local historic districts appreciate at rates greater than the local market overall and faster than similar non-designated neighborhoods. Of the several dozen of these analyses, the worst-case scenario is that resources in historic districts appreciate at a rate equivalent to the local market as a whole."

The Council concluded that information related to economic impacts was inconclusive. The appellant had no data to support his claim that an HPO would diminish the resale value of the property by \$25,000. Additionally, information indicating historic properties appreciated at rates greater than the local market came from only one source, a journal published by the National Trust for Historic Preservation, and this information was not specific to the subject property or local market.

Social

The Social aspect of the ESEE analysis was understood to include cultural elements. The Council notes that there may be some evidence of physical detracting from the building's historic integrity, but that its current form was sufficiently significant, and previous alterations could be reversed to increase the structure's historic integrity. The Council also notes that according to the Historic Resource Survey Form, the "building is the only Spanish Colonial Revival non-residential building remaining in downtown Corvallis." According to the survey, "it is the only church building remaining on this portion of 4th Street, which at one time boasted numerous churches." The survey also states, "the church is intact and is a good but simplified example of the style."

Given the current building form, and its status as the only non-residential building of its kind in downtown Corvallis, the Council finds that removing the building from the Local Register could result in actions that would compromise the social (cultural/historic) value of this building.

Environmental/Energy

The Council notes that the removal of the HPO would allow the building to be demolished without the need for Historic Preservation Permit approval. It is difficult to satisfy the Historic Preservation Permit criteria to obtain demolition approval, thus the HPO overlay acts to preserve the building. The Council finds that re-using and rehabilitating buildings often consumes far less energy compared to the energy needed to demolish and rebuild on the site. For this reason, the Council finds that to de-list the property could result in much greater energy use than if it were to be maintained or rehabilitated in its current form.

The Council also finds that because the applicant had no plans to use or alter the property in a way not allowed with the historic designation, that the appellant's claim that the HPO decreased his property value was not substantiated.

Given the above findings made by the HPAB and LDHB, and adopted by the City Council, the Council concludes that removing the HPO would negatively impact the ability of the historic resource to be preserved.

LDC Section 2.9.60.04.a-c

The City Council notes that in addition to completing an ESEE analysis, one of the following criteria in LDC Section 2.9.60.04.a-c must be met to remove a historic designation.

The City Council notes that LDC Section 2.9.60.04 states,

- a. **Reevaluation of the resources' original determination shows that, under current criteria, the resource is no longer considered significant;**
- b. **Due to unavoidable circumstances that were not a result of action or inaction by the property owner the integrity of the resource or district has been substantially reduced or diminished;**
- c. **Value of a proposed conflicting use substantially outweighs the value of preserving the historic nature of the resource or district.**

The City Council notes that the HPAB and LDHB reviewed the request to remove the HPO from the subject site using the criteria from LDC Section 2.9.60.04.a-c.. The Council notes that both the HPAB and LDHB found that the proposal did not comply with any of these criteria.

The Council notes that the HPAB and LDHB found that, although some alterations have occurred to the building that detract from its historical integrity, none of those alterations was irreversible.

The Council notes that the HPAB and LDHB found that the subject building is a significant historic resource, and its historic integrity has not been substantially reduced or diminished.

The Council notes that the HPAB and LDHB found that there was no conflicting use at issue, therefore criterion 2.9.60.04.c was inapplicable.

The City Council adopts the findings of the HPAB and LDHB that demonstrate the criteria in LDC Section 2.9.60.04.a-c were not met. The Council finds that the resource is still considered a significant historic resource, and that no action or inaction by the property owner has occurred that substantially reduced or diminished the historic integrity of the house. Therefore LDC Criteria 2,9.60.04.a- b. were not satisfied. The Council also finds that no conflicting uses or modifications to the building have been proposed that substantially outweigh the value of preserving the historic nature of the resource. Therefore, criterion 2.9.60.04.c has not been satisfied.

OVERALL CONCLUSION

As the body charged with hearing appeals of Land Development Hearings Board decisions, the City Council has reviewed the record associated with the Historic Preservation Permit request, and finds that the proposal is not consistent with the City's Comprehensive Plan and applicable sections of the Land Development Code. Therefore, the appeal is DENIED, and the City Council upholds the Land Development Hearings Board decision to deny the Historic Preservation Permit request.

DATED: May 15, 2006

Helen M. Berg, MAYOR

*Submitted to Council by Clinton
Downs on 5/1/06. Kathy*

Comprehensive Diversity Proposal to the City Council to amend the City Charter

ASC Proposes:

Section 3(A).

Power for the protection of citizens.

The City shall exercise its power to ensure the equal protection and treatment of all persons without discrimination including, but not limited to, age, citizenship status, color, disability, gender identity or expression, marital status, national origin, race, religion, religious observance, sex, and sexual orientation. Corvallis is a community that honors diversity and diverse interests, and aspires to be free of prejudice, bigotry, and hate.

We Propose:

Sec 3a

Responsibility of city government to support diversity.

In its actions, city government shall assess barriers that limit opportunities or disproportionately impact historically marginalized persons including, but not limited to, age, citizenship status, color, disability (mental or physical), gender identity or expression, marital status, national origin, race, religion, religious observance, sex, sexual orientation, and source of income.

Sec 3b

Power for the protection of citizens.

The city shall exercise its power to ensure the equal protection, treatment and representation of all persons without discrimination based on age, citizenship status, color, disability (mental or physical), gender identity or expression, marital status, national origin, race, religion, religious observance, sex, sexual orientation, and source of income. Corvallis is a community that honors diversity, diverse interests, and aspires to be free of prejudice, bigotry, and hate.

Chapter 5, Section 21

Mayor.

The mayor shall appoint the committees under the rules of the council. S/he shall undertake all reasonable methods to assure that her/his appointments to boards, commissions, and committees reflect Corvallis's diversity, including geographic and ethnic diversity.

Chapter 9

Public Improvements and Environmental Justice

It is the responsibility of the City of Corvallis to provide and protect from incursion from the State and Federal government the city charter, municipal code, and land use development codes. It shall be the business of the Corvallis City Council to ensure environmental justice, being especially attentive of economic and geographic displacement of marginalized communities.

*** MEMORANDUM ***

APRIL 26, 2006

TO: MAYOR AND CITY COUNCIL

FROM: KATHY LOUIE, ASSISTANT TO CITY MANAGER/CITY RECORDER 

SUBJECT: PROPOSED CITY CHARTER REVISIONS

Discussion

The City Council approved the recommendation from Administrative Services Committee (ASC) to schedule a public hearing on May 1, 2006 to receive public comments regarding a proposed City Charter amendment.

The attached draft Charter includes changes recommended by ASC on April 6, 2006 to the following sections. The old language is in ~~strikeout~~ format and the new language is in **bold**.

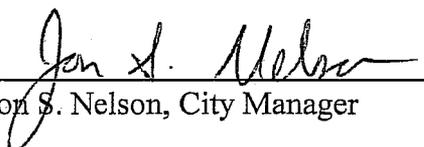
- Preamble
- Section 1. Title of Enactment
- Section 3(b). Powers of the City
- Section 14. Meetings
- Section 22(f). Interference in Administration and Elections
- Section 48. Time of Effect of Charter

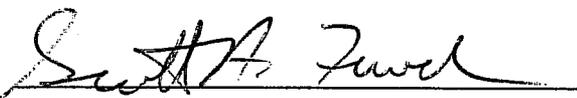
The April 6, 2006 Administrative Services Committee minutes, revised November 2006 election timeline, Ms. Tina Empol's proposal submitted to the Council on April 17, 2006, and the Benton County Democrats' proposal dated April 14, 2006 submitted by Clinton Downs are also attached.

Recommendation

Staff requests City Council review and direction of the proposed City Charter revisions.

Review and Concur:


Jon S. Nelson, City Manager


Scott Fewel, City Attorney

Attachments

DRAFT



CITY OF CORVALLIS

CHARTER

1995 2006

Corvallis Charter

CHARTER

TO PROVIDE FOR THE GOVERNMENT OF THE CITY OF CORVALLIS, BENTON COUNTY, OREGON; AND TO REPEAL ALL CHARTER PROVISIONS OF THE CITY ENACTED PRIOR TO THE TIME THAT THIS CHARTER IS ENACTED, EXCEPT THOSE HEREIN RETAINED.

Be it enacted by the people of the City of Corvallis, Benton County, Oregon: **We, the people of Corvallis, Oregon, exercise our power to the fullest extent possible, under the Constitution and laws of this State and enact this home rule charter:**

CHAPTER 1

Names and Boundaries

Section 1. Title of Enactment. This enactment may be referred to as the Corvallis Charter of 1995 which replaces the 1949 Charter. **2006, an amendment of the 1995 Charter.**

Section 2. Name of City. The City of Corvallis, Benton County, Oregon, shall continue to be a municipal corporation, with the name "City of Corvallis."

CHAPTER 2

Powers

Section 3. Powers of the City.

(a) The City shall have all the rights, powers, privileges, and immunities which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, including those rights, powers, privileges, and immunities which a City can exercise upon specifically accepting them or upon being granted the power to exercise them by the people of the City or the legislature of the State, as fully as though this Charter expressly stated each of those rights, powers, privileges, and immunities and as though each of them had been specifically accepted by the City or granted to it by the people of the City or by the legislature of the State. The powers contained herein from previously enacted Charters shall be deemed a part of the powers of the City. The City is further empowered to assess, levy, and collect taxes of all types for any and all lawful municipal purposes.

(b) The City shall exercise its power to ensure the equal protection and treatment of all persons without discrimination including, but not limited to, age, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious observance, sex, sexual orientation, and source of income. Corvallis

Corvallis Charter

is a community that honors diversity and diverse interests, and aspires to be free of prejudice, bigotry, and hate.

Section 4. Construction of the Charter. In this Charter no mention of a particular power, right, privilege, or immunity shall be construed to be exclusive or to restrict the scope of the powers, rights, privileges, or immunities which the City would have if the particular power was 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 the laws and to the municipal home-rule provisions of the constitution of the State of Oregon.

Section 5. Exercise of Powers. All rights, powers, privileges, and immunities of the City shall be exercised in the manner prescribed in this Charter, or, if the manner be not prescribed in this Charter, then in the manner provided by ordinance or resolution of the Council or the laws of the State of Oregon.

CHAPTER 3

Form of Government

Section 6. Where Powers Vested. Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.

Section 7. Council. The Council shall be composed of nine Councilors, one from each ward. The term of office of Councilors shall be two years. There shall be elected one Councilor from each ward at each general municipal election. The Councilors in office at the time this Charter is amended shall continue in office until the election of Councilors at the first general municipal election after adoption of this amended Charter section.

[As amended by special election May 27, 1971.]

Section 8. Wards.

(a) For the purpose of municipal representation, the City of Corvallis shall be divided into nine wards designated by the City Council by ordinance not later than five days or earlier than 30 days before the first date on which candidates may file for each election as Councilors.

(b) The Council must, by ordinance, revise the description of any wards or ward in order to conform to the one person, one vote principle. Ward boundaries shall conform to the principles of neighborhood groupings, compactness of area, and regularity of boundaries insofar as can reasonably be attained.

[As amended by Ordinance No. 69-22, February 17, 1969, adopted by Charter amendment special election March 18, 1969; special election held May 27, 1971; and special election November 7, 1995.]

Corvallis Charter

Section 9. Mayor. At the biennial general election held in 1954 and every fourth year thereafter, a Mayor shall be elected for a term of four years.

[As amended by Ordinance No. 54-6, March 1, 1954, adopted by Charter amendment special election May 21, 1954.]

Section 10. Council-appointed Positions. The offices of City Manager, Municipal Judge, and City Attorney are hereby created. The Council shall fill each of these offices by appointment as the need so arises.

[As amended by special election November 7, 1995]

Section 11. Other Officers and Employees. The Council may create such additional appointive offices as it deems necessary. No person may fill more than one appointive office without approval of the Council.

[As amended by Ordinance No. 59-1, January 19, 1959, adopted by Charter amendment special election February 19, 1959; special election held May 23, 1972; and special election November 7, 1995.]

Section 12. Salaries. The compensation for the services of each City officer and employee shall be whatever amount the Council fixes.

Section 13. Officers Generally.

(a) **Qualifications.** No person is eligible to fill an elective office of the City unless s/he is a qualified elector of the City and unless s/he has resided in the City one year immediately preceding any election at which s/he is a candidate.

(b) **Conflicts of interest.** Conflicts of interest are prohibited. All officers of the City are subject to the strictures, limitations and penalties of all applicable laws.

[As amended by special election held May 23, 1972.]

CHAPTER 4

Council

Section 14. Meetings. The Council shall hold a regular meeting at least once each month at a time and place in the City which it designates and shall adopt rules for the government of its members and proceedings. The Mayor upon his or her own motion may, or at the request of three members of the Council shall, by giving **lawful** notice, ~~thereof to all members of the Council then in the City, call a special meeting of the Council for a time not earlier than 24 nor later than 72 hours after the notice is given.~~ **call a special meeting of the Council for a time not earlier than 24 hours nor later than 72 hours after the notice is given. In case of an actual emergency, a meeting may be held upon such notice as is appropriate**

Corvallis Charter

under the circumstances, with the minutes describing the nature of the emergency justifying less than 24 hours notice.

Section 15. Quorum. A majority of the members of the Council shall constitute a quorum for it to do business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 16. Journal. The Council shall cause a journal of its proceedings to be kept. Upon the request of any of its members the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal.

Section 17. Meetings to Be Public. All deliberations and proceedings of the Council shall be public, except as provided by State law.

[As amended by special election, November 7, 1995]

Section 18. Mayor's Functions at Council Meetings. The Mayor shall be chair of the Council and preside over its deliberations. S/he shall not vote except in the case of a tie vote of the members of the Council present at the meeting. S/he shall have authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.

Section 19. 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 by ballot shall elect a president and a vice-president from its membership. In the Mayor's absence from a Council meeting, the president shall preside over it; in the absence of both the Mayor and the president, the vice-president shall preside. Whenever the Mayor is unable, on account of absence, illness, or other causes to perform the functions of the office, the president of the Council shall act as Mayor; in the absence of both the Mayor and the president, the vice-president shall act as Mayor.

[As amended by special election, November 7, 1995]

Section 20. Vote Required. Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.

CHAPTER 5

Powers and Duties of Officers

Section 21. Mayor. The Mayor shall appoint the committees provided under the rules of the Council. S/he shall sign all approved records of proceedings of the Council. S/he shall sign all ordinances passed by the Council within three days after their passage, unless s/he veto the same. If s/he vetoes an ordinance, s/he must, within 10 days from receipt thereof, return same to the City Recorder with a statement

Corvallis Charter

of the reasons for not approving it, and if the Mayor does not so return it, such ordinance shall become law, unless otherwise provided in such ordinance. Upon the first regular meeting of the Council after the return of such ordinance from the Mayor not approved, the City Recorder shall deliver the same to the Council, with the message of the Mayor, which must be read. Such ordinance shall then be put upon its passage again, and if two-thirds of all the members constituting the Council, as then provided by law, vote in the affirmative, it shall become a law unless otherwise provided in such ordinance, without the approval of the Mayor and not otherwise. But if no vote is taken at such meeting on the passage of such ordinance, it shall be deemed to have failed to become a law because not approved by the Mayor. The Mayor shall also, upon approval of the Council, endorse all bonds of officers of the City.

Section 22. City Manager.

(a) **Qualifications.** The City Manager shall be the administrative head of the government of the City. S/he shall be chosen by the Council without regard to political considerations and solely with reference to executive and administrative qualifications. S/he need not be a resident of the State at the time of appointment, but promptly thereafter shall become and during her or his tenure remain a resident of the City. Before taking office, the Manager shall file with the Mayor a bond for faithful performance of his or her duties as Manager, payable to the City in the amount determined by the Council by ordinance, the premium of which the City shall pay. The bond shall be to the satisfaction of the Council.

(b) **Term.** The Manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council. Upon any vacancy occurring in the office of Manager subsequently to the first appointment pursuant to this Charter, the Council at its next meeting shall adopt a resolution of its intention to appoint another Manager. No such appointment shall be made until at least four weeks elapse after the resolution is adopted. Not later than six months after adopting the resolution, the Council shall appoint a Manager to fill the vacancy.

[As amended by special election, November 7, 1995]

(c) **Powers and duties.** The powers and duties of the Manager shall be as follows:

(1) S/he shall devote her or his entire time to the discharge of official duties, attend all meetings of the Council, unless excused therefrom by the Council or the Mayor, keep the Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the City.

(2) S/he shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are observed.

(3) S/he shall appoint all appointive City officers and employees except as this Charter otherwise provides, and shall have general supervision and control over them and their work, with power to transfer an employee from one department to another, and shall

Corvallis Charter

exercise supervision and control over the departments, to the end of obtaining the utmost efficiency in each of them. S/he shall have no control; however, over the Council or the judicial activities of the Municipal Judge.

(4) S/he shall act as purchasing agent for all departments of the City.

(5) S/he shall be responsible for preparing and submitting to the Budget Commission the annual budget estimates and such reports as that body requests.

(6) S/he shall supervise the operation of all public utilities owned and operated by the City and shall have general supervision over all City property.

(7) S/he shall perform such other duties as may be required by this Charter or as the Council may require.

(d) Seats at Council meetings. The Manager and such other officers as the Council designates shall be entitled to sit with the Council, but shall have no vote on questions before the Council. The Manager may take part in the discussion of all matters before it.

(e) Manager pro tem. In case of the Manager's absence from the City, or a temporary disability to act as Manager, or of the Manager's discharge by the Council, or resignation, the Council shall appoint a Manager pro tem, who shall possess the powers and duties of the Manager. No Manager pro tem, however, shall have the power to appoint or remove any City officer or employee except with the approval of three-fourths of the members of the Council. No Manager pro tem shall hold the position as such for more than six months, and no appointment of a Manager pro tem shall be renewed.

(f) Interference in administration and elections. Neither the Mayor nor any member of the Council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the Manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or attempt to exact any promise relative to any appointment from any candidate for Manager, or discuss, directly or indirectly, with him or her the matter of specific appointments to any City office or employment. A violation of the foregoing provisions of this section shall forfeit the office of the offender. Nothing in this section shall be construed, however, as prohibiting the Council, while in open session, from discussing with or suggesting to the Manager, fully and freely, anything pertaining to the City affairs or the interests of the City.

(g) Ineligible persons. No person related to the Manager or his or her spouse by consanguinity or affinity with the third degree, nor the spouse, shall hold any appointive office or employment with the City.

[As amended by special election held May 23, 1972; by general election held November 6, 1984; Subsection (e) as amended by primary election held May 17, 1988; and Subsections (b) and (c) by special election, November 7, 1995.]

Corvallis Charter

Section 23. Municipal Judge. The Municipal Judge shall be the judicial officer of the City. The Judge shall be appointed and may be removed by the Council. The Judge shall hold within the City a court known as the Municipal Court for the City of Corvallis, Benton County, Oregon. Except on nonjudicial days, the Court shall be open for the transaction of judicial business. All area within the City and all property owned or controlled by the City shall be within the territorial jurisdiction of the Court. The Municipal Judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by ordinances of the City and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by an ordinance of the City. The Municipal Judge 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 her or him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in Court on the trial of any cause before the Municipal Judge, 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. Notwithstanding any other provision of this section to the contrary, the functions of the Municipal Judge and Municipal Court may be fulfilled by a State court when so appointed and designated by the Council. The City may have the duties of the Municipal Judge performed by the regular and pro-tempore judges of a State court.

When not governed by ordinance or 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.

[As amended by general election held November 6, 1984.]

CHAPTER 6

Elections

Section 24. General Elections. A general municipal election shall be held biennially in the City of Corvallis at the same time that the general biennial election for State and county officers is held in the State of Oregon, and at each general election the successors shall be elected for all elective offices whose terms of office expire prior to the next biennial election.

Section 25. Applicability of State Laws. Except as the same may be inconsistent with the provisions of this Charter, all the laws of this State regulating and governing elections and proceedings and matters incidental or relating thereto or connected therewith shall apply to and govern elections under this Charter.

[As amended by special election held May 19, 1981.]

Corvallis Charter

Section 26. Qualifications of Electors. No person shall vote at any City election unless s/he is a qualified elector of the State of Oregon and a resident of the City.

[As amended by special election held May 19, 1981.]

Section 27. Special Elections. The Council shall have the power to call special elections. A special election shall be called by ordinance setting forth the purpose for which such special election shall be called and the proposition(s) to be voted on the day on which such election shall be held.

[As amended by special election held May 19, 1981.]

Section 28. Nominations. Effective January 1, 1955, all elective officers of the City of Corvallis shall be elected on a nonpartisan ballot. The Council shall provide by ordinance the mode of nominating elective officers by petition, which shall be the sole and exclusive method of nominating such elective officers.

[As amended by special election held May 21, 1954; and special election held May 19, 1981.]

Section 29. Notice of Elections. The City Recorder shall give notice of all general or special elections by publication thereof in the City official newspaper once a week for two successive and consecutive weeks, within 30 days next preceding such election. Such notice shall state the officers to be elected, and/or measures to be voted upon as herein provided and, in case of a special election, the place designated for holding such election and the time thereof. Any error not affecting the substantial rights of voters shall not invalidate any election.

[As amended by special election held May 19, 1981.]

Section 30. Canvass of Election Results. To canvass the results, the City Recorder shall call to her or his assistance two qualified electors of the City, not of the same political party, and they three shall then canvass the returns of the election. A written statement of the canvass shall be made and signed by the canvassers, or a majority of them, and filed with the City Recorder. Such writing must contain a statement of the whole number of the votes cast at such election and the number given for any person for any office and the name of the persons elected and to what office and also the number of votes for or against any measure submitted to the people.

[As amended by special election held May 19, 1981.]

Section 31. Initiative and Referendum. Initiative petitions shall be signed by a number of legal voters equal to 15 percent of the votes cast for Mayor at the last preceding municipal election. Referendum petitions shall be signed by a number of legal voters equal to 10 percent of the votes cast for Mayor at the last regular preceding municipal election.

[Added by special election held May 19, 1981.]

Corvallis Charter

CHAPTER 7

Vacancies in Office

Section 32. What Creates Vacancy. An office shall be deemed vacant upon the incumbent's death, incompetence, conviction of a felony, resignation or absence from the City for 30 days without the consent of the Council in case of the Mayor or Councilor; upon the incumbent's ceasing to possess the qualifications necessary for the office; or upon the failure of the person elected or appointed to an office to qualify therefor within three days after the time for the term of office to commence; and in case of the Mayor or a Councilor, upon absence from meetings of the Council for 60 days without the consent of the Council.

Section 33. Filling of Vacancies. Vacancies in elective offices which occur 120 or more days prior to the first day of the new term shall be filled by special election among the represented constituency. The special election shall be held within 60 days after a vacancy is declared when possible, or at the next scheduled State election date thereafter. Should vacancy occur leaving fewer than 120 days remaining in the term, the candidate who receives the most votes for that office in the regular election shall assume office immediately upon validation of the vote.

[As amended by special election held May 21, 1954; special election held November 2, 1976; special election held May 19, 1981; and special election held November 7, 1995.]

CHAPTER 8

Ordinances

Section 34. Enacting Clause. The enacting clause of all ordinances hereafter enacted by the Council shall be "The City of Corvallis ordains as follows:".

Section 35. Passage. The procedure for passing ordinances shall be such as the Council by ordinance determines. When an ordinance is passed, the Recorder shall endorse it with the date of its passage and his or her name and title of office, and within three days thereafter the Mayor shall sign it with the date, his or her name and the title of the office, unless s/he vetoes or does not return such ordinance as provided in Section 21 hereof.

Section 36. When Ordinances Take Effect. An ordinance enacted by the Council shall take effect on the tenth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and, in case of an emergency, it may take effect immediately.

CHAPTER 9

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 is to be devoted.

Section 38. Acquisition and Disposition of Property. The City shall have power to acquire by purchase, gift, devise, or condemnation any property either within or without its corporate boundaries for any municipal purpose, for the purpose of protecting, preserving, or facilitating any improvement, for the purpose of bringing about such development of property along or in the vicinity of an improvement as will make the development harmonious with and adjusted to the improvement, or for any combination of such purposes. The City shall also have power to acquire by condemnation property in excess of that needed for the actual improvement and to sell or lease the excess with such building and use restrictions and conditions as will tend to make its development harmonious with and adjusted to adjacent public improvements. The City shall have power to provide for the payment of any part or all of the cost of land or other property acquired for public use, of the cost of constructing, reconstructing, repairing, operating, or maintaining any structure or work in the nature of a public facility or improvement, including a public utility, and of the cost of any other public work or service by levying and collecting assessments upon the property specifically benefited thereby.

Section 39. Improvements. Street, sewer, sidewalk, and such other public improvements as the Council deems necessary may be undertaken on the motion of the Council or on petition of the owners of two-thirds of the property to benefit specially from the improvements. A remonstrance of the owners of two-thirds of the benefitted property to be specifically affected by a street improvement shall defeat a motion or petition to improve such street, in which event no further action to effect the improvement shall be taken for six months. The procedure for making street, sidewalk, sewers, and for vacating, altering, opening or abandoning street and other public improvements shall be governed by ordinance or the applicable general laws of the State in the absence of ordinance.

[As amended by Ordinance No. 54-6, March 1, 1954, adopted by Charter amendment special election May 21, 1954.]

Section 40. 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 ordinance.

Section 41. Public Improvement Contracts. All public improvement contracts shall be subject to the limitations of State law.

[As amended by Charter amendment special election May 23, 1972; and special election, November 7, 1995.]

Corvallis Charter

CHAPTER 10

Miscellaneous

Section 42. 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.

[As amended by special election, November 7, 1995]

Section 43. Continuation of Rights and Liabilities. No right or liability of the City existing at the time this Charter takes effect shall be impaired or discharged by adoption of this Charter, except as this Charter otherwise provides.

Section 44. Repealing Clause. All Charters and Charter amendments of the City enacted prior to the time that this act takes effect, except as herein otherwise provided, are hereby repealed.

Section 45. Provisions of Prior Charters Retained. The following provisions of prior Charters are hereby retained:

(a) Authorizing additional tax levy for fire department. In addition to all other or different powers or authority contained in the Charter of the City of Corvallis authorizing the City to levy, assess and collect taxes, the Council is hereby authorized and empowered to assess, levy and collect each year and include in the general tax levy each year such additional special tax levy as in the judgment of the Council shall be required, upon all property in the City not exempt from taxation, not to exceed two mills upon the dollar valuation of property assessed, for the purpose of providing additional funds for the equipment, maintenance and conducting of the fire department (to be added to the "fire department fund"). Said levy shall be permitted in addition to and in excess of the constitutional 6 percent limitation upon the City's tax levy.

[1915 Charter, Section 112; 1929 Charter, Section 112A; 1942 Charter, Section 112A]

(b) Authorizing special tax for recreation program. In addition to all other or different powers and authority contained in the Charter of the City of Corvallis, Oregon, authorizing the City to assess, levy and collect taxes, the Council is hereby authorized and empowered to assess, levy and collect each year and include in the general tax levy each year such additional special tax levy as in the judgment of the Council shall be required upon all property in the City not exempt from taxation, not to exceed one mill upon the dollar valuation of property assessed for the purpose of providing additional funds for organizing, administering and conducting a recreational program for said City. Said levy shall be permitted in addition to and in excess of the constitutional 6 percent limitation upon the City's tax levy.

[1944 Charter, Section 272, as subsequently amended]

Corvallis Charter

(c) Authorizing one year special tax levy. In addition to all other and different powers and authority contained in the Charter of the City of Corvallis, Oregon, authorizing said City to assess, levy and collect taxes, the Council of said City is hereby authorized and empowered to assess, levy and collect each fiscal year, and include in the general tax levy each fiscal year for one year, beginning with the next tax levy after the adoption hereof, such additional special tax levy as in the judgment of the Council shall be required, upon all property in said City not exempt from taxation not to exceed five mills upon the dollar valuation of property assessed for the purpose of providing additional funds for any and all legal municipal purposes. Said levy shall be permitted in addition to and in excess of the constitutional 6 percent limitation upon the City's tax levy.

[1909 Charter, Section 112, as subsequently amended]

(d) Authorizing tax levy for general municipal purposes. The Council has power and authority within the City of Corvallis to assess, levy and collect taxes upon all property, both real and personal, not exempt from taxation. The Council shall levy the amount of taxes necessary to provide for the payment during the ensuing fiscal year of all properly authorized demands upon the treasury, and the tax necessary to pay any interest accruing during the year on the bonded indebtedness of the City and any sinking fund levy lawfully provided for subject to the general laws of the State of Oregon.

[As amended by Ordinance No. 54-6, March 1, 1954, adopted by Charter amendment special election May 21, 1954; 1909 Charter, Section 112.]

(e) Authorizing additional tax levy for fire and street departments. In addition to all other or different powers or authority contained in the Charter of the City of Corvallis authorizing the City to levy, assess and collect taxes, the Council is hereby authorized and empowered to assess, levy and collect each year and include in the general tax levy each year such additional special tax levy as in the judgment of the Council shall be required upon all property in the City not exempt from taxation, not to exceed two mills upon the dollar valuation of property assessed, for the purpose of providing additional funds for the equipment, maintenance and conducting of the fire department (to be added to the "fire department fund") and for the maintenance and construction of City streets (to be added to the "street department fund"), not more than one and one-half mills thereof to be used for the fire department and not more than one-half mill thereof to be used for the street department. Said levy shall be permitted in addition to and in excess of the constitutional 6 percent limitation upon the City's tax levy.

[1948 Charter, Section 276, as subsequently amended]

(f) Water user charge. In addition to all other different powers and authority contained in the Charter of the City of Corvallis, Oregon, the Council is hereby authorized and empowered to establish and collect just and equitable charges upon water users, both within and outside the City, and also upon premises served by sewer, either or both, to provide funds to acquire, construct, equip, operate and maintain within and without the City limits of Corvallis sewage disposal plant or plants,

Corvallis Charter

sewers, equipment and appurtenances necessary, useful or convenient for a complete sewer system and disposal plant, including maintenance and extension of the present sewer system.

[1944 Charter, Section 273, as subsequently amended]

Section 46. Franchises. No franchise shall be granted by the City of Corvallis for a period in excess of 20 years.

Section 47. Amendments. An amendment to the Charter of the City of Corvallis, or new or supplemental Charter, may be proposed and submitted to the legal voters of the City by resolution of the Council. No amendment of the Charter shall be effective until it is approved by a majority of the votes cast thereon by the legal voters of the City. The ballot title of such amendment shall be the same as prepared and submitted with such amendment, or new or supplemental Charter, by the resolution of the Council.

[As amended by special election held May 19, 1981.]

Section 48. Time of Effect of Charter. This Charter shall take effect December 1, 1995 2006.

[As amended by special election, November 7, 1995.]

Section 49. Authorizing a Continuing Special Tax Levy. In addition to all other and different powers and authority contained in the Charter of the City of Corvallis, Oregon, authorizing said City to assess, levy and collect taxes, the Council of said City is hereby authorized and empowered to assess, levy and collect each fiscal year not to exceed five years and include in the general tax levy each fiscal year not to exceed five years beginning with the next tax levy after the adoption hereof, such additional special tax levy as in the judgment of the Council shall be required, upon all property in said City not exempt from taxation, not to exceed \$38,500.00 per fiscal year (approximately three and one-half mills upon the dollar valuation of property assessed) for each of the aforesaid five years for the purpose of providing additional funds for the construction, equipping, maintenance and manning of a new fire station and other additional fire equipment, and thereafter the said Council of said City is hereby authorized and empowered to assess, levy and collect each fiscal year and include in the general tax levy each fiscal year beginning with the next tax levy after the expiration of five years from the next tax levy after the adoption hereof, such additional special tax levy as in the judgment of the Council shall be required, upon all property in said City not exempt from taxation, not to exceed \$16,500.00 per fiscal year thereafter (approximately one and one-half mills upon the dollar valuation for property assessed) for the purpose of providing additional funds for the maintenance and manning of said new fire station. Such said tax levies to be in addition to and in excess of the constitutional 6 percent limitation upon the City's tax levy. Any and all provisions of the Charter and ordinances of said City of Corvallis, Oregon, which shall conflict with the provisions hereof are hereby repealed.

[As amended by Ordinance No. 53-34, September 21, 1953, adopted by Charter amendment special election October 13, 1953.]

Corvallis Charter

Section 50. Authorizing Special Tax for Park and Recreational Program. In addition to all other or different powers and authority contained in the Charter of the City of Corvallis, Oregon, authorizing the City to assess, levy and collect taxes, the Council is hereby authorized and empowered to assess, levy and collect each year and include in the general tax levy each year, such additional special tax levy as in the judgment of the Council shall be required upon all property in the City not exempt from taxation and not to exceed \$18,000.00 in any tax year (approximately one and one-half mills upon the dollar valuation of property assessed), for the purpose of providing additional funds for acquiring, improving and administering public parks for said City and conducting recreational programs therefor. Said levy shall be permitted in addition to and in excess of the constitutional 6 percent limitation upon the City tax levy.

[As amended by Ordinance No. 55-48, November 21, 1955, adopted by Charter amendment special election held December 15, 1955.]

Section 51. Services to Property Outside Corporate City Limits. The City shall furnish no services or enter into any agreement or contract to furnish such services to property outside the corporate limits of the City unless the City Council shall have first adopted an ordinance approving the same. Any such ordinance shall contain a provision that it shall not become effective until the expiration of 30 days after its passage and approval by the Mayor. The Council shall make provision for and hold public hearing prior to the adoption of any such ordinance.

[Charter amendment adopted by special election held November 5, 1974.]

Section 52. Vote on Annexations. Unless mandated by State law, annexation, delayed or otherwise, to the City of Corvallis may only be approved by a prior majority vote among the electorate.

[Charter amendment adopted at general election held November 2, 1976.]

Section 53. Appeals to the City Council. In instances where the City Council has delegated authority for rendering decisions following public evidentiary hearings, any decision by that delegated authority may be appealed to the City Council by petition of 10 registered voters who are residents of the City of Corvallis. The City Council shall conduct a de novo hearing, basing its decision upon testimony given by proponents, opponents and staff as well as the record developed by the hearing authority.

[Charter amendment adopted at general election November 2, 1976.]

Section 54. Limiting Property Tax Levies. The City Council may not levy a property tax for general City operations of more than:

- (a) To retire bond principal or interest,
- (b) Levied serially for capital acquisition, construction, reconstruction, maintenance, and general operations specifically authorized by the voters,
- (c) Millage levies,
- (d) To finance an improvement or service in a special district created by the City Council,
- (e) Any other property tax levy approved by the voters.

Corvallis Charter

[Charter amendment adopted at a general election held November 2, 1982.]

Section 55. Downtown Development District. The Council of the City of Corvallis is authorized to establish, and from time to time to change the boundaries of a downtown development district which shall be established to provide:

1. Public parking facilities in the district;
2. Public transportation in, to, and from the district;
3. Local and public improvements; and
4. Economic promotion and development of the district.

The Council is also authorized to tax persons, property, and economic enterprise in the district and to establish one or more agencies to assist the City in the exercise of these powers.

[Added November 8, 1983.]

Section 56. Urban Renewal Plan. Any Urban Renewal Plan or amendment approved by the City Council shall contain the following provisions:

1. Any collection or use of tax increment funds for any purpose whatsoever must be approved in advance by a majority vote at a City election.
2. Any collection or use of tax increment funds shall be considered a Substantial Change in the Plan.

[Charter amendment adopted at a primary election held May 21, 1991]

Section 57. Sections Deleted from Prior Charter and Sections Renumbered. Section 3, "Boundaries;" Section 25, "Recorder;" Sections 28, 30, 31, 35, 37, and 38 [all previously repealed]; Section 51, "Water Commission Abolished, Funds Preserved;" Section 52 [previously repealed]; Section 56 [previously repealed]; Section 59, "Authorizing Construction of Water Treatment Plant, Transmission System, Distribution System Improvements, and Bond Issue Therefor;" Section 60, "Authorizing Construction of Sewage Collection and Treatment Facilities and Bond Issue Therefor;" Section 62, "Repeal of Section 56 of the Charter of the City of Corvallis;" Section 63, "Authorizing Construction of Water Treatment Plant, Transmission System, Distribution System Improvements, and Bond Issue Therefor;" Section 64, "Authorizing Construction of Sewer Collection and Treatment Facilities and Bond Issue Therefor;" Section 66, "Authorizing Acquisition of Lands for and the Construction, Equipping, Maintaining and Manning of a New Fire Station, and Bond Issue Therefor;" Section 67, "Authorizing Construction of Reservoirs and Water Source, Transmission and Distribution System Construction and Improvements and Bond Issue Therefor;" Section 68, "Authorizing Construction of Small Plant Hangar at Corvallis Municipal Airport and Bond Issue Therefor;" Section 69, "Authorizing the Construction of Pumping Stations,

Corvallis Charter

Interceptor Sewers, Trunk Sewers and Lateral Sewers in the Downtown and South Corvallis Area and Bond Issue Therefor;" Section 70, "Authorizing the Acquisition of Land for and the Construction and Equipping of a New City Library and Bond Issue Therefor;" Section 71, "Authorizing Special Tax Levy for Art Center or Art Appreciation and Promotion within the City of Corvallis and Authorizing the City of Corvallis to Enter into Contract for the Purpose Thereof;" Section 72, "Authorizing the Modification, Expansion, and Equipping of Existing Primary Sewage Treatment Facilities and Construction and Equipping of Secondary Sewage Treatment Facilities for the City of Corvallis, and Bond Issue Therefor;" Section 73, "Authorizing the Acquisition, Construction, and Installation of a Fire Alarm System in the City of Corvallis, Construction and Acquisition of a Fire Engine by the City of Corvallis, and a Bond Issue Therefor;" Section 74, "Authorizing Special Tax Levy for Public Park Land Acquisition and Development, Improvement, Equipping, Maintenance, and Administration of Public Parks;" Section 75, "Authorizing Special Tax Levy for Fire Department and Police Department of the City of Corvallis;" Section 75A, "Authorizing the Construction, Reconstruction, and Replacement of Water Reservoirs and Water Treatment, Transmission, and Distribution System Improvements and a Bond Issue Therefor;" Section 76, "Authorizing the Construction and Reconstruction of Hangar Facilities at Corvallis Municipal Airport and a Bond Issue Therefor;" Section 77, "Authorizing Special Tax Levy for Art Center for Art Appreciation and Promotion and Authorizing the City of Corvallis to Enter into Contract for the Purchase Thereof;" Section 78, "Authorizing Special Tax Levy to Provide Capital Improvements for an Art Center, and Authorizing the City of Corvallis to Enter into Contracts for the Purpose Thereof;" Section 79, "Authorizing Water Treatment Plant Intake Expansion and Other Works for City Water Department and a Bond Issue Therefor;" Section 80, "Authorizing a One Year Special Tax Levy;" Section 80A, "Authorizing Sewage Treatment Plant Expansion, the Handling of Industrial Waste and Wet Weather Overflows and a Bond Issue Therefor;" Section 81, "Authorizing Ten Year Special Tax Levy;" Section 82, "Authorizing Construction, Reconstruction and Replacement of Water Treatment, Transmission, Distribution and Storage System Improvements, and a Bond Issue Therefor;" Section 83, "Authorizing a Special Bus Service Tax Levy;" Section 85, "Authorizing a Special Tax Levy Outside the Constitutional 6 Percent Limitation;" Section 86, "Authorizing Special Tax Levy Outside the Constitutional 6 Percent Limitation;" Section 87, "Authorizing Special Tax Levy for Fire Department Capital Outlay, Operation and Maintenance;" Section 90, "Authorizing the Construction and Development of Walnut Boulevard from Witham Hill to Harrison Boulevard with All Necessary Appurtenances and a Bond Issue Therefor;" Section 91, "Authorizing Special Tax Levy for Arts Center for Arts Appreciation and Promotion;" Section 92, "Authorizing Special Tax Levy Outside the Constitutional 6 Percent Limitation;" Section 93, "Authorizing the Purchase of Land Commonly Known as I.V. Hill for Park and Open Space Purposes and a Bond Issue Therefor;" Section 94, "Authorizing Special Tax Levy for Transit Capital Outlay, Operation and Maintenance;" Section 95, "Authorizing Funds for the Land Acquisition, Design and Engineering, and Preliminary Construction of Highway 34, Eastside Bypass and Other Appurtenant Costs and a Bond Issue Therefor;" Section 96, "Authorizing Funds for Installation of Fuel Storage Tanks, Construction of Railroad Grade Crossings, Rehabilitation, Installation of Improvements, and Construction of Additions to Existing Buildings; Construction and Installation of Park Improvements; Land Acquisitions for Parks; Street Improvements and Pedestrian Amenities; Traffic Signals; Bridge Construction; Street Widening and Reconstruction; Street Right-of-Way Acquisition and Construction; Bikepath Improvement and Construction and Other Appurtenant Costs and a Bond Issue Therefor;" Section 97, "Authorizing Funds for the Rehabilitation and/or Replacement of Sanitary Sewer Trunks and Submains and Laterals; and the Construction of Water Transmission Facilities; the Rehabilitation and Repair of Equipment and Facilities of City Water Treatment Plants; Installation of Water

Corvallis Charter

Reservoir and Pump Station; Construction and Improvement of Storm Sewer Facilities; Airport Paving and T-Hangar Construction and Other Appurtenant Costs and Bond Issue Therefor;" Section 99, "Authorizing Funds for Rehabilitation, Installation of Improvements, and Construction of Additions to Existing City Buildings; Construction and Installation of Park Improvements; Land Acquisition for Parks and Libraries; Street Improvements; Traffic Signals; Street Widening and Reconstruction; Street Right-of-Way Acquisition and Construction; Bridge Construction; and Other Appurtenant Costs and a Bond Issue Therefor;" Section 100, "Authorizing Funds for the Rehabilitation and/or Replacement of Sanitary Sewer Trunks and Submains and Laterals; the Design and Construction of Water Transmission Facilities; the Rehabilitation and Repair of Equipment and Facilities at City Water Treatment Plants; Rehabilitation of Water Reservoir and Pump Station; Construction and Improvement of Storm Sewer Facilities; and Other Appurtenant Costs and a Bond Issue Therefor;" Section 101, "Authorizing Special Tax Levy for Transit Capital Outlay, Operation, and Maintenance;" Section 102A, "Authorizing a Three Year Special Tax Levy on the Downtown Development District;" Section 103, "Authorizing Funds for the Rehabilitation and/or Replacement of Sanitary Sewer Trunks, Submains and Laterals; Replacement of the Sequoia Creek Storm Drain; and Other Appurtenant Costs and a Bond Issue Therefor;" Section 104, "Authorizing Funds for Rehabilitation, Installation of Improvements, and Construction of Additions to the Senior Citizens Center; Street Reconstruction and Sidewalk/Pedestrian Improvements; and Other Appurtenant Costs and a Bond Issue Therefor;" Section 105, "Authorizing Special Tax Levy for Transit Operation, Maintenance, and Capital Outlay;" Section 106, "Authorizing a Three Year Special Tax Levy on the Downtown Development District;" Section 107, "Authorizing Funds for Renovation of the Majestic Theatre; and Other Appurtenant Costs and a Bond Issue Therefor;" and Section 108, "Authorizing Special Tax Levy for Arts Center for Arts Appreciation and Promotion." Section of this current Charter are renumbered accordingly.

[Added by special election, November 7, 1995.]

approved the intergovernmental agreement on April 3 and the Benton County Board of Commissioners will discuss the issue on April 18.

In response to Councilor Zimbrick's inquiry about maintenance, Ms. Brewer confirmed that the City will invoice the School District and County for their share of repair expenses. Management Information Systems Manager Robel Tadesse confirmed that due to installation expenses, Fire Station 5 has a Qwest T-1 line instead of fiber optic.

509J School District Technology Services Manager Duane Jager said the School District is excited about the partnership with the City and welcomes the opportunity to save money.

The Committee unanimously recommends that Council authorize the City Manager to amend the Fiber Optic Cable intergovernmental agreement to include the 509J School District.

II. City Charter Review (Attachment)

Chair Brauner said staff is returning with revised Charter language for the Committee's consideration. City Manager Jon Nelson noted that staff distributed an amended copy of revised language for Chapter 2: Powers (attached).

City Attorney Scott Fewel summarized staff's recommended changes as follows:

- * Add a preamble to the Charter to read, "We, the people of Corvallis, Oregon, exercise our power to the fullest extent possible, under the Constitution and laws of this State and enact this home rule charter."
- * Modify Section 1 "Title of Enactment" to reflect the 2006 amendment of the 1995 Charter.
- * Add Section 3(a) "Powers of the City," alphabetize protected groups in Section 3(b), and rename subsequent sections to ensure proper formatting.

Mr. Nelson noted that the revised version of Section 3(b) reconciles protected groups named in the Municipal Code's Civil Rights Chapter with the groups proposed for inclusion in the Charter. Changes include adding familial status and source of income, and changing disability to specifically list physical disability and mental disability. Mr. Nelson suggested the

Council may eventually wish to reconcile the Municipal Code to match modified Charter language. The Committee agreed.

- * Change Section 14 "Meetings" to clarify language about giving lawful meeting notice.
- * Revise language in Section 22(f) "Interference" in administration and elections to read, "...attempt to influence or coerce the Manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies..."
- * Modify Section 48 "Time Effect of Charter" to become effective December 1, 2006.

Upon approval at Council's April 17 meeting, staff will schedule a May 1, 2006 public hearing on the proposed Charter language.

Councilor Zimbrick expressed concern that differentiating mental disability and physical disability could constitute narrowing the definition of disability. Mr. Nelson said the change reconciles proposed Charter language with what is contained in the Civil Rights Chapter. The group agreed that the two types cover all possible disabilities.

The Committee unanimously recommends that Council approve scheduling a public hearing on May 1, 2006 regarding proposed Charter language.

III. July 3, 2006 City Council Meeting (Attachment)

Mr. Nelson said staff proposes changing the July 3 Council meeting date to July 5 to ensure a quorum. In response to Chair Brauner's inquiry, Mr. Nelson confirmed that changing the date still allows adequate time to notice the Comprehensive Plan Amendment public hearing.

The Committee unanimously recommends that Council direct staff to prepare a special ordinance to approve changing the July 3, 2006 City Council meeting to July 5, 2006.

IV. Other Business

The Administrative Services Committee will hold a Telecommunications Service Tax public forum on April 13, 2006 at 7:30 pm in the Downtown Fire Station at 400 NW Harrison Boulevard.

Respectfully submitted,

CHARTER AMENDMENT TIMELINE
NOVEMBER 7, 2006 ELECTION
(Revised April 24, 2006)

<u>Date</u>	<u>Event</u>
September 8, 2005	ASC discussion of Charter review process
September 19	Council approved level of review and desired process
October 20	ASC/Charter Review Committee meets to approve election timeline and meeting schedule
November 29	ASC/Charter Review Committee meets with Alex Johnson
January 5, 2006	ASC/Charter Review Committee meets and reviews City Attorney's analysis of Charter
February 9,23,27	Focus group meetings to solicit public comments
March 13	ASC/Charter Review Committee hosts public forum to solicit additional public comments (evening meeting)
March 23	ASC/Charter Review Committee provides direction on draft City Charter
April 6	ASC/Charter Review Committee reviews draft City Charter
April 17	ASC/Charter Review Committee recommendations to Council; schedule a public hearing for May 1 for public comments
May 1	City Council holds public hearing to receive public comments
May 15	City Council provides direction on draft City Charter
June 8	ASC reviews draft ballot title language
June 19	City Council considers ASC recommendations and approves ballot title
June 20	Assistant to City Manager/City Recorder publishes "Notice of Receipt of Ballot Title"
June 29	Deadline to file dissatisfaction of ballot title with Circuit Court
July	Circuit Court holds hearing and decides on ballot title
August 7	City Council adopts resolution forwarding the Charter amendment to the voters on the November 7, 2006 ballot, and directing the Assistant to City Manager/City Recorder to publish notice of municipal election
August 10	Voters' Pamphlet article (Explanatory Statement) to ASC
August 21	City Council considers/approves Voters' Pamphlet article (Explanatory Statement)
September 7	Assistant to City Manager/City Recorder files SEL and Explanatory Statement with County Elections
September 22	Charter Amendment Explanatory Statement published in "the City"
October 21	Ballots in mailboxes
October 21 and 28	Assistant to City Manager/City Recorder publishes "Notice of Municipal Election" (and post in four locations)
November 7	Election
December 4	Assistant to City Manager/City Recorder prepares Abstract and Canvass of Votes to City Council

4/17/06
TINA EYF

Diversity Proposal for Corvallis City Charter

ASC Proposes:

Section 3(A).

Power for the protection of citizens.

The City shall exercise its power to ensure the equal protection and treatment of all persons without discrimination including, but not limited to, age, citizenship status, color, disability, gender identity or expression, marital status, national origin, race, religion, religious observance, sex, and sexual orientation. Corvallis is a community that honors diversity and diverse interests, and aspires to be free of prejudice, bigotry, and hate.

We Propose:

Sec 3a

Responsibility of city government to support diversity.

In its actions, city government shall assess barriers that limit opportunities or disproportionately impact historically marginalized persons including, but not limited to, age, citizenship status, color, disability (mental or physical), gender identify or expression, marital status, national origin, race, religion, religious observance, sex, sexual orientation, and source of income.

Sec 3b

Power for the protection of citizens.

The city shall exercise its power to ensure the equal protection and treatment of all persons without discrimination based on age, citizenship status, color, disability (mental or physical), gender identify or expression, marital status, national origin, race, religion, religious observance, sex, sexual orientation, and source of income. Corvallis is a community that honors diversity, diverse interests, and aspires to be free of prejudice, bigotry, and hate.

Chapter 5, Section 21

Mayor.

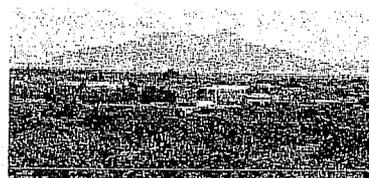
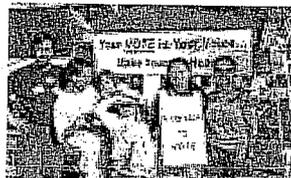
The mayor shall appoint the committees under the rules of the council. S/he shall undertake all reasonable methods to assure that her/his appointments to boards, commissions, and committees reflect Corvallis's diversity, including geographic and ethnic diversity.

Chapter 9

Public Improvements and Environmental Justice

It is the responsibility of the City of Corvallis to provide and protect from incursion from the State and Federal government the city charter, municipal code, and land use development codes. It shall be the business of the Corvallis City Council to ensure environmental justice, being especially attentive of economic and geographic displacement of marginalized communities.

Benton County Democrats



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HD 15

Sam Sappington

HD 16

Sara Gelser

HD 23

Jason Brown

SD 8

Mario Magana

HD 10 (Central OR Coast)

Jean Cowan

HD 14 (Creswell)

Chris Edwards (no website yet)

HD 21 (Salem)

Brian Clem

SD 10 (Polk & Marion

Counties)

Paul Evans

2006 Platform

What do the BC Dems stand for? Read our 2006 platform and find out.

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Polk County Dems
Marion County Dems

Recent blog posts

Diversity Charter in need of Diversity!!!

Submitted by Clinton Downs on Fri, 2006/04/14 - 1:58p

Almost one year ago, Alex Johnson was commissioned to develop and recently presented recommendations to include diversity language to the Corvallis City Charter which he presented to the Administrative Services Committee, who declined to include his proposals and opted for a simple update to the Non-Discrimination policy.

Attached is the proposed changes by the ASC at the top, compared with a greatly reduced proposal that we are coming forward with which includes and celebrate diversity in the City Charter by seeking to end discrimination and requiring the City to stay accountable to its diverse citizens.

What we need to do:

Read our proposals (at bottom) and then send a letter in support to

Ward 1 - ward1@council.ci.corvallis.or.us

Ward 2 - ward2@council.ci.corvallis.or.us

Ward 3 - ward3@council.ci.corvallis.or.us

Ward 4 - ward4@council.ci.corvallis.or.us

Ward 5 - ward5@council.ci.corvallis.or.us

Ward 6 - ward6@council.ci.corvallis.or.us

Ward 7 - ward7@council.ci.corvallis.or.us

Ward 8 - ward8@council.ci.corvallis.or.us

Ward 9 - ward9@council.ci.corvallis.or.us

Mayor - mayor@council.ci.corvallis.or.us

Then if your able plan to attend Monday's noon meeting to speak at visitors propositions as we could surely use your help.

Monday, April 17th, Noon (visitor's propositions at 12:30pm.

Downtown Fire Station, Second Floor, 400 NW Harrison Blvd

Hope to see you there.

Diversity Proposal for Corvallis City Charter

ASC Proposes:

Section 3(A).

Power for the protection of citizens.

The City shall exercise its power to ensure the equal protection and treatment of all persons without discrimination including, but not

Diversity Charter in need of Diversity!!!
 Kevin Mannix: Pocketing Campaign Cash
 Frank Morse: 43% rating from ACLU for '05 session
 The Democratic Plan to Protect America: Real Leadership
 Benton County Commissioners to Consider "Troops Home" Resolution
 Here's what's wrong with the PEARL project
 Common Dreams press release - Resolution passes
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limited to, age, citizenship status, color, disability, gender identity or expression, marital status, national origin, race, religion, religious observance, sex, and sexual orientation. Corvallis is a community that honors diversity and diverse interests, and aspires to be free of prejudice, bigotry, and hate.

We Propose:

Sec 3a

Responsibility of city government to support diversity.

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Sec 3b

Power for the protection of citizens.

The city shall exercise its power to ensure the equal protection and treatment of all persons without discrimination based on age, citizenship status, color, disability (mental or physical), gender identify or expression, marital status, national origin, race, religion, religious observance, sex, sexual orientation, and source of income. Corvallis is a community that honors diversity, diverse interests, and aspires to be free of prejudice, bigotry, and hate.

Chapter 5, Section 21

Mayor.

The mayor shall appoint the committees under the rules of the council. S/he shall undertake all reasonable methods to assure that her/his appointments to boards, commissions, and committees reflect Corvallis's diversity, including geographic and ethnic diversity.

Chapter 9

Public Improvements and Environmental Justice

It is the responsibility of the City of Corvallis to provide and protect from incursion from the State and Federal government the city charter, municipal code, and land use development codes. It shall be the business of the Corvallis City Council to ensure environmental justice, being especially attentive of economic and geographic displacement of marginalized communities.

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Validate XHTML or CSS.

MEMORANDUM



To: Mayor and City Council
From: Julee M. Conway, Director
Date: May 4, 2006
Subject: Senior Center/Chintimini Park Enhancements-Project Timing Update

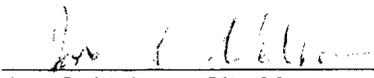
Issue: At its January 17th and February 13th work sessions, the City Council discussed the identification of funding alternatives for City Council prioritized capital projects. The Senior Center/Chintimini Park CIP project is one of these prioritized projects. Per City Council direction, staff has provided a schedule for the project, with the goal of placing a bond measure request on the May 2007 ballot. Council direction is requested to proceed with this project timeline.

Background: Momentum and support for the project have been building through the community's conceptual visioning process, which began in early 1998. The preliminary planning and design process was completed over the past three years, culminating in the City Council's adoption of the plan in September 2004. The conceptual plans for the park and building are complete, along with a model to be displayed at the Senior Center. Staff, working with the original project consultant, has finalized the estimates of probable cost for the capital project. It is anticipated the project would be funded with bond measure funds, and supported with other grant and donation sources.

At the February 13th meeting, the City Council requested additional information regarding the schedule for placing a bond measure on the May 2007 ballot. In addition, there was discussion regarding what other park improvement projects may be considered for inclusion on a 2007 bond measure. One of the related priority projects being considered is the need to replace 3 softball fields, displaced as a result of pending capital projects. These include 2 fields displaced due to the Senior Center/Chintimini Park project and one as a result of the Sunset Park capital improvement project. The proposed project schedule will allow time for discussion with the Parks and Recreation Advisory Board and other stakeholders regarding a recommendation for these and other potential park bond projects.

Recommendation: Staff requests City Council direction regarding the attached project schedule.

Review and Concur:



Jon S. Nelson, City Manager

Attachment

**SENIOR CENTER/CHINTIMINI PARK
IMPROVEMENT PROJECT SCHEDULE**

<u>Date</u>	<u>Event</u>
2006	
June 14	Park & Recreation Advisory Board (PRAB) receives update Senior Center/ Chintimini Park project; discusses bond projects strategy/alternatives for inclusion with Senior Center/Park project
August 17	Park & Recreation Advisory Board makes final advisory recommendations on bond projects as part of its annual CIP update
September	Human Services Committee discusses PRAB recommendations as it relates to Senior Center/Chintimini Park project funding
November	Capital Improvement Commission discusses bond funding recommendations as part of its routine annual CIP update process
Nov-Dec	City Council review and approve strategies/alternatives and determines final projects to be included on the ballot
2007	
February 20	City Council considers and approves Ballot Title
February 20	City Council adopts resolution forwarding the measure to the voters on the May 15, 2007 ballot, and directing Assistant to City Manager/City Recorder to publish notice of municipal election
February 20	Assistant to City Manager/City Recorder publishes "Notice of Receipt of Ballot Title"
February 21	Voters' Pamphlet article (Explanatory Statement) to HSC
February 28	Deadline to file dissatisfaction of ballot title with Circuit Court
March 2	If necessary, Circuit Court holds hearing & decides on ballot title
March 5	City Council considers/approves Voters' Pamphlet article (Explanatory Statement)
March 15	Last day for Assistant to City Manager/City Recorder to file SEL and Explanatory Statement with County Elections

April 27	Explanatory Statement published in <i>"the City"</i>
April 28 & May 12	Assistant to City Manager/City Recorder publishes "Notice of Municipal Election" and post in four locations
Early May	Ballots in mailboxes
May 15	Election
June 18	Assistant to City Manager/City Recorder prepares Abstract of Votes and Canvass of Votes to Council

Contingent upon May 2007 bond approval:

July-Dec	Complete final design details plans and specifications; secure permitting approvals
----------	---

2008

Jan-Mar	Project bidding process
April	Agreement negotiations; contract preparation planning
May	Under Construction
May 08- Dec 09	Construction(Bldg & Park)

2010

Late Spring	Project Dedication and Fully Operational
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Office of the Mayor
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e-mail: mayor@ci.corvallis.or.us

PROCLAMATION
NATIONAL POLICE WEEK
MAY 14 - 20, 2006

WHEREAS, The Congress and President of the United States designated May 15th as Peace Officers' Memorial Day, and the week encompassing May 15 is National Police Week; and

WHEREAS, The members of the law enforcement agency of Corvallis play an essential role in safeguarding the rights and freedoms of Corvallis; and

WHEREAS, It is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property by protecting them against violence and disorder and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, The men and women of the law enforcement agency of Corvallis unceasingly provide a vital public service;

NOW, THEREFORE, I, Helen M. Berg, Mayor of Corvallis, Oregon, do hereby proclaim **May 14 - 20, 2006**, as **Police Week** and call upon all citizens of Corvallis and all patriotic, civic, and educational organizations to observe this occasion with appropriate observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon all citizens of Corvallis to observe **May 15, 2006**, as **Peace Officers' Memorial Day** in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

Helen M. Berg, Mayor

Date



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P R O C L A M A T I O N

Get There Another Way Week

May 15-19, 2006

- WHEREAS, Use of transportation alternatives to the single-occupancy vehicle (SOV) is vital to the quality of life and economic well being of the citizens of Corvallis; and
- WHEREAS, Citizens, including workers, students, senior citizens, people with disabilities, and those unable to afford or utilize an automobile, use commute options to gain access to jobs, schools, medical facilities, and other fundamental services; and
- WHEREAS, Use of public transportation, walking, bicycling, carpooling, and vanpooling provides commute options to employees, students, and other citizens without the use of an SOV; and
- WHEREAS, Use of commute options decreases the demand for automobile parking, resulting in better use of land for more productive uses, such as commercial, industrial, and residential development and open space, and
- WHEREAS, Increased public investments in transit services and other commute options provide the potential to expand the employment base, provide job opportunities, and enhance prosperity; and
- WHEREAS, Traffic congestion that wastes productive time can be alleviated through the increased availability and use of public transportation and other commute options; and
- WHEREAS, Walking and bicycling are healthy forms of exercise and can help to incorporate physical activity into the daily routine; and
- WHEREAS, The nation, our community, and our citizens face the risks to health and the environment that are brought on by automobile exhaust emissions.

NOW, THEREFORE, I, Helen M. Berg, Mayor of Corvallis, Oregon, do hereby proclaim **May 15-19, 2006**, as **Get There Another Way Week** in the city and encourage all Corvallis citizens to consider bicycling, walking, carpooling, and vanpooling to the events planned in Corvallis.

Helen M. Berg, Mayor

Date



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PROCLAMATION

National Public Works Week

May 21-27, 2006

- WHEREAS, Public works services provided in our community are an integral part of our citizens' everyday lives; and
- WHEREAS, The support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs, such as water, wastewater, storm water, streets, bicycle facilities, transit, airport, communications, engineering, and public buildings; and
- WHEREAS, The health, safety, and comfort of this community greatly depends on these facilities and services; and
- WHEREAS, The quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and
- WHEREAS, The efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

NOW, THEREFORE, I, Helen M. Berg, Mayor of Corvallis, Oregon, do hereby proclaim **May 21-27, 2006**, to be **National Public Works Week** in the City of Corvallis, and I call upon all citizens and civic organizations to acquaint themselves with the problems involved in providing our public infrastructure services and to recognize the contribution which public works officials make every day to our health, safety, comfort, and quality of life.

Helen M. Berg, Mayor

Date

OREGON

ECONOMIC & COMMUNITY
DEVELOPMENT DEPARTMENT

RECEIVED

MAY 02 2006

CITY MANAGERS
OFFICE

May 1, 2006

The Honorable Helen M. Berg
Mayor of Corvallis
P.O. Box 1083
Corvallis, OR 97339

RE: Special Public Works Fund Program, Project # I00077, (\$29,166), City of Corvallis,
Wetlands Delineation and Functional Assessments

Dear Mayor Berg:

Congratulations on your successful application for the above-referenced project. Enclosed please find a summary showing the award amount and the terms and conditions of the award. This award is conditioned upon a waiver of the Oregon Administrative Rules for the Special Public Works Fund program being approved. We anticipate the waiver will be approved. However, if the waiver is not approved, the department will not be able to participate in this project.

Your project is being administered through the Oregon Economic and Community Development Department's Community Development Division. As always, our staff members are available to answer questions that may arise during the implementation of your project. If you need assistance, please contact your Regional Coordinator, Louise Birk, at (503) 986-0130 or louise.r.birk@state.or.us.

We encourage you to offer appropriate media opportunities to help build public awareness of your project's purposes and benefits. Please notify your Oregon Economic and Community Development Department Regional Coordinator of any event celebrating your project.

Sincerely,



Laird Bryan, Operations Manager
Community Development Division

enclosure

cc: Steve Rogers, Corvallis Public Works Director
Jon Katin, Corvallis Transportation Services Supervisor
Fiscal
file

GOVERNOR THEODORE R. KULONGOSKI

775 Summer St. NE, Suite 200 • Salem, Oregon 97301-1280

Phone 503.986.0133 • TTY 1.800.325.8200 • Fax 503.591.5115 • <http://www.oregon.gov/govdor>



CITY MANAGER'S REPORT

MAY 11, 2006

2006-04

REPORTING PERIOD: APRIL 2006

I. ORGANIZATIONAL HIGHLIGHTS

- The League of American Bicyclists presented to Corvallis its Gold Level award, designating Corvallis as one of the top five bicycle-friendly communities in the nation.
- Corvallis again received the Tree City USA designation and qualified for the Extra Growth Award for the second consecutive year.

II. MAYOR'S DIARY

April meetings included one with the Council President, Vice President, and City Manager; the Council's quarterly self-evaluation meeting; the quarterly meeting of Benton County Tax Jurisdictions; and with the Chair of the Benton County Board of Commissioners. Other meetings included the League of Oregon Cities (LOC) Budget Committee and two meetings of the full LOC Board (one in Redmond and one in Salem) to select the new LOC Executive Director. I met individually with a local candidate for State Representative and with a person interested in how Corvallis government works.

I attended Martin Luther King, III's speech, "My Father's Dream, My Mission"; City Manager Nelson's book review at the Library; a Van Buren Street Bridge open house; a Telecommunications Service Tax Proposal public forum; an Oregon State University (OSU) climate change outreach workshop; and fund-raising events for Cornerstone Associates and the Boys and Girls Club.

It was my privilege to cut a ribbon at the opening of Rockin' Ricky's Soda Fountain, be included in a fund-raising video for the Pastega House, help break ground for the CoHo/Corvallis Neighborhood Housing Services CoHousing project, cut a wire to activate the Corvallis Wireless Fidelity (WiFi) Network, proclaim Holocaust Days of Remembrance at OSU, and welcome the National Collegiate Athletic Association (NCAA) Women's Gymnastics Championships to Corvallis.

III. PARKS AND RECREATION

A. Department Highlights

Administration/Planning

- Continued preparation of the summer recreation program registration event May 6th at Corvallis High School and made improvements to streamline the process.

Aquatic Center

- Hosted the fourth annual April Pool's Day, which included a cannonball contest, free-throw shooting contest, plastic egg hunt in the water, kayak rides, penny toss, rescue scenario, and SCUBA exploration.
- Hosted the State Masters' Swimming Championships April 21st through 23rd, which brought 500 people to Corvallis for three days.

Parks

- Filled five positions for the seasonal parks worker recruitment. The Parks Operations staff is currently at 22 employees.
- Volunteers worked on a variety of projects. Starbucks employees worked on a cleanup at Willamette Park April 22nd. Staff worked with volunteers and donor (David Sheehan) on the installation of playground equipment at Lions Shelter in Avery Park. OSU Peace Jam worked on a landscape cleanup at Avery Park.
- Benton County Corrections Work Crew worked on the Timberhill Open Space Trail system. The trail completes the connection to Chip Ross Park.
- The Starker Community Garden project is nearing completion. The project is on schedule and could be ready for early-May.
- Parks operations and maintenance is in full swing, with mowing, landscaping, and shelter preparations for reservations.
- Riverfront Commemorative Park has three new benches and two trash receptacles in the Jackson Plaza to help delineate between the multi-modal path and the activity around the fountain. The Jackson Plaza Fountain is operating with new water patterns this season.

Recreation

- Approximately 450 people participated in the Procession of Species Parade along the Willamette Riverfront.
- Began registration for Spring/Summer adult sports.
- Submitted a grant request to Oregon Recreation and Parks seeking funding for replacement of lights and American with Disabilities Act improvements for the softball field at Pioneer Park.

Senior Center

- Sponsored a "Medicare and Your Medications" discussion April 8th.
- The Trips and Outdoor Program offered fun excursions to the Crab Feed and Wooden Boat Show in Newport, along with hikes to Takena Park and Sweet Creek Falls.
- The Tax Aide program ended April 13th. This year program attendance increased 25%, serving 1,674 people at three sites in Corvallis and Philomath. This represented 2,466 hours of donated tax preparer time.
- The Senior Center is gathering input on the concept of a name change for the Center.

IV. POLICE

A. Department Highlights

Officers investigated 1,900 incidents this month and made 40 arrests for Driving Under the Influence of Intoxicants (DUII). Following are the highlights:

- Detectives arrested a 21-year-old woman on 53 counts of Negotiating a Bad Check. The woman wrote checks to numerous businesses in Corvallis and other cities. Investigation is continuing.
- Officers and detectives investigated an April 10th bank robbery at Umpqua Bank. A lone male suspect robbed the bank of an undisclosed amount of money. Investigation is continuing.
- Detectives arrested a 44-year-old woman on 11 counts of Negotiating a Bad Check and one count of Theft and a 36-year-old man on 52 counts of Negotiating a Bad Check and one count of Theft. The husband and wife wrote numerous checks on two different closed accounts at businesses located in Corvallis, Philomath, and Albany. Investigation is continuing.
- K-9 Officer Harvey and Xar had 12 applications, including two building searches, three area searches, and two tracks. Xar had two captures during April (six captures this year and 16 career captures).
- Officers responded to a house fire in the 1400-block of NW Polk Avenue. The team located two residents inside the house, entered the burning building, and evacuated the residents to safety.
- Officers captured a large and aggressive Rottweiler with the assistance of its owner, who was charged with Unprovoked Attack and Dangerous Animal at Large. The dog was impounded.
- Detectives arrested a 22-year-old man on Burglary in the Second Degree, Aggravated Theft in the First Degree, Trespass in the Second Degree, and two counts of Unauthorized Entry into a Motor Vehicle. The charges stem from a burglary at the Corvallis City Shops during March.
- Officers assisted Fire personnel with a suicidal man who barricaded himself in a Hewlett-Packard (H-P) storage closet. The man confessed to using

Liquid Nitrogen in an attempt to remove all oxygen from the room and suffocate himself.

- Officers responded to a call regarding two men who entered the Circle K at NW Ninth Street and NW Grant Avenue and threatened to shoot the attendant if he did not give them the money in the cash register. Four suspects were located in a vehicle attempting to flee the city. Officers stopped the vehicle and charged three of the occupants with Robbery II, Theft II, and Disorderly Conduct.
- Officers broke a vehicle window and removed from within the vehicle a juvenile female who had indicated that she wanted to commit suicide. The female had grabbed a knife from the glove compartment of the vehicle and threatened to cut her wrists.
- Investigations Division personnel continued to work with investigators from Oregon State Police, the Benton County District Attorney's Office, the Benton County Sheriff's Office, the Federal Bureau of Investigation (FBI), and the National Center for Missing and Exploited Children on the Brooke Wilberger missing person case.

Tactical Action Plans (TAP)

- In response to citizen complaints, a TAP was implemented regarding vehicles violating traffic laws in the vicinity of NW Monroe Avenue and NW Sixth Street. The specific complaints included speeding (estimates of vehicles traveling 35 miles per hour) and continuous crosswalk violations with pedestrians nearly being struck by vehicles.

9-1-1 Center Calls for Service

- The Corvallis Regional Communications Center dispatched 2,997 calls for police, fire, and medical assistance this month as follows:

POLICE		FIRE AND MEDICAL	
Corvallis Police	1,900	Corvallis Fire/Ambulance	377
Benton County Sheriff	599	Other Fire/Medical	26
Philomath Police	95		
TOTAL	2,594	TOTAL	403

B. Other

- Detectives attended the Seventh Annual Child Abuse Summit and Family Violence Conference.
- Officers, Detectives, and staff attended Customer Service Training, presented by Redmond Police Chief Lane Roberts at the Corvallis-Benton County Public Library.

- Investigations Division personnel conducted presentations for the Citizen Police Academy on Crime Analysis, Identity Theft, Fraud, and Scams Affecting Senior Citizens.
- K-9 Officer Harvey and Xar performed 20 hours of training during April while attending the Oregon Police Canine Association Spring Conference in LaGrande.
- Recruit Officer Lee resigned.
- Recruit Officer Stahl was hired and is participating in the Field Training Officer Program.
- Sergeant Mann conducted a training for the Downtown Corvallis Association, with approximately 50 attendees. Topics included vandalism, shoplifting, harassment by transients, and other city ordinances (including smoking).
- Officer Cox presented a Fatal Vision program to the bi-monthly Tavern Owners meeting.
- Officer McCall attended the annual DUII conference.
- Greek Liaison Officers participated in the Greek Award dinner April 14th.
- Five new patrol vehicles were set up and fielded.

V. PUBLIC WORKS

A. Department Highlights

Administration Division

- Attended a workshop on Sustainability in Facilities Management (which included sustainability advancements in city infrastructure systems) and a meeting sponsored by the OSU Institute for Natural Resources on impacts from climate change.
- Staffed a booth at the H-P Earth Day Fair concerning the City's sustainability program.
- The Sustainability Steering Committee began work on short-term goals for reducing energy consumption in buildings and fuel use in the fleet equipment.

Engineering Division

- Projects currently in the design phase: Dixon/Oak Creek Fish Barrier Removal, Taylor Water Treatment Plant High Service Pumps and Surge Tank, and the 2006-2007 Sanitary Sewer Rehabilitation.
- Construction is in progress for the Wastewater Reclamation Plant Disinfection Facilities (June completion) and the South Third Street Improvements project (July completion).
- Construction is scheduled to begin in May for the Ninth Street Sewer Diversion project (October completion) and in July for the following projects: 53rd Street Waterline, SW Western Boulevard Bicycle Lanes, 2006-2007

Street Reconstruction, SW Brooklane Drive Bicycle Lanes, and 2006-2007 Storm Water Master Plan projects (September completion for these projects).

Transportation Division

- The first "Secure Your Place on the Bus" wheelchair training event was held April 22nd and was co-hosted by Corvallis Transit System (CTS), Benton County Special Transportation Program, and Dial-A-Bus. Participants practiced boarding a CTS bus parked in front of the Library. A set of nylon securement straps was installed on each participant's wheelchair (free of charge to the participant) to help drivers secure the chair more quickly and effectively into position on the buses.
- CTS provided over 49,850 rides during April, including 789 free rides on Earth Day, April 22nd.
- Staff promoted alternative modes of transportation as part of several Earth Week 2006 events, including those at OSU, H-P, and Riverfront Commemorative Park.
- Co-sponsored the first state-wide Bicycle Tourism Convention in Eugene April 1st as part of the Governor's Tourism Convention, reinforcing Corvallis' position as one of the outstanding bicycle programs in the nation.

Utilities Division

- Completed annual manhole rehabilitation program, with 26 manholes sealed to eliminate infiltration of groundwater to the sanitary sewer system.
- Began the annual storm water piping cleaning and inspection project, with 50 percent completed during April.
- Published the annual Water Quality Report and mailed copies to all addresses in Corvallis, as required by the Environmental Protection Agency (EPA).
- Staffed informational displays during Earth Week.
- Completed the leak detection survey of 50 miles of city water mains.
- Utilities Division Manager Penpraze was reappointed for a two-year term on the Oregon Drinking Water Advisory Commission, representing the LOC.
- Completed the second year of the Storm Water Management Program Plan, as required by Department of Environmental Quality and EPA regulations aimed at improving the quality of storm water runoff.

VI. CITY MANAGER'S OFFICE

A. Department Highlights

- Personnel presented lunch-hour health and wellness discussions for City and Benton County employees. The April 12th session ("Signs of Depression

and Anxiety") was well received by 22 City employees. The April 19th session ("Motivational Tips for Staying Active") was also well received by 30 City and County employees.

- The Mayor and four Councilors began using electronic Council meeting packets, and two more Councilors will begin using electronic packets as soon as their laptop computers are upgraded. More than one-half of the Department Directors have joined the Council in using electronic packets, saving reams and reams of paper.
- More than 700 volunteers enjoyed receiving a personally signed thank you card and City Hall magnet from Mayor Berg in recognition of their volunteering services to the City.

VII. COMMUNITY DEVELOPMENT

A. Department Highlights

- Made a presentation of the proposed historic preservation provisions to the Corvallis Area Chamber of Commerce Business Advocacy Committee.
- Assisted the Historic Preservation Advisory Board (HPAB) and citizens with preparations for Historic Preservation Month in May.
- Finalized Neighborhood Empowerment Grants.
- Staffed a City Council public hearing on the appeal of a Land Development Hearings Board decision denying the removal of a Historic Preservation Overlay on the Full Gospel Assembly Church property (Sivetz Coffee).
- Presented an overview to City Council of the proposed historic preservation provisions.
- Staffed a City Council public hearing to consider adoption of the historic preservation provisions recommended by the Planning Commission.
- Staffed a Planning Commission public hearing on the Seventh Street Station development proposal.
- Housing received 28 Rental Housing Program-related contacts outlining 41 separate issues, with seven related to habitability and 34 of a non-habitability nature. Five of the habitability issues reported may be subject to the Rental Housing Code; callers were advised of the process to follow in order to file a complaint under the Code.
- The Housing and Community Development Commission reviewed and recommended for Council approval a draft of the Fiscal Year 2006-2007 Community Development Block Grant (CDBG)/Home Investment Partnerships Program (HOME) Action Plan containing the allocations of project and activity funding the Commission developed during March.
- One First Time Home Buyer loan in the amount of \$10,000 was approved.
- Development Services staff processed 28 residential and 29 non-residential plan reviews for proposed construction projects and conducted 1,971 inspections.

- Inspection staff investigated 18 citizen complaints, including such concerns as a mechanical repair business operating out of a residence and overflowing dumpsters at a fraternity.
- Participated on a State building code review committee and International Existing Building Code review committee.
- Attended the four-day Code Official Institute in Portland.
- Integrated the permit tracking system (Permit Plan) with the document management system (Laserfiche). Most construction documents (over 25,000) associated with permits are now available online through Weblink.

VIII. FINANCE

A. Department Highlights

- Co-chaired state-wide, financial audit kick-off meeting of Qwest Communications.
- Met with Grand Oaks Homeowners Association to resolve a dispute regarding irrigation of the Grand Oaks Park and surrounding areas.

IX. FIRE

A. Department Highlights

Operational

Response Activity - March 2006	City	Non-City	Total
Fires	12	3	15
Overpressure/Rupture	3	0	3
Requests for Ambulance	202	55	257
Rescue (Quick Response Team)	55	4	59
Hazardous Condition	2	2	4
Service Requests	30	3	33
Good Intent	26	13	39
False Calls	20	1	21
Mutual Aid	0	0	0
Other	0	0	0
TOTAL RESPONSES OVERALL	350	81	431

- On April 29th at approximately 10:45 pm, Department personnel responded to a reported house fire in the 300-block of NW 17th Street. The fire appeared to have been started by improperly discarded smoking materials, which smoldered and then caught a mattress on fire. The fire appeared to have been accidental in nature. Damage to the bedroom was substantial,

and the remainder of the home suffered smoke damage. The occupant was not home at the time of the fire. Two fire engines, a ladder truck, and a command vehicle responded to the fire with 14 firefighters. The fire was brought under control within 15 minutes. There were no civilian or firefighter injuries, and several pets in the house were unharmed.

- Department personnel responded to a house fire in the 1400-block of NW Polk Avenue just after midnight April 26th. Upon arrival, firefighters found flames approximately 30 feet high at the back of the house but were able to control the fire within fifteen minutes. The fire appeared to have originated on the back porch and caused significant damage to the porch and minor smoke and fire damage to the kitchen area. Three engines, an ambulance, and 21 firefighters responded to the fire. Mutual aid units from Adair and Philomath staffed the fire stations while the Corvallis crews battled the fire. The house did not have a smoke alarm installed. Both the 96-year-old resident and her nephew were assisted out of the structure by a Corvallis Patrol Officer prior to the arrival of fire crews. The woman was asleep when the Patrol Officer found her. The man was transported to Good Samaritan Regional Medical Center and treated for smoke inhalation. He spent the night in the hospital but is reported in good condition. There were no other injuries reported.
- New members were selected for the Hazardous Materials (HazMat) and Special Response Teams:

HazMat Team

Randy Harrison
Chris Riddell
Dan Wehrman

Special Response Team

Brian Anderson
Ross Fuhrman
Doug Kelly

- Chris Hunt was appointed to the position of Training Lieutenant.

X. LIBRARY

A. Department Highlights

- Staff in-service training April 26th included sessions on the City's new respectful workplace policy, the 9-1-1/dispatch center and when to call them, humor in the workplace, and workplace yoga. Staff also worked in small teams to inventory portions of the collection. A luncheon was provided by the Friends of the Library in appreciation of staff.
- Many staff attended the Oregon Library Association's (OLA) annual conference in Salem. Circulation Supervisor Lori Hilterbrand presented a workshop, sharing her expertise in online book selling for Friends' groups. Librarians Heidi Weisel and Andrew Cherbas presented a program on the use of video game programs with young adults. This is a very hot topic in "Library Land" right now; research is showing positive literacy support for this

medium. Librarian Ruth Hennessey, fresh from her successful presentation on services to Hispanics at the Public Library Association conference in Boston, presented an additional program at OLA in Salem. Deputy Library Director Teresa Landers also presented a program on downloadable audio books, Library2Go.

- Youth Services Manager Curtis Kiefer attended a four-day *Law for Librarians* training at American Library Association headquarters in Chicago, sponsored by the Office of Intellectual Freedom (OIF); all expenses were paid by a grant awarded to the OIF by the Ford Foundation. Chairs of Intellectual Freedom committees from all 50 states participated.
- Casual shelvers and casual clerks are now established as continuous recruitment positions, which will make the hiring process for these high-turnover positions much more efficient and nimble.
- Librarian Shannon Bronson staffed a library booth at H-P's Sustainability Fair.

B. Other

- The Friends of the Library sponsored a concert by the Corvallis and Crescent Valley High Schools' combined orchestra to celebrate National Library Week. The audience of approximately 50 people enjoyed an excellent performance.
- Alesa Community Effort (ACE) was presented with the Library Supporter of the Year Award by the Oregon Library Association.

XI. MISCELLANEOUS

- Attached is the City Attorney's Office Report to the City Council for April.


Jon Nelson
City Manager



CORVALLIS CITY ATTORNEY
456 SW Monroe, #101
Corvallis, OR 97333
Telephone: (541) 766-6906
Fax: (541) 752-7532

CITY ATTORNEY'S OFFICE
REPORT TO CITY COUNCIL: HIGHLIGHTS

April 2006

The following are highlights of the City Attorney's Office activities during April, 2006.

1. Assistance/advice to staff regarding disposition of an abandoned CASA Jet aircraft at the municipal airport.
2. Preparation and filing of brief in *McElroy v. March* (nka *McElroy v. Carlson* - Mandamus Appeal).
3. Continued work re: public records requests.
4. Continued work on Charter revisions.
5. Assistance to Corvallis Police Dept. on personnel issues, including conducting of an internal investigation.
6. Meetings with Engineering/Public Works Dept. regarding the Timberhill retaining wall failure.

Ongoing/Future Matters:

1. Representation of the City before LUBA and Oregon Court of Appeals re: *McElroy v. March* (nka *McElroy v. Carlson* - Mandamus Appeal), *Century Properties, LLC, v. Corvallis* (Natural Features Preservation LUBA Appeal), *Century Properties v. Corvallis* (Land Development Code LUBA Appeals).
2. Enforcement actions regarding code violations (building, sidewalk, land development code violations, etc.).
3. Continued work on discrimination complaints.
4. Continued work on Grand Oaks and APD easement/development issues.
5. Collective bargaining - Corvallis Regional Communications Center Association (911 Unit).
6. Continued work with staff regarding Timberhill retaining wall failure; potential code enforcement or civil action.

COUNCIL REQUESTS

FOLLOW-UP REPORT

MAY 11, 2006

1. Van Buren Bridge Update (Council)

Below are keys issues to the Van Buren Bridge Conceptual Agreement Framework:

- a. Building a new bridge is a top priority for the community from transportation, livability, and economic development perspectives. It is a priority for the State as well.
- b. The Van Buren bridge is historically recognized, and new bridge alternatives should integrate Van Buren bridge use and cost implications to the extent feasible. ODOT recognizes their role in providing Van Buren bridge assessment and analysis necessary for project decision making.
- c. Due to funding limits Statewide, Oregon Transportation Commission guidelines for project prioritization use local match as a criterion. Local match can be both financial and jurisdictional transfer based. Local government partners recognize local match is necessary to keep the project on track.
- d. ODOT and local government partners agree to jointly explore options for special Federal funding for the bridge(s) alternative selected.
- e. ODOT and the City of Corvallis recognize that if the Van Buren bridge is included in the bridge alternative selected, liability coverage, annual maintenance, periodic maintenance, and other issues will need to be addressed through an intergovernmental agreement.

2. Wireless Project Update (Nelson)

During October 2005, staff presented to Administrative Services Committee a report on the citywide wireless network initiative. The report was solely informational, and staff was to brief the Council as the efforts proceeded. (The report is accessible at

[http://archive.ci.corvallis.or.us/docview.aspx?id=146288.](http://archive.ci.corvallis.or.us/docview.aspx?id=146288)) Since October, the following progress has occurred:

- Staff plans to publish a request for proposals (RFP) during June 2006 soliciting vendors to build the citywide wireless infrastructure. This is a joint venture between Oregon State University, Benton County, Corvallis School District 509J, and the City. The RFP will attempt to attract private entities that are willing to build the wireless network, with the above entities becoming core tenants. A Wireless Internet Service Provider needs a density of antennas to provide and sell wireless data services. Under this RFP model, the city would lease to the provider the light poles and the use of power for the radios. In lieu of an annual lease payment to the City for right-of-way, the City then could trade the payment for wireless services for the operational departments.

A citywide wireless network will enhance service delivery to citizens, improve the efficiency of public safety services, streamline operations, and increase productivity. A wireless network also benefits community partners and economic development efforts.



Jon Nelson
City Manager

**CITY OF CORVALLIS – COUNCIL REQUESTS – TRACKING REPORT
PENDING REQUESTS**

Council Request Item	Requested By	Date of Request	CM Report Due Date	Assigned to	Response in CM Rpt No.	Comments
Wireless Project Update	Nelson	04-12-06	05-09-06	Brewer	CCR 05-11-06	
Van Buren Bridge Update	Council	05-01-06	05-09-06	Nelson/ Rogers	CCR 05-11-06	

*** MEMORANDUM ***

TO: Mayor and City Council

FROM: Steve Rogers, Public Works Director

DATE: May 9, 2006

SUBJECT: Wetlands Mitigation Status for the Airport Industrial Park "Shovel Ready" Program

ISSUE:

Should the City work towards obtaining an Oregon Economic Community Development Department loan and enter into a contract with a private party to obtain credits for off-site wetlands mitigation for the Airport Industrial Park?

BACKGROUND:

The City of Corvallis intends to acquire Industrial Site Certification from the Oregon Economic and Community Development Department (OECDD) for a large tract of land immediately north of the Corvallis Airport, known as the Airport Industrial Park (AIP). This action is consistent with the City Council's goal to pursue economic vitality through certification of the site as "shovel-ready". Acquiring such certification will assist the City to promote the AIP as a site for industrial development. A "shovel-ready" site can be made ready to begin construction within six months because essential infrastructure is in place or can be readily provided and/or all necessary permits can be reasonably obtained. The intent of certification is to enhance the marketability of the industrial site and thereby accelerate its industrial development and job creation potential.

The AIP is located outside of Corvallis city limits but within the urban growth boundary. Although the total size of the AIP is approximately 230 acres, the portion within the AIP for which the City is seeking certification is 190 acres. The portions of the site excluded from certification include existing industrial development. The AIP is owned by the City, which plans to issue long-term leases to prospective businesses that establish facilities at the AIP. The City is already leasing a few parcels within the AIP that support light industrial facilities. Although the AIP is zoned as general industrial, most of the certifiable part of the site is currently farmed for grass seed production. Other portions of the certification site are occupied by roads. Surrounding land use is dominated by grass seed production. Also present are the Corvallis Municipal Airport, the Portland and Western rail line, Highway 99W and local roads.

City staff has been working with the Economic Development Partnership (EDP) in getting the Corvallis Airport Industrial Park listed on the Governor's "shovel ready" industrial sites list. The EDP submitted our initial "shovel ready" application in 2003 and has since updated and revised it numerous times. Initial requirements of the program included the requirement to perform a review of the site for wetlands, ground contaminants, threatened and endangered species, archaeological resources and historical structures.

No listed threatened or endangered species are known to occur at the site. The Oregon Department of Fish and Wildlife (ODFW) reviewed site conditions in 2003 and confirmed that no listed species inhabit the site. Likewise the other environmental and natural resource reviews have been conducted with no adverse findings. The wetlands assessment for the application was initially limited to a wetlands delineation, but later was expanded to require a conceptual wetlands mitigation plan.

In March 2005, City Council accepted a grant from the State of Oregon to help fund the development of a wetlands mitigation plan for the AIP. Staff's intent was to develop the conceptual mitigation plan with several options, including on-site mitigation, off-site mitigation on City owned property, purchase of available low valued farmlands to develop a wetlands bank and/or purchase of wetlands credits from established commercial wetlands banks. Over the past year and a half, the options have been severely constrained:

- The Federal Aviation Administration has objected to on-site mitigation within the AIP because of the proximity to the runways - birds and planes don't mix well.
- The airport is required to be self-sufficient and does not receive any property tax dollars. Its current revenue stream is so small, the purchase of new property is not affordable.
- Current local wetlands banks do not have sufficient credits available to sell to the City.

The portion of the AIP proposed for certification contains 68 acres of jurisdictional wetland. The vast majority of these wetlands are within fields farmed for grass seed production, mostly ryegrass. These wetlands generally have low to moderate capacity to perform both hydrologic and habitat wetland functions. Mitigation requirements range from 1.5:1 to 5:1 wetland acre/credits per acre of wetland impacted.

DISCUSSION:

In order to acquire certification, suitable area to conduct wetland impact mitigation must be found. The City must designate an area under its control where wetlands can be enhanced, restored and/or created sufficient to offset the wetland losses expected from development. Simply listing alternative options is not acceptable to OECDD. Staff proposes a phased approach to developing the AIP, given the limitations of market demand, public resources for infrastructure construction, the cost for wetland credits and the limited wetlands mitigation options. Oregon Division of State Lands (DSL) and OECDD have reviewed and concurred with the area of the AIP designated as Phase 1. Phase 1 development would occur in a 90 acre area with approximately 25 - 30 acres of wetlands; this area can be developed with the least expensive infrastructure investments. This would leave just over 100 acres with over 60 acres of wetlands for a future phase(s). Revenue generated by the development of Phase 1 will be used to support infrastructure investments and wetlands mitigation needed to prepare Phase 2 areas for development.

Staff has explored numerous off-site mitigation sites:

- Most of the off-site City owned properties, either already have protective overlays, are unsuitable as wetlands, or are too small to be economically feasible mitigation sites.
- Adair Village offered some land to the City for mitigation, but according to our consultant, the proposed area had limited potential for wetlands development and would have been extremely expensive for restoration.
- The former MLK Park's soils have been determined to be fine sandy loam with good drainage making it not suitable for wetlands mitigation.

- Berg Park has approximately 11 acres of wetlands that are not functioning well that could possibly be enhanced at a 3:1 ratio for 3.67 acres of credit and some additional uplands that could be converted at 1.5:1 for possibly another 10 acres of credit, however the conversion costs are expected to be significant.
- Our consultant has found a farmer, Mr. Tom Hunton, in Eugene who owns property and desires to convert 35 acres (17.5 acres of credit based upon a 2:1 ratio for restoring farmed wetlands) of his farm back into wetlands. Mr. Hunton is seeking payment for loss of value of his property and loss of future income, but is willing to do the construction, planting and annual maintenance required. To protect the City's investment, an endowment to fund perpetual conservation easement with the McKenzie River Trust would also be financed.

To obtain the required 25 - 30 acres of credit, 17.5 could come from the Hunton farm and the remaining would need to be derived from Berg Park.

Staff has taken several actions to facilitate the wetlands mitigation project:

- Sought and received a 2nd OECD grant to delineate wetlands at Mr. Hunton's farm and at Berg Park to evaluate the sites abilities and strengths to be used for mitigation.
- Explored with OECD a loan to "partner" with Mr. Hunton in restoring the 35 acres of his cropped wetlands. The loan would be repaid by the anticipated development at the AIP, but would still require the full backing of the City's General Fund. Terms of the loan include:
 - Interest that would likely be deferred for ten years or until a revenue stream from development was achieved to be able to afford loan payments, whichever comes first.
 - Terms of the loan would be 25 years (15 years full amortization after the 10th year) at the tax-exempt market rate at the time of award (currently that is 4.73%).
 - Current OECD policy requires projects to be completed within 2.5 years. This project will take a year to construct/develop and will require five years of maintenance, followed by monitoring in perpetuity by the Trust. OECD will likely want funds to be disbursed into an escrow account where they can be disbursed at the appropriate time(s).
 - Staff also is seeking approval from OECD, under a worst case scenario, the ability to sell the credits we obtained from the Hunton mitigation to other agencies or organizations to be able to payoff the loan and interest payments, should development not occur at the AIP. Worst case scenario, should this approval not be given and no development were to occur, the City would have a payment due for years 11 through 25 starting at \$72,368 and decreasing to the last year of \$44,335 in interest and principal. Should the first ten years of interest be waived, the payments would be \$45,586 - decreasing to \$27,928.

RECOMMENDATION:

Staff seeks Council direction regarding:

- the concept of an OECD loan in the amount of \$400,000 to develop 17.5 acres of wetlands credit with the terms and conditions as generally expressed above, and

- the concept of an agreement with a private party to restore 35 acres of farmed wetlands to obtain the first 17.5 acres of credit for the Airport Industrial Park "shovel-ready" status.

Should City Council support proceeding, staff will return with an OECCD loan agreement and a wetland mitigation agreement with Tom Hunton for consideration.

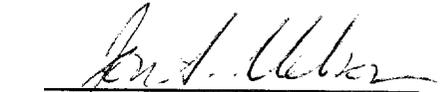
Review and Concur:



Mysty Rusk
EDP President

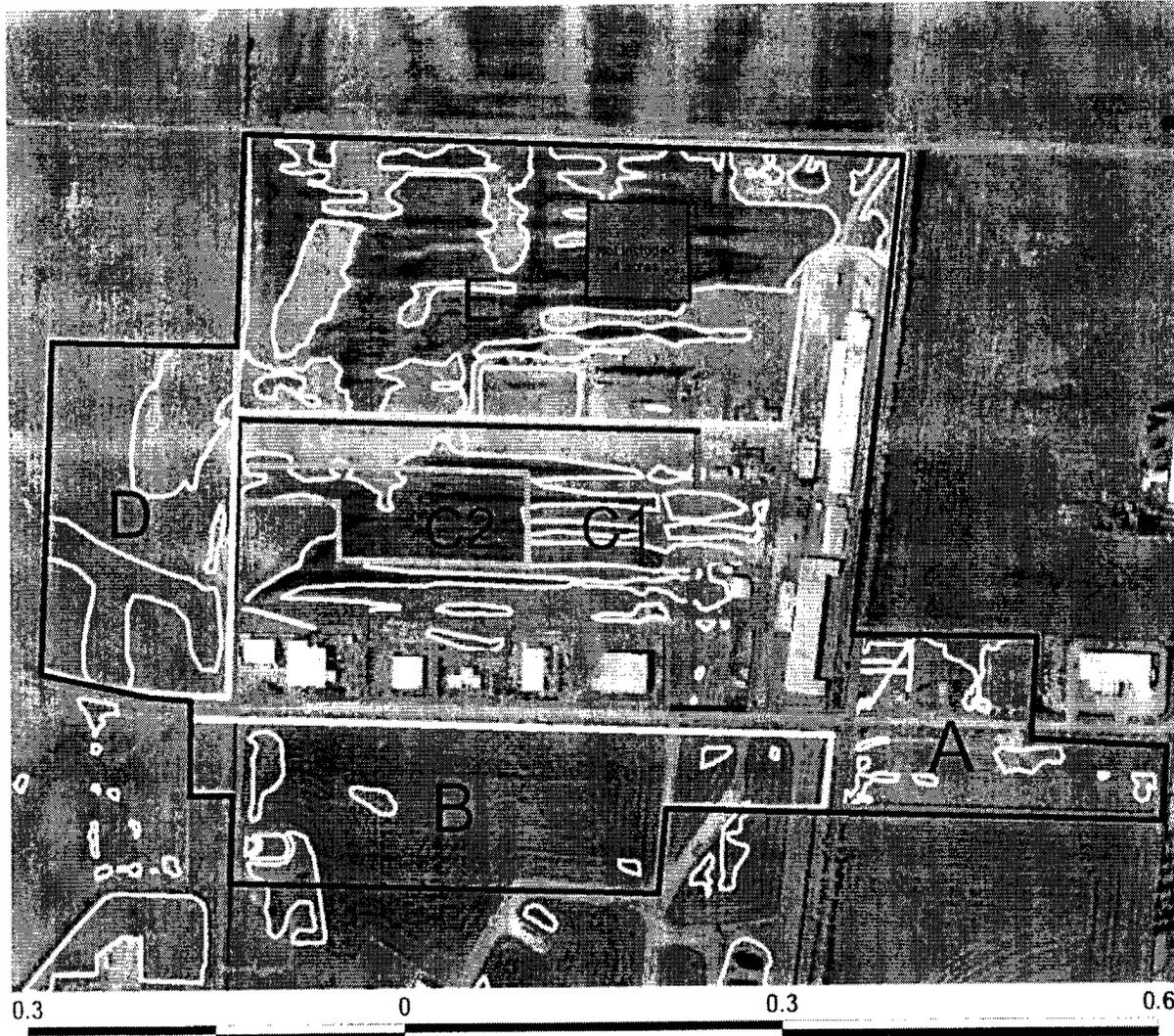


Nancy Brewer
Finance Director

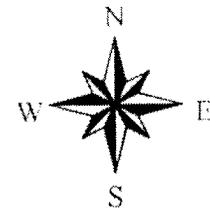


Jon S. Nelson
City Manager

Airport Industrial Park Development



Phase 1	Total	Wetlands
A	16.96	2.2
C1	33.9	10.22
B	34.03	2.28
C2	8.47	7.5
D	26.22	9.68
E	62.12	34.22



**ADMINISTRATIVE SERVICES COMMITTEE
SCHEDULED ITEMS**

May 11, 2006

MEETING DATE	AGENDA ITEM
May 16 <i>5:30 pm</i> <i>Majestic Theatre</i>	<ul style="list-style-type: none"> • Economic Development Allocations Presentations
May 18 <i>4:30 pm</i> <i>Majestic Theatre</i>	<ul style="list-style-type: none"> • Economic Development Allocations Deliberations
June 8	<ul style="list-style-type: none"> • Third Quarterly Operating Report • City Charter Review • Ambulance Rate Review • PEG Access Management
June 22	
July 6	
July 20	No Meeting
August 10	No Meeting
August 24	
September 7	<ul style="list-style-type: none"> • Fourth Quarterly Operating Report
September 21	
October 5	<ul style="list-style-type: none"> • Council Policy Review: CP 91-1.02, "Liquor License Approval Procedures" • Council Policy Review: CP 04-1.09, "Public Access Television" • Council Policy Review: CP 91-2.03, "Expense Reimbursement"
October 19	<ul style="list-style-type: none"> • Economic Development Allocations Fourth Quarter Reports • Council Policy Review: CP 91-3.02, "City Compensation Policy" • Corvallis Environmental Center Funding Agreement Annual Report
November 9	<ul style="list-style-type: none"> • Benton County Historical Society/Museum Annual Report • Economic Development Application Process and Calendar • Utility Rate Annual Review • Comprehensive Annual Financial Report (CAFR)
November 23	No Meeting
December 7	
December 21	<ul style="list-style-type: none"> • Economic Development Allocations First Quarter Reports • First Quarterly Operating Report

HUMAN SERVICES COMMITTEE SCHEDULED ITEMS

May 11, 2006

MEETING DATE	AGENDA ITEM
May 16	No meeting
May 23	<ul style="list-style-type: none"> • Citizens Review Board Report • Liquor License Annual Renewals • Majestic Theatre Agreement
June 6	<ul style="list-style-type: none"> • Social Services Third Quarter Report • Rental Housing Program Sunset Review • Corvallis Farmers' Markets Annual Report • Boards and Commissions Sunset Reviews: <ul style="list-style-type: none"> • Citizens Advisory Commission on Civic Beautification and Urban Forestry • Organizational Diversity Efforts
June 20	<ul style="list-style-type: none"> • Social Services Allocations – Fiscal Year 2006-2007 • Boys and Girls Club Update
July 5	No Meeting
July 18	<ul style="list-style-type: none"> • Corvallis Neighborhood Housing Services Third Quarter Report
August 8	<ul style="list-style-type: none"> • Parks and Recreation Annual Fee Review
August 22	
September 6	
September 19	<ul style="list-style-type: none"> • Social Services Fourth Quarter Report • Rental Housing Program Annual Report
October 3	<ul style="list-style-type: none"> • Council Policy Review: CP 95-1.07, "Policy Regarding the City Flag" • Council Policy Review: CP 92-4.05, "Library Meeting Rooms Policy" • Council Policy Review: CP 92-4.06, "Library Displays, Exhibits, and Bulletin Boards" • Council Policy Review: CP 95-4.08, "Code of Conduct on Library Premises"
October 17	<ul style="list-style-type: none"> • Council Policy Review: CP 91-4.03, "Senior Citizens' Center Operational Policies" • Council Policy Review: CP 92-4.04, "Park Utility Donations" • Council Policy Review: CP 97-4.09, "Guidelines for Free Use of Park Facilities"
November 7	<ul style="list-style-type: none"> • Corvallis Neighborhood Housing Services Fourth Quarter Report
November 21	
December 5	<ul style="list-style-type: none"> • ArtCentric Annual Report • Public Art Selection Commission Annual Report

**URBAN SERVICES COMMITTEE
SCHEDULED ITEMS**

May 11, 2006

MEETING DATE	AGENDA ITEM
May 16	<ul style="list-style-type: none"> • Airport Lease – Reach Air Ambulance
June 6	<ul style="list-style-type: none"> • Permit to Occupy Public Right-of-Way (Highland Medical Center) • Boards and Commissions Sunset Reviews: <ul style="list-style-type: none"> • Airport Commission • Downtown Parking Commission • Pleasant View/Stoneybrook Stoneybrook Zone of Benefit
June 20	
July 5	No Meeting
July 18	
August 8	
August 22	
September 6	
September 19	
October 3	<ul style="list-style-type: none"> • Council Policy Review: CP 04-1.08, "Sustainability" • Council Policy Review: CP 95-7.12, "Integrated Vegetation Pest Management (IVPM) Program"
October 17	<ul style="list-style-type: none"> • Council Policy Review: CP 03-7.16, "Guidelines for Donations of Land and/or Improvements for Parks as an Offset to Systems Development Charges for Parks" • Council Policy Review: CP 98-9.06, "Transportation Corridor Plans"
November 7	
November 21	
December 5	
December 19	

UPCOMING MEETINGS OF INTEREST



City of Corvallis

MAY - AUGUST 2006
(Updated May 11, 2006)

MAY 2006

Date	Time	Group	Location	Subject/Note
11	4:00 pm	Riverfront Commission	Parks and Rec Conf Rm	
11	6:00 pm	Historic Month Activity	meet at Riverfront Park Fountain, 1st Street	Downtown Rocks, a Geology Walking Tour
11	7:00 pm	Budget Commission	Downtown Fire Station	public hearing
13	10:00 am	Government Comment Corner	Library Lobby - Linda Modrell	
13	11:00 am	Historic Month Activity	Soap Creek School House, 37465 Soap Creek Road	"When School Bells Rang" Program and Tour of School
13	2:00 pm	Historic Month Activity	meet at Gazette-Times parking lot, 6th & Jefferson	Avery-Helm Historic District Walking Tour
14	2:00 pm - 4:00 pm	Historic Month Activity (reservations required - limited to 20 people)	meet at east side of Benton Hall	OSU Walking Tour - call 737-0540 to reserve space
15	12:00 pm	City Council	Downtown Fire Station	
15	7:00 pm	City Council	Downtown Fire Station	
16		No Human Services Committee		
16	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
16	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm	
16	5:30 pm	Econ Dev Allocations Committee	Majestic Theatre Cmty Rm	presentations
17	9:00 am - 12:00 pm	Historic Month Activity (reservations required - limited to 20 people)	meet at 360 SW Avery - transportation provided	Hull-Oakes Sawmill Tour Call 766-6918 x6293 to reserve space
17	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
17	7:00 pm	Planning Commission	Downtown Fire Station	deliberations: Schlosser; PH: Industrial Welding Comp Plan Amendment
17	7:00 pm	Citizen Review Board Forum	Library Main Meeting Rm	
18	11:30 am	Cmsn for Martin Luther King, Jr.	Madison Avenue Mtg Rm	
18	12:00 pm	No Administrative Services Cmte		
18	4:00 pm - 5:30 pm	City Council, Benton County Commissioners, Albany City Council	Downtown Fire Station	Presentation: Donovan Rypkema "Sustainability, Economic, and (Historic) Preservation"
18	4:30 pm	Econ Dev Allocations Committee	Majestic Theatre Cmty Rm	deliberations
18	6:30 pm	Parks and Recreation Adv Board	Downtown Fire Station	
18	7:00 pm	Historic Preservation Month Activity	First United Methodist Church, 1165 NW Monroe	presentation by Donovan Rypkema
20	10:00 am	Government Comment Corner	Library Lobby - Kari Rieck, Donna Keim, Nell O'Malley	

Date	Time	Group	Location	Subject/Note
20	2:00 pm	Historic Month Activity	meet at Wren Community Hall	Wren Community Hall Tour
21	2:00 pm - 4:00 pm	Historic Month Activity	Franklin Square Park	Franklin Square Neighborhood Walking Tour
22	7:00 pm	City Council	Downtown Fire Station	LDC Chapter 2.9
23	12:45 pm	Human Services Committee	Madison Avenue Mtg Rm	
24	5:00 pm	Downtown Parking Commission	Madison Avenue Mtg Rm	
24	6:30 pm	Historic Month Activity	meet at Riverfront Park Fountain, 1st Street	Historic Downtown Walking Tour
25	7:00 pm	Historic Month Activity	meet at Art Centric, 700 SW Madison	Annual Preservation Awards Ceremony
27		No Government Comment Corner		
29		City holiday – all offices closed		
30	5:30 pm	City Council	Madison Avenue Mtg Rm	Planning Commission applicant interviews
31	5:30 pm	City Council	Madison Avenue Mtg Rm	Planning Commission applicant interviews

JUNE 2006

Date	Time	Group	Location	Subject/Note
1	7:15 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
2	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
3	10:00 am	Government Comment Corner	Library Lobby -Helen Higgins, Sara Gelser, Matt Donohue	
5	12:00 pm	City Council	Downtown Fire Station	
5	7:00 pm	City Council	Downtown Fire Station	public hearing
6	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
6	12:45 pm	Human Services Committee	Madison Avenue Mtg Rm	
6	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
6	5:30 pm	Watershed Mgmt Adv Cmsn	to be determined	public workshop
7	7:00 pm	Planning Commission	Downtown Fire Station	
7	7:30 pm	Library Board	Library Board Room	
8	8:00 am	Citizens Adv Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
8	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
8	4:00 pm	Riverfront Commission	Parks and Rec Conf Rm	
10	10:00 am	Government Comment Corner	Library Lobby - Nell O'Malley	
12	5:15 pm	Historic Preservation Advisory Bd	Madison Avenue Mtg Rm	
13	4:00 pm	Open Space Advisory Commission	Parks and Rec Conf Rm	
13	7:00 pm	Ward 5 (Gándara)	Senior Center Game Rm	City sponsored
14	8:15 am	Citizens Adv Cmsn on Transit	Madison Avenue Mtg Rm	
15	11:30 am	Cmsn for Martin Luther King, Jr.	Madison Avenue Mtg Rm	
15	6:30 pm	Parks and Recreation Adv Board	Downtown Fire Station	
17	10:00 am	Government Comment Corner	Library Lobby - Patricia Daniels	
19	12:00 pm	City Council	Downtown Fire Station	
19	7:00 pm	City Council	Downtown Fire Station	
20	12:45 pm	Human Services Committee	Madison Avenue Mtg Rm	
20	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	

Date	Time	Group	Location	Subject/Note
20	5:30 pm	Watershed Mgmt Adv Cmsn	Park and Rec Conf Room	
21	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
21	7:00 pm	Planning Commission	Downtown Fire Station	
22	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
24	10:00 am	Government Comment Corner	Library Lobby - Charles Tomlinson	
28	5:00 pm	Downtown Parking Commission	Madison Avenue Mtg Rm	

JULY 2006

Date	Time	Group	Location	Subject/Note
1	10:00 am	Government Comment Corner	Library Lobby - Emily Hagen	
4		City Holiday – all offices closed		
5	12:00 pm	City Council	Downtown Fire Station	
5		No Human Services Committee		
5		No Urban Services Committee		
5	7:00 pm	City Council	Downtown Fire Station	
5	7:30 pm	Library Board	Library Board Room	
6	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
6	7:15 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
8	10:00 am	Government Comment Corner	Library Lobby - TBD	
10	5:15 pm	Historic Preservation Advisory Bd	Madison Avenue Mtg Rm	
11	4:00 pm	Open Space Advisory Commission	Parks and Rec Conf Rm	
13	8:00 am	Citizens Adv Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
13	4:00 pm	Riverfront Commission	Parks and Rec Conf Rm	
15	10:00 am	Government Comment Corner	Library Lobby - Kari Rieck	
17	12:00 pm	City Council	Downtown Fire Station	
17	7:00 pm	City Council	Downtown Fire Station	
18	12:45 pm	Human Services Committee	Madison Avenue Mtg Rm	
18	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
18	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm	
19	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
19	7:00 pm	Planning Commission	Downtown Fire Station	
20	11:30 am	Cmsn for Martin Luther King, Jr.	Madison Avenue Mtg Rm	
20	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
20	6:30 pm	Parks and Recreation Adv Board	Downtown Fire Station	
22	10:00 am	Government Comment Corner	Library Lobby - TBD	
29	10:00 am	Government Comment Corner	Library Lobby - George Grosch	

AUGUST 2006

Date	Time	Group	Location	Subject/Note
2	7:00 pm	Planning Commission	Downtown Fire Station	
2	7:30 pm	Library Board	Library Board Room	
3	7:15 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
5	10:00 am	Government Comment Corner	Library Lobby - Matt Donohue	
7	12:00 pm	City Council	Downtown Fire Station	
7	7:00 pm	City Council	Downtown Fire Station	
8	12:45 pm	Human Services Committee	Madison Avenue Mtg Rm	
8	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	

Date	Time	Group	Location	Subject/Note
8	4:00 pm	Open Space Advisory Commission	Parks and Rec Conf Rm	
10	8:00 am	Citizens Adv Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
10	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
10	4:00 pm	Riverfront Commission	Parks and Rec Conf Rm	
12	10:00 am	Government Comment Corner	Library Lobby - Charles Tomlinson	
14	5:15 pm	Historic Preservation Advisory Bd	Madison Avenue Mtg Rm	
15	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm	
16	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
16	7:00 pm	Planning Commission	Downtown Fire Station	
17	11:30 am	Cmsn for Martin Luther King, Jr.	Madison Avenue Mtg Rm	
17	6:30 pm	Parks and Recreation Adv Board	Downtown Fire Station	
19	10:00 am	Government Comment Corner	Library Lobby - TBD	
21	12:00 pm	City Council	Downtown Fire Station	
21	7:00 pm	City Council	Downtown Fire Station	
22	12:45 pm	Human Services Committee	Madison Avenue Mtg Rm	
22	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
24	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
26	10:00 am	Government Comment Corner	Library Lobby - TBD	

LDC Land Development Code TBD To be Determined
PH Public Hearing

Bold type – involves the Council ~~Strikeout~~ type – meeting canceled *Italics* type – new meeting

Ward Meetings:

- Ward 3 (George Grosch) – second Wednesday of each month, 7:00 pm
Tunison Community Room (no meetings March through August)
- Ward 5 (Rob Gándara) – third Sunday from May -October, 4:00 pm
Franklin Square Park (no meetings November through April)

MEMORANDUM

May 9, 2006

TO: Mayor and City Council

FROM: Nancy Brewer, Finance Director *NB*

SUBJECT: Telecommunications Services Tax Ordinance

I. ISSUE

Following review of the telecommunications services tax proposal, the Administrative Services Committee (ASC), requested staff review the gross revenue definition in the proposed ordinance, address the possibility of double taxation and determine what additional administrative costs may be incurred by the provider to collect the proposed tax.

II. DISCUSSION

At the May 4th ASC meeting, an agent of AT&T Long Distance (AT&T LD) provided testimony concerning the City's proposal to collect a telecommunications tax on the gross revenues of providers of telecommunications services within the city. The issues focused on the gross revenue definition, double taxation and additional administrative costs that would require AT&T LD to increase costs to local customers up to 3% more than the tax itself.

The telecommunications services tax proposal requires all providers of telecommunications services to pay a 5% tax on gross revenues earned within the city. The definition in the proposed ordinance includes all revenues of a telecommunications business or its affiliate derived from the provision of telecommunications services within the city. Gross revenues includes all subsidies, discounts, rebates or other considerations or forbearance, including revenues from the use, rental, or lease of the Grantee's operating facilities. Gross revenues do not include proceeds from the sale of bonds, mortgage or other evidence of indebtedness, securities or stocks. No expenses, encumbrances, or expenditures can be deducted from the gross revenue in determining the total gross revenue. In determining gross revenues for the calculation of taxes for mobile telecommunications services, the city will consider mobile telecommunications services to occur within the city if such services are used by a customer whose place of primary use is within the city; a practice consistent with the provisions of the Mobile Telecommunications Sourcing Act.

The City of Eugene has collected its telecommunications tax on the basis of gross revenues for over 5 years. Eugene's definition is much simpler and includes any and all revenue, of any kind, nature or form, without deduction for expense. To address the issue of double taxation, the City of Eugene does allow for resellers to deduct the amount of compensation paid by the reseller (AT&T LD) to the owner or manager of facilities located in the public rights of ways for the services it resells from the reseller's gross revenues before calculation of the tax.

The City also allows for a similar deduction as provided in the Master Telecommunications Ordinance 99-26. Providers reselling telecommunication services to customers within the city may deduct the cost of leasing lines for that purpose before calculation of gross revenues. Since this exemption is limited to line lease costs, the exemption could be broadened to include all

compensation paid by the reseller to the owner or manager of facilities within the public rights of ways for the services it resells. As a result, these revenues would only be subject to taxation once and be consistent with the taxing methodology currently being used in Eugene.

Since AT&T LD has been paying a similar telecommunications tax for slightly less than 3 years to the City of Eugene, staff contacted City of Eugene staff to determine if administrative costs did actually increase for telecommunications providers complying with the requirement. In the case of AT&T LD, the Eugene ordinance requires payment of a 7% license fee and a 2% registration fee. With the exemption for expenses paid to a facility-based provider to resell its services, AT&T LD passes through to its customers a recovery fee of 6.6%; less than the 9% total license and registration fees required by the City of Eugene (attachment). The Franchise Manager for Eugene reports that to her knowledge, no providers are passing through additional administrative costs above the total fee assessment.

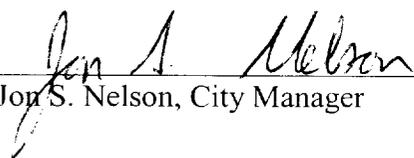
There are over 100 telecommunications providers registered with the City of Eugene to provide telecommunications services within the city. Most of these providers have signed up voluntarily to avoid paying penalties or fines on revenues earned within the city. Many of these providers use nationwide tax collection services such as Tax Partners and Bill Soft. These companies provide tax collection services to telecommunications companies including AT&T LD and are familiar with the current telecommunications tax requirement in Eugene. Adoption of a similar ordinance in Corvallis should have minimal impact on the administrative costs of telecommunications providers already complying with the tax in Eugene. In addition, incumbent providers already identify customers within Corvallis city limits due to the local franchise fee requirement.

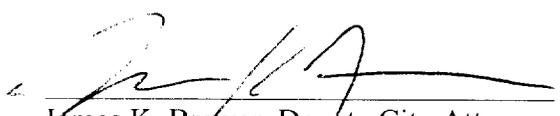
The proposal also includes an effective date of July 1, 2006. Due to the public review process concerning this proposal, staff proposes changing the effective date to September 1, 2006, to allow adequate time for each telecommunications provider to become familiar with the ordinance and adjust their accounting practices to meet the requirements of the ordinance. The City of Eugene has shared its notification and registration process with City staff to expedite our registration process. If the ordinance is approved, the Franchise Utility Specialist will be responsible for notifying and registering all telecommunications providers offering services within the city. This position will also monitor continued compliance with the ordinance, similar to how the City of Eugene monitors compliance for its program. The increased cost to the City to collect the tax should be minimal.

III. RECOMMENDATION

Staff recommends City Council approve an amendment to the proposal and to Ordinance 99-26 (attachment) to allow resellers to deduct compensation paid to managers or owners of facilities in the public rights of ways for the services it resells. Permitting the deduction would allow providers to take advantage of tax collection accounting practices currently used in Eugene and continue to minimize their costs. Staff also recommends City Council amend the effective date of the proposed ordinance to September 1, 2006. Additional attachments to this report include citizen emails, ASC meeting minutes, Public Forum minutes, Power Point presentation, and question and answer sheets.

Review and Concur:


Jon S. Nelson, City Manager


James K. Brewer, Deputy City Attorney

Jul 2-Aug 1, 2003

Customer Service: 1 800 222-0300
Text Phone (TTY): 1 800 833-3232
Internet Address: www.att.com

Customer ID:

Page 5 of 6



On or after September 1, 2003, your bill will include a Eugene Recovery Charge of 6.6% of your total AT&T monthly charges. This monthly charge will allow AT&T to recover its costs for license and registration fees the City of Eugene charges telecommunications carriers. For more information call 1-800-222-0300.

Beginning on or after July 1, 2003, your bill will include a 99 cent per month Regulatory Assessment Fee. This fee will help AT&T recover the following costs: interstate access charges; regulatory compliance and proceedings costs and property taxes. This fee applies for each month in which you have any AT&T charges on your bill. This fee is not a tax or charge required by the government. For more information, please call 1-800-854-9940 or visit us at www.att.com/reg.

From time to time, we develop new offers and make pricing changes that you may want to know more about. We've set up a special web site to help you get the most out of your AT&T services--please visit us online at <http://www.att.com/home>

ORDINANCE NO. _____

AN ORDINANCE CREATING A NEW MUNICIPAL CODE CHAPTER 3.07, "TELECOMMUNICATIONS SERVICE TAX," A TAX UPON TELECOMMUNICATIONS BUSINESSES PROVIDING TELECOMMUNICATIONS SERVICES WITHIN THE CITY OF CORVALLIS, AND STATING AN EFFECTIVE DATE.

WHEREAS, the City Charter of the City of Corvallis (City) grants to the City all powers that the constitutions, statutes and common law of the United States and of the State of Oregon now or hereafter expressly or impliedly grant or allow; and

WHEREAS, among the powers granted to the City is the power to impose local taxes; and

WHEREAS, adoption of this ordinance ensures the City a mechanism to receive compensation from all telecommunications businesses for the privilege of conducting the business of providing telecommunications services within the city;

NOW, THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Title 3, Utilities/Public Rights of Way, of the Corvallis Municipal Code is amended to add a new Chapter 3.07 as follows:

- 3.070.010 Title.
- 3.070.020 Purpose.
- 3.070.030 Definitions.
- 3.070.040 Telecommunications Service Tax.
- 3.070.050 Returns.
- 3.070.060 Exemptions and Credits.
- 3.070.070 Penalties and Interest.
- 3.070.080 Willfull Violation.
- 3.070.090 Severability.

3.070.010 Title.

This Chapter shall be known and may be cited as the Telecommunications Service Tax Chapter of the Corvallis Municipal Code.
(Ord. 2006-__ § 1, **/**/2006)

3.07.020 Purpose.

This Chapter implements the Telecommunications Service Tax Ordinance as approved by City Council. The City reserves the right, by adoption of this ordinance, to impose a Telecommunications Service Tax on any person for the privilege of conducting a telecommunications business and/or providing telecommunications services within the city. The tax imposed pursuant to this ordinance shall be imposed for general governmental purposes and to pay the usual and current expenses of conducting those general governmental purposes. The proceeds of the Telecommunications Service Tax shall be deposited into the general fund of the City.
(Ord. 2006-__ § 1, **/**/2006)

3.07.030 Definitions.

In this Chapter the following definitions shall apply:

1) Cable Service means the one-way transmission to subscribers of video programming or other programming service, and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service as described (47 USC Section 522 (7)).

2) City means the City of Corvallis, Oregon.

3) Gross Revenues means all revenues of a telecommunications business or its affiliate derived from the provision of telecommunications services within the city. Gross revenues shall include all subsidies, discounts, rebates or other considerations or forbearance, including revenues from the use, rental, or lease of the Grantee's operating facilities. Gross revenues shall not include proceeds from the sale of bonds, mortgage or other evidence of indebtedness, securities or stocks. No expenses, encumbrances, or expenditures shall be deducted from the gross revenue in determining the total gross revenue. In determining gross revenues for the calculation of taxes for mobile telecommunications services, the city shall consider mobile telecommunications services to occur within the city if such services are used by a customer whose place of primary use is within the city.

4) Mobile Telecommunications Service means the same as set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C. Section 124) and the implementing regulations.

5) Open Video System (OVS) means a facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service, which includes video programming, which is provided to multiple subscribers within a community, and which the Federal Communications Commission or its successor has certified as compliant with 47 C.F.R., Part 76.

6) Person means any individual, corporation, partnership, association, joint stock company, trust, limited liability company, or other legal entity.

7) Place of Primary Use means the mailing address of the service user where the telecommunications business submits invoices or bills for payment by the service user if the customer's place of primary use is in the city, regardless of where the mobile telecommunications service may originate, terminate, or pass through, consistent with the Mobile Telecommunications Sourcing Act, 4 USC 116-126.

8) Reseller means any person that provides telecommunications service using a telecommunications facility for which service a separate charge is made, where that person does not own, lease, control or manage the telecommunications facility used to provide the service.

89) Telecommunications Business means any person offering telecommunications services within the city.

910) Telecommunications Service Tax means a tax, approved by City Council, imposed upon a telecommunications business for the privilege of conducting the business of providing telecommunications services.

†011) Telecommunications Services means the business of sale, delivery, distribution or furnishing the provision or offering for rent, sale, or lease, or in exchange for other value received, the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, or utilizing internet protocol or any successor protocol with or without the benefit of any closed transmission medium, pursuant to federal law, including mobile telecommunications service and non-cable television services. For purposes of this ordinance, telecommunications services do not include (1)

OVS services; (2) cable television services; (3) private telecommunications network services; (4) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; (5) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act of 1996; (6) internet access or any services that are incidental to internet access, such as voice-capable e-mail or instant messaging; (7) public safety radio systems; and (8) services to devices exclusively utilizing electromagnetic spectrum unlicensed by the Federal Communications Commission.

(Ord. 2006-__ § 1, **/**/2006)

3.07.040 Telecommunications Service Tax.

The City hereby imposes a five percent (5%) Telecommunications Service Tax upon the privilege of conducting a telecommunications business and providing telecommunications services within the City. The rate of such tax shall be calculated as a percentage of the gross revenues earned within the corporate boundaries of the City.

(Ord. 2006-__ § 1, **/**/2006)

3.07.050 Returns.

For purposes of calculating taxes due under this ordinance, every telecommunications business subject to the tax shall pay the tax on the basis of a calendar year, and shall file, quarterly, before the forty-fifth (45th) day following the end of a calendar quarter, a return certified by an officer of the telecommunications business, calculating the amount of tax due and accompanied by payment of the amount due. Such return shall show the amount of gross revenue of the telecommunications business within the City for the period covered by the payment, computed on the basis set out in this ordinance, and shall show any offsets, deductions or credits against the revenue or the amount of tax due. The compensation for the period covered by the statement shall be computed on the basis of the gross revenue so reported. **Resellers may deduct the amount of compensation paid by the reseller to the owner or manager of facilities located in the public rights of ways for the services it resells from the reseller's gross revenues before calculation of the tax.** If the telecommunications business fails to pay the entire amount of compensation due to the City, through error or otherwise, the difference due the City shall be paid by the telecommunications business within fifteen (15) days from discovery of the error or determination of the correct amount, with interest at the rate indicated in Section 6 of this chapter. Any overpayment to the City through error or otherwise shall be offset against the next payment due from the telecommunications business. The City may audit or review any return filed by the telecommunications business, and require the telecommunications business to submit such information as shall reasonably be required to establish the accuracy of any payment of tax or return documenting the amount of tax due. If an audit or review of the records determines the tax due to have been underpaid by three percent (3%) or more, the telecommunications business shall reimburse the City for the total cost of the audit or review within thirty (30) days of City's written demand for same. In the event such audit or review shall disclose a discrepancy in favor of the City in excess of five (5) percent of the amount paid, there is hereby imposed a penalty in the amount of ten (10) percent of the difference between the amount paid and the amount found, upon audit or review, to be due. Acceptance by the City of any payment due under this section shall not be deemed to be a waiver by the City of any rights to conduct such audit or review, nor shall the acceptance by the City of any such payments preclude the City from later establishing that a larger amount was actually due, or from collecting any balance due to the City.

(Ord. 2006-__ § 1, **/**/2006)

3.07.060 Exemptions and Credits.

If any telecommunications business is party to a franchise agreement, privilege tax ordinance, registration provision, occupancy permit or other contract with the City which requires the payment of a fee for use of public rights of ways, the full amount of such payment made under such agreement during the filing year may be credited against any tax due under this chapter, provided the same gross revenue used as the measure for the Telecommunications Service Tax is also used as the measure for right of way compensation. Cable services and OVS services shall be separately franchised and are exempt from this tax.

(Ord. 2006-__ § 1, **/**/2006)

3.07.070 Penalties and Interest.

If any tax payment due under this chapter is not received within thirty (30) days of the initial due date, or is underpaid, interest shall be imposed at a rate no higher than the current legal interest rate on judgments in the State, calculated from the date the payment was originally due until the date the City receives the payment. Additionally, if any payment becomes ninety (90) days in arrears, a ten (10) percent penalty shall be applied.

(Ord. 2006-__ § 1, **/**/2006)

3.07.080 Willfull Violation.

Any person willfully violating any of the provisions herein shall be guilty of a misdemeanor and shall be punishable therefor by a fine of not more than \$500.00 per day, per violation, or by imprisonment in the City-County jail for a period of not more than six months, or by both such fine and imprisonment.

(Ord. 2006-__ § 1, **/**/2006)

3.07.090 Severability.

Should any court of competent jurisdiction determine that a section or part of a section of this ordinance is invalid, such invalidity shall not impair the effect or validity of the remaining sections or parts of sections.

(Ord. 2006-__ § 1, **/**/2006)

PASSED by the Council this _____ day of _____, 2006.

APPROVED by the Mayor this _____ day of _____, 2006.

EFFECTIVE DATE this 1st day of ~~July~~September, 2006.

Helen M. Berg, Mayor

Kathy Louie, City Recorder

ORDINANCE 2006-__

An Ordinance amending Ordinance 99-26, an ordinance relating to the provision of telecommunications services and telecommunications infrastructure located within the public right of way, and stating an effective date.

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Section 1, Purpose and Intent of the Telecommunications Ordinance 99-26 is hereby amended as follows:

F. Secure fair and reasonable compensation to the City and its residents for permitting private use of the public right-of-way **and for the privilege of providing telecommunications services within the city**;

Section 2. Section 2, Definitions of the Telecommunications Ordinance 99-26 is hereby amended as follows:

Q. Grantee - means the person to which a franchise **or privilege** is granted by the City.

DD. Telecommunications Carrier - means any provider of telecommunications services (and ~~includes every person~~) that directly or indirectly owns, controls, operates or manages telecommunications facilities within the City.

Section 3. Section 5, Registration of Telecommunications Carriers of the Telecommunications Ordinance 99-26 is hereby amended as follows:

Section 5.2 Registration Required: Except as provided in Section 5.4 hereof, **any provider of telecommunications services within the city** ~~all telecommunications carriers having telecommunications facilities within the City, and all telecommunications carriers that offer or provide telecommunications service to customer premises within the City,~~ shall register. The appropriate application and license from: a) the Oregon Public Utility Commission (PUC); or b) the Federal Communications Commission (FCC) qualify as necessary registration information. Applicants also have the option of providing the following information:

Section 5.3 Registration Fee: Each application for registration ~~as a telecommunications carrier~~ shall be accompanied by a non-refundable registration fee. An amount, sufficient to cover the City's administrative costs, shall be determined by resolution of City Council.

Section 5.4 Exceptions to Registration: The following **providers of telecommunications services** ~~carriers~~ are exempted from registration:

A. **Providers of Telecommunication carriers services** that are owned and operated exclusively for its own use by the State or a political subdivision of this State.

Section 4. Section 8, Telecommunications Franchise of the Telecommunications Ordinance 99-26 is hereby amended as follows:

Section 8.1 Telecommunications Franchise: A telecommunications franchise shall be required of any provider of telecommunications service **with facilities located within the public rights-of-ways** ~~within~~ **of** the City.

Section 8.2 Franchise Exemption:

A. A private telecommunications network located in the public right-of-way will not be required to obtain a franchise agreement but shall be required to obtain an occupancy permit and pay a one time initial fee in addition to an annual charge of ~~two~~ **three** dollars and ~~seventy-five~~ **thirteen** cents (~~\$2.75~~ **3.13**) per lineal foot of applicant's private telecommunication system located in the public right-of-way. The amount of the fee **annual charge** specified herein shall increase each year by a percentage equal to the change in the Consumer Price Index (CPI) for urban wage earners and clerical workers for the Portland, Oregon metropolitan region for the prior year, published semi-annually, unadjusted for seasonal variations, as determined by the Bureau of Labor Statistics of the Department of Labor.

B. **A telecommunication service provider that (only) uses facilities located within the public rights-of-ways that are owned and operated by other telecommunications carriers shall not be required to obtain a franchise but must register and pay a fee as described in Section 8.9, Franchise or Privilege Fee, paragraph B.**

Section 8.3.B Application: A description of the telecommunications services that are to be offered or provided by the applicant over its telecommunications facilities ~~or facilities owned by other persons.~~

Section 8.9 Franchise **or Privilege** Fee: Each franchise **or privilege** granted by the City is subject to the City's right, which is expressly reserved, to fix a fair and reasonable compensation to be paid for the privileges granted. The compensation shall be subject to the specific payment terms and conditions contained in **this ordinance or a** ~~the~~ franchise agreement and applicable state and federal laws.

A. Telecommunications utilities as defined in Section 4, shall pay a maximum franchise fee of ~~7~~ **5**% calculated as a percentage of annual gross revenues as allowed under ORS 221.515(1997).

B. Providers of telecommunications service other than telecommunication utilities and long-distance carriers as defined in Section 4, shall pay a maximum franchise **or privilege** fee of ~~7~~ **5**% calculated as a percentage of annual gross revenues earned within the city. ~~Providers reselling telecommunication services to customers within the City may deduct the cost of leasing lines for that purpose before calculation of gross revenues.~~

C. Long-distance carriers **or other point-to-point telecommunication providers (not providing telecommunications services within the city)** shall be required to pay an annual charge of ~~two~~ **three** dollars and ~~seventy-five~~ **thirteen** cents (~~\$2.75~~ **3.13**) per lineal foot of provider's telecommunication system located within the public right-of-way. The amount of the fee specified herein shall increase each year by a percentage equal to the change in the Consumer Price Index (CPI) for urban wage earners and clerical workers for the Portland, Oregon metropolitan region for the prior year, published semi-annually, unadjusted for seasonal variations, as determined by the Bureau of Labor Statistics of the Department of Labor. In the event provider leases any portion of its telecommunication system, provider shall pay an additional franchise fee to the City of one percent (1%) of the lease revenues annually.

Section 8.10 Verification of Franchise **or Privilege** Fee Payment: No acceptance of any payment shall be construed as an accord that the amount paid is, in fact, the correct amount, nor shall any acceptance of payments be construed as a release of any claim the City may have for further or additional sums payable. All amounts paid under Section 8.9 shall be subject to confirmation and recomputation by the City. The grantee agrees to reimburse the City for:

A. The reasonable costs of such confirmation if the City's recomputation discloses that the grantee has paid 95% or less of the franchise **or privilege** fees owing for the period at issue; or

B. One-half of the reasonable costs of such confirmation if the City's recomputation discloses that the grantee had paid more than 95% but less than 98% of the franchise **or privilege** fees owing for the period at issue.

Section 5. Section 10 General Ordinance Provisions of the Telecommunications Ordinance 99-26 is hereby amended as follows:

Section 10.1 Governing Law: Any franchise **or privilege** granted under this Ordinance is subject to the provisions of the Constitution and laws of the United States, and the State of Oregon and the ordinances and Charter of the City.

Section 10.5 Penalties: Whenever the City Manager finds that the grantee has violated one (1) or more terms, conditions or provisions of this ordinance, a written notice, or a verbal notice followed by a written notice, shall be given to franchisee informing it of such violation or liability. If the violation concerns requirements mandated by the Oregon Occupational Safety and Health Administration, Oregon Department of Transportation or the National Electrical Safety Code, a verbal notice followed by a written notice may be given. For these safety or permit violations, grantee shall have 24 hours from **receipt of verbal** notification to correct the violation. For all other violations and liabilities the written notice shall describe in reasonable detail the specific violation so as to afford grantee an opportunity to remedy the violation. Grantee shall have twenty (20) days subsequent to receipt of the notice in which to correct the violation. Subject to the requirement of prior notice for violations occurring without just cause, the City Manager may assess penalties against grantee as follows:

Section 6. This ordinance shall become effective on ~~July~~ **September** 1, 2006.

PASSED by the Council this _____ day of _____, 2006.

APPROVED by the Mayor this _____ day of _____, 2006.

EFFECTIVE this _____ day of _____, 2006.

Mayor

ATTEST:

City Recorder

**ADMINISTRATIVE SERVICES COMMITTEE
MINUTES
May 4, 2006**

Present

Councilor Scott Zimbrick, Chair
Councilor Jerry Davis
Councilor Hal Brauner

Staff

Jon Nelson, City Manager
Ken Gibb, Community Development Director
Nancy Brewer, Finance Director
Judy Somes, Community Development
Tony Krieg, Finance Department
Carla Holzworth, City Manager's Office

Visitors

Jeff Barricks, Economic Development Allocations Cmte
Randy Joss, Economic Development Allocations Cmte
Matt Johnen, Economic Development Allocations Cmte
John McNamara, AT&T
Jason Henson, 3020 NW Walnut
Stacey Sprinkle, Verizon Wireless
Roger Evans, no address given
Rick Schroff, 2773 NW 9th
Larry Heacock, 2990 NW Princess

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Economic Development Allocations Orientation	x		
II. Telecommunications Service Tax			Hold a public hearing regarding the proposed telecommunications tax ordinance at the May 15, 2006 evening Council meeting; no recommendation is made on adoption of the ordinance
III. Low Income Utility Bill Assistance Program			Approve establishing a low income assistance program with a \$1,500 beginning fund balance coming from the General Fund and any available Council reserves, and establishing a low income assistance donation line on the City services bill.
IV. Other Business	X		

Chair Zimbrick called the meeting to order at 12:00 p.m.

CONTENT OF DISCUSSION

I. Economic Development Allocations Orientation (Attachment)

Community Development (CD) Director Ken Gibb introduced CD Management Assistant Judy Somes. Ms. Somes reviewed the materials at the Committee's places (attached), including an orientation session agenda, the Fiscal Year 2006-07

Economic Development Allocations calendar, an itemized list of allocation amounts requested, and Council Policy 96-6.03: Economic Development Policies. She said today's orientation session is an opportunity for citizen members to meet the Administrative Services Committee. Ms. Somes explained that the application consists of a cover letter, narrative (six page maximum) and the applicant's financial information, plus any attachments. Following the March 31 submission deadline, applications are reviewed by CD and the Finance Department. Ms. Somes then prepares a memo to Mr. Gibb that outlines results of the review and includes the agency's cover letter, narrative, financials, and attachments. She noted that applications must address Council goals as shown on page 4 of Council Policy 96-6.03. Mr. Gibb added that staff emphasize minimum application requirements at the pre-application orientation session.

Ms. Somes said economic development funding comes from transient room taxes, which are split at 50% for economic development goals and activities, 30% for Corvallis Tourism, and 20% for economic development allocations. This year, allocations funding totals \$202,390 and requests total \$278,500. Ms. Somes said additional materials will be delivered to Committee members either Friday or Monday. Presentations to the Committee are scheduled for 5:30 pm on May 16 at the Majestic Theatre. Each agency will have ten minutes to present their funding request, followed by a five minute question and answer session. Deliberations are scheduled for 4:30 pm on May 18 at the Majestic Theatre. Ms. Somes asked Committee members to bring their scores from the presentations at 4:00 pm or shortly thereafter so staff can compile the results and deliberations can begin promptly at 4:30 pm. An average score will be determined, Committee members will discuss their recommendations, and funding award decisions will be made. An evaluation survey will be distributed at the end of deliberations, with feedback being used to improve next year's process.

Chair Zimbrick observed that more allocation funding exists this year than last year and he asked how the allocation that was returned last year was factored into the figure. Ms. Somes said the total amount includes the returned funds. Mr. Nelson noted that the allocations funding is a transparent process; presentations and deliberations meetings are taped, open to the public, and include written minutes.

The item is for information only.

II. Telecommunications Service Tax (Attachment)

Customer Services Manager Tony Krieg reviewed the previously distributed staff report. He said approximately 50 people attended the April 13 telecommunications service tax public forum. Testimony was given by 16 people, which included a mix of industry managers, County residents where the tax does not apply, local business representatives, and Corvallis citizens. The staff report addresses issues raised at

the forum that fell within the ordinance's purview. Staff recommends taking the issue to the May 15, 2006 City Council meeting for a decision about whether to adopt the ordinance.

Councilor Brauner noted that today's meeting was scheduled for deliberations, but more people would like to testify on the issue. He added that other Councilors asked if there would be a public hearing before the Council. Councilor Brauner said instead of making a recommendation about adoption of the ordinance, he would prefer to recommend scheduling a public hearing for the evening Council meeting on May 15 so additional comments can be considered. He added that he was mis-quoted following the April public forum and wished to clarify that he did not say everyone who was against the tax was from the telecommunications industry.

Councilor Davis agreed that he wants good feedback from the community, so he supports recommending a public hearing before the Council.

Chair Zimbrick asked if anyone from the audience wished to speak, emphasizing that the meeting was not a public hearing.

John McNamara, Tax Director for AT&T, said he does not favor the tax. From a technical perspective, the tax will apply to both wholesale and retail transactions, which creates difficulties for service providers. He cited an example where Qwest would charge AT&T a 30 cent access fee to connect a Corvallis to Seattle call over the AT&T network. While AT&T would charge its customer \$1 for the call and absorb the 30 cent fee from Qwest, the tax would be assessed on \$1.30. Mr. McNamara said most taxes are only levied on retail transactions and the true cost of the proposed tax would end up being around 7% to 7.5%. He added that the revenue estimates do not consider that long distance companies will also be subject to the tax, resulting in more money coming to the City than what is projected. Councilor Brauner asked Mr. McNamara if he had any suggested language to address the concern. Mr. McNamara said the tax should be clearly defined as being on retail receipts, not gross receipts. Chair Zimbrick asked that at the May 15 public hearing, staff address, where possible, the concerns being raised at today's meeting.

Jason Henson, 3020 NW Walnut, said he does not support the tax, noting that if it is implemented, he would have his cell phone bill sent to his business address in Albany.

Stacey Sprinkle, Director of Tax Policy for Verizon Wireless, distributed two documents from her organization regarding the proposed tax (attached).

Roger Evans, no address given, said he testified at the previous public forum. He was surprised that staff did not modify their recommendation after hearing comments at that meeting. Mr. Evans believes people will find a way to get around the tax, that the City might raise less revenue than originally expected, and that the tax has the potential to drive businesses out of Corvallis. He said the Fire Department has no connection to the tax and he encouraged the Committee to have an open mind when considering whether to adopt the tax.

Rick Schroff, 2773 NW 9th Street, believes the tax is discriminatory and that citizens should have an opportunity to vote on the matter.

Larry Heacock, 2990 NW Princess, urged the Committee to follow the intent of Constitution. He opined that Corvallis already has an anti-business attitude and the tax would drive existing businesses out of town. Mr. Heacock said the City's income increases every year and he believes people will evade the tax.

The Committee unanimously recommends that Council hold a public hearing regarding the proposed telecommunications tax ordinance at their May 15, 2006 evening meeting; no recommendation is made on adoption of the ordinance.

Committee members agreed they prefer that the entire Council hear public comments and decide whether to adopt the ordinance.

Mr. Nelson clarified the Committee's direction that the May 15 Council packet should contain information included in today's ASC packet, staff's observations about the concerns raised at today's meeting, including the wholesale versus retail issue, the observation that the 5% tax would evolve to a 7% to 7.5% tax, and if possible any additional non-proprietary revenue estimates. The May 15 packet should also include telecommunications tax documents provided in previous Council packets. The Committee agreed. The public hearing will begin at 7:30 pm.

III. Low Income Utility Bill Assistance Program (Attachment)

Mr. Krieg said staff proposes adoption of a low-income payment assistance program to help with delinquent City services accounts. The City currently refers customers to social service agencies, but it is usually after service has been scheduled to be shut off or is already disconnected. Staff met with United Way Director Sharon Gibson, who recommended modeling the program after the agency's Family Fund program. The City would refer the customer to an agency who pre-screens clients for low income eligibility. The customer would then be referred to United Way, who would then contact the City to arrange payment.

Staff recommends establishing a \$1,500 beginning fund balance, which would serve an estimated 15 citizens per year. The initial source of funding could be the General

MEMORANDUM

TO: Administrative Services Committee
FROM: Nancy Brewer, Finance Director *NB*
DATE: April 18, 2006
SUBJECT: Telecommunications Service Tax Ordinance

ISSUE

City Council adoption of a telecommunications services tax ordinance (attached) would impose a 5% tax on the gross revenues of all providers of telecommunications services within the city and generate up to \$500,000 of additional revenue from existing sources.

DISCUSSION

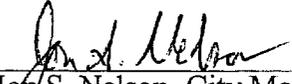
A Council work session was conducted in February to discuss adoption and implementation of the proposed telecommunications services tax ordinance. Following discussion, Councilors concluded that if the telecommunications service tax were adopted revenue would be used for critical and unavoidable fire department needs such as fire vehicle replacement and training facilities. City Council also scheduled a public forum chaired by Administrative Services Committee members to invite public comment concerning the tax proposal.

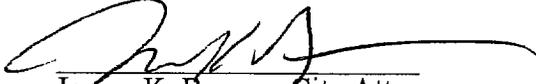
The public forum was conducted April 13th at the main fire station. About fifty people attended the forum with 16 people providing testimony. Although many of the participants spoke against the tax proposal, many of their concerns focused on issues outside the purview of the proposal. Several county residents testified they were concerned with increased taxation and were unsure if the tax applied to them. Several participants spoke of the need for more fiscal responsibility or for using System Development Charges to fill the budget gaps. Representatives from Qwest and Verizon also testified that land-line bills would increase and that a telecommunications services tax was a sales tax on the provision of service. Attached are the minutes of the forum and answers to the questions that were asked by participants. Also attached is the question and answer sheet from the previous City Council session.

RECOMMENDATION

Staff is requesting the Administrative Services Committee make a recommendation to City Council regarding the telecommunications service tax ordinance.

Review and Concur:


Jon S. Nelson, City Manager


James K. Brewer, City Attorney

Fund (GF), the utility service funds (USF), a one-time reduction of social services monies, and/or customer donations. Staff suggests using one of the City's funds to establish the balance and adopting a permanent low income donation line on the City services bill. The low-income payment assistance fund would be reviewed annually, with the \$1,500 target balance being supplemented through donations and, if necessary, the GF or USF. If approved, the new fund would begin on May 4, 2006.

Councilor Davis said he supports the program and it is another example of implementing social equity in Corvallis. He commended staff for their research; Councilor Brauner agreed.

Ms. Brewer said the United Way has probably already paid some City utility bills through their Family Fund. The proposed program is better from a staff perspective because the City would not be required to assess eligibility and maintain confidential files. Councilor Brauner said he prefers that the \$1,500 beginning balance come from the GF, but he does not believe it should be the permanent source of funding. He suggested that some Council goals monies may exist as another initial funding source. The item could come back to the ASC for review in six months when staff returns with a discussion about the status of deleting late fees, and then again in another six months when staff returns with the one year review of the new Municipal Code chapter regarding utility services.

Chair Zimbrick asked if the balance would be capped at \$1,500. Ms. Brewer said the City would pay \$1,500 to the United Way, who would manage it as a fund and report usage to the City. Time is needed to assess the amount of voluntary donations, but keeping a targeted balance of \$1,500 is recommended. Ms. Brewer added that the money would be dedicated for City services billing only.

The Committee unanimously recommends that Council approve establishing a low income assistance program with a \$1,500 beginning fund balance coming from the General Fund and any available Council reserves, and establishing a low income assistance donation line on the City services bill.

IV. Other Business

The next Administrative Services Committee meeting is scheduled for May 16, 2006 at 5:30 pm in the Majestic Theatre for Economic Development Allocations presentations.

The meeting was adjourned at 1:06 pm.

Respectfully submitted,

Scott Zimbrick, Chair

Telecommunications Services Tax Public Forum

April 13, 2006

Questions & Answers

Application of the Telecommunications Service Tax

1. **Q. Will the telecommunications services tax apply to direct satellite television or other video television services or internet services even if provided by the telecommunications provider?**
 - A. The telecommunications services tax does not apply to direct satellite television. Only the State can authorize taxation of these types of video services. Other types of video services are exempt from the ordinance but they are subject to local franchising requirements. Internet service providers are not subject to taxation under federal law. However, telecommunications delivered over the internet protocol platform are not exempt. If a customer purchases internet telecommunications services through their internet access, the revenue generated from the telecommunications services would be subject to the tax.

2. **Q. Do local wireless phone users pay taxes in other states when making long distance calls or pay to use wireless phone towers in other cities?**
 - A. Local customers do not pay State or local taxes or pay to use wireless phone towers in any other state where calls are placed if their place of primary use (billing address) is in Corvallis. Customers may pay roaming fees or long distance rates if applicable.

3. **Q. Why doesn't the City wait two years to tax telecommunications services delivered through internet protocol while the platform develops?**
 - A. The internet protocol platform is developing rapidly. Most incumbent local exchange carriers are planning to move from their current service delivery platform to an internet protocol platform . The change should take place within the next two years. The telecommunications industry is also attempting to change federal law to prohibit taxation of telecommunications services over the internet protocol platform. Industry analyst expect significant changes in federal law within the two-year time frame.

Public Right-of-Way

1. **Q. What telephone lines, streets or other public rights of ways does the City provide wireless providers that would justify creation of the tax?**
 - A. Most wireless telephone calls are routed over land-line telecommunications facilities through a mobile telephone switching office (MTSO). The MTSO directs these calls via land-lines to contact other cell phone customers or to complete wireless transactions. Land-lines are typically owned and operated by incumbent local exchange carriers that make extensive use of the public rights of ways.

2. **Q. Why should the City charge wireless providers for using the “air”?**
- A. The City is not charging wireless providers for using the “air.” The City is proposing to tax wireless providers 5% of the revenues they earn within the city based on the revenues generated by the services they sell to customers living inside the city limits.
3. **Q. Don’t wireless providers already compensate private property owners for use of their land to place cell towers?**
- A. Wireless providers do compensate or pay “rent” to private property owners for the use of private property similar to incumbent local exchange providers that use private property. The telecommunications services tax proposal does not affect private property rights or private property agreements.

Financial Management

1. **Q. Historically, have franchise fees or privilege taxes levied against telecommunications providers been used for telecommunications related projects?**
- A. Franchise fees and privilege taxes paid by telecommunications providers have always been allocated to the General Fund to pay for community programs or services as directed by City Council.
2. **Q. Should the telecommunications services tax be called a fire department tax if all the proceeds are going to the fire department?**
- A. Regardless of where the tax revenue is dedicated initially, revenue generated by the telecommunications services tax will provide enough revenue over time to purchase critical fire department equipment, training facilities and a new fire station. Additional revenues in future years could be needed by City Council to expand the Senior Center; further education, government, and public access enhancements; and other community-based projects.
3. **Q. When money is budgeted for fire department purposes, such as a reserve fund, can those funds be used by other departments for various projects.**
- A. Monies for Fire Department replacement reserves cannot, and have not, been spent on other departments. In FY 02-03 the City stopped adding to the Fire Department replacement reserves; the balances of reserves will be fully expended in FY 06-07, covering about half the cost of a replacement engine.
4. **Q. Why doesn’t the City use System Development Charges to purchase critical fire department apparatus?**

- A. State law does not allow local governments to collect systems development charges for fire department infrastructure. Even if an SDC was in place, it would only allow for purchase of new facilities/equipment that occurred as the result of growth, not for replacement of aging facilities/equipment.

Financial Impact on End Users

1. **Q. How much will the telecommunications services tax proposal increase a \$50 per month, land-line residential phone bill?**

A. First, the lowest cost service would be to have local exchange service at \$12.80 per month. Any costs above \$12.80 (plus taxes) would be for long distance, call waiting, caller ID and similar services. Currently, a residential phone bill includes a 7% franchise fee on local exchange services. Four percent of the fee is included in the rate making process and is not itemized on the customer bill, it is already included in the \$12.80 fee. Franchise fees above 4% are itemized on the customer bill. In our case, a 3% franchise fee appears on the customer bill and is applied to the \$12.80 local exchange rate resulting in a tax of \$0.38. If the telecommunications services tax is approved, the franchise fee is reduced to 5% with only 1% applying to the \$12.80 local exchange rate resulting in a tax of \$0.13. The additional services (\$37.20) would be subject to a 5% tax or \$1.86. The total tax would be \$1.99 under the new proposal.

2. **Q. Is there an assistance program for homeless people to help pay the increased costs on wireless services due to the tax?**

A. There is no plan at this time to create a low-income payment assistance program for homeless people with wireless phones. The telecommunications services tax would require an additional \$2.50 on a \$50 per month phone bill.

3. **Q. Will the telecommunications services tax affect low-income people more than others?**

A. The tax will affect those customers that use more services. If a customer only has basic local telephone service delivered by the incumbent local exchange carrier, their bill would actually decrease. If the customer uses a number of additional services or enjoy the use of a wireless phone, the additional revenue the customer generates for the telecommunications provider will be subject to the tax.

4. **Q. If local businesses use wireless services extensively, won't they pay a disproportionate amount of taxes under this proposal?**

A. The telecommunications services tax is a tax on the provider of the service. If the provider passes through all or a portion of the tax, a customer that uses wireless

services extensively, will pay more tax. If a customer uses traditional land-line service extensively, their tax bill will increase as well. Since the tax is based on the revenues generated by the level of service provided to customers, no provider (or customer) will have a competitive advantage over another.

5. **Q. Does Oregon State University pay taxes that support the fire department?**

A. The fire department is supported through property tax collections. Oregon State University is a state institution and does not pay local property taxes and does not support the fire department. However, since the fire department is required to respond to fire emergencies on university property, the fire department must ensure their inventory of vehicles and equipment is sufficient to handle the emergency.

Administration

1. **Q. Will the telecommunications providers add more administrative costs on to the customer bill to collect this tax?**

A. Telecommunications providers offering service in the city already collect a local tax from their customers and remit these collections to local government. The collection mechanisms are in place. Wireless providers will need to comply with the collection procedures set forth in the Mobile Telecommunications Sourcing Act. These procedures were developed in collaboration between the wireless industry and government officials to simplify and standardize the tax collection process. The City of Eugene has been collecting a similar telecommunications tax on wire-line and wireless services for several years. Implementation has increased the provider's administrative overhead collection costs in Eugene but those increases were kept to a minimum.

2. **Q. How hard would it be for the City to administer this new tax and how much will it cost?**

A. It is not the City's responsibility to administer the new tax. It is the responsibility of the telecommunications providers to comply with the local ordinance and remit payment. If approved, the City will notify all providers of telecommunications services operating within the state of the new tax law and the one-page registration process for entry into our local market. Failure to comply could result in a \$500 per day per violation penalty against the provider.

3. **Q. What benefit has Corvallis brought to local wireless providers?**

A. Corvallis is a popular community that attracts a diversified, well educated populace. The infrastructure of the city supports the economy which attracts businesses and residents alike. These businesses and residents become customers of wireless providers who generate considerable profits from the services they provide.

**ADMINISTRATIVE SERVICES COMMITTEE
MINUTES
April 13, 2006**

Present

Councilor Hal Brauner, Chair
Councilor Jerry Davis
Councilor Scott Zimbrick

Staff

Jon Nelson, City Manager
Nancy Brewer, Finance Director
Tony Krieg, Finance
Carla Holzworth, City Manager's Office

Visitors

See individual testimony below

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Telecommunications Service Tax Public Forum	X		
II. Other Business	X		

Chair Brauner called the meeting to order at 7:30 p.m. He recognized in the audience Mayor Helen Berg and Councilors Tomlinson, Daniels, and Griffiths.

CONTENT OF DISCUSSION

I. Telecommunications Service Tax Public Forum (Attachment)

Customer Services Manager Tony Krieg provided an overview of the proposed telecommunications tax through a PowerPoint presentation (attached). A five percent tax on the gross revenues of all telecommunications service providers within the city is proposed. The proposal reduces existing telecommunications franchise fees from seven percent to five percent to ensure a level playing field for all providers. The fee is consistent with the five percent franchise fee currently paid by private utilities furnishing gas, electric, cable television, and solid waste services, as well as the public utility providing water, wastewater, and storm water services. Revenue initially collected, which is estimated at between \$350,000 and \$500,000 annually, would be used for fire vehicle replacements and fire training facilities.

In response to Councilor Zimbrick's inquiry, Mr. Krieg confirmed that businesses who have multiple locations outside the community would be subject to the tax if the business has a Corvallis mailing address.

David Smith, 2127 NW 27th Street, said he appreciates the services provided by the Fire Department, but he does not understand what facility the City provides to the wireless community that would justify creation of the tax. Wireless providers do not use telephone lines, streets, or other forms of the public rights-of-way. Mr. Smith said he does not believe it is right for the City to divert money to other departments that was originally set aside for fire apparatus and other Fire Department needs.

Randy Morgan, Administrative Manager with Pioneer Telephone Cooperative, said his company is a small local exchange carrier with approximately 365 members in the Corvallis city limits. Traditionally, taxes on telephone bills have been used for telecommunications purposes. The seven percent tax on local revenues pay for use of the City rights of way. From a corporate standpoint, Mr. Morgan said his company is not enthusiastic about collecting taxes for the City.

William Jenkins, 2168 NW Maser Place, said he has been a resident of Corvallis since 1999. He came to the meeting to learn more about the tax and the handout has answered his primary questions. He said the City could improve its financial communications to taxpayers. He believes the tax is mislabeled and is really a Fire Department tax. Mr. Jenkins said the Fire Department should have factored its needs for facilities, training, and vehicles into its budget. He asked that the City look into Oregon State University's contribution to the City's firefighting budget and its demands on fire capacity. Regarding the new training tower, Mr. Jenkins asked why it was not incorporated into plans for the Walnut Fire Station.

Chair Brauner noted that questions raised during the forum will be taken under advisement, and revised question and answer sheets will be posted on the City's Web site.

Dan Wehrman, 400 NW Harrison, said he is a Corvallis firefighter and a business owner. Mr. Wehrman said he understands the burden that taxes place on a company; however, he also understands the importance of having effective and efficient emergency services. Elimination of the training facility means firefighters cannot develop the skills necessary to deliver quality firefighting and rescue services. Mr. Wehrman said aging apparatus is a critical problem. There are many days when no back up engine is available because it is in the shop for repair, often for extended periods of time because parts for older apparatus are difficult to find. Mr. Wehrman concluded by stating that Corvallis' firefighters support the tax and believe it is fair.

Stan Elliott, 1355 NW Forest Drive, requested clarification if users with a Corvallis billing address would be subject to the tax; the Committee confirmed. Chair Brauner confirmed that if the tax became permanent, it could be used for purposes other than supporting the Fire Department.

Paula Parcell, 1420 NW 20th Street, said she does not have a land line and if the tax was passed, she would have to give up her cell phone when her contract expires. She is concerned that the homeless, who rely on cell phones as their only means of communication, could no longer afford them.

Marie Parcell, 527 NW 19th Street, believes wireless providers would pass the tax on to their customers. She added that many students have addresses in another city or state. She agreed that those who depend on their cell phones as a sole source of communication would be hard hit.

Hallie Miller, no address given, said she has a land line and two cell phones. She is on a tight budget and she believes the cost will be passed on to her. Ms. Miller said she does not believe the City uses tax dollars wisely and the Fire Department does not need new equipment.

David McCarthy, 408 SW Monroe, requested confirmation that the \$500 late fee penalty would be assessed on the company providing the service; the Committee affirmed he is correct. Mr. McCarthy said he supports the tax .

James Dagada, 826 NW 35th Street, is a local business owner. He agrees that the Fire Department needs training and equipment, but he does not believe the telecommunications tax is the right way to get the funding. Mr. Dagada travels frequently for business and he believes he would be double taxed because he is paying for cell towers in other cities. He added that the majority of OSU students have cell phones that are billed to addresses outside of Corvallis. Mr. Dagada said the City needs to be responsible for spending money on what it is put aside for, not to fund services for other departments. He concluded by noting that providers who are not using the right-of-way should not be taxed.

Eric Blackledge, 3300 Hawk Crest Drive, Philomath, read from a prepared statement (attached). Chair Brauner clarified that Internet and cable services would not be subject to the tax, but associated long distance phone charges would be.

Roger Evans, 3531 NW Greenwood, said he does not understand what benefit the City has brought to the cell phone communications structure. He does not see a justification for the tax and added that Corvallis is already an expensive place to live.

Ginny Lang, Director of Government Relations for QWEST, said despite being billed as a cell phone tax, the proposal is much broader and it will increase land line phone costs. Franchise fees are currently paid on the basic component of local service. Under the City's proposal, any additional services beyond a basic dial tone, such as call waiting or voice mail, would also be taxed at five percent. She believes the tax would be detrimental to Qwest, as customers would switch to out-of-state providers for phone service to avoid the tax. Ms. Lang also expressed concern about how the tax will be applied to voice over Internet protocol. She opined this type of service should not be taxed until it has been more established.

Stacy Sprinkle, Director of Federal and State Tax Policy for Verizon, said the tax would not level the playing field. In the past, franchise fees have been paid for using the right of way. Ms. Sprinkle added that Verizon already compensates property owners who have cell towers on their land. Ms. Sprinkle said the City's proposal amounts to a targeted sales tax on communications services.

Mike Plackett, no address provided, asked if the tax would apply if his provider is in Corvallis, but he lives outside of Corvallis; Chair Brauner confirmed the tax is based upon the billing address.

Derrick Luksch, O'Brien Dental Lab, 4311 SW Research Way, said he has been in Corvallis for ten years. As a retired firefighter/EMT, he appreciates the need for proper apparatus; however, the tax would be detrimental to his company's ability to retain customers. Mr. Luksch estimated that O'Brien's phone costs would increase by an estimated \$3,150 per year and he does not believe the tax is equitable. He concluded by saying that he likes Corvallis and wants to stay here, but he has a fiscal responsibility to his company.

Paula Parcel, 1420 NW 20th Street, registered concern that she may not be able to cancel her wireless contract even though the tax has made service unaffordable.

The public forum was closed at 8:49 p.m.

Chair Brauner said many good questions were raised during the forum and responses to those that can be answered will be posted on the City's Web site. He then provided background about how Statewide property tax measures have limited the City's taxing authority. He noted that the City has done what it can to increase efficiency and decrease costs, but revenues are not keeping pace with expenses. He clarified that budget reductions made three years ago did not amount to moving Fire Department funds to other departments. Rather, the City stopped putting money aside for equipment replacement. Chair Brauner urged citizen attendance at Budget Commission meetings to give input about what services should be reduced or what other taxes might be fair. He added that, by law, Systems Development Charges (SDCs) cannot be used to fund equipment replacement and that Corvallis is in the middle of its comparitors for SDCs. The Administrative Services Committee will meet on May 4 to deliberate on the proposal and to make a recommendation to the full Council.

II. Other Business

The next Administrative Services Committee meeting is scheduled for April 20, 2006 at 12 p.m. in the Madison Avenue Meeting Room.

The meeting was adjourned at 8:55 pm.

Respectfully submitted,

Hal Brauner, Chair

City of Corvallis



Telecommunications Services Tax

Existing Local Telecommunications Framework

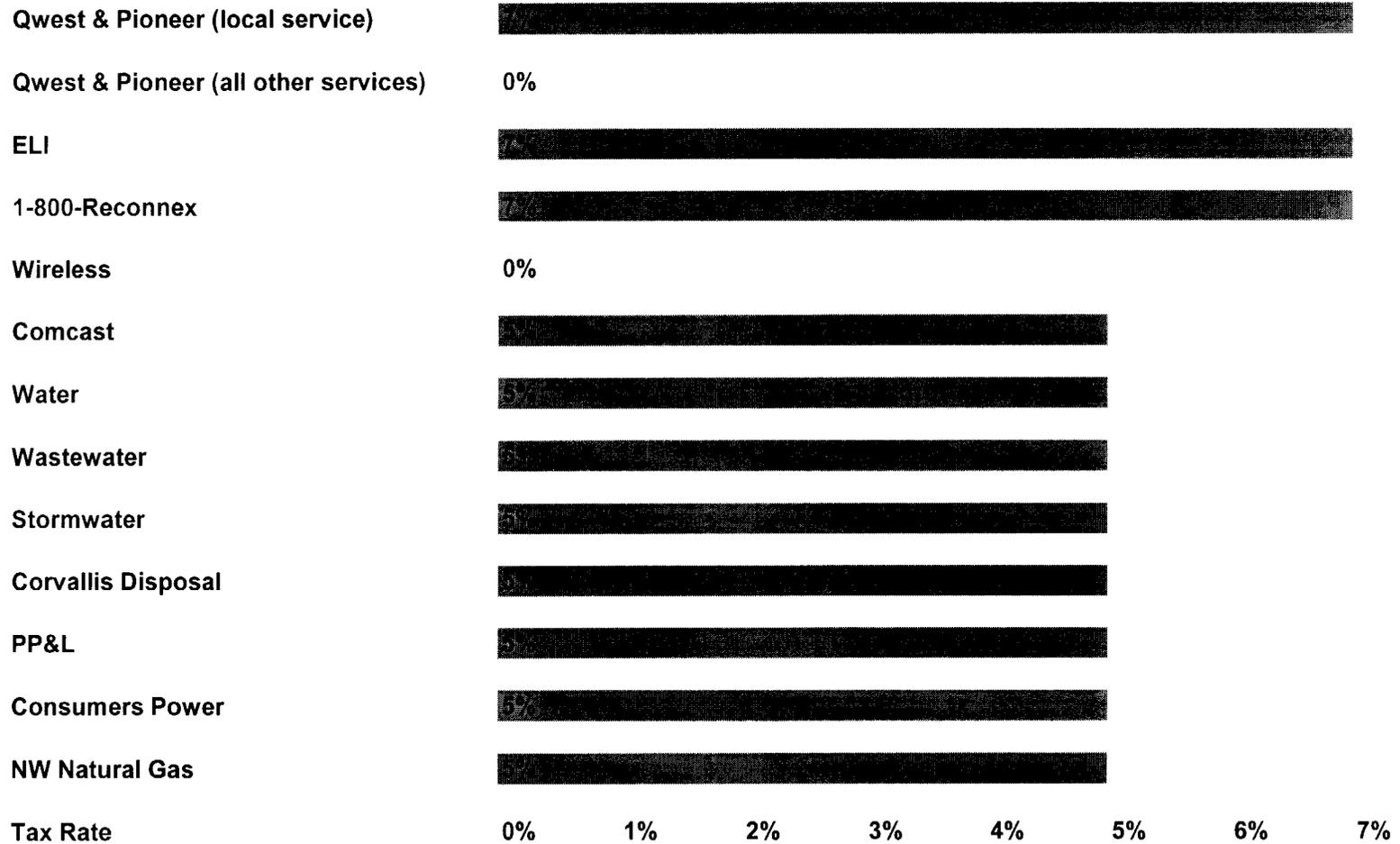
- Incumbent local exchange carriers such as Qwest and Pioneer Telephone pay 7% franchise fee on local dial-tone service only, about 35% of total gross revenues earned within the city.
- Competitive local exchange carriers (ELI, 1-800-Reconnex) pay 7% franchise fee on all revenues earned within city
- Long distance carriers (AT&T, Sprint) pay a per foot rate and no tax on services offered locally

Existing Local Telecommunications Framework

- **Wireless providers currently pay no local tax. In addition, based on a study conducted in 2004, state and local tax rates for wireless services in Oregon ranked 46th nationwide at only 2.27%. The majority of the states were above 8%. Adoption of the telecommunications service tax would put Corvallis at 7.27% equal to the 31st state in the nation; 19th from the bottom.**

BEFORE TELECOMMUNICATIONS SERVICE TAX

CURRENT CODE



Objectives of Telecommunications Services Tax Proposal

- Tax all providers of telecommunications services equally
- Broaden the base of revenue subject to the tax (similar to the City of Eugene)
- Tax all revenues equally regardless of the type of services offered
- Level the playing field for all providers of telecommunications services
- Increase compensation to the City

Telecommunications Services Tax Proposal

- The telecommunications services tax proposal is a 5% tax on all revenues generated from the sale of telecommunications services Corvallis.
- The tax applies to revenues earned by traditional service providers and competitive access providers.
- The 5% tax also applies to all services and calls made from a wireless telephone during the billing period provided the customer's place of primary use (billing address) is within the city regardless of where the call originated.

Telecommunications Services Tax Proposal

Telecommunications Service means offering services for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used:

- Local exchange access services
- Enhanced services such as call-waiting, call-forwarding, caller ID, voicemail
- Delivery of services over copper, fiber, laser, cable or internet protocol
- Wireless calls regardless of where the call took place provided customer billing address inside city limits

Telecommunications Services Tax Proposal

- Change existing master telecommunications ordinance to reduce franchise fee compensation to 5% of gross revenue
- Eliminate franchise requirement for competitive access carriers, registration only
- Allow franchise fees to be credited against tax
- Cable services and private networks exempt
- Audit provisions require documentation upon request, underpayment by 3% or more results in cost recovery, penalties and interest
- Willful violation results in fine of \$500 per day, per violation

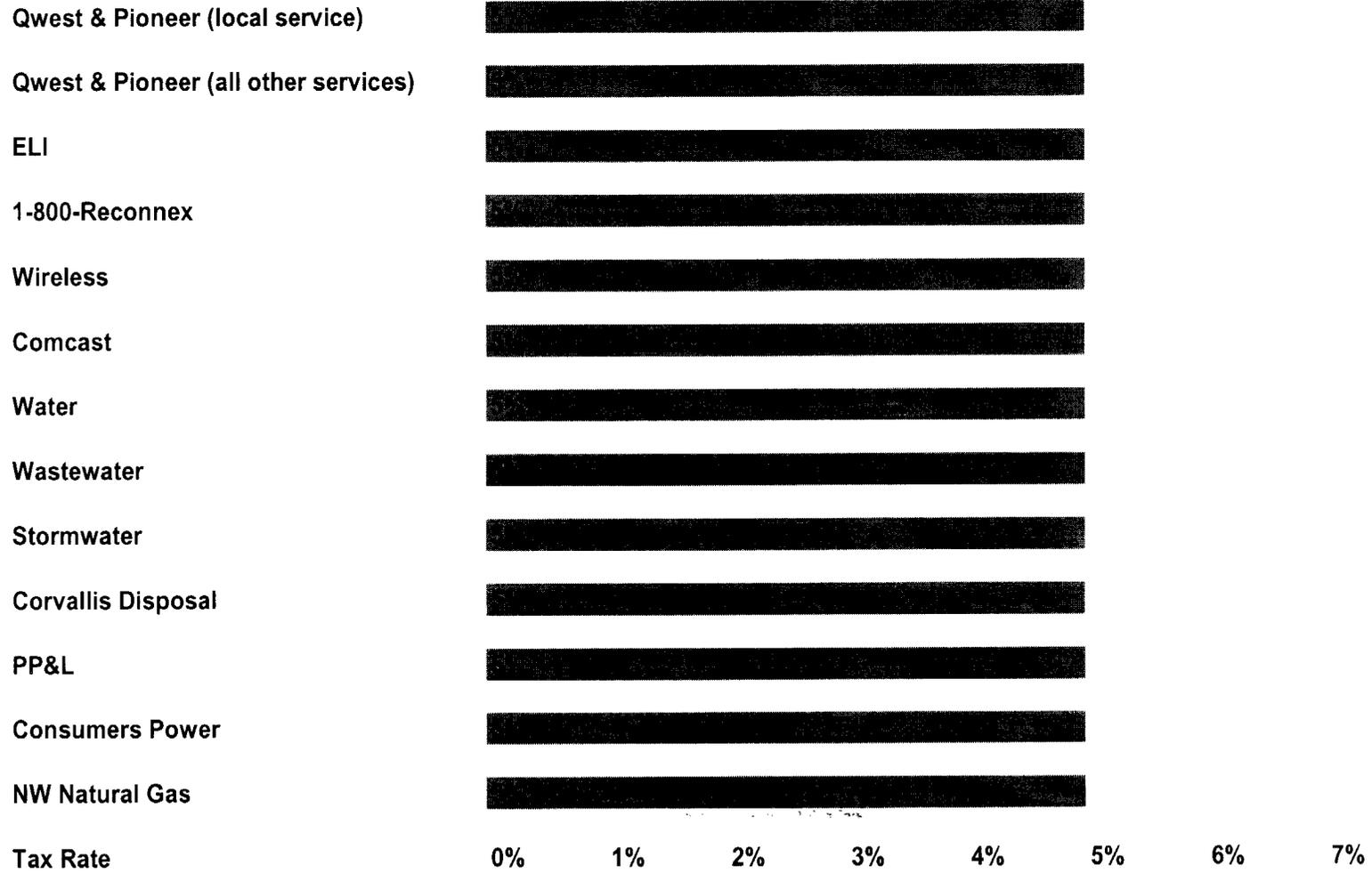
Telecommunications Services Tax Proposal

- The telecommunications services tax is a 5% tax on the revenues of telecommunications service providers and it is their responsibility to pay the tax.
- State law allows these providers to pass a portion of the tax through to a customer with a billing address in the city and to itemize the tax on the customer bill.
- Wireless providers are not regulated under State law.

Telecommunications Services Tax Proposal

- The telecommunications services tax is equal to local taxes or fees assessed on revenues earned by other utility service providers offering their services within the city. Franchise fees and privilege taxes can be credited against the tax.
- Electric, natural gas, solid waste and cable, all pay a 5% tax on revenues earned from services provided to the community. The City's water, wastewater and stormwater services also pay a 5% tax on earned revenues.

AFTER TELECOMMUNICATIONS SERVICE TAX PROPOSED CODE



Telecommunications Services Tax Proposal

- The telecommunications service tax could generate between \$350,000 and \$500,000 of additional revenue each year.
- This estimate assumes at least 4,600 billable addresses in the city have wireless service and use an average of \$50 of service each month.
- City Council is directing these funds to be used for critical and unavoidable fire department needs such as fire vehicle replacement, fire station replacement and training facilities.

Telecommunications Services Tax Proposal

Other options to raise revenue:

- Local property tax levy
- General obligation bonds

Both of these options require voter approval and would increase local property taxes

- Reduce other property tax funded services to free up monies to be used to purchase fire vehicles.

Services include Library, Parks, Transit, Fire, and Police

Telecommunications Services Tax Proposal

Past Efforts:

Over the last several years the City has tried a wide variety of revenue alternatives and has reduced the budget by more than \$2 million to fill funding gaps. Some of the revenue alternatives have been implemented successfully, and others have failed. Alternatives include:

- Basic Fees – make adjustments to cover costs
- Franchise Fees on City utilities – 5% franchise fee on City utility services
- Local Vehicle Registration Fee – initiative failed
- Transportation Maintenance Fee – effective July 1, 2006
- Joint Law Enforcement Operations – joint agency not pursued
- Local Option Tax Levy – defeated in 2002
- Transportation District – Council chose not to pursue

Telecommunications Services Tax Proposal

Summary:

- **Levels playing field, no competitive advantage**
- **Collection and audit tools in place**
- **Equitable**
- **Keeps pace with changing technology**
- **Increased revenue**
- **No increase in property taxes**
- **Long-term funding solution**
- **Already in place in several Oregon cities**

Telecommunications Services Tax Proposal Review Process

- April 13th, Public Forum – receive input, collect comments
- May 4th, Administrative Services Committee Meeting, Noon, Madison Avenue Meeting Room, 500 SW Madison Avenue – review comments, make recommendation to City Council
- May 15th, City Council Meeting, Main Fire Station, Downtown, 7:30 pm – Review ASC recommendation, Council decision to adopt or reject telecommunications services tax
- Effective date (if adopted) July 1, 2006



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MEMORANDUM

TO: Advisory Boards and Commissions

FROM: Mayor Helen Berg
Council President Charlie Tomlinson
Council Vice-President Betty Griffiths

DATE: April 4, 2006

SUBJECT: Telecommunications Service Tax Proposal

The Administrative Services Committee will conduct a public forum at Fire Station #1, Main Meeting Room, on April 13, 2006, at 7:30 PM, to introduce a proposed telecommunications service tax ordinance with an effective date of July 1, 2006. Following the public forum, the Administrative Services Committee will meet at noon on May 4th in the Madison Avenue Meeting Room, 500 SW Madison, to review public comment and make a recommendation to City Council at its regularly scheduled meeting on May 15, 2006 at 7:30 PM.

The proposal establishes a 5% tax on the gross revenues of all providers of telecommunications services within the city. The tax will apply equally to traditional telephone service providers as well as resellers and wireless service providers. The proposal also reduces existing telecommunications franchise fees to 5% and allows franchise fee payments to be credited against the 5% telecommunications service tax. The reduction ensures a level playing field for all providers of telecommunications services within the city and is consistent with the 5% franchise fee currently paid by private utilities furnishing gas, electric, cable television and solid waste collection services and the public utility providing water, wastewater and storm water services.

Initial revenue generated from the telecommunication service tax will be used for critical and unavoidable fire department needs such as fire vehicle replacement and training facilities. If the new revenue is not pursued, then, as has happened in the past, the City would potentially need to reduce services in other areas to fund the critical Fire services.

For further information, a question and answer sheet is enclosed for your review.

We look forward to seeing you at the public forum.

Enclosure

Telecommunications Services Tax Ordinance Frequently Asked Questions

1. What is a telecommunications service tax?

The telecommunications service tax proposes a 5% tax on all revenues generated from telecommunications services billed to residents of Corvallis.

2. Who will the telecommunications service tax apply to?

The tax will apply to all wire and wireless telecommunication providers offering telecommunications services within the city.

3. Does the telecommunications service tax apply equally to all providers of telecommunications services?

Yes. The telecommunications service tax will apply to all revenues (allowable under federal law) of all providers of telecommunications services within the city. Currently, some providers pay 7% of local exchange, while some providers pay 7% of all revenues earned within the city. Wireless providers pay no tax for operating within the city. The telecommunications service tax will require all providers to pay an equal tax of 5% of the revenues they earn within the city.

4. Do other utility service providers pay a tax on revenues earned from offering their services within the city?

Other utility service providers operating within the city such as electric, natural gas, solid waste and cable, all pay a 5% tax on the revenues earned from services provided to the community. The City's water, wastewater and stormwater services pay a 5% tax on earned revenues. Please refer to the two attached charts showing current rates and proposed rates.

5. Who will be responsible for paying the telecommunications service tax?

The telecommunications service tax is a 5% tax on providers offering telecommunication services within the city. State law allows these providers to pass a portion of the tax through to a customer with a billing address in the city and to itemize the tax on the customer bill.

6. Will this proposal increase the cost of my traditional telephone service?

If the telecommunications provider passes any portion of the tax on to its customers and itemizes the tax on the customer bill, the bill will increase.

MEMORANDUM

TO: Mayor and City Council
FROM: Nancy Brewer, Finance Director
DATE: March 14, 2006
SUBJECT: Telecommunications Service Tax Ordinance

ISSUE

Staff seeks City Council approval of a process for public input on a telecommunications service tax ordinance which would impose a 5% tax on the gross revenues of all providers of telecommunications services within the city (attached).

BACKGROUND

In December, 2005, staff submitted a report to Council concerning a proposal to tax all providers of telecommunications services at an equal rate of 5% of gross revenues earned within the city. In addition to traditional facility-based telecommunications providers, the tax would apply to wireless providers and non-facility based resellers of telecommunications services. Currently, some telecommunications providers pay a higher fee to operate in the city while others pay little or nothing for this privilege. To maintain a competitive marketplace for all providers of these services staff is also proposing to amend Telecommunications Ordinance #99-26 to reduce all telecommunications franchise fee and privilege tax payments from 7% to 5%. The reduction would ensure a level playing field for all providers of telecommunications services offered within the city and would also be consistent with the 5% franchise fees currently paid by private utilities furnishing gas, electric, cable television and solid waste collection services and the public utility providing water, waste water and stormwater services.

Staff is also proposing to amend Telecommunications Ordinance #99-26 to reduce all telecommunications franchise fee and privilege tax payments from 7% to 5%. Franchise fees, privilege taxes, or occupancy permit fees paid to the City could be credited against the telecommunications service tax provided the same gross revenues used to calculate the telecommunications service tax is also used as a measure of right of way compensation. In addition, non-facility based providers of telecommunications services would no longer be required to enter into franchise agreements to provide service, but would simply register and pay the telecommunications service tax. With these changes the telecommunications tax system becomes equitable and provides a level playing field across all telecommunication providers regardless of the type of service offered or their direct or indirect use of public rights of ways.

DISCUSSION

Adoption of a telecommunications service tax, as part of a long-term financial stability strategy, would generate an estimated \$350,000 to \$500,000 of additional revenue annually from existing sources while removing any competitive inequities to market entry. These estimates include taxable revenues from non-local exchange access services and wireless services based on 4,600 billable addresses within the city at \$50 per wireless bill per month (\$2.50 telecommunications service tax). The following table illustrates revenue projections based on actual FY 04/05 franchise fee payments to the City and assuming a 5% telecommunications service tax. Total annual gross revenues for Qwest and Pioneer Telephone are estimated to be 65% greater than local exchange access revenues.

Utility	FY 04/05 Franchise Fee (7%)	Estimated Annual Gross	5% Tax	Increase/ (Decrease)
Qwest	\$252,086	\$10,803,685	\$540,184	\$288,098*
Pioneer Telephone	\$3,809	\$163,242	\$8,162	\$4,353*
ELI	\$14,548	\$207,828	\$10,391	(\$4,157)
Wireless	-0-	\$2,760,000**	\$138,000	\$138,000
Total	\$270,443	\$13,934,755	\$696,737	\$426,294

*includes 2% reduction in franchise fee or privilege tax

**estimate is based on 4,600 billable addresses within the City at \$50 per bill per month

PROPOSED PROCESS

A Council work session was conducted in February to discuss adoption and implementation of the proposed tax including public outreach methods and how the proceeds of the tax could be used near term. Following discussion, Councilors concluded telecommunications service tax revenue would be used for critical and unavoidable fire department needs such as fire vehicle replacement and training facilities.

Council also discussed conducting public forums attended by City Councilors to introduce the telecommunications service tax proposal. A question and answer sheet will also be available to participants to address many of the questions concerning implementation of the new tax (attached).

Staff proposes the following schedule to discuss the telecommunications service tax ordinance and approval process:

April 13 th	7:30 pm	Fire Station #1 Meeting Room	Public Forum
May 4 th	Noon	Madison Avenue Meeting Room	ASC
May 15 th	7:30 pm	Fire Station #1 Meeting Room	City Council

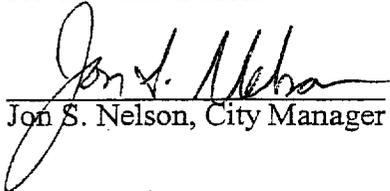
RECOMMENDATION

Staff is recommending City Council conduct a public forum on April 13th at the downtown Fire Station. The entire Council, ASC or individual Councilors could sign-up to attend this forum. On the May 4th ASC meeting, ASC could provide direction on a final draft telecommunications service tax ordinance and recommendation for City Council approval with an effective date of July 1, 2006.

Council direction is requested on:

1. Does the public forum, ASC review and City Council schedule meet Council's intent?
2. Should City Council, ASC or City Councilors host the April 13th forum?

Review and Concur:


Jon S. Nelson, City Manager


James K. Brewer, City Attorney

7. Will this proposal increase the cost of my long distance service?

If the telecommunications provider passes any portion of the tax on to its customers and itemizes the tax on the customer bill, the bill will increase.

8. Does the telecommunications service tax apply to wireless telephone service providers? If so, how would it be taxed?

Yes. This tax will apply to wireless telephone service providers as well as traditional telephone service providers. The 5% tax will be based on revenue generated from all calls made from a wireless telephone during the billing period provided the customer's place of primary use (billing address) is within the city.

9. Are there federal regulations that restrict the City's ability to tax the revenues of wireless telecommunications providers?

Federal regulations do not preempt the City's ability to tax revenues earned by wireless telecommunications providers. The Mobile Telecommunications Sourcing Act (MTSA), an act to amend Title Four of the United States Code, was created jointly by local governments and the telecommunications industry to establish requirements for local taxation of wireless telecommunications services.

10. Do providers of wireless telecommunications services already pay excessive state and local taxes in Oregon?

No. Wireless providers currently pay no local tax. In addition, based on a study conducted in 2004, state and local tax rates for wireless services in Oregon ranked 46th nationwide at 2.27%. The majority of the states were above 8%. Adoption of the telecommunications service tax would put Corvallis at 7.27% equal to the 31st state in the nation; 19th from the bottom.

11. Does the telecommunications service tax apply to internet telephone service providers?

Yes. Internet telephone service providers will be subject to the 5% telecommunications service tax.

12. How much new revenue will the 5% telecommunications service tax generate? How will the City spend this new revenue?

It is estimated that the telecommunications service tax will generate between \$350,000 and \$500,000 of additional revenue each year. This estimate assumes at least 4,600 billable addresses in the city have wireless service and use an average of \$50 of service each month. City Council is directing these funds to be used for critical and unavoidable fire department needs such as fire vehicle replacement, fire station replacement and training facilities.

- 13. Why does the fire department need a new training tower? Isn't the one by Public Works sufficient in times of financial need?**

The current fire training tower is 40 years old. However, the need to replace the tower is driven by the Wastewater Reclamation Plant's requirement to treat water to meet federal guidelines. The ground currently occupied by the training tower is needed to build water purification tanks.

- 14. Does the City really need a fire training tower and facility? Why can't you train in parking lots and at buildings in the area?**

All fire departments are evaluated by the Insurance Services Offices (ISO) for available and adequate water supply, apparatus, and training and a variety of other tools of competence. Most insurance companies base the cost of local insurance on the city's overall ISO score. One of the tools ISO evaluates is the fire department training facility. Training is 7 points of the 50 possible points a fire department can achieve.

It is always good for fire departments to train at various buildings in their response area/city. However, due to the frequency and periods of time staff trains, it would be disrupting and inconvenient to business owners to have multiple fire apparatus congesting their parking area and buildings. Having a dedicated training facility allows uninterrupted periods of time for repetitive training of fire crews and others in the community who use the facility.

- 15. Telecommunications services tax revenues are also proposed to be used for a fire station. Why is another fire station needed?**

The fire station project is planned for several phases. The first phase is to acquire land for a combined fire training facility and future fire station location. The second phase will be to construct the training tower and the associated training props. We expect these two phases to be completed within three years. The third phase is long term. We are seeking enough property so that a fire station can be placed in the best location to serve the community in terms of response times and growth patterns.

- 16. Why aren't fire vehicle replacement funds being reserved so new vehicles can be purchased when necessary?**

In FY 02-03, as part of a number of service reductions necessary to balance the budget, the City stopped putting over \$180,000 per year into reserves for fire vehicle replacements. The monies which would have been put into reserves were re-directed to other operational areas of the City to continue as many other services as possible.

- 17. The Fire Department has a variety of apparatus. Can we reduce the number of vehicles?**

Corvallis Fire Department protects city residences and commercial business property, as well as rural residences, land, and commercial property. In addition to fire protection, the Fire Department

provides the ambulance service, regional hazardous materials response, and special rescue services. In order to cover all these missions, it requires a mix of apparatus.

Each of the five city fire stations has an engine for use where fire hydrants are the water supply. When fires occur in the rural or non-fire hydrated areas, water tenders carrying water are used. In addition, if the fire is in rugged terrain (off the road or in fields) smaller brush vehicles are used. Three city stations also have ambulances for medical emergencies and transport.

The need for fire apparatus is driven by the community's desire to have an appropriate level of fire protection. The Insurance Service Office, which plays a major role in setting insurance rates for the community, evaluates the number and type of fire apparatus. The department has strived to maintain an excellent insurance rating, which equates to lower insurance costs for property owners.

18. What new vehicles does the fire department need? What drives the need for new vehicles?

The department places vehicles in a replacement schedule. Each year staff evaluates the maintenance, parts availability, and expected life of vehicles. We plan for twenty-year life for engines and ladder trucks, six years for older style ambulances (pre-1995) and nine years for truck style ambulances (after 1995.) The following chart identifies age, replacement cost, and comments. The vehicle identified as Engine 136 receives extremely high use and we have continuously high maintenance costs for that vehicle.

Vehicle Name	Current Age	Life Expectancy	Planned Replacement Year	Replacement Cost	Comments
Truck 151	24 y.o. (1982)	20 years	2008	\$ 708,000* (Used price)	Escalating maintenance costs; changing safety requirements
Engine 136	12 y.o. (1994)	20 years	2009	\$ 372,000	Escalating maintenance costs; high use
Amb. 121	12 y.o. (1994)	6 years	2007	\$ 210,000	Currently a reserve unit
Amb. 123	7 y.o. (1999)	9 years	2010	\$ 210,000	Very rough ride for patients; vibration problem

* based on used vehicle cost, replacement cost if new \$934,000

19. What other options does the City have to fund the apparatus needing replacement?

The city has several options for funding the replacement of fire vehicles. The City could seek a local property tax levy to provide monies to buy replacement vehicles. The City could issue general

obligation bonds to purchase replacement vehicles. Both of these options would require voter approval and would increase property taxes. The City could reduce a number of other property tax funded services to free up monies to be used to purchase fire vehicles. The City Council has not wanted to pursue that option because the services that would have to be reduced are important to the community -- Library, Parks, Transit, Fire, and Police.

20. Has the City tried other revenue sources than a Telecommunications Service Tax?

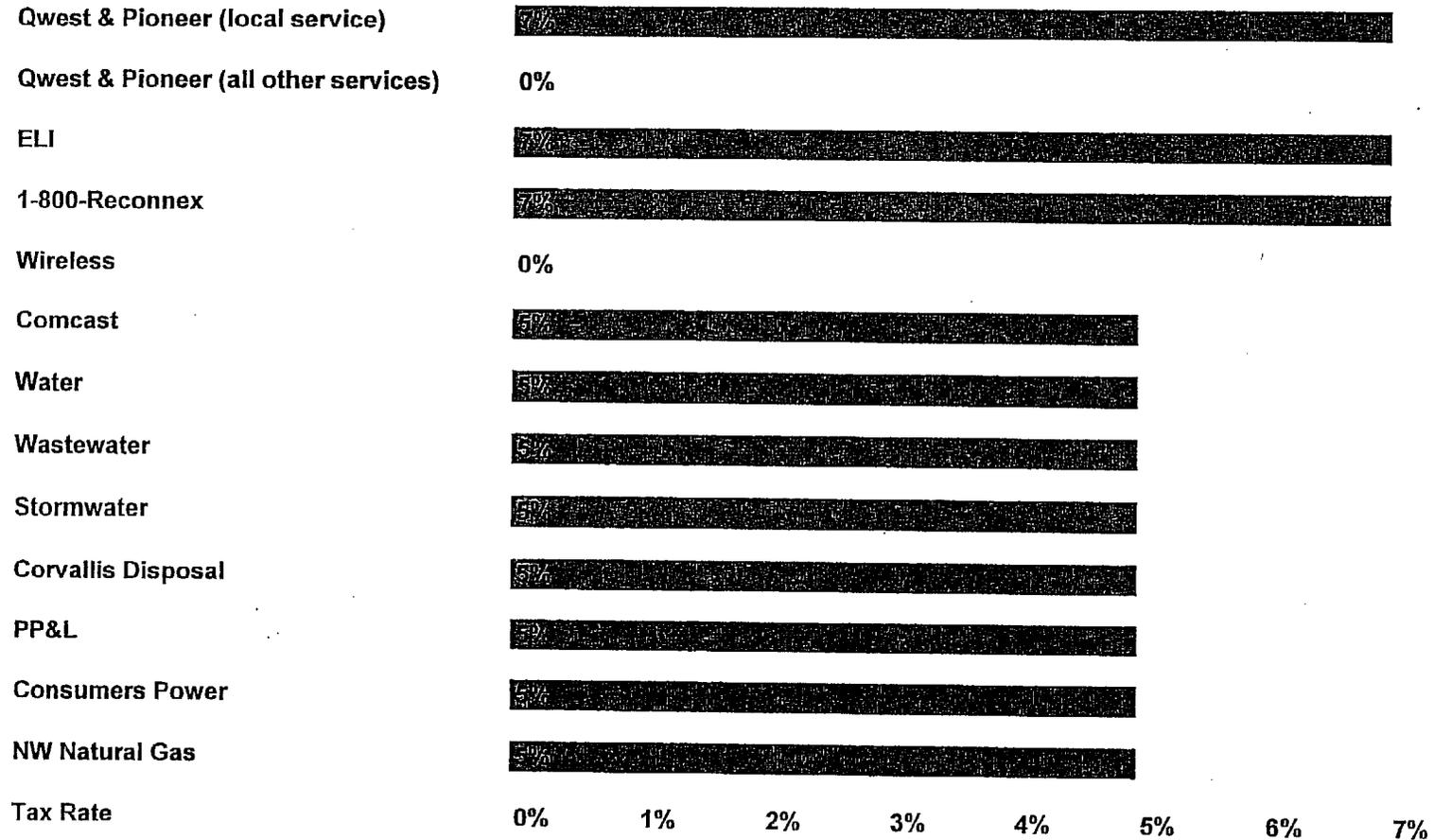
Over the last several years the City has tried a wide variety of revenue alternatives and has reduced the budget by more than \$2 million to fill funding gaps. Some of the revenue alternatives have been implemented successfully, and others have failed. Alternatives the City has tried include:

- Basic Fees – staff, and in some cases consultants, have reviewed the City’s fees and made adjustments where necessary to ensure that fees are covering the costs of the programs.
- Franchise Fees on City utilities – the City Council adopted a franchise fee on the City’s own water, wastewater, and storm water utilities at 5% of gross revenue, the same rate electric and gas utilities pay and the same rate proposed for the telecommunications.
- Local Vehicle Registration Fee – this would have provided funding for street and road construction throughout Benton County, and required voter approval to be created. The initiative failed.
- Transportation Maintenance Fee – the City Council has approved a transportation maintenance fee to be implemented July 1 and charged on the City’s utility bills. The monies from this fee will be used for street infrastructure projects.
- Joint Law Enforcement Operations – a study was completed in 2004 that looked at whether or not a combined Corvallis Police Department and Benton County Sheriff’s Office would save monies for both the City and the County. Although a joint agency was not pursued, eight initiatives expected to improve the efficiency of both departments are being implemented.
- Local Option Tax Levy – the City placed a local option property tax levy on the ballot in November, 2002. The levy would have funded a broad base of services including Police, Library, Parks & Recreation, and Fire, but it failed.
- Transportation District – the City studied whether or not a transportation district could be created to fund Transit services which are largely funded by property taxes. The City Council decided that they would not pursue this option.

21. Additional questions should be directed to the City Manager’s Office, who will share them with City Council.

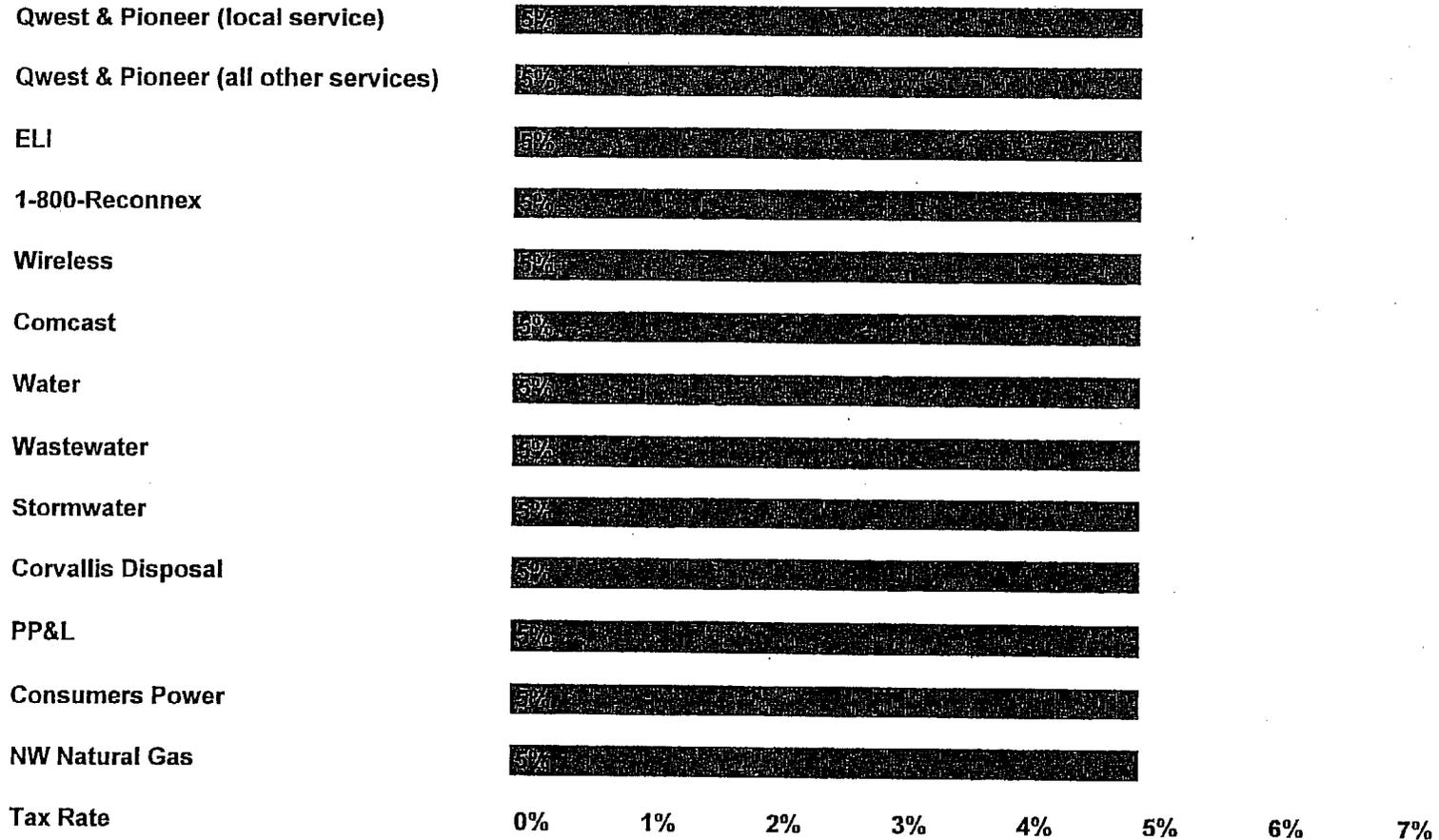
BEFORE TELECOMMUNICATIONS SERVICE TAX

CURRENT CODE



AFTER TELECOMMUNICATIONS SERVICE TAX

PROPOSED CODE



Krieg, Tony

From: Brewer, Nancy
Sent: Tuesday, May 09, 2006 5:06 PM
To: 'nancy.heiligman@oregonstate.edu'
Cc: Krieg, Tony
Subject: Student, Cell service and Telecom Tax

Since we met, we have discussed alternatives methods for estimating what students may pay for a telecom tax. Frankly, we have determined that we have no ability to develop an estimate. While we have lots of anecdotal evidence that college students seem to "always be glued to the cell phone" we do not know actually know the proportion of the student population that carries a wireless device, has a wired telephone, the services that they may have that would be subject to a telecom services tax that are not currently covered under the franchise agreement, the proportion that live in Corvallis and pay for their services from their Corvallis address, etc. As a result, we find no way to come to any kind of financial impact associated with students.

Please let me know if you need any additional information to assist you in estimating the fiscal impact of the proposed Telecommunications Service Tax to Oregon State University.

Memorandum

To: Administrative Services Committee
From: Business Advocacy Committee
Date: May 3, 2006
RE: Telecommunications Service Tax
CC: Nancy Brewer, Jon Nelson, Helen Berg



The Chamber BAC is taking no position on the proposed telecommunications service tax. We appreciate the fiscal position of the City of Corvallis and declining revenue from the franchise fee on landlines.

However, we do have some questions and concerns that we ask you to consider before you submit a recommendation to the full Council. We have noted a discrepancy between the City's estimate of generated revenue and that of the telecommunications industry. The staff report claims that the impact on consumers of communications services will be minimal and states that revenue will be in the range of \$700,000 per annum. Industry estimates place the generated revenue at closer to \$2 million. We feel that a difference in the estimates of this magnitude should not be ignored.

As a municipal tax, we also feel that the proposal has the potential to create an inequitable situation and may lead to costly administrative complications. We question the wisdom of pursuing a local tax when a statewide tax would have the advantage of economies of scale.

Finally, we feel it is important to acknowledge the level opposition there is to this proposal. The Chamber offices have received considerable negative feedback on the issue from members across industries, and businesses of all sizes. We are concerned with reported statements by Councilors suggesting that the only people in opposition to the proposal are in the telecommunications industry. We would point out, too, that a significant number of the individuals testifying against the proposal to Administrative Services on April 13 were not connected to the industry beyond being consumers.

Thank you for your thoughtful consideration as you deliberate your recommendation.

Berg, Helen

From: Doug VanPelt [key2dhw@comcast.net]
Sent: Wednesday, May 10, 2006 9:18 AM
To: Mayor
Subject: Proposed cell phone tax to fund fire/rescue vehicle replacement

Dear Mayor Berg, and members of the Corvallis City Council

I'm writing in support of the proposed tax on cell phone usage for the purpose of restoring the vehicle replacement fund for the fire department

As you are well aware, for decades the fire department had a vehicle replacement fund wherein annual payments were deposited, and from which vehicle purchases were made. No requests for tax increases were needed, as the department was able to live within its means from year to year. In this regard, the department was not alone amongst Oregon fire agencies, but was rather unique. Most fire departments will rely on bond sale elections to fund the purchase of expensive equipment. This is time consuming and drives up the cost. Anyone who has had the personal experience of buying a vehicle with cash on hand versus relying on financing can attest that buying with cash is not only cheaper in the long run, and simpler, it also substantially empowers the buyer in negotiations. Such was the experience of the fire department. Vendors are more competitive when bidding on vehicles that are already funded, and in the mean time interest is earned on the fund's deposits, versus being paid out over the life of the bonds. With emergency vehicle prices running in the hundreds of thousands of dollars, a few percent saved here and there adds up to real money over time, and represents a responsible stewardship of the public's money.

The nullification of dedicated levies, such as Corvallis' long standing fire levies, is in my view one of the more regrettable consequences of the passage of ballot Msr. 47/50. As part of the expense containment actions necessary to live within it's means following passage of this measure, the fire department had to choose between cessation of payments into the vehicle replacement fund and draw down the reserves, or trim services and layoff employees. Having chosen the former, and having spent down the reserve on vehicles currently in use, the department (and hence, the City) now faces either the more traditional bond sale form of debt financing, or something creative such as the cell phone tax. Or, chose inaction and allow the condition of the fire/rescue fleet to age and deteriorate.

I think that generating revenue via a tax (pay as you go) is a more responsible method of financing than through voter approved debt (playing catch up). Hence my support of this tax.

Like any proposed tax this one will generate some opposition. But, I think it's quite fair to distribute the cost of providing needed emergency services across other segments of the community than only property owners and clients of the ambulance system. This tax is one way of doing just that. Moreover, as I understand it, it based on a percentage of the bill for usage, and as such, payers will have the ability to exert some control over the amount they pay. It seems if need be, one could fairly easily trim their usage sufficiently to offset this tax. My family has a few cell phones and we will be among those affected by the tax should it be authorized.

On a slightly different but related note - how many times have you observed distracted drivers or pedestrians talking on a cell phone and wondered if they really needed to be on the phone at that very moment? Do you know some sources claim that a driver using a cell phone is as functionally impaired as someone who has had a few alcoholic beverages? If that's true, consider the effort put into curbing drunk driving, and then imagine everyone you see driving while talking on the phone has a beer in their hands instead of a phone. As an avid motorcyclist, I have found it a matter of survival to practice extremely defensive driving, and ride as if I was invisible to other motorists. I am definitely in the "hang up and drive" camp. There is no question that the majority of near-miss incidents I experience have to do with motorists that are distracted while using a cell phone and driving. It seems that there is some relationship between cell phone use and motor vehicle accidents, which must then be tended to by emergency personnel using expensive but necessary equipment. This is a sufficient link to justify the tax for me.

Thank you for your consideration of this matter, and for the chance to provide my input. Your service to the community and your willingness to tackle thorny issues like this is appreciated.

With best regards,

Doug VanPelt

3027 NW Garryanna Dr.

Corvallis, OR

5/10/2006

Corvallis's proposed "Telecommunications service tax" Expansion to include other communication services

- The City's proposal for expansion of a "tax" to additional communication services is nothing more than a targeted sales tax increasing the cost to provide such services in the city and creating a fundamental shift in tax policy. This new tax is very regressive and will especially hurt consumers on fixed incomes and in the low-income categories. It could also prove devastating to small, local business owners who do not have flexibility in their budget to pay for a significant 5% increase to telecommunications services, which are essential to operate their businesses.
- The City contends that this proposal would "level the playing field" for all communication service providers operating in the city, however that is a misconception. The existing local taxes imposed upon landline companies were enacted for the privilege of using the localities public ways or it was imposed upon a company for its franchise to operate as a utility within the city, which also entitled it to use the public ways. Under the current proposal, any payments made for uses of the public ways assessed as a percentage of revenue under the privilege tax or franchise agreement will be offset against this new tax for those companies. The proposed tax provides a credit for the operating expense incurred for facilities placement by some carriers but not others – not leveling the playing field at all.
- The wireless industry does not receive the benefit of using the public ways and pays fair rent for all facility placements to the property owner, whether placed on public or private property. Long-distance carriers pay a charge per lineal foot for their facilities placements. Additionally, wireless carriers do not need to enter into a franchise with a city to operate as a utility. Wireless providers are not a "utility" and they have paid for their franchise in the form of FCC licenses, which they have paid substantial money to obtain from the Federal government.
- Both long-distance carriers and wireless providers pay substantial compensation (wholesale revenue) to the local exchange (LEC) carriers for using the LEC facilities throughout their networks and under interconnection agreements for terminating traffic on the LEC networks. Since the current proposal imposes a tax on the gross receipts of all communication services provided within the city, the current proposal will impose a "double" tax on communication services provided by certain providers. Both the wholesale and retail revenues of carriers will be subject to this tax, substantially increasing the costs to provide communication services to residents of the City of Corvallis.
- While we understand the revenue needs the city is looking to address, any tax proposal should be a broad based imposition that affects all taxpayers equitably. Not a targeted imposition such as the proposed telecommunications services tax. Eliminating these historic "utility" impositions are very important when lawmakers consider the role the communications infrastructure and services play in our Country's ability to compete in the global economy.
- The City has estimated that this tax expansion will be minimal to consumers of communication services, bringing in revenue of approximately **\$700,000**. However, the industry has estimated this new tax will be very costly to consumers of communication services and will in fact bring in almost **\$2,000,000** of additional revenue. Almost *three* times more than what the City has estimated.
- If the City Council believes the Telecommunications service tax is the right policy, it should take this issue to the general public and allow them to vote on whether the new tax is appropriate. Preliminary information indicates that residents of Corvallis are not supportive of this targeted tax.

4/11 Nancy, FYI K

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Comment about telecom tax proposal--favor tax

- To: <mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>, <ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- Subject: Comment about telecom tax proposal--favor tax
- From: Carol Bosworth <cbosworth@xxxxxxx>
- Date: Mon, 10 Apr 2006 09:07:25 -0700
- User-agent: Microsoft-Entourage/11.1.0.040913

I live at 1224 W Alta Vista Dr., in Corvallis. I support the proposal for taxing the use of telecommunications, to support city functions, primarily at this time I understand the fire department--fire ring, equipment, other upgrades.

Here are my reasons:

1. Taxes to support city functions of all kinds have been rejected steadily for the past several years, while costs keep rising in general. Our city can not function without a secure tax base connected with the general economy. Property taxes are viewed as an unfair burden on a portion of our citizens, though ultimately everyone pays for the tax costs there. (I believe that is true, though we seldom see the linkages.) I feel we need to find a new tax base to fund city functions that benefit all of us, and this proposal seems more than fair to me, in distribution of the cost.

2. The telecom utility, while a utility like water and electricity in general category, is different by far, in that it is not a life essential. Water and electricity are needed by every household and business, for basic ground-level living needs. It is hard to economize below a basic level, if your bills get beyond your comfortable payment level. This means to me that water and electricity are not fair tax bases, as they are too essential and not an option of choice for most people. Telecommunications are also vital to our economy and lifestyle, but they are almost entirely elective in terms of the level of use. The cell phone per family may be viewed as necessary, but for each person in the family to have one is not necessary, not basic to life, and is elective. Taxing movies, cell phones, internet, cable TV etc. would be to apply a civic duty tax to activities of life that are non-essential to public survival and health. Usage of these is elective. Usage of these is related more directly to general economy than is the use of most utilities. I favor selecting this area to be taxed for supporting our common community safety and health needs.

3. I feel it would help to have the tax focused clearly on funding for specific named needs, and not some needs "as may occur in the future". In our city's tax struggles, it makes it harder to get money pledged through taxes when people don't know where it is going. Planning for the future is nice, but may have to be covered some other way.

Respectfully,
Carol Bosworth

Citizen Comments Report to CMO

3/26/06

This is an enquiry e-mail via %s from: John J. Fradet (fradetj@gmail.com)

I am not in favor of a cell phone tax.

However if a cell phone tax did come about, I think the monies should support a wireless internet system in Corvallis. I do not see the relationship between fire stations and fire equipment being supported by a cell phone tax.

Telephone Calls:

Citizen Comments:

Senior Citizen votes no on tax proposal. City gets enough money.

Retired State Police Officer seemed to be okay with the proposal provided it didn't tax internet services.

Krieg, Tony

From: Louie, Kathy
Sent: Tuesday, May 09, 2006 8:53 AM
To: Brewer, Nancy; Krieg, Tony
Subject: FW: <web>Cell Phone Tax

Importance: Low

For your recordk

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

From: Nelson, Jon
Sent: Tuesday, May 09, 2006 8:37 AM
To: Louie, Kathy
Subject: FW: <web>Cell Phone Tax
Importance: Low

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

From: Mullens, Carrie On Behalf Of City Manager
Sent: Monday, May 08, 2006 7:39 AM
To: Nelson, Jon
Subject: FW: <web>Cell Phone Tax
Importance: Low

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

From: Matt Webb [mailto:info@glocommunications.com]
Sent: Sunday, May 07, 2006 07:13 PM
To: City Manager
Subject: <web>Cell Phone Tax
Importance: Low

This is an enquiry e-mail via %s from: Matt Webb (info@glocommunications.com)

Dear City Manager,

My name is Matt Webb and I own Global Communications, a service provider for Verizon Wireless and Sprint/Nextel, with a retail location at 2323 NW 9th Street in Corvallis.

I would like to provide input regarding the proposed cell phone tax which you will be voting on later this month.

Rather than question the justification for the tax, since wireless providers do not use public right-a-ways, my concern is how this will impact small business owners like myself who are already facing extreme competition from the carriers themselves for new customers.

I am afraid that if the City of Corvallis charges the carriers a franchise fee/tax, end users (Corvallis residents) will look for ways avoid having the tax passed on to them.

Many customers have asked me about buying their phones on-line or in other towns and about having their bills sent to addresses outside of Corvallis.

As an indirect agent for Verizon Wireless and Sprint/Nextel who sells handsets (phones) and the service (a contract the customer has with the carrier), please explain to me how or if Global Communications would be taxed as a business since we do not provide any billable service should the cell phone tax be approved.

Thank you for your anticipated response.

Matt Webb, owner
Global Communications
2323 NW 9th Street
Corvallis, OR 97330
(541) 754-9931

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<web>Proposed Cel phone tax

- *To:* ward1@xxxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject:* <web>Proposed Cel phone tax
- *From:* Jay Gile <jaygile@xxxxxxxx>
- *Date:* Fri, 5 May 2006 08:51:00 -0700
- *Reply-to:* <jaygile@xxxxxxxx>

This is an enquiry e-mail via %s from: Jay Gile (jaygile@xxxxxxxx)

This email is to express my opposition to the proposed cel phone tax. I do not unde

Many cel phone users in Corvallis do not even live in Corvallis. For example if the

I can appreciate that the city needs additional sources of revenue but this seems li

Thanks for your time.

-
- **Prev by Date: FW: Today's Barometer editorial**
 - **Next by Date: Natural Step Framework Workshop: May 22nd**
 - **Previous by thread: FW: Today's Barometer editorial**
 - **Next by thread: Natural Step Framework Workshop: May 22nd**
 - **Index(es):**
 - **Date**
 - **Thread**

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<web>cell phone tax

- *To:* ward1@xx
- *Subject:* <web>cell phone tax
- *From:* mary Gertrude (Trudy) Fuller <superiorgirl84@xxxxxxxx>
- *Date:* Thu, 4 May 2006 07:32:12 -0700
- *Reply-to:* <superiorgirl84@xxxxxxxx>

This is an enquiry e-mail via %s from: mary Gertrude (Trudy) Fuller (superiorgirl84@My husband and oppose the cell phone tax. Let the voters decide please.

- **Prev by Date:** [SPAM] Corvallis Travel News
- **Next by Date:** **Re: <web>Suggestion for the Whiteside**
- **Previous by thread:** <web>Cell Phone Tax
- **Next by thread:** <web>Cell Phone Tax
- **Index(es):**
 - **Date**
 - **Thread**

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<web>Cell Phone Tax

- *To:* ward1@xx
- *Subject:* <web>Cell Phone Tax
- *From:* Bart & Leah Bolger <ripken3@xxxxxxxxxxxx>
- *Date:* Thu, 13 Apr 2006 10:53:50 -0700
- *Reply-to:* <ripken3@xxxxxxxxxxxx>

This is an enquiry e-mail via %s from: Bart & Leah Bolger (ripken3@xxxxxxxxxxxx)
We support the proposed cell phone tax.
We don't have a land line and a tax on our cell phones would "cost share" with those
This is a no-brainer, in our view.
Thanks,
b&l, Ward 1

-
- **Prev by Date:** **april newsletter**
 - **Next by Date:** **<web>Earth Charter**
 - **Previous by thread:** **april newsletter**
 - **Next by thread:** **<web>cell phone tax**
 - **Index(es):**
 - **Date**
 - **Thread**

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<web>Cell phone tax - against

- *To:* ward3@xx
- *Subject:* <web>Cell phone tax - against
- *From:* Dan Wolfe <danwolfe99@xxxxxxxxxx>
- *Date:* Thu, 4 May 2006 20:58:03 -0700
- *Reply-to:* <danwolfe99@xxxxxxxxxx>

This is an enquiry e-mail via %s from: Dan Wolfe (danwolfe99@xxxxxxxxxx)
Hi:

I want to go on record that I am against this proposed cell phone tax and I urge you

Regards,
Dan Wolfe

- **Prev by Date: 7th Street Station -- Additional Public Testimony**
- **Next by Date: FW: Today's Barometer editorial**
- **Previous by thread: 7th Street Station -- Additional Public Testimony**
- **Next by thread: FW: Today's Barometer editorial**
- **Index(es):**
 - **Date**
 - **Thread**

Apr. 20, 2006

City Councilor Emily Hagen:

Out of simple fairness, wire-phone users should not be paying an exorbitant \$12.50 per month in taxes and fees while wireless users escape taxes.

Jeanne Riha
Jeanne Riha

[Date Prev][Date Next][Thread Prev][Thread Next][Date Index][Thread Index]

<web>No Cell Phone Tax

- *To:* ward6@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject:* <web>No Cell Phone Tax
- *From:* Melissa Hartley <hartley_me@xxxxxxxxxx>
- *Date:* Thu, 13 Apr 2006 11:37:58 -0700
- *Reply-to:* <hartley_me@xxxxxxxxxx>

This is an enquiry e-mail via %s from: Melissa Hartley (hartley_me@xxxxxxxxxx)
Our family is completely against a cell phone tax. Corvallis already taxes too much
Corvallis has demonstrated repeatedly that it cannot use money wisely. In case the

- **Prev by Date: May 16 HSC Meeting Date**
- **Next by Date: <web>Earth Charter Supporter**
- **Previous by thread: May 16 HSC Meeting Date**
- **Next by thread: <web>Earth Charter Supporter**
- **Index(es):**
 - **Date**
 - **Thread**

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Phone tax

- *To:* ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
 - *Subject:* Phone tax
 - *From:* Darrell E Schumacher <darrellschu@xxxxxxxx>
 - *Date:* Mon, 1 May 2006 19:41:41 -0700
-

Dear Scott,

I
wanted to ask you to vote against the 5% proposed phone tax on May 15th. I am very much opposed to any type of new tax as well as any increase in taxes. I believe the City of Corv should live within their present just like all of we citizens have to do. We are retired and cannot afford anymore increases in the cost of living. Increases due to inflation lately is burdensome enough. We should at least get to vote on it ourselves, since it would raise our cost of living somemore. Hope you will see it our way, and help perswade the rest of the council to do the same.

Sincerely, Darrell Schumacher 745 NW Witham Dr, Corvallis, Or 97330

- **Prev by Date:** <web>Web Request - The Gem
- **Next by Date:** Open Space Tour Invitation
- **Previous by thread:** <web>Web Request - The Gem
- **Next by thread:** Open Space Tour Invitation
- **Index(es):**
 - **Date**
 - **Thread**

[Date Prev][Date Next][Thread Prev][Thread Next][Date Index][Thread Index]

Cell Phone Tax

- *To:* ward8@XXXXXXXXXXXXXXXXXXXXXXXXXXXX
- *Subject:* Cell Phone Tax
- *From:* "Debbie Moynihan" <debbiemoynihan@XXXXXXXXXXXX>
- *Date:* Thu, 04 May 2006 07:57:02 -0700

Betty,

I am unable to come to today's meeting because of work. I want to let you know I am opposed to the cell phone tax. We in Corvallis already pay a lot of taxes - more than most places in Oregon. We do not need one more extra expense. Cell phones may be a "luxury" but are also a safety device. I have mine for the sole purpose of being able to call for help if necessary. It stays in my car, turned off! I was very glad to have it when my car "died" on my way to Portland one day.

Please let the City Council know it would be unwise to institute a cell phone tax. Thank you,

Debbie Moynihan (27th Street)

- **Prev by Date:** [SPAM] Corvallis Travel News
- **Next by Date:** **Earth Charter Celebration and You're Invited!**
- **Previous by thread:** [SPAM] Corvallis Travel News
- **Next by thread:** **Earth Charter Celebration and You're Invited!**
- **Index(es):**
 - **Date**
 - **Thread**

[Date Prev][Date Next][Thread Prev][Thread Next][Date Index][Thread Index]

FW: [Fwd: Cell TAX]

- *To:* "Louie, Kathy" <Kathy.Louie@xxxxxxxxxxxxxxxxxxxxxx>
 - *Subject:* FW: [Fwd: Cell TAX]
 - *From:* "Gager, Kathy" <Kathy.Gager@xxxxxxxxxxxxxxxxxxxxxx>
 - *Date:* Wed, 26 Apr 2006 16:05:21 -0700
 - *Cc:* "Ward 8" <ward8@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>
 - *Thread-index:* AcZpd8LqyDM+FVLJRbeLVkGjXHAU7QADfkRA
 - *Thread-topic:* [Fwd: Cell TAX]
-

Kathy, I think this is for you. If not, I don't know what heraing Betty is referring to. Kathy G.
 -----Original Message-----

From: Ward 8
Sent: Wednesday, April 26, 2006 2:26 PM
To: Gager, Kathy
Subject: [Fwd: Cell TAX]

Information for hearing.
 Betty

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

Subject: Cell TAX
Date: Thu, 20 Apr 2006 20:58:07 -0700
From: "Bill Johnson" <oldwildbill38@xxxxxxx>
To: <ward8@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>

Betty I would like to change my stand on the cell phone tax. The more I think about it why should the city tax an item that does not use or touch the city's infrastructure? All the signals are in the air! The city does not tax us to breath! I would say we all need to think this one out. HAVE A GREAT DAY
 Bill Johnson 

- Prev by Date: **Re: Save the Date for the BEC Grand Opening**
- Next by Date: **what will be left of the bridge?**
- Previous by thread: [Fwd: Cell TAX]
- Next by thread: **RE: [Fwd: Cell TAX]**
- Index(es):
 - **Date**
 - **Thread**

**HUMAN SERVICES COMMITTEE
MINUTES
May 2, 2006**

Present

Councilor Patricia Daniels, Chair
Councilor Charles Tomlinson
Councilor Emily Hagen

Staff

Jon Nelson, City Manager
Judy Somes, Community Development
Karen Emery, Parks and Recreation
Carrie Mullens, City Manager's Office

Visitors

Debbie Parsons, United Way

SUMMARY OF DISCUSSION

<u>Agenda Item</u>	<u>Information Only</u>	<u>Held for Further Review</u>	<u>Recommendations</u>
I. Social Services Second Quarter Report			<ul style="list-style-type: none"> • Accept the Social Services Second Quarter Report for Fiscal Year 2005-2006
II. Boys and Girls Club Annual Report			<ul style="list-style-type: none"> • Accept the Boys and Girls Club Annual Report for Fiscal Year 2004-2005
III. Other Business	***		

Chair Daniels called the meeting to order at 12:52 pm.

CONTENT OF DISCUSSION

I. Social Services Second Quarter Report (Attachment)

Community Development Management Assistant Somes reported that United Way performs a sixth month site visit to each client. Attached to the staff report is the worksheet used during the site visits, a narrative of each visit, and updated allocation information for each agency.

United Way Business Services Director Parsons clarified that United Way does one site visit per year. Besides the quarterly reports, the agencies submit a final report at the end of each year.

In response to Councilor Tomlinson's inquiry, Ms. Parsons said it is difficult to track trends in social services; however, the new outcome based measuring tool has helped agencies understand changes and where they need to emphasize their service. Ms. Parsons said some agencies are continuing to struggle with outcome based reporting, but those who have embraced the reporting process are able to use the outcomes for development and enhancement of programs.

Councilor Tomlinson inquired about databases that might help agencies streamline reporting for a broad range of services. Ms. Parsons responded that United Way has provided grants to help fund data entry and purchase software. She is not aware of any software available for social service reporting or data collecting. Ms. Parsons said many agencies are collecting data they have never collected before and are gaining significant information. Once they set up their database, there is less paperwork in the long term.

In response to Councilor Daniels inquiry, Ms. Parsons said Community Outreach, Inc. is struggling to hit capacity because of funding levels. They realize they set their targets too high and have now adjusted for better outcomes. The advantage of using outcome based measurements is the ability to evaluate and revise.

The Committee unanimously recommends that Council accept the Social Services Fiscal Year 2005-2006 Second Quarter Report.

II. Boys and Girls Club Annual Report (Attachment)

Recreation Division Manager Emery reported that in 1997-1998, the City allocated \$100,000 toward the construction of a new Boys & Girls Club facility. In return, the Club agreed to provide the City with an annual report for 25 years. The Club continues to experience a 20 percent participation increase and hopes to have a plan in place by the end of the year for expansion into South Corvallis.

Ms. Emery said Club CEO Bason could not attend the meeting due to an emergency. After a brief discussion, the Committee requested that Mr. Bason be scheduled for a future meeting to clarify Club activities.

In response to Councilor Tomlinson's inquiry, Ms. Emery said she is unaware of City staff participation working with the Club on the South Corvallis expansion. Ms. Emery and Mr. Bason belong to a coalition related to the Lincoln School activities. The school received a five-year grant that reduces funding levels in years four and five. The program is currently in year three. The coalition is comprised of individuals interested in making the school program a community-based program which will tie into what the Boys and Girls Club does in South Corvallis. The Club recognizes that they are underserving the South Corvallis community.

The Committee unanimously recommends that Council accept the Boys and Girls Club Annual Report.

Human Services Committee
May 2, 2006
Page 3

III. Other Business

The next Human Services Committee meeting is scheduled for 12:45 pm on Tuesday, May 23, 2006 in the Madison Avenue Meeting Room.

Respectfully submitted,

Patricia Daniels, Chair

MEMORANDUM

Date: March 28, 2006

TO: Human Services Committee

FROM: Ken Gibb, Community Development Director



SUBJECT: Social Services Quarterly Report - Quarter Ending December 31, 2005

I. Issue

Under the terms of the social services funding Agreement between the City of Corvallis and United Way, review and approval of quarterly reports is required.

II. General Discussion

United Way is the City's designated administrator for Social Service funding for FY 05-06. A three year agreement for administration services was entered into with United Way on July 1, 2004. The amount of the contract for FY 05-06 \$363,460, of which \$345,287 will be distributed to agencies and \$18,173 is the service fee paid to United Way for administration of the program. Payment of \$30,288.33 is made monthly.

Attached is a copy of a blank *Six Month Site Visit Worksheet* (Attachment 1). Either a United Way staff person or a volunteer, on a planned site visit, completes this evaluation. The evaluation is then capsulated in the *6 Month Report - City of Corvallis Social Service Funding* for each service provider (Attachment 2). The last item attached is a spreadsheet showing the allocations for the current year (Attachment 3).

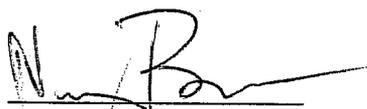
At time of this report to HSC, two agencies had not yet provided their second quarter report. Staff has requested United Way to withhold the March allocation until there is reporting compliance.

United Way has been provided with a copy of the staff report, notified of this committee meeting and invited to attend.

III. Action Recommended

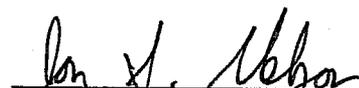
A Motion to recommend acceptance of the second quarter report.

REVIEWED AND CONCUR:



Nancy Brewer
Finance Director

REVIEWED AND CONCUR:



Jon S. Nelson
City Manager

Agency: _____

SIX MONTH SITE VISIT WORKSHEET

Program: _____

REPORTS CONSIST OF 4 ITEMS:

- ✓ A narrative describing service provision and program delivery during reporting period
- ✓ The success measurement tool that was submitted during proposal updated for progress during reporting period
- ✓ An evaluation plan form outlining process for collecting data
- ✓ A financial statement that includes revenue & expenses, both budget and actual for the reporting period

THINGS TO CONSIDER WHEN REVIEWING REPORTS:

Narrative

- ▶ Is the narrative clear and concise?
- ▶ Does it provide a good overview of the services provided during the reporting period?

Success Measurement Tool

- ▶ Are the outputs reasonable?
- ▶ Are the indicators measurable?
- ▶ Has there been progress on the originally proposed outcomes, outputs, & indicators?

Evaluation Plan

- ▶ Does each outcome have a plan for tracking results?
- ▶ Are the plans reasonable with regard to staff commitment & timeliness for grant period?

Financial Statements

- ▶ Are actual numbers reasonable against budget numbers?
- ▶ Is there an excess or deficit at the six month mark?
- ▶ Is the excess/deficit extraordinary for a six month period?

Notes:

QUESTIONS TO ASK AT SITE VISITS:

Success Measurement Tool

How do you feel the progress of your proposed outcomes is going?

Have you found difficulty in tracking any of your originally proposed outcomes?

Are there any outcomes or indicators that you would like to revise?

Of the originally proposed outputs & indicators, are you on track to meet the numbers and activities proposed?

What have been the biggest challenges for this measurement process?

Evaluation Form

Were there any challenges you experienced in determining the components on this form?

If so, did they provoke you to change any of your originally proposed outcomes?

Financial Statement

Has your budget changed since your original submission? If so, why?

Are you on target for year end expectations for both revenue & expense?

If there is a significant excess or deficit at the six month mark, why, i.e., did you receive or spend a lump sum that will offset during the remainder of the year?

Other questions/notes/recommendations/issues:

6 MONTH REPORT

CITY OF CORVALLIS SOCIAL SERVICE FUNDING

For this reporting period, the agencies were to provide the following items: a narrative about services provided during the period, an updated Success Measurement Tool, and Evaluation Plan, and a six month revenue & expense statement. Overall, the agencies provided thorough reports. There were some deficiencies, but we have worked through them.

Also, we have had another staff change, so I will be overseeing the granting process again. I hope to bring more stability to the process.

Volunteers and/or staff did reviews and interviews with each of the funded agencies. I have attached the form that was used to do the review.

The following report summarizes the information from the reviews.

BENTON FURNITURE SHARE

This agency has been undergoing some significant infrastructure changes since July. Molly Gage has been the director for six months now. One of the main changes is the furniture transportation method. Previously, the agency contracted with Cornerstone Associates to provide weekly transportation routes. However, due to insufficient funding, this contract has been discontinued. As a replacement, the agency has hired a 9-hour per week staff person to assume these tasks.

The agency is currently reviewing policies & procedures and creating a strategic plan.

Financially, the agency is on track with their budgeted numbers for both revenue and expense.

Molly likes using the outcomes measurement matrix system. The agency has had some difficulty tracking some of their outcomes in that they are still counting and recording by hand. They are trying to create an efficient database to make this process easier.

CASA-VOICES FOR CHILDREN

CASA recruited seven new volunteers to be CASAs. They have all been trained and assigned cases. Five more new volunteers will be trained in February. The City of Corvallis funding provides the support to recruit and train these volunteers. The CASA program has been tracking outcomes for several years already and has merely extended in tracking to include the City of Corvallis dollars. During July through December, all children that were considered wards of the State in Benton County were provided a CASA to advocate for them through the legal processes. This is the main goal for CASA to sustain.

This agency is also undergoing significant staff changes. Their long-time Executive Director has left and they have hired Joanna Engle as her replacement. Joanna is not experienced with outcomes measurement, so her learning curve will be quite steep. Also, the resource development person that prepared the reports is no longer with the agency.

They have created an extensive evaluation plan that outlines the methods to measure their indicators, much of which was previously prepared for other purposes.

Financially, they are showing a deficit. However, it seems that it is a timing issue related to when they will receive different revenue sources, rather than a misbudgeting issue.

CENTER AGAINST RAPE & DOMESTIC VIOLENCE (CARDV)

CARDV has had several new additions to their staff during the last few months. A federal grant is funding 2 Crisis Response Advocates. These advocates will respond on scene to calls from law enforcement in Linn County requesting assistance during domestic violence calls.

Grants from Meyer Memorial Trust & Oregon Community Foundation are funding a half-time Development/Public Relations Director.

CARDV continues to provide wrap-around shelter services for victims of domestic violence and support groups for victims of domestic violence that may or may not reside in the shelter, as well as community education opportunities.

The indicators provided on the updated outcomes measurement matrix are extremely strong. 100% of adult shelter residents developed safety plans; 100% of shelter residents developed short term or immediate need case plans; 100% of support group attendees indicated increased understanding of how to access support & resources; and 90% of support group attendees indicated increased understanding of domestic violence & sexual abuse. All of these indicators are showing progress in the agency's projected outcomes.

Again with this agency, tracking has been a bit difficult because the majority of the work is done by hand. They have an OSU student working on developing a database to better track statistics. However, the agency's staff feels that the granting process works well for them.

COMMUNITY OUTREACH, INC.

This agency has eight programs funded with City of Corvallis dollars: Emergency Shelter (women's, men's, & family); Transitional Housing; Families in Transition; Crisis Intervention, Information & Referral; Homeless Emergency Services; Mental Health Services; Emergency Food Bank; and Medical Clinics.

According to their narrative, the agency has reworked some of their programs in order to better meet & progress with their outcomes.

"In the Transitional Housing program, we wanted to track that 70% of clients will achieve some sort of income and 50% of clients will obtain permanent housing and 80% of clients who request substance abuse counseling will have access to treatment services. We have just developed and implemented an electronic Exit Questionnaire, a three-month follow-up questionnaire, and a six-month follow-up questionnaire. We teach all our clients to use computers and to open up an email account. This approach will enable us to track our clients after discharge regardless of where they are staying. (Our clients are part of a transient community and difficult to follow up with.) At this time, we have not collected enough data to report significant results."

When asked if there were any outcomes or indicators they would like to change, they responded very thoughtfully with, "In the Emergency Shelter program, one of our indicators was to provide 100% of clients with bus tickets if appropriate. Due to our limited budget, the availability of bus tickets has varied and we haven't met this indicator all the time. We'd like to change it to 75%."

In the Emergency Food Bank program, we have an outcome to "supplement food bought with food stamp allotments." We'd like to eliminate this outcome because we have not been able to track this for each client as we thought we would be able to and it is not as important as the other three outcomes we are tracking.

In the Emergency Food Bank program, we have an outcome to "access nutritional food, promoting a balanced diet." We want to change the indicator to 75% of the time, a more realistic number given we are dependent on Linn Benton Food Share's funding for the quality of the food they are able to provide us."

These revisions have been noted for their year end report.

The agency has also struggled with capacity for their Alcohol & Drug Treatment program, as they have not had enough space for all clients that have requested treatment.

With regard to challenges in using this process, they replied, "The program managers who manage social service programs also provide data for each program. It is time-consuming to do both with quality and adequately balance client and agency administrative requests, especially when you consider some of our program managers have responsibilities for more than one program area. In addition, all managers are not equally adept at sharing electronic information efficiently."

The agency expects to be right on target with the revenues & expenses for the year.

COMMUNITY SERVICES CONSORTIUM – EMERGENCY HOUSING

This agency provides rental and housing assistance in order to keep people in their current housing situations. The agency indicated that they have never seen the demand for service at this level. Consequently, they are working to create better partnerships with other agencies in order to make the dollars go further.

The agency has had a little bit of difficulty with creating some true outcomes. We are working with them to expand their information. With regard to indicators, however, the program is doing well. Of the households served prior to October, all were still in permanent housing as of December 31. This indicates that with the program's assistance these families were able to remain stable.

Based on their updated budget, the program expects to be on target with revenues & expenses through the end of the year.

COMMUNITY SERVICES CONSORTIUM – LINN BENTON FOOD SHARE

This agency is on track to provide almost 500,000 pounds of food to Corvallis agencies with the City of Corvallis Social Service funding during the year. They are accomplishing this despite declining quantities from the Oregon Food Bank and the USDA.

This program is progressing toward their outcome of assisting in making a healthier and more secure population. Since their service acts indirectly in fulfilling this outcome, the program's indicators relate to services provided by agencies to which the food was distributed. Examples include the number of meals served in soup kitchens and shelters and the number of food boxes supplied by emergency food pantries.

The only challenge this program indicated was the amount of time and resources it takes to complete the 6 month evaluation. According to their staff, they are target for their revenues & expenses for the year.

CORVALLIS COMMUNITY CHILDREN'S CENTERS

This agency has struggled throughout the various granting cycles with due dates and complete submission information. The agency staff feels that it is not difficult to track the outcomes, however, that it is difficult to measure them.

This agency provides subsidized childcare for low-income Corvallis families. This program is progressing toward their outcomes of 1) providing a greater continuity of care; 2) parent satisfaction with care provided; and 3) normal developmental progression of children in care. They are doing this by tracking length of care for children on subsidy versus children not on subsidy, satisfaction surveys, and using Ages & Stages assessment tools.

This program is on track with their revenues and expenses.

DIAL-A-BUS

Dial-a-Bus provided over 15,000 rides during the 2nd quarter of 2005-2006, which is at approximately the same level from the same quarter last year. However, the revenue did increase from the previous year.

Their outcomes include increasing or maintaining the self-sufficiency of elderly and disabled residents. They are tracking this by creating a survey of riders. Data has not yet been collected to assess this outcome.

Financially, the program is reflecting an excess through December. The agency expects to be on target for year end for both revenues & expenses.

HOME LIFE, INC. – TRANSITION, TRANSPORTATION, & DENTAL PROGRAMS

This agency's report was extremely thorough and thoughtfully prepared. The quality of the report made it very easy for the volunteer to do the site visit.

The City of Corvallis Social Service funding provides significant support for the Transition program. The agency is most excited about the progress of this program this year. One of the clients, who lived at Koebel House for roughly 7 years, has transitioned into the Supported Living program, where he will live with a roommate. Home Life estimates that they have spent about 200 staff hours preparing this client for his transition.

Another client has then transitioned into Koebel House from the Duplex, which is for clients with higher needs and are less self-sufficient. Six staff members have provided approximately 400 hours toward this transition.

Both of these examples show the transitional nature of this program, even though the length of the transition is quite long.

The main indicator for this program's outcomes is the completion of clients' action plans for skill building. In their original application, the agency projected that 75% of the clients would complete the action plans. Encouragingly, the actual figures indicate that 85% of them are completed.

For the Dental program, the agency has been analyzing how best to use the funds. They have determined that two clients that will be assisted during the next several months with some extensive work. However, they have not yet spent any of the funds as of December.

The Transportation program helps subsidize both internal costs of transporting clients and trips utilizing the Corvallis Transit System & Dial-a-Bus. The costs for any agency that is transportation-related are increasing due to the increase in fuel costs. Again, this program's indicators relate to clients creating and implementing action plans with regard to their transportation needs. So far, over 85% of clients have completed their

plans. The agency had originally anticipated that only 50% of the clients would complete their plans.

Financially, each of the programs is on target with the use of the City of Corvallis funds.

JACKSON STREET YOUTH SHELTER (JSYS)

This agency has really embraced the use of outcomes measurement. Unlike several of the other agencies, JSYS has already developed their tracking database and it is fully operational. They did not indicate any challenges to meet their proposed outcomes & indicators. One of their main goals is to increase stability and family cohesiveness for the youth that use their services. One of the indicators for this program is that 100% of the youth participate in family meetings, which is thus far being met.

Financially, this agency is struggling somewhat and is working hard to stabilize their cash flow. They anticipate being right on track by year end with their revenue & expenses.

MID-VALLEY HOUSING PLUS – EMERGENCY & TRANSITIONAL SERVICES

This City of Corvallis Social Service funding provides support for a Health Counselor for this agency. This position works to provide individualized coordination & assistance in obtaining supportive services, crisis intervention, mental & physical health coordination, food, clothing, transportation, & housing stabilization for their clients who are mentally ill. The counselor provides services to clients with both emergency and transitional needs. Emergency needs would include things like food & clothing; transitional needs would entail more case management.

Due to the transition to the outcomes measurement process, this agency has created a new partnership with the Benton County Corrections Department. Mid-Valley Housing Plus will be collecting data to help determine the effects of their services for clients who receive their services versus individuals that do not receive services and are incarcerated with Benton County Corrections.

With regard to measuring outcomes, this agency is also working on setting up a database. Therefore, they are still doing the tracking by hand and is quite labor intensive. They feel that they are very well on track to meeting their expected outcomes.

Financially, the agency has spent the City of Corvallis funds directly on staffing costs, so there is no deficit or excess at this time.

OLD MILL CENTER

This agency has not yet submitted reports. Since the due date, we have been in consistent contact with the agency, but due to all of our staff changes, we have not withheld any funds. We have most recently followed up with the agency during the week of March 20th. We anticipate their submission imminently.

PARENT ENHANCEMENT PROGRAM

This agency has provided a variety of services during this quarter, including home visits; transportation for school, medical appointments, & interviews; newsletter produced in both English & Spanish; sewing, crafts, and parenting classes; a holiday party; and childcare provided during classes & meetings.

The agency has a \$45,000 deficit through six months, but they feel that they are making things work with what they have. They are working on more grants and fundraising events. We will more closely monitor this during the next quarter's report.

PEP created a database 3 years ago that they use to track outcomes. It has made tracking for this process very easy. They indicated that it has significantly helped with grant writing. It is also very adaptable so that they are able to add, remove, or change outcomes. They also like using the logic model matrix and find it to be a good planning tool.

PRESBYTERIAN CHILD CARE CENTER

This agency uses the City of Corvallis funds to provide emergency & short-term transitional childcare assistance. One of the individuals was a teen mother who was referred by the Benton County Health Department. She needed care for her child until Winter Break started. The Health Department felt there was an environmental safety concern for the child, which brought about the referral.

The agency also assisted a single parent who needed care for a child with a disabling illness for only two months during summer until the child went to private school on scholarship in September.

The examples provide good evidence that this agency truly meets the emergency & transitional services criteria. One of the outcomes this agency is working to satisfy is to increase parent awareness in how to meet the social and emotional needs of their children. By providing care for the above two examples, the agency was able to talk with the parents and created an avenue for dialogue about the children's needs, and therefore made progress on their outcome.

Financially, they have a small excess after 6 months, so they are track with their revenues & expenses for the end of the year.

RETIRED & SENIOR VOLUNTEER PROGRAM – SAFE & SECURE SENIORS INDEPENDENT

RSVP got a new program coordinator, Cathy Morris, after Cynthia Hylton left the program. Cathy started working to bring the original partners that started this program back together to re-energize the program.

This program has struggled to get requests for inspections from seniors. However, there was an article in the newspaper in late December, which brought in five requests in early January for inspections.

During this reporting period, much of the agency's efforts have been directed toward the Medicare prescription plan and getting people signed up. During the final six months of the grant, the agency expects to redirect more of their efforts to this program.

Their outcome they are looking to measure uses the indicator of a decrease of 1% in property crime rate for seniors. This is a somewhat long-term outcome, in that it will be measured across a five year period. Therefore, during that time, the program concentrates on outputs, including homes inspected, volunteers assisting in the program, and presentations given in the community about the program.

Financially, the program is on track with its revenues & expenses.

SENIOR SERVICES – MEALS ON WHEELS

This agency has not yet submitted reports. Since the due date, we have been in consistent contact with the agency, but due to all of our staff changes, we have not withheld any funds. We have most recently followed up with the agency during the week of March 20th. We anticipate their submission imminently.

VINA MOSES CENTER – FISH & FAMILY SHOPPING

This agency is struggling with the outcomes measurement process for these grants. They are able to track outputs quite easily, but translating those into indicators & outcomes is a significant challenge. Both programs expect to increase family stability, improve standard of living, and decrease financial stress. The challenge they are having is in getting former clients to provide feedback regarding these outcomes. The agency's staff is working to create more effective surveys & survey methods in order to get a better response rate.

In terms of services provided, the agency helped with rental assistance, medical assistance, transportation assistance, and utility assistance to hundreds of families. Also, hundreds of people have shopped in the Center for clothing and small household good. These services, by nature, increase stability and decrease stress, but the agency is working to get measurable results to back up the inherent assumptions.

**City of Corvallis FY 2005-2006 Social Service Allocation
Administered by United Way**

	Program	City Award
Benton Furniture Share	Furniture Distribution	\$3,000
CASA-Voice for Children	Staff Support	\$12,500
Center Against Rape & Domestic Violence	Shelter and Response	\$32,500
Community Outreach, Inc	Crisis Intervention I & R	\$5,637
Community Outreach, Inc	Emergency Food Bank	\$4,000
Community Outreach, Inc	Emergency Shelter	\$17,000
Community Outreach, Inc	Families in Transition	\$15,000
Community Outreach, Inc	Homeless Emergency Services	\$6,000
Community Outreach, Inc	Medical Clinics	\$14,250
Community Outreach, Inc	Mental Health Services	\$12,000
Community Outreach, Inc	Transitional Housing	\$23,300
Community Services Consortium	Emergency Housing	\$12,000
Community Services Consortium	Linn Benton Food Bank	\$30,000
Corvallis Community Children's Center	Subsidized Childcare	\$15,000
Dial-a-Bus	Subsidized Transportation	\$1,000
Home Life, Inc.	Community Transition	\$30,000
Home Life, Inc.	Dental Services	\$3,000
Home Life, Inc.	Transportation	\$2,000
Jackson Street Youth Shelter	Emergency Shelter	\$15,000
Mid-Valley Housing Plus	Emergency Services	\$12,000
Mid-Valley Housing Plus	Transitional Services	\$15,000
Old Mill Center	Child Sex Abuse Treatment	\$8,500
Old Mill Center	Family Divorce Program	\$6,000
Old Mill Center	Transitional Services	\$13,000
Oregon Cascades West Seniors	Senior Meals	\$10,000
Parent Enhancement Program	Teen Monitors	\$6,000
Presbyterian Child Care Center	Subsidized Childcare	\$10,000
Retired & Senior (RSVP)	Safe & Secure Seniors	\$1,600
Vina Moses Center	Family Shopping Center	\$7,000
Vina Moses Center	FISH	\$3,000
Total Allocation to Programs		\$345,287
United Way Administrative Fee		\$18,173
Total City Allocation		\$363,460



MEMORANDUM

To: Human Services Committee
From: Julee Conway, Parks and Recreation Director
Karen Emery, Recreation Division Manager
Date: April 10, 2006
Subject: Boys and Girls Club Annual Report

Issue:

In Fiscal Year 1997-1998, the City Council allocated \$100,000 toward the construction of the new Boys and Girls Club facility. As part of that allocation agreement, for 25 years, the Boys and Girls Club must provide the City with an annual report outlining how the club's programs are meeting the City's goal of addressing the needs of youth in the community.

Discussion:

According to the information provided by the Boys and Girls Club Director, Steve Bason, the club served over 5,000 individual youth in its eighth year of operation. This is a 20% increase as compared to the number of youth served last year.

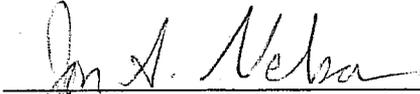
The Boys and Girls Club Board of Directors has determined that the Club under serves youth in south Corvallis. As a result, they have adopted a vision to expand services specific to south Corvallis. A task force was formed and is currently developing recommendations for the Board of Directors consideration.

Attached for your review is the information provided by Mr. Bason accompanied by material prepared by their accountant covering the last full fiscal period for the Club which ended March 31, 2005.

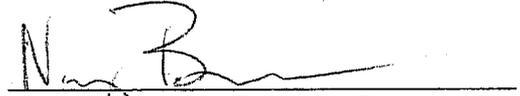
Recommendation:

Staff recommends that the Human Services Committee accept the Corvallis Boys and Girls Club annual report.

Review and Concur:



Jon S. Nelson, City Manager



Nancy Brewer, Finance Director

Attachments

1. Boys and Girls Club Annual Report
2. Finance Department's Financial Review of Boys and Girls Club Financial Statements

MEMORANDUM

April 18, 2006

TO: Karen Emery, Recreation Division Manager

FROM: Bob Wrightson, Assistant Finance Director 

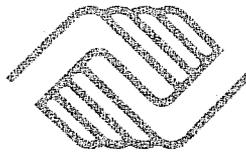
SUBJECT: Boys & Girls Club of Corvallis, Inc. Annual Financial Review as of March 31, 2004.

This review consists of inquiries and analytical procedures and is very limited in its nature. The Statements of Financial Position, Statement of Activities and Changes in Net Assets, Statements of Functional Expenses, Statement of Cash Flows, the related Notes to the Financial Statements, and additional information are audited financial reports that are the representation of the Boys & Girls Club of Corvallis management. The financial statements, notes to the financial statements, and supplementary information were audited by Joseph L. Harman, CPA. The auditor rendered an unqualified opinion on the Boys & Girls Club of Corvallis, Inc financial statements and attests that the statements present fairly the financial position of the Boys & Girls Club of Corvallis, Inc.

Boys & Girls Club of Corvallis records transactions on the accrual basis of accounting. During the year ended March 31, 2005, The Boys and Girls Club reported total revenues of \$1,223,451, and total expenses of \$1,241,945 resulting in a decrease in net assets of \$18,494.

During the fiscal year ended March 31, 2005 total assets increased by \$24,135 (\$5,396,837 as of March 31, 2004 compared to \$5,420,972 as of March 31, 2005). Liabilities increased by \$12,305 (\$18,273 as of March 31, 2004 compared to \$30,578 as of March 31, 2005).

In connection with this review, nothing came to our attention that would be cause for further review or concern. Acceptance of the Boy's & Girls Club of Corvallis annual report is recommended.



**BOYS & GIRLS CLUB
OF CORVALLIS**

April 12, 2006

Boys & Girls Club of Corvallis: Annual City Report

To: Corvallis City Council
c/o Karen Emery, Recreation Division Manager

The Boys & Girls Club of Corvallis just concluded its 8th year of operation at the 1112 NW Circle Blvd. location.

Our facility was built to address the need for a school-age drop-in program during non-school hours and to provide a safe, supervised facility with programs that enhance and enrich our community's youth.

During this 8th year of operating, we are providing programs and activities to over 5,000 youths. Daily attendance in the Clubhouse After-School Program has grown to an average of 330 participants each day. We provide a diverse selection of opportunities and activities including educational, recreational and nationally recognized Boys & Girls Club programs.

Club features include:

- Daily arts & crafts
- Meals for youth on school & non-school days
- Teen programs
- Recreation: indoor & outdoor activities, gym & game room activities
- Computer/Education: computer literacy, tutoring & homework assistance
- Citizenship & Leadership groups
- After-school, non-school day, and summer state-certified school-age care
- Athletic team sports: boys, girls, & co-ed

Once again, we thank the City of Corvallis for its role in making this facility a reality!

Sincerely,

Stephen B. Bason, CEO
Boys & Girls Club of Corvallis

The Positive Place For Kids

1112 NW Circle Blvd. Corvallis, OR 97330 • 541-757-1909

Boys & Girls Club of Corvallis

We believe that...

- Children are an integral part of a community and the future of our society.
- Our best hope for the future is to support growth and enrichment through challenging, fun activities with the guidance of caring adult role models.
- Children learn and develop through a choice of diverse experiences.
- Every child deserves equal access to community programs and resources.
- Adults gain immense satisfaction by personally contributing to the positive development of youth.

Therefore our mission is to...

- Provide opportunities for school age youth to independently grow and develop their intellectual, athletic and social skills in a challenging, safe and supportive environment.
- Advocate and develop a diversity of programs that join youth from different social, economic, cultural and ethnic backgrounds.
- Offer examples of opportunity and maturity through interaction with adult mentors.

Our youth development strategy...

Incorporating in all programs and activities four basic "senses" or feelings which, when possessed by young people, help them build self-esteem and develop into responsible citizens and leaders. These four senses are:

A sense of belonging

A setting where an individual knows he or she has a place and where he or she "fits" and is accepted.

A sense of usefulness

The opportunity to do something of value for other people.

A sense of competence

The feeling there is something boys and girls can do, and do well

A sense of influence

The chance to be heard and to influence decisions.

Our slogan is...

"The Positive Place for Kids"

Boys & Girls Clubs Work!

According to an independent survey of Boys & Girls Club alumni, conducted by Louis Harris & Associates, Inc. in May of 1999, alumni overwhelmingly reported that the Boys & Girls Club had a positive effect on their lives.

- 93% of alumni reported that being in a Boys & Girls Club had a positive effect on their lives.
- Those who had the greatest obstacles to overcome (ethnic minorities and economically disadvantaged) were the most likely to perceive a positive impact.
- 95% said that when they were growing up there were few options besides the Boys & Girls Club. 65% said it was the only place they could go for organized activities.
- 70% of the alumni believed their Boys & Girls Club experience helped them avoid difficulty with the law. Many felt their lives would have been different if they had not gone to a Boys Club/Boys & Girls Club.
- 85% believe their Boys & Girls Club experience enhanced their ability to work with others. 79% said it had a positive effect on their family life.
- 55% reported their Boys & Girls Club had a positive effect on their health and fitness.
- A majority of alumni reported that their Boys & Girls Club experience helped them in school, in learning to be leaders, and on the job. 93% believe that being in a Boys & Girls Club was important to their success in later life.

BOYS & GIRLS CLUB OF CORVALLIS, INC.

(A Not-For-Profit Corporation)

Corvallis, Oregon

Audited Financial Statements

Years Ended

March 31, 2005 and 2004

Audited by:

Joseph L. Harman, CPA

3326 NE Lancaster Street, Suite 1

Corvallis, Oregon 97330

Voice: (541) 752-5588

Fax: (541) 752-4689

BOYS & GIRLS CLUB OF CORVALLIS, INC.

(A Not-For-Profit Corporation)

Corvallis, Oregon

Board of Directors

Officers

Doris Johnston, President

President Elect, Ryan Sparks

Immediate Past President, Dorann Hurley

Jamie Hughes, Treasurer

Directors

Tom Ahlers

Rick Bennett

Patrick Crook

Joan Demarest

John Dezanni

Kerry Dyer

Brad Hanson

Randy Huber

Lisa John

Alan Lanker

Ronald Marek

Bill Mercer

Patrice O'Brien

Diana Simpson-Godfrey

Karen Stansbury

Barte Starker

Ron Thiesen

Dick Thompson

Biff Traber

Lark Wysham

Chief Executive Officer

Steve Bason

BOYS & GIRLS CLUB OF CORVALLIS, INC.

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JOSEPH L. HARMAN
CERTIFIED PUBLIC ACCOUNTANT

TAX, AUDIT, ACCOUNTING & CONSULTING SERVICES

INDEPENDENT AUDITOR'S REPORT

Board of Directors
Boys & Girls Club of Corvallis, Inc.
Corvallis, Oregon

I have audited the accompanying statement of financial position of the Boys & Girls Club of Corvallis, Inc. (an Oregon not-for-profit corporation) as of March 31, 2005, and the related statement of activities and changes in net assets, and statement of cash flows for the year then ended. These financial statements are the responsibility of the Club's management. My responsibility is to express an opinion on these financial statements based on my audit. The financial statements of the Boys & Girls Club of Corvallis, Inc. as of March 31, 2004, were audited by other auditors whose report dated July 9, 2004, expressed an unqualified opinion on those statements.

I conducted my audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that I plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and the significant estimates made by management, as well as evaluating the overall financial statement presentation. I believe that my audit provides a reasonable basis for my opinion.

In my opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Boys & Girls Club of Corvallis, Inc. as of March 31, 2005, and the changes in its net assets and its cash flows for the year ended then ended in conformity with accounting principles generally accepted in the United States of America.

My audit was conducted for the purpose of forming an opinion on the basic financial statements taken as a whole. The supplementary information on pages 13 and 14 is presented for the purpose of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of the Boys & Girls Club of Corvallis, Inc.'s management, and has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in my opinion, is fairly stated, in all material respects, in relation to the basic financial statements taken as a whole.

Joseph L. Harman, CPA

Corvallis, Oregon
June 24, 2005

3326 N.E. LANCASTER STREET #1, CORVALLIS, OR 97330

Email: joeharmancpa@comcast.net

Phone (541) 752-5588

Website: www.accountant-city.com/harmancpa/

Fax (541) 752-4689

BOYS & GIRLS CLUB OF CORVALLIS, INC.

STATEMENTS OF FINANCIAL POSITION

March 31, 2005 and 2004

	<u>2005</u>	<u>2004</u>
Assets		
Cash and cash equivalents	\$ 77,768	\$ 29,840
Accounts receivable	1,514	10,236
Grants receivable	927	6,502
Unconditional promises to give, net	97,556	81,728
Prepaid expenses	5,533	10,393
Investments	2,050,223	1,989,813
Property and equipment		
Office furniture and equipment	163,650	154,768
Sports equipment	107,859	104,629
Building	3,877,440	3,852,439
Accumulated depreciation	(961,498)	(843,511)
Property and equipment, net	<u>3,187,451</u>	<u>3,268,325</u>
Total Assets	<u><u>\$ 5,420,972</u></u>	<u><u>\$ 5,396,837</u></u>
Liabilities and Net Assets		
Liabilities		
Accounts payable	\$ 9,729	\$ 5,637
Payroll taxes and related payables	2,647	436
Accrued vacation payable	18,202	12,200
Total Liabilities	<u>30,578</u>	<u>18,273</u>
Net Assets		
Unrestricted		
Unrestricted	(12,757)	(731)
Facility Fund - Board designated	1,688,248	1,617,162
Investment in property and equipment	3,187,451	3,268,325
Safety Town	3,643	323
	<u>4,866,585</u>	<u>4,885,079</u>
Temporarily restricted		
M. George Fund	375	375
Unconditional promises to give	97,556	81,728
	<u>97,931</u>	<u>82,103</u>
Permanently restricted		
Program Endowment Fund	382,955	369,585
Thad O'Brien Memorial Scholarship Fund	42,923	41,797
	<u>425,878</u>	<u>411,382</u>
Total Net Assets	<u>5,390,394</u>	<u>5,378,564</u>
Total Liabilities and Net Assets	<u><u>\$ 5,420,972</u></u>	<u><u>\$ 5,396,837</u></u>

BOYS & GIRLS CLUB OF CORVALLIS, INC.
STATEMENTS OF ACTIVITIES AND CHANGES IN NET ASSETS
Years Ended March 31, 2005 and 2004

	2005				2004
	Unrestricted	Temporarily Restricted	Permanently Restricted	Total	Summarized Totals
Public Support					
Contributions	\$ 179,589	\$ 15,828	\$ 16,986	\$ 212,403	\$ 227,375
United Way allocations	19,206	-	-	19,206	21,763
Fundraising	139,308	-	-	139,308	134,353
Grants	68,729	-	-	68,729	102,102
Sponsors	31,050	-	-	31,050	26,545
Total Public Support	437,882	15,828	16,986	470,696	512,138
Other Revenue					
Membership fees	40,050	-	-	40,050	39,619
Participation fees	242,603	-	-	242,603	260,077
Contracts	300,001	-	-	300,001	216,965
Safety Town	8,763	-	-	8,763	5,385
Interest and dividend income	50,099	-	11,728	61,827	43,861
Investment net realized and unrealized gains	83,968	-	19,684	103,652	420,883
Other income	26,183	-	-	26,183	25,131
Total Other Revenue	751,667	-	31,412	783,079	1,011,921
Net Assets Released From Restrictions	33,902	-	(33,902)	-	-
Total Public Support and Other Revenue	1,223,451	15,828	14,496	1,253,775	1,524,059
Expenses					
Program services	994,010	-	-	994,010	929,072
Supporting services					
Management	102,595	-	-	102,595	84,423
Resource development	145,340	-	-	145,340	98,057
Total Expenses	1,241,945	-	-	1,241,945	1,111,552
(Decrease) Increase in Net Assets	(18,494)	15,828	14,496	11,830	412,507
Net Assets, Beginning of Year	4,885,079	82,103	411,382	5,378,564	4,966,057
Net Assets, End of Year	\$ 4,866,585	\$ 97,931	\$ 425,878	\$ 5,390,394	\$ 5,378,564

See accompanying notes

BOYS & GIRLS CLUB OF CORVALLIS, INC.

STATEMENTS OF FUNCTIONAL EXPENSES

Years Ended March 31, 2005 and 2004

	2005				2004
	Program Services	Supporting Services		Total	Summarized Totals
		Management	Resource Development		
Salaries and Related Expenses					
Salaries	\$ 555,880	\$ 54,045	\$ 92,204	\$ 702,129	\$ 585,271
Payroll taxes	53,180	5,303	10,002	68,485	60,244
Employee benefits	18,371	9,308	8,693	36,372	33,304
Total Salaries and Related Expenses	627,431	68,656	110,899	806,986	678,819
Other Expenses					
Advertising	1,765	835	-	2,600	1,471
Auto expense	1,530	1,267	252	3,049	2,983
Bad debts	289	87	100	476	1,504
Board expense	-	5,338	-	5,338	1,474
Contract service	4,188	-	1,235	5,423	8,580
Credit card fees	2,658	28	-	2,686	2,691
Dues	6,001	1,499	853	8,353	7,683
Equipment maintenance	1,531	-	-	1,531	767
Field maintenance	2,525	-	-	2,525	5,097
Field trips	10,248	-	-	10,248	10,093
License fees	545	-	-	545	525
Management fees	14,712	-	-	14,712	14,571
Miscellaneous expense	1,396	517	754	2,667	2,159
Officials	24,738	-	-	24,738	26,715
Permits	-	575	-	575	378
Postage	819	3,374	956	5,149	4,585
Printing	3,886	2,582	667	7,135	7,827
Professional expenses	-	5,491	-	5,491	4,620
Rent of equipment	2,599	-	6,472	9,071	9,223
Occupancy costs	93,823	637	-	94,460	89,085
Safety town	5,443	-	-	5,443	7,495
Scholarships	11,186	-	-	11,186	8,425
Seminars	1,270	2,440	3,148	6,858	1,917
Supplies	58,015	5,431	19,362	82,808	84,923
Tournament fees	3,904	-	-	3,904	4,803
Total Other Expenses	253,071	30,101	33,799	316,971	309,594
Total Expenses Before Depreciation	880,502	98,757	144,698	1,123,957	988,413
Depreciation and amortization	113,508	3,838	642	117,988	123,139
Total Expenses	\$ 994,010	\$ 102,595	\$ 145,340	\$ 1,241,945	\$ 1,111,552

See accompanying notes

BOYS & GIRLS CLUB OF CORVALLIS, INC.**STATEMENTS OF CASH FLOWS**

Years Ended March 31, 2005 and 2004

	<u>2005</u>	<u>2004</u>
Cash Flows from Operating Activities		
Increase in net assets	\$ 11,830	\$ 412,507
Adjustments to reconcile change in net assets to net cash provided by operating activities		
Depreciation and amortization	117,988	123,139
Investment net realized and unrealized gains	(103,652)	(420,883)
Donated equipment, goods and services	(28,000)	-
Decrease (Increase) in accounts and grants receivable	14,297	(9,767)
Increase in unconditional promises to give, net	(15,828)	(78,948)
Decrease (Increase) in prepaid expenses	4,860	(3,605)
Increase in accounts payable	4,092	3,675
Increase in payroll taxes and related payables	2,211	13
Increase (Decrease) in accrued vacation payable	6,002	(2,236)
Net Cash Provided by Operating Activities	<u>13,800</u>	<u>23,895</u>
Cash Flows from Investing Activities		
Purchase of property and equipment	(9,114)	(7,920)
Purchase of investments	(15,473)	(119,192)
Proceeds from sale of investments	58,715	89,927
Net Cash Provided (Used) by Investing Activities	<u>34,128</u>	<u>(37,185)</u>
Cash Flows from Financing Activities		
Payment on line of credit	-	-
Net Cash Used by Financing Activities	<u>-</u>	<u>-</u>
Net Increase (Decrease) in Cash and Cash Equivalents	47,928	(13,290)
Cash and Cash Equivalents, Beginning of Year	<u>29,840</u>	<u>43,130</u>
Cash and Cash Equivalents, End of Year	<u>\$ 77,768</u>	<u>\$ 29,840</u>

BOYS & GIRLS CLUB OF CORVALLIS, INC.
NOTES TO FINANCIAL STATEMENTS
Years Ended March 31, 2005 and 2004

Note 1. Description of Organization and Summary of Significant Accounting Policies

Organization and Nature of Activities

The Boys & Girls Club of Corvallis, Inc. (the Club) is a not-for-profit organization located in Corvallis, Oregon. The Club provides athletic and entertainment opportunities for boys and girls. The Club is supported primarily through participation fees, business sponsors, fund raising events and the United Way. The Club serves over 3,000 youth in its programs and entertainment events.

The following is a summary of the Club's more significant accounting policies. The summary is presented to assist with the understanding of the Club's financial statements. Insignificant accounting policies are not included.

Income Taxes

The Club is a not-for-profit corporation that is exempt from income taxes under section 501(c)(3) of the Internal Revenue Code. Accordingly, no provision for income taxes is included in the financial statements.

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Cash and Cash Equivalents

Cash and cash equivalents include all cash and cash equivalent accounts, which are not subject to withdrawal restrictions or penalties, and all highly liquid debt instruments purchased with a maturity of three months or less.

Promises to Give and Contributions

Unconditional promises to give cash and other assets to the Club are reported at fair value at the date the unconditional promise to give is received. Unconditional promises to give that are expected to be collected in future years are recorded at the present value of their estimated future cash flows. The discounts on future cash flows are computed using risk-free interest rates applicable to the years in which the promises are to be received. Amortization of the discounts are included in contribution revenue.

Conditional promises to give, and indications of intentions to give, are reported at fair value at the date the contribution is received.

BOYS & GIRLS CLUB OF CORVALLIS, INC.
NOTES TO FINANCIAL STATEMENTS
Years Ended March 31, 2005 and 2004

Note 1. Summary of Significant Accounting Policies (Continued)

Promises to Give and Contributions (Continued)

Contributions are reported as either temporarily or permanently restricted support if they are received with donor stipulations that limit the use of the donated assets. When a donor restriction expires, that is, when a stipulated time restriction ends or purpose restriction is accomplished, temporarily restricted net assets are reclassified as unrestricted net assets and reported in the statement of activities as net assets released from restrictions. Donor-restricted contributions whose restrictions are met within the same year as received are reported as unrestricted contributions in the accompanying financial statements.

The Club uses the allowance method to estimate uncollectible unconditional promises to give. The allowance reduces unconditional promises to give, recorded in the statement of financial position, to estimated net collectible amounts. The allowance estimate is based on prior years' experience and management's assessment of specific promises made.

Investments

Investments in equity securities and mutual funds with readily determinable fair values and all investments in debt securities and mutual funds are measured at fair value in the statement of financial position. Investment income or loss (including gains and losses on investments, interest and dividends) are included in the statement of activities as increases or decreases in unrestricted net assets, unless the income or loss is restricted by donor or law. Investment income or loss that is limited to specific uses by donor-imposed restrictions may be reported as increases or decreases in unrestricted net assets if the restrictions are met in the same reporting period as the income or loss is recognized.

Property and Equipment

Property and equipment acquisitions are recorded at cost. Donations of property and equipment are recorded as support at their estimated fair value and capitalized. Such donations are reported as unrestricted support unless the donor has restricted the donated asset to a specific purpose.

The Club follows the practice of capitalizing all expenditures for property and equipment in excess of \$500. Depreciation or amortization of all such items is computed on a straight-line basis over the estimated useful lives of the assets generally as follows:

Office & sports equipment	5 to 10 years
Field improvements	10 years
Signage	15 years
Building	39 years

BOYS & GIRLS CLUB OF CORVALLIS, INC.
NOTES TO FINANCIAL STATEMENTS
Years Ended March 31, 2005 and 2004

Note 1. Summary of Significant Accounting Policies (Continued)

Temporarily and Permanently Restricted Net Assets

Temporarily restricted net assets are those whose use by the Club has been limited by donors to a specific time period or purpose. Unconditional promises to give with payments due in future periods are also included in temporarily restricted net assets at their estimated net value. Permanently restricted net assets have been restricted by donors to be maintained by the Club in perpetuity.

Donated Equipment, Goods and Services

Equipment provided to the Club by others at no cost is reflected in the statement of activities at their fair value, when utilized. Goods and other assets, when donated, are reflected in the statement of activities at their fair values at the date of receipt. Professional services when donated, are reflected in the statement of activities at their fair value.

The Club's success in conducting its' mission is highly dependent on attracting volunteers. A substantial number of volunteers have donated many service hours to the Club's programs and fund-raising campaigns; however, these donated services are not reflected in the financial statements since the services do not require specialized skills.

Functional Allocation of Expenses

The costs of providing the various programs and activities have been summarized on a functional basis in the statement of activities. Accordingly, certain costs have been allocated among the programs and supporting services benefited.

Changes in Financial Statement Presentation

The Club has changed its method of presenting investment return in the statement of activities. Previously the Club reported net realized gains separately from net unrealized gains. For the current year's presentation, the Club combined these amounts of investment return into "Investment net realized and unrealized gains". Prior period information presented in this report has been restated to conform to this change. This presentation conforms to the guidance set forth in Financial Accounting Standard 124 (Accounting for Investments Held by Not-for-Profit Organizations).

The Club reclassified unrestricted net assets of \$81,728 associated with unconditional promises to give as of March 31, 2004, to temporarily restricted net assets. This reclassification conforms to guidance set forth in Financial Accounting Standard 116 (Accounting for Contributions Received and Contributions Made).

BOYS & GIRLS CLUB OF CORVALLIS, INC.
NOTES TO FINANCIAL STATEMENTS
Years Ended March 31, 2005 and 2004

Note 1. Summary of Significant Accounting Policies (Continued)

Summarized Totals

The financial statements include certain prior-year summarized comparative information in total but not by net asset class. Such information does not include sufficient detail to constitute a presentation in conformity with generally accepted accounting principles. Accordingly, such information should be read in conjunction with the organization's financial statements for the year ended March 31, 2004, from which the summarized information was derived.

Note 2. Promises to Give

Unconditional promises to give are as follows as of March 31:

	2005	2004
Receivable in less than one year	\$36,083	\$28,200
One to five years	67,366	53,528
More than five years	-	-
	<u>103,449</u>	<u>81,728</u>
Unamortized discount	(2,893)	(-)
	<u>100,556</u>	<u>81,728</u>
Allowance for uncollectibles	(3,000)	(-)
Unconditional promises to give, net	<u>\$97,556</u>	<u>\$81,728</u>

Conditional promises to give are as follows as of March 31:

	2005	2004
Club named beneficiary in will	<u>\$25,000</u>	<u>\$ -</u>

Conditional promises to give are not recognized in the financial statements until the promise to give become unconditional.

Note 3. Investments

Investments, stated at fair value, are as follows as of March 31:

	2005	2004
Equity securities	\$1,076,710	\$1,195,620
Fixed income securities	450,261	531,387
Alternative investments	234,919	170,803
Energy and real estate funds	195,766	-
Certificates of deposit	<u>92,567</u>	<u>92,003</u>
	<u>\$2,050,223</u>	<u>\$1,989,813</u>

BOYS & GIRLS CLUB OF CORVALLIS, INC.
NOTES TO FINANCIAL STATEMENTS
Years Ended March 31, 2005 and 2004

Note 3. Investments (Continued)

The Club maintains all of its investments, except its certificates of deposit, with the Oregon Community Foundation (the Foundation) in "The Boys and Girls Club of Corvallis Endowment Fund". Variance power over the Club's investments has been granted to the Foundation in an agreement dated October 25, 2000. Legally, under circumstances specified in the agreement and Oregon law, the Foundation has the power to make decisions concerning the Club's investments without approval of the Club's Board. The Club receives a distribution from its endowment held by the Foundation, on an annual basis. Although the Foundation has variance power over the Club's investments, as required by generally accepted accounting principles, for reporting purposes, the Club includes these investments in their net assets and the Foundation does not. Aggregate investment balances held by the Foundation, as of March 31, 2005 and 2004, were \$1,957,656 and \$1,897,810 respectively.

Note 4. Restricted Net Assets

The statement of financial position reflects amounts for designated, temporary and permanent restrictions placed on the Club's net assets by the Board and donors. The following is a summary of the more significant programs and their restrictions:

Facility Fund: The Club established the Facility Fund with an initial amount of \$1,500,000. The purpose of the fund is to insure the Club's financial ability to maintain its building long into the future, without impact on its programs or current operating funds. The investment earnings of the fund, as designated by the Board, are to be used exclusively for facility expenses that are designated in the funds operating guidelines. The fund is included with unrestricted net assets as the restrictions on the fund are at the Board's discretion.

Program Endowment Fund: In 1998, the Club established the Program Endowment Fund for all contributions designated for Club programs. Additionally, the Club considers all other contributions, unless designated otherwise, to be earmarked for Club programs and this fund. Contributions to the fund increase fund principle. Fund principle cannot be expended. Distributions from the fund are limited to 90 percent of the investment earnings of the fund for the fiscal year. Investment earnings, net distributions for the fiscal year, accrue to fund principle.

Thad O'Brien Memorial Scholarship Fund: In 1999, the Thaddius J.R. (Thad) O'Brien Memorial Scholarship Fund was established. The purpose of the fund is to provide scholarships to boys and girls who do not have the financial means to pay Club fees. Contributions to the fund increase fund principle. Fund principle cannot be expended. Distributions from the fund are limited to 90 percent of the investment earnings of the fund for the fiscal year. Investment earnings, net of scholarships for the fiscal year, accrue to fund principle.

Restricted net assets shown on the statement of financial position have been reduced by expenditures for these purposes.

BOYS & GIRLS CLUB OF CORVALLIS, INC.
NOTES TO FINANCIAL STATEMENTS
 Years Ended March 31, 2005 and 2004

Note 5. Line of Credit

The Club has a line of credit for \$30,000 maturing August 15, 2005. No funds have been borrowed on the line of credit as of March 31, 2005.

Note 6. Donated Equipment, Goods and Services

Contributions, recorded at fair value in the statement of activities for donated equipment, goods and services, are as follows, for the years ended March 31:

	2005	2004
Equipment and installation labor - security system	\$25,000	\$ -
Installation labor - front reception desk	<u>3,000</u>	<u>-</u>
	<u>\$28,000</u>	<u>\$ -</u>

Note 7. Land Lease

The Club leases the land on which their building was constructed. The lease is with Corvallis School District (the District) for a term of 99 years at \$1 per year. The term of the lease expires on August 2, 2095. The District entered into the lease because the purpose of the Club is compatible with the educational mission of the District. The District has some access to use the building and has the right to deny the use of the building to any group whose activities are not, in the sole judgment of the District, compatible with their educational mission.

Upon expiration of the lease, the Clubs building shall revert to the District. However, the District has agreed to consider an extension of the lease agreement. The building will also revert to the District if the Club should fail and an alternate, successor organization is not in place within a one-year period.

Note 8. Concentrations of Credit and Market Risk

As of March 31, 2005, the Club had cash deposits in excess of federally insured (FDIC) limits totaling \$45,348. Uninsured deposits expose the Club to the risk of uninsured loss.

Other financial instruments that potentially expose the Club to concentrations of credit and market risk consist primarily of various investments held by the Oregon Community Foundation (OCF). Although not federally insured by FDIC, these investments do not represent significant concentrations of market risk inasmuch as the Club's investment portfolio is adequately diversified among issuers, industries, and geographic regions.

BOYS & GIRLS CLUB OF CORVALLIS, INC.
NOTES TO FINANCIAL STATEMENTS
Years Ended March 31, 2005 and 2004

Note 9. Retirement Plan

The Club maintains a SIMPLE IRA plan for all eligible employees. The employer contributes a matching contribution to each eligible employee's SIMPLE IRA equal to the employee's salary reduction contribution, up to a limit of 3 percent of the employee's compensation for the year. The retirement plan match contributions were \$7,581 and \$8,191 for the years ended March 31, 2005 and 2004, respectively.

Note 10. Fair Value of Financial Instruments

The following methods and assumptions were used by the Club in estimating the fair value of its financial instruments:

Cash, cash equivalents and short-term unconditional promises to give: The carrying amounts reported in the statements of financial position approximate fair values because of the short maturities of those instruments.

Investments: These assets consist primarily of money market funds, equity securities (mutual funds) and corporate bonds. All these investments are valued using quoted market prices. The carrying amounts reported in the statements of financial position are fair value.

Long-term unconditional promises to give: The fair value of unconditional promises to give that are due in more than one year are estimated by discounting the future cash flows using a current risk free rate of return based on the yield of a U.S. Treasury security with a maturity date similar to the expected collection period.

Accounts, payroll and vacation payable: The carrying amounts reported in the statements of financial position for these liabilities, approximates fair value.

BOYS & GIRLS CLUB OF CORVALLIS, INC.
SCHEDULES OF SUPPORT AND REVENUE, EXPENSES AND
CHANGES IN TEMPORARILY RESTRICTED NET ASSETS
Years Ended March 31, 2005 and 2004

	2005			2004
	M. George Fund	Unconditional Promises To Give, Net	Total	Summarized Totals (Restated)
Support and Revenue				
Contributions	\$ -	\$ 15,828	\$ 15,828	\$ 72,446
Investment earnings	-	-	-	-
Total Support and Revenue	-	15,828	15,828	72,446
Net Assets Released From Restrictions	-	-	-	-
Total	-	15,828	15,828	72,446
Increase in Net Assets	-	15,828	15,828	72,446
Net Assets, Beginning of Year	375	81,728	82,103	9,657
Net Assets, End of Year	\$ 375	\$ 97,556	\$ 97,931	\$ 82,103

**ADMINISTRATIVE SERVICES COMMITTEE
MINUTES
May 4, 2006**

Present

Councilor Scott Zimbrick, Chair
Councilor Jerry Davis
Councilor Hal Brauner

Staff

Jon Nelson, City Manager
Ken Gibb, Community Development Director
Nancy Brewer, Finance Director
Judy Somes, Community Development
Tony Krieg, Finance Department
Carla Holzworth, City Manager's Office

Visitors

Jeff Barricks, Economic Development Allocations Cmte
Randy Joss, Economic Development Allocations Cmte
Matt Johnen, Economic Development Allocations Cmte
John McNamara, AT&T
Jason Henson, 3020 NW Walnut
Stacey Sprinkle, Verizon Wireless
Roger Evans, no address given
Rick Schroff, 2773 NW 9th
Larry Heacock, 2990 NW Princess

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Economic Development Allocations Orientation	x		
II. Telecommunications Service Tax			Hold a public hearing regarding the proposed telecommunications tax ordinance at the May 15, 2006 evening Council meeting; no recommendation is made on adoption of the ordinance
III. Low Income Utility Bill Assistance Program			Approve establishing a low income assistance program with a \$1,500 beginning fund balance coming from the General Fund and any available Council reserves, and establishing a low income assistance donation line on the City services bill.
IV. Other Business	X		

Chair Zimbrick called the meeting to order at 12:00 p.m.

CONTENT OF DISCUSSION

I. Economic Development Allocations Orientation (Attachment)

Community Development (CD) Director Ken Gibb introduced CD Management Assistant Judy Somes. Ms. Somes reviewed the materials at the Committee's places (attached), including an orientation session agenda, the Fiscal Year 2006-07

Economic Development Allocations calendar, an itemized list of allocation amounts requested, and Council Policy 96-6.03: Economic Development Policies. She said today's orientation session is an opportunity for citizen members to meet the Administrative Services Committee. Ms. Somes explained that the application consists of a cover letter, narrative (six page maximum) and the applicant's financial information, plus any attachments. Following the March 31 submission deadline, applications are reviewed by CD and the Finance Department. Ms. Somes then prepares a memo to Mr. Gibb that outlines results of the review and includes the agency's cover letter, narrative, financials, and attachments. She noted that applications must address Council goals as shown on page 4 of Council Policy 96-6.03. Mr. Gibb added that staff emphasize minimum application requirements at the pre-application orientation session.

Ms. Somes said economic development funding comes from transient room taxes, which are split at 50% for economic development goals and activities, 30% for Corvallis Tourism, and 20% for economic development allocations. This year, allocations funding totals \$202,390 and requests total \$278,500. Ms. Somes said additional materials will be delivered to Committee members either Friday or Monday. Presentations to the Committee are scheduled for 5:30 pm on May 16 at the Majestic Theatre. Each agency will have ten minutes to present their funding request, followed by a five minute question and answer session. Deliberations are scheduled for 4:30 pm on May 18 at the Majestic Theatre. Ms. Somes asked Committee members to bring their scores from the presentations at 4:00 pm or shortly thereafter so staff can compile the results and deliberations can begin promptly at 4:30 pm. An average score will be determined, Committee members will discuss their recommendations, and funding award decisions will be made. An evaluation survey will be distributed at the end of deliberations, with feedback being used to improve next year's process.

Chair Zimbrick observed that more allocation funding exists this year than last year and he asked how the allocation that was returned last year was factored into the figure. Ms. Somes said the total amount includes the returned funds. Mr. Nelson noted that the allocations funding is a transparent process; presentations and deliberations meetings are taped, open to the public, and include written minutes.

The item is for information only.

II. Telecommunications Service Tax (Attachment)

Customer Services Manager Tony Krieg reviewed the previously distributed staff report. He said approximately 50 people attended the April 13 telecommunications service tax public forum. Testimony was given by 16 people, which included a mix of industry managers, County residents where the tax does not apply, local business representatives, and Corvallis citizens. The staff report addresses issues raised at

the forum that fell within the ordinance's purview. Staff recommends taking the issue to the May 15, 2006 City Council meeting for a decision about whether to adopt the ordinance.

Councilor Brauner noted that today's meeting was scheduled for deliberations, but more people would like to testify on the issue. He added that other Councilors asked if there would be a public hearing before the Council. Councilor Brauner said instead of making a recommendation about adoption of the ordinance, he would prefer to recommend scheduling a public hearing for the evening Council meeting on May 15 so additional comments can be considered. He added that he was mis-quoted following the April public forum and wished to clarify that he did not say everyone who was against the tax was from the telecommunications industry.

Councilor Davis agreed that he wants good feedback from the community, so he supports recommending a public hearing before the Council.

Chair Zimbrick asked if anyone from the audience wished to speak, emphasizing that the meeting was not a public hearing.

John McNamara, Tax Director for AT&T, said he does not favor the tax. From a technical perspective, the tax will apply to both wholesale and retail transactions, which creates difficulties for service providers. He cited an example where Qwest would charge AT&T a 30 cent access fee to connect a Corvallis to Seattle call over the AT&T network. While AT&T would charge its customer \$1 for the call and absorb the 30 cent fee from Qwest, the tax would be assessed on \$1.30. Mr. McNamara said most taxes are only levied on retail transactions and the true cost of the proposed tax would end up being around 7% to 7.5%. He added that the revenue estimates do not consider that long distance companies will also be subject to the tax, resulting in more money coming to the City than what is projected. Councilor Brauner asked Mr. McNamara if he had any suggested language to address the concern. Mr. McNamara said the tax should be clearly defined as being on retail receipts, not gross receipts. Chair Zimbrick asked that at the May 15 public hearing, staff address, where possible, the concerns being raised at today's meeting.

Jason Henson, 3020 NW Walnut, said he does not support the tax, noting that if it is implemented, he would have his cell phone bill sent to his business address in Albany.

Stacey Sprinkle, Director of Tax Policy for Verizon Wireless, distributed two documents from her organization regarding the proposed tax (attached).

Roger Evans, no address given, said he testified at the previous public forum. He was surprised that staff did not modify their recommendation after hearing comments at that meeting. Mr. Evans believes people will find a way to get around the tax, that the City might raise less revenue than originally expected, and that the tax has the potential to drive businesses out of Corvallis. He said the Fire Department has no connection to the tax and he encouraged the Committee to have an open mind when considering whether to adopt the tax.

Rick Schroff, 2773 NW 9th Street, believes the tax is discriminatory and that citizens should have an opportunity to vote on the matter.

Larry Heacock, 2990 NW Princess, urged the Committee to follow the intent of Constitution. He opined that Corvallis already has an anti-business attitude and the tax would drive existing businesses out of town. Mr. Heacock said the City's income increases every year and he believes people will evade the tax.

The Committee unanimously recommends that Council hold a public hearing regarding the proposed telecommunications tax ordinance at their May 15, 2006 evening meeting; no recommendation is made on adoption of the ordinance.

Committee members agreed they prefer that the entire Council hear public comments and decide whether to adopt the ordinance.

Mr. Nelson clarified the Committee's direction that the May 15 Council packet should contain information included in today's ASC packet, staff's observations about the concerns raised at today's meeting, including the wholesale versus retail issue, the observation that the 5% tax would evolve to a 7% to 7.5% tax, and if possible any additional non-proprietary revenue estimates. The May 15 packet should also include telecommunications tax documents provided in previous Council packets. The Committee agreed. The public hearing will begin at 7:30 pm.

III. Low Income Utility Bill Assistance Program (Attachment)

Mr. Krieg said staff proposes adoption of a low-income payment assistance program to help with delinquent City services accounts. The City currently refers customers to social service agencies, but it is usually after service has been scheduled to be shut off or is already disconnected. Staff met with United Way Director Sharon Gibson, who recommended modeling the program after the agency's Family Fund program. The City would refer the customer to an agency who pre-screens clients for low income eligibility. The customer would then be referred to United Way, who would then contact the City to arrange payment.

Staff recommends establishing a \$1,500 beginning fund balance, which would serve an estimated 15 citizens per year. The initial source of funding could be the General

Fund (GF), the utility service funds (USF), a one-time reduction of social services monies, and/or customer donations. Staff suggests using one of the City's funds to establish the balance and adopting a permanent low income donation line on the City services bill. The low-income payment assistance fund would be reviewed annually, with the \$1,500 target balance being supplemented through donations and, if necessary, the GF or USF. If approved, the new fund would begin on May 4, 2006.

Councilor Davis said he supports the program and it is another example of implementing social equity in Corvallis. He commended staff for their research; Councilor Brauner agreed.

Ms. Brewer said the United Way has probably already paid some City utility bills through their Family Fund. The proposed program is better from a staff perspective because the City would not be required to assess eligibility and maintain confidential files. Councilor Brauner said he prefers that the \$1,500 beginning balance come from the GF, but he does not believe it should be the permanent source of funding. He suggested that some Council goals monies may exist as another initial funding source. The item could come back to the ASC for review in six months when staff returns with a discussion about the status of deleting late fees, and then again in another six months when staff returns with the one year review of the new Municipal Code chapter regarding utility services.

Chair Zimbrick asked if the balance would be capped at \$1,500. Ms. Brewer said the City would pay \$1,500 to the United Way, who would manage it as a fund and report usage to the City. Time is needed to assess the amount of voluntary donations, but keeping a targeted balance of \$1,500 is recommended. Ms. Brewer added that the money would be dedicated for City services billing only.

The Committee unanimously recommends that Council approve establishing a low income assistance program with a \$1,500 beginning fund balance coming from the General Fund and any available Council reserves, and establishing a low income assistance donation line on the City services bill.

IV. Other Business

The next Administrative Services Committee meeting is scheduled for May 16, 2006 at 5:30 pm in the Majestic Theatre for Economic Development Allocations presentations.

The meeting was adjourned at 1:06 pm.

Respectfully submitted,

Scott Zimbrick, Chair

Memorandum

Date: April 19, 2006
To: Administrative Services Committee - Economic Development Allocations
From: Ken Gibb, Community Development Director 
Re: Orientation Session for Requests for Economic Development Funding

I. Issue

Opportunity for citizen members to join ASC members in a session to review process for allocating the FY 06-07 economic development program funds.

II. Discussion

For the orientation on May 4th, we will bring to the meeting the FY 05-06 proposals from an organization that provides year-round services and another that produces an annual event as examples.

We have attached to this memo the Allocation History (three years) for your information and perspective on the past distribution of funds. On the far right of the spreadsheet are eleven requests for FY 06-07. Under the current policy guidelines, Corvallis Tourism will be receiving a dedicated amount of the Transient Room Tax of \$296,090 (30% of the TRT collected in calendar year 2005 of \$986,950). We have eleven (11) requests for non-dedicated funding which total \$278,500. The amount available is \$202,390 (which includes a \$5,000 carryover from unused FY 05-06 funds), leaving a gap of \$76,110 between requests and funds available. All organizations that filed a Notice of Intent did submit a funding application.

A voluntary pre-application session was held in February for the applicants submitting Notices of Intent. Four organizations had representatives present. Staff reviewed the RFP memo, the Application Checklist, the Council Policy and the general process. Also stressed to those attending was the importance to be succinct but thorough in addressing evaluation criteria. In doing so, it would assist the Allocation Committee members to more easily review and make recommendations.

Staff has invited the citizen members of the Allocations Committee to join you for this orientation session on the Economic Development Funding Process. We look forward to having the citizen members, Randy Joss, Matt Johnen, and Jeff Barricks, join the Administrative Services Committee members. Staff will be providing the citizen members with the allocation history spreadsheet and Policy prior to the orientation session.

III. Recommendation/Action Requested

None. This is for information only.

Review and Concur:


Nancy Brewer, Finance Director

Review and Concur:


Jon S. Nelson, City Manager

**CITY OF CORVALLIS
FY 06-07 ECONOMIC DEVELOPMENT FUNDING REQUESTS**

Agency	FY 03-04			FY 04-05			FY 05-06			FY 06-07		
	Amount Requested	Amount Approved	Purpose	Amount Requested	Amount Approved	Purpose	Amount Requested	Amount Approved	Purpose	Amount Requested	Amount Approved	Purpose
TOTAL ECONOMIC DEVELOPMENT FUNDS	\$386,210			\$394,770			\$457,880			\$493,480		
Corvallis Convention & Visitors Bureau - Dedicated	\$231,720		Dedicated Funding/Operations Support	\$236,860		Dedicated Funding/Operations Support	\$274,730		Dedicated Funding/Operations Support	\$296,090		Dedicated Funding/Operations Support
Non-Dedicated Funds Available	\$154,490		Non-Dedicated Funds	\$157,910		Non-Dedicated Funds	\$183,150		Non-Dedicated Funds	\$202,390		Non-Dedicated Funds
CCVB Non-Dedicated Requests	\$25,000	withdrew application	Maintain Conference Sale	\$0			\$0			\$0		
Benton County Fair Division	\$10,000	\$0	Event Support	\$25,000	\$4,910	Benton's Best!	\$10,000	\$4,500	Event Promotion	\$10,000		Arena Expansion
Benton County Historic Society & Museum	\$12,000	\$4,400	Homer Projects	\$0			\$15,000	\$5,000 later returned	Capital Support	\$0		Capital Support
Business Enterprise Center	\$0			\$30,000	\$20,000	Lead & Market BEC Business Plan	\$25,000	\$19,000	Special Interim Funding & Program Support	\$19,000		Support of Fund Raising Education Programs Operating Support
Corvallis-Area-Chamber-of-Commerce withdrew application	\$0			\$5,000	withdrew application	Sunbirds-Program				\$0		
Corvallis Multicultural Literacy Center	\$0			\$0			\$10,000	\$0	Startup Funds	\$0		
Corvallis Chapter Oregon Natural Step Network	\$10,000	\$4,400	Operating Support	\$10,000	\$4,000	Operating Support	\$12,000	\$5,650	Operating Support	\$10,000		Operating Support
Corvallis Fall Festival	\$10,000	\$7,000	Event Support	\$10,000	\$6,000	Event Support	\$10,000	\$6,000	Event Support	\$10,000		Event Support
Corvallis Neighborhood Housing Services Housing Services	\$50,000	\$40,897	Operating Support	\$45,000	\$36,000	Operating Support	\$45,000	\$36,000	Operating Support	\$40,000		Operating Support
Corvallis Neighborhood Housing Services Microenterprise Program	\$0			\$0			\$10,000	\$8,000	Startup & Operating Sup	\$10,000		Operating Support
daVinci Days	\$20,000	\$14,000	Event Support	\$20,000	\$11,000	Event Support	\$20,000	\$11,000	Event Support	\$20,000		Event Support
Downtown Corvallis Association	\$15,000		Enhancement	\$15,000		Enhancement	\$15,000	\$13,000	Enhancement	\$17,000		Enhancement
	\$15,000		Image Advertising	\$15,000		Image Advertising	\$15,000	\$13,000	Image Advertising	\$17,000		Image Advertising
				\$14,000		Downtown Strategic Vision	\$30,000	withdrew	Downtown Strategic Vision	\$0		
						Wayfinding Signs	\$4,000	\$1,000	Signage	\$0		
	\$15,000		Red, White, Blues Festival	\$15,000		Red, White, Blues Festival	\$15,000	\$13,000	Red, White, Blues Festival	\$17,000		Red, White, Blues Festival
	\$15,000		Downtown Tree Lighting	\$15,000		Downtown Tree Lighting	\$15,000	\$0	Downtown Tree Lighting	\$0		
	\$60,000	\$40,896	Total of Programs	\$74,000	\$36,000	Total of Programs	\$94,000	\$40,000	Total of Programs	\$68,000	\$0	Holiday Decorations Total of Programs
Economic Development Partnership	\$50,000	\$40,897	Operating Support	\$52,000	\$37,000	Operating Support	\$60,000	\$40,000	Operating Support	\$62,000		Operating Support
Economic Vitality Partnership	\$0			\$0			\$32,160	\$0	Program Funds	\$9,500	\$0	Plan Completion
Majestic Theatre Management	\$6,000	\$2,000	Replace Dance Floor & B	\$20,000	\$3,000	Operating Support	\$20,000	\$8,000	Operating Support	\$20,000		Surveys & Studies
Total Non-Dedicated	\$253,000	\$154,490		\$291,000	\$157,910		\$363,160	\$183,150		\$278,500	\$202,390	

2005 Calendar Year TOT Collections	\$986,950
Corvallis Tourism Dedicated Funding - 30%	\$296,090
Non-Dedicated Funding - 20%	\$197,390
Economic Development Funding - 50%	\$493,480
Carrover from FY 05-06	\$5,000
Total Available for Non-Dedicated Allocation	\$202,390

CITY OF CORVALLIS

COUNCIL POLICY MANUAL

POLICY AREA 6 - COMMUNITY DEVELOPMENT

CP 96-6.03 Economic Development Policies

Adopted July 19, 1989

Amended June 4, 1990

Affirmed October 7, 1991

Revised April 17, 1995

Revised December 16, 1996

Reviewed November 5, 2001

Revised November 18, 2002

Revised May 5, 2003 (funding section only)

6.03.010 Purpose

The primary purpose of the economic development policy is to preserve and support community livability by encouraging economic stability and sustainable economic opportunities for the citizens of Corvallis. In partnership with citizens, community, and regional organizations, this will be achieved through a balanced program that addresses retention and the creation of family wage jobs, infrastructure development, and the availability of support services such as housing and employment training.

6.03.020 Policy

In order to guide economic development organizations and City government in achieving the Council's economic development goals, the following mission statement, goals, and policies are adopted. These goals and policies may be amended or suspended by the City Council at any time after following existing procedural rules for public notice and participation.

Council Policy 96-6.03

6.03.021 Mission

To engage in a comprehensive Economic Development Program which:

- a. Increases the quality of wages and benefits and, thus, the quality of life for all Corvallis residents;
- b. Is consistent with our desire to protect and enhance the environment, natural resources, and our neighborhoods;
- c. Encourages participation in our prosperity by all members of our diverse community;
- d. Builds upon our unique resources, including our educational system and physical environs;
- e. Develops long-term strategies for our future economic health which support the sustainability of existing businesses and which encourage further diversification of the local economic base;
- f. Promotes a high level of communication and cooperation between public, non-profit, educational, and private sectors, in order to achieve economic vitality and community livability.

6.03.022 Goals

- a. Support retention, expansion, and development of professional service, commercial, and manufacturing firms which are compatible with the community and which provide for a diverse economic base.
- b. Support the role of Downtown Corvallis and the Riverfront District as a vital commercial, cultural, and social center of the community.
- c. Develop the Airport Industrial Park as an attractive business location which creates quality jobs, and provides resources necessary to support the operation and expansion of the Airport.
- d. Support business development by planning for appropriate amounts and locations of industrial and commercial land and by planning for the necessary public infrastructure.

Council Policy 96-6.03

- e. Attract dollars to the local economy through the expansion of the convention and visitor industry, and community activities, such as regional sporting events.
- f. Support programs, projects, and activities which encourage local spending, thereby sustaining the local economy.
- g. Support education and training programs that enhance the availability and productivity of the local work force.
- h. Support the development of a supply of adequate housing which is affordable to employees of existing and future businesses.
- i. Support financial and technical assistance programs that are available to business startups, small business development, local product development, and environmentally responsible modernization.
- j. Facilitate partnerships with public, non-profit, educational, and private sector organizations to maximize the effectiveness of economic development resources.
- k. Develop methods by which the success of the economic development program in addressing community livability and economic sustainability can be evaluated.

6.03.030 Funding Allocation of Transient Room Tax Revenues

6.03.031 Funding Source

- a. To provide a stable funding source, an amount equal to 50% of the transient room tax revenue collected and due to the City in the previous calendar year shall be allocated from the General Fund for City sponsored direct and indirect economic development activities.
- b. Beginning in FY 03-04, the Corvallis Convention & Visitors Bureau (CCVB) aka Corvallis Tourism, will be allocated, as a dedicated amount thirty percent (30%) of the total transient room tax collected and due to the City, from the prior calendar year.
- c. The remaining monies will be allocated to agencies, organizations, or entities requesting funding through the annual Economic Development Allocation Process. Such requests shall be consistent with the purpose, mission, and goals of the Economic Development Policy.

Council Policy 96-6.03

- d. Applicants who are provided economic development monies shall meet the criteria for funding by addressing the Application Requirements in section 6.03.033 of this policy, which are intended to foster accountability and a demonstration of results derived from the City's investment.
- e. The economic development funding formula shall be modified, and may be suspended, during times of significant economic downturn, especially during years when the City's General Fund balance falls below 5% of revenues, or when other revenue sources for City government are significantly reduced. This also applies to the dedicated funding for CCVB.

6.03.032 Eligible Activities

- a. Applicants should refer to and also reference in their submittal the goals identified in section 6.03.022 above.
- b. Applicants may use City monies to fund economic development activities for the requested funding period. The funds may not be used to repay indebtedness or create a reserve.

6.03.033 Application Requirements

- a. Applicants shall provide organizational information which includes a listing of board members, a statement about the purpose of the organization, the address where the organization is housed, and the names of paid professional staff, if any.
- b. The applicant shall submit evidence that, for the two years preceding the requested period of funding, success has been achieved in at least two (2) of the economic development goals as defined in section 6.03.022.
- c. Applicants shall submit a work plan for the requested funding period predicated on furthering at least two (2) of the economic development goals defined in section 6.03.022 and one or more of the economic indicators listed below. The applicant's work plan should incorporate an anticipated budget for activities which include City funding. Work plans shall show direct linkages between proposed activities, policy goals, and economic indicators.
- d. Listed below are some indicators of community health. In addition to addressing the goals in section 6.03.022 of this economic development policy, applicants should state how their proposals for funding address

Council Policy 96-6.03

one or more of the following indicators of economic health or barriers to employment:

- 1) Indicators of economic health
 - a) Housing cost and availability
 - b) Business retention and expansion
 - c) Average family income levels
 - d) Commercial and retail vacancy rates
 - e) Unemployment rate
 - f) Percent of employees with health insurance
 - g) Percent of citizens underemployed
 - h) Visitor spending levels
 - i) Businesses embracing sustainability concepts
- 2) Barriers to Employment
 - a) Lack of housing
 - b) Access to child care
 - c) Availability of transportation
 - d) Lack of health insurance
 - e) Lack of job skills

In any given funding year, where the indicators fall below acceptable levels, specific areas may be targeted by the City through the allocation process.

- e. Applicants shall submit a plan to leverage City monies to non-City funding sources, with a preferred goal of one City dollar to three other dollars. Leverage sources may include cash contribution or in-kind services. Applicants shall clearly identify all sources of income, direct or indirect, cash contributions, or in-kind services, including volunteer hours and activities.
- f. Applicants shall address one or more of the following objectives: retaining or generating ten dollars of local business gross sales, payroll generated, or property tax revenues collected, for every dollar of funding support from the City.
- g. These requirements are not intended to preclude innovative proposals from organizations or preclude consideration of funding for new or "startup" organizations. Applications from new entities shall provide mission statements, goal statements, or other information on how the request furthers the City's economic development goals and is consistent with this policy.

Council Policy 96-6.03

6.03.034 Funding Process

- a. Economic development funding will be allocated by the City Council upon recommendation of the Administrative Services Committee joined by three (3) Mayor-appointed members chosen from a pool of nominees from the community-at-large. Nominees shall not be a current board member, officer, employee, or immediate relative of any organization requesting funds.
- b. All applicants, including CCVB, will present budgets and work plans for the coming year during the annual allocation process. This presentation will include the preceding year's activities and results.
- c. Recipients of City funding will be expected to provide work progress narratives with related financial information on a regular basis to City Council as stipulated by each agency agreement, if applicable, to be reviewed by the appropriate committee as determined by Council Policy 91-2.02.
- d. Efforts will be made to coordinate funding between the City and other public funding sources. Preferably, organizations will pursue public/private partnerships that will further extend the influence of public funds.

6.03.040 Review and Update

These policies shall be reviewed every five years by Council, or sooner, upon request or significant change in the general and economic well-being and prosperity of the community.

Economic Development Allocations Session Orientation Session

May 4, 2006

1. Activities to Date
 - ▶ Notice of Opportunity in December
 - ▶ Notice of Intent must be filed in order to apply
 - ▶ RFP's forwarded February 10, 2006
 - ▶ Voluntary Pre-Application Session held with 4 organizations attending on February 23, 2006
 - ▶ Applications Received in March 31 (all 10 organizations submitted)
 - ▶ Finance staff reviewed the financial information submitted.
 - ▶ Review by Community Development Staff

2. Policy Review
 - ▶ 50% is made available for economic development
 - ▶ 30% of the TRT is dedicated to Corvallis Tourism
 - ▶ 20% of the TRT is the non-dedicated portion that is allocated through the competitive process
 - ▶ the remaining 50% of the TRT is revenue to the General Fund

3. Applications from last year
 - ▶ Corvallis Neighborhood Housing Services
 - ▶ Corvallis Fall Festival

4. The Presentation/Deliberation Process
 - Time Limits for Oral Presentations
 - Questions/Answer Opportunity
 - Opportunity to Ask for Additional Information
 - Fill out Tabulation Table prior to Meeting on Thursday, May 18
 - Deliberations
 - Determine Average
 - Reach Consensus for Allocation Recommendation

5. Evaluation Survey

6. Council Action schedule for June 5 or June 19.

Calendar
 FY 2006-07
 Economic Development Allocations

This is the calendar for the FY 06-07 Economic Development Funding Allocations process.

CD Staff mails Notices of Intent to Interested Parties and placed ad in the Gazette Times	by Friday, December 2, 2005
Notices of Intent Due to Community Development Department	Monday, January 30, 2006
CD Staff mail RFP packets	Friday, February 10, 2006
Pre-Application Orientation Session for Applicants	Thursday, February 23, 2006
Nominations for citizen members to Allocations Committee due	Friday, March 3, 2006
Funding Applications due to CD	Friday, March 31, 2006
Mayor appoints citizen members of Corvallis	Monday, April 3, 2006
Finance Office Review of Financial Information	April 3 - April 25, 2006
CD sends confirmation letters and invitation to Orientation Session to citizen members	Monday, April 10, 2006
Orientation Session for Committee Members	Regular ASC Meeting Thursday, May 4, 2006
CD Staff sends out packets to Committee members	May 4, 2006
Presentations to Committee	May 16, 2006
Deliberations by Committee	May 18, 2006
Council Review and Decision	Monday, June 5, 2006

Shaded Area must yet be approved by Administrative Services Committee

CITY OF CORVALLIS
ECONOMIC DEVELOPMENT ALLOCATION
FY 06-07

NON-DEDICATED FUNDS

May 16 & 18, 2006

Proposal Submitted by:		Request	Amount Requested	Recommendation
Downtown Corvallis Association Programs	Economic Enhancement	\$17,000	\$68,000	
	Image	\$17,000		
	Red White & Blues	\$17,000		
	Banners	\$17,000		
Oregon Natural Step Network, Corvallis Chapter	Use to Promote Concepts		\$10,000	
daVinci Days	Event Support		\$20,000	
Business Enterprise Center	Fundraising Efforts, Educational Programs, and Client Support		\$19,000	
Economic Development Partnership	Operations		\$62,000	
Economic Vitality Partnership	Strategic Plan Completion		\$9,500	
Majestic Theatre	Study, Survey, and Marketing		\$20,000	
Corvallis Fall Festival	Event Support		\$10,000	
Corvallis Neighborhood Housing Services	Housing Operations		\$40,000	
Corvallis Neighborhood Housing Services	Microenterprise Program		\$10,000	
Benton County Fairgrounds	Arena Expansion		\$10,000	
Total Requested // Recommended			\$278,500	\$202,390

Note: The FY 06-07 dedicated funds to Corvallis Tourism will be \$296,090. Total Dedicated and Non-Dedicated Economic Development Program Funding is \$498,480 (includes \$5,000 FY 05-06 carryover).

MEMORANDUM

TO: Administrative Services Committee
FROM: Nancy Brewer, Finance Director *NB*
DATE: April 18, 2006
SUBJECT: Telecommunications Service Tax Ordinance

ISSUE

City Council adoption of a telecommunications services tax ordinance (attached) would impose a 5% tax on the gross revenues of all providers of telecommunications services within the city and generate up to \$500,000 of additional revenue from existing sources.

DISCUSSION

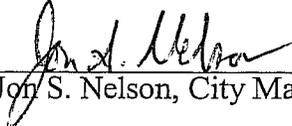
A Council work session was conducted in February to discuss adoption and implementation of the proposed telecommunications services tax ordinance. Following discussion, Councilors concluded that if the telecommunications service tax were adopted revenue would be used for critical and unavoidable fire department needs such as fire vehicle replacement and training facilities. City Council also scheduled a public forum chaired by Administrative Services Committee members to invite public comment concerning the tax proposal.

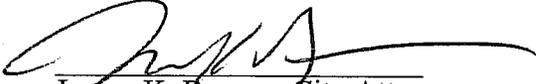
The public forum was conducted April 13th at the main fire station. About fifty people attended the forum with 16 people providing testimony. Although many of the participants spoke against the tax proposal, many of their concerns focused on issues outside the purview of the proposal. Several county residents testified they were concerned with increased taxation and were unsure if the tax applied to them. Several participants spoke of the need for more fiscal responsibility or for using System Development Charges to fill the budget gaps. Representatives from Qwest and Verizon also testified that land-line bills would increase and that a telecommunications services tax was a sales tax on the provision of service. Attached are the minutes of the forum and answers to the questions that were asked by participants. Also attached is the question and answer sheet from the previous City Council session.

RECOMMENDATION

Staff is requesting the Administrative Services Committee make a recommendation to City Council regarding the telecommunications service tax ordinance.

Review and Concur:


Jon S. Nelson, City Manager


James K. Brewer, City Attorney

ORDINANCE NO. _____

AN ORDINANCE CREATING A NEW MUNICIPAL CODE CHAPTER 3.06, "TELECOMMUNICATIONS SERVICE TAX," A TAX UPON TELECOMMUNICATIONS BUSINESSES PROVIDING TELECOMMUNICATIONS SERVICES WITHIN THE CITY OF CORVALLIS, AND STATING AN EFFECTIVE DATE.

WHEREAS, the City Charter of the City of Corvallis (City) grants to the City all powers that the constitutions, statutes and common law of the United States and of the State of Oregon now or hereafter expressly or impliedly grant or allow; and

WHEREAS, among the powers granted to the City is the power to impose local taxes; and

WHEREAS, adoption of this ordinance ensures the City a mechanism to receive compensation from all telecommunications businesses for the privilege of conducting the business of providing telecommunications services within the city;

NOW, THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Title 3, Utilities/Public Rights of Way, of the Corvallis Municipal Code is amended to add a new Chapter 3.06 as follows:

- 3.060.010 Title.
- 3.060.020 Purpose.
- 3.060.030 Definitions.
- 3.060.040 Telecommunications Service Tax.
- 3.060.050 Returns.
- 3.060.060 Exemptions and Credits.
- 3.060.070 Penalties and Interest.
- 3.060.080 Willfull Violation.
- 3.060.090 Severability.

3.060.010 Title.

This Chapter shall be known and may be cited as the Telecommunications Service Tax Chapter of the Corvallis Municipal Code.

(Ord. 2006-__ § 1, **/**/2006)

3.06.020 Purpose.

This Chapter implements the Telecommunications Service Tax Ordinance as approved by City Council. The City reserves the right, by adoption of this ordinance, to impose a Telecommunications Service Tax on any person for the privilege of conducting a telecommunications business and/or providing telecommunications services within the city. The tax imposed pursuant to this ordinance shall be imposed for general governmental purposes and to pay the usual and current expenses of conducting those general governmental purposes. The proceeds of the Telecommunications Service Tax shall be deposited into the general fund of the City.

(Ord. 2006-__ § 1, **/**/2006)

3.06.030 Definitions.

In this Chapter the following definitions shall apply:

1) Cable Service means the one-way transmission to subscribers of video programming or other programming service, and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service as described (47 USC Section 522 (7)).

2) City means the City of Corvallis, Oregon.

3) Gross Revenues means all revenues of a telecommunications business or its affiliate derived from the provision of telecommunications services within the city. Gross revenues shall include all subsidies, discounts, rebates or other considerations or forbearance, including revenues from the use, rental, or lease of the Grantee's operating facilities. Gross revenues shall not include proceeds from the sale of bonds, mortgage or other evidence of indebtedness, securities or stocks. No expenses, encumbrances, or expenditures shall be deducted from the gross revenue in determining the total gross revenue. In determining gross revenues for the calculation of taxes for mobile telecommunications services, the city shall consider mobile telecommunications services to occur within the city if such services are used by a customer whose place of primary use is within the city.

4) Mobile Telecommunications Service means the same as set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C. Section 124) and the implementing regulations.

5) Open Video System (OVS) means a facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service, which includes video programming, which is provided to multiple subscribers within a community, and which the Federal Communications Commission or its successor has certified as compliant with 47 C.F.R., Part 76.

6) Person means any individual, corporation, partnership, association, joint stock company, trust, limited liability company, or other legal entity.

7) Place of Primary Use means the mailing address of the service user where the telecommunications business submits invoices or bills for payment by the service user if the customer's place of primary use is in the city, regardless of where the mobile telecommunications service may originate, terminate, or pass through, consistent with the Mobile Telecommunications Sourcing Act, 4 USC 116-126.

8) Telecommunications Business means any person offering telecommunications services within the city.

9) Telecommunications Service Tax means a tax, approved by City Council, imposed upon a telecommunications business for the privilege of conducting the business of providing telecommunications services.

10) Telecommunications Services means the business of sale, delivery, distribution or furnishing the provision or offering for rent, sale, or lease, or in exchange for other value received, the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, or utilizing internet protocol or any successor protocol with or without the benefit of any closed transmission medium, pursuant to federal law, including mobile telecommunications service and non-cable television services. For purposes of this ordinance, telecommunications services do not include (1) OVS services; (2) cable television services; (3) private telecommunications network services; (4) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; (5) direct-to-home satellite service within the

meaning of Section 602 of the Telecommunications Act of 1996; (6) internet access or any services that are incidental to internet access, such as voice-capable e-mail or instant messaging; (7) public safety radio systems; and (8) services to devices exclusively utilizing electromagnetic spectrum unlicensed by the Federal Communications Commission.

(Ord. 2006-__ § 1, **/**/2006)

3.06.040 Telecommunications Service Tax.

The City hereby imposes a five percent (5%) Telecommunications Service Tax upon the privilege of conducting a telecommunications business and providing telecommunications services within the City. The rate of such tax shall be calculated as a percentage of the gross revenues earned within the corporate boundaries of the City.

(Ord. 2006-__ § 1, **/**/2006)

3.06.050 Returns.

For purposes of calculating taxes due under this ordinance, every telecommunications business subject to the tax shall pay the tax on the basis of a calendar year, and shall file, quarterly, before the forty-fifth (45th) day following the end of a calendar quarter, a return certified by an officer of the telecommunications business, calculating the amount of tax due and accompanied by payment of the amount due. Such return shall show the amount of gross revenue of the telecommunications business within the City for the period covered by the payment, computed on the basis set out in this ordinance, and shall show any offsets, deductions or credits against the revenue or the amount of tax due. The compensation for the period covered by the statement shall be computed on the basis of the gross revenue so reported. If the telecommunications business fails to pay the entire amount of compensation due to the City, through error or otherwise, the difference due the City shall be paid by the telecommunications business within fifteen (15) days from discovery of the error or determination of the correct amount, with interest at the rate indicated in Section 6 of this chapter. Any overpayment to the City through error or otherwise shall be offset against the next payment due from the telecommunications business. The City may audit or review any return filed by the telecommunications business, and require the telecommunications business to submit such information as shall reasonably be required to establish the accuracy of any payment of tax or return documenting the amount of tax due. If an audit or review of the records determines the tax due to have been underpaid by three percent (3%) or more, the telecommunications business shall reimburse the City for the total cost of the audit or review within thirty (30) days of City's written demand for same. In the event such audit or review shall disclose a discrepancy in favor of the City in excess of five (5) percent of the amount paid, there is hereby imposed a penalty in the amount of ten (10) percent of the difference between the amount paid and the amount found, upon audit or review, to be due. Acceptance by the City of any payment due under this section shall not be deemed to be a waiver by the City of any rights to conduct such audit or review, nor shall the acceptance by the City of any such payments preclude the City from later establishing that a larger amount was actually due, or from collecting any balance due to the City.

(Ord. 2006-__ § 1, **/**/2006)

3.06.060 Exemptions and Credits.

If any telecommunications business is party to a franchise agreement, privilege tax ordinance, registration provision, occupancy permit or other contract with the City which requires the payment of a fee for use of public rights of ways, the full amount of such payment made under such agreement during the filing year may be credited against any tax due under this chapter, provided the same gross

revenue used as the measure for the Telecommunications Service Tax is also used as the measure for right of way compensation. Cable services and OVS services shall be separately franchised and are exempt from this tax.

(Ord. 2006-__ § 1, **/**/2006)

3.06.070 Penalties and Interest.

If any tax payment due under this chapter is not received within thirty (30) days of the initial due date, or is underpaid, interest shall be imposed at a rate no higher than the current legal interest rate on judgments in the State, calculated from the date the payment was originally due until the date the City receives the payment. Additionally, if any payment becomes ninety (90) days in arrears, a ten (10) percent penalty shall be applied.

(Ord. 2006-__ § 1, **/**/2006)

3.06.080 Willfull Violation.

Any person willfully violating any of the provisions herein shall be guilty of a misdemeanor and shall be punishable therefor by a fine of not more than \$500.00 per day, per violation, or by imprisonment in the City-County jail for a period of not more than six months, or by both such fine and imprisonment.

(Ord. 2006-__ § 1, **/**/2006)

3.06.090 Severability.

Should any court of competent jurisdiction determine that a section or part of a section of this ordinance is invalid, such invalidity shall not impair the effect or validity of the remaining sections or parts of sections.

(Ord. 2006-__ § 1, **/**/2006)

PASSED by the Council this _____ day of _____, 2006.

APPROVED by the Mayor this _____ day of _____, 2006.

EFFECTIVE DATE this 1st day of July, 2006.

Helen M. Berg, Mayor

Kathy Louie, City Recorder

Section 8.10 Verification of Franchise or Privilege Fee Payment: No acceptance of any payment shall be construed as an accord that the amount paid is, in fact, the correct amount, nor shall any acceptance of payments be construed as a release of any claim the City may have for further or additional sums payable. All amounts paid under Section 8.9 shall be subject to confirmation and recomputation by the City. The grantee agrees to reimburse the City for:

- A. The reasonable costs of such confirmation if the City's recomputation discloses that the grantee has paid 95% or less of the franchise or privilege fees owing for the period at issue; or
- B. One-half of the reasonable costs of such confirmation if the City's recomputation discloses that the grantee had paid more than 95% but less than 98% of the franchise or privilege fees owing for the period at issue.

Section 5. Section 10 General Ordinance Provisions of the Telecommunications Ordinance 99-26 is hereby amended as follows:

Section 10.1 Governing Law: Any franchise or privilege granted under this Ordinance is subject to the provisions of the Constitution and laws of the United States, and the State of Oregon and the ordinances and Charter of the City.

Section 10.5 Penalties: Whenever the City Manager finds that the grantee has violated one (1) or more terms, conditions or provisions of this ordinance, a written notice, or a verbal notice followed by a written notice, shall be given to franchisee informing it of such violation or liability. If the violation concerns requirements mandated by the Oregon Occupational Safety and Health Administration, Oregon Department of Transportation or the National Electrical Safety Code, a verbal notice followed by a written notice may be given. For these safety or permit violations, grantee shall have 24 hours from receipt of verbal notification to correct the violation. For all other violations and liabilities the written notice shall describe in reasonable detail the specific violation so as to afford grantee an opportunity to remedy the violation. Grantee shall have twenty (20) days subsequent to receipt of the notice in which to correct the violation. Subject to the requirement of prior notice for violations occurring without just cause, the City Manager may assess penalties against grantee as follows:

Section 2. This ordinance shall become effective on July 1, 2006.

PASSED by the Council this _____ day of _____, 2006.

APPROVED by the Mayor this _____ day of _____, 2006.

EFFECTIVE this _____ day of _____, 2006.

Mayor

ATTEST:

City Recorder

ORDINANCE 2006-___

An Ordinance amending Ordinance 99-26, an ordinance relating to the provision of telecommunications services and telecommunications infrastructure located within the public right of way.

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Section 1, Purpose and Intent of the Telecommunications Ordinance 99-26 is hereby amended as follows:

F. Secure fair and reasonable compensation to the City and its residents for permitting private use of the public right-of-way and for the privilege of providing telecommunications services within the city;

Section 2. Section 2, Definitions of the Telecommunications Ordinance 99-26 is hereby amended as follows:

Q. Grantee - means the person to which a franchise or privilege is granted by the City.

DD. Telecommunications Carrier - means any provider of telecommunications services (and includes every person) that directly or indirectly owns, controls, operates or manages telecommunications facilities within the City.

Section 3. Section 5, Registration of Telecommunications Carriers of the Telecommunications Ordinance 99-26 is hereby amended as follows:

Section 5.2 Registration Required: Except as provided in Section 5.4 hereof, any provider of telecommunications services within the city, all telecommunications carriers having telecommunications facilities within the City, and all telecommunications carriers that offer or provide telecommunications service to customer premises within the City, shall register. The appropriate application and license from: a) the Oregon Public Utility Commission (PUC); or b) the Federal Communications Commission (FCC) qualify as necessary registration information. Applicants also have the option of providing the following information:

Section 5.3 Registration Fee: Each application for registration as a telecommunications carrier shall be accompanied by a non-refundable registration fee. An amount, sufficient to cover the City's administrative costs, shall be determined by resolution of City Council.

Section 5.4 Exceptions to Registration: The following providers of telecommunications carriers services are excepted from registration:

A. Providers of Telecommunication carriers services that are owned and operated exclusively for its own use by the State or a political subdivision of this State.

Section 4. Section 8, Telecommunications Franchise of the Telecommunications Ordinance 99-26 is hereby amended as follows:

Section 8.1 Telecommunications Franchise: A telecommunications franchise shall be required of any provider of telecommunications service with facilities located within the public rights-of-ways within of the City.

Section 8.2 Franchise Exemption:

A. A private telecommunications network located in the public right-of-way will not be required to obtain a franchise agreement but shall be required to obtain an occupancy permit and pay a one time initial fee in addition to an annual charge of two three dollars and seventy-five thirteen cents (\$2.753.13) per lineal foot of applicant's private telecommunication system located in the public right-of-way. The amount of the fee annual charge specified herein shall increase each year by a percentage equal to the change in the Consumer Price Index (CPI) for urban wage earners and clerical workers for the Portland, Oregon metropolitan region for the prior year, published semi-annually, unadjusted for seasonal variations, as determined by the Bureau of Labor Statistics of the Department of Labor.

B. A telecommunication service provider that (only) uses facilities located within the public rights-of-ways that are owned and operated by other telecommunications carriers shall not be required to obtain a franchise but must register and pay a fee as described in Section 8.9, Franchise or Privilege Fee, paragraph B.

Section 8.3.B Application: A description of the telecommunications services that are to be offered or provided by the applicant over its telecommunications facilities or facilities owned by other persons.

Section 8.9 Franchise or Privilege Fee: Each franchise or privilege granted by the City is subject to the City's right, which is expressly reserved, to fix a fair and reasonable compensation to be paid for the privileges granted. The compensation shall be subject to the specific payment terms and conditions contained in this ordinance or a the franchise agreement and applicable state and federal laws.

A. Telecommunications utilities as defined in Section 4, shall pay a maximum franchise fee of 75% calculated as a percentage of annual gross revenues as allowed under ORS 221.515(1997).

B. Providers of telecommunications service other than telecommunication utilities and long-distance carriers as defined in Section 4, shall pay a maximum franchise or privilege fee of 75% calculated as a percentage of annual gross revenues earned within the city. Providers reselling telecommunication services to customers within the City may deduct the cost of leasing lines for that purpose before calculation of gross revenues.

C. Long-distance carriers or other point-to-point telecommunication providers (not providing telecommunications services within the city) shall be required to pay an annual charge of two three dollars and seventy-five thirteen cents (\$2.753.13) per lineal foot of provider's telecommunication system located within the public right-of-way. The amount of the fee specified herein shall increase each year by a percentage equal to the change in the Consumer Price Index (CPI) for urban wage earners and clerical workers for the Portland, Oregon metropolitan region for the prior year, published semi-annually, unadjusted for seasonal variations, as determined by the Bureau of Labor Statistics of the Department of Labor. In the event provider leases any portion of its telecommunication system, provider shall pay an additional franchise fee to the City of one percent (1%) of the lease revenues annually.

**ADMINISTRATIVE SERVICES COMMITTEE
MINUTES
April 13, 2006**

Present

Councilor Hal Brauner, Chair
Councilor Jerry Davis
Councilor Scott Zimbrick

Staff

Jon Nelson, City Manager
Nancy Brewer, Finance Director
Tony Krieg, Finance
Carla Holzworth, City Manager's Office

Visitors

See individual testimony below

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Telecommunications Service Tax Public Forum	X		
II. Other Business	X		

Chair Brauner called the meeting to order at 7:30 p.m. He recognized in the audience Mayor Helen Berg and Councilors Tomlinson, Daniels, and Griffiths.

CONTENT OF DISCUSSION

I. Telecommunications Service Tax Public Forum (Attachment)

Customer Services Manager Tony Krieg provided an overview of the proposed telecommunications tax through a PowerPoint presentation (attached). A five percent tax on the gross revenues of all telecommunications service providers within the city is proposed. The proposal reduces existing telecommunications franchise fees from seven percent to five percent to ensure a level playing field for all providers. The fee is consistent with the five percent franchise fee currently paid by private utilities furnishing gas, electric, cable television, and solid waste services, as well as the public utility providing water, wastewater, and storm water services. Revenue initially collected, which is estimated at between \$350,000 and \$500,000 annually, would be used for fire vehicle replacements and fire training facilities.

In response to Councilor Zimbrick's inquiry, Mr. Krieg confirmed that businesses who have multiple locations outside the community would be subject to the tax if the business has a Corvallis mailing address.

David Smith, 2127 NW 27th Street, said he appreciates the services provided by the Fire Department, but he does not understand what facility the City provides to the wireless community that would justify creation of the tax. Wireless providers do not use telephone lines, streets, or other forms of the public rights-of-way. Mr. Smith said he does not believe it is right for the City to divert money to other departments that was originally set aside for fire apparatus and other Fire Department needs.

Randy Morgan, Administrative Manager with Pioneer Telephone Cooperative, said his company is a small local exchange carrier with approximately 365 members in the Corvallis city limits. Traditionally, taxes on telephone bills have been used for telecommunications purposes. The seven percent tax on local revenues pay for use of the City rights of way. From a corporate standpoint, Mr. Morgan said his company is not enthusiastic about collecting taxes for the City.

William Jenkins, 2168 NW Maser Place, said he has been a resident of Corvallis since 1999. He came to the meeting to learn more about the tax and the handout has answered his primary questions. He said the City could improve its financial communications to taxpayers. He believes the tax is mislabeled and is really a Fire Department tax. Mr. Jenkins said the Fire Department should have factored its needs for facilities, training, and vehicles into its budget. He asked that the City look into Oregon State University's contribution to the City's firefighting budget and its demands on fire capacity. Regarding the new training tower, Mr. Jenkins asked why it was not incorporated into plans for the Walnut Fire Station.

Chair Brauner noted that questions raised during the forum will be taken under advisement, and revised question and answer sheets will be posted on the City's Web site.

Dan Wehrman, 400 NW Harrison, said he is a Corvallis firefighter and a business owner. Mr. Wehrman said he understands the burden that taxes place on a company; however, he also understands the importance of having effective and efficient emergency services. Elimination of the training facility means firefighters cannot develop the skills necessary to deliver quality firefighting and rescue services. Mr. Wehrman said aging apparatus is a critical problem. There are many days when no back up engine is available because it is in the shop for repair, often for extended periods of time because parts for older apparatus are difficult to find. Mr. Wehrman concluded by stating that Corvallis' firefighters support the tax and believe it is fair.

Stan Elliott, 1355 NW Forest Drive, requested clarification if users with a Corvallis billing address would be subject to the tax; the Committee confirmed. Chair Brauner confirmed that if the tax became permanent, it could be used for purposes other than supporting the Fire Department.

Paula Parcell, 1420 NW 20th Street, said she does not have a land line and if the tax was passed, she would have to give up her cell phone when her contract expires. She is concerned that the homeless, who rely on cell phones as their only means of communication, could no longer afford them.

Marie Parcell, 527 NW 19th Street, believes wireless providers would pass the tax on to their customers. She added that many students have addresses in another city or state. She agreed that those who depend on their cell phones as a sole source of communication would be hard hit.

Hallie Miller, no address given, said she has a land line and two cell phones. She is on a tight budget and she believes the cost will be passed on to her. Ms. Miller said she does not believe the City uses tax dollars wisely and the Fire Department does not need new equipment.

David McCarthy, 408 SW Monroe, requested confirmation that the \$500 late fee penalty would be assessed on the company providing the service; the Committee affirmed he is correct. Mr. McCarthy said he supports the tax .

James Dagada, 826 NW 35th Street, is a local business owner. He agrees that the Fire Department needs training and equipment, but he does not believe the telecommunications tax is the right way to get the funding. Mr. Dagada travels frequently for business and he believes he would be double taxed because he is paying for cell towers in other cities. He added that the majority of OSU students have cell phones that are billed to addresses outside of Corvallis. Mr. Dagada said the City needs to be responsible for spending money on what it is put aside for, not to fund services for other departments. He concluded by noting that providers who are not using the right-of-way should not be taxed.

Eric Blackledge, 3300 Hawk Crest Drive, Philomath, read from a prepared statement (attached). Chair Brauner clarified that Internet and cable services would not be subject to the tax, but associated long distance phone charges would be.

Roger Evans, 3531 NW Greenwood, said he does not understand what benefit the City has brought to the cell phone communications structure. He does not see a justification for the tax and added that Corvallis is already an expensive place to live.

Ginny Lang, Director of Government Relations for QWEST, said despite being billed as a cell phone tax, the proposal is much broader and it will increase land line phone costs. Franchise fees are currently paid on the basic component of local service. Under the City's proposal, any additional services beyond a basic dial tone, such as call waiting or voice mail, would also be taxed at five percent. She believes the tax would be detrimental to Qwest, as customers would switch to out-of-state providers for phone service to avoid the tax. Ms. Lang also expressed concern about how the tax will be applied to voice over Internet protocol. She opined this type of service should not be taxed until it has been more established.

Stacy Sprinkle, Director of Federal and State Tax Policy for Verizon, said the tax would not level the playing field. In the past, franchise fees have been paid for using the right of way. Ms. Sprinkle added that Verizon already compensates property owners who have cell towers on their land. Ms. Sprinkle said the City's proposal amounts to a targeted sales tax on communications services.

Mike Plackett, no address provided, asked if the tax would apply if his provider is in Corvallis, but he lives outside of Corvallis; Chair Brauner confirmed the tax is based upon the billing address.

Derrick Luksch, O'Brien Dental Lab, 4311 SW Research Way, said he has been in Corvallis for ten years. As a retired firefighter/EMT, he appreciates the need for proper apparatus; however, the tax would be detrimental to his company's ability to retain customers. Mr. Luksch estimated that O'Brien's phone costs would increase by an estimated \$3,150 per year and he does not believe the tax is equitable. He concluded by saying that he likes Corvallis and wants to stay here, but he has a fiscal responsibility to his company.

Paula Parcell, 1420 NW 20th Street, registered concern that she may not be able to cancel her wireless contract even though the tax has made service unaffordable.

The public forum was closed at 8:49 p.m.

Chair Brauner said many good questions were raised during the forum and responses to those that can be answered will be posted on the City's Web site. He then provided background about how Statewide property tax measures have limited the City's taxing authority. He noted that the City has done what it can to increase efficiency and decrease costs, but revenues are not keeping pace with expenses. He clarified that budget reductions made three years ago did not amount to moving Fire Department funds to other departments. Rather, the City stopped putting money aside for equipment replacement. Chair Brauner urged citizen attendance at Budget Commission meetings to give input about what services should be reduced or what other taxes might be fair. He added that, by law, Systems Development Charges (SDCs) cannot be used to fund equipment replacement and that Corvallis is in the middle of its comparitors for SDCs. The Administrative Services Committee will meet on May 4 to deliberate on the proposal and to make a recommendation to the full Council.

II. Other Business

The next Administrative Services Committee meeting is scheduled for April 20, 2006 at 12 p.m. in the Madison Avenue Meeting Room.

The meeting was adjourned at 8:55 pm.

Respectfully submitted,

Hal Brauner, Chair



MEMORANDUM

Office of the Mayor
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 757-6985
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e-mail: mayor@ci.corvallis.or.us

TO: Advisory Boards and Commissions

FROM: Mayor Helen Berg
Council President Charlie Tomlinson
Council Vice-President Betty Griffiths

DATE: April 4, 2006

SUBJECT: Telecommunications Service Tax Proposal

The Administrative Services Committee will conduct a public forum at Fire Station #1, Main Meeting Room, on April 13, 2006, at 7:30 PM, to introduce a proposed telecommunications service tax ordinance with an effective date of July 1, 2006. Following the public forum, the Administrative Services Committee will meet at noon on May 4th in the Madison Avenue Meeting Room, 500 SW Madison, to review public comment and make a recommendation to City Council at its regularly scheduled meeting on May 15, 2006 at 7:30 PM.

The proposal establishes a 5% tax on the gross revenues of all providers of telecommunications services within the city. The tax will apply equally to traditional telephone service providers as well as resellers and wireless service providers. The proposal also reduces existing telecommunications franchise fees to 5% and allows franchise fee payments to be credited against the 5% telecommunications service tax. The reduction ensures a level playing field for all providers of telecommunications services within the city and is consistent with the 5% franchise fee currently paid by private utilities furnishing gas, electric, cable television and solid waste collection services and the public utility providing water, wastewater and storm water services.

Initial revenue generated from the telecommunication service tax will be used for critical and unavoidable fire department needs such as fire vehicle replacement and training facilities. If the new revenue is not pursued, then, as has happened in the past, the City would potentially need to reduce services in other areas to fund the critical Fire services.

For further information, a question and answer sheet is enclosed for your review.

We look forward to seeing you at the public forum.

Enclosure

Telecommunications Services Tax Ordinance Frequently Asked Questions

1. What is a telecommunications service tax?

The telecommunications service tax proposes a 5% tax on all revenues generated from telecommunications services billed to residents of Corvallis.

2. Who will the telecommunications service tax apply to?

The tax will apply to all wire and wireless telecommunication providers offering telecommunications services within the city.

3. Does the telecommunications service tax apply equally to all providers of telecommunications services?

Yes. The telecommunications service tax will apply to all revenues (allowable under federal law) of all providers of telecommunications services within the city. Currently, some providers pay 7% of local exchange, while some providers pay 7% of all revenues earned within the city. Wireless providers pay no tax for operating within the city. The telecommunications service tax will require all providers to pay an equal tax of 5% of the revenues they earn within the city.

4. Do other utility service providers pay a tax on revenues earned from offering their services within the city?

Other utility service providers operating within the city such as electric, natural gas, solid waste and cable, all pay a 5% tax on the revenues earned from services provided to the community. The City's water, wastewater and stormwater services pay a 5% tax on earned revenues. Please refer to the two attached charts showing current rates and proposed rates.

5. Who will be responsible for paying the telecommunications service tax?

The telecommunications service tax is a 5% tax on providers offering telecommunication services within the city. State law allows these providers to pass a portion of the tax through to a customer with a billing address in the city and to itemize the tax on the customer bill.

6. Will this proposal increase the cost of my traditional telephone service?

If the telecommunications provider passes any portion of the tax on to its customers and itemizes the tax on the customer bill, the bill will increase.

7. Will this proposal increase the cost of my long distance service?

If the telecommunications provider passes any portion of the tax on to its customers and itemizes the tax on the customer bill, the bill will increase.

8. Does the telecommunications service tax apply to wireless telephone service providers? If so, how would it be taxed?

Yes. This tax will apply to wireless telephone service providers as well as traditional telephone service providers. The 5% tax will be based on revenue generated from all calls made from a wireless telephone during the billing period provided the customer's place of primary use (billing address) is within the city.

9. Are there federal regulations that restrict the City's ability to tax the revenues of wireless telecommunications providers?

Federal regulations do not preempt the City's ability to tax revenues earned by wireless telecommunications providers. The Mobile Telecommunications Sourcing Act (MTSA), an act to amend Title Four of the United States Code, was created jointly by local governments and the telecommunications industry to establish requirements for local taxation of wireless telecommunications services.

10. Do providers of wireless telecommunications services already pay excessive state and local taxes in Oregon?

No. Wireless providers currently pay no local tax. In addition, based on a study conducted in 2004, state and local tax rates for wireless services in Oregon ranked 46th nationwide at 2.27%. The majority of the states were above 8%. Adoption of the telecommunications service tax would put Corvallis at 7.27% equal to the 31st state in the nation; 19th from the bottom.

11. Does the telecommunications service tax apply to internet telephone service providers?

Yes. Internet telephone service providers will be subject to the 5% telecommunications service tax.

12. How much new revenue will the 5% telecommunications service tax generate? How will the City spend this new revenue?

It is estimated that the telecommunications service tax will generate between \$350,000 and \$500,000 of additional revenue each year. This estimate assumes at least 4,600 billable addresses in the city have wireless service and use an average of \$50 of service each month. City Council is directing these funds to be used for critical and unavoidable fire department needs such as fire vehicle replacement, fire station replacement and training facilities.

- 13. Why does the fire department need a new training tower? Isn't the one by Public Works sufficient in times of financial need?**

The current fire training tower is 40 years old. However, the need to replace the tower is driven by the Wastewater Reclamation Plant's requirement to treat water to meet federal guidelines. The ground currently occupied by the training tower is needed to build water purification tanks.

- 14. Does the City really need a fire training tower and facility? Why can't you train in parking lots and at buildings in the area?**

All fire departments are evaluated by the Insurance Services Offices (ISO) for available and adequate water supply, apparatus, and training and a variety of other tools of competence. Most insurance companies base the cost of local insurance on the city's overall ISO score. One of the tools ISO evaluates is the fire department training facility. Training is 7 points of the 50 possible points a fire department can achieve.

It is always good for fire departments to train at various buildings in their response area/city. However, due to the frequency and periods of time staff trains, it would be disrupting and inconvenient to business owners to have multiple fire apparatus congesting their parking area and buildings. Having a dedicated training facility allows uninterrupted periods of time for repetitive training of fire crews and others in the community who use the facility.

- 15. Telecommunications services tax revenues are also proposed to be used for a fire station. Why is another fire station needed?**

The fire station project is planned for several phases. The first phase is to acquire land for a combined fire training facility and future fire station location. The second phase will be to construct the training tower and the associated training props. We expect these two phases to be completed within three years. The third phase is long term. We are seeking enough property so that a fire station can be placed in the best location to serve the community in terms of response times and growth patterns.

- 16. Why aren't fire vehicle replacement funds being reserved so new vehicles can be purchased when necessary?**

In FY 02-03, as part of a number of service reductions necessary to balance the budget, the City stopped putting over \$180,000 per year into reserves for fire vehicle replacements. The monies which would have been put into reserves were re-directed to other operational areas of the City to continue as many other services as possible.

- 17. The Fire Department has a variety of apparatus. Can we reduce the number of vehicles?**

Corvallis Fire Department protects city residences and commercial business property, as well as rural residences, land, and commercial property. In addition to fire protection, the Fire Department

provides the ambulance service, regional hazardous materials response, and special rescue services. In order to cover all these missions, it requires a mix of apparatus.

Each of the five city fire stations has an engine for use where fire hydrants are the water supply. When fires occur in the rural or non-fire hydrated areas, water tenders carrying water are used. In addition, if the fire is in rugged terrain (off the road or in fields) smaller brush vehicles are used. Three city stations also have ambulances for medical emergencies and transport.

The need for fire apparatus is driven by the community's desire to have an appropriate level of fire protection. The Insurance Service Office, which plays a major role in setting insurance rates for the community, evaluates the number and type of fire apparatus. The department has strived to maintain an excellent insurance rating, which equates to lower insurance costs for property owners.

18. What new vehicles does the fire department need? What drives the need for new vehicles?

The department places vehicles in a replacement schedule. Each year staff evaluates the maintenance, parts availability, and expected life of vehicles. We plan for twenty-year life for engines and ladder trucks, six years for older style ambulances (pre-1995) and nine years for truck style ambulances (after 1995.) The following chart identifies age, replacement cost, and comments. The vehicle identified as Engine 136 receives extremely high use and we have continuously high maintenance costs for that vehicle.

Vehicle Name	Current Age	Life Expectancy	Planned Replacement Year	Replacement Cost	Comments
Truck 151	24 y.o. (1982)	20 years	2008	\$ 708,000* (Used price)	Escalating maintenance costs; changing safety requirements
Engine 136	12 y.o. (1994)	20 years	2009	\$ 372,000	Escalating maintenance costs; high use
Amb. 121	12 y.o. (1994)	6 years	2007	\$ 210,000	Currently a reserve unit
Amb. 123	7 y.o. (1999)	9 years	2010	\$ 210,000	Very rough ride for patients; vibration problem

* based on used vehicle cost, replacement cost if new \$934,000

19. What other options does the City have to fund the apparatus needing replacement?

The city has several options for funding the replacement of fire vehicles. The City could seek a local property tax levy to provide monies to buy replacement vehicles. The City could issue general

obligation bonds to purchase replacement vehicles. Both of these options would require voter approval and would increase property taxes. The City could reduce a number of other property tax funded services to free up monies to be used to purchase fire vehicles. The City Council has not wanted to pursue that option because the services that would have to be reduced are important to the community -- Library, Parks, Transit, Fire, and Police.

20. Has the City tried other revenue sources than a Telecommunications Service Tax?

Over the last several years the City has tried a wide variety of revenue alternatives and has reduced the budget by more than \$2 million to fill funding gaps. Some of the revenue alternatives have been implemented successfully, and others have failed. Alternatives the City has tried include:

- Basic Fees – staff, and in some cases consultants, have reviewed the City’s fees and made adjustments where necessary to ensure that fees are covering the costs of the programs.
- Franchise Fees on City utilities – the City Council adopted a franchise fee on the City’s own water, wastewater, and storm water utilities at 5% of gross revenue, the same rate electric and gas utilities pay and the same rate proposed for the telecommunications.
- Local Vehicle Registration Fee – this would have provided funding for street and road construction throughout Benton County, and required voter approval to be created. The initiative failed.
- Transportation Maintenance Fee – the City Council has approved a transportation maintenance fee to be implemented July 1 and charged on the City’s utility bills. The monies from this fee will be used for street infrastructure projects.
- Joint Law Enforcement Operations – a study was completed in 2004 that looked at whether or not a combined Corvallis Police Department and Benton County Sheriff’s Office would save monies for both the City and the County. Although a joint agency was not pursued, eight initiatives expected to improve the efficiency of both departments are being implemented.
- Local Option Tax Levy – the City placed a local option property tax levy on the ballot in November, 2002. The levy would have funded a broad base of services including Police, Library, Parks & Recreation, and Fire, but it failed.
- Transportation District – the City studied whether or not a transportation district could be created to fund Transit services which are largely funded by property taxes. The City Council decided that they would not pursue this option.

21. Additional questions should be directed to the City Manager’s Office, who will share them with City Council.

City of Corvallis



Telecommunications Services Tax

Existing Local Telecommunications Framework

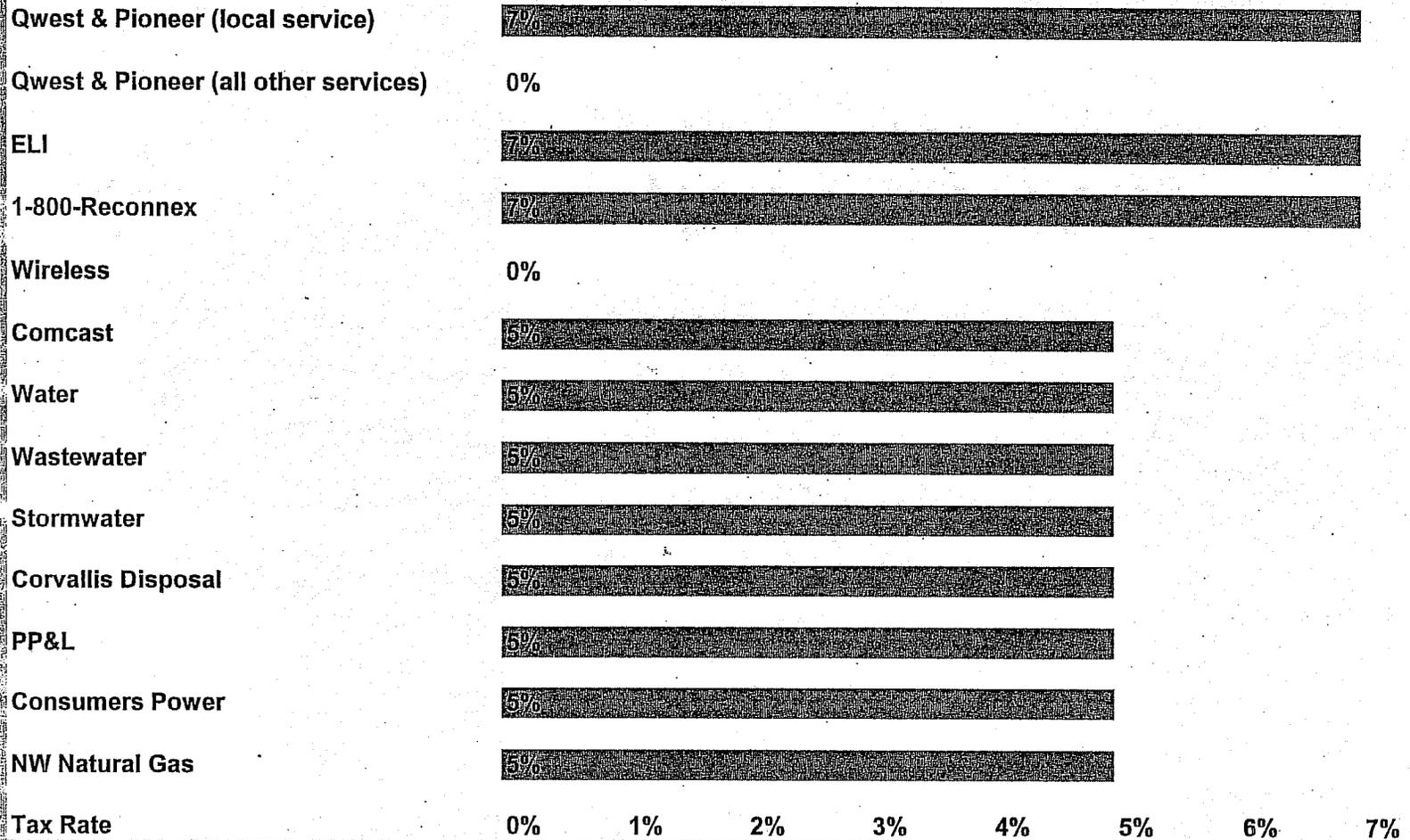
- Incumbent local exchange carriers such as Qwest and Pioneer Telephone pay 7% franchise fee on local dial-tone service only, about 35% of total gross revenues earned within the city.
- Competitive local exchange carriers (ELI, 1-800-Reconnex) pay 7% franchise fee on all revenues earned within city
- Long distance carriers (AT&T, Sprint) pay a per foot rate and no tax on services offered locally

Existing Local Telecommunications Framework

- Wireless providers currently pay no local tax. In addition, based on a study conducted in 2004, state and local tax rates for wireless services in Oregon ranked 46th nationwide at only 2.27%. The majority of the states were above 8%. Adoption of the telecommunications service tax would put Corvallis at 7.27% equal to the 31st state in the nation; 19th from the bottom.

BEFORE TELECOMMUNICATIONS SERVICE TAX

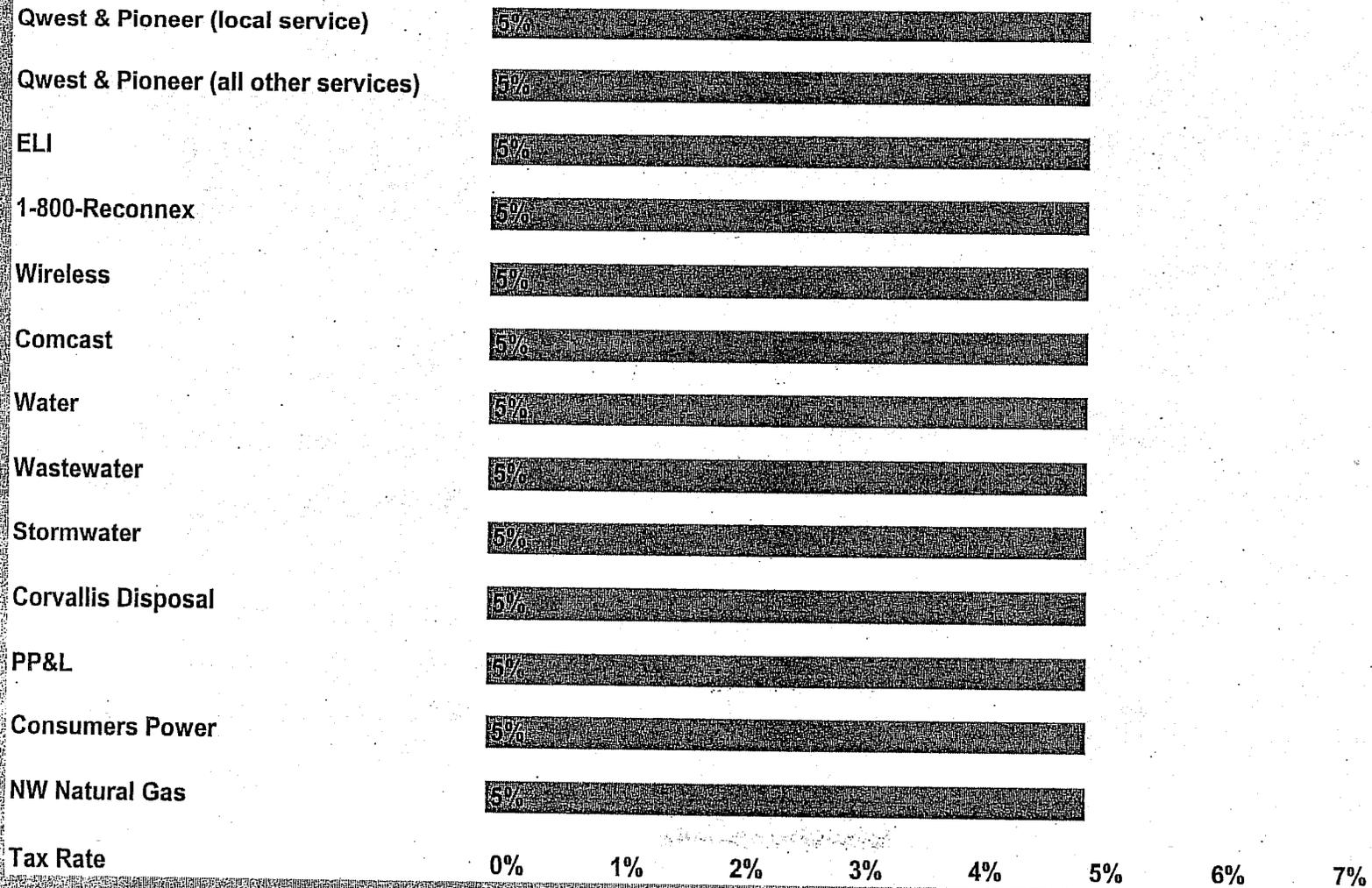
CURRENT CODE



Objectives of Telecommunications Services Tax Proposal

- Tax all providers of telecommunications services equally
- Broaden the base of revenue subject to the tax (similar to the City of Eugene)
- Tax all revenues equally regardless of the type of services offered
- Level the playing field for all providers of telecommunications services
- Increase compensation to the City

AFTER TELECOMMUNICATIONS SERVICE TAX PROPOSED CODE



Telecommunications Services Tax Proposal

- The telecommunications services tax proposal is a 5% tax on all revenues generated from the sale of telecommunications services Corvallis.
- The tax applies to revenues earned by traditional service providers and competitive access providers.
- The 5% tax also applies to all services and calls made from a wireless telephone during the billing period provided the customer's place of primary use (billing address) is within the city regardless of where the call originated.

Telecommunications Services Tax Proposal

Telecommunications Service means offering services for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used:

- Local exchange access services
- Enhanced services such as call-waiting, call-forwarding, caller ID, voicemail
- Delivery of services over copper, fiber, laser, cable or internet protocol
- Wireless calls regardless of where the call took place provided customer billing address inside city limits

Telecommunications Services Tax Proposal

- Change existing master telecommunications ordinance to reduce franchise fee compensation to 5% of gross revenue
- Eliminate franchise requirement for competitive access carriers, registration only
- Allow franchise fees to be credited against tax
- Cable services and private networks exempt
- Audit provisions require documentation upon request, underpayment by 3% or more results in cost recovery, penalties and interest
- Willful violation results in fine of \$500 per day, per violation

Telecommunications Services Tax Proposal

- The telecommunications services tax is a 5% tax on the revenues of telecommunications service providers and it is their responsibility to pay the tax.
- State law allows these providers to pass a portion of the tax through to a customer with a billing address in the city and to itemize the tax on the customer bill.
- Wireless providers are not regulated under State law.

Telecommunications Services Tax Proposal

- The telecommunications services tax is equal to local taxes or fees assessed on revenues earned by other utility service providers offering their services within the city. Franchise fees and privilege taxes can be credited against the tax.
- Electric, natural gas, solid waste and cable, all pay a 5% tax on revenues earned from services provided to the community. The City's water, wastewater and stormwater services also pay a 5% tax on earned revenues.

Telecommunications Services Tax Proposal

- The telecommunications service tax could generate between \$350,000 and \$500,000 of additional revenue each year.
- This estimate assumes at least 4,600 billable addresses in the city have wireless service and use an average of \$50 of service each month.
- City Council is directing these funds to be used for critical and unavoidable fire department needs such as fire vehicle replacement, fire station replacement and training facilities.

Telecommunications Services Tax Proposal

Other options to raise revenue:

- Local property tax levy
- General obligation bonds

Both of these options require voter approval and would increase local property taxes

- Reduce other property tax funded services to free up monies to be used to purchase fire vehicles.

Services include Library, Parks, Transit, Fire, and Police

Telecommunications Services Tax Proposal

Past Efforts:

Over the last several years the City has tried a wide variety of revenue alternatives and has reduced the budget by more than \$2 million to fill funding gaps. Some of the revenue alternatives have been implemented successfully, and others have failed. Alternatives include:

- Basic Fees – make adjustments to cover costs
- Franchise Fees on City utilities – 5% franchise fee on City utility services
- Local Vehicle Registration Fee – initiative failed
- Transportation Maintenance Fee – effective July 1, 2006
- Joint Law Enforcement Operations – joint agency not pursued
- Local Option Tax Levy – defeated in 2002
- Transportation District – Council chose not to pursue

Telecommunications Services Tax Proposal

Summary:

- Levels playing field, no competitive advantage
- Collection and audit tools in place
- Equitable
- Keeps pace with changing technology
- Increased revenue
- No increase in property taxes
- Long-term funding solution
- Already in place in several Oregon cities

Telecommunications Services Tax Proposal

Review Process

- April 13th, Public Forum – receive input, collect comments
- May 4th, Administrative Services Committee Meeting, Noon, Madison Avenue Meeting Room, 500 SW Madison Avenue – review comments, make recommendation to City Council
- May 15th, City Council Meeting, Main Fire Station, Downtown, 7:30 pm – Review ASC recommendation, Council decision to adopt or reject telecommunications services tax
- Effective date (if adopted) July 1, 2006

To: Corvallis City Council Administrative Services Committee

From: Eric Blackledge

Subject: Top 10 reasons why the proposed Corvallis "Telecommunications Tax" must be a really bad joke!

1. The Council had described this proposal as a 5% gross receipts tax on communication service companies? But of course it isn't really. It is a tax directly on the citizens and businesses in the city that use telecommunications services, since all utilities will pass on the tax in their. Plus they may also add on an additional regulatory cost recovery fees of their own for all the extra billing costs they will incur to comply with the City's tax requirements. And unlike property taxes, the proposed new tax will only be deductible for businesses, so residents will have to pay it with after tax dollars.

2. Why should the City tax "thin air"? There is some logical argument for charging utility companies, which use the public street right of ways, a reasonable charge to place poles, buried pipes or wires and related equipment needed to deliver their services to the community. Presumably this charge, or franchise fee, should be related to the various extra un-reimbursed costs to the City for building and maintaining the city's street system and public lands which result from utility installation and maintenance activity. This applies to hard infrastructure utilities such as electric power, gas, TV cable and wired telephone service. The City should also charge some appropriate fee or land lease for placement of any other private structures or equipment on City property, such as cell phone antenna towers, or other radio or TV system equipment.

If other communication systems such as over-the-air television stations, radio stations, satellite communication systems, or cellular telephone service do not require the use of city property, and do not add any costs to the City, what logical basis is there to tax them? Over the air communication services are normally licensed and regulated only by the federal government.

If there is a concern that the franchise fees these utilities pay are so high that it affects their competition with over the air services, perhaps the City should do a detailed re-analysis of the actual out of pocket costs to the City of allowing utilities to use the right of ways. Maybe current franchise fees they are too high and need to be reduced?

3. How hard will it be to administer this new tax? Very hard! Charging private utilities which run pipes and wires through the streets, and traditionally had service monopolies was relatively easy, since the services went to fixed physical addresses and the utilities could usually determine which service addresses were in the city limits and which weren't. Residents and businesses outside the city limits are not normally charged City franchise fees even though the lines and substations that serve them may originate inside the city.

But with over the air communication services, there are no fixed service addresses. If a cell phone customer who lives outside the city has his bill sent to a Corvallis post office box, would they be billed for the tax? If they lived inside the city, but had the bill sent to a Philomath Post Office box, or to a friend who lived in the country, would they be billed for the tax? If a business, or organization located inside the city has their bill sent to a billing office in another city, will they pay the tax? I realize City government has long sought ways to tax the University and its students who pay less property tax, but many OSU students, and others, use cell numbers from other cities and even other states, which are often billed to parents or other parties. Will they get billed? With the relatively high level of the proposed tax for many residential and business customers, any one who can find a way will switch to an out of town billing address. The proposed tax might even result in new business startups to serve this need, but unfortunately they would be just outside of city limits.

4. What will it cost communication service providers to accurately collect the City's tax?

Post office designations for city names and zip codes do not follow city legal boundaries. With no fixed service addresses, and no clear relationship between the billing address and where wireless service is used how will the communications companies decide which bills get taxed and which don't. What will the cost be to handle billing complaints or legal actions resulting from erroneous billing of the tax? Who will pay for all this confusion and "non-value added" expense? Of course, the local customer of the service, since the utilities have an established right to pass on regulatory costs to their customers no matter how unreasonable they are.

5. What will it cost City government to enforce this new tax? The issues are equally complex and expensive for the City. Which communication companies do you try to make comply with the tax? Do you just tax all other "extra" services billed by the same utility companies who now pay franchise tax since the City now has some "power" over these businesses who still require land line franchises, which would make them less competitive than newer all wireless providers? Do you try to enforce the tax on any communication company with any office in Corvallis? Do you try to enforce it on wireless internet providers from Philomath and Lebanon or Albany? Do you try to enforce it only on cellular phone companies that have antennas inside the city, or also on those with antennas only outside the city? What about direct broadcast satellite companies that provide competing TV and internet services? What about broadcast television stations that are converting to digital signals and will be able to offer alternate services on their bandwidth? How do you get all of these businesses to equitably collect a tax for a tiny little town in Oregon when they don't even have any logical way to determine which of their customers might be subject to it? In addition to potential administrative costs, the effected companies will see this new taxing concept as a major problem, and will probably spend lots of money to fight it in the courts, and by City initiative, all of which may end up costing the City more than the tax brings in.

6. The City of Corvallis has spent some taxpayer dollars trying to attract a good economic base of clean, high wage, high value businesses. Most of these businesses probably use lots of technology and communications services to compensate for Corvallis's more remote physical location. How are existing technology businesses going to view Corvallis as a place to do business when they see this new tax on their service provider bills? Since the proposal is an "unusual" and very negative tax from the standpoint of the high tech sector, what kind of "publicity" will the tax get in all the technology industry trade publications, and what kind of lasting image will it create in site locator's minds about the City of Corvallis. Most state and regional economic development people have already pretty much written off Corvallis as wanting any growth. They are really going to get a laugh out of this idea.

7. The word "equity" has been brought up to justify this new tax, but the reality is that it would just add more inequity to the market place. The "tax" would apply to the full cost of all services billed by, or through, a utility company which the City is able to coerce into collecting the new tax. Currently only the cost of basic phone service, about \$25, can be used in charging current franchise fees under state law. If I buy my long distance service or internet ISP service through my local land line phone company it will be on their bill and have a 5% tax added. If I buy the same services from any of hundreds of potential regional or national service providers with no local business nexus, I can avoid the 5% tax, which more than pays for the extra stamp to pay the bill. This would also reduce the income, and probably the employment of local service providers. Is this reasonable or "equitable" for the service providers who have long paid their franchise fees to City government?

The new tax would also treat citizens inequitably. Many businesses, organizations, and more sophisticated communication and technology users will be able to escape the tax through the use of 3rd party communication service providers with no nexus in Corvallis, or the use of out of town billing

addresses. Small local businesses may have to pay the tax, but "big box" chains and larger multi branch businesses, who bill cellular services through their headquarters may not. The city's lowest income residents who use land line phone and cable TV for most of their communication, and only have a local billing address, will be hit hardest by the new tax, and be least able to escape it. It is the local single mother who uses her cell phone a lot looking for work, and whose daughter needs the internet for school work, who will be impacted the most by this new tax.

8. Later this month Mayor Berg is scheduled to proudly dedicate the start of a new Downtown wide free WiFi internet service provided by Alyrica internet services of Philomath. Who will pay the communication tax for free services like this, or for all the free communication services residents receive from commercial television and radio stations. If Cable TV companies will have to collect the new 5% tax, how will it be collected from over the air TV stations which will soon have clear, high definition, signals and the potential to provide optional subscription services? Does this increase "equitability"?

9. When the City really wants to show the voters that a new tax is just an attempt to get more money from the taxpayers, there is no better way then to pick something popular to use a new tax for, even if it is totally unrelated to the collection base of the new tax dollars. If Corvallis really needs the new Fire Department equipment and facilities which have been connected with the new tax proposal, what makes a communications tax a logical way to pay for them? How many cell phone fires does the City put out each year? What relationship is there between communication use and the need for fire protection? In fact isn't wide possession and use of cell phones an advantage in getting quick reporting of fires or other emergencies which reduces public costs? The training tower improvements and new trucks will also benefit property in the rural fire protection districts outside the city, but they won't pay the communications tax? Does this make sense?

10. So, what should the Council do? I would suggest you go back and determine the relative need for the new fire protection equipment in relation to other City budget expenditures. Then, decide whether to fund the Fire Department improvements within the existing budget, by reducing other costs, the way local citizens and businesses often have to, or use a more appropriate property tax increase to fund these clearly property based services?

It is the citizens who can best judge the need for new public service improvements and how best to pay for them. And if the Council doesn't refer this issue to the voters, I expect the utilities and local residents will.

Eric Blackledge
Blackledge Furniture
233 SW 2nd St.
Corvallis, OR 97333

Or
3300 Hawk Crest Drive, Philomath Oregon 97370
for telecommunications billing purposes!

4/11
Lanny, FYI K

[Date Prev][Date Next][Thread Prev][Thread Next][Date Index][Thread Index]

Comment about telecom tax proposal--favor tax

- To: <mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>, <ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- Subject: Comment about telecom tax proposal--favor tax
- From: Carol Bosworth <cbosworth@xxxxxxx>
- Date: Mon, 10 Apr 2006 09:07:25 -0700
- User-agent: Microsoft-Entourage/11.1.0.040913

I live at 1224 NW Alta Vista Dr., in Corvallis. I support the proposal for taxing the use of telecommunications, to support city functions, primarily at this time (I understand) the fire department--training, equipment, other upgrades.

These are my reasons:

1. Taxes to support city functions of all kinds have been rejected steadily for the past several years, while costs keep rising in general. Our city can not function without a secure tax base connected with the general economy. Property taxes are viewed as an unfair burden on a portion of our citizens, though ultimately everyone pays for the tax costs there. (I believe that is true, though we seldom see the linkages.) I feel we need to find a new tax basis to fund city functions that benefit all of us, and this proposal seems more than fair to me, in distribution of the cost.

2. The telecom utility, while a utility like water and electricity in general category, is different by far, in that it is not a life essential. Water and electricity are needed by every household and business, for basic ground-level living needs. It is hard to economize below a basic level, if your bill gets beyond your comfortable payment level. This means to me that water and electricity are not fair tax bases, as they are too essential and not an element of choice for most people. Telecommunications are also vital to our economy and lifestyles but they are ALL more of an elective in terms of the level of use. One cell phone per family may be viewed as necessary, but for each person in the family to have one is not necessary, not basic to life, and is elective. Taxing phones, cell phones, internet, cable TV etc. would be to apply a civic duty tax to activities of life that are non-essential to basic survival and health. Usage of these is elective. Usage of these is related more directly to general economy than is the use of most utilities. I favor selecting this area to be taxed for supporting our common community safety and health needs.

3. I feel it would help to have the tax focused clearly on funding for specific named needs, and not some needs "as may occur in the future". In today's tax struggles, it makes it harder to get money pledged through taxes when people don't know where it is going. Planning for the future is nice, but may have to be covered some other way.

Sincerely,
Carol Bosworth

Citizen Comments Report to CMO

3/26/06

This is an enquiry e-mail via %s from: John J. Fradet (fradetj@gmail.com)

I am not in favor of a cell phone tax.

However if a cell phone tax did come about, I think the monies should support a wireless internet system in Corvallis. I do not see the relationship between fire stations and fire equipment being supported by a cell phone tax.

Telephone Calls:

Citizen Comments:

Senior Citizen votes no on tax proposal. City gets enough money.

Retired State Police Officer seemed to be okay with the proposal provided it didn't tax internet services.

Krieg, Tony

From: tracy noel [farm4thefuture@hotmail.com]
Sent: Thursday, April 13, 2006 4:31 PM
To: Krieg, Tony
Subject: Telecommunications Tax proposal

Tony, thanks for taking my thoughts to the ASC. I applaud the City's pursuit of a telecommunications tax. With difficulty funding essential services with our existing and limited tax base, the City is wise to explore this untapped revenue source, at the same time equalizing the tax burden carried by all service providers. An equitable telecommunications tax is justifiable and long overdue.

Tracy Noel
1915 SE Debord
Corvallis, OR 97333
(541) 231-1071

<html><DIV>

<H5 dir=ltr style="MARGIN-RIGHT: 0px" align=left>Tracy Noel
Corvallis
Environmental Center
Youth Garden Project
214 SW Monroe
PO Box
2189
Corvallis, OR 97339
(541) 753-9211
farm4thefuture@hotmail.com</H5>

<H5 dir=ltr style="MARGIN-RIGHT: 0px" align=left>www.corvallisenvironmentalcenter.org</H5>
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<web>Cell phone tax.

To: ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Subject: <web>Cell phone tax.

From: "John J. Fradet" <fradetj@xxxxxxxx>

Date: Sun, 26 Mar 2006 21:59:09 -0800

Reply-to: <fradetj@xxxxxxxx>

This is an enquiry e-mail via %s from: John J. Fradet (fradetj@xxxxxxxx)
I am not in favor of a cell phone tax.
However if a cell phone tax did come about, I think the monies should support
a wireless internet system in Corvallis. I do not see the relationship
between fire stations and fire equipment being supported by a cell phone tax.

Prev by Date: [Park System Development Charge Methodology Update](#)

Next by Date: [<web>Cell phone tax.](#)

Previous by thread: [Martin Luther King III to Speak at OSU on April 11 -- Please join us](#)

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<web>No Cell Phone Tax

To: ward6@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Subject: <web>No Cell Phone Tax

From: Melissa Hartley <hartley_me@xxxxxxxxxx>

Date: Thu, 13 Apr 2006 11:37:58 -0700

Reply-to: <hartley_me@xxxxxxxxxx>

This is an enquiry e-mail via %s from: Melissa Hartley (hartley_me@xxxxxxxxxx)
Our family is completely against a cell phone tax. Corvallis already taxes too much. The taxes Corvallis charges various utilities for occupying otherwise unused space are also passed onto consumers. Corvallis has demonstrated repeatedly that it cannot use money wisely. In case the city hasn't noticed, the economy is in a shambles. We do not need a new firefighter's practice tower. Many citizens of Corvallis are just getting by, if they are that lucky. I would like to see the city be more realistic about the financial health and well being of its citizens, rather than trying to tax citizens' cell phones in order to buy new completely unrelated items. No thanks! Melissa Hartley

Prev by Date: [\[SPAM\] StormCon Program News](#)

Next by Date: [\[SPAM\] Fwd: Offers the most intense grooves in the galaxy!](#)

Previous by thread: [\[SPAM\] StormCon Program News](#)

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<web>Cell Phone Tax

To: ward9@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Subject: <web>Cell Phone Tax

From: Dan Malin <DKMalin@xxxxxxx>

Date: Mon, 27 Mar 2006 19:04:26 -0800

Reply-to: <DKMalin@xxxxxxx>

This is an enquiry e-mail via %s from: Dan Malin (DKMalin@xxxxxxx)

Mr. Brauner,

I heard on the television that the City Council is considering a new cell phone tax. I wanted to make sure you understand my complete opposition to any new tax. The city has demonstrated too many times that they are all too willing to spend my money. If the city has a valid revenue requirement, they should make it known to the citizens and let us decide on the expenditure by voting on it. Please stop trying to take my money, I am trying to raise a family.

I hope you will represent my concerns at the city council meeting. Thank you.

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telecom tax

- To: mayor@xxxxxxxxxxxxxxxxxxxxx
- Subject: telecom tax
- From: FredJoTarver@xxxxxxx
- Date: Wed, 12 Apr 2006 14:13:30 EDT

Your Honor the Mayor- Helen Berg

Dear Ms Berg:

May I give my opinion re: the proposed Cell Tax?

I do not believe it is a fair tax on people, nor do I believe it is needed.. We (which includes regular folks as well as those in office and as such, more responsible) must learn to live within our budget. The person who uses such a device pays for the use. It should not be considered a Communication x.

It seems that almost every month now, there is a new proposal for a NEW TAX....those on limited incomes must live within certain boundaries...so also, elected folks to our government, beginning with City, County, State and Government! we cannot continue to run a city on many such "spur of the moment taxes"...i.e. bandaid taxes...

I would hope you would share this with your fellow council members.

We do care, and we DO VOTE!!!

Thank you for your time.

respectfully,

Jo Tarver
6810 NW Mt. View Dr.,
Corvallis

- Prev by Date: [\[SPAM\] NLC Housing Seminar Webcast event](#)
- Next by Date: [Earth Charter](#)
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- Next by thread: [Earth Charter](#)

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<web>I support cellphone tax

To: ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Subject: <web>I support cellphone tax

From: Kevin Grant <KevinAGrant@xxxxxxxx>

Date: Fri, 14 Apr 2006 14:28:08 -0700

Reply-to: <KevinAGrant@xxxxxxxx>

This is an enquiry e-mail via %s from: Kevin Grant (KevinAGrant@xxxxxxxx)
Councilor Daniels,

I was unable to attend the public forum concerning the proposed telecommunications tax structure, but seeing as much of the commentary was in opposition, I would like to write to express my SUPPORT of this tax.

As someone who only uses a cellphone (from 0 to 5% tax) and no landline (from 7% to 5% tax), I stand to be charged more than, say, someone with a landline and especially someone with only a landline phone.

Regardless of this fact, I am willing to pay this tax because it is just plain fair. Why are people with traditional phones paying a tax and I am not?

Everyone loves and depends on the services government provides (e.g., fire service), but hardly anyone will gladly pay their oh-so small portion of the bill (i.e., taxes).

I SUPPORT THE CELL PHONE TAX.

Kevin Grant
SW 8th St, Corvallis

Prev by Date: [[SuperUpdate](#)] [Superintendent's Update #148](#)

Next by Date: [Tree removal](#)

Previous by thread: [[SuperUpdate](#)] [Superintendent's Update #148](#)

Next by thread: [Invitation to attend Police Citizen Review Board Public Forum](#)

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<web>Cell Phone Tax

To: ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Subject: <web>Cell Phone Tax

From: Nancy Sarpola <jsarpola@xxxxxxxxxxxxx>

Date: Mon, 17 Apr 2006 10:28:35 -0700

Reply-to: <jsarpola@xxxxxxxxxxxxx>

This is an enquiry e-mail via %s from: Nancy Sarpola (jsarpola@xxxxxxxxxxxxx)
The city has no right to tax cell phones since it is not maintaining any right
of way. Many citizens of Corvallis have learned to live with less due to wage
freezes at HP and the University. The city needs to do the same.

Prev by Date: [\[SPAM\] happy easter](#)

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Telecommunications Services Tax Public Forum

April 13, 2006

Questions & Answers

Application of the Telecommunications Service Tax

1. Q. Will the telecommunications services tax apply to direct satellite television or other video television services or internet services even if provided by the telecommunications provider?

A. *The telecommunications services tax does not apply to direct satellite television. Only the State can authorize taxation of these types of video services. Other types of video services are exempt from the ordinance but they are subject to local franchising requirements. Internet service providers are not subject to taxation under federal law. However, telecommunications delivered over the internet protocol platform are not exempt. If a customer purchases internet telecommunications services through their internet access, the revenue generated from the telecommunications services would be subject to the tax.*

2. Q. Do local wireless phone users pay taxes in other states when making long distance calls or pay to use wireless phone towers in other cities?

A. *Local customers do not pay State or local taxes or pay to use wireless phone towers in any other state where calls are placed if their place of primary use (billing address) is in Corvallis. Customers may pay roaming fees or long distance rates if applicable.*

3. Q. Why doesn't the City wait two years to tax telecommunications services delivered through internet protocol while the platform develops?

A. *The internet protocol platform is developing rapidly. Most incumbent local exchange carriers are planning to move from their current service delivery platform to an internet protocol platform. The change should take place within the next two years. The telecommunications industry is also attempting to change federal law to prohibit taxation of telecommunications services over the internet protocol platform. Industry analysts expect significant changes in federal law within the two-year time frame.*

Public Right-of-Way

1. Q. What telephone lines, streets or other public rights of ways does the City provide wireless providers that would justify creation of the tax?

A. *Most wireless telephone calls are routed over land-line telecommunications facilities through a mobile telephone switching office (MTSO). The MTSO directs these calls via land-lines to contact other cell phone customers or to complete wireless transactions. Land-lines are typically owned and operated by incumbent local*

- exchange carriers that make extensive use of the public rights of ways.*
2. Q. Why should the City charge wireless providers for using the "air"?
- A. *The City is not charging wireless providers for using the "air." The City is proposing to tax wireless providers 5% of the revenues they earn within the city based on the revenues generated by the services they sell to customers living inside the city limits.*
3. Q. Don't wireless providers already compensate private property owners for use of their land to place cell towers?
- A. *Wireless providers do compensate or pay "rent" to private property owners for the use of private property similar to incumbent local exchange providers that use private property. The telecommunications services tax proposal does not affect private property rights or private property agreements.*

Financial Management

1. Q. Historically, have franchise fees or privilege taxes levied against telecommunications providers been used for telecommunications related projects?
- A. *Franchise fees and privilege taxes paid by telecommunications providers have always been allocated to the General Fund to pay for community programs or services as directed by City Council.*
2. Q. Should the telecommunications services tax be called a fire department tax if all the proceeds are going to the fire department?
- A. *Regardless of where the tax revenue is dedicated initially, revenue generated by the telecommunications services tax will provide enough revenue over time to purchase critical fire department equipment, training facilities and a new fire station. Additional revenues in future years could be needed by City Council to expand the Senior Center; further education, government, and public access enhancements; and other community-based projects.*
3. Q. When money is budgeted for fire department purposes, such as a reserve fund, can those funds be used by other departments for various projects?
- A. *Monies for Fire Department replacement reserves cannot, and have not, been spent on other departments. In FY 02-03 the City stopped adding to the Fire Department replacement reserves; the balances of reserves will be fully expended in FY 06-07, covering about half the cost of a replacement engine.*
4. Q. Why doesn't the City use System Development Charges to purchase critical fire department apparatus?

- A. *State law does not allow local governments to collect systems development charges for fire department infrastructure. Even if an SDC was in place, it would only allow for purchase of new facilities/equipment that occurred as the result of growth, not for replacement of aging facilities/equipment.*

Financial Impact on End Users

1. Q. How much will the telecommunications services tax proposal increase a \$50 per month, land-line residential phone bill?
- A. *First, the lowest cost service would be to have local exchange service at \$12.80 per month. Any costs above \$12.80 (plus taxes) would be for long distance, call waiting, caller ID and similar services. Currently, a residential phone bill includes a 7% franchise fee on local exchange services. Four percent of the fee is included in the rate making process and is not itemized on the customer bill, it is already included in the \$12.80 fee. Franchise fees above 4% are itemized on the customer bill. In our case, a 3% franchise fee appears on the customer bill and is applied to the \$12.80 local exchange rate resulting in a tax of \$0.38. If the telecommunications services tax is approved, the franchise fee is reduced to 5% with only 1% applying to the \$12.80 local exchange rate resulting in a tax of \$0.13. The additional services (\$37.20) would be subject to a 5% tax or \$1.86. The total tax would be \$1.99 under the new proposal.*
2. Q. Is there an assistance program for homeless people to help pay the increased costs on wireless services due to the tax?
- A. *There is no plan at this time to create a low-income payment assistance program for homeless people with wireless phones. The telecommunications services tax would require an additional \$2.50 on a \$50 per month phone bill.*
3. Q. Will the telecommunications services tax affect low-income people more than others?
- A. *The tax will affect those customers that use more services. If a customer only has basic local telephone service delivered by the incumbent local exchange carrier, their bill would actually decrease. If the customer uses a number of additional services or enjoy the use of a wireless phone, the additional revenue the customer generates for the telecommunications provider will be subject to the tax.*
4. Q. If local businesses use wireless services extensively, won't they pay a disproportionate amount of taxes under this proposal?
- A. *The telecommunications services tax is a tax on the provider of the service. If the provider passes through all or a portion of the tax, a customer that uses wireless*

services extensively, will pay more tax. If a customer uses traditional land-line service extensively, their tax bill will increase as well. Since the tax is based on the revenues generated by the level of service provided to customers, no provider (or customer) will have a competitive advantage over another.

5. Q. Does Oregon State University pay taxes that support the fire department?
- A. *The fire department is supported through property tax collections. Oregon State University is a state institution and does not pay local property taxes and does not support the fire department. However, since the fire department is required to respond to fire emergencies on university property, the fire department must ensure their inventory of vehicles and equipment is sufficient to handle the emergency.*

Administration

1. Q. Will the telecommunications providers add more administrative costs on to the customer bill to collect this tax?
- A. *Telecommunications providers offering service in the city already collect a local tax from their customers and remit these collections to local government. The collection mechanisms are in place. Wireless providers will need to comply with the collection procedures set forth in the Mobile Telecommunications Sourcing Act. These procedures were developed in collaboration between the wireless industry and government officials to simplify and standardize the tax collection process. The City of Eugene has been collecting a similar telecommunications tax on wire-line and wireless services for several years. Implementation has increased the provider's administrative overhead collection costs in Eugene but those increases were kept to a minimum.*
2. Q. How hard would it be for the City to administer this new tax and how much will it cost?
- A. *It is not the City's responsibility to administer the new tax. It is the responsibility of the telecommunications providers to comply with the local ordinance and remit payment. If approved, the City will notify all providers of telecommunications services operating within the state of the new tax law and the one-page registration process for entry into our local market. Failure to comply could result in a \$500 per day per violation penalty against the provider.*
3. Q. What benefit has Corvallis brought to local wireless providers?
- A. *Corvallis is a popular community that attracts a diversified, well educated populace. The infrastructure of the city supports the economy which attracts businesses and residents alike. These businesses and residents become customers of wireless providers who generate considerable profits from the services they provide.*

Telecommunications Services Tax Ordinance Frequently Asked Questions

1. What is a telecommunications service tax?

The telecommunications service tax proposes a 5% tax on all revenues generated from telecommunications services billed to residents of Corvallis.

2. Who will the telecommunications service tax apply to?

The tax will apply to all wire and wireless telecommunication providers offering telecommunications services within the city.

3. Does the telecommunications service tax apply equally to all providers of telecommunications services?

Yes. The telecommunications service tax will apply to all revenues (allowable under federal law) of all providers of telecommunications services within the city. Currently, some providers pay 7% of local exchange, while some providers pay 7% of all revenues earned within the city. Wireless providers pay no tax for operating within the city. The telecommunications service tax will require all providers to pay an equal tax of 5% of the revenues they earn within the city.

4. Do other utility service providers pay a tax on revenues earned from offering their services within the city?

Other utility service providers operating within the city such as electric, natural gas, solid waste and cable, all pay a 5% tax on the revenues earned from services provided to the community. The City's water, wastewater and stormwater services pay a 5% tax on earned revenues. Please refer to the two attached charts showing current rates and proposed rates.

5. Who will be responsible for paying the telecommunications service tax?

The telecommunications service tax is a 5% tax on providers offering telecommunication services within the city. State law allows these providers to pass a portion of the tax through to a customer with a billing address in the city and to itemize the tax on the customer bill.

6. Will this proposal increase the cost of my traditional telephone service?

If the telecommunications provider passes any portion of the tax on to its customers and itemizes the tax on the customer bill, the bill will increase.

7. Will this proposal increase the cost of my long distance service?

If the telecommunications provider passes any portion of the tax on to its customers and itemizes the tax on the customer bill, the bill will increase.

8. Does the telecommunications service tax apply to wireless telephone service providers? If so, how would it be taxed?

Yes. This tax will apply to wireless telephone service providers as well as traditional telephone service providers. The 5% tax will be based on revenue generated from all calls made from a wireless telephone during the billing period provided the customer's place of primary use (billing address) is within the city.

9. Are there federal regulations that restrict the City's ability to tax the revenues of wireless telecommunications providers?

Federal regulations do not preempt the City's ability to tax revenues earned by wireless telecommunications providers. The Mobile Telecommunications Sourcing Act (MTSA), an act to amend Title Four of the United States Code, was created jointly by local governments and the telecommunications industry to establish requirements for local taxation of wireless telecommunications services.

10. Do providers of wireless telecommunications services already pay excessive state and local taxes in Oregon?

No. Wireless providers currently pay no local tax. In addition, based on a study conducted in 2004, state and local tax rates for wireless services in Oregon ranked 46th nationwide at 2.27%. The majority of the states were above 8%. Adoption of the telecommunications service tax would put Corvallis at 7.27% equal to the 31st state in the nation; 19th from the bottom.

11. Does the telecommunications service tax apply to internet telephone service providers?

Yes. Internet telephone service providers will be subject to the 5% telecommunications service tax.

12. How much new revenue will the 5% telecommunications service tax generate? How will the City spend this new revenue?

It is estimated that the telecommunications service tax will generate between \$350,000 and \$500,000 of additional revenue each year. This estimate assumes at least 4,600 billable addresses in the city have wireless service and use an average of \$50 of service each month. City Council is directing these funds to be used for critical and unavoidable fire department needs such as fire vehicle replacement, fire station replacement and training facilities.

13. **Why does the fire department need a new training tower? Isn't the one by Public Works sufficient in times of financial need?**

The current fire training tower is 40 years old. However, the need to replace the tower is driven by the Wastewater Reclamation Plant's requirement to treat water to meet federal guidelines. The ground currently occupied by the training tower is needed to build water purification tanks.

14. **Does the City really need a fire training tower and facility? Why can't you train in parking lots and at buildings in the area?**

All fire departments are evaluated by the Insurance Services Offices (ISO) for available and adequate water supply, apparatus, and training and a variety of other tools of competence. Most insurance companies base the cost of local insurance on the city's overall ISO score. One of the tools ISO evaluates is the fire department training facility. Training is 7 points of the 50 possible points a fire department can achieve.

It is always good for fire departments to train at various buildings in their response area/city. However, due to the frequency and periods of time staff trains, it would be disrupting and inconvenient to business owners to have multiple fire apparatus congesting their parking area and buildings. Having a dedicated training facility allows uninterrupted periods of time for repetitive training of fire crews and others in the community who use the facility.

15. **Telecommunications services tax revenues are also proposed to be used for a fire station. Why is another fire station needed?**

The fire station project is planned for several phases. The first phase is to acquire land for a combined fire training facility and future fire station location. The second phase will be to construct the training tower and the associated training props. We expect these two phases to be completed within three years. The third phase is long term. We are seeking enough property so that a fire station can be placed in the best location to serve the community in terms of response times and growth patterns.

16. **Why aren't fire vehicle replacement funds being reserved so new vehicles can be purchased when necessary?**

In FY 02-03, as part of a number of service reductions necessary to balance the budget, the City stopped putting over \$180,000 per year into reserves for fire vehicle replacements. The monies which would have been put into reserves were re-directed to other operational areas of the City to continue as many other services as possible.

17. **The Fire Department has a variety of apparatus. Can we reduce the number of vehicles?**

Corvallis Fire Department protects city residences and commercial business property, as well as rural residences, land, and commercial property. In addition to fire protection, the Fire Department

provides the ambulance service, regional hazardous materials response, and special rescue services. In order to cover all these missions, it requires a mix of apparatus.

Each of the five city fire stations has an engine for use where fire hydrants are the water supply. When fires occur in the rural or non-fire hydrated areas, water tenders carrying water are used. In addition, if the fire is in rugged terrain (off the road or in fields) smaller brush vehicles are used. Three city stations also have ambulances for medical emergencies and transport.

The need for fire apparatus is driven by the community's desire to have an appropriate level of fire protection. The Insurance Service Office, which plays a major role in setting insurance rates for the community, evaluates the number and type of fire apparatus. The department has strived to maintain an excellent insurance rating, which equates to lower insurance costs for property owners.

18. What new vehicles does the fire department need? What drives the need for new vehicles?

The department places vehicles in a replacement schedule. Each year staff evaluates the maintenance, parts availability, and expected life of vehicles. We plan for twenty-year life for engines and ladder trucks, six years for older style ambulances (pre-1995) and nine years for truck style ambulances (after 1995.) The following chart identifies age, replacement cost, and comments. The vehicle identified as Engine 136 receives extremely high use and we have continuously high maintenance costs for that vehicle.

Vehicle Name	Current Age	Life Expectancy	Planned Replacement Year	Replacement Cost	Comments
Truck 151	24 y.o. (1982)	20 years	2008	\$ 708,000* (Used price)	Escalating maintenance costs; changing safety requirements
Engine 136	12 y.o. (1994)	20 years	2009	\$ 372,000	Escalating maintenance costs; high use
Amb. 121	12 y.o. (1994)	6 years	2007	\$ 210,000	Currently a reserve unit
Amb. 123	7 y.o. (1999)	9 years	2010	\$ 210,000	Very rough ride for patients; vibration problem

* based on used vehicle cost, replacement cost if new \$934,000

19. What other options does the City have to fund the apparatus needing replacement?

The city has several options for funding the replacement of fire vehicles. The City could seek a local property tax levy to provide monies to buy replacement vehicles. The City could issue general

obligation bonds to purchase replacement vehicles. Both of these options would require voter approval and would increase property taxes. The City could reduce a number of other property tax funded services to free up monies to be used to purchase fire vehicles. The City Council has not wanted to pursue that option because the services that would have to be reduced are important to the community -- Library, Parks, Transit, Fire, and Police.

20. Has the City tried other revenue sources than a Telecommunications Service Tax?

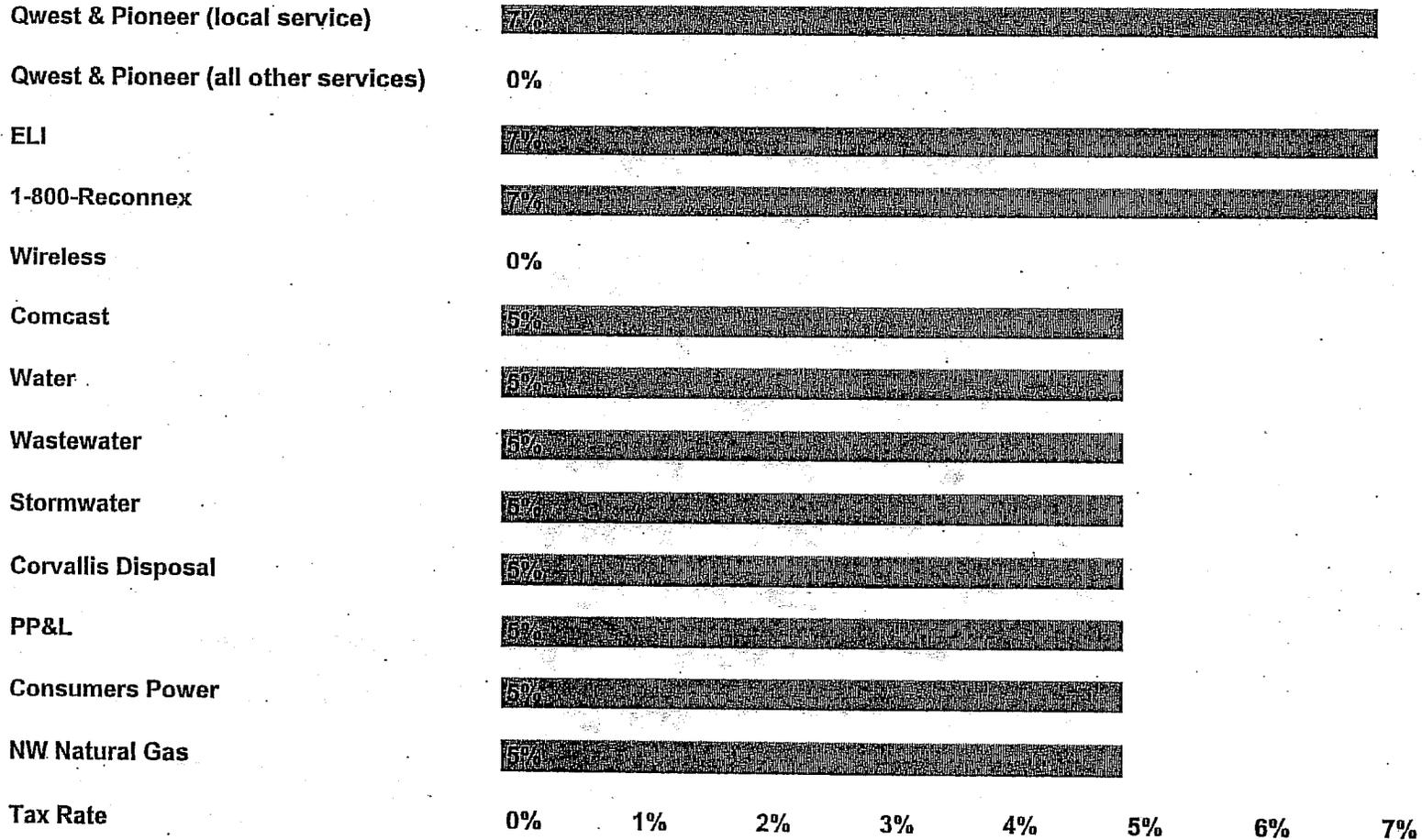
Over the last several years the City has tried a wide variety of revenue alternatives and has reduced the budget by more than \$2 million to fill funding gaps. Some of the revenue alternatives have been implemented successfully, and others have failed. Alternatives the City has tried include:

- Basic Fees – staff, and in some cases consultants, have reviewed the City’s fees and made adjustments where necessary to ensure that fees are covering the costs of the programs.
- Franchise Fees on City utilities – the City Council adopted a franchise fee on the City’s own water, wastewater, and storm water utilities at 5% of gross revenue, the same rate electric and gas utilities pay and the same rate proposed for the telecommunications.
- Local Vehicle Registration Fee – this would have provided funding for street and road construction throughout Benton County, and required voter approval to be created. The initiative failed.
- Transportation Maintenance Fee – the City Council has approved a transportation maintenance fee to be implemented July 1 and charged on the City’s utility bills. The monies from this fee will be used for street infrastructure projects.
- Joint Law Enforcement Operations – a study was completed in 2004 that looked at whether or not a combined Corvallis Police Department and Benton County Sheriff’s Office would save monies for both the City and the County. Although a joint agency was not pursued, eight initiatives expected to improve the efficiency of both departments are being implemented.
- Local Option Tax Levy – the City placed a local option property tax levy on the ballot in November, 2002. The levy would have funded a broad base of services including Police, Library, Parks & Recreation, and Fire, but it failed.
- Transportation District – the City studied whether or not a transportation district could be created to fund Transit services which are largely funded by property taxes. The City Council decided that they would not pursue this option.

21. Additional questions should be directed to the City Manager’s Office, who will share them with City Council.

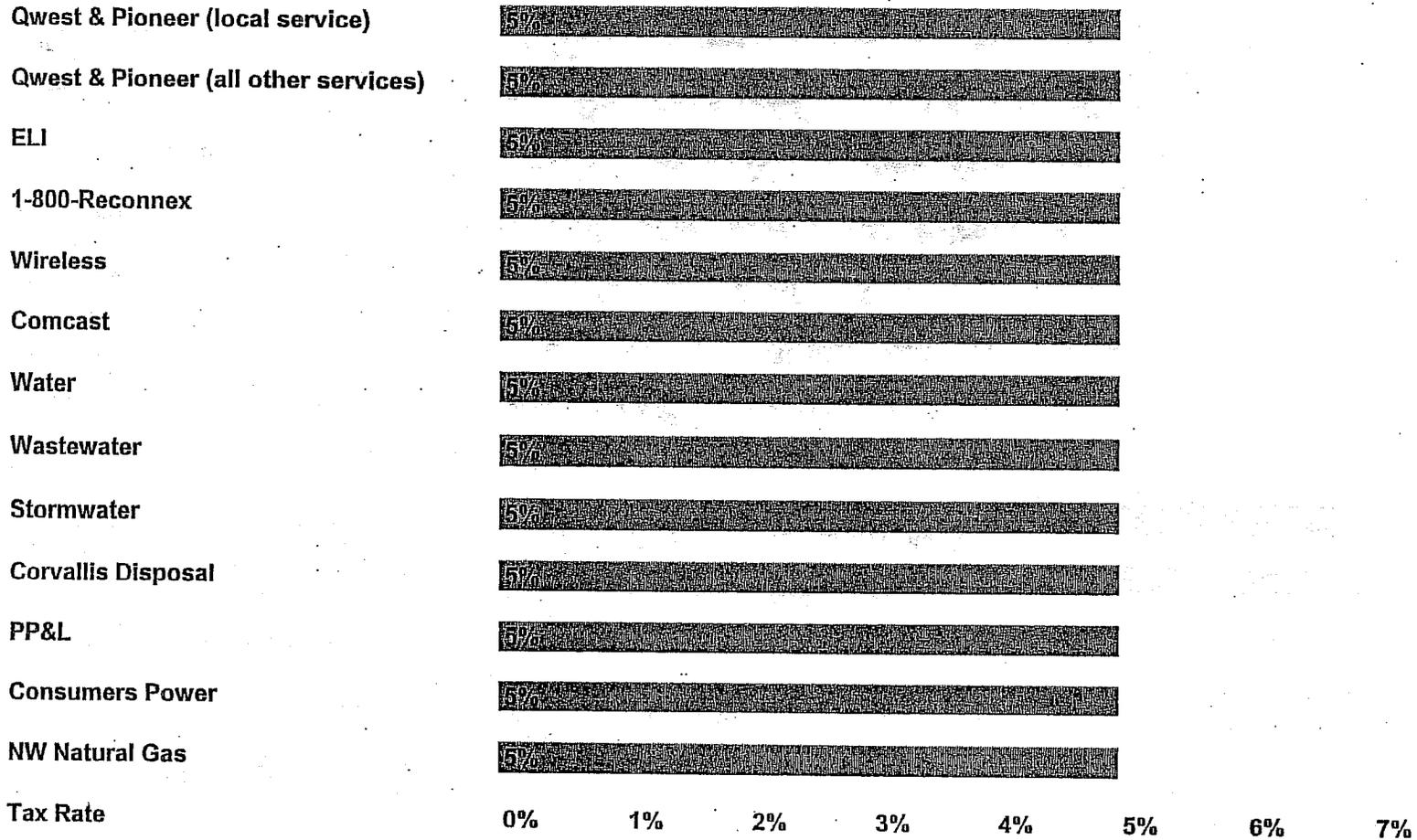
BEFORE TELECOMMUNICATIONS SERVICE TAX

CURRENT CODE



AFTER TELECOMMUNICATIONS SERVICE TAX

PROPOSED CODE



Memorandum

To: Administrative Services Committee
From: Business Advocacy Committee
Date: May 3, 2006
RE: Telecommunications Service Tax
CC: Nancy Brewer, Jon Nelson, Helen Berg



The Chamber BAC is taking no position on the proposed telecommunications service tax. We appreciate the fiscal position of the City of Corvallis and declining revenue from the franchise fee on landlines.

However, we do have some questions and concerns that we ask you to consider before you submit a recommendation to the full Council. We have noted a discrepancy between the City's estimate of generated revenue and that of the telecommunications industry. The staff report claims that the impact on consumers of communications services will be minimal and states that revenue will be in the range of \$700,000 per annum. Industry estimates place the generated revenue at closer to \$2 million. We feel that a difference in the estimates of this magnitude should not be ignored.

As a municipal tax, we also feel that the proposal has the potential to create an inequitable situation and may lead to costly administrative complications. We question the wisdom of pursuing a local tax when a statewide tax would have the advantage of economies of scale.

Finally, we feel it is important to acknowledge the level opposition there is to this proposal. The Chamber offices have received considerable negative feedback on the issue from members across industries, and businesses of all sizes. We are concerned with reported statements by Councilors suggesting that the only people in opposition to the proposal are in the telecommunications industry. We would point out, too, that a significant number of the individuals testifying against the proposal to Administrative Services on April 13 were not connected to the industry beyond being consumers.

Thank you for your thoughtful consideration as you deliberate your recommendation.

Ap. 20, 2006

City Councilor Emily Hagen:

Out of simple fairness, wire-phone users should not be paying an exorbitant \$12.80 per month in taxes and fees while wireless users escape taxes.

Jeanne Riha
Jeanne Riha

To-
ASC

FROM:
VERIZON
WIRELESS

Corvallis's proposed "Telecommunications service tax" Expansion to include other communication services

- The City's proposal for expansion of a "tax" to additional communication services is nothing more than a targeted sales tax increasing the cost to provide such services in the city and creating a fundamental shift in tax policy. This new tax is very regressive and will especially hurt consumers on fixed incomes and in the low-income categories. It could also prove devastating to small, local business owners who do not have flexibility in their budget to pay for a significant 5% increase to telecommunications services, which are essential to operate their businesses.
- The City contends that this proposal would "level the playing field" for all communication service providers operating in the city, however that is a misconception. The existing local taxes imposed upon landline companies were enacted for the privilege of using the localities public ways or it was imposed upon a company for its franchise to operate as a utility within the city, which also entitled it to use the public ways. Under the current proposal, any payments made for uses of the public ways assessed as a percentage of revenue under the privilege tax or franchise agreement will be offset against this new tax for those companies. The proposed tax provides a credit for the operating expense incurred for facilities placement by some carriers but not others – not leveling the playing field at all.
- The wireless industry does not receive the benefit of using the public ways and pays fair rent for all facility placements to the property owner, whether placed on public or private property. Long-distance carriers pay a charge per lineal foot for their facilities placements. Additionally, wireless carriers do not need to enter into a franchise with a city to operate as a utility. Wireless providers are not a "utility" and they have paid for their franchise in the form of FCC licenses, which they have paid substantial money to obtain from the Federal government.
- Both long-distance carriers and wireless providers pay substantial compensation (wholesale revenue) to the local exchange (LEC) carriers for using the LEC facilities throughout their networks and under interconnection agreements for terminating traffic on the LEC networks. Since the current proposal imposes a tax on the gross receipts of all communication services provided within the city, the current proposal will impose a "double" tax on communication services provided by certain providers. Both the wholesale and retail revenues of carriers will be subject to this tax, substantially increasing the costs to provide communication services to residents of the City of Corvallis.
- While we understand the revenue needs the city is looking to address, any tax proposal should be a broad based imposition that affects all taxpayers equitably. Not a targeted imposition such as the proposed telecommunications services tax. Eliminating these historic "utility" impositions are very important when lawmakers consider the role the communications infrastructure and services play in our Country's ability to compete in the global economy.
- The City has estimated that this tax expansion will be minimal to consumers of communication services, bringing in revenue of approximately **\$700,000**. However, the industry has estimated this new tax will be very costly to consumers of communication services and will in fact bring in almost **\$2,000,000** of additional revenue. Almost *three* times more than what the City has estimated.
- If the City Council believes the Telecommunications service tax is the right policy, it should take this issue to the general public and allow them to vote on whether the new tax is appropriate. Preliminary information indicates that residents of Corvallis are not supportive of this targeted tax.

FROM:
VERIZON
WIRELESS

**Corvallis's proposed "Telecommunications service tax"
Expansion to include other communication services
Technical Issues**

- The City contends that this proposal would "level the playing field" for all communication service providers operating in the city, however that is a misconception. The existing local taxes imposed upon landline companies were enacted for the "privilege" of using the localities public ways or it was imposed upon a company for its franchise to operate as a utility within the city, which also entitled the provider to use the public ways.
- Under the current proposal, any payments made for uses of the public ways assessed as a percentage of revenue under the privilege tax or franchise agreement will be offset against this new tax for those companies.
- The wireless industry does not receive the benefit of using the public ways and pays fair rent for all facility placements to the property owner, whether placed on public or private property. Long-distance carriers pay a charge per lineal foot for their facilities placements located within the City. The proposed tax provides a credit for the operating expense incurred for facilities placement by some carriers but not others.
- It is not disputed that the City should receive compensation from carriers that use the public ways. However, that compensation should be cost based and imposed equally upon only those providers that use the public ways. The imposition should not be used as a general tax measure.
- Wireless carriers do not need to enter into a franchise with a city to operate as a utility. Wireless providers are not a "utility" and they have paid for their franchise in the form of FCC licenses, which they have paid substantial money to obtain from the Federal government.
- Both long-distance carriers and wireless providers pay substantial compensation (wholesale revenue) to the local exchange (LEC) carriers for using the LEC facilities throughout their networks and under interconnection agreements for terminating traffic on the LEC networks. Since the current proposal imposes a tax on the gross receipts of all communication services provided within the city, the current proposal will impose a "double" tax on communication services provided by certain providers. Both the wholesale and retail revenues of carriers will be subject to this tax, substantially increasing the costs to provide communication services to residents of the City of Corvallis.

MEMORANDUM

TO: Administrative Services Committee

FROM: Nancy Brewer, Finance Director **NB**

DATE: April 18, 2006

SUBJECT: Low-Income Payment Assistance

ISSUE:

Staff is proposing adoption of a low-income payment assistance program to help qualified utility services customers pay their delinquent City services bill.

BACKGROUND:

As discussed in a previous report to ASC, there have been numerous requests from the community for the City to implement a program to help low-income residents pay their utility bills. Currently, if payment assistance is requested by a utility customer, staff refers them to one of several local service agencies such as FISH, United Way, or St. Mary's. Once the resident contacts the agency, the agency contacts the City to inquire about the account. This process typically takes place after the account has become delinquent and subject to turn-off or has already been turned-off. In addition, agencies are hesitant to provide assistance for customers with poor payment histories. If a customer cannot pay their bill, there is a City policy in place to allow the use of a time-payment agreement that requires payment of the current amount due plus no less than one-sixth of the delinquent balance with a subsequent payment each month.

Staff also researched what services other organizations and communities provide for low-income customers and discovered a wide range of programs. Utility companies participate in a federally funded program for low-income energy assistance and also collect low-income payment assistance from each of their ratepayers to support State funded programs. However, most municipal water utilities do not have low-income payment assistance programs in place. They typically refer customers to various relief agencies for assistance, similar to Corvallis.

DISCUSSION:

To avoid the challenges associated with implementing a bill payment assistance program such as performing income verification and qualification, staff met with Sharon Gibson, Executive Director of the United Way to discuss alternate solutions. Ms. Gibson recommended the City pattern a proposed low-income payment assistance program similar to their agency's Family Fund program. Using this model, the City would create a low-income payment assistance fund to be managed by the United Way. When a customer requests assistance, Utility Billing staff will direct the customer to speak with their social services case manager or FISH. The case manager or FISH conducts the

screening process, income verification and refers qualified applicants to the United Way. The United Way contacts Utility Billing to review the customer's account and if necessary, approve a check to pay the outstanding account balance. Customers could receive assistance no more than once each year unless the United Way determines extenuating circumstances on a case-by-case basis.

Since the City has no previous history with a low-income payment assistance fund, staff requested input from the United Way in determining the necessary funding to implement the program. Ms. Gibson suggested \$1,500 would be a sufficient beginning fund balance to launch the program. Since the average residential delinquent account is about \$100, up to fifteen customers could receive assistance in the first year. This is comparable to the number of residents qualifying for Family Fund assistance as well.

There are several alternatives to fund the low-income payment assistance program. The annual allocation could come from:

- General Fund
- Utility service funds (35% water, 56% wastewater and 9% stormwater)
- One-time reduction of monies for social services
- Customer donations

The first two options could be used to create the fund and start the program and provide continued funding in the future. They could also be used to create the fund and start the program with continued funding to be provided through customer donations. Under this funding mechanism, the number of customers receiving assistance in the future would depend strictly on the generosity of other utility services customers.

To supplement the low-income payment assistance fund, staff is also proposing to establish a permanent low-income payment assistance donation line on the City's newly designed City services bill. The donation line will permit utility services customers to voluntarily donate to the low-income payment assistance fund and would be implemented in six months with other City program donations. These funds would accrue throughout the year and be deposited into the low-income payment assistance fund that will be managed by the United Way. Staff will review the fund balance at the end of six months to determine if customer donations are large enough to provide ongoing support for the program. If donations do not maintain an acceptable balance, staff could draw on the General Fund or the three utility services funds annually, as directed by Council, to maintain an appropriate balance in the assistance fund.

CONCLUSION:

A low-income payment assistance fund can be established by the City in cooperation with the United Way. The City will refer customers and will not be required to screen applicants or verify information. A program setup in conjunction with the United Way, an organization that's already a partner with the City and in the community, presents a unique opportunity to help residents truly in need.

RECOMMENDATION:

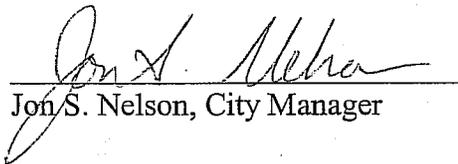
Staff is recommending the Administrative Services Committee review the program as it is outlined, and recommend to City Council to adopt a low-income payment assistance program and a permanent low-income payment assistance donation line on the City's monthly City services bill.

Staff is seeking direction from Council in pursuing a funding mechanism for the initial \$1,500 to start the low-income payment assistance fund and to supplement the fund on an annual basis through:

- General Fund
- Water, Wastewater, Stormwater Funds
- One-time reduction of monies for social services
- Customer donations

If approved, the low-income payment assistance fund will begin May 4, 2006.

Review and Concur:



Jon S. Nelson, City Manager

Memorandum

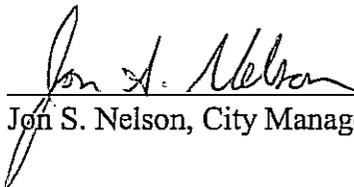
Date: May 8, 2006
To: Mayor and City Council
From: Ken Gibb, Community Development Director 
Re: Presentation by Sharon Gibson

In March a copy of the follow-up FY 2005-06 Benton County Needs Assessment was forwarded to Council. Sharon Gibson, Executive Director of United Way, will make a presentation on the development of the updated Assessment and the process underway for public outreach.

As discussed in March, the Needs Assessment information has been considered by the Human Services Committee in the annual social service priority setting. The Human Services Committee agreed that the Needs Assessment should be reviewed more thoroughly this year - well in advance of the social service priority setting process for the FY 07-08 funding allocation that would typically take place next January. This item will come back to HSC in June.

Ms. Gibson will also give an update on the United Way transition process.

Review and Concur:


Jon S. Nelson, City Manager

Memorandum

Date: May 8, 2006
To: Mayor and City Council
From: Ken Gibb, Community Development Director 
Re: Request to Rename Corvallis Skate Park

Issue:

Initiate a proposal to consider the re-naming of Corvallis Skate Park to Eric Scott McKinley Skate Park.

Background:

The City has received a request from the National Guard Family Assistance Center to honor Eric Scott McKinley by re-naming Corvallis Skate Park. Eric was killed by a roadside bomb in Iraq on June 13, 2004. Attached is the proposal by the Family Assistance Center as submitted by Harry Mallory, Oregon National Guard, and Darcy Woodke, Oregon Family Assistance Center Manager. Mayor Berg was briefed on the proposal and she advised that the request should first be directed to the Community Development Department.

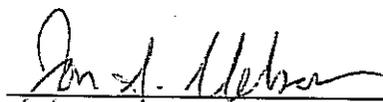
Discussion:

Council Policy 91-1.03 guides the City in the process for the naming of public facilities and lands. Input from citizens regarding the naming proposal prior to final Council action is required by Policy (attached). The Policy outlines a process with the first step being referral to appropriate committee for public notification and review.

Recommendation/Action:

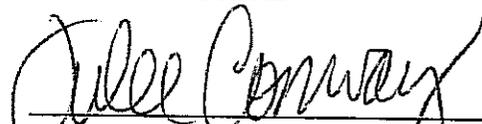
Staff recommends a Motion to refer the request to the Parks and Recreation Advisory Board for the public outreach and formulation of a recommendation back to City Council consistent with Council Policy 91-1.03.

Review and Concur:



Jon Nelson, City Manager

Review and Concur:



Julie Conway, Parks & Recreation Director

Attachments:

Request from Family Assistance Center
Council Policy 91-1.03



Family Assistance Center
2515 MLK Jr Blvd. Eugene OR 97401

April 27, 2006
541-686-0415

RECEIVED

MAY 03 2006

Community Development

PROPOSAL

We are requesting the Parks and Recreation Committee and the Councilors of the City of Corvallis to approve renaming what is currently Corvallis Skate Park to Eric Scott McKinley Skate Park. We would like to return Eric to the community for which he faithfully served.

BACKGROUND

Eric Scott McKinley was a lifelong Corvallis resident. And a skateboarder. His love and dedication to the sport was apparent not only to his family and friends but also to his fellow Guardsmen. Unfortunately, his life was cut short on June 13th, 2004 by a roadside bomb in Iraq while he was on patrol with his National Guard unit, Company B, 2nd Battalion, 162nd Infantry (based in Corvallis). Eric's original term-of-service had officially expired just prior to the deployment, but his enlistment was extended. Yet, despite any personal misgivings he might have had, he was determined to follow through with his commitment to his friends in Bravo Company and to fulfill what he saw as his obligation to them. His ever-present cheerfulness bolstered morale among his fellow soldiers while they were going through the stress of their 18-month tour in Iraq.

When he returned from the war, Eric hoped to build a youth center in downtown Corvallis near the skate park. It was to be a place where kids could safely hang out after school and enjoy activities with their friends in a substance-free environment. This kind of selfless goal was very typical of Eric and emphasizes his commitment to others.

Eric's mother, Karen, came up with the idea of rededicating the skate park in Eric's name. A kind of poetic justice, the idea was immediately supported by those who knew him. After all, Eric was a "skater" and he cared about kids. Giving his family another plaque or hanging a picture in the armory didn't seem adequate or appropriate. On the other hand, the thought of him watching over kids in the skate park with the same dedicated protectiveness his companions in the Guard came to rely on makes a kind of poetic sense. And, perhaps most important of all, renaming the park for him would be returning Eric to those who would most closely identify with him, to those who would accept him as one of their own. He would become a reminder to those who feel they don't have anything to contribute to society that this is just not true. For in the end Eric's life isn't just about how he died for his friends while serving his country. In a larger sense it's about how, despite being somewhat of a rebel and totally committed to following his own path, Eric Scott McKinley still became a successful, contributing, and valuable member of society.

TESTIMONIALS

"It is fitting, and it is right that we dedicate this skate park to him. Not to ensure that the public at large does not forget him; not to remind the state and the nation of exactly how much they owe these fine, young citizens. It is right to do this because that's what he was: a skate punk. And a proud one. Open- hearted, generous, loyal to the death skate punk who was also an outstanding soldier. No man was ever better loved by his comrades and no man ever I knew gave more of himself. No man ever taught me better that if you can, just for one brief moment; put aside your stereotypes and prejudices, you may be lucky enough to find yourself knowing someone as special as Eric was.

I will always be grateful to him for that. We should all be grateful to him for that. And that is why we should name this park after him. "

MSG Pete Salerno (Eric's platoon Sgt)

"We will always be grateful to Eric for his patience, humor, and open heart. Finding an appropriate location to honor him in the Corvallis Armory never seemed to fit quite right. However, when the idea of renaming the skate park after him came up it was clearly the right thing to do, being so much a part of who he was, and of the people he so passionately cared about. Also, the Skate Park is a light, happy place. A place to smile and remember the fond memories we support and agree the skate park should be named after him"

Laura Boggs & Darcy Woodke

2/162 Battalion Family Support Coordinators

(during the deployment to Iraq)

We couldn't imagine a better place to remember him by than McKinley Skate Park and we hope you'll agree.

Harry Mallory, Bravo Company 2/162 Soldier, Oregon National Guard
Darcy Woodke, Oregon Family Assistance Centers Manager, ONG &
proud wife of Bravo Company soldier Bill Woodke

CITY OF CORVALLIS
COUNCIL POLICY MANUAL

POLICY AREA 1 - GENERAL

CP 91-1.03 Naming of Public Facilities and Lands

Adopted October 7, 1991

Revised June 21, 1993

Revised October 21, 1996

Revised October 18, 1999

Revised October 21, 2002

Revised November 7, 2005

1.03.010 Purpose

To provide procedures and guidelines whereby City of Corvallis public lands and facilities may be officially named by the City Council.

1.03.020 Policy

There are occasions when interested parties have proposed to name or rename City of Corvallis public lands and facilities. It is the policy of City Council to consider naming proposals, seek citizen input, and formally decide on proposed names or renaming of City of Corvallis public lands or facilities within established criteria.

1.03.030 Definitions

Public Land - Lands which are owned or controlled in use by the City of Corvallis for the long-term benefit of the community. These lands may be within or outside of the corporate limits. Examples include, but are not limited to, parks, open space, and plazas.

Public Facilities - Physical facilities owned or controlled in use by the City of Corvallis for the long-term benefit of the community. Examples include buildings, bridges, rooms, and ballfields. Street-naming procedures are covered by a separate City Council policy, Street-Naming and Addressing.

Council Policy 91-1.03

1.03.040 Naming Criteria

City of Corvallis public lands and facilities may be named after persons or after a place or location, or after an event that has created an important legacy or achievement. A person's name is eligible for consideration after two years of their death, with special benefactors excepted. The following criteria may be used by the City Council in determining the appropriateness of the naming designation:

- * A noteworthy public figure or official;
- * A person, place, or event of historical or cultural significance;
- * Special benefactor(s) [living or dead]
- * A person, group, place, or feature, particularly identified with the public land or facility;
- * Exceptions to the naming criteria can be approved by City Council if an occasion to recognize the outstanding contributions of a living person is determined.

1.03.050 Procedures

1.03.051 Initiation of Proposed Name

- a. Preliminary consideration of naming proposals by City Council may be initiated by any citizen, Council Advisory Committee, Council or City Task Force, or elected or appointed official. Naming proposals for public facilities which have not originated from an advisory committee or task force shall be given directly to the City Council through the Community Development Director. The City Council will then direct the request to the appropriate advisory committee or task force for the public notification and review.
- b. Prior to naming proposals being forwarded to City Council for preliminary review, naming proposals shall be formally reviewed by the appropriate advisory committee(s) or task force(s), as determined by the City Council, in public meetings with opportunity provided for citizen input requested through advanced meeting advertisement. The City Council, through the Community Development Department, will solicit public input prior to making a decision on a naming request not assigned to a committee or task force for preliminary review.
- c. Meeting minutes, or Community Development staff reports shall be prepared that fully document input received from citizens, committee or task force discussions, and a specific naming recommendation(s) for preliminary review of City Council.

Council Policy 91-1.03

1.03.052 Preliminary City Council Review and Formal Decision

- a. The item will be placed on the City Council meeting agenda for discussion and action. Minutes from committee or task force meetings which include a naming recommendation, or a Community Development staff report, will be transmitted to the City Council for review.
- b. City Council, after consideration, by motion and majority vote may:
 - 1) Formally name a public land or facility, or
 - 2) Formally reject a naming proposal, or
 - 3) Hold a public hearing.
- c. The decision of City Council to name or reject a recommendation to name, public lands or facilities at preliminary review is subject to review by appeal.

1.03.053 Additional Public Input and Public Hearing

- a. If additional public input is needed, the City Council, prior to making a formal decision on a naming proposal, will hold a public hearing no sooner than 30 days following the Council meeting at which recommendations were received by the Council. That public hearing will be announced at least 10 days in advance by a block advertisement in a local newspaper.
- b. The purpose of the public hearing is to provide opportunity for additional public input.
- c. City Council will do one of two things at this time:
 - 1) Formally name a public land or facility, or
 - 2) Formally reject a naming proposal.

1.03.054 Formal City Council Decision

A formal decision of a naming recommendation may be made at the time of:

- a. Preliminary review or following;
- b. Additional public input and public hearing.

Council Policy 91-1.03

- c. Any decision to name a public land or facility or reject a recommendation to name a public land or facility, is subject to review by appeal.
- d. A flow chart depicting this process is attached.

1.03.060 Appeal Procedure

- a. Any decision to name or reject a recommendation to name a public land or facility is subject to review by City Council through appeal. Appeals must be filed in writing with the Assistant to City Manager/City Recorder within 30 days of the formal Council decision.
- b. Written appeals shall include:
 - * Name and address of persons requesting reconsideration,
 - * A statement of specific grounds for appeal,
 - * A specific naming recommendation for the subject public land or facility.
- c. If written appeal is filed in the appropriate time period, the public land or facility-naming decision at issue will be suspended until that name is reaffirmed, modified or deleted by City Council.
- d. Properly filed appeals shall be forwarded to City Council. In considering appeals, the Council, by motion and majority vote may:
 - 1) Dismiss the appeal with no further review,
 - 2) Act on the appeal upon review without further input, or
 - 3) Set a public hearing date for additional citizen input regarding the appeal, and then modify, reaffirm or delete the public land or facility name.
- e. Once formal action on an appeal has been completed by City Council, the public land or facility name shall become effective immediately, as applicable and as determined upon City Council decision. The City Manager shall determine the appropriate City Department to inform affected governmental agencies, community organizations, and individuals of the official naming decision.
- f. There is no fee associated with an appeal. All citizens are considered to have a standing in public land and facility naming matters, regardless of residency.

Council Policy 91-1.03

1.03.070 Public Notifications

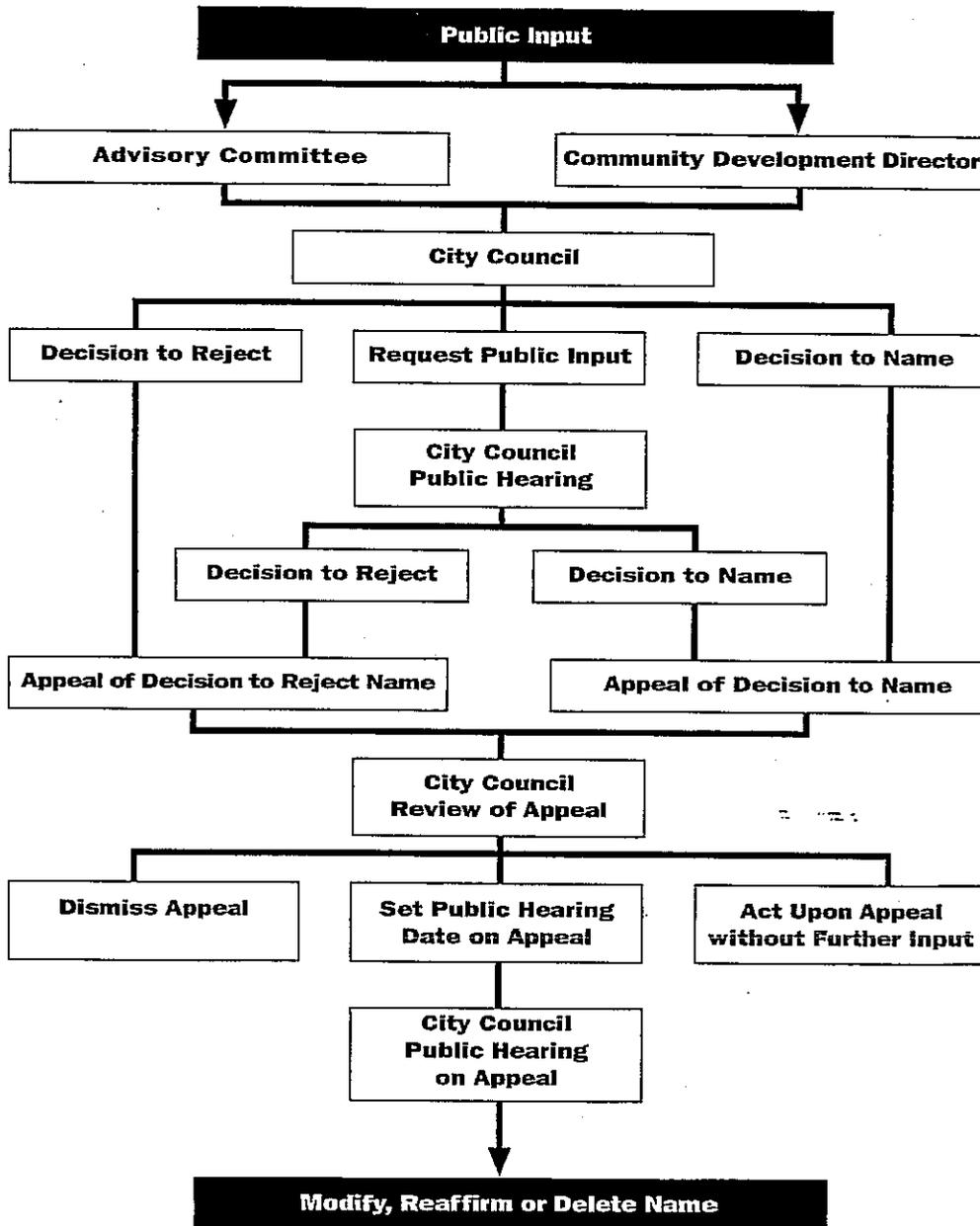
- a. The City Council finds widespread public involvement essential in considering naming of public lands and facilities. It is the intent of this policy that committee or task force meetings and individual citizen recommendations are adequately advertised and opportunity exists for citizen input prior to developing recommendations for preliminary Council review. Advertisements shall specify the public land or facility being discussed and any proposed recommendations which may exist.
- b. If additional input is desired by Council, advance notice will be provided for City Council public hearings.
- c. Chairs of the advisory committees, task forces, and the Community Development Director, on behalf of the City Council, are charged with the responsibility of ensuring adequate opportunity is provided for citizen input throughout the process.
- d. The City Council may amend the naming procedures at any time to facilitate appropriate levels of citizen involvement.

1.03.080 Policy Review and Update

This policy shall be reviewed triennially by the Community Development Director. The next review will be October 2008.

Attachment (I:\cmo\citywide\city council policies\ccpoll.03 attachment)

Naming of Public Facilities and Lands



MEMORANDUM

May 8, 2006

TO: Mayor and City Council

FROM: Nancy Brewer, Finance Director 

SUBJECT: Annual Liquor License Renewals

I. ISSUE

Staff is updating City Council on annual liquor license renewals and recommending approval of unconditional annual liquor licenses.

II. BACKGROUND

The Oregon Liquor Control Commission (OLCC) conducts an annual renewal process for all liquor licenses issued in the state. OLCC sends a list of licensees that are eligible for renewal to the City in early March. The City has sixty days to make a recommendation to OLCC about renewing the licenses. At the end of sixty days, if there is not a recommendation for a license, OLCC processes the renewal as if it received a favorable recommendation.

OLCC mails license renewal applications to licensees approximately two months before the license expires. The license applicant must return the completed application to OLCC at least twenty days before the license expires. As part of the renewal process licensees must provide a copy of their completed OLCC application and pay a \$35 renewal fee to the City. Applicants cannot legally sell or serve alcohol after the license expires.

The City conducts an investigation on all renewal applications which includes review by the Fire Department for compliance with fire code and by Community Development for compliance with building and sign codes. The Police Department does a more intensive investigation on each applicant for any criminal record or alcohol related problems for the business. Finance staff compile the recommendations and typically report to the Human Services Committee (HSC).

This year, the Police Department required extra time to review five applicants. Staff requested an extension of time with the OLCC and thought the extension applied to all applicants. The OLCC has since clarified that the extension only applied to the five applicants requiring further review. All others must be approved by Council before May 25th or the OLCC will treat them as receiving "No Recommendation." Therefore, in order to meet the OLCC time line and due to OLCC reporting requirements, staff will forward to HSC only those applicants that have been identified by the police department as requiring conditional approval. Staff requests the City Council review all other applicants that have been investigated and received a recommendation for approval by City departments.

III. DISCUSSION

On March 11th the City received notice that 120 licenses required renewal (Attachment). One of the applicants, Burton's Restaurant, is no longer in business but they have not relinquished their liquor license. Changes of ownership that occur during the license period are also handled separately.

The City has just completed its investigations of the licensees requesting renewal. The results of these investigations raised issues with five of the local applicants: Platinum Promo LLC, Señor Sams Mexican Grill, Sancho's Mexican Grill, Tailgater's and Clodfelters. The police department conducted a more thorough investigation of these applicants and will issue a separate report detailing conditions for approval for license renewal. HSC will have an opportunity to review the report and forward a recommendation to Council.

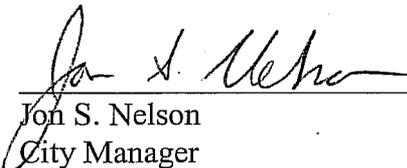
Even though Council is requested to review license applications, Council has limited authority in the actions it can take. Actions available to Council and responses available to the OLCC are detailed in the table below. The OLCC is not required to abide by Council's recommendations, but the OLCC does carefully consider Council's recommendations.

Actions available to the City Council	Responses available to the OLCC
No recommendation on licenses	Process as a favorable recommendation
Favorable recommendation	Accept recommendation
Recommend granting licenses with restrictions	Accept recommendation; renew without restrictions; deny
Recommend licenses not be granted unless applicant demonstrates commitment to overcome concerns	Accept recommendation; renew without restrictions; renew with restrictions; deny
Recommend denial of the licenses	Accept recommendation; renew without restrictions; renew with restrictions.

IV. REQUESTED ACTION

Staff requests Council review the annual liquor license renewals, hear any public comment, and issue a recommendation to grant a liquor license renewal for all licensees except the five applicants subject to further review by HSC (Platinum Promo LLC, Señor Sam's Mexican Grill and Mexican Grill, Tailgater's and Clodfelters).

Review and Concur:



Jon S. Nelson
City Manager



Gary Boldizar
Police Chief

Types of Liquor Licenses

Full On-Premises Sales License (Type Code - F-COM, F-CLU, F-CAT)

Allows the sale and service of distilled spirits, malt beverages, cider, and wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off the licensed premises.

Limited On-Premises Sales License (Type Code - L)

Allows the sale of malt beverages, wine and hard cider for consumption on the licensed premises, and the sale of kegs of malt beverages for off-premises consumption. Also allows licensees who are pre-approved to cater events off the licensed premises.

Off-Premises Sales License (Type Code - O)

Allows the sale of malt beverages, wine and cider in factory sealed containers for consumption off the licensed premises, and allows approved licensees to offer sample tasting of malt beverages, wine and cider on premises.

Brewery-Public House License (Type Code - BP)

Allows the manufacture and sale of malt beverages, and sale of wine and cider for consumption on or off the premises.

Winery (Type Code - W)

Allows the licensee to import, bottle, produce, blend, store, transport and export wines, and allows wholesale sales to OLCC licensees, and retail sales of malt beverages and wine for consumption on or off the licensed premises.

Brewery (Type Code - B)

Allows the manufacture, importation, storage, transportation and wholesale sales of malt beverages to OLCC licensees. Malt beverages brewed on the premises may be sold for consumption on the premises and in kegs under certain circumstances.

Certificate of Approval

Allows an out-of-state manufacturer, or an importer of foreign wine or malt beverages, to import wine and malt beverages into Oregon for resale to certain licensees.

Distillery

Allows the holder to import, manufacture, distill, rectify, blend, denature and store distilled spirits. A distillery that produces brandy or pot-distilled liquor may permit sample tasting on the premises.

Growers Sales Privilege

Allows importing, storing, transporting, exporting, and wholesale and retail sale of wines made from fruit grown in Oregon.

Warehouse

Allows storing, importing, exporting, bottling, producing, blending and transporting wine and malt beverages.

Wholesale Malt Beverage and Wine

Allows the importation, storage, transportation and wholesale of malt beverages and wine to OLCC licensees, and limited retail sales to the public.

License Number	Tradename	Participant	License Type	Premises Address
Local Government: CORVALLIS				
67669	26TH STREET SUPERETTE	YIM, BROOKE Y	O	2531 MONROE ST NW, CORVALLIS, OR
67207	7-ELEVEN STORE #2353-14520D	PIERCE, KAREN S	O	746 NW KINGS BLVD, CORVALLIS, OR
67118	7-ELEVEN STORE #2353-17105E	NOOR ENTERPRISES INC	O	2641 NW 9TH, CORVALLIS, OR
66917	7-ELEVEN STORE #2353-22935B	SINGH, BALJEET KAUR, AMANPREET	O	2405 SE THIRD ST, CORVALLIS, OR
66225	ALBERTSON'S FOOD CENTER #514	ALBERTSON'S INC	O	2005 NW CIRCLE DR, CORVALLIS, OR
67441	AMERICAN DREAM PIZZA	SCOTIAN INC	L	2525 MONROE ST NW, CORVALLIS, OR
67031	AMERICAN DREAM PIZZA & CROWBAR	MAGELA INC	F-COM	214 SW 2ND, CORVALLIS, OR
69956	AOMATSU JAPANESE RESTAURANT	AHN, INSEON AHN, GUYOUNG	L	122 NW 3RD ST, CORVALLIS, OR
67668	AVALON FARM	YATES, JEAN L	O	201 SW 2ND ST, CORVALLIS, OR
67119	BAJA FRESH MEXICAN GRILL	NORTHWEST FRESH III LLC	L	815 NW 9TH ST, CORVALLIS, OR
66292	BI-MART #604	BI-MART CORP	O	2045 N 9TH ST, CORVALLIS, OR
66296	BI-MART #639	BI-MART CORP	O	1555 SW 53RD ST, CORVALLIS, OR
67037	BIG RIVER RESTAURANT & BAR	MALMAC INC	F-COM	101 NW JACKSON ST, CORVALLIS, OR
66851	BLUE SKY CHINESE RESTAURANT #2	HUANG, HONG ZHOU, WEIDONG	L	1585 SW 53RD ST, CORVALLIS, OR
68197	BOMBS AWAY CAFE	BOMBS AWAY CAFE INC	F-COM	2527 NW MONROE AVE, CORVALLIS, OR
66347	BURTON'S RESTAURANT	BURTCO LLC	F-COM	119 SW 3RD ST, CORVALLIS, OR
68177	CARSON CORVALLIS CHEVRON FOOD MART	CARSON OIL CO INC	O	300 SW FOURTH ST, CORVALLIS, OR
66238	CHA DA THAI RESTAURANT	APONE, PAUL APONE, PANTIP	L	1945 NW NINTH, CORVALLIS, OR
67505	CHINA DELIGHT RESTAURANT	SPRING K INC	F-COM	325 NW 2ND ST, CORVALLIS, OR
66461	CIRCLE K STORE #1022	CIRCLE K STORES INC	O	1900 SW THIRD, CORVALLIS, OR
67025	CIRCLE K STORE #2655001	M & M MARTS LLC	O	1334 NW NINTH ST, CORVALLIS, OR
66460	CIRCLE K STORE #292	CIRCLE K STORES INC	O	1467 NW MONROE, CORVALLIS, OR
68487	CIRELLO'S PIZZA	SAJ INC	L	919F NW CIRCLE BLVD, CORVALLIS, OR
68481	CLODFELTER'S	C D E LTD	F-COM	1501 NW MONROE, CORVALLIS, OR
69033	CORVALLIS CHINA BLUE RESTAURANT	EVERMORE INC	L	2307 NW 9TH ST, CORVALLIS, OR
66501	CORVALLIS COUNTRY CLUB	GOLF ENTERPRISES INC CORVALLIS COUNTRY CLUB INC	F-COM	1850 SW WHITESIDE DR, CORVALLIS, OR
68409	CORVALLIS GROCERY OUTLET	NEUMANN LTD	O	1235 NW 10TH ST, CORVALLIS, OR

License Number	Tradename	Participant	License Type	Premises Address
Government: CORVALLIS				
68409	CORVALLIS GROCERY OUTLET	GROCERY OUTLET INC	O	1235 NW 10TH ST, CORVALLIS, OR
67890	DARI MART STORE #10	DARI-MART STORES INC	O	1621 NW 9TH ST, CORVALLIS, OR
67985	DARI MART STORE #13	DARI-MART STORES INC	O	440 SW WESTERN BLVD, CORVALLIS, OR
66853	DARRELL'S	HUBLER RESTAURANT INC	F-COM	2200 NW 9TH ST, CORVALLIS, OR
68260	EL PRESIDENTE' MEXICAN REST/CANTINA	EL PRESIDENTE' INC	F-COM	1110 NW SECOND ST, CORVALLIS, OR
66555	EL SOL DE MEXICO	DE LA CRUZ & MAGANA INC	F-COM	1597 NW 9TH ST, CORVALLIS, OR
66675	EL TAPATIO RESTAURANT	EL TAPATIO RESTAURANT INC	F-COM	1845 NW CIRCLE BLVD, CORVALLIS, OR
66914	ELIM MARKET & DELI	KANG, JIN KANG, SAM	O	5500 SW PHILOMATH BLVD, CORVALLIS, OR
68621	ELKS LODGE #1413 CORVALLIS	ELKS LODGE #1413, CORVALLIS	F-CLU	1400 NW 9TH ST, CORVALLIS, OR
67008	ELMER'S BREAKFAST LUNCH DINNER	LUPA INC	L	1115 NW 9TH ST, CORVALLIS, OR
69305	EVERGREEN SO & NO INDIAN CUISINE	EVERGREEN S & N INDIAN CUSN LLC	L	136 SW 3RD STREEET, CORVALLIS, OR
69611	FIRST ALTERNATIVE COOPERATIVE	FIRST ALTERNATIVE COOPERATIVE	O	1007 SE THIRD ST, CORVALLIS, OR
55393	FIRST ALTERNATIVE COOPERATIVE NORTH	FIRST ALTERNATIVE COOPERATIVE	O	2855 NW GRANT, CORVALLIS, OR
66741	FRED MEYER	FRED MEYER STORES INC	O	777 NW KINGS BLVD, CORVALLIS, OR
66758	FUNG'S MAPLE GARDEN	FUNG'S MAPLE GARDEN INC	L	2501 NW MONROE, CORVALLIS, OR
72732	GREMPSEY'S BAR & GRILL	BROWN & CO PRODUCTIONS LLC	F-COM	370 A SW WESTERN BLVD, CORVALLIS, OR
68827	HEADWATERS	SALBASGEON INC	F-COM	1730 NW 9TH ST, CORVALLIS, OR
67747	HIGHLAND BOWL	HAYMAC INC	F-COM	2123 NW 9TH ST, CORVALLIS, OR
69408	INDOOR SPORTS PARK	INDOOR SPORTS PARK LLC	L	175 SW TWIN OAKS CIR, CORVALLIS, OR
74695	INTABA'S WOOD FIRED EATERY	NATURAL GOURMET EATERY INC	F-COM	1115 SE 3RD, CORVALLIS, OR
69126	IOVINO'S	IOVINO'S INC	F-COM	126 SW FIRST ST, CORVALLIS, OR
68119	IZZY'S PIZZA BAR CLASSIC BUFFET	JANSEN ENTERPRISES INC	L	2475 NW 9TH ST, CORVALLIS, OR
68113	JADE GARDEN	CHEN'S JADE INC	F-COM	503 SW 3RD ST, CORVALLIS, OR
66943	KING TIN RESTAURANT	KING TIN CORP	L	1857 NW 9TH ST, CORVALLIS, OR
68406	LA PODEROSA MEXICAN STORE	MUNOZ, ROSA M AYALA-LUCIO, RAFAEL	O	1411 NW 9TH ST #B, CORVALLIS, OR
77710	LE BISTRO	DUNCAN CULINARY VENTURES INC	F-COM	150 SW MADISON AVE, CORVALLIS, OR
69263	LOS ARCOS FAMILY RESTAURANT	MEMBRENO INC	F-COM	2309 NW KINGS BLVD, CORVALLIS, OR
66832	MAGENTA RESTAURANT	HOANG, KIMBER T	O	1425 NW MONROE ST #A, CORVALLIS, OR
66833	MAGENTA RESTAURANT	HOANG, KIMBER T	F-COM	1425 NW MONROE ST #A, CORVALLIS, OR
68486	MARZINI'S	SAJ INC	L	922 NW KINGS BLVD, CORVALLIS, OR

License Number	Tradename	Participant	License Type	Premises Address
Local Government: CORVALLIS				
67018	MCGRATH'S PUBLICK FISH HOUSE	MCGRATH'S PUBLICK FISH HOUSE INC	F-COM	350 NE CIRCLE BLVD, CORVALLIS, OR
68214	MCMENAMIN'S	MCMENAMIN'S INC	F-COM	420 NW 3RD ST, CORVALLIS, OR
68303	MCMENAMIN'S	MCMENAMIN'S INC	O	420 NW 3RD ST, CORVALLIS, OR
67053	MEXICO LINDO RESTAURANT	MEXICO LINDO INC	F-COM	5228 SW PHILOMATH BLVD, CORVALLIS, OR
67452	MICHAELS LANDING	SERRETTE INC	F-COM	603 NW 2ND ST, CORVALLIS, OR
68962	MOOSE LODGE #1411 CORVALLIS	MOOSE LODGE #1411, CORVALLIS	F-CLU	2240 SW 3RD ST, CORVALLIS, OR
69249	MURPHY'S RESTAURANT & LOUNGE	DRAGONFLY PACIFIC INC	F-COM	2740 SW 3RD ST, CORVALLIS, OR
68628	NATALIA & CRISTOFORO'S	LEYTEM, GREG A LEYTEM, REGINA A	O	351 NW JACKSON ST # 2, CORVALLIS, OR
68863	NEARLY NORMAL'S GONZO CUISINE	NEARLY NORMAL'S GONZO CUISINE INC	F-COM	109 NW 15TH ST, CORVALLIS, OR
66420	NEW CHINA BUFFET	CHEN, WEILIANG	L	1720 NW 9TH, CORVALLIS, OR
67101	NEW MORNING BAKERY	NEW MORNING BAKERY INC	O	219 SW 2ND ST, CORVALLIS, OR
67339	NEW MORNING BAKERY	NEW MORNING BAKERY INC	L	219 SW 2ND ST, CORVALLIS, OR
66207	OASIS RESTAURANT	ABDELLATIF, GHASSAN N	L	2315 NW KINGS BLVD, CORVALLIS, OR
69409	OLD WORLD DELI	OWD INC	L	341 SW SECOND ST, CORVALLIS, OR
69398	OREGON STATE UNIVERSITY CATERING	OREGON STATE UNIVERSITY	F-CAT	140 ARNOLD CENTER, CORVALLIS, OR
68278	OREGON STATE UNIVERSITY CONCESSION	SODEXHO MANAGEMENT INC	F-CAT	103 GIL COLISEUM, CORVALLIS, OR
69149	OREGON TRAIL BREWERY	BREWING NORTHWEST LTD	BP	341 SW SECOND, CORVALLIS, OR
67189	PAPA'S PIZZA PARLOR #4	THE PAPA'S GROUP INC	L	1030 SW THIRD, CORVALLIS, OR
67277	PENGUIN FLOWERS	PORTZ, ANGELA E PORTZ, EDWARD L	O	930 NW KINGS BLVD, CORVALLIS, OR
67227	PIZZA HUT	PIZZA HUT OF SE KANSAS INC	L	2575 NW KINGS BLVD, CORVALLIS, OR
69319	PLATINUM	PLATINUM PROMO LLC	F-COM	126 SW 4TH ST, CORVALLIS, OR
69370	QDOBA MEXICAN GRILL	MISSION GROUP LLC	F-COM	2001 NW MONROE #105, CORVALLIS, OR
66940	RICE & SPICE	KIM, PETER P	O	1075 NW VAN BUREN AVE, CORVALLIS, OR
67616	RICE'S PHARMACY	VISTA HEALTH SERVICES INC	O	910 NW KINGS BLVD, CORVALLIS, OR
67369	RICHEYS MARKETS OF BENTON COUNTY #3	RICHEYS MARKETS OF BENTON CTY INC	O	944 NW CIRCLE BLVD, CORVALLIS, OR
67565	RITE AID #5366	THRIFTY PAYLESS INC	O	922 NW CIRCLE BLVD, CORVALLIS, OR
68373	RIVERVIEW MONGOLIAN GRILL	MONGOLIAN GRILL LLC	L	230 NW 1ST, CORVALLIS, OR
67349	RUBY TUESDAY	RT PORTLAND FRANCHISE LLC	F-COM	1895 NW 9TH ST PLAZA 9, CORVALLIS, OR
67399	SAFEWAY STORE #1690	SAFEWAY INC	O	590 NE CIRCLE BLVD, CORVALLIS, OR
67400	SAFEWAY STORE #1765	SAFEWAY INC	O	5270 SW PHILOMATH BLVD, CORVALLIS, OR
67401	SAFEWAY STORE #4333	SAFEWAY INC	O	450 SW THIRD ST, CORVALLIS, OR

License Number	Tradename	Participant	License Type	Premises Address
Government: CORVALLIS				
77793	SAHALIE WINE CELLARS	ISIS LLC	L	151 NW MONROE ST SUITE 101, CORVALLIS, OR
77794	SAHALIE WINE CELLARS	ISIS LLC	O	151 NW MONROE ST SUITE 101, CORVALLIS, OR
68249	SANCHO'S MEXICAN GRILL & BAR	GARCIA, MARCELA GALLEGOS, SEBASTIAN	F-COM	1425 NW MONROE AVE H-A, CORVALLIS, OR
68141	SEÑOR SAM'S MEXICAN GRILL	RESTAURANT GROUP OF CORVALLIS INC	F-COM	140 NW THIRD ST, CORVALLIS, OR
67464	SHARI'S OF CORVALLIS	SHARI'S MANAGEMENT CORPORATION	L	1117 NW 9TH, CORVALLIS, OR
68463	SQUIRRELS	SQUIRRELS INC	O	100 SW SECOND ST, CORVALLIS, OR
69362	SQUIRRELS	SQUIRRELS INC	L	100 SW SECOND ST, CORVALLIS, OR
68864	STADIUM GRILL	CORVALLIS HOSPITALITY LLC	F-COM	2500 SW WESTERN BLVD, CORVALLIS, OR
67804	SW THIRD STREET SHELL	CLC INVESTMENTS INC	O	1680 SW THIRD ST, CORVALLIS, OR
68932	TACO DEL MAR	LA TORTUGA LLC	L	1915 NW 9TH ST, CORVALLIS, OR
74796	TAILGATERS	TAILGATERS LLC #1	F-COM	1425 NW MONROE ST, CORVALLIS, OR
77190	TAILGATERS	TAILGATERS LLC #1	L	1425 NW MONROE ST, CORVALLIS, OR
68375	TARASCO'S	IGNACIO'S II INC	F-COM	550 NW HARRISON, CORVALLIS, OR
69207	THE FOX & FIRKIN	FIRKIN USA INC	F-COM	202 SW FIRST ST, CORVALLIS, OR
69206	THE GABLES RESTAURANT	HEARINGS GABLES INC	F-COM	1121 NW 9TH ST, CORVALLIS, OR
69371	THE HEADLINE CAFE	SHEPHERD FAMILY INC	F-COM	300 SW JEFFERSON ST, CORVALLIS, OR
69489	THE LIBRARY LOUNGE / TOM & HUCK'S BARBEQUE	COCONUT INC	L	800 NW 9TH, CORVALLIS, OR
69490	THE LIBRARY LOUNGE / TOM & HUCK'S BARBEQUE	COCONUT INC	F-COM	800 NW 9TH, CORVALLIS, OR
72701	THE PANTRY AT WATERSTREET	THE PANTRY AT WATER STREET LLC	O	151 NW MONROE ST #102, CORVALLIS, OR
74273	THE PANTRY AT WATERSTREET	THE PANTRY AT WATER STREET LLC	L	151 NW MONROE ST #102, CORVALLIS, OR
68027	THE RETREAT DAY SPA & SALON	THE RETREAT DAY SPA & SALON INC	L	777 NW 9TH ST SUITE 200, CORVALLIS, OR
77679	THE UNION RESTAURANT & PUB	THE UNION RESTAURANT & PUB INC	F-COM	137 SW SECOND ST, CORVALLIS, OR
67585	TIMBERHILL ATHLETIC COURT CLUB	TIMBERHILL ATHLETIC/COURT CLUB INC	L	2855 NW 29TH ST, CORVALLIS, OR
72931	TOM'S PEACOCK BAR & GRILL	SMRK LLC	F-COM	125 SW 2ND ST, CORVALLIS, OR
67746	TOMMY'S 4TH STREET BAR & GRILL	BUDTIG INC	F-COM	350 SW 4TH ST, CORVALLIS, OR
688392	UNIVERSITY HERO	VV ENTERPRISES LLC	L	211 SW FIFTH, CORVALLIS, OR
68931	UNIVERSITY MARKET	EPOCH GROUP LLC	O	1149 NW VAN BUREN ST, CORVALLIS, OR
74300	US MARKET #145	SIDHU, LAL DIN SINGH, SATWINDER	O	1450 NW 9TH ST, CORVALLIS, OR
67964	WESTERN MARKET	WESTERN MARKET LLC	O	2875 WESTERN, CORVALLIS, OR
68462	WHITESIDE'S BEER & WINE	WHITESIDE, DEREK J	O	119 SW 4TH ST, CORVALLIS, OR

License Number	Tradename	Participant	License Type	Premises Address
Government: CORVALLIS				
7648	WINCO FOODS #03	WINCO FOODS OREGON LLC	O	2335 NW KINGS BLVD, CORVALLIS, OR
8053	WINEOPOLIS	LARSON, JERALD N	O	151 NW MONROE SUITE 103, CORVALLIS, OR
8368	WOODSTOCK'S PIZZA PARLOR	WOODSTOCK'S ENTERPRISES INC	L	1045 NW KINGS BLVD, CORVALLIS, OR

**Telecommunications Service Tax
Public Outreach Plan**

Focus: The Telecommunications Service Tax is Equitable, Efficient, Essential, and Existing

Audience: Everyone in Corvallis.

Communications:

- A guest article will be presented to the Gazette-Times summarizing the Telecommunications Service Tax and what the revenue will be used for.
- The first article in *the City* will focus on: small cost to individuals, big benefit; how to figure the cost for the individual, and the fact that this will cost less for the most basic telecom service. Share information on the use of the revenue for Fire vehicles.
- The second article in *the City* will focus on what we have already done to raise revenues and decrease costs.
- Additional information will go to advisory boards and commissions.
- Information will go to employees.
- Powerpoint presentation will be published on the local government access channel.
- Power point, staff reports, and FAQ have been published on the web site and will remain there with references to those resources listed in the newsletter articles.
- We will look at the possibility of doing a stuffer in the City Services bill for September.

Alternatives to Finance Fire Vehicles/Facilities:

	Annual Rev/Exp	Tax Rate	AV = \$250,000
Operating Levy - 5 yrs	500,000	0.1493	37.31
GO Debt	600,000	0.1791	44.77

Notes:

- The five year levy assumes raising \$2.5 million over the course of five years, with vehicle acquisition and construction of the training facility, etc. timed to occur during the five years.
- GO debt assumes a \$2.5 million issue and would fund replacements planned over a five year period, matching with the debt payback period, along with the Fire training facility, etc.
- To get to the same level of expenditure with the Telecommunications Service Tax as the property tax, the average telecommunications bill would have to be between \$62 and \$75 per month.

MEMORANDUM

May 11, 2006

TO: Mayor and City Council

FROM: Gary Boldizar, Chief of Police 

SUBJECT: Consolidating Public Safety Records Functions
(Benton County Sheriff's Office to Corvallis Police Department
Memorandum of Understanding between the City, Benton County, AFSCME
Council 75 local 2064 and 2975)

ISSUE:

In addition to two Intergovernmental Agreements on the Consent Agenda for May 15, 2006, detailing the Personnel Transfer and Operations between the City and County, a Memorandum of Understanding (MOU) by and between all parties negotiating required elements of consolidation is necessary and guided by Oregon Revised Statutes 236.605 - 236.640. Council action is required.

BACKGROUND:

During 2003, the City of Corvallis and Benton County entered into a joint study to determine the feasibility of consolidating law enforcement services. Although complete consolidation was not recommended, City Council adopted eight collaborative objectives including consolidation of the Benton County Sheriff's Office records unit with the Corvallis Police Department records unit.

A joint steering committee comprised of both City and County officials responsible for implementing consolidation and collaborative initiatives have agreed that most records functions will be conducted by Corvallis Police Records staff under the supervision of the Corvallis Police Department, operating under Corvallis records protocols. Ultimately, Benton County Records staff will become City of Corvallis employees. The Benton County Sheriff will maintain .5 FTE for civil, probation and parole and jail records work.

DISCUSSION:

In addition to the agreements between the County and City, an MOU is required negotiating the consolidation of employees from AFSCME Council 75 Local 2064 to Local 2975.

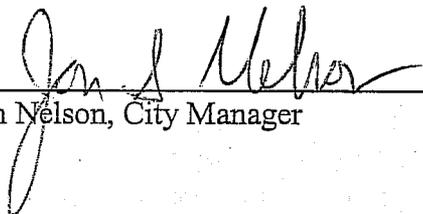
City and County staff worked with AFSCME Local 2064 and Local 2975 to negotiate the MOU meeting the needs of both governments, AFSCME and the effected employees. All parties are in

agreement regarding the MOU. The MOU is incorporated into this report as Attachment A.

RECOMMENDATION:

Staff recommends that Council authorize the City Manager to sign the Memorandum of Understanding.

Review and Concur:



Jon Nelson, City Manager

Memorandum of Agreement

The City of Corvallis (City); the County of Benton (County); and, the American Federation of State County and Municipal Employees, Oregon AFSCME Council 75, Local 2064 representing County employees, and Local 2975 representing City employees agree to the following terms regarding the intergovernmental transfer of Records Clerks (Employees) from the County to the City:

- 1) The employees shall retain their original County date of hire for the purposes of vacation, sick leave, and working conditions and their time of represented service with the County for purposes of seniority (represented service shall be the total service time in both the AFSCME Local 2064 and Benton County Sheriff's Deputies Association bargaining units). The County, City, and Union agree that the employee who is eligible for the County Health and Dental Insurance Retirement Plan will maintain that benefit in a separate Agreement and will not be eligible for the City Health and Dental Insurance Retirement benefit.
- 2) The City shall place the employees on Step 4 of the current with PERS salary schedule for their new City position of Records Specialist. The employees shall maintain their current merit date and shall not be required to serve a probationary period for the Records Specialist position.
- 3) The employees shall retain their total vacation and sick leave accruals which shall be transferred to the City.
- 4) The City is committed to meet the work schedule needs of the employees, especially those after school hours needs for the coming school year as long as operational needs can be met.
- 5) The City and the Local 2975 shall conduct an orientation session within a week of the transfer with the employees to discuss benefits, policies, and working conditions.
- 6) The employees will be given the opportunity to select City provided health and dental insurance benefits during AFSCME open enrollment in May 2006 (May 1-22). This agreement, the transfer, and the benefit choices shall become effective July 1, 2006.

For the City

For the County

For Local 2975

For Local 2064

Date

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ATTACHMENT A

**City of Corvallis/ Benton County
Intergovernmental Agreement
Transferring Public Safety Records Employees**

The CITY OF CORVALLIS, a municipal corporation of the State of Oregon, hereinafter referred to as CITY, and Benton County, a municipal corporation of the State of Oregon, hereinafter referred to as COUNTY, and jointly referred to as PARTIES, or individually as a PARTY, mutually agree as follows:

All notifications necessary under this contract shall be addressed to:

City of Corvallis Police Department
Attention: Chief Gary Boldizar
PO Box 1083
Corvallis, OR 97339-1083
541 766-6925

Benton County Sheriff's Office
Attention: Sheriff Jim Swinyard
180 NW 5th Street
Corvallis, OR 97330
541 766-6858

1. **TERM:** CITY and COUNTY agree that this intergovernmental agreement is entered into pursuant to ORS 190.010 and to ORS 236.605-236.640. It is the intent of the PARTIES that this agreement be effective upon execution.
2. **SCOPE:** This Agreement specifically relates to the transfer of two employees of the COUNTY who shall be transferred and become employees of the CITY effective July 1, 2006. This Agreement provides for the terms of this transfer.
 - 2.1. Employees to be transferred are Tiffany Crain and Lois Struble hereinafter known as the employees.
 - 2.2. Transfer is effective July 1, 2006.
 - 2.3. COUNTY is to pay all sums owed in wages or other compensation through a final check or automatic deposit for transferred employees as of June 30, 2006 in accordance with COUNTY policy and the applicable labor contract.
 - 2.4. COUNTY shall provide for continuation of the employees health insurance and other benefits through June 30, 2006.
 - 2.5. CITY shall hire the employees as of July 1, 2006 as Records Specialists in accordance with the provisions of the Intergovernmental Agreement on Operations between the PARTIES and any applicable labor agreements.
 - 2.6. CITY shall be responsible for the employees as of July 1, 2006 and for all expenses related to their City service as of July 1, 2006 subject to the agreed upon contract charges for service pursuant to the Intergovernmental Agreement on Operations.
 - 2.7. COUNTY shall be responsible for any liability, grievance, or claim as a result of the transfer of the employees or any action pursuant to their status as COUNTY employees prior to July 1, 2006 and shall indemnify and hold the CITY harmless from any and all such expense subject to the limitations of the Tort Claims Act and this Agreement.
3. **COMPENSATION:**
 - 3.1. Transfer of funds to provide for current liabilities associated with the transferred leaves and benefits of the employees shall be the responsibility of the COUNTY. Payment of such costs from COUNTY to CITY shall occur no later than July 1, 2006. Costing of such liabilities shall be as follows:

- 3.1.1. The agreed upon value of all leaves transferred to CITY from COUNTY.
 - 3.1.2. The agreed upon value of health benefits for the month of July 2006 for the employees.
- 3.2. Ongoing costs associated with the costs to provide law enforcement records services shall be in accordance with the separate Intergovernmental Agreement for Operations between CITY and COUNTY.
4. The PARTIES intend that, in performing this agreement, each shall act as an independent contractor and shall have the control of the work and the manner in which it is performed. Neither CITY nor COUNTY is to be considered an agent or employee of the other.
5. **INDEMNIFICATION:** Subject to the limitations and conditions of the Oregon Tort Claims Act ORS 30.260-30.300, each party agrees to hold the other harmless, to indemnify and to defend the other, its officers, agents, volunteers and employees from any and all liability, actions, claims, losses, damages or other costs including attorneys fees and witness costs that may be asserted by any person or entity arising from, during, or in connection with the performance of the work described in this agreement, when such liability, action, claim, loss, damage or other cost results from the actions of that party in the course of this agreement. Nothing in this agreement shall be deemed to create a liability for any party in excess of the Oregon Tort claims limits for either party.
6. **INSURANCE:** The PARTIES shall provide insurance as indicated:
 - 6.1. Workers' compensation insurance in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers.
 - 6.2. General Liability insurance with a combined single limit, or the equivalent, of not less than \$500,000 each claim, incident, or occurrence for Bodily Injury and Property Damage. It shall include contractual liability coverage for the indemnity provided under this contract, and shall be in a form at least as broad as Commercial General Liability ISO form CG 0001.
 - 6.3. Each insurance endorsement shall state that coverage shall not be suspended, voided, or canceled by either party, reduced in coverage or in material limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the other PARTY. Each PARTY shall furnish acceptable insurance certificates to the other with original endorsements for each insurance policy signed by a person authorized by that insurer to bind coverage on its behalf. Certificates will be received and approved by prior to its issuance of a Notice to Proceed. Each PARTY shall be financially responsible for all pertinent deductibles, self-insured retention and/or self-insurance.
7. PARTIES shall comply with all applicable federal, state and local laws, rules and regulations on nondiscrimination in employment. The parties agree not to discriminate on the basis of race, religion, sex, color, national origin, family status, marital status, sexual orientation, gender identification, age, source of income, or mental or physical disability in the performance of this agreement.
8. PARTIES shall comply with the Americans with Disabilities Act of 1990 (Pub. Law No. 101-336), ORS 30.670 to ORS 30.685, ORS 659.425, ORS 659.430, and all regulations and administrative rules established pursuant to those laws.
9. This writing is intended both as the final expression of the agreement between the PARTIES with respect to the included terms and as a complete and exclusive statement of the terms of the agreement. No modification of this agreement shall be effective unless and until it is made in writing and signed by both PARTIES.

Dated this day of

Dated this day of

Benton County

City of Corvallis

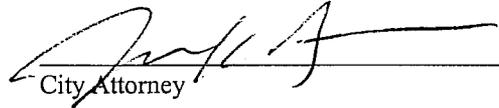
Benton County Sheriff

City Manager

Approved as to form:

Approved as to form:

Benton County Attorney



City Attorney

Somes, Judy

From: Richard Bryant [altavistadesign@comcast.net]
Sent: Friday, May 12, 2006 5:40 PM
To: Somes, Judy
Subject: Alternate Solution for Van Buren Bridge

Judy:

Can you forward the following letter and petition attachment to the Mayor and City Manager in advance of the next Council meeting? I don't have e-mail addresses for them.

Thanks - Dick Bryant

Dear Mayor Berg:

During my years serving on the Corvallis Riverfront Commission, there was strong support voiced for a bike and pedestrian bridge connecting the new Riverfront Park with Berg Park. That vision is still strongly held, supported, and now achievable.

The current ODOT proposals to construct a new highway bridge in the vicinity of the old Van Buren Bridge fall well short of meeting the functional, aesthetic and budget needs for this project.

As an alternative solution, the Committee to Save and Relocate the Historic Van Buren Bridge is currently circulating an advisory petition that contains a concept we believe will best meet the varied interests of the City and ODOT. Our proposed alternative solution relocates and reuses the old Van Buren Bridge to a location that is much more suitable for a bike and pedestrian river crossing.

We hope that you can support the solution offered in our petition and can help to discuss the merits of our proposal with ODOT staff. Further, we believe that your support for the alternative solution outlined in the petition narrative can help turn ODOT towards a better answer to a much needed new bridge.

On May 10th the Benton County Open Space and Parks Advisory Board passed an advisory motion that supports relocating and saving the old Van Buren Bridge.

Your help in opening doors to promote this alternative bridge solution can certainly influence ODOT to re-examine their thinking. ODOT currently finds themselves floundering with five options that seem to satisfy no one. ODOT really needs help to remove themselves from the horns of the dilemma they appear to be caught on at the moment. It is time for ODOT to set aside the old solutions they have been pushing for 13 years and look at our alternative solution as a fresh idea that can pump widespread support into this badly needed project.

ODOT has the ability to outlast the opposition, but outlasting the opposition is not an example of government operating at its best level. The time has come to stop wasting consulting engineer dollars and staff time on old ideas that are all out of step with this community.

The alternate concept proposed in the petition will save tax-payer dollars while achieving a solution that meets the multiple concerns and objectives of reasonable people.

Just imagine the spectacular view of the river we will be able to enjoy from a bike and pedestrian bridge that is located well away from the noise and pollution of cars and trucks streaming by on the new replacement bridge. A relocated historic bridge that is converted to enjoyable bike and pedestrian use is ultimately one of the best sustainable gifts that ODOT can give the citizens of our community.

Richard Bryant, co-chair

Committee to Save and Relocate the Historic Van Buren Bridge

4128 NW Peppertree Pl.
Corvallis, OR 97330

754-7540

ATTACHMENT D
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Citizen Preference Petition

Historic Van Buren Bridge Replacement

The Oregon Department of Transportation (ODOT) recently proposed several design options to construct a new bridge crossing the Willamette River in the vicinity of the historic Van Buren Bridge.

None of the five options presented are suitable solutions to the problem. The five proposed options will result in conditions that we believe will be out of character with the community. The five current options will not serve the best interests of the citizens of our community or the State of Oregon.

Problem:

The five current design options presented by ODOT will result in one or more of the following negative impacts:

- The historic Van Buren Bridge may be lost through demolition.
- The historic Van Buren Bridge will be aesthetically compromised if it remains in the current location. Imagine the “visual logjam” that will result if three bridges are forced to occupy the space meant for only two bridges.
- If the historic Van Buren Bridge remains in the current location, the Riverfront Park will be significantly degraded by the new and remaining bridgehead structures.
- If the historic Van Buren Bridge remains in the current location, the joy of using the historic structure as a bike and pedestrian bridge will be severely compromised. The adjacent traffic noise, congestion, loss of river views and air-pollution will create a completely negative experience for bikers and pedestrians wishing to cross the river.
- The total project cost of the current ODOT options will be higher than necessary due to the cost of engineering and constructing a temporary bridge, possible need to acquire private property, and extended construction time.
- The time required to complete any of the five current ODOT options will result in extended community disruption. Extended construction time will lengthen the time that transportation routes, daily activities, and adjacent properties are disturbed.
- The City and County will lose property tax revenue if ODOT is required to purchase private property to construct a replacement bridge.

Citizen Preference Petition

Historic Van Buren Bridge Replacement

Proposed Solution:

1. Relocate and save the historic Van Buren Bridge, for use as a bike and pedestrian river crossing. Relocation site on 1st Street well south of Van Buren. Suggested 1st Street sites:
 - Adams Avenue & 1st Street
 - Mid-block crossing between Adams and Jefferson
 - Jefferson Avenue & 1st Street
2. Construct the new Van Buren Bridge to fit within the current Van Buren public right-of-way.

Historic Bridge Relocation Advantages:

1. Historic Van Buren Bridge is preserved and re-used.
2. Creates a scenic, safe, and quiet Willamette River crossing for pedestrians and bike riders. The parks on the east and west side of the river are linked by a preserved historic bridge that provides the following benefits:
 - Beautiful vistas up and down the river from the relocated bridge.
 - Moves the historic bridge away from the noise and air-pollution generated by traffic on the new Van Buren Bridge and the existing Harrison Bridge.
 - Avoids the “visual logjam” of three bridges piled closely together between Harrison and Van Buren.
 - No “taking” of private property is required to construct the new Van Buren replacement bridge. No loss of property tax revenue for the City or County because all private land remains in private ownership.
 - No loss of parking on 1st Street or Van Buren.
 - Reduces overall project costs and construction time.
 - Reduced construction time means less disruption of transportation routes and activities along the Riverfront Park and the Downtown area.

[\[Date Prev\]](#)[\[Date Next\]](#)[\[Thread Prev\]](#)[\[Thread Next\]](#)[\[Date Index\]](#)[\[Thread Index\]](#)

Re: proposed language for city charter

- *To:* "Rob Gandara" <Ward5@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject:* Re: proposed language for city charter
- *From:* "Rob Gandara" <Ward5@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Date:* Sun, 14 May 2006 21:24:51 -0700 (PDT)
- *Cc:* kathy.louie@xxxxxxxxxxxxxxxxxxxxx, ward1@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, ward5@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, ward6@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, ward8@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, ward9@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Importance:* Normal
- *In-reply-to:* <1096.24.22.126.206.1147666905.squirrel@xxxxxxxxxxxxxxxxxxxxxx>
- *References:* <000801c67513\$e8829c20\$4100000a@DaveL>
<1096.24.22.126.206.1147666905.squirrel@xxxxxxxxxxxxxxxxxxxxxx>
- *User-agent:* SquirrelMail/1.4.4

one small change

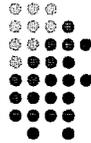
> Hey,
>
> Kathy could you print this and have it on our places at noon. Thanks
>
> Section 4 Responsibility to all People. The city shall exercise its
> power to ensure the equal protection, treatment and representation of all
> persons without discrimination including, but not limited to, age,
> citizenship status, color, familial status, gender
> identity or expression, marital status, mental disability, national
> origin, physical disability, race religion religious observance, sex,
> sexual orientation and source of income. Corvallis is a community that
> honors diversity and diverse interests, and aspires to be free of
> prejudice, bigotry and hate.
>
> I feel it deserves its own section, rather than muddling section 3. we
> would need to renumber the rest of the document.
>
>
>
>

- *References:*
 - Federal regulations re: Van Buren Bridge
 - *From:* Dave Livingston

ATTACHMENT E
Page 328-m

2005-06 Benton County Needs Assessment

A Partnership Between:
Benton County
City of Corvallis
Corvallis Clinic
Samaritan Health Services
Oregon State University
United Way of Benton County



Methodology.... Cogan Owens and Cogan in association with Davis Hibblits and Midghall



- Stakeholder Interviews conducted with 11 Community Leaders
- Random Sample Telephone Survey of 500 County residents (including 213 low-income households)
- Mail Out Service Provider Survey (47)
- Two focus Groups...Substance Abuse and Health Care
- Secondary Research (21 different sources, list on page 10)

New Component of the Survey



- Stakeholders were asked what they thought were the key elements of a healthy community
- Followed up by asking service providers and the participants in the random sample survey to respond to the key elements identified
- All were asked to rank the importance of the elements

Key Elements of a "Healthy Community"



- Strong Economy/Adequate Employment
- Ability to meet basic needs for food shelter, clothing, education and health care
- Opportunities to Pursue a Healthy Lifestyle
- Cultural Activities
- Community Interaction and Involvement

See Bar Chart on Page 7

Community Needs and Issues



- Low Income Households Needing Assistance in Last 12 Months (top ten responses)
 - Not able to get Dental Care 27%
 - Anxiety Stress and Depression 27%
 - Not Able to Get Medical Care 21%
 - Money For Food 21%
 - Money for Housing 20%
 - Money for Utilities 20%
 - Assisting an Elderly Person 18%
 - Assisting a Disabled Person 18%
 - Money for Clothing or Shoes 12%
 - Not Able to Get Mental health Care 10%

Un-prompted response to

"Most Significant Problems Facing Benton County"



- Drug and Alcohol Abuse 10%
- Lack of Affordable Housing 6%
- Underfunded Schools 6%
- Unplanned Growth 5%
- Poor Quality of Schools 5%
- Unemployment 5%

Recommendations



- Increase public education and awareness
 - Community Forums to discuss issues, impacts and strategies
 - Media Coverage, with an emphasis on successful programs and gaps in resources
 - Expanded efforts to publicize volunteer opportunities and civic engagement

Recommendations (continued)



- Allocate additional resources to address substance abuse problems at all levels
 - Advocate for increased public funding
 - Encourage businesses and citizens to focus their charitable giving on local non-profits or initiatives that address these issues (education, prevention, enforcement)

Recommendations (Continued)



- Encourage cooperation and collaboration among service providers, public agencies, and business community, particularly in health care funding
 - Establish working groups to explore and evaluate health care service and funding issues
 - Encourage OSU faculty members to study these issues in depth
 - Evaluate models used by other jurisdictions to address these issues

Recommendations (continued)



- Place a high priority on public resources and strategies that enhance a healthy community
 - Note examples of successful programs
 - Cite tangible benefits of such efforts

In Closing



The partnership to conduct the Community Needs Assessment is a great start for future partnerships to solve community issues.

For a copy of the needs assessment you can download from www.Unitedwaybc.peak.org

Telecommunications Service Tax

May 15, 2006

City staff received a number of phone calls regarding the telecommunications services tax beginning about 4:15 pm today. One of the callers said she had received a recorded message from an organization instructing her to call a telephone number (the Customer Services Manager in the Finance Department) to register her vote on the telecommunications services tax proposal.

Staff received about 50 phone calls by 5:00 pm from citizens casting their vote against the telecommunications services tax.

5/15/06, via telephone

Mike and Kristina Sreniawski
725 NW Sundance Circle
Corvallis OR 97330
Ward 9

I oppose any new taxes on my home phone, cell phone, or internet service without a vote.

5/15/06, via telephone

Kenneth and Linda Rowe
3430 NW Roosevelt Drive
Corvallis OR 97330

Ward 8

Please vote no on the new telephone tax, most particularly affects the home phone.

5/15/06, via telephone

Robert Parker
2290 NW Hazel
Corvallis OR 97330
Ward 8

New taxes at this time do not seem right to me. The government needs to control its spending. I wish I had an open check book. I'm trying to raise kids.

5/15/06, via telephone

Jessica Chabino
1122 SE Bell Avenue
Corvallis OR 97333
Ward 3

Requesting "no" vote on telecommunications tax issue.

5/15/06, via telephone
Gloria Scoville
2070 NW Dogwood Drive
Corvallis OR 97330
Ward 7

Requesting "no" vote on telecommunications tax issue.

5/15/06, via telephone
Karen Darsie & Lawrence Haley
915 NW 30th Street
Corvallis OR 97330
Ward 5

Requesting "no" vote on telecommunications tax issue.

5/15/06, via telephone
Martin Hellickson
3120 NW Greenbriar Place
Corvallis OR 97330
Ward 8

Requesting "no" vote on telecommunications tax issue.

5/15/06, via telephone
Haroldine John
5569 SW Redtop Place
Corvallis OR 97333
Ward 1

Requesting "no" vote on telecommunications tax issue.

5/15/06, via telephone
Randy Bojanowski
2245 NW 14th Street
Corvallis OR 97330

Ward 5

Requesting "no" vote on telecommunications tax issue.

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<web>Cel Phone Tax

To: ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Subject: <web>Cel Phone Tax

From: "Gerald D. Waite" <gdwpgw@xxxxxxxxxx>

Date: Mon, 15 May 2006 14:58:09 -0700

Reply-to: <gdwpgw@xxxxxxxxxx>

This is an enquiry e-mail via %s from: Gerald D. Waite (gdwpgw@xxxxxxxxxx)
I strongly object to the imposition of this tax. There is no logical basis for this tax.
Its time the city live within a budget and NOT request tax increases or new taxes whenever it wants more money. Families don't get raises whenever they want more money. The city needs to budget responsibly with the resources it has currently available. NO NEW OR RAISED TAXES.
If you vote for this tax I guarantee I will not vote for you for re-election.
Gerald Waite

Prev by Date: [Love: The irresistible desire to be irresistibly desired](#)

Next by Date: [Reminder: Upcoming Network Events](#)

Previous by thread: [Love: The irresistible desire to be irresistibly desired](#)

Next by thread: [Reminder: Upcoming Network Events](#)

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Cell phone tax

To: Betty Griffiths Ward 8 <ward8@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>

Subject: Cell phone tax

From: Ken Kingsley <enka@xxxxxxxxxxx>

Date: Mon, 15 May 2006 15:56:47 -0700

In-reply-to: <4439753D.2020404@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>

User-agent: Microsoft-Entourage/10.0.0.1309

Title: Cell phone tax

Hi Betty!

I urge you to vote against adding a cell phone tax to raise funds for our emergency services. I agree that we need to find ways to finance these programs, but it should be based on all citizens contributing equally, not just those with local cell telephone numbers. For example, as proposed, those OSU students with cell phones from other communities who benefit from our emergency services would not have to contribute.

Let's find a fair way to fund these programs.

Thank you,

Ken Kingsley

Prev by Date: [Reminder: Upcoming Network Events](#)

Previous by thread: [Cell Phone Tax](#)

Next by thread: [Earth Charter Celebration and You're Invited!](#)

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Telecommunication Service Tax

To: <mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>

Subject: Telecommunication Service Tax

From: "Dorothy Evans" <devans@xxxxxxxx>

Date: Mon, 15 May 2006 14:16:56 -0700

Dear Mayor Berg,

As senior citizens, my husband and I live on Social Security. Necessary frugality limits the use of our our cell phone to emergency only when traveling to various medical facilities.

Your proposed sales tax on our cell and land line phone would be an additional financial hardship for us in these times of rising fuel and food prices.

We believe any new tax should be put on the ballot to be decided by the voters of Corvallis. I believe it is arrogant to assume everyone is able to afford and can support this tax.

Respectfully,

Bob and Dorothy Evans

Prev by Date: [Love: The irresistable desire to be irresistably desired](#)

Next by Date: [Reminder: Upcoming Network Events](#)

Previous by thread: [Love: The irresistable desire to be irresistably desired](#)

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Telecommunications tax

To: <mayor@xx>

Subject: Telecommunications tax

From: "S K ALLEN" <sandy_allen99@xxxxxxx>

Date: Mon, 15 May 2006 11:58:25 -0700

Seal-send-time: Mon, 15 May 2006 11:58:25 -0700

I strongly object to the proposed telecommunications service tax ordinance. I don't believe you should impose any new tax without allowing the voters of Corvallis to decide if they support or oppose the tax.

Please do not tax our communication services.

Sincerely,

Sandy Allen

Prev by Date: **SAVE 82%: VIAGR*, AMBIE*, CIALI*, XANA*, RIVOTRI*,
LEVITR*, CIPRO, MERIDI*, CELEBRE*, VALIU* occasion**

Next by Date: **Register today for the NIJ Conference!**

Previous by thread: **SAVE 82%: VIAGR*, AMBIE*, CIALI*, XANA*, RIVOTRI*,
LEVITR*, CIPRO, MERIDI*, CELEBRE*, VALIU* occasion**

Next by thread: **Register today for the NIJ Conference!**

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2720 NW Mulkey Avenue
Corvallis, OR 97330-2437
753-5960
May 15, 2006

Mayor and City Council Members:

I would like to comment in FAVOR of the telecommunications service fee.

Corvallis has had franchise fees for land line telephone, electric power and natural gas utilities for a number of years and these help support basic city services.

A telecommunications service fee is a reasonable addition to the above fees reflecting the changing communication world that we live in today.

At one time toll bridges in Benton County instituted fees for animals that were taken across the bridges; as animal crossings disappeared the fees were removed as transportation methods changed. My point is that changing times require changes in fees and it is appropriate at this time to implement a service fee on telecommunications.

It would also "level the playing field" as then both land line telephone service and telecommunication service would have equal fees. It is an injustice to have a service fee on one of two similar services and not the other.

Telecommunications should be like any other business that functions in Corvallis and help pay for basic city services.

Lastly, the fees that are listed on the billing statements make the whole process "transparent" so that the customer knows exactly what is taking place.


Robert R. Lowry

<web>Telecommunications Tax

To: ward9@xxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Subject: <web>Telecommunications Tax

From: John Lynch <jllynch2@xxxxxxxxxxxxxxxxx>

Date: Mon, 15 May 2006 09:38:07 -0700

Reply-to: <jllynch2@xxxxxxxxxxxxxxxxx>

This is an enquiry e-mail via %s from: John Lynch (jllynch2@xxxxxxxxxxxxxxxxx)
Please, no new taxes! Now is not the time to add to the tax burden. Vote no on
the telecommunications tax. We need the police and fire departments, so cut
the parks & rec budget or library services.

Thank you
John Lynch

Prev by Date: [\[SPAM\] Community Wireless Authorities Meet in 1 Week](#)

Next by Date: [\[SPAM\] Playing this May on National City Network](#)

Previous by thread: [<web>Telecommunications Tax](#)

Next by thread: [Van Buren Bridge Petition](#)

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<web>Telecommunication Tax

To: mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Subject: <web>Telecommunication Tax

From: Charley Fisher <suchar@xxxxxxxxxxx>

Date: Mon, 15 May 2006 10:29:55 -0700

Reply-to: <suchar@xxxxxxxxxxx>

This is an enquiry e-mail via %s from: Charley Fisher (suchar@xxxxxxxxxxxxx) Mayor Berg,
I am sending this e mail in support of the telecommunications tax you and the council are considering. While it is difficult to say that anyone wants more taxes, I have two reasons to support this particular tax. First of all, with the changing technology from hard wire to wireless communication, the tax system should change as well to reflect the change in technology. Secondly, the wise use of the tax revenue by the city is what makes Corvallis the desirable place we all enjoy. As a member of the Park and Recreation Advisory Board for many years, I have seen first hand how those tax dollars have been used wisely to leverage more revenue from outside sources, the careful processes with which Park and Recreation projects have been studied and prioritized and the general scrutiny that accompanies budget management. I trust that other departments are as well managed and if additional revenue is provided for Parks and Recreation it will get that careful scrutiny and allow for some projects that are desired and even needed, but slightly lower on the priority list.

Thank you
Charley Fisher

Prev by Date: [\[SPAM\] Playing this May on National City Network](#)

Next by Date: [<web>dedicated cell phone tax](#)

Previous by thread: [<web>Telecommunication Tax](#)

Next by thread: [YES to tax on cell phones!](#)

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<web>dedicated cell phone tax

To: mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxx

Subject: <web>dedicated cell phone tax

From: Rolland Baxter <baxter@xxxxxxxxxxxx>

Date: Mon, 15 May 2006 10:35:43 -0700

Reply-to: <baxter@xxxxxxxxxxxx>

This is an enquiry e-mail via %s from: Rolland Baxter (baxter@xxxxxxxxxxxx)
Good morning Helen,

I have some comments on the communications tax.

If the City needs additional revenues to support services, then fees and taxes need to be raised. I don't like taxes, but I do like services, so I tend to support reasonable fees and taxes (as do most of your citizens).

But, I do not support this tax as you appear to have structured it. My major problem with the proposed TAX is that you appear to dedicate it to one service. For that reason, I oppose this tax. Taxes should be a general revenue to the general fund and then allocated out each year on the basis of need and priority. By dedicating to one department, you basically signal that you intend to support this service possibly to the detriment of a balanced set of services. Or else you think that people will support it because they generally support fire and police services. In any case, I don't support dedicating this tax and I suspect many others don't either. So make it a general income to the General fund. You can still allocate it each year as necessary, but you won't later be held up by the fire department when they say, "yea, but it is our money and you can't use it for (library, roads, parks, etch...you fill in the next service that may need a bail-out).

The City also has a credibility problem with some citizens. They remember that you said you wouldn't open the new station on 53rd unless you could afford it without any additional staff and equipment. That may not be precisely what you said, but that is what they thought. Now I hear people ask the question "what happened to this commitment". You may want to answer that question in a forum where people will see the response.

I hope people see through the self-serving campaign by the "Oregon Telecommunications Assn" and ignore their input. It won't cost the telecoms but a few pennies to handle this tax and they certainly don't pay it.....we do, the citizens. So the Council should heavily discount their input. I would also discount the input from their little "campaign". They don't offer any good reasoning for opposition other than "a tax is bad". And that should not be sufficient.

Have a nice hearing.

Rollie

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My Cell Phone

- *To:* mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject:* My Cell Phone
- *From:* Char Wessels <charmw@xxxxxxxx>
- *Date:* Sun, 14 May 2006 11:28:08 -0700

Dear Mayor and Councilpersons,

The only reason I have a Cell phone is in case of an emergency while driving. I am an old lady and need it for help. I very seldom use it for anything else. It is already too expensive and I would hate to have 5% added on to my bill. Please Do Not Pass the Tax Ordinance now being considered.

Thank You,

Char Wessels

- **Prev by Date:** [Re: Smoke once, get hooked for live](#)
- **Next by Date:** [\[SPAM\] Community Wireless Authorities Meet in 1 Week](#)
- **Previous by thread:** [Re: Smoke once, get hooked for live](#)
- **Next by thread:** [\[SPAM\] Community Wireless Authorities Meet in 1 Week](#)
- **Index(es):**
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5% telecommunications TAX

- *To:* <mayor@xx>
- *Subject:* 5% telecommunications TAX
- *From:* "Lillian" <smithla135@xxxxxxxxxxxx>
- *Date:* Sat, 13 May 2006 16:51:00 -0700

Mayor Berg,

If I had a vote (which in Corvallis we do not) I would vote NO on the 5% telecommunications Tax. Having attended some of the Council meetings I am aware that many on the Council pretend to listen but actually hear their own voice. So I have little confidence that this will be voted down. What ever happened to Democracy????

Lillian Smith

- **Prev by Date:** <web>**Web Request**
- **Next by Date:** [QUARANTINED] **re: The hottest pick**
- **Previous by thread:** **Re: This thing is awesome!**
- **Next by thread:** [QUARANTINED] **re: The hottest pick**
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PROPOSED PHONE TAX

- *To:* MAYOR@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject:* PROPOSED PHONE TAX
- *From:* DAVID WAGNER <dasha33@xxxxxxxx>
- *Date:* Fri, 12 May 2006 11:42:19 -0700 (PDT)
- *Domainkey-signature:* a=rsa-sha1; q=dns; c=noaws; s=s1024; d=yahoo.com; h=Message-ID:Received:Date:From:Subject:To:MIME-Version:Content-Type:Content-Transfer-Encoding; b=MsbepkR67YmIXcEUnPTRq8X0JQidjqjD0DOsN12f7McdPMgsipO0lVG2Pf5VquFoEWMEC

Helen Berg;

I think it's time to stop the taxing mentality of this city. Our city government does not need any more money. Corvallis could cut its budget by 30% and still have enough funds for the necessary functions of this city. For a town of only 50,000, Corvallis, relative to other cities of its size, has a much larger budget than they do.

Be fiscally responsible, for a change, and vote against the proposed phone tax ordinance.

David Wagner

- Prev by Date: [EVP Town Hall Mtg - June 7](#)
- Next by Date: [Re: Telecommunications Service Tax Ordinance](#)
- Previous by thread: [<web>telecommunications service tax](#)
- Next by thread: [\[SPAM\] Howard Dean in Oregon!](#)
- Index(es):
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<web>telecommunications service tax

To: ward5@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Subject: <web>telecommunications service tax

From: Mabelle Nelson <drsoil@xxxxxxxxxxxxxxxxxxxx>

Date: Fri, 12 May 2006 07:19:13 -0700

Reply-to: <drsoil@xxxxxxxxxxxxxxxxxxxx>

This is an enquiry e-mail via %s from: Mabelle Nelson (drsoil@xxxxxxxxxxxxxxxxxxxx)
I strongly object to the proposed telecommunications service tax ordinance!!! I do not believe you should impose this new tax without first allowing the voters of Corvallis to decide.

Follow-Ups:

Re: <web>telecommunications service tax

From: Rob Gandara

Prev by Date: **<web>Telecommunication Tax**

Next by Date: **Meeting Reminder**

Previous by thread: **Re: <web>Telecommunication Tax**

Next by thread: **Re: <web>telecommunications service tax**

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<web>Telecommuncations Tax

To: ward1@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Subject: <web>Telecommuncations Tax

From: Jim Wafer <wjma@xxxxxxxx>

Date: Fri, 12 May 2006 14:12:04 -0700

Reply-to: <wjma@xxxxxxxx>

This is an enquiry e-mail via %s from: Jim Wafer (wjma@xxxxxxxx)
I am urging you to vote against the proposed telecommunications tax. I think it undermines the credibility of the city council when it passes a tax without giving the citizens of Corvallis a chance to vote on the tax. If you want to level the playing field with other providers, I suggest you reduce the tax on other providers so that the overall effect of the tax is revenue neutral.

Thanks for your considertaion.

Jim Wafer
1606 SW Country Club Place
Corvallis, OR 97333

Prev by Date: [EVP Town Hall Mtg - June 7](#)

Next by Date: [Contact Information](#)

Previous by thread: [<web>Telecommunication Tax](#)

Next by thread: [Contact Information](#)

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<web>cell phone tax

To: ward9@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Subject: <web>cell phone tax

From: Michael and Marjorie Kinch <mkinch@xxxxxxxx>

Date: Fri, 12 May 2006 13:01:42 -0700

Reply-to: <mkinch@xxxxxxxx>

This is an enquiry e-mail via %s from: Michael and Marjorie Kinch
(mkinch@xxxxxxxx)

Please dump the proposed cell phone tax. It is not a progressive tax and will affect many adversely. The city does not spend money to support phones, so they should not tax them. If the fire dept or whatever needs more money, they should get a bond for that purpose.

Prev by Date: EVP Town Hall Mtg - June 7

Next by Date: [SPAM] Howard Dean in Oregon!

Previous by thread: <web>Cell Phone Tax

Next by thread: Martin Luther King III

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Re: Telecommunications Service Tax Ordinance

- *To:* <mayor@xx>
- *Subject:* Re: Telecommunications Service Tax Ordinance
- *From:* "Meghan Dailey" <Brigit_Phoenix@xxxxxxx>
- *Date:* Fri, 12 May 2006 11:51:18 -0700
- *References:* <001501c675eb\$e27b3ed0\$395410ac@xxxxxxxxxxxxxxxxxxxxxxxx>
- *Seal-send-time:* Fri, 12 May 2006 11:51:18 -0700

Thank you for your prompt reply. I have reviewed the memorandum, and the city council has my support on the proposed 5% telecommunications tax.

Sincerely,
Meghan Dailey

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

From: Mayor
To: 'Meghan Dailey'
Cc: mayor-web-archive@xx
Sent: Friday, May 12, 2006 10:45 AM
Subject: RE: Telecommunications Service Tax Ordinance

Dear Meghan, Thank you for writing and for your concern for Corvallis. Please see the attached memorandum in answer to your good question.

Helen berg

From: Meghan Dailey [mailto:Brigit_Phoenix@xxxxxxx]
Sent: Thursday, May 11, 2006 7:36 PM
To: Mayor
Subject: Telecommunications Service Tax Ordinance

Hello,

I recently received a mailing asking me to send a postcard to you stating that I do not wish to have a 5% tax on my cellular phone usage. Before I ask that this not be voted into law, I would like to know what the proposed plan is for using the tax. Please let me know what the tax will be spent on, or please point me in the right direction to find out.

Thank you for your time,

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<web>NO on new communication tax

- *To:* ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject:* <web>NO on new communication tax
- *From:* Gerald Erickson <jnj4erickson@xxxxxxxxxxx>
- *Date:* Fri, 12 May 2006 06:56:45 -0700
- *Reply-to:* <jnj4erickson@xxxxxxxxxxx>

This is an enquiry e-mail via %s from: Gerald Erickson (jnj4erickson@xxxxxxxxxxx)
Another tax for Corvallis is not the answer. No more tax burden for us! Please rej

- Prev by Date: **Phone Tax**
- Next by Date: **cell phone tax.**
- Previous by thread: **<web>Telecommunication Tax**
- Next by thread: **cell phone tax.**
- Index(es):
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Cell phone Tax - Let the people vote

- *To:* mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject:* Cell phone Tax - Let the people vote
- *From:* "Juliet Strahl" <musiclover.juliet@xxxxxxxx>
- *Date:* Fri, 12 May 2006 17:28:52 -0700
- *Domainkey-signature:* a=rsa-sha1; q=dns; c=noaws; s=beta; d=gmail.com; h=received:message-id:date:from:to:subject:mime-version:content-type; b=XKpomwxRe2WwEI3g8O5bJrJ9YNPZ8ClqLTAkCOY0sfKdB6UFDHIVri4E8HrUOSmkBzw

Mayor Berg:

No tax with no vote. City council is not qualified to impose taxes. Let the people vote. All tax increases need to be by plebiscite.

Todd Strahl
1173 Charlemagne Place
Corvallis Or 97330
541-758-8092

- Prev by Date: [Spam Mail Removal](#)
- Next by Date: [\[SPAM\] helping emergence](#)
- Previous by thread: [\[SuperUpdate\] Superintendent's Update #152](#)
- Next by thread: [\[SPAM\] helping emergence](#)
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Cell phone tax

- *To:* mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject:* Cell phone tax
- *From:* moffatdw@xxxxxxxxxxxxx
- *Date:* Thu, 11 May 2006 20:52:49 +0000

The reason I'm opposed to the cell phone tax is that it represents the worst thinking by politicians, which goes this way: *Here is something new that benefits many people; let's tax it!* It isn't necessary to tax everything.

Please use the power of your office to defeat this tax.

Thank you
Donald Moffat

- Prev by Date: **[Recommended Budget for 2006-07 Released on Monday \(May 15\)](#)**
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<web>Support for Cell Phone Tax

To: ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Subject: <web>Support for Cell Phone Tax

From: Marge Stevens <margestevens1@xxxxxxxxxxxxx>

Date: Thu, 11 May 2006 21:39:45 -0700

Reply-to: <margestevens1@xxxxxxxxxxxxx>

This is an enquiry e-mail via %s from: Marge Stevens (margestevens1@xxxxxxxxxxxxx)
Dear Counselor Tomlinson, I was reminded to write in support of the proposed cell phone tax for replacing fire equipment by some literature I received in the mail today. I have found an earlier email writer has eloquently expressed my thoughts on this subject, so I refer you to the email from Doug Van Pelt of May 10, with which I agree. Thank you.

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tax without a vote

- *To:* mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
 - *Subject:* tax without a vote
 - *From:* Elliott Isabell <ielliott2@xxxxxxxxxx>
 - *Date:* Thu, 11 May 2006 16:44:02 -0700 (PDT)
 - *Domainkey-signature:* a=rsa-sha1; q=dns; c=noaws; s=s1024; d=yahoo.com; h=Message-ID:Received:Date:From:Subject:To:MIME-Version:Content-Type:Content-Transfer-Encoding; b=XIVs/3jpcaJDdYhF4mT5zWjuJZsGrUetu2ZQUUtr5B/xEjnjcYH0iFEanye0gcCYcZBv4JokyRl
-

how dare you even think of such a thing. its bad enough that you are a bunch of old idiots, that wont let a store come to this town, where is home depot? where is wall mart? where are all the outhter stores that the people of this town want, you wont let anything in but when Maters want to build a stuipd building, that will do nothing for the people of this town, its go ahead, well you are all going to be kicked out the next election from the mayer down, and its not soon enough, we need progressive people, not you brain dead nuts,

isabell elliott
a voter.....

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<http://mail.yahoo.com>

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Cell phone Tax

- *To:* <mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject:* Cell phone Tax
- *From:* "G A CRITTENDEN" <GCJASPER6@xxxxxxx>
- *Date:* Thu, 11 May 2006 16:48:33 -0700
- *Send-time:* Thu, 11 May 2006 16:48:33 -0700

I think it is an outrage that you and the city council would even consider a tax without the vote of the people. I know why you don't want to put it to a vote because you know people are tired of paying more and more taxes and would vote no. It is not fair to tax a certain part of the population. Not everyone has a cell phone, and some of those that do are like me, senior citizens that use them basically for emergencies. If this tax goes in a lot of us will not be able to afford the increase and will have to cancel our service, of course then you will go after our home service. If you would allow more businesses to come into Corvallis to increase the tax base you wouldn't have to be coming up with crazy ideas like a cell phone tax to fund the fire department. It's sort of not letting anyone smoke anywhere in the city yet when you want to tax something you tax cigarettes doesn't make sense to me. Sincerely an angry senior citizen on a fix income,
Gerrie

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<web>Telecommunication Tax

To: ward1@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Subject: <web>Telecommunication Tax

From: Carolyn J Cooper <carolyn.cooper@xxxxxx>

Date: Thu, 11 May 2006 15:13:40 -0700

Reply-to: <carolyn.cooper@xxxxxx>

This is an enquiry e-mail via %s from: Carolyn J Cooper
(carolyn.cooper@xxxxxx)

Please vote against the Telecommunication tax. I pay way too much in taxes already and do not want another tax. If this funding is important let me decide if I am willing to fund it.

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Proposed tax/fee on cell phones

- *To:* <mayor@xx>
- *Subject:* Proposed tax/fee on cell phones
- *From:* "Janet Wagenschutz" <janetgarden@xxxxxxxxxxxx>
- *Date:* Thu, 11 May 2006 17:38:51 -0700

Dear Mayor,

Thanks you for your many years of service for Corvallis. I would hope that one of the last items you DO NOT support, will be the cell phone fee- a tax by any other name.

I understand that the mayor only votes in case of a tie. I do urge you not to support this method of raising monies for basic city safety services. Generally, if presented with well reasoned information and opportunity to dialog, I usually support paying for services and would welcome an opportunity to VOTE on this issue. I do not support having fees used as an end around proper citizen voting on money issues.

Thank you for your time and consideration.

Janet Wagenschutz

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YES to tax on cell phones!

- *To:* mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject:* YES to tax on cell phones!
- *From:* Andy Gray <andyg@xxxxxxxxxxxxx>
- *Date:* Thu, 11 May 2006 19:19:46 -0700
- *User-agent:* Mozilla Thunderbird 1.0.7 (Windows/20050923)

A group of corporations sent me a card asking me to write to my city representatives, so how could I refuse? I say "YES" to a 5% tax on cell phones in Corvallis! These scoundrels have been using the public domain for profit without paying for it (the public "airwaves" over which signals are sent). They think they don't have to pay their fair share for the government services we all use, like regular phone companies do. In addition, I have to put up with competing cell phone towers sprouting up all over the valley, drivers almost running me over while yapping away on the phone, and having to listen to people engaged in the most inane conversations imaginable ("wassup?", "I dunno" "I'm eating a candy bar") just because they have unlimited minutes.

Actually, a 5% tax is not enough. We should outlaw talking on the phone while driving, and then tax cell phones 50% so that we can afford enough police to enforce it!

Andrew Gray
Corvallis, OR

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<web>Web Request

To: mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Subject: <web>Web Request

From: Lita Verts <L.verts@xxxxxxxxxxx>

Date: Wed, 10 May 2006 16:23:28 -0700

Reply-to: <L.verts@xxxxxxxxxxx>

This is an enquiry e-mail via %s from: Lita Verts (L.verts@xxxxxxxxxxx) Helen, At the CACOT meeting this a.m. [May 10, 2006], I told them of your request that I speak at the Council meeting on Monday evening about the Telecommunications Tax. There were 5 members present, and to my surprise, 3 of them opposed the tax or more accurately the process of assessing this tax. They seemed to feel that there should be a public vote on it. I will still come to meeting on Monday as a private citizen and speak for it, because to me it is a matter of fairness. We have two commercial businesses, one pays a tax, but is losing business to the other which does not. However, I cannot speak as a member of CACOT without jeopardizing the issue by airing the opposition to it. Please let me know your pleasure. Respectfully, Lita Verts

Prev by Date: [RE: Van Buren PMT Meeting - June 14, Wed. 1-4 pm](#)

Next by Date: [EVP Town Hall Mtg - June 7](#)

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Testimony AGAINST the proposed cell phone use tax.

Roger F. Evans
3135 NW Greenwood
Corvallis, OR 97330

In my judgment the staff & the committee have not provided the necessary accurate information for the council to enact the proposed tax.

1. The base of the tax is uncertain at best. It appears that a user could switch their phone service to a different geographic location and avoid the tax.
2. The tax rate has not been determined in a meaningful way. It is just to bring in more money to cover expenses.
3. The committee must have had reservations about this tax, as they could not recommend it.
4. It is not a fair tax in that it many discriminate against those who cannot afford it.
5. The worst condition is that it may drive the business, which we would like in Corvallis to move to a different city.
6. The city has other utility bases that would better serve as a legitimate tax base.

Thank you, for hearing the public, which as overwhelmingly testified against this tax.

Memorandum

To: Mayor and City Council
From: Tony Howell 
Date: May 15, 2006
Subject: Telecommunications Service Tax proposal

I support the proposal before the City Council to establish a 5% tax on gross revenues of all providers of telecommunications within the city.

Addresses critical needs. The initial uses identified for the increased revenue from this proposal are fire vehicle replacement and fire training facilities. When I was last on the Budget Commission in 2002, we went through a lengthy service prioritization process prior to making extensive cuts in services. These Fire services were both seen as significant needs that could be delayed temporarily, but would become critical needs in the next few years. We are now at that time. Our excellent fire insurance rating saves each of us more in commercial or homeowners' fire insurance than will the additional cost of this proposal.

Having gone through the budget prioritization in 2002, I also know that funding these Fire services by reducing other city services is not a solution I could support. Only the highest priority services made it through the 2002 cuts, and this proposal allows residents to continue to receive those services at a modest cost.

Reasonable cost. This proposal reduces the franchise fee that I currently pay for our land-line phone, and adds 5% to our cell phone bill. Based on my family's current land-line usage and family cell phone plan, I will save \$1.20 on my telephone bill and pay \$3.20 more per month on my cell phone bill. That amounts to \$2.00 extra per month or \$24.00 per year. For one person on a lower cost plan, I could pay as little as \$15.00 per year. I am very willing to pay that or more to maintain good fire and police protection, keep our excellent library open every evening, and maintain our parks and recreation services. (Especially since I will still be saving \$18.00 per year from what we paid annually in telephone franchise fees before getting cell phones.)

Fair and equitable. Franchise fees in the past have reimbursed the community for the use of its right-of-way. Although cell towers don't occupy city property, they have utilized federal exemptions to limit land use controls that citizens want on where cell towers are placed. It is fair that, as users of cell phones, we provide some compensation to the community as a whole for taking away its voice in cell tower placement. This proposal takes the added step of reducing the franchise fee on traditional phone services, so that both contribute an equal share to the community.

Good stewardship of our community. Through good management and an excellent staff, Corvallis city government has been able to maintain quality services to residents in the face of rising costs and a sharply reduced property tax base. Even though the majority of Corvallis residents voted against Measure 5 and Measures 47/50, we have had to reduce services that the community supported in order to stay within new property tax limitations that rise more slowly than inflation. It is responsible and prudent for the City Council to explore reasonable and affordable ways to maintain a level of services that residents, through the annual City Survey and other means, tell you that they want to keep or enhance.

It is also prudent for the Council to make this decision, given its relatively modest impact on each individual, rather than incur the high cost of an election. Thank you for your thoughtful consideration of this proposal.



TO: Mayor Helen Berg
Councilors Jerry Davis
Patricia Daniels
George Grosch
Charles Tomlinson
Rob Gandara
Emily Hagen
Scott Zimbrick
Betty Griffiths
Hal Brauner

FR: Amanda Dalton
Direct Northwest
Willamette Association of REALTORS®

May 15, 2006

Mayor Berg and Members of Council:

Amanda Dalton, P.O. Box 981 Salem, OR 97308 and I am testifying tonight on behalf of the Willamette Association of Realtors, representing its 369 Realtor and affiliate members in and around the City of Corvallis.

As you can imagine, phones and cell phones in particular our lifelines for our members to their clients. Many of our members are small business owners, employing 2 – 3 employees and some operate solely on the cell phone. Some have small phone bills and others large – but all will feel the impact this proposed tax will have on their monthly phone bills. Many simply do not have the flexibility in their budgets to pay for this significant increase.

Now is not the time to support higher taxes on Corvallis business owners and residents, nor is it the time to add deterrents to the community to attract new businesses.

While our members understand the City's need to provide adequate revenue for public safety needs, there is no direct link between a tax on services

provided by the telecommunications industry and the proposed initial use of the funds in the first year for fire related needs. Where will these funds be spent in subsequent years?

We are also concerned about the wide range of estimated revenue between the city's projected \$700,000 and the industry estimates at \$2 million. As well as the equability of the tax on all residents and the abilities for many to simply select third party providers or out-of-town billing addresses.

Finally, we once again encourage you to let the voters have the final say in this proposed tax increase and ask that you send this proposal to them for a vote.

We thank you for your time.

Corvallis's proposed "Telecommunications service tax" Expansion to include other communication services

- The City's proposal for expansion of a "tax" to additional communication services is nothing more than a targeted sales tax increasing the cost to provide such services in the city and creating a fundamental shift in tax policy. This new tax is very regressive and will especially hurt consumers on fixed incomes and in the low-income categories. It could also prove devastating to small, local business owners who do not have flexibility in their budget to pay for a significant 5% increase to telecommunications services, which are essential to operate their businesses.
- The City contends that this proposal would "level the playing field" for all communication service providers operating in the city, however that is a misconception. The existing local taxes imposed upon landline companies were enacted for the privilege of using the localities public ways or it was imposed upon a company for its franchise to operate as a utility within the city, which also entitled it to use the public ways. Under the current proposal, any payments made for uses of the public ways assessed as a percentage of revenue under the privilege tax or franchise agreement will be offset against this new tax for those companies. The proposed tax provides a credit for the operating expense incurred for facilities placement by some carriers but not others – not leveling the playing field at all.
- The wireless industry does not receive the benefit of using the public ways and pays fair rent for all facility placements to the property owner, whether placed on public or private property. Long-distance carriers pay a charge per lineal foot for their facilities placements. Additionally, wireless carriers do not need to enter into a franchise with a city to operate as a utility. Wireless providers are not a "utility" and they have paid for their franchise in the form of FCC licenses, which they have paid substantial money to obtain from the Federal government.
- Both long-distance carriers and wireless providers pay substantial compensation (wholesale revenue) to the local exchange (LEC) carriers for using the LEC facilities throughout their networks and under interconnection agreements for terminating traffic on the LEC networks. Since the current proposal imposes a tax on the gross receipts of all communication services provided within the city, the current proposal will impose a "double" tax on communication services provided by certain providers. Both the wholesale and retail revenues of carriers will be subject to this tax, substantially increasing the costs to provide communication services to residents of the City of Corvallis.
- While we understand the revenue needs the city is looking to address, any tax proposal should be a broad based imposition that affects all taxpayers equitably. Not a targeted imposition such as the proposed telecommunications services tax. Eliminating these historic "utility" impositions are very important when lawmakers consider the role the communications infrastructure and services play in our Country's ability to compete in the global economy.
- The City has estimated that this tax expansion will be minimal to consumers of communication services, bringing in revenue of approximately **\$700,000**. However, the industry has estimated this new tax will be very costly to consumers of communication services and will in fact bring in almost **\$2,000,000** of additional revenue. Almost *three* times more than what the City has estimated.
- If the City Council believes the Telecommunications service tax is the right policy, it should take this issue to the general public and allow them to vote on whether the new tax is appropriate. Preliminary information indicates that residents of Corvallis are not supportive of this targeted tax.