



CITY OF CORVALLIS
ACTIVITY CALENDAR

APRIL 2 - 14, 2007

MONDAY, APRIL 2

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

TUESDAY, APRIL 3

- ▶ Airport Commission - 7:00 am - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ Human Services Committee - 12:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

WEDNESDAY, APRIL 4

- ▶ Urban Services Committee - 4:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ Library Board - 5:30 pm - Library Board Room, 645 NW Monroe Avenue
- ▶ Planning Commission - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard

THURSDAY, APRIL 5

- ▶ Administrative Services Committee - 12:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ Committee for Citizen Involvement - 7:15 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

FRIDAY, APRIL 6

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

SATURDAY, APRIL 7

- ▶ Government Comment Corner (Councilor Scott Zimbrick) - 10:00 am - Library Lobby, 645 NW Monroe Avenue

TUESDAY, APRIL 10

- ▶ Open Space Advisory Commission - 4:00 pm - Parks and Recreation Conference Room, 1310 SW Avery Park Drive
- ▶ Historic Resources Commission - 7:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ Ward 1 (Councilor Bill York) Meeting - 7:00 pm - Stoneybrook Assisted Living Activity Room, 4650 SW Hollyhock Circle (City sponsored)

WEDNESDAY, APRIL 11

- ▶ Citizens Advisory Commission on Transit - 5:30 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

THURSDAY, APRIL 12

- ▶ Citizens Advisory Commission on Civic Beautification and Urban Forestry - 8:00 am - Parks and Recreation Conference Room, 1310 SW Avery Park Drive
- ▶ Riverfront Commission - 4:00 pm - Parks and Recreation Conference Room, 1310 SW Avery Park Drive
- ▶ Core Services Committee - 4:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard

SATURDAY, APRIL 14

- ▶ Government Comment Corner (Councilor Patricia Daniels) - 10:00 am - 645 NW Monroe Avenue



**CORVALLIS
CITY COUNCIL AGENDA**

**April 2, 2007
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 – March 19, 2007
 2. City Council Work Session – March 19, 2007
 3. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Core Services Committee – March 15, 2007
 - b. Downtown-Economic Vitality Plans Implementation Committee – March 13, 2007
 - c. Downtown Parking Commission – February 28, 2007
 - d. Housing and Community Development Commission – March 7, 2007
 - e. Planning Commission – February 7, 2007
 - f. Prosperity That Fits Steering Committee – March 6, 2007
 - g. Watershed Management Advisory Commission – February 21, 2007
- B. Announcement of Appointments to Boards, Commissions, and Committees (Airport Commission – Bell; Committee for Citizen Involvement – Baker, Peutz, Lopez; Public Art Selection Commission – Parkerson, Stillger; Core Services Committee – Stephens)
- C. Schedule a public hearing for April 16, 2007, to consider a possible appeal of a Planning Commission decision (WRG06-00001 – Cornerstone Associates)

- D. Schedule a public hearing for April 16, 2007, to consider a possible appeal of a Planning Commission decision (CDP06-00007 – Southside Community Church)
- E. Authorization to enter into and for the City Manager to sign an Intergovernmental Agreement with Linn-Benton Community College to park a vehicle at City Public Works
- F. Approval of Planning Commission vacancies and proposed interview schedule
- G. Schedule an Executive Session following the regular noon meeting under ORS 192.660(2)(i) (status of employment-related performance)

III. ITEMS REMOVED FROM CONSENT AGENDA

IV. UNFINISHED BUSINESS

- A. Community Police Review Board (evening meeting)
- B. Instant Runoff Voting

V. MAYOR, COUNCIL, AND STAFF REPORTS

- A. Mayor's Reports
 - 1. Announcement of Appointments to Economic Development Allocations Subcommittee (Johnen, Joss, Kvidt)
- B. Council Reports
- C. Staff Reports

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 – None.

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

- A. Human Services Committee – March 20, 2007
 - 1. Social Services Allocations Process

- B. Urban Services Committee – March 21, 2007
 - 1. Council Policy Review: CP 97-7.13, "Municipal Airport and Industrial Park Leases"
 - 2. Airport Lease – Trillium Fiber Fuel
- C. Administrative Services Committee – None.

X. NEW BUSINESS

- A. Initiation of a Land Development Code Text Amendment
-

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
COUNCIL ACTION MINUTES**

March 19, 2007

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Consent Agenda Pages 155-156			
Unfinished Business 1. City Legislative Committee – March 14, 2007 Pages 156-157			<ul style="list-style-type: none"> • Support HB 2653 and communicate City's position • Oppose SJR 32 and communicate City's position
Mayor's Report 1. <i>Country Home</i> Ranking 2. <i>Oregon Business</i> Tour 3. Public Health Preparedness Presentation 4. Taxing Jurisdictions Quarterly Meetings Page 157	Yes Yes Yes Yes		
Council Reports 1. 2007-2008 Council Goals (Brauner) 2. Rotary Meeting Discussions (Wershow) 3. NAACP Presentation by Police (Wershow) 4. <i>Corvallis Gazette-Times</i> Neighborhood Meetings (Wershow, Daniels) 5. Spring Creek Project Presentation (Daniels) 6. Wind Energy Presentation (Daniels) 7. Library Board Meeting and Tour (York) 8. Riverfront Commission (York) 9. Government Comment Corner Concerns (York) 10. Code Enforcement (Brauner) 11. Wildcat Park Reconstruction (Brauner) 12. D-EVPIC Meeting (Daniels) Pages 157-159	Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes		
Staff Reports 1. CSC and D-EVPIC Meetings 2. City Manager's Report – February 2007 3. Council Request Follow-up Report – March 15, 2007 4. Wireless Partnership 5. Sustainability Work Program Presentation Pages 159-161	Yes Yes Yes Yes Yes		

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
<p>Items of HSC Meeting of March 6, 2007</p> <p>1. Council Policy Review: CP 97-4.09, "Guidelines for Free Use of Park Facilities"</p> <p>2. Civil Rights Ordinance; New Charter Provisions</p> <p>Page 161</p>		<p>Referred to April 17 HSC meeting</p>	<ul style="list-style-type: none"> Affirmed Policy as amended
<p>Items of USC Meeting of March 7, 2007</p> <p>1. Airport Lease Assignment – AVI Biopharma</p> <p>2. Systems Development Charge Annual Review</p> <p>3. Airport Minimum Standards</p> <p>4. CMA and AIP Lease Review Procedure Pages 162-163</p>	<p>Yes</p>		<ul style="list-style-type: none"> Authorized CM to sign consent, approving lease assignment and assumption ORDINANCE 2007-05 <u>passed U</u> RESOLUTION 2007-02 <u>passed U</u> Approved amending Airport Minimum Standards and Airport Handbook
<p>Items of ASC Meeting of March 8, 2007</p> <p>1. Second Quarter Operating Report</p> <p>2. Council Policy Review: CP 98-2.10, "Use of E-Mail by Mayor and City Council"</p> <p>Pages 163-164</p>	<p>Yes</p>	<p>Scheduled for additional review</p>	<ul style="list-style-type: none"> Accepted Report
<p>Other Related Matters</p> <p>1. Funds Transfer – Risk Management Fund Contingencies to City Manager's Office</p> <p>2. Supplemental Budget – Risk Management Fund City Manager's Office</p> <p>Page 165</p>			<ul style="list-style-type: none"> RESOLUTION 2007-03 <u>passed U</u> RESOLUTION 2007-04 <u>passed U</u>
<p>Executive Session</p> <p>1. Property Transaction – CMA AIP</p> <p>2. State Measure 37 Claim – Timberhill Corporation</p> <p>3. Trade Negotiations – Enterprise Zone</p> <p>Page 165</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>		

Glossary of Terms

AIP	Airport Industrial Park
ASC	Administrative Services Committee
CM	City Manager
CMA	Corvallis Municipal Airport
CSC	Core Services Committee
D-EVPIC	Downtown-Economic Vitality Plans Implementation Committee
HB	House Bill
HSC	Human Services Committee
NAACP	National Association for the Advancement of Colored People
SJR	Senate Joint Resolution
U	Unanimous
USC	Urban Services Committee

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

March 19, 2007

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 12:00 pm on March 19, 2007, in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Tomlinson presiding.

PLEDGE OF ALLEGIANCE

I. ROLL CALL

PRESENT: Mayor Tomlinson, Councilors Daniels, York, Hamby, Beilstein, Zimbrick, Brauner, Grosch, Wershow

ABSENT: Councilors Brown (excused)

Mayor Tomlinson directed Councilors' attention to items at their places, including a memorandum from Finance Director Brewer regarding a city-wide wireless initiative (Attachment A).

II. CONSENT AGENDA

Mayor Tomlinson announced that, in addition to the discussions already scheduled in today's Executive Session, the Council will discuss trade negotiations under ORS 192.660(2)(g).

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

- A. Reading of Minutes
 - 1. City Council Meeting – March 5, 2007
 - 2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Airport Commission – February 6, 2007
 - b. Bicycle and Pedestrian Advisory Commission – February 2, 2007
 - c. Citizens Advisory Commission on Transit – February 14, 2007
 - d. Committee for Citizen Involvement – February 1, 2007
 - e. Corvallis-Benton County Public Library Board – February 7, 2007
 - f. Land Development Hearings Board – February 7, 2007
- B. Announcement of Vacancies on Boards and Commissions (Committee for Citizen Involvement - Rwangano; Open Space Advisory Commission - Schary)
- C. Schedule a public hearing for April 16, 2007, to consider the Fiscal Year 2007-2008 Community Development Block Grant/HOME Investment Partnership Program Action Plan
- D. Approval of an application for a "Limited On-Premises Sales" liquor license for Healthy Food, Inc., dba China Blue, 2307 NW Ninth Street (Change of Ownership)

- E. Authorization to enter into and for the City Manager to sign leases with Union Pacific Railroad, Pioneer Telephone, and Peak Telecommunications LLC for communication sites on the west ridge of Marys Peak
- F. 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.

IV. UNFINISHED BUSINESS

A. City Legislative Committee – March 14, 2007

City Manager Nelson reported that the Committee received presentations from representatives of the Public Works and Community Development Departments regarding pending legislation their staffs are monitoring. No Council action is needed at this time regarding pending legislation related to Community Development activities. "Island" annexations and State Measure 37 claims are significant issues for Community Development staff; however, they should have little impact on the City, due to the City's annexation legislation and receipt of only one State Measure 37 claim to date.

The Committee recommended that the Council not take a position regarding pending legislation related to field burning.

Information regarding the instant run-off voting (IRV) process was shared with the Committee and will be discussed during tonight's quarterly Council work session.

Mr. Nelson stated that the two pending bills regarding systems development charges and schools (Senate Bills 45 and 366) and the issue of IRV will probably be returned to the Committee for discussion.

Consistent with the Council's support of issues being monitored by the League of Oregon Cities, particularly supporting infrastructure maintenance, the Committee recommended increasing the gasoline tax as part of House Bill 2653 to help fund street maintenance.

The Committee recommended opposing Senate Joint Resolution 32, which would allow use of State Highway Fund revenue to pay for increased policing on the highways, which was the practice several years ago.

Councilor Zimbrick moved to support House Bill 2653, raising the gasoline tax, and authorize Mayor Tomlinson to communicate the City's position to Senator Morse and Representative Gelser. Councilor Hamby seconded the motion. The motion passed unanimously.

Councilor Zimbrick moved to oppose Senate Joint Resolution 32, which refers the use of Highway Fund revenue for policing of highways to the voters in the form of a Constitutional amendment, and authorize Mayor Tomlinson to communicate the City's position to Senator Morse and Representative Gelser. Councilor Hamby seconded the motion. The motion passed unanimously.

In response to Mayor Tomlinson's inquiry, several Councilors indicated a desire for the Committee to consider pending legislation regarding renewable energy standards.

V. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

Mayor Tomlinson announced that *Country Home* magazine ranked Corvallis third in the magazine's "Best Green Places" survey, based upon water and watershed quality, mass transit use, power use, and number of organic producers and farmers markets. He said the community can be proud of the ranking and recognition, which is supported by Council and staff leadership. The press release was included in the Council's meeting packet and was posted on the City's Web site.

Mayor Tomlinson announced that *Oregon Business* magazine is celebrating its 20th anniversary by touring the state this Fall. Magazine representatives will be in Corvallis September 11th for a tour of the community, Oregon State University (OSU), and some of the community's smaller manufacturing companies.

Mayor Tomlinson reported that the recent Benton County Board of Commissioners (BOC) taxing jurisdictions meeting included a presentation by Benton County Health Administrator Eversole regarding public health preparedness and emergency response; the presentation focused on a pandemic situation. Information from the presentation was included in the Council meeting packet. Mayor Tomlinson inquired whether Council members were interested in Mr. Eversole presenting his information to the Council.

Councilor Daniels responded affirmatively, noting that the community must understand that only the BOC can declare an emergency or disaster, even if the event occurs within the City Limits. In the event of a pandemic, the City's ability to function as a governmental entity will be severely reduced because few people will be able to move about within the community, due to quarantines. She believes the Council should consider the situation of a pandemic and invite Mr. Eversole to make a presentation to the Council.

B. Council Reports

1. 2007-2008 City Council Goals

Councilor Brauner thanked Council members for their input regarding associating the current Council goals with the focal points of the "2020 Vision Statement." The goals will be published for the community's information.

Councilor Wershow reported that he and Police Chief Boldizar attended a recent Rotary meeting, which included discussion of the Community Policing Forum, the upcoming Police Department Citizens Academy, and the Department's partnerships with OSU and neighborhood groups.

Councilor Wershow reported that he attended a recent National Association for the Advancement of Colored People meeting, during which Police Captain Hendrickson and Police Sergeant Henslee explained the rights of people who are stopped by Police Officers and how and why Police Officers conduct traffic stops.

Councilor Wershow announced that the *Corvallis Gazette-Times* recently conducted a neighborhood meeting for the Downtown area. He encouraged people to attend future neighborhood meetings conducted by newspaper staff.

As Councilor for Ward 2, which encompasses the Downtown area, Councilor Daniels concurred that the newspaper's neighborhood meeting was very good, was very well attended, and elicited good comments regarding living, working, and owning businesses in the Downtown area. The newspaper will publish an article about the meeting later this month.

Councilor Daniels reported that she attended a presentation by the Spring Creek Project, which included discussions of concepts regarding world environment. She was pleased to see a wide age range represented by attendees.

Councilor Daniels inquired whether any Council member attended the March 15th presentation at OSU regarding wind energy.

Councilor York reported that the Library Board continued its technology tour of Library services, including examples of how other library systems are establishing a presence in terms of applications involving My Space, You Tube, Second Life, and other Web sites.

Councilor York reported that the Riverfront Commission supports sunseting the advisory group, as scheduled for June 2007. The Commission is proud of its accomplishments and is confident that the Parks and Recreation Advisory Board (PRAB), staff, and the potential Downtown Commission can respond to any remaining challenges involving Riverfront Commemorative Park (RCP) and the Riverfront District.

Councilor York reported that he hosted Government Comment Corner March 10th, when three citizens spoke with him regarding their concerns:

- Ernest Richter is concerned that too many tall buildings along NW/SW First Street will block sunlight to RCP, making the area less inviting.
- Tom Jensen believes too many amenities are proposed for the confined space of North Riverfront Park. He planned to attend last week's stakeholder group representative meetings to express his concerns.
- Henry Dunn discussed his understanding of the causes and effects of the City's financial situation and suggested a city income tax.

Councilor Brauner reported receiving compliments for the City's efforts regarding code enforcement. He noted that some properties in Ward 9 have deteriorated and abandoned houses, which codes may not cover. He is encouraging citizens to work with the City regarding code enforcement.

Councilor Brauner reported that he received an e-mail from Rollie Baxter asserting that reconstruction of Wildcat Park should be eligible for systems development charge financing, as the reconstruction project will increase park capacity. Councilor Brauner said he referred the issue to Mr. Nelson for staff's response regarding the amount of extra capacity being built into the Park or whether the reconstruction is considered replacement of park facilities.

Councilor Daniels reported that the Downtown-Economic Vitality Plans Implementation Committee (D-EVPIC) meeting last week was well attended. Some Committee members are new to the City's budgeting process, asked very specific questions, and requested additional information.

C. Staff Reports

Mr. Nelson reported that the Core Services Committee and the D-EVPIC each met last week and asked good questions. The Committees and staff will be busy during the next months reviewing information and exploring alternatives for implementing plans or funding City services. He was encouraged by the first meetings.

1. City Manager's Report – February 2007

Mr. Nelson asked Council members to call him if they had questions regarding the Report.

2. Council Request Follow-up Report – March 15, 2007

Mr. Nelson reviewed items addressed in the Report, noting that staff sent Tom Jensen information regarding the North Riverfront Park planning process.

Mr. Nelson explained that a wireless partnership has been a Council and staff goal for the past two years. He commended Finance Director Brewer and Management Information Systems Division Manager Tadesse for developing a potential partnership that would be a benefit to the City organization and the community.

3. Sustainability Work Program Presentation

Public Works Administration Division Manager Steckel and Sustainability Supervisor Lovett presented the City's organizational sustainability work plan (Attachment B), focusing on city-wide initiatives that must be in place to create a context for sustainability in the organization. Departments are undertaking many efforts and initiatives specific to their work.

Staff will conduct a water and energy audit of the Corvallis Senior Center to identify areas for potential improvement. Staff will conduct waste audits in all City

facilities, beginning this month. Staff is tracking water and electricity use in each City facility to compare against a baseline year to identify progress achieved and improvement needed.

Sustainability plans will be established for each City department and reviewed periodically for progress and amendments.

Most of the sustainability work plan activities were recommended in the consultant's report, which was posted on the City's Web site.

Councilor Daniels stressed the need for the City's Web site to include an obvious link to the City's sustainability program.

Councilor Daniels announced that her May 8th Ward 2 meeting will include a focus on sustainability.

Councilor Zimbrick encouraged citizens to carefully select for their homes new appliances that are energy efficient and qualify for the City's rebate program.

Councilor Zimbrick asked that today's sustainability presentation be included on the Council's next electronic meeting packet compact disk, so Council members can easily share the information with constituents.

Councilor York inquired about the range of factors to be measured in the City's resource usage survey.

Ms. Steckel responded that the surveys of the departments will determine the factors that should be measured. Environmental factors will be measured. The Citywide Sustainability Steering Committee measured social sustainability efforts for progress and areas for improvement.

In response to Councilor Grosch's inquiry, Ms. Steckel confirmed that some of the sustainability work plan activities have not been completed and are not considered ongoing efforts.

Councilor Grosch suggested coordinating the City's efforts with those of other organizations as the sustainability work plan is extended to the community.

Ms. Steckel responded that City staff is networking with other city organizations undertaking sustainability efforts. Ms. Lovett attends meetings of the recently formed Corvallis Sustainability Coalition. Ms. Lovett added that she attended the Benton County Environmental Advisory Board meeting to discuss the City's activities and possible collaboration. Last week she met with school district representatives regarding utilizing Americorps volunteers for sustainability efforts.

Mr. Nelson said staff estimated that extending to the community the Council goal regarding sustainability would involve a two-year work program costing \$40,000, one-half of which would be provided from the City's budget. Additionally, up to

five hours per month of Ms. Lovett's time would be invested in the effort. Staff met with sustainability proponents and emphasized that the first step in extending the program to the community involves engaging elected leaders to present the program.

Mayor Tomlinson noted that staff in the City Manager's Office is dedicated to sustainability.

Mayor Tomlinson urged citizens to investigate the Energy Trust of Oregon's Home Energy Evaluation program, which can help property owners save significant energy costs.

Mayor Tomlinson referenced from the Council meeting packet Access Benton County's recent meeting notes.

VI. VISITORS' PROPOSITIONS – None.

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

A. Human Services Committee – March 6, 2007

1. Council Policy Review: CP 97-4.09, "Guidelines for Free Use of Park Facilities"

Councilor Wershow reported that the PRAB approved the requested Policy amendments, which would provide fair treatment for all customers, consistency, and administrative clarity, resolving problems administering the current policy. The Committee recommended a minor Policy amendment to indicate that free use of City parks is a courtesy that may be revoked at any time.

Councilor Wershow moved to affirm Council Policy CP 97-4.09, "Guidelines for Free Use of Park Facilities," as amended. Councilor Brauner seconded the motion. The motion passed unanimously.

2. Civil Rights Ordinance; New Charter Provisions

Councilor Wershow reported that the Committee reviewed the staff report and accompanying information. Steven Leider and Prudence Miles, both representing OSU, provided information, including a definition for "gender identity." The Committee's recommended ordinance amendments will be compiled and reviewed at a future Committee meeting.

This issue was presented for information only.

B. Urban Services Committee – March 7, 2007

1. Airport Lease Assignment – AVI Biopharma

Councilor Grosch reported that AVI Biopharma wants to lease property at Corvallis Municipal Airport (CMA) Airport Industrial Park (AIP) that is currently leased by WKL Investments Airport, LLC, and sought City Manager authorization for a lease assignment and assumption.

Councilor Grosch moved to authorize the City Manager to sign the consent form, approving the lease assignment and assumption from WKL Investments Airport, LLC, to AVI Biopharma, Inc. Councilor Daniels seconded the motion. The motion passed unanimously.

2. Systems Development Charge Annual Review

Councilor Grosch reported that the City conducts an annual systems development charge (SDC) review, based in part on the *Engineering News Record* "Construction Cost Index." Staff recommended increasing SDCs by 1.9 percent. The Downtown residential SDC rate was previously decreased by 15 percent because of an anticipated decrease in trip generation from Downtown residential developments. The parks SDC rate calculation methodology was previously changed.

Deputy City Attorney Brewer read an ordinance relating to systems development charges, amending Municipal Code Chapter 2.08, "Systems Development Charge," as amended, and stating an effective date.

ORDINANCE 2007-05 passed unanimously.

Mr. Brewer read a resolution establishing systems development charge rates, per Municipal Code Chapter 2.08.

Councilors Grosch and Wershow, respectively, moved and seconded to adopt the resolution.

RESOLUTION 2007-02 passed unanimously.

3. Airport Minimum Standards

Councilor Grosch explained that the Airport Minimum Standards guide airport use by service providers stationed at the facility. The Standards are reviewed every two years. Staff recommended a few amendments to the Standards, including extending the review period to five years; other recommended amendments involved clarifications and grammatical corrections.

Councilor Grosch moved to approve amending the Airport Minimum Standards and the Airport Handbook, as recommended by staff. Councilor Hamby seconded the motion.

In response to Councilor York's inquiry, Councilor Hamby clarified that reference to 1OOLL octane avgas should be 100LL [*with digit 0, rather than letter O*] octane avgas. Staff will correct the document.

Councilor Grosch accepted Councilor York's observation and Councilor Hamby's clarification as a friendly amendment to the motion before the Council.

The motion passed unanimously.

Councilor Grosch noted that the Council approves many CMA and AIP leases that are routine in nature. The Committee asked staff and the Corvallis-Benton Chamber Coalition, which manages the AIP, to discuss standardizing the lease-approval process so that only new or non-standard leases would be referred to the Committee for review.

C. Administrative Services Committee – March 8, 2007

1. Second Quarter Operating Report

Councilor Zimbrick reported that the Committee reviewed the Report.

Councilor Zimbrick moved to accept the Second Quarter Operating Report for Fiscal Year 2006-2007. Councilor York seconded the motion. The motion passed unanimously.

2. Council Policy Review: CP 98-2.10, "Use of E-Mail by Mayor and City Council"

Councilor Zimbrick reported that the Committee discussed the issues of inappropriate e-mail, "spam," and better methods of eliminating such messages from the Council's e-mail in-boxes. The City uses the Barracuda spam-filter software, which blocks approximately 85 percent of inappropriate e-mail. Increasing the rate of message blockage would require an investment of approximately \$5,600 to upgrade the Barracuda software, which the Committee recommended as a budget item within the Finance Department. The Committee discussed other means of increasing the filtering rate but was comfortable with the current process. The Committee seeks Council input regarding the issue of e-mail filtering, beyond the Committee's direction to staff to upgrade the Barracuda software. He noted that the Council strives to have an open governmental process. Increasing the e-mail filtering system may require more manual efforts to maintain an open governmental process or result in more expense.

Councilor Brauner concurred with the Committee's direction to staff. He noticed a recent decrease in the quantity of "spam" messages in his e-mail in-box. All e-mail messages are posted to the City's Web site for public viewing. He commended staff for its diligence in purging "spam" messages; despite the manual effort needed in this regard, he believes it is best to continue posting e-mail messages for public viewing. He noted that no software would filter all "spam" messages. He concurred with the Committee's recommendation to upgrade the Barracuda software.

Councilor York noted that citizens may see more or fewer "spam" messages, depending upon when they view the Council's e-mail log in relation to when staff purges the "spam" messages. He also concurred with the Committee's recommendation.

Councilor Wershow noted that the *Corvallis Gazette-Times* observed that their "spam" filter is so effective that it traps legitimate messages, which occasionally happens with the City's e-mail system. He cautioned that an extremely effective "spam" filter could negate the City's efforts toward an open governmental process.

Mayor Tomlinson urged against using Realtime Blackhole Lists as a "spam" filter. A local Internet service provider uses the system, which traps many legitimate e-mail messages.

Mayor Tomlinson said he envisioned that incoming e-mail messages would not be posted to the City's Web site, but responsive outgoing e-mail messages would be posted, as would new e-mail messages originated by Council members. Further, the City could allow people to subscribe to the Council's e-mail and receive the Council's e-mail messages. This would reduce the amount of staff time involved in managing inappropriate e-mail and "spam" messages. He noted that Corvallis is the only Oregon city that posts incoming e-mail messages to its Web site.

Councilor Brauner suggested that the Committee and staff consider the amount of staff time that would be saved by Mayor Tomlinson's suggestion.

Councilor York said the Committee considered a version of Mayor Tomlinson's suggestion, in which incoming e-mail messages would not be posted to the City's Web site until the Council member marked the message suitable for posting. Under this scenario, the Council member would filter out the "spam" messages; however, the procedure could be considered censorship. He believes messages supporting or opposing a Council member's actions or expressing a concern should be posted to the City's Web site for public review.

Councilor Brauner concurred that in-coming e-mail messages expressing concerns should be public records. Some messages are obviously inappropriate e-mail or "spam" messages, which he deletes without opening. He believes messages deleted unopened could be exempt from posting to the City's Web site.

Councilor Wershow noted that the issue of citizens sending Council members anonymous e-mail messages regarding community issues should also be considered.

Mayor Tomlinson said he did not envision Council members serving as the authority for what e-mail messages should be posted to the City's Web site.

Councilor Zimbrick announced that the Committee would not meet March 22. The issue of an economic improvement district, previously scheduled for the March 22nd meeting, will be discussed April 5th.

D. Other Related Matters

Mr. Nelson explained that Council adoption of two resolutions is needed regarding using contingency funds for insurance costs prompted by recent experiences involving wind, water, and workers' compensation.

1. Mr. Brewer read a resolution transferring \$133,340 from Contingencies to the City Manager's Office in the Risk Management Fund.

Councilors Brauner and Grosch, respectively, moved and seconded to adopt the resolution.

RESOLUTION 2007-03 passed unanimously.

2. Mr. Brewer read a resolution adopting a supplemental budget in the Risk Management Fund City Manager's Office in the amount of \$103,660 for Interest Earnings and Insurance Proceeds.

Councilors Brauner and Grosch, respectively, moved and seconded to adopt the resolution.

RESOLUTION 2007-04 passed unanimously.

Councilor Daniels commended Parks and Recreation Department staff for selling lumber from trees that fell during the December windstorm in an effort to recover costs of cleaning up after the storm.

Mayor Tomlinson noted that staff responded quickly last Fall to a ruptured storm drainage line at NW 36th Street and NW Tyler Avenue.

VII. PUBLIC HEARINGS – None.

X. NEW BUSINESS – None.

The Council entered Executive Session at 1:17 pm.

Mr. Nelson briefed the Council regarding the previously discussed possible purchase of a building at CMA AIP and a potential enterprise zone.

Mr. Brewer and Community Development Director Gibb briefed the Council regarding a pending State Measure 37 claim.

XI. ADJOURNMENT

The meeting was adjourned at 2:12 pm.

APPROVED:

MAYOR

ATTEST:

CITY RECORDER

MEMORANDUM

March 19, 2007

TO: Mayor and City Council

FROM: Nancy Brewer, Finance Director 

SUBJECT: **Unwire Corvallis**

This is a brief update on the citywide wireless initiative which is a joint venture between Oregon State University, Benton County, Corvallis School District and the City (Consortium).

Five proposals were received in response to the consortium Request For Proposal (RFP). The RFP was for a vendor to build, own, and operate a Wireless Internet Network encompassing Corvallis and surrounding areas. After a lengthy review and interview process, the consortium intends to award the contract to Stephouse Networks of Portland, Oregon. Stephouse Networks is a relatively new venture, but they have successfully implemented Wireless projects in the Portland area. Stephouse brings together strong partners with experience in building such infrastructure, a benefit to the public in providing free limited Internet access, and the flexibility in meeting the various interests of the consortium.

A letter has been sent to all vendors and the appeal of recommendation to award period will end at the close of business on Monday, March 19, 2007. Contract negotiations will begin on Tuesday if there are no challenges to the consortium decision. Contract negotiations are expected to be more complex than usual since contracts for both facility use and core tenancy (e.g., government agency use of the wireless network) will need to be negotiated for each member of the consortium. In addition, Stephouse will need to secure agreements with Pacific Power for pole attachments. Once contracts are in place, the project is estimated to take nine months to be completed.

The Stephouse proposal includes offering wireless service at 1 Mbits/sec throughput to citizens for around \$20 per month and \$9.95 per month for OSU students. In addition, OSU students could access the campus network from anywhere in the city for \$1 per month. It is proposed that this \$1 per month bulk rate come out of the student's general technology fee. Citizens at large can access the network for free up to 2 hours a day (although this is open for negotiation).

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 will also benefit community livability and economic development efforts.

Background

▪ Overarching Council goal	Feb 03
▪ Council policy created	May 04
▪ Specific Council goal	Feb 05
▪ Organization assessment	Oct-Dec 05
▪ Internal Steering Committee	Jan 06
▪ Sustainability position filled	Nov 06

Sustainability Workplan from Organization Assessment

- Policies
- Resource Reduction
- Training
- Communications
- Reporting
- Sustainability Management System Plan

Sustainability Workplan

	Done	Ongoing
POLICIES		
1. Refine Council policy & framework	✓	
2. Sustainability purchasing policy		
3. Recycling policy		
4. Green building policy		
5. Waste reduction policy		
6. Energy conservation policy	✓	

Sustainability Workplan

	Done	Ongoing
POLICIES (cont.)		
7. Chemical management policy		
8. Include sustainability in other policies as appropriate		✓
9. Review and update policies		✓

Sustainability Workplan

	Done	Ongoing
RESOURCE REDUCTION		
10. Goals for three impact areas	✓	
11. Swap site for materials/supplies		
12. Chemical management program		
13. Water, waste & energy audits		✓
14. Boilerplate for RFPs/contracts		
15. Research new technologies		✓

Sustainability Workplan

	Done	Ongoing
TRAINING		
16. Life-cycle cost analysis		✓
17. Training program for all staff		✓
18. New employee orientation	✓	✓
19. Sustainability intern program		✓
20. Employee handbook language	✓	

Sustainability Workplan

COMMUNICATIONS	Done	Ongoing
21. List of internal 'expert' resources	✓	
22. Quarterly brown-bag presentations		✓
23. Embed in regular employee mtgs		✓
24. City website and intranet site		✓
25. Signage to conserve resources		
26. Survey employees for baseline		

Sustainability Workplan

COMMUNICATIONS (cont.)	Done	Ongoing
27. Monthly Read & Recycle article		✓
28. Steering Committee support		✓
29. Post sust. policy in work areas	✓	
30. Respond to ad-hoc requests for info		✓
31. Liaison to public about program		✓
32. Participate in work group mtgs		✓

Sustainability Workplan

REPORTING	Done	Ongoing
33. Improve annual report to Council		
34. Employee performance reviews		
35. Monitor resource use/track progress		✓
36. Quantify progress in economic terms		✓
37. Employee recruitment interviews		

Sustainability Workplan

38. SUSTAINABILITY MGMT SYSTEM	Done	Ongoing
a. Mechanism to select/prioritize projects		
b. Establish programs to meet objectives		
c. Create metrics & measurement devices		
d. Monitor progress on projects/programs		✓
e. Audit procedures, training, & document management		✓

Sustainability Workplan

38. SUSTAINABILITY MGMT SYSTEM	Done	Ongoing
f. Refine plan based on experience and new goals		✓
g. Update and adjust goals		✓
h. Ensure staff awareness and competency in sustainability		✓
i. Facilitate Core Team efforts & meetings		✓

Sustainability Workplan

■ Summary

Out of 38 projects:
 7 completed (18%)
 31 to be completed (82%)

20 are one-time efforts (53%)
 18 are on-going efforts (47%)

**CITY OF CORVALLIS
CITY COUNCIL WORK SESSION**

March 19, 2007

The work session of the City Council of the City of Corvallis, Oregon, was called to order at 7:00 pm on March 19, 2007, in the Madison Avenue Meeting Room, 500 SW Madison Avenue, Corvallis, Oregon, with Mayor Tomlinson presiding.

I. ROLL CALL

PRESENT: Mayor Tomlinson; Councilors Hamby, Daniels, Beilstein, Wershow, Zimbrick, York, Brauner, and Grosch

ABSENT: Councilor Brown (excused)

II. UNFINISHED BUSINESS

A. Mayor/Council/Manager Quarterly Meeting

1. Instant Run-Off Voting – Instant Run-off Voting (IRV) legislation will come before the Council at its April 2nd meeting under Unfinished Business. Council may also utilize this voting format for upcoming Council votes – Planning Commission, Historic Resources Commission, and City Council leadership.
2. Laidlaw Contract – Council requested that the clause requiring the contractor to provide replacement workers in the event of a work stoppage be brought forward for Council discussion and direction during contract renewal.
3. City Council Deliberations – Council confirmed conducting deliberations at noon, versus in the evening, when public hearings are closed but deliberations carry over to the next meeting.
4. Planning Commission Liaison Assignment – Council asked that the Planning Commission and Historic Resources Commission be contacted for their feedback on the City Council liaison roles. Council is comfortable with the Councilor liaison attending meetings where only a legislative hearing is on the agenda.
5. Visitors' Propositions – Council confirmed that the Mayor's approach to conducting Visitors' Propositions was appropriate and a responsibility of the Mayor's position.
6. Nuisance Code Enforcement Program – Council heard concerns regarding the program funding alternatives and associated public debate. Council understands the Budget Commission will be briefed on the concerns and the alternative of using fund balance to fund the program in Fiscal Year 2007-2008.

7. Councilor Topics – Council discussed the sanctity of Executive Session discussions and the expectation of confidentiality. Mayor Tomlinson will be discussing the issue with City Attorney Fewel.
8. Other – It was noted that there are growing citizen concerns of tree removal, including wind, cutting, and harvesting. The Municipal Court tour is scheduled for March 22 at 4:00 pm.

III. ADJOURNMENT

The meeting was adjourned at 8:55 pm.

APPROVED:

MAYOR

ATTEST:

CITY RECORDER

**CITY OF CORVALLIS
CORE SERVICES COMMITTEE MINUTES**

March 15, 2007

The regular meeting of the Core Services Committee of the City of Corvallis, Oregon, was called to order at 4:02 pm on March 15, 2007 in the Madison Avenue Meeting Room, 500 SW Madison Avenue, with Mayor Tomlinson presiding.

I. ROLL CALL

PRESENT: Mayor Charles Tomlinson, Committee Members Hal Brauner, Bill York, Eric Blackledge, Jacque Schreck, Kathleen Paris, John Detweiler, Diana Simpson, Tim Cadman, Jim Swinyard, Rich Carone, Bob Wilson, Kent Daniels, Sandy Ridlington, Tom Nelson; Ex-Officio Members Eric Baxter (CRCCA), Dan Wehrman (IAFF), Michael Mann (CPOA), Kevin Loso (AFSCME)

EXCUSED: Committee Members Brandon Trelstad, Doug VanPelt

II. WELCOME

Mayor Tomlinson welcomed meeting participants who introduced themselves. He reviewed the charges of the three committees formed to review various City financial issues (Attachment A).

III. PUBLIC COMMENT – None.

IV-VII. BACKGROUND INFORMATION, OPERATING PRINCIPLES, GROUND RULES, STAFF COMMITMENTS, AND PUBLIC PARTICIPATION

Mayor Tomlinson briefed the Committee on the materials in the packet.

X. CITY FINANCIAL CONDITION

Finance Director Brewer distributed miniature flip-charts of City budget information and explained that additional budget information is published on the City's Web page along with audit reports and departmental business plans.

Ms. Brewer reviewed the budget document provided in the packet. In Fiscal Year (FY) 06-07, property taxes account for 25% of the City's total revenues and fund Police, Fire, Library, Parks and Recreation, Transit, Land-Use Planning, and some portions of Municipal Court. Property taxes do not fund water, sewer, storm water, airport, 9-1-1, parking, housing, development services, or streets. Charges for services account for 45% of the City's FY 06-07 revenues and are based on fees charged to a specific user for a specific service, such as water, ambulance, and building inspections. In FY 06-07, revenues are estimated at \$34 million and expenditures are budgeted at \$37 million.

The Committee discussed franchise fees paid for the use of the public right-of-way, discretionary versus non-discretionary funds, and how Measures 5, 47, and 50 affected the City's budget process. Ms. Brewer explained that discretionary revenues not dedicated to a specific expenditure are

property taxes, franchise fees, transient room taxes, and state revenue sharing (cigarette/alcohol taxes).

In response to inquiries about available budget information, City Manager Nelson said the budget document includes a summary on the allocation of property taxes. Committee members will be provided copies of the summary and other budget information in the next packet.

Ms. Brewer said in future years, the City will not have enough money to provide the current level of services and there is a growing list of items that Council, staff, and/or the community believe the City should be providing. The City is being challenged by adding additional expenses without offsetting revenues.

Ms. Schreck said for the last several years, the Capital Improvement Program Commission has been careful not to use General Fund or property tax monies in the Capital Plan. She requests that the Committee address how long capital planning can continue without General Fund or property tax dollars.

Mayor Tomlinson explained that the City adopts an operating budget and a Capital Improvement budget. He said the Committee will focus on property tax funded programs and also review Capital funds, specifically the Chintimini Senior Center upgrade which will require operating funds each year. The Committee will be provided with copies of the financial policies that are approved by Council. The Committee may recommend changes to the policies.

Mr. Nelson added that Council can amend financial policies, but changes to the City Charter require a public vote.

In response to Mr. Swinyard's inquiry, Ms. Brewer said in some cases the dedicated funds will show negative balances in projections for future years. She said options for non-property tax funded items include raising fees, implementing new fees, and/or changing the provided service.

Ms. Brewer encouraged members to review the specific departmental business plans for additional budget information. She said the General Fund includes items that do not specifically fit in any other fund. All five funds (General, Parks and Recreation, Fire, Transit, and Library) are separated into different funds to identify that dedicated revenues are being used for those services. For example, the fire fund receives revenues from other entities such as rural fire protection and ambulance services. By depositing those revenues into the fire fund, there is documentation that those funds are not being used for library services.

Ms. Brewer noted that in 2002, Council decided to place an operating levy on the ballot that would cover a list of services. The levy failed and the result was to cut the budget by \$2.5 million. The City is currently at about the same point it was in 2002.

Ms. Brewer referred the Committee to the financial schedule on page *III-9*. The schedule identifies all five fund revenues, expenditures, and balances. If the "bottom line" is a positive balance, then each of the five funds can be positively balanced by changing property tax allocations. When the "bottom line" is negative, either additional revenue must be found or expenditures reduced because the City cannot adopt a budget with a negative fund balance per state law.

In response to Councilor York's inquiry, Ms. Brewer said budget numbers in the packet are for a discussion starting point only. The FY 07-08 proposed budget will be given to the Committee after the Budget Commission review in May. Mr. Nelson said staff is hoping the Committee will initially review how money is spent through departmental presentations and other information, followed by discussions about those services and financial modeling. By the time the Committee begins discussions about financial modeling, updated budget information will be available.

Ms. Brewer clarified that an adopted budget is a plan based on the best information available at the time. True property tax numbers will not be available until October. The City acknowledges that in FY 06-07 expenditures will not be \$37 million. The ability to identify what will not be expended is unknown when the budget is adopted. Mitigating factors are built into the calculations based on expectations and experience. The City budgets on the high side, knowing it is easier to not spend than amend.

In response to Mr. Daniels inquiry, Ms. Brewer said accounting standards recommend maintaining fewer separate funds. A new fund is established when there is an accounting purpose for the fund. The Osborn Aquatic Center (OAC) is tracked as a quasi-fund, treated as a component of the Parks and Recreation fund, and appropriated as a larger part of the Parks and Recreation budget. The OAC has its own balance sheet accounts in the City's internal accounting system. Tracking the OAC separately was initially set-up to provide clear reporting back to the School District. The OAC expends more than its revenues by using monies from the Parks and Recreation fund.

In response to Mr. Carone's inquiry, Ms. Brewer clarified that the financial pages in the materials are direct comparisons; mitigating factors were not built into any of the comparable years or funds. Ms. Brewer added that all available reserve funds are listed in the financial statements.

Ms. Brewer said the restricted balances listed at the bottom of the financial page on *III-9* include management reserves (vehicle replacement), Council designations (specific project set-aside), and legal restrictions (dictated by state law or third party). The unrestricted fund balance cannot be negative per state law, is the starting capital for the next fiscal year, and should be at least five-percent of revenues.

In response to Sgt. Mann's inquiry, Ms. Brewer said of the total \$40 million investment portfolio, \$22-\$25 million is restricted. Although there is a cash carry-over balance in the three utility funds, they are at the largest risk for substantial losses in the case of a natural disaster. Ms. Brewer said the City's investment policy is more restrictive than state law and the focus is "preservation of principle." Mr. Nelson added that interest earned goes back into the funds earning the interest.

In response to Ms. Ridlington's inquiry, Ms. Brewer said at the end of each fiscal year, property tax supported programs are reviewed and allocation adjustments made for the following fiscal year. Funds cannot be transferred from fund-to-fund without appropriations approved by the Council.

Mr. Nelson referred to page *III-3* and said the Property Tax Allocations section provides fund percentages for FY 06-07. These percentages change during each budget process based on prior year outcomes. Ms. Brewer said the set allocations are a plan that can change based on unexpected activities and changing priorities. Dollars not expended at year end increase the fund balance and carry-over for the next year. All funds finish slightly better than planned as the City expects every

department to under-expend by a small amount. Mr. Nelson added that during the 2002 reductions, all departments participated in a process to identify wants versus needs.

In response to Sgt. Mann's inquiry, Ms. Brewer explained that each department is asked to identify savings of around 6% of their non-personal services budget based on the six-month year-to-date analysis and budget revisions. The City assumes every department has some level of savings; however, all departments have an opportunity to justify not achieving savings.

Ms. Brewer said the City projects the budget seven future years, but only presents the closest three years because of the multitude of items that can change within a seven year period.

In response to Mr. Wilson's inquiry, Ms. Brewer said during the 2002 reductions, 104 items were reviewed and all but the top eight items were removed from the budget following lengthy budget discussions.

Ms. Brewer provided a handout (Attachment B) that each department will be using to provide the Committee with specific budget information, including program area details, customers served, legal requirements, Council goal responsibilities, business plans, staffing levels, comparator benchmarks, and new initiatives.

Ms. Schreck requested that the departments be prepared to review the impact of their volunteers to specific services.

Mr. Blackledge clarified that the Committee's intent is to look at the long-term funding issue beyond what the Budget Commission is conducting for FY 07-08, and using the FY 06-07 budget is a good starting place.

Councilor York opined that access to the project summaries providing a six-year review of each fund will give the Committee enough information to begin the review process. Mr. Cadman requested a spreadsheet identifying revenue for each program within a department.

Mr. Swinyard added that comparator fee structures would determine if the City is under or over-valuing its services. He requested a cost analysis of citizens served and the secondary impact.

Sgt. Mann requested information about whether other cities are charging for programs/services that Corvallis has not yet considered. Councilor Brauner suggested that Committee members be given the packet of comparator information provided to Council.

Mr. Nelson said service fees are reviewed and approved by Council each year. He opined that service charges are a small piece of a larger revenue problem.

Ms. Schreck requested information on the number of Corvallis acreage that is exempt from paying property tax.

IX. FUTURE CONSIDERATIONS

Mayor Tomlinson deferred discussion of subcommittees.

Mr. Nelson said before moving ahead with the department presentations, Assistant City Manager Volmert will provide information about the costs of personal services.

Mr. Nelson reported that when Council approved the Committee's charge statement, some Councilors expressed interest in obtaining a consultant study on the organizational structure and service levels. He estimated the study could be completed by summer and cost between \$25,000 and \$35,000.

The Committee thoroughly discussed the advantages and disadvantages of a consultant study. Mr. Nelson clarified that the study could determine if one departmental program would be better served in a different department and/or if combining some City and County services would be beneficial. Ms. Simpson added that a consultant can identify more effective ways to operate and/or prove that the City is doing a good job. Mr. Swinyard said the downside is that it would take time for the consultant and staff to gather the information. Ms. Schreck added that a consultant fee is a lot of money when the committee may be discussing reductions.

Mr. Nelson said the City uses standard comparators for wage analysis and that staff might be able to obtain management and employee staffing level information from the comparators.

Mayor Tomlinson summarized that the Committee will move on with the departmental reviews and can discuss hiring a consultant once more information has been presented.

Ms. Schreck requested that the Committee be informed of pertinent Legislative updates.

XI. NEXT MEETING

The next Committee meeting will be April 12 at 4:00 pm in the Madison Avenue Meeting Room, 500 SW Madison Avenue.

Mayor Tomlinson noted that approved 2007-2008 Council Goals will be given to the Committee.

XII. PUBLIC COMMENT – None.

The meeting adjourned at 6:02 pm.

PROSPERITY THAT FITS (PTF) COMMITTEE

Purpose: Monitor, facilitate, and report on Economic Vitality Partnership Plan implementation progress.

Time Frame: Ongoing.

DOWNTOWN AND ECONOMIC VITALITY PLANS IMPLEMENTATION COMMITTEE

Purpose: Develop implementation recommendations for City Council on how to fund the City-related recommendations and actions in the Downtown Strategic Plan and Economic Vitality Partnership Plan.

Time Frame: Recommendations to City Council by August 2007. Committee sunsets following recommendation(s).

CORE SERVICES COMMITTEE

Purpose: Develop a recommendation for City Council on a five-year financial strategy for property tax supported services.

Time Frame: Recommendations to City Council by October 2007. Committee sunsets following recommendation(s).

X Department

Summary of Services

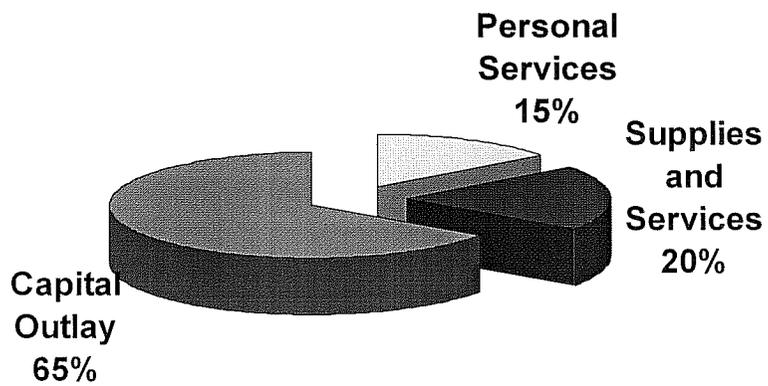
X Department Summary

- Summary/Mission statement

X Department Budget Property Tax Supported

Classification	FY 06-07 Adopted Budget	% of Total
Personal Service		
Supplies and Services		
Capital Outlay		
Total		
FTE		

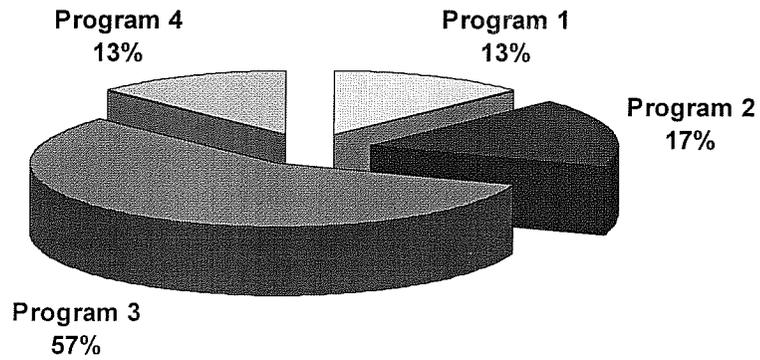
X Department Budget Property Tax Supported



X Department Budget Property Tax Supported

By Program	FY 06-07 Adopted Budget	% of Total
Program Area 1		
Program Area 2		
Program Area 3		
Total		

X Department Budget Property Tax Supported



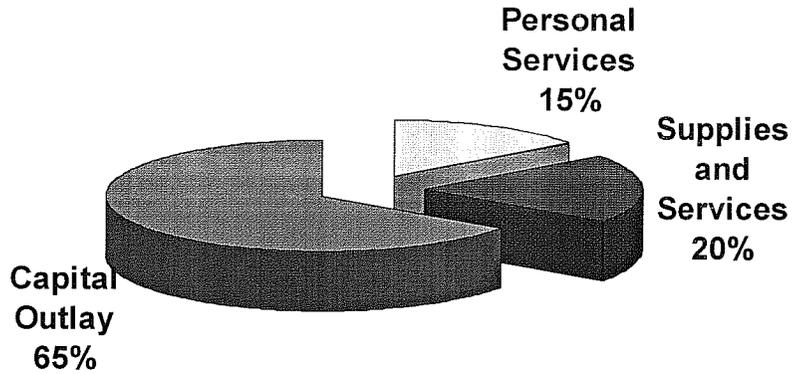
____ Fund Program Area 1

- Explanation of the program . . . The ____ provides direct service to citizens by _____

____ Fund Program Area 1

Classification	FY 06-07 Adopted Budget	% of Total
Personal Service		
Supplies and Services		
Capital Outlay		
Total	_____	
FTE	_____	

___ Fund Program Area 1



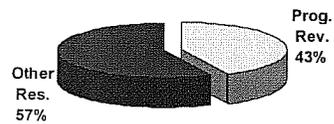
___ Fund Program Area 1

FY 06-07
Adopted
Budget

Program Budget \$

Less Program's Own
Resources _____

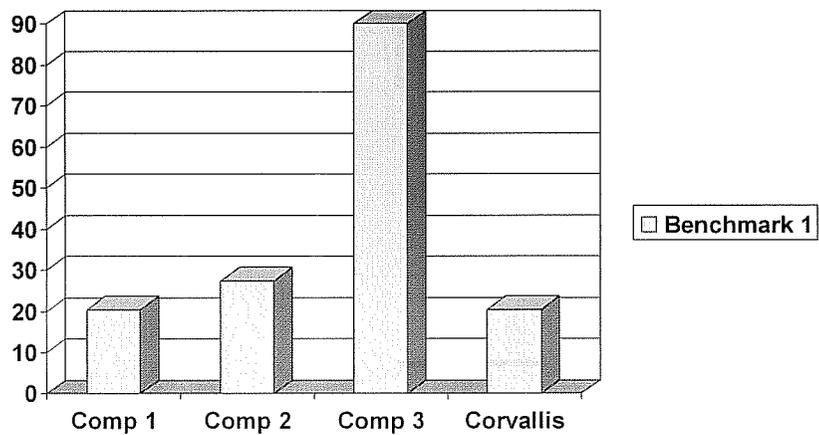
Equals the Non-
Designated resources _____



___ Fund Program Area 1

- Benchmarks/Comparators used are ___ because ____.

___ Fund Program Area 1



____ Fund X Department
Initiatives Underway

- List – include \$ already in the financial plan, and identify \$ not in the financial plan, but expected.

____ Fund X Department
Council Goals

- List the Council Goals the department is budgeting for. Identify \$ already in the financial plan and \$ not in the financial plan, but expected/estimated.

____ Fund X Department
Business Plan Projections

- List services not currently provided as identified in the business plans. Include \$ not in the financial plan.

____ Fund X Department
Capital Needs

- List capital projects in the CIP but identified with funding TBD, or grant/donation that is less than promised/likely.
- Identify all operating costs associated with these projects.

X Department

- Who to contact for more information.
- Web address for Business Plans.

**CITY OF CORVALLIS
DOWNTOWN AND ECONOMIC VITALITY
PLANS IMPLEMENTATION COMMITTEE
MINUTES**

March 13, 2007

The regular meeting of the Downtown and Economic Vitality Plans Implementation Committee of the City of Corvallis, Oregon, was called to order at 4:00 pm on March 13, 2007, in the Madison Avenue Meeting Room, 500 SW Madison Avenue, Corvallis, Oregon, with Mayor Tomlinson presiding.

I. ROLL CALL

PRESENT: Mayor Charles Tomlinson, Committee Members Larry Plotkin, Pat Lampton, Patricia Daniels, Scott Zimbrick, Julie Manning, Barbara Ross, Dave Livingston, Belinda Batten, Elizabeth French, Pam Folts, Liz Foster, Jay Dixon

ABSENT: Committee Members Dave Gazeley, Judy Corwin, Linda Modrell

II. WELCOME

Mayor Tomlinson welcomed meeting participants, who introduced themselves. Mayor Tomlinson explained that three committees were formed this year to review various City financial issues:

- The Core Services Committee (CSC) will review the City's long-term funding issues regarding Police, Fire, Library, Parks and Recreation, Community Development, and Transit.
- The Prosperity That Fits Committee (PTFC) will review how the City can help implement the Economic Vitality Partnership's Prosperity That Fits Plan (PTFP).
- The Downtown/Economic Vitality Plans Implementation Committee will develop recommendations regarding funding for the City's responsibilities in implementing the Downtown Strategic Plan (DSP), which the Council adopted last November, and the PTFP.

III. PUBLIC COMMENT – None.

IV. - VIII. BACKGROUND INFORMATION, OPERATING PRINCIPLES, GROUND RULES, STAFF COMMITMENTS, AND PUBLIC PARTICIPATION

Mayor Tomlinson reviewed materials included in the meeting packet and the operating principles for the Committee.

City Manager Nelson explained that the City has previously utilized the stakeholder-representation format for major planning projects, with good results.

IX. REVIEW BACKGROUND MATERIALS

Finance Director Brewer distributed miniature flip-charts of City budget information and reviewed the budget overview document in the meeting packet. Additional budget information is available from the City's Web site and the Finance Department.

City services are funded by property taxes and direct fees. Revenues have been less than expenditures for a long time, reducing fund balances, resulting in the need to amend City operations in order to continue funding future City services. Approximately 25 percent of projected revenue is derived from property taxes; charges for services are approximately 45 percent of revenue. Services without an easily identifiable service recipient (fire, police, etc.) are funded by property taxes.

Charges to water/sewer customers comprise the greatest portion of revenue from direct services. A portion of property tax revenue not used to support City services pays for general obligation bonded debt; these taxes are levied separately from City operations and can only be used to pay bond debt. This revenue source was approved by voters but cannot be used for non-bond purposes.

During most of the past decade, revenue has not increased at the same rate as expenditures. Staff has pursued revenue alternatives, and every City department has implemented cost-control initiatives. A majority of the City's expenses involve personnel salaries, wages, and benefits; and management is seeking ways to reduce benefit expenses.

Each City department develops an annual financial plan, which the Budget Commission reviews early in the budget-preparation process. Five funds receive property tax revenue (General Fund, Parks and Recreation Fund, Fire and Rescue Fund, Transit Fund, and Library Fund). The General Fund receives any undesignated revenue that can be spent in any manner the Council deems appropriate. The City receives undesignated revenue from three sources:

- *Property taxes:* Until a few years ago, the Street Fund received property tax revenue. When services were eliminated during Fiscal Year 2002-2003, \$200,000 in property tax revenue was deleted from the Street Fund.
- *Franchise fees:* Utilities, including the City's water/sewer/storm services are assessed franchise fees for use of the public right-of-way. Fees are generally five percent of gross revenue.
- *State revenue sharing:* This revenue originated from cigarette or alcohol taxes. The City receives approximately \$900,000 per fiscal year that can be used in any manner.

Transit Fund revenue, other than property tax revenue, must be spent on transit services. This includes Federal grants specifically related to transit; Business Energy Tax Credits; and payments from Oregon State University for faculty, staff, and students to ride Corvallis Transit System buses. Each fund operates like a separate "business" with its own balance sheet, set of accounts, set of defined revenues, and set of defined expenditures.

Franchise fees, property taxes, and State revenue sharing are funding Police, Fire, Parks and Recreation, Library, Transit, and Planning; however these revenues are gradually decreasing in relation to the expenditures they are funding. The cited service departments are not able to directly charge their "customers"; therefore, all property taxpayers support these services.

Mr. Nelson added that the City is reviewing multi-year planning efforts (the DSP and the PTFP) that were accepted by the Council and the community. The City's capacity to fund the Plans' activities with existing revenue is problematic. The Committee can recommend that the Plans be funded with existing resources; however, the Plans would be "competing" with major City services (including social services and economic development) for funding under that scenario.

Councilor Daniels summarized that the DSP and the PTFP each involve numerous activities, with the City having a lead, co-lead, or supporting responsibility. The Committee will focus on those activities for which the City has a lead role and determine how to fund the activities.

Ms. French inquired whether the activities for which the City has a lead role were quantified. Mr. Nelson explained that some of the activities are difficult to quantify. Staff developed a chart outlining activities in which the City is involved and potential resource investments to accomplish the activities. While some activities cannot easily be quantified, management recognized that staff support must be available for the activities to begin. The Committee must determine the appropriate activities to include in a funding model, then staff will develop scenarios for the Committee's consideration.

In response to Councilor Zimbrick's inquiry, Mayor Tomlinson explained the focus of the three committees he previously described. This Committee is charged with determining how to fund the City's activities in the DSP and the PTFP. The Committee can make recommendations to the CSC regarding using property tax revenue to support DSP or PTFP activities. The CSC may respond by asking this Committee to determine another funding source or may incorporate the recommendation into its proposal to the Budget Commission. The same procedure will exist with the PTFC and the CSC. The CSC will review this Committee's recommendations each month and provide feedback. Similarly, the PTFC may ask this Committee to identify funding for PTFP activities, with that request being forwarded to the CSC. The CSC will make the final recommendations to the Budget Commission.

Mayor Tomlinson confirmed that staff will present funding alternatives for the Committee's consideration. He said today's meeting focuses on ensuring that Committee members understand the situation and what is asked of the City through the DSP and the PTFP. He noted that staff anticipates a City budget deficit of more than \$4 million for Fiscal Year 2009-2010. The Committee will determine the magnitude of the City's obligation under the DSP and the PTFP and will then consider alternative funding sources. The Committee's recommendations will be "tested" in the community before they are forwarded.

In response to Councilor Zimbrick's inquiry, Mayor Tomlinson explained that the concept of outreach would include public comment at Committee meetings and a potential speakers' bureau. He concurred that it would be inappropriate to speculate regarding citizens' views of the DSP and the PTFP, based solely upon public comment offered at the Committee's meetings. The Committee will discuss how to conduct outreach, which may be done jointly with the CSC.

In response to Mr. Lampton's inquiry, Ms. Brewer explained that staff tends to have a "conservative bias" regarding revenue projections but has been unable to correctly predict property tax revenue since passage of State Measure 47. Staff needs to estimate the Fiscal Year 2007-2008 property tax revenue now; actual revenue will not be known until October. Staff's estimates are typically within two percent of actual revenue. Staff purposely estimates expenditures high because it is difficult to increase appropriations in an adopted budget.

Mr. Nelson added that \$2.5 million in City services were eliminated during Fiscal Year 2002-2003, based upon a five-year plan. Staff is now considering another five-year plan to fund City services. It may be necessary to eliminate services or increase revenues or a combination thereof.

In response to Ms. French's inquiry, Ms. Brewer explained that, by City policy, all funds budget a two-percent contingency. The contingency amounts are not included in the budgeted expenditures; they are appropriated but cannot be spent without Council authorization. Contingencies are generally not used but are budgeted for large, unforeseen expenses, such as recovery from natural disasters. Departments are urged to use budgetary flexibility for small, unanticipated expenditures. During the budget revision process, unused contingencies are removed from the budget for reallocation the following year. At the end of each fiscal year, all encumbrances are reduced to zero balances. Departments are encouraged to identify projects that will not be completed by the end of the fiscal year; the projects must then be funded from the following year's budget, or the appropriations must be carried over to the next fiscal year.

Mr. Nelson explained that the City currently provides \$500,000 annually in support of economic development organizations and activities. The City assesses a nine-percent transient occupancy tax (TOT) on motel rooms. Per Council policy, one-half of TOT revenue is dedicated to economic development allocations funding; the remainder is credited to the General Fund to support City services, as residents and visitors all benefit from City services. Prior to Fiscal Years 2002-2003, 65 percent of TOT revenue was dedicated to economic development. When City services were eliminated during Fiscal Year 2002-2003, the Council approved dividing the TOT revenue equally between economic development functions and City services. Corvallis Tourism receives a dedicated 30 percent of TOT revenue; this TOT allocation is not flexible, due to State regulations.

Mr. Nelson confirmed for Mr. Plotkin that staff, during the Fiscal Year 2002-2003 City service reductions, considered restaurant taxes and business license fees as revenue sources for the General Fund. Ashland, Oregon, assesses a restaurant tax, which supports its tourism industry, purchase of open space, and debt service for the local wastewater treatment plant improvements. Councilor Daniels added that a portion of Ashland's restaurant tax is used to maintain and improve Lithia Park, which draws many visitors.

Mr. Nelson said staff's Fiscal Year 2002-2003 discussions included focusing on revenue sources that match use objectives, are acceptable to the community, and are significant enough to support the projects without extensive staff resource investment; the CSC will probably undertake the same review process.

In response to Councilor Daniels' inquiry, Mr. Nelson confirmed that the City enacted the TOT and can change the TOT rate, within State constraints. The tourism industry successfully lobbied for legislation governing TOT rates and uses; the majority of TOT revenue must be invested in tourism agencies or related projects. Use of TOT revenue is now less flexible than in previous years.

Ms. Brewer added that, if the TOT rate is increased, the property owners will keep five percent of the total TOT to recover their costs of collecting and remitting the tax to the City. A minor TOT rate increase would be offset by a reduction in TOT revenue the City would receive.

Mr. Nelson noted that Corvallis provides more funding for economic development and social services than most Oregon communities of comparable size. The social service funding program provides approximately \$450,000 in financial support.

In response to Ms. French's inquiries, Ms. Brewer stated that TOT revenue has been increasing, over the past five years and is expected to continue increasing. Mr. Nelson explained that a Council policy, adopted during 1989, outlines the economic development funding program application and allocation procedure.

Mayor Tomlinson initiated discussion of the DSP, noting that the Downtown Strategic Planning Committee recommended three priority activities for 2007 and one for 2008. The Downtown Corvallis Association (DCA) is working extensively with Downtown businesses to increase the vitality of the Downtown area. He explained the scope and results of the 2001 Downtown Parking Study. Signage in the Downtown area, particularly to aid visitors in finding parking, is an issue for discussion. At its March 5th meeting, the Council adopted implementation of the DSP and the PTFP as goals for the 2007-2008 Council term.

Julie Manning requested for the Committee copies of the list of Council goals.

Mayor Tomlinson stated that the Council adopted the DSP last November and will probably implement its goal regarding the DSP and the PTFP in two approaches: goals that involve funding and goals that do not involve funding and can be undertaken administratively without budget impacts.

Mr. Lampton explained the concept of Urban Renewal Plans (URPs), which are one of few means for cities to obtain funding for capital improvements. URPs are used extensively in Oregon, with some cities having multiple Urban Renewal Districts (URDs). URPs allow a city to establish a geographic boundary encompassing sites that meet specific criteria and identified infrastructure projects. The URP would be established for a specific time period. Property values within the URD would be established, recorded, and "frozen" for the duration of the URP; property value increases within the URD during the URP duration would generate property tax revenue to fund projects identified under the URP. Completed projects can increase property values within the URD, thereby increasing property tax revenue. The URP would allow the city to undertake long-range planning and to create a fund to pay for development as opportunities arise. Early URPs were not positive, but current URP practice has been very positive with conscious planning. The City would act as the URP planning agency.

Mr. Nelson confirmed for Ms. French that an URP would provide a means for the city to set aside a pre-defined portion of property tax revenue allocated for use for predefined purposes. URP funds must be used for identified capital projects; the list of projects can be amended over time, with caveats. Corvallis voters previously determined that URPs must be approved by voters, who may also be asked to approve project list amendments, depending upon the extent of the amendments and the flexibility of the URP. Mr. Lampton added that a supplemental URD could be "layered" onto the original URD, with the supplemental URD encompassing the project amendments. While it is desirable for the URP to provide some flexibility, voters will want a degree of specificity for the URP and identified projects. A URP can extend for any time period.

Mayor Tomlinson noted that an URP would be discussed with various taxing jurisdictions that derive property tax revenue from the properties within the URD: the City, Benton County, Corvallis School District 509J (509J), Linn-Benton Community College, and the Education Service District. Under Oregon law, 509J would be held harmless from the foregone revenue from the incremental

property value increase. If the City establishes an URD, taxing districts would not gain additional revenue from the increased property value resulting from urban renewal projects; 509J would, however, receive its share of the increased property tax revenue. Benton County hosts quarterly taxing agency meetings so taxing entities can discuss pending projects that may impact taxes. City representatives will announce a possible URP at the next quarterly meeting (March 14th).

Mayor Tomlinson referenced the top seven PTFP action initiatives recommended by the consultant. The PTFC is reviewing the initiatives to determine which action to pursue first. These initiatives are included in a much larger list of proposed activities in the PTFP. Some community partners have begun working on activities for which they have primary responsibility.

Staff developed a chart of DSP and the PTFP activities for which the City has lead, co-lead, or supporting responsibility and indicated whether the activities would require existing or additional staff resources.

Ms. Ross observed that some people are pursuing activities identified in the PTFP, which indicates that the Plan has significant community support. Mayor Tomlinson added that some partner organizations are developing budgets to fund their Plan activities.

Mr. Nelson referenced the City activity chart mentioned by Mayor Tomlinson, which will be the focal point of the Committee's funding considerations. Future Committee discussions will focus on activities proposed to begin during 2007, especially those for which the City will be the lead partner and for which funding or additional staff resources may be needed. Management attempted to incorporate the activities into existing staff activities where possible.

In response to Ms. Manning's inquiry, Mr. Nelson said management is not certain whether consolidating the Riverfront Commission and the Downtown Parking Commission (DPC) into a Downtown Commission would require staffing beyond that already provided to each existing Commission or from a different City department, which would necessitate a change in funding departments. Community Development Director Gibb added that the expanded role of a Downtown Commission would probably include additional staff responsibilities, such as support of a new URP.

Mr. Nelson noted the challenge of staff support for implementation of the DSP and the PTFP, creation and support of an URP, support of a Downtown Commission, and coordination with community groups. Continuing staff support will probably be needed into the future. Some activities will require one-time financial investments; other activities will require a continuing revenue source for success. The Council accepted the Plans, recognizing the identified staff support required, and initially prioritized staff support for Mr. Gibb and a member of his staff to work on an URP. Postponing work on an URP until staff funding is available would cause a "loss of momentum" generated by the PTFP partners. The Council prioritized work on a Downtown Commission and an URP and approved re-appropriating funding from the Downtown signage project to consultant support for an URP. Council is aware of the Planning Division work program that includes more than 60 projects awaiting staff work.

Mr. Nelson summarized that, at a minimum, the City will need a full-time planner to support the Downtown Commission and an URP and to initiate the PTFP "blue ribbon" panel. Funding for a consultant will also be needed to avoid overloading staff with tasks that could be contracted.

Mr. Gibb added that existing staff needs to address continuing land use applications and the 60-plus projects identified in the Planning Division's work program for the next two years. Assigning existing staff to DSP and PTFP activities would result in them being unavailable to pursue existing high-priority Planning Division projects.

Ms. Folts observed that the Council and staff appear to be proceeding toward developing an URP. She inquired whether the URP proposal was approved, so the Committee can focus on other proposed activities that do not have available staff support.

Mayor Tomlinson explained that the 2005-2006 Council accepted the DSP and the PTFP. The 2007-2008 Council approved development of the Committee. He believes extensive work remains, particularly regarding an URP. The Council is attempting to continue existing momentum, including adoption of Council goals supporting the Plans and allocating funding to establish an URP. The Committee must determine how to fund an URP long term and how to gauge voter support of an URP.

Mr. Nelson emphasized the need for dedicated funding to develop an URP, without which a future Council could negate an URP. Alternatively, many of the activities recommended under the DSP and the PTFP could be subject to a very political budget process.

In response to Ms. Folts' inquiry, Mr. Gibb stated that establishment of a Downtown Commission would begin soon.

Mayor Tomlinson noted that the PTFC is deciding which activities to pursue through April 2008. If the PTFC selects an activity for which the City has the lead responsibility, this Committee may be asked to identify appropriate funding. As facilitator of the three committees previously described, he will ensure that each committee is informed of the discussions of the other committees.

Mr. Nelson confirmed Ms. French' summation that the DSP and the PTFP represent action plans for the City, which the Committee is not expected to evaluate; the Committee is charged with determining how to implement the Plans' activities.

X. NEXT MEETING DATE, TIME, PLACE, AND AGENDA ITEMS

The next Committee meeting will be April 26th at 4:00 pm and will focus on options for funding DSP and PTFP implementation activities.

Ms. Foster asked that the Committee receive the schedules, agendas, and minutes of the other committees' meetings.

XI. PUBLIC COMMENT

The meeting was adjourned at 6:00 pm.

DRAFTSubject to review & approval
by Downtown Parking
Commission

**DOWNTOWN PARKING COMMISSION
MINUTES
February 28, 2007**

Present

Jeff Katz, Chair
Lita Verts, Vice Chair
David Hamby, City Council
Andrew Ross
Joan Wessell
Stan Nudelman
Mike Blair
John Howe
Josh Kvidt

Absent

Rich Mehlhaf

Staff

Joe Whinnery, Public Works
Lisa Namba, Public Works
Jim Mitchell, Public Works

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Call Meeting to Order • Approve January 24, 2007 Minutes	X		Approved, as amended
II. Commission Reports • Chair Reports • BPAC • CACOT • City Council	X X X X		
III. Old Business • Overlength/Oversize Vehicle Parking in Diagonal Spaces			Recommended approval of an amendment to language in CMC
IV. New Business • Change of Date or Location for Future DPC Meetings • Downtown Parking Enforcement Reporting Requirements • Parking Plan Update	X		May and August meetings to be held at Downtown Fire Station Approved staff's amended language for CMC
V. Pending Items • Action on 6 th and Adams Parking Control Changes - Edward Jones • Parking Meter Charges - Revenue Review • Conversion of 2-Hour Signed Spaces to 2-Hour Metered Spaces		X N/A	Two spaces will be converted to 2-hour parking, with signage
VI. Visitor Comments	N/A		
VII. Other Business/Actions/Information Sharing	X		

CONTENT OF DISCUSSION

I. Call Meeting to Order/Approve January 24, 2007 Minutes

The meeting was called to order by Chair Katz.

Corrections to the minutes:

Page 3, fourth paragraph, second sentence, shall be revised to read, "He asked, if it is not legal for vehicles to park partially on the curb, a practice which would be cited by Parking Enforcement, why are over-length/oversize vehicles allowed to park encroaching on the travel lane?"

Commissioners Wessell and Howe, respectively, moved and seconded to approve the January 24, 2007 minutes, as amended. The motion passed unanimously.

II. Commission Reports

• Chair Reports

Chair Katz attended a recent City Council meeting at which City Board and Commission Chairs were introduced to the newly-elected Council. The possibility of the DPC being folded into a Downtown Commission was discussed at the meeting.

• BPAC - Andy Ross

Commissioner Ross reported ODOT's approval of a joint Benton County/City of Corvallis grant application to fund a Rails-With-Trails link between Corvallis and Albany. However, Benton County still needs approval from the railroad before August 1, 2007 in order for the fund to be granted. The City's grant application to fund street improvements for 35th Street between Washington Avenue and Western Boulevard was not approved.

• CACOT - Lita Verts

CTS ridership for January, 2007 was nearly 1,000 rides more than the previous January. On-time performance is averaging 95%. Philomath Connection and Beaver Bus ridership continues at a steady pace.

• City Council

Councilor Hamby said the Downtown Corvallis Association (DCA) and the Economic Vitality Partnership (EVP) strategic plans, which include an update to the Parking Plan, are very high on the list of Council goals. The Urban Services Committee (USC) will soon discuss downtown cafés. Current ADA law requires a three-foot wide clear passage on sidewalks. The requirement for a four foot wide clear passage is still in rule making process but could become federal law by the beginning of next year.

III. Old Business

- **Overlength/Oversize Vehicle Parking in Diagonal Spaces**

Background:

The Commission requested that staff craft language to allow for the citing of overlength/oversize vehicles in diagonal spaces. Mr. Whinnery spoke with the City Attorney who said a language code change proposed by staff would result in citations but they most probably would be upheld only if both signage and delineating lines at the rear of the stalls were present. Further, since such a prohibition on extended length vehicle parking is not encountered elsewhere, education to raise community awareness of the change would be required. Staff identified approximately 800 spaces in the downtown area which would be affected by the proposed code change.

Discussion:

Chair Katz said signage would not only be costly but it has been the Commission's long-time goal to keep signage to a minimum whenever possible. Mr. Whinnery said that in addition to signage, each parking stall would need to be marked. Michael Ronkin of ODOT conveyed to Mr. Whinnery his opinion that because of low speeds in the downtown area, the overlength/oversize vehicles actually serve as traffic calming devices. Vice Chair Verts challenged the wisdom of the Corvallis Municipal Code (CMC) which states that a vehicle is not permitted to block a right-of-way unless the size and shape of that vehicle prevents it from complying. She said the language needs to be changed to tighten loopholes in the CMC. Commissioner Nudelman said it would be helpful to acknowledge that although some citations may not be upheld, there is the need to enforce obvious violations. Commissioner Howe said it would be helpful for Parking Enforcement personnel to make citizen contact with offenders as an educational tool. Mr. Mitchell said that if CMC code language were changed, the public would be notified in advance through such media as *the City* newsletter and other local media.

Commissioner Kvidt asked about the law as it pertains to overlength/oversize delivery vehicles. Chair Katz said they are able to block the entire street for up to fifteen minutes and are required to spend that time solely on loading, unloading and delivering goods.

Commissioners Nudelman and Wessell, moved and seconded that the Commission approve staff's suggested language change cited in the February 21st memo (attached), with the following addition: "Illegal parking shall be defined as both sides of the back of the vehicle extending beyond the ends of the stall markings."

Discussion followed the motion. Commissioner Kvidt asked if the width of vehicles should be addressed. Ms. Namba said current language covers the width of vehicles. Several Commissioners expressed concern that without clearly defined language, nearly all citations would not be upheld. Commissioner Howe acknowledged this may be true but said it was nonetheless important for the Commission to make a statement about this issue. The Commission elected to not recommend additional striping and signing.

The motion passed unanimously.

IV. New Business

- **Change of Date or Location for Future DPC Meetings**

Commission meetings for May and August can not be held in the Madison Avenue Meeting Room due to conflicts with other meetings.

It was decided by consensus that the May and August Commission meetings will be held at 5:00 p.m. at the Downtown Fire Station.

- **Downtown Parking Enforcement Reporting Requirements**

Background:

At last month's meeting, Larry Hebron, a downtown business owner, told the Commission that he does not drive to work, nor does he have any employees who drive to work. He felt this should exempt him from having to submit an employee parking information report quarterly to the Police Department.

Discussion:

Staff crafted language which states that any employer who does not drive to work and who has no employees who drive to work shall be required to submit a report only on January 1st of each calendar year. Mr. Whinnery conveyed this language to Mr. Hebron who was amenable to it. Commissioner Wessell wondered about the enforcement of an employer who hires an employee who drives to work after a report is submitted on January 1st. Commissioner Nudelman suggested adding language to cover such a contingency. Mr. Mitchell said current language already covers this.

Commissioner Kvidt and Nudelman, respectively, moved and seconded that the Commission approve staff's recommendation for new language to cover downtown business owners who do not drive to work and who have no employees who drive to work. The motion passed by a vote of six to one, with Commissioner Wessell opposing.

- **Parking Plan Update**

Staff's ability to update the current Parking Plan is hindered by budget constraints. An estimate of the cost in the Downtown Strategic Plan is \$40,000. Ms. Namba said City Council's goal of enacting DCA/EVP strategic plans, alluded to earlier by Councilor Hamby, calls for funding strategies to update the Parking Plan. To this end, Mayor Tomlinson has appointed a citizen task force to tackle this issue. Because it is not expected that funding would become available until fiscal year 2008-09, Chair Katz suggested that some of the Pending Items listed below will need to be dealt with before a Parking Plan Update is complete. Commissioner Blair expressed interest in serving on the task force and Chair Katz agreed to contact Mayor Tomlinson about the possible appointment of a Commissioner to the citizen task force.

V. Pending Items

- **Action on 6th and Adams Parking Control Changes - Edward Jones (Held until 2007 Parking Plan Review)**

There was discussion about this previously-discussed item. The Commission previously decided to meter all four spaces in front of the business. But in response to further input from the business owner and from Parking Enforcement in earlier meetings, the Commission now believes signing two spaces will be adequate.

Commissioners Nudelman and Wessell, respectively, moved and seconded that the Commission approve a recommendation to convert two spaces to two-hour parking with appropriate signage. The other two spaces will remain unrestricted. The motion passed unanimously.

- **Parking Meter Charges/Revenue Review (Held until 2007 Parking Plan Review)**

Chair Katz was asked how much revenue the City generates from parking meters. He answered that generated revenue does not even cover the cost of parking enforcement. He asked Commissioner Wessell to query her constituents to gather their input. Mr. Mitchell was asked to provide comparator parking meter rates along with financial data on meter revenue vs. costs of enforcement and maintenance.

- **Conversion of 2-Hour Signed Spaces to 2-Hour Metered Spaces (Held until 2007 Parking Plan Review)**

This issue was not discussed.

VI. Visitor Comments

There were none.

VII. Other Business/Actions/Information Sharing

- Mr. Whinnery reported that a parkway parking permit process has been developed. This would allow property owners, who have sufficient room to park between the near edge of the sidewalk and the curb, to apply for a permit to allow this.

NEXT MEETING: March 28, 2007, 5:00 p.m., Madison Avenue Meeting Room

Staff Report

TO: Downtown Parking Commission
FROM: Joe Whinnery, Transportation Program Specialist
SUBJECT: Extended Length Vehicles Parked in the Downtown
DATE: 11/22/06

Issue

Should the City restrict extended length vehicles from parking in diagonal parking spaces in the Downtown Corvallis Business District?

Background

Staff have received occasional inquiries and complaints concerning extended length vehicles parking in diagonal parking spaces commonly found in the Downtown Corvallis Business District. These vehicles are longer than the typical car or pickup truck and extend into a portion of the travel lane. Although there are no reports of accidents or injuries resulting from this situation, concern has been expressed that it causes an unsafe condition. City Council has requested input from the Downtown Parking Commission as to whether this is a problem requiring action on the part of the City.

The following sections of the Corvallis Municipal Code (CMC) apply:

- CMC 6.11.050 Marking of on-street parking spaces
The City Manager shall paint lines or markings adjacent to each parking meter designating the parking space for which the meter is to be used. No persons shall cause, allow, permit or suffer any vehicle owned, operated or controlled by her or him to be parked across any such line or marking, or to be parked in such a position that it is not entirely within the space designated by such lines or markings.
(Ord. 59-107 § 5, 1959)
(This section of the Code appears to be specific to spaces controlled by a parking meter)

- CMC 6.11.320 Parking restricted in individually marked space
No person shall cause, allow, suffer or permit any motor vehicle owned, operated or controlled by that person to be parked in a public street or in an off-street free parking area within the downtown parking area except within an individually marked parking space.
(Ord. 71-75 (part), 1971)

- CMC 6.10.040.010 Method of parking

1) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than at the indicated direction and within a single marked space, unless the size or shape of such vehicle makes a compliance impossible.

2) Whenever the owner or driver of a vehicle discovers that such vehicle is parked immediately in front of or close to a building to which the Fire Department has been summoned, she or he shall immediately remove such vehicle from the area unless otherwise directed by Police or Fire officers. (Ord. 80-77 § 2, 1980; Ord. 57-39 § 11, 1957)

Discussion

To date, no accidents have been recorded where parking of extended length vehicles were identified as having contributed to the accident. Police have not issued parking citations to vehicles in the situation described, since the back of the parking spaces are not marked. The City Attorney's Office has suggested that a solid stripe at the back of diagonal parking spaces would delineate the space. Another suggestion was to delineate the back of these parking spaces using a tick mark such as commonly found at the outer edges of parallel parking stalls.

Staff discussed this issue during a field reconnaissance with both Michael Ronkin and Sheila Lyons from the ODOT Bicycle and Pedestrian Program. They acknowledged the perceived problem, indicating however that when this situation does occur, it has a "traffic calming effect".

If it is determined that action on this issue is warranted, the City should mark the back of all diagonal spaces within the CBD and amend CMC 6.10.040.010 (1) by adding language to say: "Notwithstanding any of the above, no allowance shall be made for the size and shape of vehicles parked in spaces within the downtown free parking area or controlled by a parking meter." Any change to CMC provisions would likely necessitate an education component to inform the public of the purpose for this change in marking. It should be noted that if these actions are taken, extended length vehicles will be prohibited from parking in a large area within the CBD.

Requested Action

- Determine whether this is a problem needing regulation.
- If the Commission determines that extended length vehicle parking is a problem, DPC recommend to City Council amending the Municipal Code so that enforcement action would address the problem; and designating the back of all diagonal parking spaces in the CBD with tick marks. This action would preclude oversize vehicles from legally parking in any diagonal space in the CBD.

*** MEMORANDUM ***

February 21, 2007

TO: Downtown Parking Commission

FROM: Joe Whinnery, Transportation Program Specialist

SUBJECT: Proposed Corvallis Municipal Code Revision to Prohibit Extended-length Vehicles Parking Downtown

Issue

The Corvallis Municipal Code (CMC) does not clearly restrict over-sized vehicles from parking downtown with the exception of spaces controlled by parking meters. In the areas with diagonal parking, extended-length vehicles protrude beyond the ends of the parking space markings and restrict the travel lane width.

Background

The Commission was provided a staff report on this issue during the November 2006 meeting (copy attached). At that meeting there was no decision made as to the need for any changes. During the January 2007 meeting, this issue was discussed again under old business. Staff provided a follow-up to Mr. Baxter's letter and provided a map (attached) showing where the 776 diagonal spaces are located. Staff was requested to provide proposed language changes in the CMC that would restrict extended-length vehicles from parking in these spaces.

The sections of the CMC that address parking in designated parking spaces are Chapter 6.10 General Traffic Code and Chapter 6.11 Parking Meters. Specifically, the sections are:

Chapter 6.10 General Traffic Code

- CMC 6.10.040.010 Method of parking
 - 1) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than at the indicated direction and within a single marked space, unless the size or shape of such vehicle makes a compliance impossible.
 - 2) Whenever the owner or driver of a vehicle discovers that such vehicle is parked immediately in front of or close to a building to which the Fire Department has been summoned, she or he shall immediately remove such vehicle from the area unless otherwise directed by Police or Fire officers.(Ord. 80-77 § 2, 1980; Ord. 57-39 § 11, 1957)

Chapter 6.11 Parking Meters

- CMC 6.11.050 Marking of on-street parking spaces

The City Manager shall paint lines or markings adjacent to each parking meter designating the parking space for which the meter is to be used. No persons shall cause, allow, permit or suffer any vehicle owned, operated or controlled by her or him to be parked across any such line or marking, or to be parked in such a position that it is not entirely within the space designated by such lines or markings. (Ord. 59-107 § 5, 1959)

- CMC 6.11.320 Parking restricted in individually marked space

No person shall cause, allow, suffer or permit any motor vehicle owned, operated or controlled by that person to be parked in a public street or in an off-street free parking area within the downtown parking area except within an individually marked parking space. (Ord. 71-75 (part), 1971)

Discussion

Although the City Attorney's Office has suggested that the back of the space should be delineated by a tick mark or a solid stripe at the back of diagonal parking spaces, Parking Enforcement Officer Campbell opined in the January meeting that the parking restriction could be enforced without the additional markings if the CMC was changed to eliminate the exception allowed in 6.10.040.010: "unless the size or shape of such vehicle makes a compliance impossible".

Any change to CMC provisions would likely necessitate an education component to inform the public of the change. If this action is taken, extended length vehicles will be prohibited from parking in a large area within the downtown free parking area.

Requested Action

If the Commission determines that extended length vehicle parking should be prohibited in the downtown free customer parking area, the Commission should recommend the City Council amend CMC 6.10.040.010 (1) by adding language to say: "Notwithstanding any of the above, no allowance shall be made for the size and shape of vehicles parked in spaces within the downtown free customer parking area or controlled by a parking meter."

Attachment: Map of diagonal spaces
November 11, 2006 staff report

HOUSING AND COMMUNITY DEVELOPMENT COMMISSION MINUTES March 7, 2007

Present

Judy Gibson, Chair
Ed Fortmiller, Vice Chair
Buzz Berra
Jennifer Jordan
Patricia Weber, Planning Commission Liaison
Trish Daniels, City Council Liaison

Absent

David McCarthy (excused)
Dan Schofield (excused)

Staff

Kent Weiss
Lauren Sechrist
Terri Heine

Visitor

Oscar Moreno-Gilson, Lincoln School Principal

SUMMARY OF DISCUSSION

Agenda Item	Action/Recommendation
I. Consideration & Approval: HCDC Draft Minutes of 2/14/07 & 2/15/07	Approved as Submitted
II. Status: Loan Funds and Recent Rehab Loans	Information Only
III. Loan Policy Exception Request: Essential Repair Loan Increase	Recommendation
IV. Draft FY 07-08 CDBG/HOME Program Action Plan	Recommendation
V. Other Business: Revisiting Affordable Housing Alternatives	Information Only

CONTENT OF DISCUSSION

I. Consideration & Approval: HCDC Draft Minutes of 2/14/07 and 2/15/07

Chair Gibson opened the meeting, asking for consideration of the HCDC draft minutes of February 14 and February 15, 2007. The minutes were approved unanimously. Chair Gibson then introduced Oscar Moreno-Gilson, who was in attendance as a potential Commissioner.

II. Status: Loan Funds and Recent Rehab Loan

Housing Division Manager Weiss reported that no new First Time Home Buyer (FTB) loans have closed since the last meeting, adding that one is in progress and expected to close soon. Regarding rehabilitation loans, Weiss reported that no new loans have closed since the last meeting, adding that several are in the application/review process.

Commissioner Berra asked how loan funds that are unspent at the end of the fiscal year are handled. Weiss responded that unused loan funds are carried over into the next fiscal year. He added that this will be explained in further detail during the discussion of the FY 07-08 Action Plan taking place later in the meeting. Commissioner Berra asked if the FTB administrative policy could be amended to raise the maximum loan amount of \$10,000 for a First Time Home Buyer loan to a higher amount, with the goal being to spend more of the available funds each year. Weiss responded that this could be considered, adding that approximately a year ago, the HCDC reviewed the FTB administrative policy and recommended that the loan amount be increased from \$6,000 to \$10,000. He noted that staff will continue to communicate with lenders to remind them that the \$10,000 can potentially be increased through loan policy exception requests.

Commissioner Weber noted that it may be a reflection of inflated home prices that the City is seeing fewer FTB loan applicants, adding that even with \$10,000 or more of FTB program funding, it can still be difficult to find affordable housing in Corvallis. She noted that if the prices of homes begin to fall as predicted, the number of FTB loan applicants may begin to rise again.

Continuing, Councilor Daniels noted that it seems that the trend today is for households to be multi-generational, as they were several decades ago. She asked if staff would be able to provide additional information at a future meeting regarding these types of housing trends that have taken place through the years. Weiss responded that he is working on data that compares median income to median sale price, and looks at whether a market is under or over valued, or correctly valued. He added that he will share the information with the Commission at the next meeting once it has been compiled into a more visually pleasing and readable format.

III. Loan Policy Exception Request: Increasing Amount of a Current Essential Repair Loan

Weiss directed Commissioners to a memo included in their packet, noting that this is related to an Essential Repair (ER) Program loan for a three person household at 1108 NW 9th Street that was

reviewed by the HCDC last November, and which was recommended for City Manager approval at that time. Following City Manager approval, the ER loan for \$45,040 was processed, closed on December 4th, and work began on the project. The homeowners are now asking the HCDC to consider a modification to their loan due to the project changing substantially in two ways. The homeowners now realize they should originally have talked to staff about a broader scope of accessibility upgrades, specifically the need for a rear emergency egress that is wheelchair accessible. The other project change is due to the contractor increasing charges associated with the original scope of work. Weiss explained that the contractor realized that they had significantly underbid the plumbing piece of the project in their proposal due to a substantial mathematical error, and because they could not absorb this error, they would need to negotiate a new construction contract amount for an additional \$3,855. He noted that the contract had not yet been signed, so the contractor is not bound to the price at this point.

Continuing, Weiss noted that staff worked with the homeowners to address both of the situations. The new plan for the project would include adding an additional amount of \$6,471 for the emergency accessibility upgrades, as well as the \$3,855 in additional funds to the contractor toward the original scope of work. A portion of the original contingency funds in the amount of \$2,500 would then be applied toward these additional charges. This would leave a net balance of \$7,826 in additional funds necessary to complete the project. Weiss noted that staff feels the additional work is essential to the project and is asking for HCDC's consideration to recommend to the City Manager an increase of \$7,826 to the original loan amount of \$45,040 for a new total loan request of \$52,866.

Following a brief discussion, Commissioner Fortmiller moved, with Commissioner Jordan's second, that the HCDC recommend City Manager approval of the request for an Essential Repair loan modification for an additional amount of \$7,826. The motion passed unanimously.

IV. Draft FY 07-08 CDBG/HOME Program Action Plan

Weiss directed Commissioners to copies of a memorandum and the draft FY 07-08 CDBG/HOME Program Action Plan included in their packet. He noted that the Plan contains allocations of HOME and CDBG funding as recommended by the HCDC during their meetings of February 14 and 15, as well as narrative descriptions of each Plan item. Weiss directed Commissioners to the Plan's Budget Summary table, noting that the total resources/uses for FY 07-08 are: \$700,000/CDBG funds; \$420,000/HOME funds; and \$371,420/Revolving Loan Fund. Total funds available for next fiscal year are \$1,491,420.

Continuing, Weiss noted that the draft Plan explains the activities scheduled for FY 07-08 in four different formats. One format uses a performance measurement system prescribed by HUD and included for the first time in the current Action Plan for FY 06-07. This measurement system applies a set of objectives, outcomes and performance indicators to each activity. Weiss directed Commissioners to the Action Plan Activity Budget section of the draft Plan, noting that this reporting format provides a good overview of each activity, including the HUD category that the

activity addresses, as well as the whether the activity will be using funds from CDBG, HOME, and/or the City's Revolving Loan Fund.

Returning to the discussion regarding unspent loan funds that Commissioner Berra begun earlier in the meeting, Weiss noted that these loan funds, as well as other types of unspent funds, such as administration or Human Services funds, are carried over to the next fiscal year. He added that if administration and Human Services funds are carried over, they cannot be added to the next fiscal year's budget for those activities as there are caps in place based on percentages of the new fiscal year's total of entitlement funds that the City will be receiving. Typically, the unspent funds that are carried over into the next fiscal year are rolled into housing loan program or grant activities.

As a follow up to the HCDC's discussion during the allocation process regarding funding for the Circle of Hope Drop in Center, Weiss noted that he had met with representatives from the agency during the prior week to confirm the amount of funding recommended by the HCDC, as well as the stipulation that a lease for a new facility must be in place by July 1st in order to begin receiving next fiscal year's funds. He noted that the Circle's representatives were somewhat disappointed at the amount of funds recommended for allocation during FY 07-08 (\$7,000, as compared to the \$21,000 they had requested), but do realize that the Commission would like the Circle of Hope to begin finding additional sources of funding, instead of relying almost exclusively on the City's Human Services Fund. Weiss then noted that the agency's representatives were very pleased that the City was giving them until July 1st to find another location, and that they had assured him their intent is to move well before then.

Weiss asked Commissioners if they had any comments, questions or suggestions related to the draft Action Plan, adding that staff is asking for an action today by the HCDC to recommend City Council approval of the draft Action Plan, with any amendments or modifications called for by the Commission. After determining that there were no additional comments or suggestions, Commissioner Weber moved, with Commissioner Fortmiller's second, to recommend City Council approval of the draft FY 07-08 CDBG/HOME Program Action Plan. The motion passed unanimously.

V. Other Business: Revisiting Affordable Housing Alternatives

Weiss noted that now that the HCDC has completed its part of the planning process for FY 07-08 funding activities, it may be time to begin discussion again regarding the issue of affordable housing forms and building types and the tasks assigned previously to each of the Commission subcommittees. He noted that these discussions are intended to take place in parallel with Willamette Neighborhood Housing Services's (WNHS) development of their Community Land Trust model. As these projects progress, the research completed by HCDC and WNHS will be discussed jointly.

There being no further business, the meeting was adjourned at 12:45 p.m.



Community Development
 Planning Division
 501 SW Madison Avenue
 Corvallis, OR 97333

Approved as submitted, March 21, 2007

**CITY OF CORVALLIS
 PLANNING COMMISSION MINUTES
 February 7, 2007**

Present

David Graetz, *Chair*
 Karyn Bird, *Vice Chair*
 Jennifer Gervais
 Frank Hann
 Tony Howell
 Denise Saunders
 Brandon Trelstad
 Patricia Weber

Staff

David Coulombe, Deputy City Attorney
 Fred Towne, Planning Division Manager
 Keith Turner, Development Engineering Supervisor
 Kevin Young, Senior Planner
 Terry Nix, Recorder

Absent

Dan Brown, *Council Liaison*

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions			
II.	Public Hearing - Good Samaritan Hospital Regional Medical Center Campus Master Plan, (PLD05-00022)		X	Public Hearing continued to February 21, 2007, 7:00 p.m.
III.	Minutes A. Planning Commission, January 3, 2007 B. Planning Commission, January 17, 2007			Approve as presented. Approve as corrected.
IV.	Old Business	X		
V.	New Business A. Planning Division Update	X		
VI.	Adjournment - 9:55 p.m.			

CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by Chair David Graetz at 7:00 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

I. **VISITORS' PROPOSITIONS:** There were no propositions brought forward.

II. **PUBLIC HEARING - Good Samaritan Regional Medical Center Campus Master Plan (PLD05-00022):**

A. **Opening and Procedures:**

The Chair welcomed citizens and reviewed the public hearing procedures. Staff will present an overview followed by the applicant's presentation. There will be a staff report and public testimony, followed by rebuttal by the applicant, limited in scope to issues raised in opposition and sur-rebuttal by opponents, limited in scope to issues raised on rebuttal. The Commission may ask questions of staff, engage in deliberations, and make a final decision. Any person interested in the agenda may offer relevant oral or written testimony. Please try not to repeat testimony offered by earlier speakers. It is sufficient to say you concur with earlier speakers without repeating their testimony. For those testifying this evening, please keep your comments brief and directed to the criteria upon which the decision is based.

Land use decisions are evaluated against applicable criteria from the Land Development Code and Comprehensive Plan. A list of the applicable criteria for this case is available as a handout at the back of the room.

Persons testifying either orally or in writing may request a continuance to address additional documents or evidence submitted in favor of the application. If this request is made, please identify the new document or evidence during your testimony. Persons testifying may also request that the record remain open seven additional days to submit additional written evidence. Requests for allowing the record to remain open should be included within a person's testimony.

The Chair opened the public hearing.

B. **Declarations by the Commission: Conflicts of Interest, Ex Parte Contacts, Site visits, or Objections on Jurisdictional Grounds**

1. **Conflicts of Interest:**

Commissioner Hann said he is employed at Good Samaritan Regional Medical Center in Albany, but this will not impact his ability to make a fair and impartial decision.

Commissioner Weber said she has worked on projects with Devco Engineering in the past, but she has not been involved in the subject project and does not believe her professional relationship will impact her ability to make a fair and impartial decision.

Commissioner Gervais said she is in the process of applying to volunteer at Good Samaritan Regional Medical Center, but she does not believe this will impact her impartiality in this case.

2. Ex Parte Contacts: None.
3. Site Visits: Commissioners Bird, Gervais, Hann, Howell, Saunders, and Weber declared site visits.
4. Objections on Jurisdictional Grounds: None.

C. Staff Overview:

Senior Planner Kevin Young said the application is for Conceptual and Detailed Development Plan approval of a Master Plan to guide development on the Good Samaritan Regional Medical Center (GSRMC) Campus over a 10-year period of time. He distributed written testimony received after completion of the staff report from Richard Montgomery and Joe Whinnery (**Attachment A**), and staff-proposed revisions to the recommended motion, Condition #1, and the staff report (**Attachment B**). Mr. Young noted that staff recommends Conceptual Plan approval for Phases 1, 2, and 3; and Detailed Plan approval for Phase 1 only, in order to take a more detailed look at traffic for Phases 2 and 3. He said any revisions requested by the Commission would be incorporated by the applicant and resubmitted to staff for final review. The completed Campus Master Plan would then free the applicant to submit for building permits, with staff to use a consistency checklist as a key mechanism to ensure development meets the requirements. Mr. Young reviewed the site location, surrounding land uses, Comprehensive Plan Map and Zoning Map designations, and existing conditions.

D. Legal Declaration:

Deputy City Attorney Coulombe said the Commission will consider the applicable criteria as outlined in the staff report, and he asked that citizens direct their testimony to the criteria in the staff report or other criteria that they feel are applicable. It is necessary at this time to raise all issues that are germane to this request. Failure to raise an issue, or failure to provide sufficient specificity to afford the decision-makers an opportunity to respond, precludes an appeal to the State Land Use Board of Appeals on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court.

E. Applicant's Presentation:

Lyle Hutchens, Devco Engineering, 245 NE Conifer, introduced himself and noted that several members of the applicants' consulting team are in attendance. He expressed appreciation to City Planning and Engineering staff for their time and expertise. He noted that the City's 2020 Vision Statement calls for a health care system led by a regional medical center, high quality providers and a network of human service organizations, with comprehensive health and human services that are easily accessible and available to all residents. Mr. Hutchens said that vision is what this request is based upon. He showed a detailed development plan for the first phase and stated that, when that phase is completed, the applicant will return with a detailed development request for the next

phase. He noted that future detailed development requests will include traffic impact updates and specific traffic mitigation measures. If this request is approved, he said, permit applications would be accompanied by a completed consistency checklist and project summary to be used by staff to determine compliance with the Campus Master Plan (CMP).

Mr. Hutchens stated that three neighborhood meetings have been held over the past year; notice lists were provided by City staff. A total of about six people attended these meetings, with the primary topic being concerns about the potential roundabout at the Elks Drive intersection. Mr. Hutchens stated the following:

- ▶ New facilities are needed to accommodate growth and advances in the medical field. No new uses are proposed, but it cannot be known now just what medical services will look like in 10 years.
- ▶ The CMP sets aside open space and proposes an aggressive landscape component. He reviewed efforts to protect the Highway 99W viewshed, including landscape screening and buffering measures.

Mr. Hutchens then reviewed efforts toward reducing parking demand, including bicycle parking and continued support of the Corvallis transit system, and briefly reviewed additional elements of the CMP, as detailed in the documentation. He said the applicant finds most of the staff recommendation, including revisions distributed this evening, to be acceptable. However, the applicant has heard the neighborhood concerns about the roundabout as compared to a double T-intersection configuration. In addition, the applicant is asking that the electrical infrastructure building be allowed to be completed prior to the intersection improvement since it will not increase traffic, parking, or sewer discharge and because it is needed to upgrade the hospital's power system. Mr. Hutchens said staff used the word "nestle" in its report, which he thinks perfectly describes how projects and parking improvements would fit into the existing topography and improvements. He invited questions.

In response to an inquiry from Commissioner Bird, Mr. Hutchens said relocation of Elks Drive and reconfiguration of the intersection would meet Oregon Department of Transportation (ODOT) guidelines for signal spacing.

Commissioner Howell requested additional detail regarding the two options for reconfiguring the intersection. In response to inquiries, Mr. Hutchens stated that the application includes options for stop controlled approaches (Attachment G) and a roundabout intersection (Attachment G1), that ODOT traffic signals are not warranted at this time based on current traffic counts and expected increases, and that signaling will likely occur in the coming two- to five-year time period. He further responded that, based on public feedback, the applicant is requesting the stop-controlled approaches; however, either option would function from an engineering point of view.

Commissioner Howell asked for a response to the written testimony requesting secure bicycle parking and shower facilities. Mr. Hutchens said these are not included in current plans, but the applicant would not object to their addition.

In response to inquiries from Commissioner Weber, Mr. Hutchens affirmed that there is a slope in surface parking lot #1. He advised that it is anticipated the parking lot will be dug out and replaced with a parking structure, the first level of which would be below grade.

Commissioner Weber asked whether the applicant agrees with the staff-recommended revisions to the check list. Mr. Hutchens said the revisions are acceptable; the applicant will have the right to come back and request modifications to the detailed development plan if needed.

Commissioner Howell asked if the applicant has any issue with the trail on Satinwood Street as proposed. Mr. Hutchens said he has discussed the trail with staff, including potential materials. The applicant is not as concerned about the material as much as long term maintenance, he said, noting that it will probably be necessary to do a significant amount of limbing up or vegetation removal for visibility and safety reasons.

F. Staff Report:

Planner Young showed a graphic of Campus Planning Areas A through F. He reviewed the staff analysis related to Land Use and Compatibility, Circulation, and Public Facilities and Services, as detailed in the staff report. Mr. Young said staff recommends that the Good Samaritan Regional Medical Center Campus Master Plan be approved as submitted by the applicant and as modified by the changes outlined in Attachment H to the staff report. He invited questions.

In response to an inquiry from Commissioner Weber, Planner Young affirmed that staff is recommending that approval of the detailed development plan for Phases 2 and 3 be withheld at this time due to insufficient specificity regarding traffic issues.

In response to an inquiry from Commissioner Saunders, Planning Division Manager Fred Towne stated that future detailed development plans would be reviewed to ensure consistency with approved conceptual development plans, and that the Commission would need to ensure that any new requirements do not directly conflict with those approved plans.

Commissioner Howell said he wants to ensure that the Commission has the ability to address changes in the traffic plan based on actualities at the time of the detailed development plan. Manager Towne suggested that the conditions of approval could be made more specific regarding areas that future detailed development plans will need to address.

G. Public testimony in favor of the application:

John Foster, 1205 NW Fernwood, submitted written testimony (**Attachment C**). He said he wants to reinforce the need to postpone traffic determinations. He said it is unknown what traffic will be like in three or four years, based on all of this new development. He said he hopes officials will, at some point, review what is really happening with traffic in this part of the City.

Ron Reher, 215 NW Elks Drive, said health care is a dynamic business and he thinks the plan is pretty well thought out for the future needs of the community. He said the intersection at Elks Drive and Highway 99W is a bottleneck and a hazard. Mr. Rehr said he goes through it daily and witnesses many close calls. He asked that the applicants be allowed to address that intersection as soon as possible.

Louise Marquering, 1640 Woodland, submitted written testimony (**Attachment D**). She inquired how the issue of northbound traffic at the intersection of 9th Street and Conifer Boulevard will be addressed. She said she feels uncertain and threatened at that intersection. In response to an inquiry from Commissioner Weber, Development Engineering Supervisor Turner said this issue would not be addressed with Phase 1 of the Plan. He noted that there is significant discussion about that intersection in the staff report.

H. Public testimony in opposition to the applicant's request:

Theresa Stephens, 935 NW Camellia Drive, said she thinks an 8-foot-wide paved path would not fit well with the area and would encourage cars to drive on it. She said she has watched bicyclists using the undeveloped path and users seem to enjoy a natural, wooded area. She expressed concern about cutting the trees, and asked that consideration be given to making the path smaller and not cutting the trees back too far.

I. Neutral testimony:

The Chair reminded people that speaking neutrally removes rebuttal rights.

Brad Upton, 1465 NW 15th Street, said he serves on Corvallis and Benton County Bicycle Advisory Committees. He said he appreciates the applicants' intent to increase bicycle parking. Mr. Upton encouraged the Planning Commission to require that at least a majority of bicycle parking be covered and that lighting be provided. He said these measures would protect bikes from the elements and discourage tampering. He also requested that shower and locker facilities be included inside new buildings to encourage employees to commute by bicycle.

J. Questions of Staff:

Commissioner Saunders noted that the parking structure in Area E will add about 300 parking spaces and that the most convenient way to get there appears to be off of Satinwood Street. She asked about traffic impacts associated with that issue. Supervisor Turner said staff is sensitive to the function of Satinwood and it is discussed in the staff report and the Transportation Plan. He said staff will continue to work with ODOT and GSRMC to ensure that access via 9th Street and Highway 99W functions as efficiently as possible to help balance traffic on Satinwood.

Commissioner Saunders requested additional information regarding the 8-foot path. Planner Young said width is based on anticipated use of the path and can vary from 8 feet to 12 feet. According to the Park Planner, he said, the path can be either pavement or gravel. He further responded that gates have been placed in other areas to prevent cars on paths.

Commissioner Saunders asked if there are other examples of long-term approvals of conceptual development plans under a process such as this one. Staff noted that a conceptual plan was approved for the entire Timberhill area in 1976 and that approval continues to "have legs" today. It was noted that the Timberhill Conceptual Plan did not have the same level of detail as the one being considered.

Commissioner Weber said the staff report indicates that improvements at the Elks Drive intersection are intended to alleviate pressure on Satinwood Street, but people who live

in northwest Corvallis will go up Satinwood regardless of the intersection, and that will increase as more development occurs in that part of town. Supervisor Turner said staff recognizes traffic issues on Satinwood and efforts went into minimizing problems there during development of the Corvallis Transportation Plan. At the same time, he said, it is recognized that Satinwood is an appropriate route to the hospital, and intersection improvements in the area are very important.

Commissioner Weber asked whether it would be possible to revisit the issue of traffic at Satinwood Street when considering the detailed development plan for Phases 2 and 3 and Supervisor Turner responded affirmatively. He noted that staff also watches areas with traffic issues independent of development and that another comprehensive traffic analysis would occur with Phase 2.

In response to an inquiry from Commissioner Weber, Planner Young briefly reviewed changes that staff made to the checklist submitted by the applicant. Commissioner Weber said the checklist seems to be inconsistent in form and structure. She said this is more an issue of style than of content and she will raise the issue during deliberations.

Commissioner Howell asked for a staff response to the applicant's request to modify the schedule, with intersection improvements to follow construction of the infrastructure buildings. Supervisor Turner said staff first heard this proposal this evening. He said a process with ODOT led to a restructuring of Phase 1 to move realignments to the front. However, he said, the infrastructure building would not likely generate trips, and the change would probably not aggravate existing conditions.

Commissioner Howell requested additional information about staff's evaluation of the roundabout versus a double T-intersection. Supervisor Turner said staff strongly supports the concept of a roundabout configuration, which it sees as providing good circulation function for this type of intersection. He noted that roundabouts are being implemented in many communities and it is important to consider long-term needs.

Commissioner Gervais asked how a roundabout would facilitate bike movement. Supervisor Turner said staff feels that roundabouts support bike function very well; the bike would take over the travel lane and have the same right of possession as a vehicle. Commissioner Gervais said she is surprised at that analysis, particularly given the uphill configuration, and she asked how the proposal might be modified to make it more bike-friendly. Mr. Turner reiterated that the Public Works Director and Transportation Division staff felt this style of roundabout facilitated bike transportation by accommodating bikes in the travel lane.

Commissioner Bird said she avoids traffic circles in the community, but she has noticed that some users seem to be inept at navigating them. She is particularly concerned about potential problems at this location, which will likely be traveled by people who are elderly or preoccupied. Supervisor Turner noted that the traffic circle at 10th Street and Grant Avenue is a traffic-calming device, used as an alternative to humps or stop signs. A roundabout of the nature proposed, he said, is larger and is supposed to be easily navigable. Commissioner Bird said she has spent time in an area of the country that had a number of roundabouts and they were eventually dismantled because people didn't know how to navigate them. Brief discussion followed. In response to an inquiry from Commissioner Hann, Mr. Turner affirmed that bicycles coming southbound along the new path could use the bike lanes and stay out of the roundabout.

Commissioner Hann asked for clarity regarding staff's response to the request that the infrastructure building be constructed prior to the intersection. Supervisor Turner stated that, given that the structure would not likely generate trips, staff feels it would be acceptable to allow the request.

Commissioner Weber noted that Bend has a number of roundabouts and it is a community where bicycling is popular. She asked whether Bend might have information on how roundabouts and bikes get along. Supervisor Turner said he thinks there have been challenges and other communities have tried different things, but he doesn't have detailed information on that.

K. Rebuttal by Applicant:

Lyle Hutchens stated that the applicant would certainly be in agreement with making the 8-foot path unfriendly to motor vehicles in whatever manner the Parks Department directs. With respect to the roundabout, he said, the people he has talked to have expressed concerns about increasing population and about drivers who don't know how to use these devices. Mr. Hutchens noted that many people who are going to the hospital may be preoccupied and the applicants want to make the intersections as safe as possible. He advised that the roundabout layout anticipates sufficient space for a separated bike lane if that was directed.

L. Sur-rebuttal: None

M. Additional time for applicant to submit final argument:

The applicant waived the additional time to submit written argument.

N. Continue the Public Hearing:

Commissioner Howell initiated discussion about whether to close or continue the public hearing. In response to inquiries, Planner Young noted that closing the public hearing would impact staff's ability to interact with the applicant.

In response to an inquiry from Commissioner Weber, Planner Young advised that the recommendation includes a roundabout and that a request that staff bring back new information about the applicant's requested change to the intersection would require an additional public testimony opportunity, at least on that issue. Commissioner Weber said this is an issue that people have concerns about and that would have far-reaching implications. She said she does not want to hurry a decision without fully considering the ramifications. Brief discussion followed.

MOTION: Commissioner Gervais moved to continue the public hearing to February 21, 2007, 7:00 p.m. Commissioner Bird seconded the motion and it **passed** unanimously.

O. Additional Questions from the Commission:

Commissioner Howell said he would like additional information regarding any impacts of moving up construction of the infrastructure buildings. He said he would also like to consider non-mandatory wording asking that the applicant evaluate practices for encouraging bicycle use, such as lighting, covered parking, and shower facilities.

Commissioner Weber noted a lack of consistency in how the checklist is written. Following brief discussion, she offered to email suggested clarifying changes to staff.

In response to inquiry from the Chair, Supervisor Turner said he will ask a staff member with expertise to attend the next meeting to discuss the roundabout. Commissioner Saunders said she would like information about roundabouts in other communities, including any that are located near a hospital. She said she would also like information on ways to make the 8-foot path unfriendly to motor vehicles. Commissioner Bird said she would like to hear about surface options for that path.

III. MINUTES:

A. Planning Commission, January 3, 2007:

MOTION: Commissioner Weber moved to approve the minutes as presented. Commissioner Hann seconded the motion and it **passed** unanimously.

B. Planning Commission, January 17, 2007:

Commissioner Howell requested the following changes: 1) Page 15, the second and third paragraphs, change "amenity" to "amenities" in three places; and 2) change "Appellee's" to "Applebee's" as needed throughout the document.

MOTION: Commissioner Hann moved to approve the minutes as revised. Commissioner Trelstad seconded the motion and it **passed** unanimously.

IV. OLD BUSINESS: None.

V. NEW BUSINESS:

A. Planning Division Update:

Planning Division Manager Fred Towne called attention to the new meeting schedule on the back of the agenda and asked Commissioners to keep March 28 open in the event that it is necessary to schedule an additional meeting. Brief discussion followed.

Manager Towne advised that staff will be coming back with "tweaks" to the Land Development Code for the Commission's review. He said longtime Planning Administrative Assistant Liz Ortman is retiring on March 30 and recruitment for that position has begun. He advised that Development Services has moved to its new location in the basement of City Hall, and that a new Land Development Code Enforcement Specialist has been hired.

VI. ADJOURNMENT: The meeting was adjourned at 9:55 p.m.

Written Testimony regarding the Good Samaritan Regional Medical Center Campus Master Plan (PLD05-00022) received after completion of the January 26, 2007, Staff Report to the Planning Commission, but prior to the February 7, 2007, Planning Commission Public Hearing

Young, Kevin

From: montgom@peak.org
Sent: Monday, February 05, 2007 7:40 PM
To: Young, Kevin
Subject: Good Samaritan Master Plan

Hi Kevin,

I understand that the Planning Division is advocating a traffic circle as part of the Good Samaritan Plan. I recognize that the future intersection of Elks and Samaritan Drive, and the link to 99W is a nasty problem. But I hope you will go slow on the traffic circle solution.

Traffic circles are a good way to handle traffic converging from, and radiating to, several directions. This, of course, is why they were used in D.C. and Paris and London. But the circle needs to be at least two lanes and the circumference needs to be long enough to allow traffic to merge into the circle safely.

Merging lanes (even like the new ones along 99W) always involve uncertainty about who has the right-of-way (in practice, if not in law). So far, this problem has not led to any fatalities at the little experimental circle on 10th street. But this is partly because the traffic is light enough for many drivers to slow almost to a stop before entering the circle. Traffic coming off of 99W will be too heavy to allow that, and drivers who are cautious will be pressured by traffic behind them. Moreover, many drivers entering the circle from 99W will be on their way to the hospital from out-of-town; they will not be familiar with the hospital campus and may be elderly. Coping with the circle will simply add to confusion.

Thank you,
Richard Montgomery
3554 Satinwood
754-7078

Young, Kevin

From: Whinnery, Joe
Sent: Wednesday, February 07, 2007 2:31 PM
To: Young, Kevin
Cc: 'Susie Nelson'; Namba, Lisa; Moser, Bruce
Subject: SHS Hearing tonight

We would like to encourage as part of the TDM portion of the application that in addition to all the positive steps SHS is indicating, they consider current "best practices" for encouraging mode shift to bicycle use by also planning for and providing indoor secure storage and shower and locker facilities at strategic locations for bicyclists and pedestrians. Thanks.

Staff-Proposed Revision - To substitute for Page 95 of the Staff Report**Recommended Motion for Conceptual and Detailed Development Plan (PLD05-00022):**

MOTION: I move to approve the requested Conceptual and Detailed Development Plan for the Good Samaritan Regional Medical Center Campus Master Plan, subject to Condition of Approval #1. This approval will grant Detailed Development Plan approval for Phase I of the Master Plan, and will grant Conceptual approval for Phases I, II, and III of the Master Plan. My motion is based on the criteria, discussions, and conclusions contained within the January 26, 2007, Staff Report to the Planning Commission; and based upon the reasons given by the Planning Commission members during their deliberations, as reflected in the Minutes of the February 7, 2007, Planning Commission Meeting.

Proposed Condition # 1:

Prior to commencement of any site work, or issuance of any City permits, for development projects described in Phase I of the Good Samaritan Regional Medical Center (GSRMC) Master Plan, the applicant shall revise the GSRMC Master Plan consistent with the recommendations of the January 26, 2007, Staff Report to the Planning Commission, as amended by the Planning Commission during its deliberations. Where Land Development Code requirements are referenced in relation to Phase I development, the Master Plan shall be amended to clarify that the Land Development Code in place prior to December 31, 2006, shall determine the applicable requirements. The revised Master Plan shall be submitted for review and approval by the Planning Division Manager and City Engineer. Development consistent with Phase I of the GSRMC Master Plan may begin, subject to applicable permit requirements, once the revised GSRMC Master Plan is approved. Detailed Development Plan approval (and potentially approval of a Major Modification to the Conceptual Development Plan) is/are required for all development within the GSRMC campus that is outside the parameters of the Detailed Development Plan for Phase I.

2/7/2006 Errata/Additional Staff Suggested Revisions

Staff report page H-71, first full paragraph, change to read:

An easement for the existing drainageway identified across the northwest corner of the GSRMC campus will need to be addressed pursuant to LDC 4.5.80. This existing drainageway is defined as a non fish-bearing stream with average annual stream flow less than 1,000 cubic feet per second and therefore falls under the drainageway easement width criteria in accordance with LDC 4.5.80.d.3.

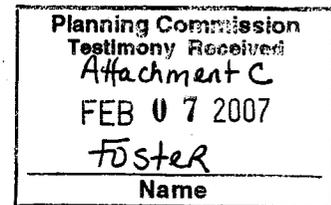
Staff report page H-80, Section 8.3.3, change to read:

New bus shelters associated with Medical Office Building Nos. 1 and 3 as shown on Figures 9-14 and 9-15, respectively.

Staff report page H-81, Section 8.3.8:

Delete staff recommended addition related to four year shuttle operating period and significant usage determination.

John W. Foster
1205 NW Fernwood Circle
Corvallis OR 97330
jwformat@comcast.net



7 February, 2007

Memorandum for the Planning Commission

Subject: Good Samaritan Master Plan

I urge you to retain one of the most important recommendations in the Staff Report: the proposal to give only conceptual plan approval regarding traffic for any development after phase one.

If the medical center were operating in a vacuum, approval of the whole ten year plan might be possible, but there are a number of other factors that could increase traffic in the 99/9th corridor and near Good Sam far more than the usual background growth. Some of the other factors are:

Home Depot and other planned development in Corvallis Station.

The proposed shopping center on 9th where the Ramada Inn now stands.

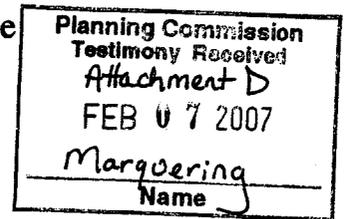
The proposed expansion of Adair Village.

The new housing development on Satinwood.

A later review would also give an opportunity to take a much needed look at the growth of traffic over a wider area in northern Corvallis. Every one of these proposals is going to have an impact

on the city's most congested intersection—9th and Circle. What will be the impact on Walnut and Highland? Will traffic from Witham Oaks and the extension of Circle add to problems. We really need to look at a wider area than that covered by the traffic study.

Louise Marquering
1640 Woodland Drive
Corvallis OR 97330



February 7, 2007

To: Corvallis Planning Commission

Re: GSH Development and Expansion

My concern has to do with the traffic impact at the intersection of Ninth Street and Conifer Blvd. I have felt unsafe at that intersection for the last decade.

For me, going north on Ninth to the doctor is more convenient than going over Satinwood. However, after stopping at the Conifer intersection and waiting to go north, there are very few breaks in the oncoming traffic. There is traffic crossing Highway 99W from Conifer and turning left to go south onto Ninth Street. As soon as that traffic stops coming there is southbound traffic that has turned right off of 99W and left onto Ninth. Then there can also be northbound traffic that has turned left off 99W and turns north onto Ninth. They all have the right of way with a yellow blinking caution signal for the traffic turning on to Ninth, but that does not give traffic moving north an opportunity to cross Conifer. It really is a matter of guessing whether or not traffic will suddenly appear. I do not feel safe at that intersection.

I wonder why the city and state are keeping the grass separation strip between 99W and ninth Street. In Albany there use to be massive traffic jams at the intersections crossing Highways 99W (Pacific Blvd.) and 20 (Santiam). Several years ago the entire intersection was reconfigured. Is that a possibility at this intersection?

How will the issue of northbound traffic at Ninth and Conifer be addressed?

Sincerely,



Louise Marquering

**PROSPERITY THAT FITS COMMITTEE
MEETING NOTES**

March 6, 2007

The Prosperity That Fits Committee meeting was called to order at 5:30 pm on March 6, 2007, in the Madison Avenue Meeting Room, 500 SW Madison, Corvallis, Oregon, with Mayor Tomlinson presiding.

Present:

1. Mayor Charlie Tomlinson – City of Corvallis
2. Bob Baird – CIBA
3. Ann Malosh – LBCC
4. Curtis Wright – Citizen at Large
5. Bob Devine – Citizen at Large
6. Jon Nelson – City of Corvallis
7. Rich Carone – Corvallis Benton Chamber Coalition
8. Bruce Hecht – Oregon Natural Step Network & NHS
9. Barbara Ross – NHS & CIBA
10. Lynn Roylance – Corvallis Benton Chamber Coalition
11. Annabelle Jaramillo – Benton County

Public:

Dan Brown, city councilor ward 4
Lisa Brown

1. **Call to Order / Welcome:** Mayor Charlie Tomlinson called the meeting to order at 5:30 pm.
2. **Self-Introductions:** Introductions were made.
3. **Public Comment:** None
4. **Background Information:** Mayor Tomlinson gave background information on the Economic Vitality Partnership (EVP) and the creation of the Prosperity That Fits Committee (PTF).
5. **Operating Principles:** Mayor Tomlinson went over the meeting operating principles.
6. **Ground Rules:** Mayor Tomlinson went over the ground rules for the management of the PTF Committee meetings.
7. **Committee Support:** Mayor Tomlinson discussed the committee support. Summary minutes for this meeting will be taken by Corvallis Benton Chamber

Coalition staff. The minutes will be prepared and distributed by Mayor Tomlinson and public notice will be given for meetings.

8. **Public Participation:** Mayor Tomlinson outlined the public participation process.
9. **Background Materials for This Meeting:** The group reviewed the Prosperity That Fits Report and Action Plan (October 2006) and the Downtown and Economic Vitality Plan and City Matrix documents that were emailed to the group prior to the meeting. Mayor Tomlinson discussed the DCA/EVP Implementation Committee, created by the City of Corvallis to identify resources for the implementation of the City's tasks within the DCA and EVP plans.
10. **FY 2007 Work Plan:** The group discussed the PTF Action Items and which items the community should focus on in the first year of implementation. Mayor Tomlinson asked the group to discuss what the process for the first year should look like and what action items partners should work on.

It was brought to the attention of the group that many of the organizations identified in the PTF report are having funding issues and don't have the resources to implement all of the action items they are assigned to, so the group was asked to make a recommendation to the partners on which actions they should focus their time and resources on.

After a thorough discussion the group came up with a list of seven action items that they would review and report back to the group on at the next meeting. Each action item was assigned a champion to lead the review process. The list is as follows:

Action Item(s)	Champion
1.2	Jon Nelson
12.2	Bruce Hecht
12.1	Annabelle Jaramillo
9.2, 9.3, 4.1	LBCC - Ann Malosh
14.1	Jon Nelson
4.2	CIBA
3.1	BEC - Larry Plotkin

11. **Oversight Process and Year One Priorities:** Mayor Tomlinson proposed a change in the order of the Year One Priorities recommended by the EVP Strategic Planning facilitator, Jason Robertson. Mayor Tomlinson's recommendations are as follows:

1. Determine managing entity and staffing arrangements; Hire consultant (optional)
2. Identify committee members

3. Complete identification of lead partners for all actions
 4. Confirm implementation timeline, identifying when each action will get underway
 5. Get actions inserted into organizational budgeting processes
 6. Complete a work plan
 7. Host a lead partner dinner event to confirm commitment and clarify roles
 8. Develop and distribute lead partner survey
 9. Analyze survey results; troubleshoot as necessary
 10. Make adjustments to plan as necessary
 11. Develop annual report and Town Hall structure
 12. Communicate results
-

12. **Subcommittee Creation and Assignments:** The group reviewed the recommended subcommittees and assignments proposed on the agenda. There was a recommendation to combine some of the committees to consolidate time and energy. Curtis Wright volunteered to Chair the Community Outreach Committee.
13. **DCA/EVP Implementation Committee Liaison:** Mayor Tomlinson recommended Barbara Ross and Pat Lampton to be the liaisons between the DCA/EVP Implementation Committee and the PFT Committee.
14. **Next Meeting Date, Time, Place and Agenda Items:** The next meeting will be March 26, 2007 at 5:30pm.
15. **Public Comment:** None
16. **Adjourn:** The meeting was adjourned at 7:32pm.

Watershed Management Advisory Commission
MINUTES
February 21, 2007

Present

Hal Brauner, City Council
Michael Campana
Jennie Cramer
Jerry Davis
Matt Fehrenbacher
Robert Griffiths, Vice Chair
Frank Morris
Nicole Strong

Staff

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

Visitors

John Berry
Frank Davis
Jim Fairchild
Ken McCall, Siuslaw National Forest

Absent**SUMMARY OF DISCUSSION**

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Introductions	X		
II. Approve December 12, 2006 Minutes			Approved
III. Discuss FY 07-08 Watershed Activities	X		
IV. Select Meeting Date and Time			Meetings will be held third Wed. of each month at 5:30pm
V. Elect Chair and Vice-Chair			Nicole Strong elected as Chair and Bob Griffiths as Vice-Chair
VI. Commission Reports/Requests	X		
VII. Public Comment Period	X		

CONTENT OF DISCUSSION**I. Introductions**

Introductions of Commissioners, staff and visitors were made.

II. Approve December 12, 2006 Minutes

Commissioners Strong and Morris, respectively, moved and seconded that the Commission approve the December 12, 2006 minutes. The motion passed unanimously.

III. Discuss FY 07-08 Watershed Activities

Mr. Rogers said this meeting will be largely an informational meeting. He will discuss the Commission's focus for the next 18 months and ask for input and suggestions on additional issues which may need attention. First, he gave an overview of the Commission's work to the new Commissioners.

Several years ago, City Council adopted a Council goal of development of a Watershed Stewardship Plan. Sitting Councils typically like to see goals met before the end of their terms and in this case, that meant finalizing the Plan before the end of the 2006 calendar year. Phase one of the process devised a vision statement and guiding principles which took nearly all of 2005. In phase two of the process, a consultant was hired to help the Commission develop policies which would further detail guidance for the Plan. The previous Watershed Advisory Commission worked under the premise of developing a timber management plan. The current Commission was charged with developing a Stewardship Plan.

During phase two, the Commission work diligently to flesh out a number of policy statements which were eventually adopted by Council in December, 2006. Council acknowledged that the adopted plan did not contain the necessary detail to effectively address the public's questions about operational plans and implementation. It was determined by Council that implementation of some action items would require additional work before the Council and the Commission were comfortable going forward. Proposed action items will be reviewed by the Commission over the next six months to determine whether they can be implemented during the City's next fiscal year (July 1, 2007-June 30, 2008).

The proposal contains a revenue projection and expenditure estimates for project implementation. Mr. Rogers said he expects the previous consultant, Trout Mountain Forestry, to be retained for the next phase due its knowledge of the process.

Mr. Rogers reviewed various aspects of the document titled *Watershed Stewardship Plan 18 month implementation plan* (attached):

- **Operational Plan for 2007-08**

Staff and the Commission will develop a work plan over the next five months.

- **Development of a Vegetation Control Plan**

This plan, especially as it pertains to invasive vegetation, is necessary before any work commences. Currently, policies exist which speak to guidance for a plan, but there are no details.

- **Rare Plant Restoration Plan**

As with the Vegetation Control Plan, this plan needs to be in place before any work

commences.

- **Murrelet Monitoring Protocol**

It is critical to get started on this item early if the Commission deems monitoring a necessary step. It takes two years to do a full monitoring protocol and the presence or absence of murrelets will affect future thinning opportunities. Monitoring is an item covered within the Operational Plan.

Mr. Rogers was asked if specific areas were pinpointed within the Vegetation Control Plan because the budget allocation would not be enough to cover the entire watershed. Mr. Rogers said the consultants, not present at this meeting, put together the budget and could more accurately speak to this issue at a future meeting.

Staff informed the Commission that the City has entered into preliminary discussions with the Marys River Watershed Council regarding its application for a grant from the Oregon Watershed Enhancement Board (OWEB) for removal and rehabilitation of fish passage barriers. Grant applications are being accepted by OWEB in April and October. More discussions will follow as details are developed.

Discussion moved to the proposed FY 07-08 projects.

- **Thinning Harvest**

Currently, the target area is in the northeast corner of the watershed property. Trout Mountain representatives will attend a future meeting to detail what is envisioned for this issue. A tour will be given for interested Commissioners. It is expected that this issue will be discussed during at least two Commission meetings.

- **Removal of Fish Passage Blockages**

This contains three projects which are listed within the plan. Abutting land owners and the U.S. Forest Service (USFS) will be consulted about any plan which is developed. Mr. McCall offered his help in being a liaison with the USFS.

- **Begin Murrelet Monitoring**

Up-to-date information is not currently available for murrelet locations within the watershed. The data would be used to test against future harvest activities. The murrelet is listed as a threatened species. Murrelet monitoring needs to show no murrelets in a stand before harvesting can commence.

- **Invasive Vegetation Control**

This is an issue that will be further developed after the Vegetation Control Plan is completed, but some initial invasive control will be done in advance.

- **Precommercial Thinning**

This would be done for habitat enhancement.

- **Monitoring Plan**

One of the major items in the plan is to have a monitoring plan. The monitoring plan will examine impact of the plan's activities, causes for change in the plan and feedback on completed work. It is uncertain how the details and information will be recycled into substantive actions and oversight.

- **2008-2009 Harvest**

A monitoring plan and planning for a 08-09 harvest are two issues which will be continually discussed throughout the year. Not listed are operational plans for the following year.

It was agreed to reword "08-09 Harvest" to "08-09 Operation Planning" because Harvest will be included in Operation Planning.

Commissioner Griffiths stressed that the Management Recommendations section in the Stewardship Plan is particularly critical to Commission deliberations. He urged the Commission to familiarize itself with that section in particular before the March Commission meeting.

Mr. Rogers was asked what role City Council will play in oversight and recommendations of the plan. Mr. Rogers responded that Council will be, and in his opinion should be, more actively involved this year than any future year since this is the first year of plan implementation.

IV. Select Meeting Date and Time

It was decided to hold Commission meetings on the third Wednesday of each month at 5:30 p.m.

V. Elect Chair and Vice-Chair

Previous Chair David Hamby was elected to City Council and is no longer a Commissioner. Bob Griffiths is currently serving as Vice-Chair.

Commissioners Campana and Davis, respectively, moved and seconded that the Commission approve the nomination of Nicole Strong as Chair and Bob Griffiths as Vice-Chair. The motion passed unanimously.

VI. Commission Reports/Requests

Mr. Rogers distributed copies of the watershed video made by the consultants. There will be a tour given by staff to interested parties.

VII. Public Comment Period

- Mr. Davis said a stewardship group for the Marys Peak area, including City of Corvallis lands, has been formed. The group will make recommendations to the U.S. Forest Service (USFS) for consideration in USFS environmental documents for USFS property. The stewardship concept will allow harvest receipts to be retained on the Siuslaw Forest. Retained receipts can be spent on non-USFS lands as long as the project will positively impact USFS lands.
- Mr. Fairchild, a former Commissioner, read a letter he composed for the Commission (attached).

NEXT MEETING: March 21, 2007, 5:30 p.m., Madison Avenue Meeting Room

Watershed Stewardship Plan
 18 month implementation plan
 February 07

Proposed FY 06-07 Projects Budget

1.	Develop Operation Plan for FY 07-08	\$ 3,900
2.	Develop Vegetation Control Plan	\$ 2,600
3.	Develop rare plant restoration plan	\$ 1,950
4.	Design murrelet monitoring protocol	\$ 1,300

Proposed FY 07-08 Projects

✓1.	Remove fish passage blockages - Design, permit, grant application only	\$20,000
	Retrofit south fork rock creek fish ladder	
	Griffith creek fish ladder	
	Middle fork culvert replacement	
2.	Begin Murrelet monitoring	\$15,000
3.	Invasives control, phase I - layout, 1 st and 2 nd treatment	\$33,000
4.	Wildlife habitat enhancement (pre-commercial thinning)	\$12,000
5.	Develop monitoring plan and begin data collection	\$10,000
6.	Thinning harvest 25 acres - includes sales layout, WAC tour, permits and logging	
	Net revenue - (\$143,000)	
7	FY 08-09 harvest planning	\$10,000
	FY 07-08 Balance	\$43,000

Public Testimony to the Corvallis Watershed Advisory Commission at its February 21, 2007 meeting

Thank you for the opportunity to comment this evening, and for your earlier introductions. As a former Commissioner, I look forward to seeing a more diverse membership on this Commission, and hope that it includes representation of local or regional environmental organizations, cultural interests especially of the native American community, and neighbors to the city watershed property.

I would especially like the new Watershed Advisory Commission to ensure that their meetings and activities abide by the now adopted Good Neighbor Policy. I will ask again, as I did as a Commissioner, that ALL adjacent landowners be invited into the planning process, be now notified of what has occurred since this Stewardship Planning process began, and be asked what concerns or comments they might have, as implementation of the adopted plan moves forward. I will remind you all that nearly all of the city property neighbors live well outside Corvallis, do not see the city newsletter, nor have ready access or need to subscribe to your local newspaper. In short Commission needs to work in the larger context of a different neighborhood. As a first of many corrections to the plan I will submit, this on page ____, there are at least nine adjacent landowners who have never been directly contacted by the City concerning the stewardship planning process. As a long-time rural resident, I've learned just letting your neighbors know what you're planning is the best way to avoid big problems down the road--its just part of being a good neighbor.

As now Mayor Tomlinson stated in supporting adoption of this plan, you need to look beyond property boundaries at the ecological landscape and at the larger watershed context, and work to address both the needs and opportunities in that bigger picture. Many of you might not be aware that Rock Creek contains not only the largest publicly-owned drainage of the Marys River basin, but also the highest suitable habitat for cutthroat trout, the dominant native salmonid fish of the Marys River.

Marys River Watershed Council, a grassroots organization that works to improve social, economic, and ecological conditions in our watershed and community, has completed a number of fish passage projects on Woods Creek, Norton Creek, Blakesley Creek, and Newton Creek with a whole host of partners. As a long time member of MRWC, I look forward to Corvallis joining with Benton County, USFS, the Marys Peak Stewardship Partnership Group, BSWCD and others as MRWC applies for an estimated \$500,000 grant for fish passage projects throughout all of the Rock Creek basin. This level of support is far beyond what staff and consultants expected, and I hope you all will assist Corvallis in this effort to improve conditions in this unique and important property.

Respectfully submitted,
Jim Fairchild

MEMORANDUM

To: City Council Members
From: Charles C. Tomlinson, Mayor *CCT*
Date: March 27, 2007
Subject: Appointments to Boards, Commissions, and Committees

I am appointing the following persons to the indicated advisory boards and commissions for the terms of office shown:

Airport Commission

Chris Bell
101 Covell Hall
Oregon State University
Corvallis, OR 97331
Telephone: 737-1598 (office)
Term Expires: June 30, 2009

Chris is Associate Dean of the College of Engineering and a Business Enterprise Center Board member.

Committee for Citizen Involvement

Debbie Baker
145 NW 16th Street, Apt. 301
Corvallis, OR 97330
Telephone: 752-0526
Term Expires: June 30, 2007

Debbie has lived in Corvallis since 1960 and served on the City Council for four years during the mid-1990s. The first Council Debbie served on hired City Manager Jon Nelson.

City Council

Re: Appointments to Boards, Commissions, and Committees

March 26, 2007

Page 2

Beth Peutz
Prudential Real Estate
2779 NW Ninth Street
Corvallis, OR 97330
Telephone: 231-7529 (cellular)
Term Expires: June 30, 2008

Beth works in the real estate industry and will bring a business perspective to the Committee.

Anna Lopez
Boys and Girls Club of Corvallis
1112 NW Circle Boulevard
Corvallis, OR 97330
Telephone: 757-1909 (office)
Term Expires: June 30, 2009

Anna is the Hispanic/Latino Outreach Coordinator for the Boys and Girls Club of Corvallis.

Public Art Selection Commission

Ross Parkerson
1352 NW Lincoln Avenue
Corvallis, OR 97330
Telephone: 754-1870
Term Expires: June 30, 2009

Ross will fill the Professional Artist position. He specializes in drawings of historic homes, calendars, walking tour guides and note cards.

Christine Stillger
249 NW 31st Street
Corvallis, OR 97330
Telephone: 753-5108
Term Expires: June 30, 2009

Christine is interested in the beautification of our community through artistic expression.

City Council

Re: Appointments to Boards, Commissions, and Committees

March 26, 2007

Page 3

Core Services Committee

Cary Stephens

123 NW Seventh Street

Corvallis, OR 97330

Telephone: 757-0575 (office)

Cary is chair of the Downtown Corvallis Association (DCA) and will fill the DCA position on the Committee.

I will ask for confirmation of these appointments at our next Council meeting, April 16, 2007.

1031



MEMORANDUM

DATE: March 28, 2007

TO: Mayor and City Council

FROM: Ken Gibb, Community Development Director *KJG*

SUBJECT: Schedule Special Public Hearing to consider a potential appeal of a Willamette River Greenway Conditional Development (Cornerstone Associates; WRG06-00001)

Staff requests that the City Council tentatively schedule a public hearing on April 16, 2007, to consider a potential appeal of the Planning Commission's March 21, 2007, decision to approve the case noted above. The applicant requested approval of a Willamette River Greenway Conditional Development that would allow construction of a 3,000 square foot building within the General Industrial Zone.

Please note that this request is made prior to the expiration of the appeal period of the Planning Commission's decision, and therefore, the need for the City Council to hear the appeal may not occur.



MEMORANDUM

DATE: March 28, 2007

TO: Mayor and City Council

FROM: Ken Gibb, Community Development Director *KJG*

SUBJECT: Schedule Special Public Hearing to consider a potential appeal of a Conditional Development (Southside Community Church; CDP06-0007)

Staff requests that the City Council tentatively schedule a public hearing on April 16, 2007, to consider a potential appeal of the Planning Commission's March 21, 2007, decision to approve the case noted above. The applicant requested approval of a Conditional Development that would allow construction of an approximately 3,100 square foot addition to an existing church, and the re-initiation of a daycare within the RS-5 Low Density Residential Zone.

Please note that this request is made prior to the expiration of the appeal period of the Planning Commission's decision, and therefore, the need for the City Council to hear the appeal may not occur.

MEMORANDUM

TO: Mayor and City Council

FROM: Steve Rogers, Public Works Director 

DATE: March 20, 2007

SUBJECT: Intergovernmental Agreement Between the City of Corvallis and Linn-Benton Community College

ISSUE

The Linn-Benton Community College Driver Education Program has approached the City Public Works Department requesting approval to park their instruction vehicle in the Public Works yard at 1245 NE 3rd Street when it is not being used for instruction purposes.

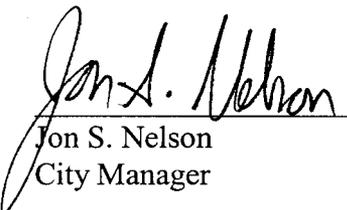
DISCUSSION

The vehicle is a publically owned and E plate registered. An assigned location would be selected for storage to insure ease of pick up and drop off for instructors. The proposed agreement which would hold the City harmless for any damage that might occur while the vehicle is in storage has been reviewed by the City Attorney's Office.

RECOMMENDATION

Staff recommends the City Council approve the intergovernmental agreement between Linn-Benton Community College and the City of Corvallis and authorize the City Manager to sign the agreement.

Review and Concur:

 3-20-07
Jon S. Nelson Date
City Manager

Attachments: IGA between City of Corvallis and Linn-Benton Community College

AGREEMENT BETWEEN

LINN-BENTON COMMUNITY COLLEGE
and the
CITY OF CORVALLIS

Whereas, Linn-Benton Community College has a Driver's Education Program and needs a space to park the driver's education training vehicle when not in use, and

Whereas, the City of Corvallis, agrees to allow Linn-Benton Community College to park one driver's education vehicle, at no charge to the college, in the City's parking lot located at 1245 NE Third Street, Corvallis, Oregon.

Linn-Benton Community College hereby agrees that the City of Corvallis will not be responsible for any damage that may occur while the vehicle is parked on their property. Linn-Benton Community College agrees to carry full auto liability and comprehensive insurance coverage at all times and accepts all liability for the vehicle when it is parked on City property. Proof of current insurance will be provided upon request and sent to the person identified below each July when the college renews its annual insurance policy. Linn-Benton Community College further agrees to maintain the security of the City facility through strict control of the gate access code to only authorized employees.

This agreement will renew annually and either party may terminate this agreement by providing written notice to the other party with 30 days notice. All modifications to this agreement will be made in writing and will be sent to:

For Linn-Benton Community College:
Attention: Sharon King
Contract and Risk Manager
6500 SW Pacific Blvd
Albany, OR 97321
541-917-4403
541-917-4230 fax
Sharon.king@linnbenton.edu

For the City of Corvallis:
Attention: Joe Whinnery
Program Specialist
PO Box 1083
Corvallis, OR 97339-1083
541-766-6916
541-766-6920 fax
joe.whinnery@ci.corvallis.or.us

Dated this _____ day of _____, 2007.

For Linn-Benton Community College

For the City of Corvallis

Mike Holland, Vice President

Jon S. Nelson, City Manager

Approved as to form:

City Attorney

MEMORANDUM

TO: Mayor and City Council
FROM: Ken Gibb, Community Development Director 
DATE: April 2, 2007
RE: CURRENT PLANNING COMMISSION VACANCY

I. ISSUE:

There is a vacancy on the Planning Commission to fill an unexpired term ending June 30, 2008. In addition, three positions will expire on June 30, 2007.

II. DISCUSSION:

Vacant and expiring Planning Commission positions are filled by the City Council through a recruitment and selection process in which the positions are advertised, and interested citizens are invited to apply. The selection process involves completing an application and being interviewed by the City Council (with pre-selected questions). When all candidates are interviewed, the Council makes the selections.

Once new Commissioners are selected, staff provides basic orientation and an overview of the planning process. Staff also provides copies of necessary planning related documents including the Statewide Planning Goals and Legislation, Comprehensive Plan, Land Development Code, and the Vision 2020 Statement. As needed, additional training is also available for the Planning Commission members.

III. PROPOSED SCHEDULE:

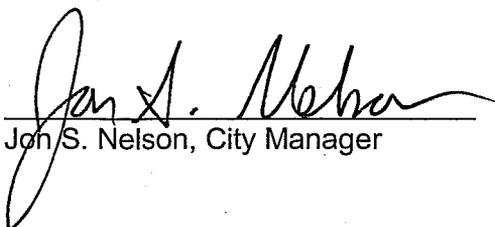
The recruitment schedule is tentatively proposed as follows:

Advertisement	Wednesday, April 4, 2007, and Sunday, April 8, 2007
Receive applications	Through 5 p.m. on Friday, April 20, 2007
Schedule interviews	Week of April 23- 27, 2007
Council interviews	Tuesday, May 1, and Wednesday, May 2, @ 5:30 p.m.
Appointments	Monday, May 7, 2007

IV. ACTION REQUESTED:

City Council is asked to accept the schedule for the Planning Commission appointments and advise as to recommended changes to the application packet that is attached.

Review and Concur:


Jon S. Nelson, City Manager



THE CITY OF CORVALLIS
INVITES APPLICATIONS
FOR PLANNING COMMISSION VACANCY
(Position 6 Term from July 1, 2007 - June 30, 2008
Positions 2, 7, and 8 Term from July 1, 2007 - June 30, 2010)

The Corvallis City Council invites interested persons to apply for a position on the Corvallis Planning Commission. The City Council will interview applicants and make selections at a time and place to be announced.

- The Planning Commission advises the City Council on land use planning policy and reviews various development proposals for compliance with the Comprehensive Plan and applicable land use regulations.
- The Commission consists of nine members appointed by the City Council. The partial-term position will extend from July 1, 2007, through June 30, 2008. The additional three terms will be for three years beginning on July 1, 2007. Members of the Planning Commission receive no compensation and attend an average of two regular Planning Commission evening meetings each month and an average of an additional special meeting or two (liaison to other commissions, task forces for long range planning projects, etc.) each month, as needed. The majority of the additional special meetings are during the evening, but some are during the day. Review of materials for meetings averages 1-2 hours per meeting, although in some complex cases can be up to 3 hours.

An application packet may be obtained from the Community Development Department, Planning Division, 501 SW Madison Avenue, or by calling the Community Development Department, Planning Division, at (541)766-6908. An application is also available on the City's web site at: www.ci.corvallis.or.us (select "What's New"). Completed forms must be returned to this office by 5:00 p.m. Friday, April 20, 2007.

Kathy Louie
Assistant to City Manager/City Recorder

Please publish as Display Ad: Wednesday, April 4, 2007, and Sunday, April 8, 2007



Community Development
Planning Division
P. O. Box 1083
Corvallis, OR 97339
(541) 766-6908 Fax 754-1792

2007

Planning Commission

Application

Packet

Deadline: Return by 5:00 p.m., Friday, April 20, 2007

CITY ORDINANCE

1) Hereby is created a City Planning Commission for the City of Corvallis, Oregon. The Planning Commission is created pursuant to ORS 227.020.

2) The City Planning Commission shall consist of nine members to be appointed by Council. No more than two voting members of the Commission may be engaged principally in the buying, selling, or developing of real estate for profit as individuals or be members of any partnership or officers or employees of any corporation that engages principally in the buying, selling, or developing of real estate for profit. In the interest of ensuring a balanced, community-wide perspective on the Planning Commission, no more than two members shall be engaged in the same kind of occupation, business, trade or profession.

3) 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 occupations 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 Planning 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 Planning Commission.

4) Five members of the City Planning Commission shall constitute a quorum. If a quorum cannot be obtained because five or more members have a conflict of interest, the quorum requirement shall be reduced to three for that issue only.

5) A member of the Planning Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or his or her spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which she or he is then serving or has served within the previous two years, or any business with which she or he is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken. Examples of conflict of interest include:

- a) The member owns property within the area entitled to receive notice of the public hearing;
- b) The member has a direct private interest in the proposal; and
- c) For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.

6) The Commission shall have the authority which is now or may hereafter be assigned to it by Charter, ordinances, or resolutions of the City and ORS 227.090, and other State laws.

The Planning Commission shall function primarily as a comprehensive planning body proposing policy and legislation to Council related to the coordination of the growth and development of the community. The functions of the Planning Commission shall include, but not be limited to, the following:

- a) Review the Comprehensive Plan and make recommendations to Council concerning Plan amendments which it has determined are necessary based on further study or changed concepts, circumstances, or conditions.

- b) Formulate and recommend legislation to implement the Comprehensive Plan.

- c) Review and recommend detailed plans including functional plans which relate to public facilities and services, and subarea plans which relate to specific areas of the community to implement the Comprehensive Plan.

- d) Assist in the formulation of the Capital Investment Plan (Capital Improvement Program) and submit periodic reports and recommendations relating to the integration and conformance of the plan with the Comprehensive Plan.

- e) Review and make recommendations concerning any proposed annexation.

- f) Conduct hearings, prepare findings of fact, and take such actions concerning specific land development proposals as required by the Land Development Code.

- g) Advance cooperative and harmonious relationships with other planning commissions, public and semi-public agencies and officials, and civic and private organizations to encourage the coordination of public and private planning and development activities affecting the City and its environs.

Except as otherwise provided by ordinance, all members of a board or commission shall meet one of the following qualifications at their appointment and shall retain such status during their term of office: At least two-thirds of any board or commission shall be composed of persons who reside in the territorial limits of the City. The appointing authority may also appoint persons who are employed or self-employed full time in the City or who reside in the Urban Growth Boundary. (Ord. 81-99 § 9, 1981)



2007 Planning Commission Application

Interview dates: Tuesday, May 1, and Wednesday, May 2, @ 5:30 p.m.

Please answer the three questions that are attached on a separate page.

Please return to the Planning Division by 5 p.m. Friday, April 20, 2007.

Name: _____ Date: _____

Address (home) _____ Phone (h) _____

Address (work) _____ Phone (w) _____

E-mail (work) _____ E-mail (home) _____

Occupation/Profession: _____

Please list each source of income that is 10% or more of your total household income: _____

Please identify your community/civic activities including business or professional organizations:

Please list all financial interests in real property located in Benton County:

Please indicate your interests, qualifications and/or philosophical attitudes toward the responsibilities of a Planning Commissioner: _____

Please indicate any familiarity you might have with land use planning, Corvallis land use regulations, and/or the Oregon Statewide Planning Program. _____

Certification: I certify the foregoing information to be true and exact to the best of my knowledge.

Candidate's Signature

Date

This application provides general biographical information to assist the City Council in making their appointments to the Planning Commission. If you wish to elaborate on any of the above items, please attach additional pages.

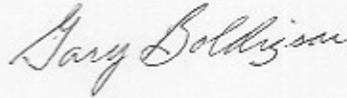
CORVALLIS POLICE DEPARTMENT

MEMORANDUM

March 27, 2007

TO: Mayor and City Council

FROM: Gary Boldizar, Chief of Police



SUBJECT: Corvallis Community Police Review Board - Final Council Approval

ISSUE:

At the February 20, 2007, City Council Meeting, Council directed staff to take the draft of the Corvallis Community Police Review Board Bylaws and Rules of Procedure back to the CPOA for discussion about the document and for the development of a Letter of Agreement between the City of Corvallis and the CPOA. Final Council approval to adopt the bylaws and rules of procedure is required.

BACKGROUND:

The staff report dated February 14, 2007, which is included in this report as Attachment A, reviewed all of the work done on this effort to date. This report was discussed at the February 20, 2007 City Council meeting and staff was directed to take this document back to the CPOA for further discussion and to then draft a Letter of Agreement which was accomplished and is included in this report as Attachment B. While this letter is still in the process of being signed by all listed parties to the agreement, staff believes there are no remaining issues and that the City should move forward in the development of the Corvallis Community Police Review Board.

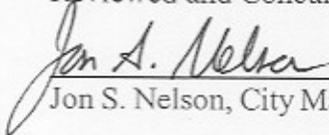
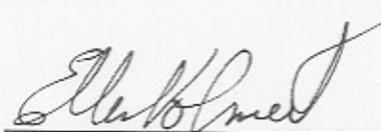
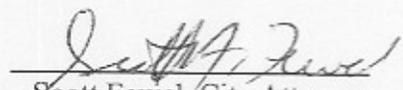
DISCUSSION:

Should Council adopt the Bylaws and Rules of Procedure, which are included in this report as Attachment C, the next step in this process would be for the City Council to direct staff to bring forward a draft ordinance change to establish the Review Board under CMO 1.16 - Boards and Commissions.

RECOMMENDATION:

Staff recommends Council approve the adoption of bylaws and rules of procedure for the Corvallis Community Police Review Board and to direct staff to draft an ordinance change to CMO 1.16 Boards and Commissions to include the Community Police Review Board.

Reviewed and Concur:


Jon S. Nelson, City Manager
Ellen Volmert, Assist. City Mgr.
Scott Fewel, City Attorney

CORVALLIS POLICE DEPARTMENT

MEMORANDUM

February 14, 2007

TO: Mayor and City Council
FROM: Gary Boldizar, Chief of Police *Gary Boldizar*
SUBJECT: Corvallis Community Police Review Board / Bylaws and Rules of Procedure

ISSUE:

When the Human Services Committee (HSC) met on October 3, 2006, the draft bylaws were reviewed and instructions were received to move forward with the final steps in the project to establish a Community Police Review Board in Corvallis. This report updates the progress made.

BACKGROUND:

In fiscal year 2005-06, the Corvallis City Council adopted a council goal to create a Citizen Review Board for the Corvallis Police Department. Prior to making a final decision to establish such a Board, HSC decided that it was important to re-engage the community to determine if a Citizen Review Board continued to be necessary and if so, how that Board would be developed and operated. HSC suggested that a Stakeholders group be established to best determine how this outreach could best occur.

A stakeholders group comprised of the following persons was established: Mercedes Benton (OSU Coordinator of Multi-cultural Resource Centers), Juan Guzman (Community Alliance for Diversity), Prudence Miles (OSU Office of Affirmative Action), Sam Peter (Hewlett Packard People of Color Network), Stewart Wershow (Chair - Community Policing Forum), George Grosch (Corvallis City Council), and Gary Boldizar (Corvallis Police Chief). This group met in November of 2005 and established an outreach effort consisting of four facilitated meetings which occurred in April and May of 2006. The details of this outreach effort are discussed in the May 9, 2006 Staff Report to the HSC which is included as Attachment A.

On June 12, 2006, a Council Work Session was convened to discuss the overarching issues which included issues of Authority, Membership, Confidentiality/Transparency Balance, and Revision of the Existing Benton County Process to Encompass the City Work. Part of this discussion included a recommendation to look into the City of Salem's model for their Police Review Board. The minutes of that work session are included in this report as Attachment B.

ATTACHMENT A

On September 6, 2006, HSC met again on this issue. Staff had prepared a draft document which mirrored the Salem Model with Corvallis' language added. Staff recommended that this model continue to be developed to more reflect the needs of Corvallis. A copy of the August 17, 2006, Staff Report and the HSC Minutes of September 6, 2006, are included as Attachments C and D respectively.

On October 3, 2006, HSC met to review the requested changes to the draft document and made some additional recommendations. The minutes of the October 3, 2006 HSC meeting are included as Attachment E.

DISCUSSION:

The recommendations made by HSC were added to the draft document and staff then determined it was time to take this document to the Corvallis Police Officers' Association (CPOA) for comment. Police staff, Assistant City Manager Ellen Volmert, and City Attorney Scott Fewel met with the CPOA Board on December 13, 2006. Also present was their teamster representative and their attorney. The CPOA had two issues with the draft where they felt the process was in violation of their existing labor agreement with the City of Corvallis.

The first issue was contained in Section 18 (a) which states in part, "Complaints alleging discrimination or racial profiling will be investigated by a team working out of the City Manager's Office consisting of the City Attorney, a City Human Resources representative, a City police management representative, and a CAD representative. All other complaint investigations will be conducted by an investigator from the Police Department as assigned by the Police Chief."

The CPOA and their attorney believed that this was in violation of their labor agreement and was a bifurcated investigative process.

The Police Department had actually moved to this bifurcated process prior to the discussion about a Citizen Review Board and the CPOA had issues with the process, suggesting that it violated their contract with the City.

The second issue was contained in Section 20, the Hearing Process. The CPOA objected to the requirement that the involved police officer be subjected to another investigative process, this time by the Board. The CPOA opined that this was also a violation of their labor agreement with the City. Staff advised the CPOA Board that their issues would have to be discussed by management further prior to responding.

Staff met and discussed these remaining issues. The issue regarding the bifurcated investigation process included a discussion if whether or not the complaint investigative process satisfactorily provided for the open and transparent complaint review process. It was believed that since this process was in place prior to the development of the Citizen Review Board concept and the community outreach process, it was clear that it was not considered to be a satisfactory process in itself to create this transparency and that the Citizen Review Board would be the true mechanism to assure this. It was believed that the investigation, regardless of who conducted it, would be highly scrutinized by the Citizen Review Board and this would provide that transparency in the process.

Pertaining to the issue of whether or not the officer who was the subject of the complaint was needed to be present during the Board's hearing process it was discussed that a police manager could easily provide testimony about the investigation and why the investigator came to their conclusion. It was believed that the Board could conduct a fair hearing without the subject officer's presence. However, it did provide the opportunity for the officer to be present if they wanted to be. It also provided for the officer to have their CPOA Union representative and/or attorney present with them.

Staff communicated with the CPOA again on the revised draft and asked if they had any further comment. The CPOA had two additional comments, one on Section 24 (d) "From time to time, at the sole discretion of the Police Chief, complaints or other matters may be referred to the Board, the City Council, or any other person or entity." The CPOA did not understand why this was necessary. Staff reviewed this section and determined that with the existence of the Community Policing Forum, where matters of policy, etc. are discussed with lay members of the community, with minutes going to the City Council, this section was not needed and it was eliminated. CPOA also wanted to add an additional section to the draft that added the following language:

Section 26: Preservation of Collective Bargaining Agreement.

(a) These Bylaws and Rules of Procedure are not intended to modify any terms in the existing collective bargaining agreement between the City of Corvallis Police Officers Association and the City of Corvallis. In the event these Bylaws and Rules of Procedure or any actions of the Board conflict with any term in the existing collective bargaining agreement, the terms of the collective bargaining agreement will control unless the parties agree otherwise.

These two changes were discussed with the City Attorney and Assistant City Manager who had no issues with the deletion and addition of language.

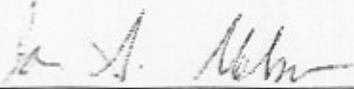
Staff believes that these changes to the draft City of Corvallis Community Police Review Board Bylaws and Rules of Procedure will not impact the ability of this Board to do its work .

Mayor and City Council
Corvallis Community Police Review Board / Bylaws and Rules of Procedure
February 14, 2007
Page 4 of 4

RECOMMENDATION:

Staff recommends the City Council direct staff to take this draft of the City of Corvallis Community Police Review Board Bylaws and Rules of Procedure back to the CPOA for discussion about the development of any needed Memorandums of Understanding as this procedure applies to the current City of Corvallis/Corvallis Police Officers' Association Labor Agreement. The new City of Corvallis Community Police Review Board Bylaws and Rules of Procedure draft is included as Attachment F.

Reviewed and Concur:



Jon S. Nelson, City Manager

LETTER OF AGREEMENT

between the City of Corvallis and the Corvallis Police Officers Association
relative to the creation of a Community Police Review Board

The parties to this Agreement are the City of Corvallis, an Oregon municipal corporation, hereinafter referred to as the City and the Corvallis Police Officers Association, hereinafter referred to as CPOA.

Relative to the City's creation of a Community Police Review Board, the parties hereby agree as follows:

1. Concurrent with the Community Police Review Board becoming operational, use of the City Manager's Office to respond to racial or other protected class status complaints against sworn employees of the Corvallis Police Department shall be discontinued. All complaints shall proceed through the process currently identified in the draft Community Police Review Board by-laws and rules of procedure and the policies, procedures, and general orders of the Corvallis Police Department. Information obtained in the complaint review process will be submitted to the Corvallis Police Department for further investigation. Community Police Review Board review of complaints will not take place prior to the completion of the Police Department's investigation.
2. Officers shall have the right to attend any hearing involving a complaint against them conducted by the Community Police Review Board, including the right to have their collective bargaining representative and/or attorney present with them. However, no officer shall be required by the City to attend any such hearing. Hearings will not be delayed in order to accommodate the presence of any specific representative if other suitable representation is available.
3. The by-laws and rules of procedure of the Community Police Review Board are not intended to modify any terms of the existing collective bargaining agreement between the City and CPOA and that in the event of a conflict, the terms of the collective bargaining agreement will control.
4. The Community Police Review Board's mission is the review of complaints against the Corvallis Police Department and specific sworn officers of the Department in order to provide the community an objective, unbiased, citizen-based, and accessible process for complaint review. The Board does not create policy, determine discipline or otherwise serve the function of the Police Chief or Community Policing Forum.

This Letter of Agreement represents the full and complete resolution to issues raised relative to the creation of the Community Police Review Board by the City. Agreed to this 28th day of March, 2007 and attested to by the following signatures:

Police Chief Gary Boldizar

CPOA President Mike Mann

City Attorney Scott Fewel

CPOA Officer Mike Wells

Assistant City Manager Ellen Volmert

CPOA Officer Dave Cox

ATTACHMENT B

CITY OF CORVALLIS COMMUNITY POLICE REVIEW BOARD BYLAWS AND RULES OF PROCEDURE

Section 1: Mission. The mission of the Community Police Review Board is to provide the Corvallis community with an objective, unbiased, citizen-based, accessible process for the review of complaints against the Police Department and Police Officers, and to provide the Corvallis community with information regarding the accountability of its Police Department in a way that builds trust and enhances communication between the Police and all members of the community. To this end, the Board advocates fairness, respect for all individuals, accountability of public employees, equal access to this forum, and open communication of concerns to all citizens of goodwill.

Section 2: Definitions. As used in these rules, unless a different meaning clearly appears from the context:

- (a) "Board" means the Community Police Review Board.
- (b) "Board Member" means a citizen appointed to serve on the Community Police Review Board,
- (c) "City Attorney" means the City Attorney of the City of Corvallis, or the City Attorney's designee.
- (d) "City Manager" means the City Manager of the City of Corvallis, or the City Manager's Designee.
- (e) "Complaint" means the filing of a complaint against a Police Officer which results in an investigation by the Police Department.
- (f) "Complainant" means the person filing the complaint or request for review.
- (g) "Complaint intake" means the process for receiving complaints against a Police Officer.
- (h) "Confidential Information" means any information that is privileged or otherwise exempt from disclosure under applicable law.
- (i) "Conflict of Interest" means an actual conflict of interest or potential conflict of interest, as defined by ORS 244.020.
- (j) "Hearing" means a process conducted by the Board at the request of the complainant when a review of the written record by the Board does not resolve the complaint.

ATTACHMENT C

(k) "Police Department" means the City of Corvallis Police Department.

(l) "Police Officer" means any sworn employee of the Police Department.

(m) "Regular Member" means a Board Member who has full participatory and voting privileges in all business coming before the Board.

(n) "Request for Review" means a request for a review on the record by the Board.

(o) "Review" means the review process conducted by the Board in reviewing an unresolved complaint filed by a Complainant.

(p) "Unresolved Complaint" means a complaint not resolved to the satisfaction of the Complainant within thirty (30) days of filing the complaint, plus an additional fifteen (15) days if necessary for the investigators or Police Department to complete its investigation.

Section 3: Membership.

(a) The Board shall be comprised of seven Regular Members. Board Members will be appointed by the Mayor and confirmed by the City Council pursuant to CMC 1.16.030.

(b) Persons being considered for appointment as a Board Member shall have no felony convictions within the previous ten (10) years prior to appointment. Conviction of a felony while a Board Member is grounds for immediate dismissal from the Board.

Section 4: Term of Appointment. Each Board Member's term of office is three years. Board Members may be appointed for two additional consecutive terms.

Section 5: Vacancies. Appointments to fill vacancies on the Board will be made pursuant to CMC 1.16.070.

Section 6: Confidentiality, Ethics and Compensation. Board members shall act ethically and not divulge any confidential information to others and shall comply with ORS 244.040. Board members shall receive no compensation for their services as a member of the Community Police Review Board.

Section 7: Training.

(a) Board Members are, at time of appointment, required to participate in an orientation. The orientation shall include the process for review of complaints, an overview of police department policies and procedures, and training in civil rights and ethics. Continued training will be provided as deemed necessary.

(b) Each newly appointed Board Member shall participate in one ride-along with a Corvallis Police Officer within 30 days after appointment.

(c) Board Members are also encouraged, but not required, to participate in the Citizen's Police Academy. The Police Chief may also suggest and arrange for instructive meetings and other training, as the Police Chief may deem appropriate.

Section 8: Officers.

(a) At the first meeting of each calendar year, all Board Members, shall select a Chair and a Vice-Chair by a majority vote. The Chair and Vice-Chair shall serve a one-year term. A Board Member may serve more than one term as Chair or Vice Chair.

(b) The Chair is the Presiding Officer of the Board and shall preside at all meetings of the Board. The Chair shall serve as liaison to the City Manager's office in matters such as agendas, minutes, reports, records of complaints, and other administrative matters.

(c) In the event of the Chair's absence from any Board meeting or hearing, for any reason, the Vice-Chair shall serve as the Presiding Officer. In event of the absence of the Chair and Vice-Chair, and if a quorum is present, those Board Members present shall elect a Temporary Presiding Officer for that meeting. Should the Chair or Vice-Chair arrive, the Temporary Presiding Officer shall relinquish all duties immediately upon the conclusion of the item of business then in consideration before the Board.

(d) The Presiding Officer may move, second, debate, and vote from the chair, subject only to such limitations of debate as are imposed on all members, and shall not be deprived of any of the rights and privileges of a Board Member by reason of acting as the Presiding Officer.

(e) The Presiding Officer shall conduct the meetings according these rules, including ensuring adherence to confidentiality.

Section 9: Assistance from City Staff and City Attorney.

(a) The City Manager may appoint City staff members to act as liaisons between the City Manager's Office, Police Department and the Board. The liaison may attend meetings of the Board, including executive sessions.

(b) The City Attorney shall serve as legal counsel for the Board, but will not generally attend meetings.

Section 10: Authority, Powers, and Duties. The Board is a public body for the purposes of ORS Chapter 192, and is subject to the statutory procedures related to public records and meetings. In accordance with CMC 1.16.020, the Board is advisory to the City Council in policy matters, and to

the City Manager in administrative matters. In the exercise of such advisory functions, the Board may:

- (a) Review unresolved complaints against sworn members of the Police Department;
- (b) Hold public meetings to conduct Requests for Review;
- (c) Take testimony;
- (d) Review and discuss confidential information in executive session;
- (e) Take minutes at Board meetings;
- (f) Make written findings regarding Requests for Review;
- (g) Review and make recommendations on Council, Administrative, and Police Department policies and procedures;
- (h) Review and analyze Complaint summaries and trends of the Police Department;
- (i) Refer issues to the Chief of Police;
- (j) Conduct public outreach to educate the public on the mission of the Board including direct outreach to the Community Policing Forum;
- (k) Request additional training on civil rights, legislation, community concerns, diversity and cultural issues.

Section 11: Ethics; Conflicts of Interest; Ex Parte Contacts; Bias.

- (a) Board Members are subject to, shall familiarize themselves with, and shall comply with, applicable local and state ethics and conflicts of interest rules, including the provisions of ORS Chapter 244.
- (b) Board Members may request City staff to provide advice on ethics and conflicts of interest including seeking rulings from the Oregon Government Standards and Practices Commission.
- (c) Board Members should avoid any appearance of impropriety in the conduct of the Board's affairs. Any Board Member with an actual or potential conflict of interest shall not participate or vote in the proceedings giving rise to the conflict.
- (d) Any Board Member shall disclose any ex parte contacts with any person regarding any

matter before the Board.

(e) All decisions or recommendations shall be based upon the Board applying the appropriate standards to the evidence presented in an unbiased manner. No Board Member shall participate in any hearing before the Board where the Board Member cannot be impartial because the Board Member has prejudged the matter, or has a personal interest in the outcome.

Section 12: Meetings.

(a) Regular meetings of the Board shall be held at least quarterly, or more frequently if necessary. Meetings shall be held at the time and place specified in the meeting notice posted on the City's "Public Meeting Notice."

(b) All meetings of the Board and any Board committees shall be open to the public and, unless otherwise approved by the City, be held in a City-owned facility. Notices of meetings shall be posted in the same manner as other City "Public Meeting Notices." Meetings of the Board shall be considered public meetings, and subject to Oregon's public meetings law.

(c) Notwithstanding Section (b) above, the Board may schedule executive sessions for the sole purpose of considering Requests for Review, making related findings, and reviewing and discussing confidential records or information. The notice and agenda for such executive session meetings shall be distributed in the same manner as the notice and agenda for all other Board meetings. Executive sessions will not be open to the public.

(d) The Presiding Officer shall cancel a Board meeting when a quorum is unavailable, or there is a lack of sufficient agenda voting items.

Section 13: Order of Business and Agenda.

(a) The Presiding Officer shall work with City staff to prepare agendas for Board meetings. The order of business at Board meetings will be modeled after other City Boards and Commissions and shall include opportunities for public and Board member comments.

Section 14: Minutes.

(a) Minutes of all regular meetings shall be comprised of a "final action agenda" and an electronic recording of the meeting. The "final action agenda" shall contain the following information:

- (1) The date, time, and place of the meeting;
- (2) The names of the members recorded as either present or absent;

(3) Any motions, amendments, or actions taken, a record of all votes taken, and a general description of all matters considered during the meeting.

(b) Minutes of all executive sessions and work sessions shall be comprised of a recording of the meeting.

(c) Approval of the minutes shall not require review of the electronic recording of the meeting or reading of the final action agenda in open meeting prior to approval. The final action agenda may be revised at any time to correct spelling, numbering, or other technical defects. Prior to approval, any member may request the amendment or correction of the final action agenda to accurately reflect the substance of any motion, amendment, or matter considered during the prior meeting. If any Board Member objects to such amendment or correction, the amendment or correction shall only be made upon majority vote of the Board.

(d) Minutes of each Board meeting shall be kept on file in the Police Department and office of the City Recorder.

(e) Minutes of each Board meeting shall be included in the City Council packet.

Section 15: Conduct of Business

(a) The Presiding Officer shall preserve order and decide all points of order, subject to appeal to the entire Board.

(b) Board Members are expected to act with honesty, integrity and openness in the conduct of the Board's business. They shall act in a professional manner and shall uphold rigorous standards of conduct to promote respect, fairness and equality towards all participants. They shall follow these bylaws, parliamentary procedures and other rules established by the Board for the conduct of their business.

(c) The Presiding Officer is responsible for ensuring the meeting is conducted in a professional manner with respect for all.

(d) If the Presiding Officer fails to act to enforce the meeting rules, a Board member may intercede to request that the rules be followed.

Section 16: Consideration of Business.

(a) The Board shall follow Sturgis Standard Code of Parliamentary Procedure in conducting any business.

(b) A quorum shall consist of four voting members. A tie vote results in the motion being defeated.

(c) The results of every vote and the vote of each member by name shall be entered upon the record.

(d) Upon request by any member of the Board, a roll call vote shall be made upon any question before the Board. No Board Member may explain the reasons for his or her vote during the roll call.

(e) When the question has been called for, the Presiding Officer shall first ask for the Ayes followed by the Nays. After a vote has been taken the Presiding Officer shall announce the results of the vote, and, unless the vote is unanimous, the vote of the members by name.

(f) Every member present when a question is called shall vote either Aye or Nay, unless the Board, by unanimous consent, excuses a member for a special reason or unless a member has a conflict of interest, in which case no consent is required.

Section 17: Public Comment. During the time set for public comment, members of the public may speak about any topic related to the mission of the Board. Persons wishing to speak during the public comment must state their name and address prior to speaking. Speakers are limited to five minutes each unless further time is allowed by the Presiding Officer. No person may make public comment upon any matter that is pending before the Board as the result of a Complaint or Request for Review.

Section 18: Prerequisites for Board Review.

(a) A Complainant must first file an initial Complaint prior to filing a Request for Review. The process is as follows:

A complaint may be filed by (1) calling the Police Records Unit at (541) 766-6924, Monday through Friday 8:00 a.m. until 5:00 p.m. or by completing a Citizen Comment Form and either mailing it to Corvallis Police Department, PO Box 1083, Corvallis, OR. 97339 or dropping it off at the Records counter of the Police Department; (2) To the City Manager's Office using the Employee Behavior Comment Form and submitting it to 501 SW Madison Avenue, Corvallis, OR, 97330 or by calling (541)766-6901; or, (3) To the Community Alliance for Diversity (CAD) at 104 SW Second Street, Corvallis, OR, 97333 or by calling (541) 738-6293. Complaints must be filed within 180 days of the incident which was the basis for the complaint.

Complaints received by the City Manager's Office or CAD must be delivered to the Police Department Administration office no later than the end of the next business day.

The Complainant shall cooperate with the Police Department in investigating the Complaint. No Request for Review shall be entertained by the Board unless the Police Department has first been allowed the opportunity to work with the Complainant to resolve the Complaint.

(b) All persons filing a Complaint shall be provided written information regarding the Board and the Request for Review process. This information shall be provided in writing to the Complainant at the time the original Complaint is filed during the Complaint Intake process.

(c) A determination regarding the Complaint shall be made within thirty (30) days of filing the Complaint, or within an additional fifteen (15) days if the Police Chief deems it necessary for the investigators to complete the investigation. Prior to the expiration of the thirty (30) day period, the Police Department shall notify the Complainant by certified mail/signature confirmation if an additional fifteen (15) days is needed to resolve the Complaint.

(d) The results of the investigation shall include a synopsis of the investigation and all salient points including what witnesses were interviewed, what facts were established in the investigation and the outcome of investigation relative to the complaint (sustained, unsustained, unfounded, etc.) and a brief statement of what information they provided.

(e) The Board shall only accept Requests for Review regarding unresolved complaints.

Section 19: Requests for Review.

(a) Within ninety (90) days of the date the Complainant is advised of the results of the Investigation, the Complainant must file both a Request for Review and a Signed Waiver with the City Manager's Office. The Request for Review must be in writing and include:

- (1) A description of the police conduct complained of;
- (2) The desired outcome requested by the Complainant; and
- (3) The Complainant's reason for requesting review ie, witnesses not interviewed, additional information not considered, etc.

(b) The Complainant must attach to the Request for Review a copy of the City's letter advising the Complainant of the results of the investigation.

(c) The Complainant shall agree to waive any and all rights that the Complainant may have pertaining to the disclosure of information regarding the Request for Review by signing a Release. The Release form shall be available at the Police Department and City Manager's Office or can be printed at the City of Corvallis' Website.

(d) Upon receipt of the written Request for Review and the Signed Release, the Request for Review will be referred to the Board. Upon receipt of the Request for Review the Complainant, the Police Department, and the Police Officer shall be notified that the Board has received the Request for Review.

(e) The Police Department shall provide additional material to the Board that would aid in the deliberation, such as written policies and procedures, police reports, court records or training records.

(f) Within 30 days of receiving the request for review, the Board shall meet and conduct a review of the record in Executive Session. If after conducting the review of the record the Board concurs with the findings, the complainant shall be notified that the Board concurs with the findings. If the Board requires additional investigation be conducted, the Board shall prepare a brief request stating what additional investigative points are required for the Board to reach a finding. That request will be provided to the City Manager's Office for assignment back to the Police Department investigator for further investigation. When the Board reaches a finding, that finding and recommendation shall be provided to the Complainant, City Council, City Manager, Police Officer, and Police Chief.

(g) The Board may make recommendations to the City Manager and Police Chief regarding administrative policies, procedures, department complaint history, and training needs based on the Board review deliberations. The Board may request additional information or comment from the Police Department or City Manager regarding any issue taken up by the Board for recommendation. Board recommendations are not binding and any action based upon the recommendations is solely made at the discretion of the City Manager and Police Chief.

(h) When the City, or an officer, employee, or agent of the City, including but not limited to a member of the Police Department, is a party to any civil or criminal action that is also related to a Request for Review, or when the Request for Review relates to an on-going criminal investigation, the Board shall not proceed with its review until such time as the criminal or civil action has concluded, or the criminal investigation has been completed. Any statement of an intent to sue and/or the filing of a tort claim notice shall be considered a civil action.

(i) This process is not intended to be, and shall not be, utilized for legal actions arising under the Federal or State wage and hour laws, employment discrimination, ADA, ADEA, wrongful termination, workers' compensation, sexual harassment in the work place, internal disciplinary matters, or any claim for discrimination under 42 USC 2000e, et seq.

(j) Should the findings of the Board be in concurrence with the original investigative findings, the complainant shall be notified immediately by certified mail/signature confirmation. If the complainant continues to be dissatisfied with the findings they may file a request for a Hearing. This request shall be made within 15 days of complainant being notified of the findings.

Section 20: Hearing Procedure.

(a) Within thirty (30) days of the Board's receipt of the Request for Hearing, the Board shall schedule a Hearing, which shall occur no later than sixty (60) days from the date the Board

receives the Request for Hearing, unless the Board by majority vote extends the period of time.

(b) The Presiding Officer shall conduct the hearing. The Presiding Officer shall begin by explaining the purpose and process of review. The Presiding Officer shall then orally summarize the Complainant's Request for Hearing and the Internal Affairs summary provided to the Complainant.

(c) The presence of the Police Officer at the hearing is not mandatory, however, in any case the Police Department shall assign a Police Manager to be present at the Hearing to offer relevant testimony.

(d) Witnesses shall be excluded during the testimony of other witnesses, except that the Complainant, the Police Manager, the Police Officer, if in attendance, and the Police Officer's union representative and/or attorney shall be allowed to be present during any testimony. All excluded witnesses shall be placed in a separate area where they cannot hear the testimony being given or questions being asked.

(e) Prior to taking testimony, the Presiding Officer shall ask each witness who desires to testify to identify himself/herself before the Board and state his or her relationship, to the matters at issue in the Hearing. Only those persons identified by the Presiding Officer as witnesses shall be allowed to testify, unless the Board by majority vote determines otherwise or the person is the designated bargaining unit representative for the Police Officer(s) who is/are the subject of the Complaint.

(f) The Presiding Officer shall ask each witness to promise that the testimony the witness provides will be truthful. Only those witnesses that promise their testimony will be truthful may testify.

(g) With the prior approval of the Board, and upon majority vote, the Board may consider sworn or attested written communication from any person who was, or is representing a person who was, part of the original or subsequent Internal Affairs investigation. All requests for appearance by written communication must be made, in writing, at the time the Request for Hearing is filed. The Board may accept or reject any request for appearance by written communication.

(h) Adequate time shall be allowed for presentation of information from the Complainant and up to two additional witnesses. The Board may allow additional witnesses if the Board finds there are compelling reasons to do so, based upon the uniqueness of the circumstances. The Board may request the appearance of additional witnesses. While not required to attend, the Police Officer and/or her/his representative, if present, shall be provided the opportunity to testify.

(i) Hearings shall be conducted in a non-confrontational manner, free of harassment, coercion, intimidation or undue interruption.

(j) Any questions asked of any witness shall originate from the Board or individual Board Members. Board Members may ask questions or request additional information at the conclusion of statements by Complainant, the Police Manager, Police Officer and/or representative, or any witness. The Complainant, Police Manager, Police Officer and/or representative, or any witness shall not be allowed to ask questions of any other witness.

(k) New substantive information arising as a result of the hearing that was not available to the Police Department during its investigation shall be referred back to the Department for its consideration. In the event such new information arises, the Request for Hearing shall adjourn and a continuance shall be issued until the Police Department has completed its investigation and issued an amended report. Upon completion of the amended report, a date shall be chosen for the Request for Hearing to resume, and the Request for Hearing shall resume accordingly on the date chosen unless cancelled by the Complainant.

(l) The technical rules of evidence applicable to judicial proceedings do not apply to hearings before the Board. The Board may receive any evidence or hear any testimony that which the Board considers relevant to the Complaint and material, and reliable, provided the evidence is the type of evidence or testimony commonly relied upon by reasonably prudent persons in the conduct of their serious affairs. The Board may exclude any testimony or evidence that is cumulative, repetitive, or not relevant or material to the issue at hand.

(m) The Police Officer whose actions or conduct is at issue has the right to participate in the hearing, but such participation is voluntary, and the Police Officer may decline to answer any question or discontinue participation at any time. The Police Officer may also have a union representative and/or an attorney present during the Hearing.

(n) Upon conclusion of all testimony, the public portion of the hearing shall be closed, and all members of the public shall be dismissed at this time.

Section 21: Decision-Making Process for Requests for Hearing.

(a) Deliberations involving personnel issues shall be conducted in executive session. Neither the Complainant, nor any members of the public shall be allowed to be present during executive session deliberations. City staff presence in executive session is limited to those necessary to conduct deliberations.

(b) All confidential information, or information otherwise exempt from public disclosure, that is provided to the Board by the Police Department shall first be provided to the Police Officer prior to its transmittal to the Board. The Police Officer shall have the right to remonstrate against the provision of such information within a period of ten (10) days after the Police Officer's receipt. If no remonstrance is received, the Police Officer shall be deemed to have waived any objection to the provision of the information to the Board.

(c) Any confidential information which was provided by the Police Department for Board

deliberations shall not be disclosed in any form by any Board Member to the public or Complainant.

(d) The following confidential information shall not be made available to the Board:

- (1) Any information relating to the Police Officer's medical or psychological information;
- (2) The Police Officer's home address or telephone number;
- (3) The Police Officer's social security number;
- (4) Any information relating to the Police Officer's beneficiaries under any insurance or retirement program;
- (5) The identity of the Police Officer's spouse or other relatives;
- (6) Any other personal information the disclosure of which is confidential, exempt from disclosure, or otherwise prohibited by federal, state, or city law from being disclosed.

(e) A Board Member who does not attend a meeting where confidential information was presented shall not have access to such information, nor shall any other Board Member disclose to the absent member such information.

Section 22: Findings. Following deliberations, the Board shall make one of the following findings regarding the actions or conduct at issue in the Request for Hearing:

- (a) Concur - Board agrees with the Internal Affairs determination; or
- (b) Not Concur - Board disagrees with the Internal Affairs determination.

Section 23: Reports Regarding Hearing.

- (a) The Board shall generate a Report for each hearing. The Report shall include a summary of the Hearing, a summary of the testimony and evidence submitted, and the finding by the Board. The Report shall be completed within thirty (30) days of the completion of the hearing.
- (b) No confidential information shall be included in the Report, nor shall such information be summarized in any Report.
- (c) Only those Board Members participating in the Hearing and deliberating on it shall sign the Report.

(d) A dissenting opinion may be included in the Report, and may contain the dissenter's reasons and alternate conclusions.

(e) Once the Report is signed by all Board Members the Report shall be deemed issued and shall be referred to as the Final Report.

(f) A copy of the Final Report shall be forwarded to the Police Chief and the City Manager.

(g) The Final Report may contain non-binding recommendations to the City Manager for remediation, recognizing that the City Manager and Police Department have the sole discretionary authority over disciplinary matters.

(h) A copy of the Final Report shall be provided by certified mail/signature confirmation to the Complainant and the Police Officer who was the subject of the Complaint. A copy of the Final Report and any resulting action shall also be provided to City Council.

(i) Final reports shall be placed on the next available Board agenda. The Presiding Officer shall make an oral summary of the Final Report. The Complainant and Police Officer shall be notified of their opportunity to be present at the Board meeting at which the report is presented. No comment shall be allowed on the completed Final Report.

(j) There is no appeal of the Final Report of the Board.

Section 24: Advisory Recommendations.

(a) The Board may make recommendations to the Police Chief regarding administrative policies, procedures, department complaint history, training needs, based on the Board's review and deliberations. The Board may request additional information or comment from the Police Chief or City Manager regarding any issue taken up by the Board for recommendation. Board recommendations are not binding and any action based upon the recommendations is solely made at the discretion of the City Manager and Police Chief.

(b) The Board may make recommendations to the City Council regarding policies with City-wide implications.

(c) The responsibility for the operation and direction of the Police Department is vested solely with the City Manager and Police Chief. The Board shall in no way be construed to, or shall, alter or shift decision making authority from the City Manager or the Police Department to the Board, the City Council, or any other person or entity.

(d) In every case reports on incidents involving fatal shootings shall be referred to the Board for Review upon completion of all investigations, grand jury, etc. The District Attorney will be consulted to verify that all proceedings are completed and the case has become a public record.

Section 25: Access to Process.

- (a) All Complainants coming before the Board shall be informed about the hearing process and shall be provided answers to questions an individual Complainant may have.
- (b) The Complainant may use an assistant during the hearing process. Any assistant shall be questions directly or present evidence or testimony.
- (c) Court certified interpreter services shall be provided if requested not less than ten (10) days prior to the Hearing. No relatives or friends shall be used as interpreters.
- (d) Every Complainant shall be provided an optional survey form to be returned at the conclusion of the process. The survey shall measure the Complainant's satisfaction at various stages of the process, and shall ask for suggestions for improvement to the process. Completed surveys shall be returned to the City Manager's Office.

Section 26: Preservation of Collective Bargaining Agreement.

- (a) These Bylaws and Rules of Procedure are not intended to modify any terms in the existing collective bargaining agreement between the City of Corvallis Police Officers Association and the City of Corvallis. In the event these Bylaws and Rules of Procedure or any actions of the Board conflict with any term in the existing collective bargaining agreement, the terms of the collective bargaining agreement will control unless the parties agree otherwise.

**CITY OF CORVALLIS
CITY COUNCIL WORK SESSION**

March 19, 2007

The work session of the City Council of the City of Corvallis, Oregon, was called to order at 7:00 pm on March 19, 2007, in the Madison Avenue Meeting Room, 500 SW Madison Avenue, Corvallis, Oregon, with Mayor Tomlinson presiding.

I. ROLL CALL

PRESENT: Mayor Tomlinson; Councilors Hamby, Daniels, Beilstein, Wershow, Zimbrick, York, Brauner, and Grosch

ABSENT: Councilor Brown (excused)

II. UNFINISHED BUSINESS

A. Mayor/Council/Manager Quarterly Meeting



1. Instant Run-Off Voting – Instant Run-off Voting (IRV) legislation will come before the Council at its April 2nd meeting under Unfinished Business. Council may also utilize this voting format for upcoming Council votes – Planning Commission, Historic Resources Commission, and City Council leadership.
2. Laidlaw Contract – Council requested that the clause requiring the contractor to provide replacement workers in the event of a work stoppage be brought forward for Council discussion and direction during contract renewal.
3. City Council Deliberations – Council confirmed conducting deliberations at noon, versus in the evening, when public hearings are closed but deliberations carry over to the next meeting.
4. Planning Commission Liaison Assignment – Council asked that the Planning Commission and Historic Resources Commission be contacted for their feedback on the City Council liaison roles. Council is comfortable with the Councilor liaison attending meetings where only a legislative hearing is on the agenda.
5. Visitors' Propositions – Council confirmed that the Mayor's approach to conducting Visitors' Propositions was appropriate and a responsibility of the Mayor's position.
6. Nuisance Code Enforcement Program – Council heard concerns regarding the program funding alternatives and associated public debate. Council understands the Budget Commission will be briefed on the concerns and the alternative of using fund balance to fund the program in Fiscal Year 2007-2008.

7. Councilor Topics – Council discussed the sanctity of Executive Session discussions and the expectation of confidentiality. Mayor Tomlinson will be discussing the issue with City Attorney Fewel.
8. Other – It was noted that there are growing citizen concerns of tree removal, including wind, cutting, and harvesting. The Municipal Court tour is scheduled for March 22 at 4:00 pm.

III. ADJOURNMENT

The meeting was adjourned at 8:55 pm.

APPROVED:

MAYOR

ATTEST:

CITY RECORDER

House Bill 2761

Sponsored by Representative BUCKLEY; Representative DINGFELDER

SUMMARY

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

Allows county or city to adopt instant runoff voting system for nomination or election of candidates to county or city office.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; and amending ORS 246.560, 249.088, 254.005, 254.065,
3 254.145, 254.575, 258.250 and 258.280.

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

5 **SECTION 1.** ORS 254.005 is amended to read:

6 254.005. As used in this chapter:

7 (1) "Ballot" means any material on which votes may be cast for candidates or measures. In the
8 case of a recall election, "ballot" includes material posted in a voting compartment or delivered to
9 an elector by mail.

10 (2) "Ballot label" means the material containing the names of candidates or the measures to be
11 voted on.

12 (3) "Chief elections officer" means the:

13 (a) Secretary of State, regarding a candidate for a state office or an office to be voted on in the
14 state at large or in a congressional district, or a measure to be voted on in the state at large.

15 (b) County clerk, regarding a candidate for a county office, or a measure to be voted on in a
16 county only.

17 (c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be
18 voted on in a city only.

19 (4) "County clerk" means the county clerk or the county official in charge of elections.

20 (5) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-
21 tution.

22 (6) "**Instant runoff voting system**" means a system of voting for candidates for nomi-
23 nation or election to county or city office, authorized by section 16, Article II of the Oregon
24 Constitution, under which an elector may express the elector's first, second or additional
25 choices among the candidates for nomination or election to county or city office under
26 sections 3 and 4 of this 2007 Act.

27 [(6)] (7) "Major political party" means a political party that has qualified as a major political
28 party under ORS 248.006.

29 [(7)] (8) "Measure" includes any of the following submitted to the people for their approval or
30 rejection at an election:

31 (a) A proposed law.

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

- 1 (b) An Act or part of an Act of the Legislative Assembly.
- 2 (c) A revision of or amendment to the Oregon Constitution.
- 3 (d) Local, special or municipal legislation.
- 4 (e) A proposition or question.

5 ~~[(8)]~~ (9) "Minor political party" means a political party that has qualified as a minor political
6 party under ORS 248.008.

7 ~~[(9)]~~ (10) "Nonpartisan office" means the office of judge of the Supreme Court, Court of Appeals,
8 circuit court or the Oregon Tax Court, Superintendent of Public Instruction, Commissioner of the
9 Bureau of Labor and Industries, any elected office of a metropolitan service district under ORS
10 chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county treasurer,
11 county judge who exercises judicial functions, sheriff, district attorney or any office designated
12 nonpartisan by a home rule charter.

13 ~~[(10)]~~ (11) "Prospective petition" means the information, except signatures and other identifica-
14 tion of petition signers, required to be contained in a completed petition.

15 ~~[(11)]~~ (12) "Regular district election" means the election held each year for the purpose of
16 electing members of a district board as defined in ORS 255.005 (2).

17 ~~[(12)]~~ (13) "Vote tally system" means one or more pieces of equipment necessary to examine and
18 tally automatically the marked ballots.

19 ~~[(13)]~~ (14) "Voting machine" means any device that will record every vote cast on candidates
20 and measures and that will either internally or externally total all votes cast on that device.

21 **SECTION 2.** Sections 3 and 4 of this 2007 Act are added to and made a part of ORS
22 chapter 254.

23 **SECTION 3.** (1) Notwithstanding any provision of ORS chapters 203, 221 and 246 to 260,
24 a county or city charter or ordinance may authorize the use of an instant runoff voting
25 system for the nomination and election of candidates to county or city office.

26 (2) The Secretary of State shall adopt rules governing the conduct of county or city
27 elections using an instant runoff voting system.

28 (3) Notwithstanding ORS 254.046, if a county or city conducts an election on any date
29 using an instant runoff voting system, the county or city shall bear the cost of the election.

30 **SECTION 4.** (1) Elections for the nomination or election of candidates to county or city
31 office that use an instant runoff voting system authorized under section 3 of this 2007 Act
32 shall be conducted as provided in this section.

33 (2) The ballot shall be designed to allow an elector to vote for the elector's first, second
34 and third choices from among the candidates, including candidates listed on the ballot or one
35 write-in candidate.

36 (3) Ballots shall be counted as follows:

37 (a) The elector's vote shall be assigned to the candidate marked as the elector's first
38 choice. If one candidate receives a majority of the first-choice votes, that candidate shall be
39 declared nominated or elected.

40 (b) If no candidate receives a majority of the first-choice votes, the candidate receiving
41 the fewest first-choice votes is eliminated. Each vote cast for the eliminated candidate shall
42 be transferred to the candidate who was the elector's next choice on the ballot.

43 (c) Candidates with the fewest votes shall continue to be eliminated, with the votes for
44 those candidates transferred to the candidate who was the elector's next choice on the ballot
45 until a candidate receives a majority of the votes cast. When a candidate receives a majority

1 of votes, that candidate is nominated or elected.

2 (d) Notwithstanding any provision of this subsection, a candidate is eliminated after the
 3 first tally of ballots if the candidate receives fewer than 500 votes, or less than 10 percent
 4 of the total votes cast for the nomination or office, whichever is less.

5 (4) An elector may vote for the elector's choices as follows:

6 (a) For each nomination or office for which there are three or more candidates listed on
 7 the ballot, an elector may indicate three choices.

8 (b) For each nomination or office for which there are two candidates listed on the ballot,
 9 an elector may indicate two choices.

10 (c) For each nomination or office for which there is one or no candidate listed on the
 11 ballot, an elector may indicate one choice.

12 (5) If all candidates for whom an elector voted on a ballot are eliminated, the ballot is
 13 considered exhausted and may not be considered in any continuing determination of whether
 14 a candidate for the nomination or election received a majority of the votes cast. If the ballot
 15 of an elector does not list the elector's choices in numerical order, the elector's next clearly
 16 indicated choice in order shall be counted. If an elector's ballot assigns the same numeric
 17 choice to more than one candidate, those assignments are invalid and the elector's vote is
 18 transferred to the next numeric choice, if any.

19 (6) If two or more candidates for the same nomination or election, after a recount of the
 20 votes cast, have an equal and the highest number of votes at any stage of the counting of
 21 the votes, and one of the candidates is to be eliminated, the tie shall be resolved as provided
 22 in ORS 254.575.

23 **SECTION 5.** ORS 254.065 is amended to read:

24 254.065. (1) Subject to subsection (2) of this section, when one person is to be nominated for
 25 or elected to an office, the person receiving the highest number of votes [*shall be*] is nominated or
 26 elected. When more than one person is to be nominated for or elected to a single office, the persons
 27 receiving the higher number of votes [*shall be*] is nominated or elected. This subsection does not
 28 apply to a candidate for election to an office at a general election if the election for the office must
 29 be held at a special election as described in ORS 254.650.

30 (2) When one person is to be nominated for or elected to a county or city office using
 31 an instant runoff voting system, the person receiving the highest number of votes as pro-
 32 vided in section 4 of this 2007 Act is nominated or elected. When more than one person is
 33 to be nominated for or elected to a single office, the persons receiving the higher number
 34 of votes as provided in section 4 of this 2007 Act are nominated or elected.

35 [(2)] (3) [*No measure shall be*] A measure is not adopted unless it receives an affirmative ma-
 36 jority of the total votes cast on the measure. If two or more conflicting laws, or amendments to the
 37 Constitution or charter, are approved at the same election, the law, or amendment, receiving the
 38 greatest number of affirmative votes shall be paramount regarding each conflict, even though the
 39 law, or amendment, may not have received the greatest majority of affirmative votes.

40 **SECTION 6.** ORS 254.145 is amended to read:

41 254.145. (1) The names of candidates for nomination for or election to each office shall be ar-
 42 ranged on the ballot or ballot label in the order determined under ORS 254.155. The names of can-
 43 didates for the offices of President and Vice President of the United States, however, shall be
 44 arranged in groups. Except as provided in ORS 254.125, 254.135 and this section, no information
 45 about the candidate, including any title or designation, other than the candidate's name, shall ap-

1 pear on the ballot. In a precinct in which voting machines are used, spaces shall be provided, either
 2 on the ballot or on separate material delivered to the elector with the ballot, in which the elector
 3 may write the names of persons for any offices appearing on the ballot label. In other precincts, at
 4 the end of the list of candidates for each office shall be a blank space in which the elector may write
 5 the name of any person not printed on the ballot. On the left margin of the ballot or ballot label the
 6 name of each group or candidate may be numbered. The blank spaces shall not be numbered. A
 7 particular number shall not be used to designate more than one candidate at any election.

8 (2) The names of all candidates for the same office shall be listed in the same column on the
 9 ballot or ballot label. If more than one column is needed to list names of all candidates for that of-
 10 fice, the names may be arranged in one or more columns in block form. The block shall be set apart
 11 by rulings under the title of the office. If a blank space follows the list of candidates, the space shall
 12 be in the same column as the names of candidates for that office. If blocks of columns are used,
 13 blank spaces shall be included within the ruled block.

14 (3) In precincts using voting machines, the ballot label shall be clearly marked to indicate when
 15 names of candidates for the office are continued on the following page.

16 (4) When a measure is submitted to the people, the number, ballot title and financial estimates
 17 under ORS 250.125 of each measure shall be printed after the list of candidates. A measure referred
 18 by the Legislative Assembly shall be designated "Referred to the People by the Legislative Assem-
 19 bly." A state measure referred by petition shall be designated "Referendum Order by Petition of the
 20 People." A state measure proposed by initiative petition shall be designated "Proposed by Initiative
 21 Petition."

22 (5) For an election conducted at polling places under this chapter, each official ballot shall have
 23 a removable stub. The stub on the ballots for a precinct shall be numbered consecutively.

24 (6) The ballot shall be printed to give the elector a clear opportunity to designate the elector's
 25 choice for candidates and approval or rejection of measures submitted. In precincts not using voting
 26 machines the elector shall indicate a preference by making a cross or check mark inside a voting
 27 square corresponding to the candidate or answer for which the elector wishes to vote. A voting
 28 square may be printed on the blank, write-in vote spaces. However, the elector is not required to
 29 place a mark in the voting square corresponding to a name written in a blank space. On the ballot
 30 or ballot label shall be printed words to aid the elector, such as "Vote for one," "Vote for three,"
 31 and regarding measures, "Yes" and "No."

32 **(7) Notwithstanding subsection (6) of this section, the Secretary of State by rule shall**
 33 **design ballots to accommodate an instant runoff voting system. If a county or city has au-**
 34 **thorized an instant runoff voting system under section 3 of this 2007 Act, the county clerk**
 35 **shall use ballots designed by the secretary in any county or city election in which the instant**
 36 **runoff voting system is used.**

37 **SECTION 7.** ORS 254.575 is amended to read:

38 254.575. (1) **Except as provided in subsection (2) of this section, when two or more candi-**
 39 **dates for the same office, after a full recount of votes, have an equal and the highest number of**
 40 **votes:**

41 [(1)] (a) For election to state Senator or Representative, a party office, or a public office for
 42 which the elections officer is other than the Secretary of State, the elections officer shall have the
 43 candidates meet publicly to decide by lot who is elected.

44 [(2)] (b) For election to a public office other than Governor or those referred to in [subsection
 45 (1) of this section] paragraph (a) of this subsection, the Secretary of State by proclamation shall

1 order a new election to fill the office.

2 [(3)] (c) For election to Governor, the Legislative Assembly at the beginning of the next regular
3 session shall meet jointly and elect one of the candidates.

4 [(4)] (d) For nomination by one major political party to an office, the elections officer who re-
5 ceives filings for nomination to the office shall have the candidates meet publicly to decide by lot
6 who is nominated.

7 (2) **In a county or city that has authorized an instant runoff voting system under section**
8 **3 of this 2007 Act, when two or more candidates for the same county or city office, after a**
9 **recount of votes, have an equal and the highest number of votes at any stage of the counting**
10 **of votes under section 4 of this 2007 Act and one of the candidates is to be eliminated, the**
11 **elections officer shall have the candidates meet publicly to decide by lot who is eliminated.**

12 **SECTION 8.** ORS 258.250 is amended to read:

13 258.250. (1) *[If the abstract of votes resulting from a full recount shows that the outcome of the*
14 *election on the measure was changed or that a candidate for whose benefit the recount was demanded*
15 *received a plurality of the votes,]* The deposit required by ORS 258.161 shall be refunded by the Sec-
16 retary of State to the person who filed the demand for a recount if the abstract of votes re-
17 sulting from a full recount shows that:

18 (a) **The outcome of the election on a measure was changed;**

19 (b) **The candidate for whose benefit the recount was demanded received a plurality of the**
20 **votes; or**

21 (c) **In a county or city that has authorized an instant runoff voting system under section**
22 **3 of this 2007 Act, the candidate for whose benefit the recount was demanded received the**
23 **highest number of votes.**

24 (2) The Secretary of State shall transfer the deposit required by ORS 258.161 and any additional
25 amount paid pursuant to subsection (5) of this section to a special account in the General Fund if:

26 (a) A full recount was not conducted; or

27 (b) The abstract of votes resulting from a full recount shows that:

28 (A) The outcome of the election on *[the]* a measure was not changed; *[or]*

29 (B) *[A]* **The candidate for whose benefit the recount was demanded did not receive a plurality**
30 **of the votes[.]; or**

31 (C) **In a county or city that has authorized an instant runoff voting system under section**
32 **3 of this 2007 Act, the candidate for whose benefit the recount was demanded did not receive**
33 **the highest number of votes.**

34 (3) Moneys deposited in the special account under subsection (2) of this section are continuously
35 appropriated for the purpose of reimbursing the county, city or other political subdivision or public
36 corporation for the cost of the recount and paying any refunds required by subsection (4) of this
37 section.

38 (4) Upon receipt from the official directed to conduct the recount of a signed certificate itemiz-
39 ing the cost of the recount, the Secretary of State shall request the Oregon Department of Admin-
40 istrative Services to issue warrants for the amount so certified. Any portion of the deposit required
41 by ORS 258.161 remaining after the cost of the recount has been paid shall be refunded to the person
42 who filed the demand upon receipt of a warrant from the Oregon Department of Administrative
43 Services showing the amount of the refund to which the person is entitled.

44 (5) If the cost of the recount exceeds the amount of the deposit required by ORS 258.161, and
45 if the person who filed the demand does not qualify for a refund under subsection (1) of this section,

1 the person shall pay to the Secretary of State the amount of the excess cost.

2 **SECTION 9.** ORS 258.280 is amended to read:

3 258.280. (1) The Secretary of State shall order a full recount of the votes cast for nomination
4 or election to a public office for which the Secretary of State is the filing officer, and the county
5 clerk who conducted the election shall order a full recount of the votes cast for nomination or
6 election to any other public office if the canvass of votes of the election reveals that:

7 (a) Two or more candidates for that nomination or office have an equal and the highest number
8 of votes; [or]

9 (b) **In a county or city that has authorized an instant runoff voting system under section**
10 **3 of this 2007 Act, two or more candidates for the same county or city office have an equal**
11 **and the highest number of votes at any stage of the counting of votes under section 4 of this**
12 **2007 Act and one of the candidates is to be eliminated; or**

13 [(b)] (c) The difference in the number of votes cast for a candidate apparently nominated or
14 elected to the office and the votes cast for the closest apparently defeated opponent is not more than
15 one-fifth of one percent of the total votes for both candidates.

16 (2) The cost of a full recount conducted under this section shall be paid by the county for a
17 county office, by the city for a city office, by the special district for a special district office or by
18 the state for any other office.

19 **SECTION 10.** ORS 246.560 is amended to read:

20 246.560. (1) A voting machine may not be approved by the Secretary of State unless the voting
21 machine is constructed so that it:

22 (a) Secures to the elector secrecy of voting.

23 (b) Provides facilities for voting for the candidates of as many political parties or organizations
24 as may make nominations and for or against as many measures as may be submitted.

25 (c) Permits the elector to vote for any person and as many persons for an office and upon any
26 measure for which the elector has the right to vote.

27 (d) Permits the elector, except at a primary election, to vote for all the candidates of one party
28 or in part for the candidates of one party and in part for the candidates of one or more other par-
29 ties.

30 (e) Correctly records on a separate ballot the votes cast by each elector for any person and for
31 or against any measure.

32 (f) Provides that a vote for more than one candidate cannot be cast by one single operation of
33 the voting machine or vote tally system except for President and Vice President and electors for
34 those offices.

35 (g) Provides that straight party pointers shall be disconnected from all candidate pointers.

36 (h) Contains a device that will duplicate the votes cast by each elector onto a paper record
37 copy.

38 (i) Contains a device that will allow each elector to view the elector's paper record copy while
39 preventing the elector from directly handling the paper record copy.

40 (2) A vote tally system shall be:

41 (a) Capable of correctly counting votes on ballots on which the proper number of votes have
42 been marked for any office or measure that has been voted.

43 (b) Capable of ignoring the votes marked for any office or measure if more than the allowable
44 number of votes have been marked, but shall correctly count the properly voted portions of the
45 ballot.

1 (c) Capable of accumulating a count of the specific number of ballots tallied for a precinct, ac-
2 cumulating total votes by candidate for each office, and accumulating total votes for and against
3 each measure of the ballots tallied for a precinct.

4 (d) Capable of tallying votes from ballots of different political parties, from the same precinct,
5 in a primary election.

6 (e) Capable of accommodating the procedure established under ORS 254.155.

7 (f) Capable of automatically producing precinct totals in either printed, marked, or punched
8 form, or combinations thereof.

9 (g) Capable of accommodating the instant runoff voting system as defined in ORS 254.005.

10 **SECTION 11.** ORS 249.088 is amended to read:

11 249.088. (1) [*Unless otherwise provided by*] **Subject to subsection (2) of this section and the**
12 **provisions of a home rule charter[.]:**

13 (a) **Except as provided in paragraphs (b) and (c) of this subsection, at the nominating**
14 **election held on the date of the primary election, the two candidates receiving the highest num-**
15 **ber of votes shall be nominated for the nonpartisan office.**

16 (b) [*However,*] **Except as provided in paragraph (c) of this subsection, when a candidate[**
17 ***other than a candidate for the office of sheriff, a candidate for the office of county clerk, a candidate***
18 ***for the office of county treasurer or a candidate to fill a vacancy,*] **for nonpartisan office receives a**
19 **majority of the votes cast for the office at the nominating election, that candidate is elected.****

20 [(2)] (c) **When a candidate for the office of sheriff, [*the office of*] county clerk[*the office of*] or**
21 **county treasurer or a candidate to fill a vacancy receives a majority of votes cast for the office at**
22 **the nominating election, that candidate alone is nominated.**

23 (2) **In a county or city that has authorized an instant runoff voting system under section**
24 **3 of this 2007 Act:**

25 (a) **Except as provided in paragraphs (b) and (c) of this subsection, at the nominating**
26 **election held on the date of the primary election, the procedure described in section 4 of this**
27 **2007 Act shall continue until two candidates remain and those two candidates shall be nom-**
28 **inated for the nonpartisan office;**

29 (b) **Except as provided in paragraph (c) of this subsection, when a candidate for nonpar-**
30 **tisan office receives a majority of the first-choice votes cast under section 4 of this 2007 Act,**
31 **that candidate is elected; and**

32 (c) **When a candidate for the office of sheriff, county clerk or county treasurer or a**
33 **candidate to fill a vacancy receives a majority of the first-choice votes cast under section 4**
34 **of this 2007 Act, that candidate alone is nominated.**

Democracy is About Choices

Support HB 2761

HB 2761 gives cities and counties in Oregon a **choice**: whether or not to use Instant Runoff Voting for their local elections. **Instant Runoff Voting (IRV) is a better way to vote.** Also known as preference voting or ranked choice voting, IRV ensures that the winner of an election is supported by the majority of voters. *Under current Oregon law, a candidate can win an election without the support of a majority of voters.* With IRV, candidates would no longer be able to win with less than a majority vote. IRV protects the interests of the majority of Oregonians. HB 2761 gives cities and counties more choices for how to run their elections. HB 2761 gives voters more choices, too.

Other benefits of IRV:

- IRV encourages positive, issue-oriented campaigning
- IRV eliminates the “spoiler” dynamic in elections
- IRV gives voters more meaningful choices
- IRV means that no one who votes for a third party will cast a “wasted vote”
- IRV eliminates expensive, two-round runoff elections

Questions and Answers about using IRV in Oregon

Would HB 2761 require the use of IRV in Oregon?

No. HB 2761 would simply *allow* cities and counties to use IRV. This bill doesn't require anything; it is known as enabling legislation. Separate legislation would be required to implement IRV. Having this legislation on the books simply gives cities and counties the option to use IRV.

What would the cost be?

There would be no cost. This bill would simply allow the use of IRV.

Is IRV constitutional?

Yes. In fact, Oregon is the only state which has a preference voting provision in its Constitution (Article II, Section 16).

Is IRV used anywhere?

Yes, in lots of places: San Francisco uses IRV and Cambridge, Massachusetts has been using a variation of it for many years. IRV is used to elect the Mayor of London, Ireland's president and many officeholders in Australia. IRV is used by the Utah Republican party and the American Political Science Association. The Eugene Charter Review Committee recommended IRV for city elections in 2001. A number of colleges in Oregon use IRV for their student elections including Lane Community College, Reed and Lewis & Clark. In the recent November elections, Tacoma residents (Pierce County, Washington), along with the voters of Minneapolis, Oakland

and Davis, California, all approved IRV for local elections. Burlington, Vermont and Ferndale, Michigan also use IRV.

How does IRV work?

Instead of just voting for one candidate, voters rank candidates in order of preference: 1, 2, 3 and so on. It takes a majority to win. If anyone receives a majority of first choice votes, that candidate is elected. If not, the last place candidate is defeated, just as in a runoff election, and all ballots are counted again, taking into consideration the second choice votes on the ballots for the defeated candidate. The process of eliminating the last place candidate and recounting the ballots continues until one candidate receives a majority of the vote. With modern voting equipment, all of the counting and recounting takes place quickly and automatically.

How can I help support HB 2761?

Write and call the members of the House Elections, Ethics and Rules Committee, especially the Chair and Vice Chairs, and request a hearing for HB 2761. You can also call and write your own state representative and senator and ask them to co-sponsor and support HB 2761. You can reach them by calling the Oregon Capitol, toll-free at 800-332-2313. If you belong to an organization, have your group endorse this bill. Write letters to the editor supporting HB 2761 and election reform; use this fact sheet for "talking points" but write the letter in your own words.

Elections, Ethics, and Rules

Membership:

Diane Rosenbaum, Chair
Vicki Berger, Vice-Chair
Peter Buckley, Vice-Chair
Sal Esquivel
Dave Hunt
Arnie Roblan
Kim Thatcher

Staffing:

Jim Stenbridge
Shauna Parker

For the Senate:

Rules

Membership:

Kate Brown, Chair
Ted Ferrioli, Vice-Chair
Betsy Johnson
Laurie Monnes Anderson
David Nelson

Staffing:

Marjorie Taylor
Krista Schuchard

To get contact information for your representative go to:

<http://www.leg.state.or.us/house/>

From there, you can also find information for your Senator.

Please contact ALL of these folks and tell them

- 1) You want them to support the Buckley-Dingfelder Instant Runoff Voting Bill
- 2) You support the right of cities and counties to choose the election method of their choice
- 3) IRV, or preference voting, has been part of the Oregon Constitution for almost 100 years
- 4) Please give the IRV bill a hearing ASAP and support it with a "do pass" recommendation.

Where can I learn more about IRV?

Visit www.irvoregon.org for information about current legislation on Oregon.

Fair Vote: The Center for Voting & Democracy is the nation's leading voting rights organization focusing on more fair and democratic election methods. Their website, www.fairvote.org, is the best place to learn more about IRV and to find other resources, such as books and articles, about different election methods.

To connect with other citizens working for the rights of cities and counties to use the election method of their choice, consider joining the email list-serve below.

<http://groups.yahoo.com/group/FairVoteOR/>

Another way to subscribe to the list is to send a blank email message to the following address:

FairVoteOR-subscribe@yahoogroups.com



CORVALLIS CITY ATTORNEY
456 SW Monroe, #101
Corvallis, OR 97333
Telephone: (541) 766-6906
Fax: (541) 752-7532

CITY ATTORNEY'S OFFICE

MEMORANDUM

March 28, 2007

To: Mayor Tomlinson and City Council Members

From: Scott Fewel, City Attorney *SAF*

Re: Instant Runoff Voting

The City Manager has forwarded to me the City Council's request for information regarding the use of instant runoff voting for internal appointments. In my opinion, Section 21 of the Corvallis City Charter, adopted by the people of the city of Corvallis, controls the situation. That charter provision requires the concurrence of a majority of the members of the City Council present at a council meeting to decide any question before the Council. This means that for any decision that is made by the City Council, we must have a majority vote of the quorum, which would preclude using instant runoff voting for internal appointments. The Council could, however, use this form of voting to determine the candidates to be appointed to committees if they ratify the decision by a majority vote of the quorum after having determined the candidates. That would mean that the actual appointments would be decided by a majority vote of the quorum.

However, specifically as it relates to the Planning Commission and the Historic Resources Commission, the Council has adopted by ordinance a specific process that must be followed unless modified by ordinance. This specific process requires the Council to appoint by majority vote, and if no person receives a majority, the two receiving the most votes shall be voted upon again, and then the one receiving the majority would be appointed.

The Council has also adopted Sturgis to govern its parliamentary procedure. Sturgis does not oppose using the plurality method for voting in a candidate, although it does state on page 127: "while election by plurality is simpler and quicker, it usually is not advisable." Nonetheless, if you were to modify your rules to allow for the plurality in the ordinance and then ratify the decision by a majority vote, as suggested in the first paragraph, you would accomplish this goal.

Should you have any questions regarding this matter, I would be happy to discuss them.

SAF/ajs

***** MEMORANDUM *****

MARCH 28, 2007

TO: MAYOR AND CITY COUNCIL

FROM: KATHY LOUIE, ASSISTANT TO CITY MANAGER/CITY RECORDER

SUBJECT: INSTANT RUNOFF VOTING



ISSUE

The City Council will discuss using the Instant Runoff Voting (IRV) process for selecting future Planning Commissioners, Historic Resources Commissioners, and City Council leadership.

DISCUSSION

In the past, staff followed the Municipal Code voting process, specifying that selections will be made by a majority vote of the Council. Staff conducts a ballot vote during the Council meeting, and it usually takes a few minutes to tabulate the votes.

If the Council chooses to pursue the IRV process, more time will be required by staff than is currently needed to tally and calculate votes. Staff is also concerned about consuming large portions of Council meeting time to conduct the tally/calculation process and having "dead air time" for the television viewing audience when the meeting is rebroadcast.

One option is to have Council cast its ballots during a noon Council meeting and allow staff to tally and calculate the votes after the meeting and announce the results during the evening meeting.

REQUESTED ACTION

Staff requests that Council discuss options to ensure sufficient time for staff to tally and calculate vote results, if Council approves the IRV process.

Corvallis Charter

Section 19. 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.

[As amended by general election November 7, 2006 (section renumbered).]

Section 20. 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; and general election November 7, 2006 (section renumbered).]

Section 21. 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.

[As amended by general election November 7, 2006 (section renumbered).]

CHAPTER 5

Powers and Duties of Officers

Section 22. 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 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.

[As amended by general election November 7, 2006 (section renumbered).]

Corvallis Charter

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; and general election November 7, 2006 (section renumbered).]

CHAPTER 6

Elections

Section 25. 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.

[As amended by general election November 7, 2006 (section renumbered).]

Section 26. 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; and general election November 7, 2006 (section renumbered).]

Section 27. 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; and general election November 7, 2006 (section renumbered).]

Corvallis Charter

Section 28. 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; and general election November 7, 2006 (section renumbered).]

Section 29. 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; and general election November 7, 2006 (section renumbered).]

Section 30. 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; and general election November 7, 2006 (section renumbered).]

Section 31. 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; and general election November 7, 2006 (section renumbered).]

Section 32. 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; and general election November 7, 2006 (section renumbered).]

Section 1.16.235 Planning Commission.

1) Hereby is created a City Planning Commission for the City of Corvallis, Oregon. The Planning Commission is created pursuant to ORS 227.020.

2) The City Planning Commission shall consist of nine members to be appointed by Council. No more than two voting members of the Commission may be engaged principally in the buying, selling, or developing of real estate for profit as individuals or be members of any partnership or officers or employees of any corporation that engages principally in the buying, selling, or developing of real estate for profit. In the interest of ensuring a balanced, community-wide perspective on the Planning Commission, no more than two members shall be engaged in the same kind of occupation, business, trade, or profession.

3) 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 occupations 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 Planning 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 Planning Commission.

4) Five members of the City Planning Commission shall constitute a quorum. If a quorum cannot be obtained because five (5) or more members have a conflict of interest, the quorum requirement shall be reduced to three (3) for that issue only.

5) A member of the Planning Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or his or her spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which she or he is then serving or has served within the previous two (2) years, or any business with which she or he is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken. Examples of conflict of interest include:

- a) The member owns property within the area entitled to receive notice of the public hearing;
- b) The member has a direct private interest in the proposal; and
- c) For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.

6) The Commission shall have the authority which is now or may hereafter be assigned to it by Charter, ordinances, or resolutions of the City and ORS 227.090, and other State laws.

The Planning Commission shall function primarily as a comprehensive planning body proposing policy and legislation to Council related to the coordination of the growth and development of the community. The functions of the Planning Commission shall include, but not be limited to, the following:

- a) Review the Comprehensive Plan and make recommendations to Council concerning Plan amendments which it has determined are necessary based on further study or changed concepts, circumstances, or conditions.
- b) Formulate and recommend legislation to implement the Comprehensive Plan.
- c) Review and recommend detailed plans including functional plans which relate to public facilities and services, and subarea plans which relate to specific areas of the community to implement the Comprehensive Plan.
- d) Assist in the formulation of the Capital Investment Plan [Capital Improvement Program] and submit periodic reports and recommendations relating to the integration and conformance of the plan with the Comprehensive Plan.
- e) Review and make recommendations concerning any proposed annexation.
- f) Conduct hearings, prepare findings of fact, and take such actions concerning specific land development proposals as required by the Land Development Code.

g) Advance cooperative and harmonious relationships with other planning commissions, public and semi-public agencies and officials, and civic and private organizations to encourage the coordination of public and private planning and development activities affecting the City and its environs.

h) Study and propose, in general, such measures regarding land development as may be advisable for promotion of the public interest, health, safety, comfort, convenience, and welfare.
(Ord. 98-45 § 3, 11/11/1998; Ord. 82-6 §§ 2, 3, 1982; Ord. 81-99 § 60, 1981)

Section 1.16.325 Historic Resources Commission

- 1) A Historic Resources Commission (HRC) is hereby created for the City.
- 2) This Commission shall consist of nine members as described in “3.a” through “3.d” below, in the context of fulfilling at least one of the following three Primary Attributes for all Commission members:
 - a) A demonstrated positive interest, competence, or knowledge in historic preservation;
 - b) Prior experience in a quasi-judicial decision-making capacity; and/or
 - c) A community-wide perspective on balancing multiple objectives associated with community planning.
- 3) An individual appointed to the Commission 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) To the extent that they are available in the community and fulfill at least one of the Primary Attributes outlined in “2” above, at least five members fulfilling one or more of the Federal Historic Preservation Professional Qualification Standards listed in 1-12 below. If a reasonable effort has been made to fill these five positions, the positions may be filled by persons fulfilling the qualifications in “b” through “d” below.
 - 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) To the extent that they are available in the community and fulfill at least one of the Primary Attributes outlined in "2" above, 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) To the extent that they are available in the community and fulfill at least one of the Primary Attributes outlined in "2" above, 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) To the extent that they fulfill at least one of the Primary Attributes outlined in "2" above, additional members representing the general public, as needed, to fill the Commission's nine positions.

4) The 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) HRC-level Historic Preservation Permit decisions; and

c) Appeals of Director-level Historic Preservation Permit decisions.

5) The Commission shall advise and assist Council, the Planning Commission, and the Community Development Director in matters pertaining to historic and cultural resource preservation. Such matters shall include:

a) Recommendations concerning amendments to sections of the Land Development Code pertaining to historic preservation.

b) Recommendations concerning the nominations of sites or structures for the National Register of Historic Places.

c) Recommendations concerning additional inventories and/or surveys of Corvallis' historic sites and structures.

d) Coordination of public information or educational programs pertaining to historic and cultural resources.

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 subsections 2) and 3) and a list of the qualifications of existing Commissioners. After receiving applications, Council shall 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 Resources 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 Resources Commission.

(Ord. 2006-15 §2, 06/05/2006)



In 1950, in the first edition of her book, Alice Sturgis wrote:

The purpose of parliamentary procedure is to facilitate the transaction of business and to promote cooperation and harmony.

This is still true today.

Principles of Parliamentary Procedure

1. The most direct way in which to conduct business is to consider only one subject at a time and to assign a definite order for the introduction and consideration of any motion.
2. All members of groups and organizations have equal privileges, obligations and rights.
3. The decision of the majority of the group members will prevail. The determination of the will of the majority is the primary objective of parliamentary procedure.
4. The rights and privileges of every member of an organization, whether in the majority or the minority, must be respected regardless of any decision.
5. Every member has the right to full, free, and uninterrupted discussion of every proposal properly placed before the group. The right to speak is as important as the right to vote.

Sturgis

X

*CC Policy
91-2.01 requires*

Sturgis

How would Instant Run-Off Voting work for selection of Planning Commission appointees?

Instant run-off voting (IRV), preference voting, or assured majority voting are euphemisms for a method of electing a candidate for a single position from a field of more than two candidates. The same method can be used for only two candidates, but it becomes equivalent to the "winner take all" style election.

In an assured majority election the candidates are ranked by voters in order of preference. The elections official tabulates the number of first choice votes for each candidate. If one candidate receives a majority of the first choice votes, he is elected and the election is over. If there is no majority from the first choice votes, the candidate with the lowest first choice total is removed from the elections. The ballots for the removed candidate are recounted for the second choice votes. The second choice totals from the recounted ballots are added to the totals of the first choice votes from the initial count. If there is still not a majority, the candidate with the second lowest first choice total is removed and the process is repeated until there is a majority.

Here is an example to show how votes would be counted for an election with four candidates and nine electors.

Four candidates: Abe, Bob, Carl and Don

Nine electors: 1, 2, 3, 4, 5, 6, 7, 8 and 9.

Votes from the nine electors:

	1	2	3	4	5	6	7	8	9
First choice:	Abe	Abe	Don	Carl	Bob	Bob	Bob	Carl	Abe
Second	Don	Don	Carl	Bob	Carl	Abe	Carl	Don	Don
Third	Carl	Bob	Abe	Don	Don	Carl	Don	Abe	Carl
Last choice:	Bob	Carl	Bob	Abe	Abe	Don	Abe	Bob	Bob

From the first choice votes, the totals are: Abe 3, Bob 3, Carl 2 and Don 1. There is no majority, so Don is eliminated from the election. The ballot tally now looks like this (the eliminated candidate struck out):

	1	2	3	4	5	6	7	8	9
First choice:	Abe	Abe	Don	Carl	Bob	Bob	Bob	Carl	Abe
	Don	Don	Carl	Bob	Carl	Abe	Carl	Don	Don
	Carl	Bob	Abe	Don	Don	Carl	Don	Abe	Carl
Last choice:	Bob	Carl	Bob	Abe	Abe	Don	Abe	Bob	Bob

The ballot from elector 3 (with Don as first choice) had Carl as the second choice. The one vote for Carl is added to the first round count, giving a new total of: Abe 3, Bob 3 and Carl 3. There is still not a majority vote, so Carl who received the second lowest total in the first choice count (2 votes) is removed from the election. The ballot tally now looks like this:

	1	2	3	4	5	6	7	8	9
First choice:	Abe	Abe	Don	Carl	Bob	Bob	Bob	Carl	Abe
	Don	Don	Carl	Bob	Carl	Abe	Carl	Don	Don
	Carl	Bob	Abe	Don	Don	Carl	Don	Abe	Carl
Last choice:	Bob	Carl	Bob	Abe	Abe	Don	Abe	Bob	Bob

The first choice vote totals for electors 1, 2, 5, 6, 7, and 9 are counted because Abe and Bob are still in the election. The first choice for elector 4 and the first and second choice for electors 3 and 8 have been

eliminated. Their respective second and third choices are counted and added to the remaining first choice votes. The total is then: Abe 5 and Bob 4. Abe is the winner and the election is over.

What would happen if there were a three-way tie between only three candidates? The candidate with the lowest total in the second choice count would be eliminated and the ballots would be re-tabulated as in the above example. The guiding principle is to select the candidate who has the highest preference for the most electors.

Is it possible to have an election with no majority winner? Yes, but the circumstances are similar to those that would produce no majority in a "winner take all" election. The probability of "no winner" is reduced in the assured majority election because of the possibility of variations between electors in the second and further ranked choices. The remedy is the same as the remedy for a failure to achieve a majority in a "winner take all" election. Re-poll the electors and hope that some will change their votes.

Why use assured majority voting rather than the traditional method? There are two reasons. The first is fairness. The opinion of each voter is considered in the decision, even when their first choice is discarded. Voting for a minority support candidate doesn't produce a "wasted" vote, because the second choice will be considered if the vote is critical to the outcome. In national elections, this would mean that voters could vote for Nader (and Al Gore as their second choice) without fear that their failure to support Gore will throw the election to Bush. For the Planning Commission, a councilor could vote for a candidate with which he shared an unpopular ideology, knowing that his second choice vote would go to the most desirable of the remaining candidates.

The second advantage of assured majority voting is efficiency. The selection of Planning Commission appointees must be by majority vote of the Council. In 1999, there were a large number of candidates for 4 positions. The council required multiple elections to achieve a majority for each position. The elections could only be completed by Councilors changing their votes from their preferred candidates to candidates with broader support. The assured majority system would require one vote for each position. The preference system would automatically produce a majority vote for the candidate with the broadest support.

Is the assured majority system legal for selecting Planning Commission appointees? Section 21 of the City Charter requires that Council decisions are made by majority vote. The assured majority system is a method of achieving a majority decision. Section 26 of the Charter applies State Election Law to City elections. The Oregon Constitution (Article 2, Section 16) makes specific provision for preference voting. The April 21, 2005 memo from Ashland City Attorney Michael Franell indicated his belief that a home rule city cannot compel its county government to conduct a preference election, however elections conducted by the city could use the system. The Planning Commission is selected without involvement of the County. The Boards and Commissions Ordinance, Corvallis Municipal Code Section 1.16.235 should be consulted to ensure there are no further restrictions on Planning Commission selection. However, based on the requirement for majority decisions, preference voting seems the preferred method of selecting appointees to the Planning Commission when there are more than two candidates for one position.

Subject to learning the opinion of the City Attorney and those of my fellow Councilors, it is my conviction that the decision to use preference voting is at the discretion of the Council. That decision must be made by a majority vote of the Council. In the event that the Council must select Planning Commission appointees from a field of candidates that could potentially result in failure to achieve a majority decision on the first vote, I intend to propose that the Council use preference voting for those decisions.

MEMORANDUM

To: City Council Members

From: Mayor Charles C. Tomlinson CCT

Date: March 27, 2007

Subject: Appointments to Economic Development Allocations Sub-Committee

I am appointing the following persons to the Economic Development Allocations Sub-Committee; these appointments do not require Council confirmation.

Matt Johnen
3931 NW Clarence Circle
Corvallis, OR 97330
Telephone: 908-4330 (cellular)

Randy Joss
6088 SW Grand Oaks Drive
Corvallis, OR 97333
Telephone: 929-9360

Josh Kvidt
1364 NW 19th Street
Corvallis, OR 97330
Telephone: 758-4272

Randy and Josh were nominated by the Downtown Corvallis Association, and Matt was nominated by the Corvallis-Benton Chamber Coalition.



Office of the Mayor
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6985
FAX: (541) 766-6780
e-mail: mayor@council.ci.corvallis.or.us

PROCLAMATION

Enhancing Community Livability - Angelica Stambuk-Simon

March 30, 2007

- WHEREAS, our community's well-being is enhanced by the efforts of citizens, every day, in a variety of ways; and
- WHEREAS, the community wishes to celebrate and honor the efforts of our neighbors in Enhancing Community Livability; and
- WHEREAS, service clubs, non-profit organizations, cultural groups and athletic programs are critical to the social and civic health of our community; and
- WHEREAS, Angelica Stambuk-Simon is one of us who gives time and energy to enhance our quality of life; and
- WHEREAS, Angelica is on the CARDV Board, an organization providing services and support to those affected by sexual and domestic violence; and
- WHEREAS, Angelica is a member of Zonta, a world-wide service organization of professionals working together to advance the status of women; and
- WHEREAS, Angelica works for the Corvallis School District as the ELL Family Advocate, providing assistance to our Hispanic neighbors.
- NOW, THEREFORE, I, Charles C. Tomlinson, Mayor of the City of Corvallis, do hereby proclaim **March 30, 2007 as Angelica Stambuk-Simon Day** in the City and encourage people throughout Corvallis to work together, as Angelica does, to enhance community livability.



Charles C. Tomlinson, Mayor

Date

0033

Louie, Kathy

From: David Dodson [davewvp@comcast.net]
Sent: Wednesday, March 28, 2007 2:45 PM
To: Louie, Kathy
Cc: Joan Wessell; Gibb, Ken; Gager, Kathy
Subject: Urban Renewal Plan RFP
Attachments: RFP Urb Ren Plan Final.pdf

Kathy:

Attached is the RFP for the Downtown Urban Renewal Plan at Trish Daniels request. Please distribute this in Council packets tomorrow.

I will drop off seven hard copies to your office this afternoon.

Thanks,

David

**Downtown Corvallis Association
Request For Proposals
Downtown Urban Renewal Plan**

The Downtown Corvallis Association (DCA) is seeking proposals from qualified firms to prepare an urban renewal plan that meets all requirements of ORS 457. Last year, Spencer & Kupper prepared an Urban Renewal Feasibility Report which found there were no technical or legal obstacles to the feasibility of establishing an urban renewal plan for Downtown Corvallis. The Request for Proposals (RFP) is available and may be examined, e-mailed, or obtained for no charge from the Downtown Corvallis Association, 460 SW Madison Avenue, Suite 9, Corvallis, OR 97333. Proposals must be delivered and e-mailed to the Downtown Corvallis Association office on or before 5:00 p.m. Friday, April 20, 2007.

Each proposal must be sealed. In addition, a PDF of the complete proposal must be e-mailed to the project manager at davewvp@comcast.net. The Downtown Corvallis Association reserves the right to accept or reject any or all proposals.

For additional information contact project manager David Dodson at Willamette Valley Planning (541) 753-1987.

Dated this 30th day of March 2007.

Downtown Corvallis Association Request For Proposals Downtown Urban Renewal Plan

Introduction

The Downtown Corvallis Association (DCA) is requesting proposals from firms to prepare an urban renewal plan that meets all requirements of ORS 457.

Background

Last year, Spencer & Kupper prepared an Urban Renewal Feasibility Report which found there were no technical or legal obstacles to the feasibility of establishing an urban renewal plan for Downtown Corvallis. The preliminary boundary of the urban renewal area is just over 250 acres and can be found in the August 2006 Urban Renewal Feasibility Report. The Corvallis City Council has allocated funds to the DCA for managing and undertaking an urban renewal plan, (\$15,000 is available for the preparation of the plan by a consultant). The DCA has hired a local project manager to oversee and coordinate these efforts.

Corvallis has a charter provision that requires voter approval for use of tax increment financing. Therefore, the DCA's steering committee will take the lead on outreach efforts that will be required before the vote.

Scope of Work

1. Develop one or more projections of potential tax increment cash flows over the life of the project.
2. Provide an initial matching of projects against projected tax increment revenues, identify probable time frame needed to carry out all project activities.
3. Prepare an analysis of the impacts of carrying out the plan on revenues foregone by other taxing bodies.
4. Refine the list of project activities to be undertaken, write descriptions of activities for insertion into the Plan, and ensure that all activities comply with Urban Renewal law.
5. Ensure the Plan contains all required sections and wording prescribed by Oregon law, including Measure 50 wording on maximum debt.
6. Develop all legally required data on project conditions, including acreage, land uses, existing and proposed zoning, building conditions, and overall blighting conditions. Consultant will use City or County-supplied GIS information to obtain values within the plan boundary. City staff and the project manager will assist consultant in developing required information on substandard conditions in the area, including any engineering reports, capital improvement lists, etc., which help define and enumerate potential blighting conditions in the area.

7. Prepare the financial statements required by ORS 457. These include a description of the impact of tax increment financing on other jurisdictions; estimated project costs and sources of project funding; estimate of local tax increment funds to be generated by the project, with an annual estimate of their disposition; estimate of date for completion of all project activities, and return of assessed valuation to the tax roll.
8. Prepare adopting Ordinance, all notification requirements of ORS 457, provide written procedural guides to the DCA on plan adoption process, assist the DCA in responses to questions from public or taxing bodies regarding the urban renewal plan, and its impacts on taxpayers, and other taxing bodies.
9. Attend and prepare materials for five public meetings in Corvallis as described in the Project Coordination Section below.
10. Prepare a draft Urban Renewal Plan and accompanying report for public review.
11. Prepare a final Urban Renewal Plan and accompanying report for adoption.

Project Coordination

A 12-member steering committee will provide the urban renewal consultant with guidance and direction. A project manager has been hired by the DCA to facilitate coordination between the steering committee and the urban renewal consultant. It is anticipated that the urban renewal consultant will correspond primarily with DCA's project manager, with the exception of meetings between the steering committee and the consultant.

The City will be responsible for developing required information on the final project area acreage, land uses, zoning, and the metes and bounds legal description of the project boundary. The City will also provide legal review of the required notices and Urban Renewal Plan adoption ordinance prepared by the consultant.

The DCA will be responsible for reserving meeting rooms, costs for copying and distributing drafts of the urban renewal plan, and final copying of the plan. The consultant will be responsible for attending five meetings in Corvallis as follows:

- Meeting #1** – Kick-off meeting with steering committee to review process, timeline, goals, and objectives, and to discuss optional boundary areas.
- Meeting #2** – Public meeting to discuss Urban Renewal 101 with participants, present optional boundary maps, and list of potential renewal project activities.
- Meeting #3** – Public meeting to discuss preferred boundary area and to obtain feedback on proposed list of renewal project activities.
- Meeting #4** – Public meeting to explain financial information, concept of maximum indebtedness, and tax impacts.
- Meeting #5** – Meeting with City Council to present the urban renewal plan and answer questions.

Information Available to the RFP Respondents

Urban Renewal Feasibility Report (2006)

A Vision for Downtown Corvallis (2006)

<http://www.downtowncorvallis.org/economicdevelopment/vision.pdf>

Downtown Corvallis Strategic Plan (2006)

<http://www.downtowncorvallis.org/economicdevelopment/statagic.pdf>

The Corvallis 2020 Vision Statement

<http://www.ci.corvallis.or.us/index.php?option=content&task=view&id=234&Itemid=188>

The Corvallis Land Development Code (Zoning Ordinance)

http://www.ci.corvallis.or.us/index.php?option=com_content&task=view&id=2346&Itemid=3218

Project Schedule

- | | |
|-------------------------------------|---------------------------------|
| ▪ Release RFP | March 30, 2007 |
| ▪ Deadline for proposal submission | April 20, 2007 |
| ▪ Consultant interviews (tentative) | April 24, 2007 (3:00 – 5:00 PM) |
| ▪ Notice to proceed | May 1, 2007 |
| ▪ Completion of Renewal Plan | October 1, 2007 |

Instructions for Preparing Proposals

1. The proposal must be submitted and e-mailed no later than 5:00 p.m., April 20, 2007. Proposals received after 5:00 p.m. will not be accepted.
2. Submit two (2) copies of your proposal to:

Urban Renewal Plan Proposal
Downtown Corvallis Association
460 SW Madison Avenue, Suite 9
Corvallis, OR 97333

E-mail the project manager a PDF copy of the entire proposal to: davewvp@comcast.net

3. The DCA's contact for this RFP is project manager David Dodson at Willamette Valley Planning
Phone: (541) 753-1987; e-mail: davewvp@comcast.net

All questions must be addressed to the project manager. No other staff member will answer questions about this RFP.

4. Written proposals should include, at a minimum, the following:
 - a. An overall introduction to the proposal, including a statement of the consultant's understanding of the project and the community. Proposals shall clearly define the firm's approach to addressing the scope of work described above and any additional services the consultant believes may be desired by the DCA.
 - b. A statement that clearly sets forth the qualifications of the firm to provide the requested services, identifying background, experience, and other qualifications in providing services similar to those sought by the DCA.
 - c. Name and function of those personnel in the organization who would be committed to this project.
 - d. A list of at least three references that may be contacted in regard to the qualifications of the personnel who will be assigned to the project. References must, at a minimum, include former or current clients for whom the respondent has provided services similar to those sought in this request for proposal, including name, address, phone number, and name of the contact person.
 - e. The consultant shall submit a detailed work plan and schedule of work for achieving the scope of work. The consultant is welcome to propose an alternative approach to accomplish the scope of work. The consultant may submit a work plan and schedule for additional services that the consultant believes may be desired by the DCA.
 - f. Cost of services to be provided by major tasks (not to exceed \$15,000).
 - g. The proposal must be signed by a person authorized to commit the consultant to provide the service. Submission of a signed proposal will be interpreted as agreement to all terms and conditions set forth in all of the sheets that make up this Request for Proposal.

Terms and Conditions

1. Evaluation Criteria - Proposals will be reviewed and the selection of the top two consultants made by a selection committee composed of members of the Downtown Corvallis Strategic Planning Steering Committee. Interviews may be conducted prior to a final selection by the DCA. The selection will be based upon the following criteria:
 - ✓ Demonstrated understanding of the project; having the necessary experience, organization, technical and managerial staff to carry out the work.
 - ✓ Quality, completeness, and thoroughness of the proposal in meeting the scope of work and any additional services believed to be desirable.

- ✓ Prior successful experience on related or similar projects and the availability of these individuals assigned to this project.
- ✓ Ability to meet the proposed time line for completion of the project.
- ✓ The total cost for proposed scope of work.

The evaluation of proposals shall be the sole responsibility of the DCA and will be based on information furnished by the consultant as well as on other information available to the DCA. The DCA reserves the right to reject the proposal of any consultant who previously failed to perform properly to the satisfaction of the DCA, or completed on time agreements of similar nature, or to reject the proposal of a consultant who is not in a position to perform such an agreement satisfactorily as determined by the DCA.

Following consultant selection, the DCA will negotiate the final scope of work and contract with the selected consultant. The DCA does not assume any liability or responsibility for costs incurred by firms in responding to this Request for Proposals or requests for interviews, additional data, or other information with respect to the selection process prior to the issuance of an agreement, contract or purchase order.

2. Acceptance of Proposals - The DCA reserves the right to accept or reject any and all proposals; to add or delete items and/or quantities; to amend the RFP; to waive any minor irregularities, informalities, or failure to conform to the RFP; to extend the deadline for submitting proposals; to postpone award for up to 60 days; to award one or more contracts, by item or task, or groups of items or tasks, if so provided in the RFP and if multiple awards are determined by the DCA to be in the public interest; and to reject, for good cause and without liability therefore, any and all proposals and upon finding that doing so is in the public interest, to cancel the procurement at any time prior to contract execution.
3. Insurance Coverage – During the term of this contract, the selected consultant shall maintain in force at its own expense, the following insurance:

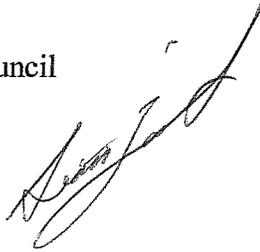
- Workers compensation
- \$500,000 professional liability
- \$500,000 general liability
- \$500,000 automobile liability

The consultant shall furnish acceptable insurance certificates to the DCA prior to its issuance of a Notice to Proceed. The certificate will specify all of the parties who are Additional Insured's. Insuring companies or entities are subject to the DCA's acceptance.

March 19, 2007

To: Corvallis Mayor and City Council

From: Scott Zimbrick
Corvallis City Council
Ward 7

A handwritten signature in black ink, appearing to read "Scott Zimbrick", is written over the "From:" field of the email header.

RE: Overview of COG programs and funding
For 2007 / 2008

Dear Mayor and City Council:

I thought this was a good description of what the Cascades West Council of governments does on behalf of the City of Corvallis. I am including this in your packet for information sake only. If you have any questions....let me know....sz

Overview of COG Programs and Funding for 2007/2008

Role of the Oregon Cascades West Council of Governments (COG) for the Region:

The COG is an entity voluntarily created by the local governments and Port Districts within Linn, Benton and Lincoln counties, and the Confederated Tribes of the Siletz Indians. Oregon law (ORS 190.010) authorizes the COG to carry out, on behalf of the forming governments, programs those governments could otherwise operate independently. Only the authority of the member local governments and their willingness to delegate their authority to the COG limits the range of services provided by the COG.

Generalized Matrix of Program Areas:

Service	Purpose and Intent	Geographic Area of Service
<p>Senior and Disability Services, including Benton County Veterans Services</p>	<p>Administer federal, state and local programs (Medicaid, food stamps and Oregon Project Independence) to support the long term care of seniors and younger persons with long-term disabilities in the least restrictive living situation consistent with their physical and mental health.</p> <p>Staff the federally designated Area Agency on Aging programs, including Meals on Wheels, Outreach and Legal Assistance.</p> <p>Veteran Services assists with veterans to obtain all benefits they are entitled to receive.</p>	<p>All services, except Veterans Services, are provided in all three counties. Principle offices are in Albany, Corvallis and Toledo. Support offices co-located with State Department of Human Services (DHS) offices in Newport and Lebanon.</p> <p>Appointments are made in COG offices, clients' homes, or residential living facilities if the client is not able to travel, or if in-home care is to be arranged.</p> <p>Only Benton County contracts with COG to provide its Veterans Services. Linn and Lincoln Counties operate their own programs.</p>

Service	Purpose and Intent	Geographic Area of Service
<p>Economic Development</p>	<p>Administer State and federally authorized regional economic development planning, grant and loan programs.</p> <p>Administer State and federal business development lending programs.</p>	<p>COG staffs the Cascades West federal Economic Development District for COG's three counties and Lane County. COG also staffs the State designated Regional Investment Board for COG's three counties and Lane County.</p> <p>The business development lending program serves clients and commercial lenders primarily within the COG's three counties.</p>

Service	Purpose and Intent	Geographic Area of Service
<p>Transportation</p>	<p>Administer the State and federally authorized region-wide and sub-regional transportation planning programs.</p> <p>Administer non-emergency medical ride brokerage.</p> <p>Area elected officials and COG staff actively participate in Statewide and multi-state efforts to gain resources and policy changes to improve freight and personal transportation system improvements.</p>	<p>COG staffs the three-county Cascades West Area Commission on Transportation.</p> <p>COG also staffs the Corvallis Area Metropolitan Planning Organization (MPO), which serves Adair Village, Benton County, Corvallis and Philomath.</p> <p>COG provides staff for the Linn County Special Transportation Program for seniors and persons with disabilities.</p> <p>COG administers the State and federally funded Cascades West Rideline for the benefit of Linn, Benton and Lincoln County residents and providers.</p> <p>Statewide and multi-state coalitions including the Oregon Metropolitan Planning Organization Consortium and the West Coast Corridor Coalition (California, Oregon, Washington and Alaska).</p>

Community Development	Assistance to communities to plan, acquire funding for, and construct public infrastructure projects.	The three-county COG area.
Technology Services	Provide services to members for operation of member technology networks and cooperative services. Develop and market software and internet solutions, and services, to non-member agencies. Provide internal agency services for all technology hardware and software needs.	By member request within the three-county area. Oregon State University, statewide and national clients. To all COG offices and staff working from home.
General COG Administration	Provide all human resources, financial and general agency management services. COG legal services are contracted out to private attorneys.	To all COG offices and staff.

Governance, Administration and Programs of COG:

A Board of Directors consisting of a representative from each member government governs the COG. Usually, the representative is an elected official of the member government. No member or class of members has more authority than another, regardless of size of population or type of government. The Board meets bi-monthly.

The Board hires an Executive Director who is delegated all operational and contracting authority. However, the Board retains budget approval authority including the setting of pay levels, benefit amounts, and approves the labor contract with the union representing certain employees. The Executive Director makes recommendations to the Board regarding these matters prior to Board action.

The Board has an Executive Committee and a Finance Committee. The Executive Committee meets bi-monthly with COG management to discuss and advise on operational issues. The Finance Committee consists of the Executive Committee and certain COG standing committee chairs, and meets on an as needed basis. The Finance Committee also serves as the Budget Committee which is a committee required by State law. The COG is required by State law to follow a budgeting process similar to that dictated for Oregon local governments.

There are a number of standing advisory bodies that are the primary program policy development authorities for specific programs. It is at the advisory body level that most deliberation regarding programs occurs, whereas, the Board's responsibility focuses on the overall structure and finances of the COG. The Board is, never the less, the final

policy authority for all programs directly the responsibility of the COG. The COG provides staff by contract with several regional bodies and local governments. In these cases, the Board's role is limited to deciding if the COG should contract to provide staffing for the agency requesting the service.

No member may independently require that the COG operate a program on its behalf without the approval of the COG Board. However, members may ask for COG assistance with that member's specific project or program as long as the general area of assistance is described herein. For example, this document calls for the COG to provide staff assistance to members to apply for and administer water and sewer construction grant or loan funding. Given that general authority, COG staff may from time to time contract with a specific member to provide such a service, without that specific contract being included in this document.

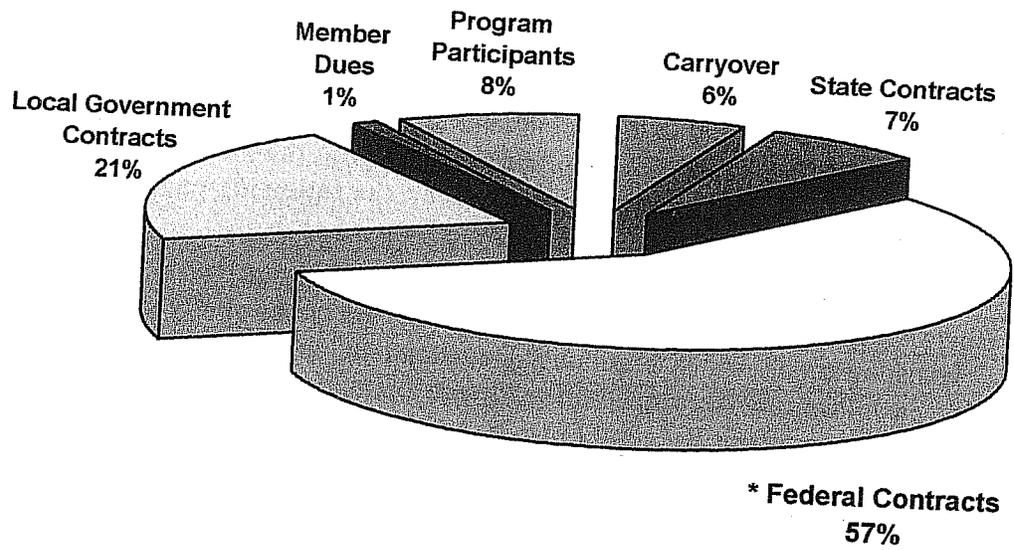
All work of COG staff is presented in this document. **Consequently, this document can be correctly read as an "authorization" document, directing the Executive Director to carry out the programs and functions described on the following pages.**

COG Funding:

The COG Board assesses annual dues to each member. Dues are currently assessed as "General", "Transportation", and "Community Development" dues. The General dues are allocated to each Program Area as described in the annually adopted budget. Those dues are equivalent to members "General Fund" revenue. Last year the General dues amounted to \$139,170, or about 0.01% of the total Revenue. By law, ORS 190.010 entities may not establish a tax base as a source of revenue. Consequently, the General dues are the only general purpose funding of the agency and, therefore, the only funds that the Board can direct to specific programs. Typically, staff recommends that dues be used to provide required matching funds to gain state and federal program funding.

The vast majority of revenue the agency receives is in the form of payment for contract services. While the Board can decide if the COG should operate a program, the Board usually cannot reallocate funds received to support specific contracted services. However, a small number of funding sources do provide some latitude within the operation of a specific contract for allocation among specific projects or services. The COG advisory bodies make most allocation decisions as recommendations to the Board. The Board then acts on those recommendations when they adopt this document or amendments to this document.

CONSOLIDATED REVENUE CHART



*** Federal contracts including funds passed through State government.**

**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
Crosswalk – NW Satinwood Street at Wilson Elementary School	Brauner	03-05-07	04-10-07	Rogers		Elinor Denton – 754-1476 ggelinor@comcast.net
Eligibility of Wildcat Park redevelopment for parks systems development charge funding	Brauner	03-19-07	04-10-07	Conway		

**ADMINISTRATIVE SERVICES COMMITTEE
SCHEDULED ITEMS**

March 29, 2007

MEETING DATE	AGENDA ITEM
April 5	<ul style="list-style-type: none"> • Economic Development Allocations Second Quarter Reports • Reauthorization of a Voluntary Downtown Economic Improvement District
April 19	<ul style="list-style-type: none"> • Ambulance Rate Review • Streetlights Acquisition • daVinci Days Loan Agreement Status Annual Report
May 10	<ul style="list-style-type: none"> • Allied Waste Services Annual Report • Economic Development Allocations Orientation
May 15 5:30 pm	<ul style="list-style-type: none"> • Economic Development Allocations Presentations
May 17 4:30 pm	<ul style="list-style-type: none"> • Economic Development Allocations Deliberations
May 24	
June 7	<ul style="list-style-type: none"> • Third Quarter Operating Report
June 21	
July 5	<ul style="list-style-type: none"> • Economic Development Allocations Third Quarter Reports
July 19	
August 9	
August 23	
September 6	<ul style="list-style-type: none"> • Fourth Quarter Operating Report
September 20	
October 4	<ul style="list-style-type: none"> • Council Policy Review: CP 92-1.05, "Miscellaneous Property Ownership" • Council Policy Review: CP 94-2.09, "Council Orientation" • Council Policy Review: CP 91-3.04, "Separation Policy"
October 18	<ul style="list-style-type: none"> • Economic Development Allocations Fourth Quarter Reports
November 8	<ul style="list-style-type: none"> • Utility Rate Annual Review • Benton County Historical Society/Museum Annual Report • Economic Development Allocations Application Process and Calendar • Comprehensive Annual Financial Report (CAFR) • Funding Agreement Annual Report <ul style="list-style-type: none"> • Corvallis Environmental Center
November 22	No meeting
December 6	

MEETING DATE	AGENDA ITEM
December 20	<ul style="list-style-type: none"> • Economic Development Allocations First Quarter Reports • First Quarter Operating Report • Council Policy Reviews: CP 10.01 through 10.08, "Financial Policies"

ASC PENDING ITEMS

- Franchise Utility Renewals Public Works
 - Consumers Power, Inc.
 - Pacific Power
- Municipal Code Chapter 3.06, "City Services Billing," Annual Review Finance
- Nuisance Code Enforcement Program Review Community Development

Regular Meeting Date and Location:

Thursday following Council, 12:00 pm – Madison Avenue Meeting Room

HUMAN SERVICES COMMITTEE SCHEDULED ITEMS

March 29, 2007

MEETING DATE	AGENDA ITEM
April 3	<ul style="list-style-type: none"> • Council Policy Review: CP 98-4.12, "Guidelines for Public Art Selection" • Social Services Second Quarter Report • Willamette Neighborhood Housing Services Second Quarter Report • Liquor License Annual Renewals
April 17	<ul style="list-style-type: none"> • Review of Municipal Code Open Container/Minor in Possession Laws • Civil Rights Ordinance; New Charter Provisions • Majestic Theatre Annual Report • Boys and Girls Club Annual Report • Corvallis Fall Festival Annual Report
May 8	<ul style="list-style-type: none"> • Social Services Allocation Administration Contract
May 22	
June 5	<ul style="list-style-type: none"> • Social Services Third Quarter Report • Corvallis Farmers' Markets Annual Report • Boards and Commissions Sunset Reviews: <ul style="list-style-type: none"> • Open Space Advisory Commission • Riverfront Commission
June 19	<ul style="list-style-type: none"> • Social Services Allocations – Fiscal Year 2007-2008
July 3	
July 17	<ul style="list-style-type: none"> • Corvallis Neighborhood Housing Services Third Quarter Report
August 7	<ul style="list-style-type: none"> • Parks and Recreation Annual Fee Review
August 21	
September 5	
September 18	<ul style="list-style-type: none"> • Social Services Fourth Quarter Report • Rental Housing Program Annual Report
October 2	<ul style="list-style-type: none"> • Council Policy Review: CP 92-5.04, "Hate/Bias Violence"
October 16	
November 6	<ul style="list-style-type: none"> • Council Policy Review: CP 94-4.07, "City-Owned Art Objects on Private Property" • Council Policy Review: CP 96-6.03, "Economic Development Policies" • Corvallis Neighborhood Housing Services Fourth Quarter Report
November 20	
December 4	
December 18	<ul style="list-style-type: none"> • Social Services First Quarter Reports • Corvallis Neighborhood Housing Services First Quarter Report

HSC PENDING ITEMS

- CDBG/Home and Needs Assessment linkage to social services policy Community Development
- Corvallis Football Academy Agreement Parks & Recreation
- Parks and Recreation Code of Conduct Policy Parks & Recreation

Regular Meeting Date and Location:

Tuesday following Council, 12:00 pm – Madison Avenue Meeting Room

**URBAN SERVICES COMMITTEE
SCHEDULED ITEMS**

March 29, 2007

MEETING DATE	AGENDA ITEM
April 4	<ul style="list-style-type: none"> • Sidewalk Cafés • Downtown Employer Parking • Taxi Stand Request – Road Runner
April 18	<ul style="list-style-type: none"> • Airport Lease Assignment – CAS • Council Policy Review: CP 02-7.15, "Fee-in-Lieu Parking Program"
May 9	<ul style="list-style-type: none"> • Extended-Length Vehicle Parking in Downtown • Lease Assignment Procedures
May 23	<ul style="list-style-type: none"> • Traffic Calming Six-Month Review
June 6	<ul style="list-style-type: none"> • Boards and Commissions Sunset Reviews: <ul style="list-style-type: none"> • Bicycle and Pedestrian Advisory Commission • Citizens Advisory Commission on Transit
June 20	
July 4	
July 18	
August 8	<ul style="list-style-type: none"> • Council Policy Review: CP 99-7.14, "Prepayment for Public Street Improvements"
August 22	
September 5	
September 19	
October 3	<ul style="list-style-type: none"> • Council Policy Review: CP 91-7.01, "Assessments - Sanitary Sewer and Water System Improvements" • Council Policy Review: CP 91-7.02, "Assessments - Storm System" • Council Policy Review: CP 91-7.03, "Assessments - Street Improvements" • Council Policy Review: CP 91-8.01, "Watershed Easement Considerations" • Council Policy Review: CP 9.01, "Crosswalks" • Council Policy Review: CP 9.02, "Dirt on Streets"
October 17	<ul style="list-style-type: none"> • Council Policy Review: CP 91-7.11, "Water Main Extensions and Fire Protection" • Council Policy Review: CP 91-7.09, "Traffic Control Devices, Cost of" • Council Policy Review: CP 91-7.10, "Water Line Replacement Policy" • Council Policy Review: CP 91-9.03, "Residential Parking Permit District Fees" • Council Policy Review: CP 91-9.04, "Street Lighting Policy"
November 7	
November 21	

MEETING DATE	AGENDA ITEM
December 5	
December 19	

USC PENDING ITEMS

- Airport Industrial Park Master Lease Review Public Works
- Owens Farm Infrastructure Extension Framework Public Works
- Prairie Species Habitat Conservation Plan Parks & Recreation

Regular Meeting Date and Location:

Wednesday following Council, 4:00 pm – Madison Avenue Meeting Room

UPCOMING MEETINGS OF INTEREST



City of Corvallis

MARCH - AUGUST 2007
(Updated March 29, 2007)

MARCH 2007

Date	Time	Group	Location	Subject/Note
31	10:00 am	Government Comment Corner	Library Lobby - Charles Tomlinson	

APRIL 2007

Date	Time	Group	Location	Subject/Note
2	12:00 pm	City Council	Downtown Fire Station	
2	7:00 pm	City Council	Downtown Fire Station	
3	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
3	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
4	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
4	7:30 pm 5:30 pm	Library Board	Library Board Room	
4	7:00 pm	Planning Commission	Downtown Fire Station	
5	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
5	7:15 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
6	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
7	10:00 am	Government Comment Corner	Library Lobby - Scott Zimbrick	
10	4:00 pm	Open Space Advisory Commission	Parks and Rec Conf Rm	
10	7:00 pm	Historic Resources Commission	Madison Avenue Mtg Rm	
10	7:00 pm	Ward 1 (York) meeting	Stoneybrook Assisted Living Activity Room	City sponsored
11	5:30 pm	Citizens Adv Cmsn on Transit	Madison Avenue Mtg Rm	
12	8:00 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
12	4:00 pm	Riverfront Commission	Parks and Rec Conf Rm	
12	4:00 pm	Core Services Committee	Madison Avenue Mtg Rm Downtown Fire Station	
14	10:00 am	Government Comment Corner	Library Lobby - Patricia Daniels	
16	12:00 pm	City Council	Downtown Fire Station	
16	5:30 pm	City Council	Downtown Fire Station	
17	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
17	12:00 pm	Cmsn for Martin Luther King, Jr.	City Hall Meeting Room A	
18	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
18	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
18	5:30 pm	Watershed Mngmt Adv Cmsn	Madison Avenue Mtg Rm	
18	7:00 pm	Planning Commission	Downtown Fire Station	
19	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
19	6:30 pm	Parks and Recreation Advisory Bd	Downtown Fire Station	
21	10:00 am	Government Comment Corner	Library Lobby - Mike Beilstein	
23	5:30 pm	Prosperity That Fits Steering Cmte	Madison Avenue Mtg Rm	
24	12:00 pm	Cmsn for Martin Luther King, Jr.	City Hall Meeting Room A	
25	5:00 pm	Downtown Parking Cmsn	Madison Avenue Mtg Rm	

Date	Time	Group	Location	Subject/Note
26	4:00 pm	Downtown/Economic Vitality Plans Implementation Committee	Madison Avenue Mtg Rm	
28	10:00 am	Government Comment Corner	Library Lobby - Kari Rieck	

MAY 2007

Date	Time	Group	Location	Subject/Note
1	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
1	5:30 pm	City Council	Madison Avenue Mtg Rm	tentative Planning Commissioner interviews
2	5:30 pm	City Council	Madison Avenue Mtg Rm	tentative Planning Commissioner interviews
2	7:00 pm	Planning Commission	Downtown Fire Station	
2	7:30 pm	Library Board	Library Board Room	
3	7:00 pm	Budget Commission	Downtown Fire Station	
3	7:15 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
4	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
5	10:00 am	Government Comment Corner	Library Lobby - TBD	
7	12:00 pm	City Council	Downtown Fire Station	
7	7:00 pm	City Council	Downtown Fire Station	
8	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
8	4:00 pm	Open Space Advisory Commission	Parks and Rec Conf Rm	
8	7:00 pm	Historic Resources Commission	Madison Avenue Mtg Rm	
8	7:00 pm	Ward 2 (Daniels) meeting	Library Main Meeting Rm	City sponsored
9	8:15 am	Citizens Adv Cmsn on Transit	Madison Avenue Mtg Rm	
9	3:00 pm	Community Policing Forum	Police Conference Room	business meeting
9	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
10	8:00 am	Citizens Advisory 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	
10	4:00 pm	Core Services Committee	Madison Avenue Mtg Rm Downtown Fire Station	
10	7:00 pm	Budget Commission	Downtown Fire Station	
12	10:00 am	Government Comment Corner	Library Lobby - TBD	
15	5:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
16	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
16	5:30 pm	Watershed Mngmt Adv Cmsn	Madison Avenue Mtg Rm	
16	7:00 pm	Planning Commission	Downtown Fire Station	
17	4:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
17	6:30 pm	Parks and Recreation Advisory Bd	Downtown Fire Station	
19	10:00 am	Government Comment Corner	Library Lobby - Anne Schuster	
21	12:00 pm	City Council	Downtown Fire Station	
21	7:00 pm	City Council	Downtown Fire Station	
22	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
22	12:00 pm	Cmsn for Martin Luther King, Jr.	City Hall Meeting Room A	
23	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
23	5:00 pm	Downtown Parking Cmsn	Madison Avenue Mtg Rm Downtown Fire Station	
24	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
24	4:00 pm	Downtown/Economic Vitality Plans Implementation Committee	Madison Avenue Mtg Rm	
26		No Government Comment Corner		

Date	Time	Group	Location	Subject/Note
28		City Holiday – all offices closed		
29	5:30 pm	Prosperity That Fits Steering Cmte	Madison Avenue Mtg Rm	

JUNE 2007

Date	Time	Group	Location	Subject/Note
2	10:00 am	Government Comment Corner	Library Lobby - George Grosch	
4	12:00 pm	City Council	Downtown Fire Station	
4	7:00 pm	City Council	Downtown Fire Station	
5	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
6	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
6	7:30 pm	Library Board	Library Board Room	
7	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
7	7:15 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
9	10:00 am	Government Comment Corner	Library Lobby - TBD	
11	7:00 pm	Mayor/City Council/City Manager	Madison Ave Mtg Rm	tentative quarterly work session
12	4:00 pm	Open Space Advisory Commission	Parks and Rec Conf Rm	
12	7:00 pm	Historic Resources Commission	Madison Avenue Mtg Rm	
14	8:00 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
14	4:00 pm	Riverfront Commission	Parks and Rec Conf Rm	
14	4:00 pm	Core Services Committee	Madison Avenue Mtg Rm Downtown Fire Station	
16	10:00 am	Government Comment Corner	Library Lobby - TBD	
18	12:00 pm	City Council	Downtown Fire Station	
18	7:00 pm	City Council	Downtown Fire Station	
19	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
19	12:00 pm	Cmsn for Martin Luther King, Jr.	City Hall Meeting Room A	
20	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
20	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
20	5:30 pm	Watershed Mngmt Adv Cmsn	Madison Avenue Mtg Rm	
21	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
21	6:30 pm	Parks and Recreation Advisory Bd	Downtown Fire Station	
23	10:00 am	Government Comment Corner	Library Lobby - David Hamby	
25	5:30 pm	Prosperity That Fits Steering Cmte	Madison Avenue Mtg Rm	
26	12:00 pm	<i>Cmsn for Martin Luther King, Jr.</i>	<i>City Hall Meeting Room A</i>	
28	4:00 pm	Downtown/Economic Vitality Plans Implementation Committee	Madison Avenue Mtg Rm	
30	10:00 am	Government Comment Corner	Library Lobby - TBD	

JULY 2007

Date	Time	Group	Location	Subject/Note
2	12:00 pm	City Council	Downtown Fire Station	
2	7:00 pm	City Council	Downtown Fire Station	
3	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
4		City Holiday – all offices closed		
4		No Urban Services Committee		
5	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
5	7:15 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
7	10:00 am	Government Comment Corner	Library Lobby - TBD	
10	4:00 pm	Open Space Advisory Commission	Parks and Rec Conf Rm	
10	7:00 pm	Historic Resources Commission	Madison Avenue Mtg Rm	

Date	Time	Group	Location	Subject/Note
12	8:00 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
12	4:00 pm	Riverfront Commission	Parks and Rec Conf Rm	
12	4:00 pm	Core Services Committee	Madison Avenue Mtg Rm Downtown Fire Station	
14	10:00 am	Government Comment Corner	Library Lobby - Scott Zimbrick	
16	12:00 pm	City Council	Downtown Fire Station	
16	7:00 pm	City Council	Downtown Fire Station	
17	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
17	12:00 pm	Cmsn for Martin Luther King, Jr.	City Hall Meeting Room A	
18	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
18	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
19	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
19	6:30 pm	Parks and Recreation Advisory Bd	Downtown Fire Station	
21	10:00 am	Government Comment Corner	Library Lobby - TBD	
24	12:00 pm	<i>Cmsn for Martin Luther King, Jr.</i>	<i>City Hall Meeting Room A</i>	
26	4:00 pm	Downtown/Economic Vitality Plans Implementation Committee	Madison Avenue Mtg Rm	
28	10:00 am	Government Comment Corner	Library Lobby - TBD	

AUGUST 2007

Date	Time	Group	Location	Subject/Note
2	7:15 pm	<i>Committee for Citizen Involvement</i>	<i>Madison Avenue Mtg Rm</i>	
4	10:00 am	<i>Government Comment Corner</i>	<i>Library Lobby -</i>	
6	12:00 pm	City Council	Downtown Fire Station	
6	7:00 pm	City Council	Downtown Fire Station	
7	12:00 pm	<i>Human Services Committee</i>	<i>Madison Avenue Mtg Rm</i>	
8	4:00 pm	<i>Urban Services Committee</i>	<i>Madison Avenue Mtg Rm</i>	
9	8:00 am	<i>Commission on Civic Beautification</i>	<i>Parks and Rec Conf Rm</i>	
9	12:00 pm	<i>Administrative Services Committee</i>	<i>Madison Avenue Mtg Rm</i>	
9	4:00 pm	<i>Riverfront Commission</i>	<i>Parks and Rec Conf Rm</i>	
9	4:00 pm	<i>Core Services Committee</i>	<i>Downtown Fire Station</i>	
11	10:00 am	<i>Government Comment Corner</i>	<i>Library Lobby -</i>	
14	4:00 pm	<i>Open Space Commission</i>	<i>Parks and Rec Conf Rm</i>	
14	7:00 pm	<i>Historic Resources Commission</i>	<i>Madison Avenue Mtg Rm</i>	
15	12:00 pm	<i>Housing and Community Dev Cmsn</i>	<i>Madison Avenue Mtg Rm</i>	
16	6:30 pm	<i>Parks & Recreation Advisory Board</i>	<i>Downtown Fire Station</i>	
18	10:00 am	<i>Government Comment Corner</i>	<i>Library Lobby -</i>	
20	12:00 pm	City Council	Downtown Fire Station	
20	7:00 pm	City Council	Downtown Fire Station	
21	12:00 pm	<i>Human Services Committee</i>	<i>Madison Avenue Mtg Rm</i>	
22	4:00 pm	<i>Urban Services Committee</i>	<i>Madison Avenue Mtg Rm</i>	
23	12:00 pm	<i>Administrative Services Committee</i>	<i>Madison Avenue Mtg Rm</i>	
23	4:00 pm	<i>Downtown/Economic Vitality Plans Implementation Committee</i>	<i>Madison Avenue Mtg Rm</i>	
25	10:00 am	<i>Government Comment Corner</i>	<i>Library Lobby - Bill York</i>	
28	12:00 pm	<i>Cmsn for Martin Luther King, Jr.</i>	<i>City Hall Meeting Room A</i>	

Bold type – involves the Council ~~Strikeout type~~ – meeting canceled *Italics type* – new meeting

TBD To be Determined

RECEIVED

MAR 27 2007

CITY MANAGERS
OFFICE

Cody King
Thomas Fernandez

Lighting The Skate Park

Our names are Cody King and Thomas Fernandez and we are trying to light up the skate park until 11:00 with halogen lights. The Corvallis skate park was made for entertainment for today's youth. Even older people that are interested in skating and riding bikes go there, so it's a place for all ages to hang out. Although it's only used during the day when it's light out, it could be used after dark as well. If you have ever been at the skate park after dusk you will know what we are talking about. We need a safe place for us and, later, our children to hangout and spend time with their friends. This would keep them out of trouble. It keeps the kids active which would lower the obesity levels of this generation. The location of the park is too far from any streetlight to even see well enough to ride. If there were lights on until 11, it would give the users of the park more time to skate or ride. This would keep more kids off the streets and keep them occupied with something they really enjoy. The overpass for highway 34 creates a convenient spot for mounting lights that would radiate enough light to be able to ride or skate. Here is a petition for the idea of lighting up the skate park and everyone who agrees. We will create another list of other kids who would be willing to volunteer their time to help make this possible.

Name	Address	Phone #	Signature	Check as a Contact
Thomas Fernandez	364 N 7th	(541) 231-1494	Thomas Fernandez	✓
Erika Woodley	30679 oakview Dr.	(541) 231-2450	Erika Woodley	✓
Kelley Russell	2231 Applegate St.	(541) 231-2451	Kelley Russell	✓
Sally Stephens	P.O. box 1471	(541) 231-6449	Sally Stephens	✓
Bryce Knudson	30958 Cedar Creek Rd.	(541) 260-7472	Bryce Knudson	✓
Josh Bitterman	31466 SW Bell Mountain	(541) 793-6305	Josh Bitterman	✓
Cody Kettler	32232 Blunder Horse Rd	941-929-6451	Cody Kettler	✓
Beth Edgemon	2054 Applegate St	929-3211	Beth Edgemon	✓
John King	2638 Applegate St	929-2906	John King	✓
Alicia Krupp	353 SW	929-4607	Alicia Krupp	✓
Keith C	1530 Main St	609-8696	Keith C	✓
Annalise Howard	1435 Cedar St	609-8610	Annalise H.	✓
Louis Donadio	583 McCall way	(541) 929-4085	Louis Donadio	✓
Brian Schaudt	3334 Pinnacle Pt. 7474 Cutler Ln.	929-7131	Brian Schaudt	✓
Abdul Robinson		(503) 428-3639	Abdul Robinson	✓
Ray Cochran	1691 Bailey St	(541) 929-5037	Ray Cochran	✓
Cabbie Brown	231 N 4th St	929-6629	Cabbie Brown	✓

Name	Address	Phone #	Signature	Check as a Contact
Ben Truesdell	1873 W. ...	740 6981	<i>Ben Truesdell</i>	✓
D. STEPLEMAN	771 E. Rebel #	505 4023	<i>[Signature]</i>	
Jennifer Davis		929-5560	<i>Jennifer Davis</i>	✓
KODI - STONE		929-6418	<i>[Signature]</i>	
Kasra Azizian				
Alden Williams	489 Benton View	929-3546	<i>Alden Williams</i>	✓
Carlos Brooks	2355 Clark Pl	929-2329	<i>Carlos Brooks</i>	
Jon Erickson	33222 Parset Ln	929-5538	<i>Jon Erickson</i>	
Kyle Swank	3001 Arson Ct.	602-1831	<i>Kyle Swank</i>	✓
Heaton Van Der Saanen	1718 Mcbee	602-1990	<i>Heaton Van Der Saanen</i>	✓
Daniel Brooks	241 N th 15 th St.	929-4285	<i>Daniel Brooks</i>	✓
Josh Josh Hansen	6867 SW Grand Oaks Dr	929-842	<i>[Signature]</i>	
Kyle Kyle	415 S 30 th St	929-6907	<i>Kyle</i>	
Robert J. Jennings	24305 rd Park road	929-4211	<i>Robert Jennings</i>	
Alay Pinnell	PO Box 505	929-4970	<i>Alay Pinnell</i>	✓

**HUMAN SERVICES COMMITTEE
MINUTES
March 20, 2007**

Present

Councilor Mike Beilstein, Acting Chair
Councilor Hal Brauner

Staff

Jon Nelson, City Manager
Ken Gibb, Community Development Director
Carrie Mullens, City Manager's Office

Absent

Councilor Stewart Wershow (excused)

Visitors

Jennifer Moore, 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 Allocations Process			Approve the social services estimated available funding as noted in the March 1, 2007 staff report from Community Development Director Gibb.
II. Other Business	*		

Acting Chair Beilstein called the meeting to order at 12:00 pm.

CONTENT OF DISCUSSION

I. Social Services Allocations Process (Attachment)

Community Development Director Gibb reported that the estimated funding for social services allocations in Fiscal Year 2007-2008 is \$379,580. The funding is determined by increasing the Fiscal Year 2006-2007 allocation (\$369,960) by the December 2006 Portland Consumer Price Index (2.6%). Mr. Gibb said United Way of Benton and Lincoln Counties retains five percent of the total fund as the contract administrator, leaving a balance of \$360,601 for social service agencies.

Mr. Gibb said United Way has started the allocation process as identified on page two of the staff report. Allocation recommendations will be presented to this Committee prior to seeking Council consideration.

Mr. Gibb added that Council reviewed social services priorities in the policy last fall and also made changes to the reporting procedures.

United Way Executive Director Moore said the allocation process is going well; paperwork has been streamlined to be user-friendly, eighteen agencies have applied for funding, and feedback has been positive.

Councilor Brauner noted that the estimated allocation is based on the proposed budget which will not be approved by Council until May or June. He said preliminary discussions with the Budget Commission have not indicated any concerns about the social services allocation.

In response to Acting Chair Beilstein's inquiry, Ms. Moore said the amount being requested by agencies is approximately \$420,000 **[confirmed at \$628,771 after the meeting]**.

Acting Chair Beilstein reiterated Councilor Brauner's comments about the Fiscal Year 2007-2008 budget not yet being approved. Although the Budget Commission has not discussed eliminating the social services allocation, it is always a possibility, especially when the City is facing a deficit.

Councilor Brauner noted that the deficit would not occur until the end of Fiscal Year 2008-2009. He reported that the Core Services Committee will focus on Police, Fire, Parks and Recreation, Library, Transit, and Land Use Planning funds, along with social services allocations, new revenues, and possible reduction of services. He suggested that United Way communicate this information to participating agencies.

The Committee unanimously recommends that Council approve the social services estimated available funding as noted in the March 1, 2007 staff report from Community Development Director Gibb.

II. Other Business

The next Human Services Committee meeting is scheduled for 12:00 pm on Tuesday, April 3, 2007 in the Madison Avenue Meeting Room.

Respectfully submitted,

Mike Beilstein, Acting Chair

MEMORANDUM

DATE: March 1, 2007

TO: Human Services Committee

FROM: Ken Gibb, Director, Community Development Department 

SUBJECT: Setting of FY 2007-08 Social Services Estimated Funding Level

I. Issue

To approve the Social Services allocation funding level for fiscal year 2007-08.

II. Background

The Human Services Committee meets annually to recommend to the City Council priorities for allocation of the City's Social Services funds. The current priorities, established during the FY 92-93 allocation process, and reaffirmed annually, are *emergency* and *transitional* services which are defined in the Social Service Policy 2000-6.05 (attached). HSC discussed funding priorities and reviewed proposed revisions to this policy at meetings on October 3, November 7 and December 5, 2006. City Council approved the funding priorities on December 18, 2006, reaffirming Section 6.05.060 to continue the emergency and transitional services criteria and basic human needs focus, and also approved deleting the 1st and 3rd quarter reporting requirements. The updated policy will be applied to the upcoming funding cycle.

III. Estimate of Funds Available for FY 07-08 Allocation with Recent Annual Allocations

In accordance with Council Policy, the allocation is set by using the prior year allocation and increasing by the Portland CPI from December, which was released by the Bureau of Labor on February 21, 2007. Staff has estimated the amount below for inclusion in the proposed FY 07-08 budget.

Proposed 07-08	\$379,580 [\$369,960 + December Portland CPI (2.6% increase)]
FY 06-07	\$369,960
FY 05-06	\$360,580 + \$2,850 carryover from prior year
FY 04-05	\$349,400

IV. General Discussion

The City social service monies are allocated, based on Council priorities, to local agencies through a contract social services administrator. United Way of Benton County and Lincoln County is the current administrator. As the contract administrator, United Way appoints a Committee knowledgeable in social service programs. This committee reviews requests for funding, including whether or not the program meets priorities established by the City, and makes recommendations to the City. United Way staff then monitors those agencies receiving City social service funds.

Of the estimated \$379,580 Social Service Allocation for FY 07-08, the contract administrator will retain five percent (5%) to administer the program (\$18,979); with the balance (\$360,601) available

to organizations providing services. Monthly payments are transmitted to the contract administrator and in turn, they disburse monthly payments to the service providers. As in the past, City funds will be accounted for separately and will be held in separate accounts.

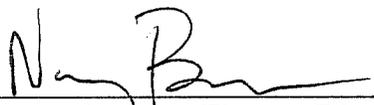
The schedule for FY 07-08 funding allocation is:

March 9, 2007	Letters of Intent due to United Way
March 14, 2007	Grant Applications forwarded to Organizations
March 30, 2007	Grant Applications due to United Way
April 2007	Site Visits and/or Presentations for United Way volunteer grant reviewers to learn more about programs
May 2007	Recommendations formulated by United Way
June 19, 2007	Recommendations Submitted to Human Services Committee
July 2, 2007	Full Council Review and Approval

V. Recommendation/Action Requested

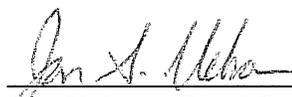
A motion to recommend approval of the estimated available funding.

REVIEW AND CONCUR:



Nancy Brewer, Finance Director

REVIEW AND CONCUR:



Jon Nelson, City Manager

Attachments: Policy

CITY OF CORVALLIS
COUNCIL POLICY MANUAL

POLICY AREA 6 - COMMUNITY DEVELOPMENT

CP 00-6.05 Social Service Funding Policy

Adopted January 18, 2000

Affirmed February 5, 2001

Revised February 19, 2002

Affirmed April 7, 2003

Affirmed February 2, 2004

Affirmed February 22, 2005

Revised December 18, 2006

6.05.010 Purpose

To formally establish a policy for the setting of social service priorities, specify the annual allocation amount and allocation process for funding.

6.05.020 Goal

That all residents have resources to provide for basic needs.

6.05.030 Mission

The social service allocation process is intended to provide support to local social service agencies which assist in improving the mental or physical condition of the people in the City.

6.05.040 Funding Source

- a. To provide a stable funding source for social service agencies receiving financial assistance from the City (direct or indirect), the following method which results in the largest amount shall be used:
 - 1) 0.01181 mills of projected assessed value shall be allocated for this purpose; or
 - 2) The prior year allocation shall be increased by the December Portland Consumer's Price Index (CPI). The FY 99-00 allocation \$370,720 is used as the base.

Council Policy 00-6.05

- b. It is strongly encouraged that all social service funding be requested and distributed through the annual social service program process.

6.05.050 Definitions

The following definitions are written to provide a basis for common understanding in discussing social service needs of the community:

- a. *Basic human needs* - The following are some of the basic necessities of life which, when absent, would be considered to constitute an emergency:

- | | | |
|--------------------------|----------------------|--|
| 1) food | 2) water | 3) shelter |
| 4) warmth | 5) clothing | 6) safety and freedom from fear and violence |
| 7) access to information | 8) acute health care | |

- b. *Emergency services* - Programs or services that provide immediate or short-term assistance to meet any of the above basic human needs when absent.
- c. *Transitional services* - Programs or services that provide people with a short or defined period of assistance to sustain their basic human needs in the transition to self-sufficiency.
- d. *Long-term services* - Programs or services that provide permanent or on-going services to citizens.
- e. *Preventive services* - Programs or services that seek to prevent citizens from needing emergency or transitional assistance.
- f. *Social services* - Intended to describe a program(s) designed to improve the mental or physical condition of the people in the community. Such programs may include, but are not limited to: mental and physical health, child care, drug and alcohol abuse, vocational rehabilitation, aging, and others as permitted.

Council Policy 00-6.05

Since 1992, the City Council has agreed not to fund Long-term or Preventive Services.

6.05.060 Setting Priorities

Annually, Council will review the needs of the community and set priorities for funding, including using broad needs assessment tools that are available. Changes in priorities shall be made by amendments to this Council Policy. The current funding priorities are Emergency and Transitional services.

6.05.070 Eligibility

Organizations applying for City social service funding must be recognized as a non-profit by the Federal Government with a 501(c)(3) tax-exempt status certification or be a governmental or quasi-governmental agency.

6.05.080 Annual Process

- a. Council shall evaluate and set the annual social service priorities.
- b. Council shall review and approve the annual calendar for allocations.
- c. The availability of funds shall be advertised.
- d. Agency proposals shall be received.
- e. Agency presentations shall be scheduled.
- f. A Committee of community members knowledgeable in social service needs shall be formed. They shall:
 - 1) meet to review agency proposals and funding requests; and
 - 2) make recommendations to Council.
- g. The Human Services Committee will review the Social Services Committee recommendations and forward an allocation recommendation for full Council review and approval.
- h. Council shall appropriate the funds for the program in the annual budget.
- i. Contracts shall be executed with service providers.
- j. Funds shall be distributed to service providers.

Council Policy 00-6.05

- k. Contracts shall be monitored and programs of the social service providers evaluated.
- l. Semi-Annual reports on the work performed by service providers shall be submitted.
- m. Council shall review and approve the semi-annual reports of service providers.

6.05.090 Administration of Social Services

- a. The City may chose to issue Request for Proposals on a triennial basis for administration of its social service program and funds. The successful administrator must demonstrate knowledge of the social service needs of the community and advise Council. A contract between the City and the Administrator will be executed and renewed on an annual basis.
- b. Should the City decide not to utilize the services of an administrator, this provision of the Policy shall be invalidated.

6.05.100 Reporting Sanctions

- a. Service providers who report late are subject to the following sanctions

1 st Time Semi-Annual Report is Late	<ol style="list-style-type: none">1. Automatic letter to Agency Director with a copy to the President outlining ramifications if late again.2. Phone call follow-up.3. If report is submitted within a 20-day grace period, then there is no monetary penalty.4. If report not submitted within 20-day grace period, the agency loses 50% of that month's allocation amount.5. For every additional 30 days the report is not received, the agency will lose another 50% of one month's allocation.
2 nd Time Semi-Annual Report is Late	<ol style="list-style-type: none">1. Letter written directly to the President of the Agency's Board of Directors with a copy to the Agency Director.2. If report is submitted within a 20-day grace period, then there is no monetary penalty.3. If report not submitted within 20-day grace period, the agency loses that month's annual allocation amount.4. For every additional 30 days the report is not received, the agency will lose another month's allocation.

Council Policy 00-6.05

3 rd Time Semi- Annual Report is Late (in consecutive years)	1. Suspension from the next year's allocation process.
---	--

- b. In addition to the above sanctions, late reporting will be reported to the Allocations Committee and the Committee will be encouraged to weigh an agency's accountability with regard to reporting when deciding about allocations to that agency's programs.

6.05.110 Return of Funds

- a. In the event a social service provider cannot or chooses not to perform the services purchased by the City, either due to a change in circumstances or to monetary sanctions applied as stated above, the following should occur:
- 1) The City or its Administrator will reconvene the Allocations Committee to evaluate use of the funds. The Committee will make a recommendation to Council. Council shall review the recommendation for approval.
 - 2) The unused funds will be deducted from the monthly allocation to the service provider. Any funds distributed and not used for the services purchased shall be reimbursed by the provider to the City.

6.05.120 Review and Update

These policies shall be reviewed in January of each year in conjunction with the setting of the social service priorities. Council, upon request or significant change in the general and economic well-being and prosperity of the community, may decide to review this policy sooner.

**URBAN SERVICES COMMITTEE
MINUTES
MARCH 21, 2007**

Present

Patricia Daniels, Acting Chair
David Hamby

Absent

George Grosch (excused)

Staff

Jon Nelson, City Manager
Steve Rogers, Public Works Director
Jim Mitchell, Transportation and Buildings
Division Manager
Emely Day, City Manager's Office

Visitors

Chris Beatty, Trillium Fiber Fuel Chief
Executive Officer
John Sechrest
Stewart Wershow, Ward 6 City Councilor
Bob Wilson

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Council Policy Review: CP 97-7.13, "Municipal Airport and Industrial Park Leases"			Affirm Council Policy CP 97-7.13, "Municipal Airport and Industrial Park Leases," as amended
II. Airport Lease – Trillium Fiber Fuel			Authorize the City Manager to enter into an agreement with Trillium Fiber Fuel and to amend the Trillium Fiber Fuel lease and the Corvallis Municipal Airport and Airport Industrial Park master leases to delete from lease Section 4.C. (Use of the Property – Nuisance) the phrase "or immoral"
III. Other Business			

CONTENT OF DISCUSSION

Councilor Daniels called the meeting to order at 4:00 pm.

- I. Council Policy Review: CP 97-7.13, "Municipal Airport and Industrial Park Leases" (Attachment)

Public Works Director Rogers explained that the Policy provides guidance for Corvallis Municipal Airport (CMA) and Airport Industrial Park (AIP) leases. The Policy addresses

important lease issues, including minimum improvements required of tenants and types of lease rates and charges. The Policy is reviewed every five years but does not specify rates, which are stated in a separate document that was reviewed approximately one year ago. The Policy outlines the relationship between the square-footage lease rate and property values, the latter being updated every five years; land value is multiplied by ten percent to determine the square-footage annual lease rate. The Policy specifies lease terms according to lease type.

Mr. Rogers noted that exceptions to Policy provisions are explained when special leases are presented to the Committee.

Upon lease termination, it is expected that the City will own the building and any improvements constructed on the leased land. The lessee may remove the building or improvements, which may be impractical. A lengthy lease with extensions (e.g., 40 years with two ten-year extensions) would result in a value-depreciated building that would probably revert to the City. A previous Council intentionally included this Policy provision for the City's benefit.

The Policy includes provisions regarding encumbrances to allow tenants to be able to finance their building as first priority, rather than the City's land lease being in first-priority position.

Mr. Rogers reviewed staff's suggested Policy amendments, outlined in his memorandum to the Committee; the amendments are relatively minor and involve clarification or grammatical corrections.

City Manager Nelson referenced from Mr. Rogers' memorandum the tenants' irrevocable consents to participate in assessments regarding master plans. Staff is still reviewing the financial implications the provision might have on properties and hopes to have information for the Committee within the year regarding SW Airport Avenue, the Drainageway Master Plan, and wetland mitigation. It is important to determine the financial impacts on the affected properties.

Transportation and Buildings Division Manager Mitchell noted that two master leases are used for leases at the "air" and "industrial" portions of the Airport. The "air" lease was reviewed when the Policy was last reviewed. The "industrial" lease needs further review and modification with assistance from the City Attorney's Office (CAO).

In response to Councilor Hamby's inquiries, Mr. Mitchell confirmed that Policy Section 7.13.030.010, "Lease or Operating Agreements Required" would be amended to include the term "license" to address Mobile Service Providers, which must be licensed by the City. Fixed-Base Operators (FBOs) and Specialized Aviation Service Operations (SASOs) are licensed separately.

Councilor Hamby said he and John Sechrest discussed the provision for the City to receive ownership of buildings and improvements at the end of 40- or 50-year leases, which may be a deterrent to future tenants.

Mr. Rogers responded that the Policy provision was deliberately included in the Policy for the City's benefit. At the end of the lease, the tenant may remove any improvements it constructed on the property; although, this may not be practical.

Councilor Daniels noted that the improvements would be constructed on the City's property.

Mr. Rogers said a tenant without a lease could not own a building on City land. The tenant would be required to remove or leave the building.

Mr. Mitchell said he had not heard that the Policy provision was a deterrent to potential tenants. The CAO indicated to staff that the leases should include "right to access" requirements to ensure that tenants maintain the facilities and property in exchange for a very inexpensive lease rate. At the end of the lease, the City would have a potential asset that could be re-sold or re-leased to further contribute to the Airport.

In response to Councilor Hamby's inquiry, Mr. Rogers indicated that the Policy and basic lease document do not preclude a tenant from entering into a second 50-year lease with the City for the same property. Mr. Nelson added that some 40-year leases were recently extended.

In response to Councilor Daniels' inquiry regarding the subsequent ownership of other industrial parks in the community that began on privately owned bare land, Mr. Rogers explained that the City cannot sell its land at the Airport, which is why CMA and AIP leases contain provisions that might be considered unusual.

Mr. Nelson said no one has complained about the Policy provision under discussion; however, some potential tenants may not consider leasing at CMA or AIP because of philosophical objections to the lease provisions, so a further review may be appropriate.

Mr. Mitchell clarified that the proposed text changes of "Municipal" to "Corvallis" in the Policy relates to the title of the Corvallis Airport Industrial Park Master Plan. The airport is named "Corvallis Municipal Airport."

Councilor Daniels inquired about various Policy sections:

- *7.13.030.018 – Options/Rights of First Refusal*
The Policy provision is intended to be a general guideline. Following extensive discussion by Committee members and staff, it was agreed to amend the provision to read as follows:

"Options and rights of first refusal to lease land may be considered. Tenants, having fully leased the areas stated in the initial lease agreement, may acquire additional property through the option process. Options may run up to a maximum of five (5) years at an annual rate equal to one month's current lease rate per acre (or lot, if smaller than one acre)."

- *7.13.030.020 – Performance and Operating Standards*
The Policy provision refers to performance requirements included in leases for FBOs and SASOs. The provision allows City officials to review the licensees' operations to ensure they are providing the services required by their leases.
- *7.13.030.024 – Nondiscrimination*
Staff will update this Policy section in response to the City Charter amendments approved by voters last November.

Based upon a motion moved and seconded by Councilors Hamby and Daniels, respectively, the Committee unanimously recommends that Council affirm Council Policy CP 97-7.13, "Municipal Airport and Industrial Park Leases," as amended.

In response to Mr. Nelson' inquiry, Committee members indicated a desire for future discussion regarding the consent-to-participate-in-assessments clause and lease terms and lease-extension options.

II. Airport Lease – Trillium Fiber Fuel (Attachment)

Mr. Rogers explained that Trillium Fiber Fuel (TFF) would like to lease property at AIP to produce biofuels from local feed stock by-products. TFF and staff proposed a three-year lease for a pilot plant. Over the three years of the lease, TFF would hopefully evolve into a larger operation, when staff would add lease requirements typically included in other AIP leases. Initially, staff is not proposing that TFF construct site paving and street improvements, which are normally required under 40-year AIP leases. Staff believes TFF has good potential for success and wants to aid in TFF's endeavor.

Staff proposed the standard land lease rate with options for lease extensions. If lease extensions are approved, additional lease requirements would be expected of TFF.

The Airport Commission recommended approval of the lease, which involves property north of SW Airport Avenue. The site was selected based upon available property that was not limited by wetlands and had proximate access to three-phase electrical service; the property is along City water and sewer lines, which will be necessary for TFF's operations.

John Sechrest added that the Airport Design Review Committee approved the proposed site layout.

Chris Beatty, Chief Executive Officer of TFF, explained that his company is attempting to convert local grass straw to fuel-grade ethanol; the straw would otherwise be tilled, burned, or baled. Corn ethanol differs from TFF's proposed process because of the source product and initial processing. TFF's process is experimental, prompting him to request from staff a short-term lease to allow TFF opportunity to develop its process on a scale larger than a laboratory but with less risk than a full-production operation. He anticipates that TFF would produce approximately 100,000 gallons of fuel per year, which is a very small amount in relation to total fuel production in the world. A pilot plant would not be large enough to be profitable because of the costs for overhead and employees to operate the facility. After a period of time, he anticipates that the facility could become a research-and-development facility with an additional permanent building and street improvements or a production facility requiring more structural change, more land, and a new lease – a facility potentially 20 times larger than currently proposed. Alternatively, TFF could close operations because of poor performance or a need for a completely different location. The building design is not complete at this time, but he believes all of the building and equipment could be removed from the site, or a shed could remain on the property for City ownership or removal at TFF's expense.

Mr. Beatty noted that TFF is comprised of four Corvallis residents – three people formerly with Hewlett-Packard and one Oregon State University (OSU) professor.

In response to Councilor Hamby's inquiry regarding TFF's potential customers, Mr. Beatty identified Sequential Biofuels in Salem, which has the only production biodiesel facility in Oregon. Sequential Biofuels converts waste oil from Kettle Chips and Burgerville into biodiesel, has the only private E85 station in Oregon, and is eager to have a regional source of ethanol. TFF is more likely to work with small, independent oil companies because of the volume of ethanol TFF expects to produce. A production plant could contract with small or large oil companies in Oregon. TFF intends to produce and sell locally. He confirmed that ethanol is different from biodiesel, as it can be used in all gasoline-powered vehicles.

In response to further inquiry, Mr. Beatty said he spoke with Benton County and City officials regarding supplying ethanol for publicly owned vehicle fleets. TFF applied for a grant from the Oregon Economic and Community Development Department to work with Linn County, which is a key growth area for straw. TFF's proposal would be strengthened if Benton County would become a prospective customer. Linn and Benton Counties would each account for 25 percent of TFF's production.

Mr. Beatty said, in a worst-case scenario, TFF would consume 7,000 gallons of water per day, which staff indicated would not create problems. A pilot plant would probably not contain the water recycling plumbing that would be incorporated into a production facility.

In response to Councilor Daniels' inquiry, Mr. Beatty confirmed that TFF spoke with Department of Environmental Quality (DEQ) regarding discharge permits for air quality. The pilot plant should be below DEQ permit thresholds. In a production mode, TFF would

like to use some of the residual biomass to power the plant. DEQ is concerned with the quantity of particulates emitted to the air and has stringent requirements, which are expensive to meet.

Councilor Hamby inquired about the reason for a three-year lease with potential for two ten-year extensions.

Mr. Beatty responded that negotiating a new lease would amount to starting over. He does not believe the ten-year extensions will be relevant, as he expects to negotiate a new lease with a new term and extensions. If the pilot plant is expanded to a production facility, he expects that TFF will ask the City for a longer-term lease with extension options.

In response to Councilor Hamby's inquiry, Mr. Mitchell said staff believed that three years would be long enough for TFF to prove that its process is successful. If TFF would like to expand its operation after three years, staff would probably consider a new lease and the appropriate location. A three-year lease with option for two ten-year extensions seemed the most convenient option for TFF and the City. A typical AIP lease would have a 40-year term with option for two ten-year extensions. The selected lease site seemed best for TFF's proposed operation and would have minimal impact on other development in AIP.

In response to further inquiry, Mr. Rogers said staff did not believe the potential 7,000-gallon-per-day water usage would be significant. There is currently a low level of water usage in the Airport area. The City installed large water lines to the Airport to provide sufficient water for fire suppression in an industrial area; therefore, water is "wasted" by continuously pumping it through the lines to maintain water quality. If the City can sell 7,000 gallons per day to TFF at AIP, that water would not end up on the ground as water expended to maintain water quality.

Councilor Hamby referenced lease section 4.C. (Use of the Property – Nuisance) and asked that the phrase "or immoral" be deleted.

Mr. Rogers said the City Attorney did not object to removing the phrase but suggested that the phrase was included in case leased property was used for a legal purpose that did not conform with City standards. Whether a purpose was considered immoral would most likely be determined by legal action.

Mr. Rogers expressed his understanding that, if the Committee approved deleting the phrase "or immoral" from lease section 4.C., staff would also delete the phrase from the CMA and AIP master leases and all future leases.

In response to Mr. Nelson's inquiry, Mr. Rogers explained that the City has a limited number of vehicles capable of using E85 biofuel. The City retains its vehicles for ten to 15 years, so it will be some time before the entire City vehicle fleet can use E85 biofuel. Currently, the City would need a third fuel tank to provide E85 biofuel; this would not be appropriate until a sufficient proportion of the City's vehicle fleet could use the fuel. The

State Legislature will consider two bills mandating biofuels, which should enhance the biofuels market.

Mr. Mitchell added that the Police Department uses the most gasoline of all City departments, and all Police vehicles could use E85 biofuel. OSU is considering using E85 biofuel for some of its vehicles.

Mr. Rogers noted that it may be possible to install one E85 biofuel tank for use by City, County, and OSU fleet vehicles.

Mr. Beatty questioned whether the City could use E85 biofuel tanks owned by another entity. He said his comment regarding Benton County potentially purchasing 25 percent of TFF's production was based upon use of E10 biofuel. Two to three hundred vehicles traveling the typical, annual mileage would be needed to consume all of the E85 biofuel TFF expects to produce. Linn County has three or four vehicles that can use E85 biofuel.

Based upon a motion moved and seconded by Councilors Hamby and Daniels, respectively, the Committee unanimously recommends that Council authorize the City Manager to enter into an agreement with Trillium Fiber Fuel and to amend the Trillium Fiber Fuel lease and the Corvallis Municipal Airport and Airport Industrial Park master leases to delete from lease Section 4.C. (Use of the Property – Nuisance) the phrase "or immoral."

III. Other Business

- A. The next regular Urban Services Committee meeting is scheduled for April 4, 2007, at 4:00 pm, in the Madison Avenue Meeting Room.

Councilor Daniels adjourned the meeting at 4:53 pm.

Respectfully submitted,

Patricia Daniels, Acting Chair

MEMORANDUM

TO: Urban Services Committee

FROM: Steve Rogers, Public Works Director 

DATE: March 6, 2007

SUBJECT: **Council Policy 97-7.13 Municipal Airport and Industrial Park Leases**

ISSUE

The Municipal Airport and Industrial Park Lease Policy is reviewed triennially by the Public Works Department and is revised as appropriate by City Council.

BACKGROUND

The policy was first adopted in June 1997, then revised in March 2001 and June 2004, to provide direction for the development of leases to be used for responding to various types of tenants of the Airport and Airport Industrial Park. The Policy includes goals, guidelines, and document review schedules.

DISCUSSION

The City currently has 15 industrial park leases and 17 airside leases. The present Policy is to aid in uniformity of lease agreements at the Airport and Airport Industrial Park. Upon review, staff recommends a few changes as noted below and identified in the attached document.

Suggested changes to CP 97-7.13:

7.13.030.010 Lease or Operating Agreements Required

No person, firm or organization will be permitted to operate business activities in the Airport or Airport Industrial Park without a valid lease, or sublease or license.

7.13.030.012 (a) Uses, Rights, and Obligations.

- a. The uses and rights granted to tenants will be consistent with and specifically defined in the MunicipalCorvallis Airport Industrial Park Master Plan, Airport Master Plan and land use plans.

7.13.030.012 (c) Uses, Rights, and Obligations.

- c. Tenants shall be liable for all costs, fines, assessments and other liabilities arising from their use of the premises, including any resultsthat result in the need for environmental cleanup under state or federal regulations.

7.13.030.013 (c) Minimum Improvements and Investment Standards.

- c. All constructed facilities will meet the minimum code and land development requirements of the City of Corvallis. Building construction and materials will adhere to the Airport and MunicipalCorvallis Airport Industrial Park Master Plans with a stated

goal of holding to a higher development standard and to protect the investment of existing tenants.

7.13.030.016 (a) Land Rental Rates.

A ~~Cost~~ Consumer Price Index (CPI) may be used in conjunction with the appraisal to set inflation adjustments.

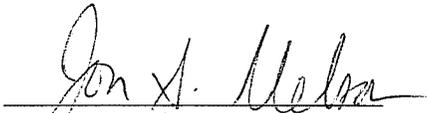
The Airport Commission met on March 6, 2007, and unanimously recommended that these changes to Council Policy 97-7.13 Municipal Airport and Industrial Park Leases be forwarded to the Urban Services Committee recommending City Council adoption of the changes.

An issue discussed by staff that will receive future Airport Commission and City Council policy consideration is policy section 7.13.030.013 (d); assessments based upon master plans. Analysis needs to be conducted on the costs, per parcel, of the irrevocable consent to participate in these assessments and their impact on the lease ability of industrial park property.

REQUESTED ACTION

Staff requests the Urban Services Committee review the proposed changes to Council Policy 97-7.13 Municipal Airport and Industrial Park Leases as recommended by the Airport Commission and recommend the City Council adopt the changes.

Review and Concur,



Jon S. Nelson
City Manager

Attachment: Council Policy 97-7.13 March 2007 revisions

CITY OF CORVALLIS

COUNCIL POLICY MANUAL

POLICY AREA 7 - COMMUNITY IMPROVEMENT

CP 97-7.13 Municipal Airport and Industrial Park Leases

Adopted June 2, 1997

Revised March 2001

Revised June 7, 2004

Revised March 2007

7.13.010 Purpose

- a. The purpose of the Municipal Airport and Industrial Park Lease Policy is to provide a sound, consistent document on which the City of Corvallis can respond to the interests of financially stable and responsible tenants to the Airport and Airport Industrial Park and can administer tenant leaseholds fairly and uniformly.
- b. The policy is adopted so that all current and prospective tenants will be fully aware of the rules for Airport and Airport Industrial Park property administration and be treated in a fair and equitable manner.
- c. Other purposes of the policy include maintaining a stable revenue source to the airport, protection of tenants, and guidelines for airport-related business decisions.
- d. This policy pertains only to leases of City-owned land and property, and excludes permits on other commercial activities listed in the Minimum Standards.

7.13.020 Policy Goals

7.13.020.10 These policies are designed to assure Airport and Airport Industrial Park tenants of a desirable business climate while minimizing administrative and operational concerns.

7.13.020.20 In developing the various elements of the Airport and Airport Industrial Park Lease Policy, the goal is to negotiate lease agreements that will:

Council Policy 97-7.13

- a. Fulfill long-term public service goals inherent in the operation of public use facilities;
- b. Define operational costs in the leased areas that are to be covered by the lessee;
- c. Permit maximum generation of revenues to the Airport Fund in a manner consistent with sound business practices;
- d. Facilitate the investment of private capital to develop the Airport and Airport Industrial Park; and
- e. Compete on an equitable basis with private industrial properties.

7.13.030 Policy Guidelines

The following policy guidelines will be utilized in the future leasing of Airport and Airport Industrial Park property.

7.13.030.010 Lease or Operating Agreements Required

No person, firm or organization will be permitted to operate business activities in the Airport or Airport Industrial Park without a valid lease, or sublease or license.

7.13.030.011 Standardized Leases

The City will develop standardized leases for tenants of each particular business classification listed below.

- a. Fixed Base Operators (FBO)
- b. Specialized Aviation Service Operator (SASO)
- c. Industrial Tenants - Ground Lease
- d. Hangar Tenants - Ground Lease
- e. T-hangar Rental Agreement

Council Policy 97-7.13

7.13.030.012 Uses, Rights, and Obligations

- a. The uses and rights granted to tenants will be consistent with and specifically defined in the Municipal Corvallis Airport Industrial Park Master Plan, Airport Master Plan and land use plans. In addition, services or facilities development that will be required of the lessee will be specifically stated in an agreed lease document, as will any restrictions on uses, rights, and obligations.
- b. All tenants are obligated to abide by all City of Corvallis municipal codes, standards, and policies.
- c. Tenants shall be liable for all costs, fines, assessments and other liabilities arising from their use of the premises, including any results that result in the need for environmental cleanup under state or federal regulations.
- d. Tenant shall maintain, during entire term of the lease, the minimum insurance requirements as stated in the lease.

7.13.030.013 Minimum Improvements and Investment Standards

- a. Any tenant who enters into a lease with the City of Corvallis with the intention of constructing owned or leased facilities will be obligated to commence construction of such facilities within 12 months from the date the lease is signed and to complete construction within 12 months of the commencement date.
- b. The lessee may apply for up to a six-month extension to the time periods provided written request is given 90 days prior to the end of either 12 month period. This notice shall include the new expected completion date.
- c. All constructed facilities will meet the minimum code and land development requirements of the City of Corvallis. Building construction and materials will adhere to the Airport and Municipal Corvallis Airport Industrial Park Master Plans with a stated goal of holding to a higher development standard and to protect the investment of existing tenants.
- d. Further, all Airport and Airport Industrial Park leases will require the lessee to comply with the requirements of all applicable City Master Plans as approved by the Corvallis City Council. Future tenant improvements within the Airport and Airport Industrial Park in full compliance with the approved plans may include parcel assessments or charges. Those

Council Policy 97-7.13

assessments or charges shall be the same as those charged which apply within the corporate limits of the City of Corvallis.

7.13.030.014 Leased Areas

Land under buildings, parking areas, or any other areas specifically designated in the lease will be made available for the exclusive use of the tenant and, as such, the tenant will pay rent on the area designated.

7.13.030.015 Types of Rates and Charges

The principle underlying the establishment of lease rates is that each tenant in the Airport and Airport Industrial Park should pay an appropriate fair market rate for such tenancy of use. With regard to the various uses of Airport property, the following policies apply:

- a. All land and building tenants will be required to pay for the gross land area leased. In addition, any tenant of a City-owned building will be required to pay building rent.
- b. All leases will identify, in the lease language, ground rents and building rents separately, as well as any other use fees or charges.
- c. The lessee will also promptly pay all personal property taxes levied against those improvements owned or leased by the lessee.

7.13.030.016 Land Rental Rates

- a. As a basis for establishing uniform land rental rates in the future for various parcels of Airport and Airport Industrial Park property, the City will periodically obtain an independent appraisal of the current market value of the land. The annual ground rental will be established on the basis of a given percentage of the appraised market value of the given parcels. A Cost Consumer Price Index (CPI) may be used in conjunction with the appraisal to set inflation adjustments.
- b. The percentage used for this determinate will be applied consistently to all Airport and Airport Industrial Park land and building tenants. Current leases reflect the annualized percentage of ten percent (10%) of the appraised value.
- c. All future lease agreements will provide for readjustment of the land rental rate every five years so that the Airport and Airport Industrial Park

Council Policy 97-7.13

may at all times receive income which is appropriate to the changing value of the land.

7.13.030.017 Term (Duration of Lease)

The term (duration) of all Airport and Airport Industrial Park lease agreements will be determined on the following basis:

- a. All agreements will be long enough to permit any tenant making a substantial capital investment in facilities, new or improved, to amortize the capital investment over the duration of the lease. This will also allow the tenant to secure the funding sources required to make this capital investment. Terms may be extended upon prior agreement reached during the negotiation of lease terms.
 - 1) In the event an extended term is considered, provision will be made for rental terms during negotiations of the lease.
 - 2) Following are the basic guidelines for lease terms:

City-Owned Building	10 years
Private Hangar	20 years
FBO/SASO	30 years
Private Industry	40 years
 - 3) Longer lease terms or extensions may be permitted based on the following criteria:
 - * Investment in Buildings and Grounds
 - * Capital Intensive Operations
 - * Service to other Airport or Airport Industrial Park users
 - * Family Wage Job creation
 - * Extension of Public Infrastructure; Benefit to Other Parcels (i.e., roads, water, sewer)
 - * Ability to Attract New Aviation Business
 - * Improvements Likely to Remain Following Lease Termination
 - * Availability of Grant/Loan Money
 - * Suitability of Location on the Airport or Within the Airport Industrial Park
 - 4) Lease extensions will be limited to no more than two (2) ten (10) year periods.
- b. All agreements with terms less than those stated in 7.13.030.017a will be subject to the same rental rate adjustments. These adjustments will be

Council Policy 97-7.13

based on current market values and CPI percentages as per 7.13.030.016.

7.13.030.018 Options/Rights of First Refusal

~~As a general rule, o~~Options and rights of first refusal to lease land ~~will~~may be considered. Tenants, having fully leased the areas stated in the initial lease agreement, ~~will~~may have the ability to acquire additional property through the option process. Options may run up to a maximum of five (5) years at an annual rate equal to one month's current lease rate per acre (or lot, if smaller than one acre).

7.13.030.019 Maintenance Policies

a. The following maintenance policy has been adopted for the various users of the Airport Industrial Park and Airport:

1) Buildings and Grounds

The lessee will be required to provide all needed maintenance for the gross area of land leased and all privately owned facilities on that land. Maintenance of any City-owned structures will be negotiated on a net basis. Under a negotiated net lease, building area tenants are required to assume full responsibility for providing all utilities and daily services, and will be fully responsible for maintenance, repair, upkeep, and operation of leased premises, except for basic structural maintenance.

2) Terminal Building

The City of Corvallis will provide structural maintenance of the main terminal building. The tenant will be required to provide fire insurance, internal maintenance and other day-to-day services as needed.

b. Net leases for all building areas and ground leases, result in a minimum of operational costs to the City of Corvallis.

c. The City of Corvallis shall be the sole judge of the quality of maintenance and, given written notice, the City of Corvallis may require the lessee to perform maintenance as necessary. In the event this maintenance is not undertaken as required, the City of Corvallis will have the right to perform

Council Policy 97-7.13

such needed maintenance and bill the lessee for the actual cost of the maintenance.

7.13.030.020 Performance and Operating Standards

- a. All leases granting commercial uses in the Airport and the Airport Industrial Park may include clauses governing the hours of operation, types of operation, the extent of services offered and required, staffing requirements, and the quality of performance that will be required of the lessee. The quality of performance will be evaluated by the City of Corvallis.
- b. Performance standard clauses are essential in commercial leases (such as car rental agencies, fixed base operator, restaurants, etc.) to ensure that the performance level is consistent with the expectations of service.

7.13.030.021 Rights on Termination

Any improvements or personal property remaining upon the leased property thirty (30) days after the termination of the lease shall become property owned by the City of Corvallis.

7.13.030.022 Encumbrances

- a. Leases for all uses may permit the lessee to subordinate the leasehold improvements for financial purposes, with the sublessee approved in advance by the City of Corvallis.
- b. To protect the mortgager's interests, the mortgager shall be granted the right to cure any default on the part of the lessee in the payment of rent and, in the event of default, to assume the lessee's position under the lease. The encumbrance clause assists in the private investment for financing capital improvements, protects the mortgager's interests, and does not compromise the interests of the Airport Industrial Park and Airport.

7.13.030.023 Subleasing/Assignment

Subleasing and/or assignment of land leases and City owned building leases will not be permitted without prior written approval of the City of Corvallis as to both the sublessee and the sublease that will be entered into specifically with regard to the privileges and obligations to be granted. Approval will not be withheld without reasonable cause.

Council Policy 97-7.13

7.13.030.024 Nondiscrimination

The Lessee agrees that no person shall be excluded from participation in the use of the premises on the basis of race, color, creed, religion, sex, sexual orientation, age, physical or mental disability, source of income, marital status, or national origin nor shall any person otherwise be subjected to discrimination on these bases in the use of the premises.

7.13.030.025 Cancellation Clauses

In addition to the usual cancellation clauses by the City of Corvallis for default of the lessee, any aviation class tenant shall be given the right to cancel the current lease if:

- a. The Airport no longer functions as a transportation facility;
- b. The use of the Airport is restricted so as to prevent the lessee from operating for a period of ninety (90) consecutive days; or
- c. The City of Corvallis defaults in any of the terms, covenants, or agreements of the lease.

7.13.030.026 Short-Term Leases in City-Owned Facilities

The City of Corvallis may, in addition to the stated requirements as set forth in this document, require all lessees to provide a letter of credit or security deposit equivalent to three months of rent.

7.13.040 Policy Review and Update

This Community Improvement Policy shall be reviewed by the Public Works Director triennially in March and updated as appropriate.

MEMORANDUM

TO: Urban Services Committee

FROM: Steve Rogers, Public Works Director 

DATE: February 23, 2007

SUBJECT: Trillium Fiber Fuels Land Lease

ISSUE

Trillium Fiber Fuels is a new startup company working on a new form of biofuel. The core structure of the project is to produce bio-ethanol from grass straw. Trillium Fiber Fuels desires to lease an acre consisting of the northern section of parcel 16 at the Airport Industrial Park. The goal of the lease is to establish a test bio-ethanol production facility. Because this is a test facility, the goal is to put up two metal sheds for housing the straw storage and the initial production facility. The duration of the lease is for 3 years with two ten-year extension options.

DISCUSSION

Chris Beatty is the CEO of Trillium Fiber Fuels and is working with an OSU professor and other founding partners to establish this company. The next phase of the business development is to establish a low volume test production facility to validate the process. The process involves converting grass straw into sugar through the use of biocatalysts. This is then converted into ethanol through a brewing process similar to beer fermentation. The end product is ethanol. The initial facility will be designed to produce 100,000 gallons a year. There is a significant market in Oregon for ethanol as a gas additive. In Linn County there are over 150,000 tons of grass straw waste available. If this facility is successful, it would be the validation for creating a larger production facility to process this available straw stock. Because of the research and development nature of this project, Trillium has requested that minimal site improvements be required initially and that at the point of exercising the option for the first ten-year extension, site improvements such as the paved parking area would be built.

The brewing process will use significant amounts of water. An industrial pretreatment discharge permit from the City would need to be issued for the project. Additionally, the brewing process would require a boiler which would have a stack that discharges into the air. The initial discharge volumes would be low and are expected to be lower than the amount needed for a DEQ discharge permit. There is a request in place for more details about the DEQ findings on this issue.

The delivery of straw and the pickup of ethanol would require truck traffic up Hout Street, but the volume of traffic would not be significant. The site is being designed to support a truck turn-about. There is a location identified for a permanent building if the project is successful. (See

attached conceptual layout drawing.)

This effort would have a significantly positive impact on the grass seed farmers, as well as supporting the growing bio-fuels efforts in Corvallis. It is being put together by local professors and ex-HP staff. The result could be a significant impact on the local energy sector as well. Every dollar spent on the locally produced energy will cycle through the local economy several times.

The proposed lease rate is based on the current Airport Industrial Park rate of \$0.0825 per square foot per year for an annual rent of \$3,593.70.

The Airport Commission will review the lease request at their regular March 6, 2007 meeting.

RECOMMENDATION

Contingent on a recommendation from the Airport Commission meeting of March 6, 2007, staff requests the Urban Services Committee review and recommend approval of the lease to the City Council and authorize the City Manager to enter into an agreement with Trillium Fiber Fuels.

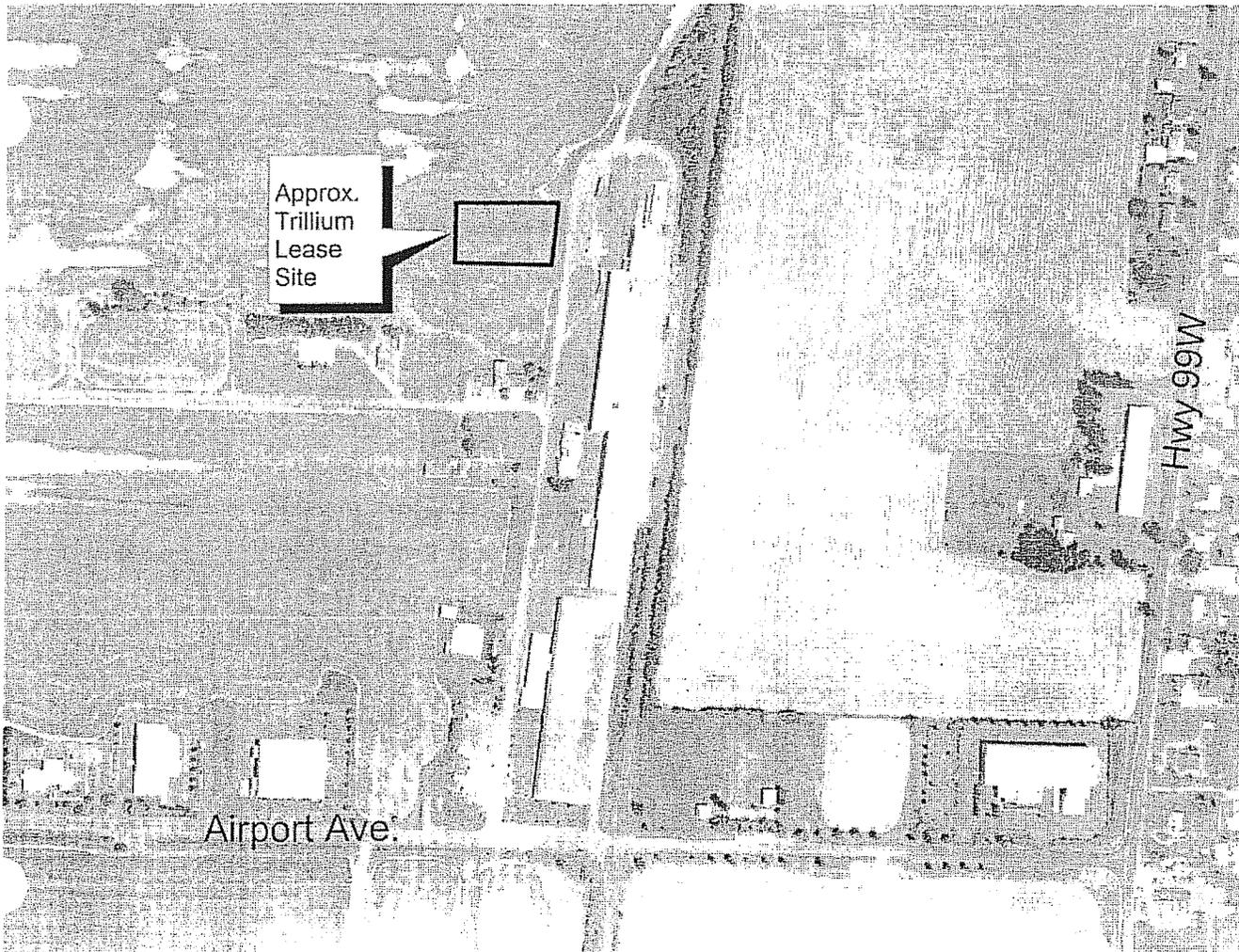
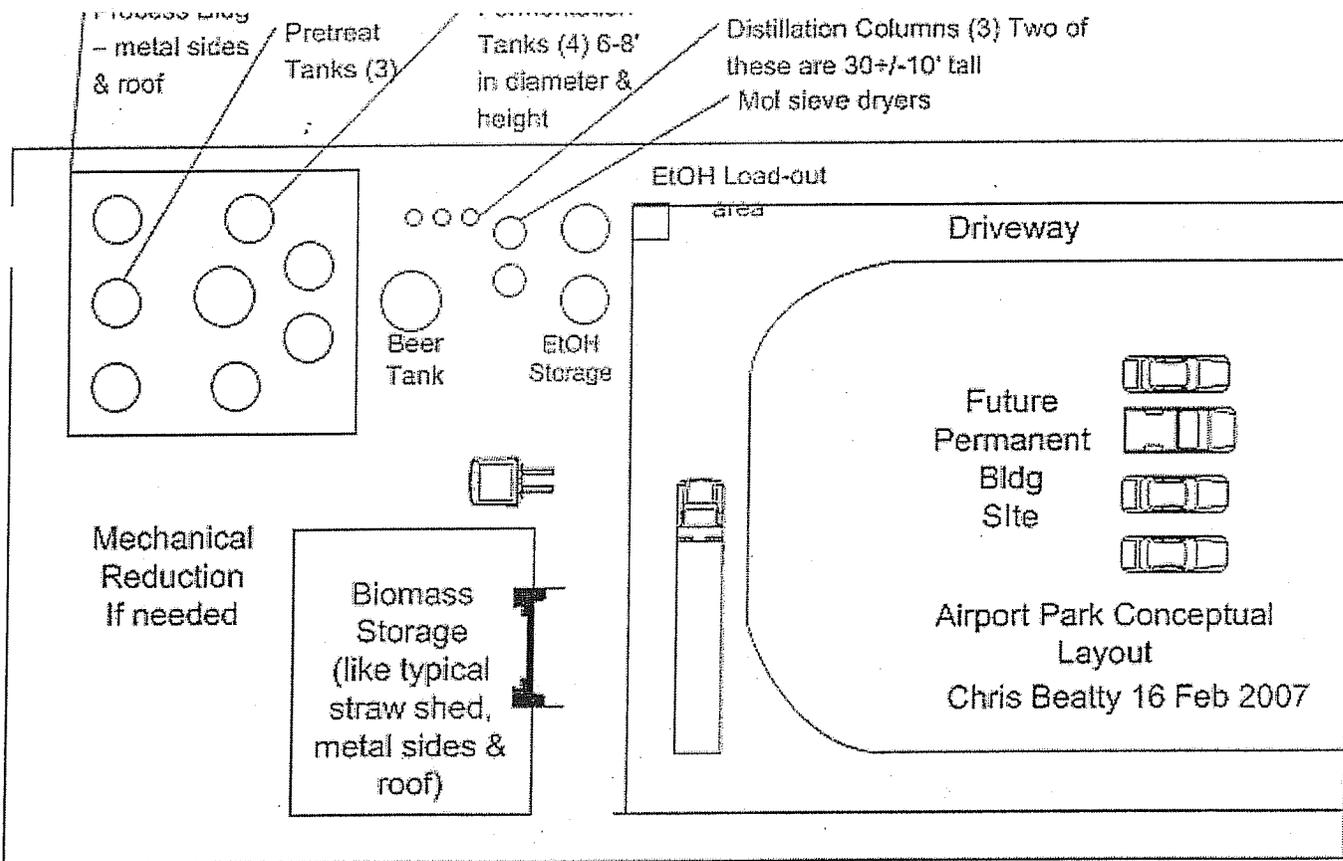
Review and Concur,



Jon S. Nelson
City Manager

Attachments

Conceptual layout drawing
Proposed lease



LAND LEASE AGREEMENT CORVALLIS AIRPORT INDUSTRIAL PARK

THIS LEASE, made this _____ day of _____ 200_ is by and between the City of Corvallis, an Oregon Municipal Corporation, hereinafter referred to as the City, and Trillium Fiber Fuels hereinafter referred to as the Lessee.

1. PREMISES

The Corvallis Municipal Airport/Industrial Park is owned and managed by the City of Corvallis and is operated as an Enterprise Fund, in that all fees, land leases and rent revenues are retained by the City for the exclusive operation of the Airport. The City, in consideration of the terms, covenants, and agreements herein contained on the part of the Lessee to be kept and performed, does hereby lease 1 (one) acre, more or less, located in the Corvallis Municipal Airport Industrial Park:

See Attached Exhibit "A", legal description, and Exhibit "B", site plan..

2. TERM

The Lessee shall have the right to possession, use, and enjoyment of the leased property for a period of 3 years, beginning on **June 1, 2007** and ending **June 30, 2010**. Thereafter, the term of this lease may be extended by mutual approval of both parties, for up to two (2) ten (10) year periods. Lessee shall notify the City at least sixty (60) days prior to the termination date of this lease of its intent to exercise this option. The City shall not withhold its approval for the extension unreasonably. Good reasons for the City to withhold its approval would include but not be limited to; failure of Lessee to provide insurance; failure of Lessee to make timely payment of rent; or City's determination of a better use of the property. At the end of the second ten (10) year extension period, City and Lessee shall negotiate a new lease agreement.)

The Lessee agrees to pave gravel drives and parking lots when/if an extension option is requested.

3. RENT

A. Rental Rate. Lessee shall pay in advance, a monthly rent payment by the first day of each month beginning **June 1, 2007**, and continue on the first day of each month thereafter during the term of this lease. The monthly rate for the above-described land shall be determined as follows: \$ 3,593.70 per acre x 1 acre = **\$3,593.70** as an annual base rent. Annual base rate/12 = **\$299.47** as a monthly rent payment. Rental payments are made payable to the City of Corvallis and are to be delivered in person or mailed to the City at the address given in Section 21 of this lease.

B. Rental Rate Adjustment. The rental rate shall be adjusted annually utilizing the

FOR COUNTY RECORDING ONLY

AFTER RECORDING RETURN TO CITY OF CORVALLIS
ENGINEERING DIVISION, CITY HALL, EXT 5057

January through December U.S. City Average Consumer Price Index, with adjustments made July 1 following the publication of the annual index, commencing July 2008. The City shall give written notice to Lessee at least thirty (30) days in advance of the annual adjustment date.

C. Land Rental Rate Adjustment. Notwithstanding 3B above, every fifth year beginning in 2010, the land lease rate will be adjusted based on 10% of the appraisal market value of the parcel.

D. Extended Term. If this lease is extended as provided in Section 2 of this lease, the rate shall be adjusted on the basis described in Sections 3-B and 3-C above..)

4. USE OF THE PROPERTY

A. Permitted Use. The property shall be used for any legal purpose permitted by applicable zoning laws, regulations and restrictions.

B. Conformance with Laws. Lessee shall conform to all applicable laws and regulations, municipal, state, and federal, affecting the premises and the use thereof. Lessee also agrees to comply with all City and Airport Industrial Park Master Plans as applicable and adopted by the Corvallis City Council.

C. Nuisance. Lessee shall not use or permit the use or occupancy of the property for any illegal or immoral purposes (as defined by City of Corvallis Municipal Code Chapter 5), or commit or permit anything which may constitute a menace or hazard to the safety of persons using the property, or which would tend to create a nuisance, or that interferes with the safe operation of aircraft using the Corvallis Municipal Airport.

D. Hazardous Materials. Lessee shall not store or handle on the premises or discharge onto the property any hazardous wastes or toxic substances, as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601 to 9675, and as further defined by state law and the City's Sewer Regulations, Municipal Code Chapter 4.03 as amended, except upon prior written notification to the City and in strict compliance with rules and regulations of the United States and the State of Oregon and in conformance with the provisions of this lease. Any violation of this section may, at the City's option, cause this lease to be immediately terminated in accordance with the provisions of Section 18 of this lease.

Prior to beginning operations, Lessee shall allow the City to inspect the premises and approve its processes for storing and handling Hazardous Materials. Lessee shall at all times operate in accordance with City approved procedures, and shall maintain strict compliance with all federal, state, and local laws, ordinances, rules, and regulations regarding Hazardous Materials. Any violation of this section shall be grounds for termination of this lease as provided in Section 18, unless within ten (10) days of notification Lessee cures the violation or, if the violation is of such a nature that it cannot be remedied within ten (10) days, Lessee provides to City within (10) days satisfactory assurances, including financial assurances, that Lessee can and will correct the violation, and thereafter Lessee proceeds with reasonable diligence to do so. If the violation is caused by a discharge of a hazardous or toxic material or substance, the City shall have the right, at its option, to immediately take any action reasonably necessary to halt or remedy the discharge, at Lessee's sole expense.

E. Roads. Lessee shall be entitled to reasonable use for its purposes of the roads now existing and serving the leased property. The City may locate and relocate roads as desirable to improve the Corvallis Municipal Airport and Industrial Park so long as reasonable and adjacent access is provided to Lessee on a continual basis. Lessee will agree to install a half-street improvement along the leased frontage of the leased premises to City standards as detailed in the Transportation Plan. The half-street improvement may include: paving, curb, gutter, drainage, park strip, landscaping and sidewalks.

F. Infrastructure Improvements. Lessee hereby irrevocably agrees to financially participate in the future improvements for public water, wastewater, storm drainage and transportation consistent with the City's facility master plans, the South Corvallis Area Refinement Plan and Airport and Industrial Park Master Plans. It is understood by Lessee that:

1. The cost of the improvements shall be born by the benefited property in accordance with state law, the Charter of the City of Corvallis and its ordinances and policies.
2. The City in its sole discretion may initiate the construction of all or part of the local improvements required, or may join all or part of Lessee's property with other property when creating a local improvement district.
3. Lessee and Lessee's heirs, assigns and successors in interest in the property shall be bound by this document which will run with the property and will be recorded by the City in the deed records of Benton County.
4. Lessee declares that the public improvements herein sought will directly benefit the described property.
5. Lessee shall not challenge the formation of a local improvement district and assessment of Lessee's leased property by City and in any proceedings therein will acknowledge this declaration if requested to do so by City.
6. In construing this section of the agreement singular words include the plural.

5. WATER, SEWER, AND DRAINAGE SYSTEMS

A. Water, Drainage, and Domestic Waste. The City agrees to provide the use and benefits of the public water, sewer, and drainage systems as they now exist or may be later modified. Conditions for the use of these systems shall be the same as the conditions and regulations applying within the corporate limits of the City of Corvallis, including any assessments or charges for any expansion or intensification of Lessee's use of the property.

B. Utility Bills. Water, sewer, and drainage charges shall be paid by the Lessee in addition to the basic monthly rental and at the same rates applicable within the corporate limits of the City of Corvallis. The Lessee shall promptly pay all water, sewer, and drainage charges, and all other utility charges, for the premises as they come due.

C. Prohibited Discharges. Discharge of industrial waste, as that term is defined in the the City of Corvallis Sewer Use Municipal Code, Chapter 4.03 (as presently constituted or as amended

hereafter), into the sanitary sewer system, drainage system, surface ponds or ditches, or elsewhere is specifically prohibited, except as permitted by a valid Industrial Wastewater Discharge Permit in strict accordance with the Sewer Use Ordinance and applicable state and federal laws.

Violation of any provision contained in the City of Corvallis Sewer Use Municipal Code, Chapter 4.03 (as presently constituted or as amended hereafter), may cause this lease to be immediately terminated in accordance with the provisions of Section 18 of this lease.

D. General Information Survey. As a condition of entering into this lease, the Lessee shall submit to the City a completed, signed General Information Survey, in accordance with the industrial waste provisions of the City of Corvallis Sewer Use Municipal Code, Chapter 4.03 (as presently constituted or as amended hereafter). The survey shall be submitted to the City at the time that this lease is signed.

E. Discharge Response Procedures. In the event of any discharge or spill of noxious or hazardous material into the environment, sewer system, or drainage system, Lessee shall immediately notify the Oregon Department of Environmental Quality and the City. The City and any appropriate state or federal agency shall have the right to inspect the premises immediately to determine if the discharge or spill constitutes a violation of any local, state, or federal laws, rules, or regulations. If a violation exists, the City shall notify the Lessee of the specific violations and Lessee shall immediately cease all activities and use of the property until the violations are remedied, all at the Lessee's sole cost and expense and without expense whatsoever to the City.

F. South Corvallis Drainage Master Plan. Lessee hereby agrees to comply with the requirements of the "South Corvallis Drainage Master Plan", approved by the City Council during February 1997. Future improvements within the Industrial Park in compliance with the approved drainage plan may include parcel assessments or charges. Conditions and regulations for any assessment or charges shall be similar to those conditions or regulations applying within the corporate limits of the City of Corvallis.

6. DEVELOPMENT STANDARDS

This agreement is made subject to the terms and conditions as referenced in the Airport Master Plan and in Chapter XIV Development and Building Standards of the Airport Handbook. In addition, compliance with all Corvallis development regulations is required relative to the City's Land Development Code (LDC). Where not otherwise specified by the Airport Handbook, the County's zoning provisions shall apply. Enforcement of development provisions is the responsibility of the City's Development Services Department and, where specified by the Corvallis Airport Master Plan, the Airport Industrial Park Master Plan, the Airport Design Review Committee.

7. ALTERATIONS AND IMPROVEMENTS

A. Right to Construct. The Lessee, at its own expense, may construct structural improvements on the leased property, subject to Lessee's compliance with all applicable City, county, and state laws and regulations and issuance of necessary building permits.

B. Ownership of Improvements. Any buildings constructed by the Lessee on the leased property during the term of this lease shall belong to the Lessee and may be removed by the Lessee at will. Lessee shall have the right to enter the premises during the thirty-day period

following termination of this lease to remove any of its property, including buildings or other improvements, on the leased premises. If, after thirty days after termination of the lease, any of said property remains on the premises, the City may retain the property, or, at its option, remove the property at the Lessee's expense. The half-street improvements along the property frontage including paving, curb, gutter, drainage, park strip, landscaping and sidewalks will belong to City upon acceptance by the City.

8. ENTRY ON PROPERTY

A. Right to Inspect. The City shall have the right to enter the property at any reasonable time or times to examine the condition of the premises or Lessee's compliance with the terms of this lease.

B. Access. The City retains the right to enter the leased premises at any reasonable time or times to repair or modify City buildings and/or utilities located upon the property or to conduct repairs or other work on the property, provided such repairs or modifications shall be scheduled with Lessee to minimize any disruption to Lessee's business operations.

9. ASSIGNMENT AND SUBLETTING

The Lessee shall not assign or sublease this lease without the prior written consent of the City; provided, however, that the City shall not unreasonably withhold such consent. Lessee shall have the right to sublet space within any building it may construct on the leased premises to others, subject to the following conditions:

1) No sublease shall relieve Lessee from primary liability for any of its obligations under this lease, and Lessee shall continue to remain primarily liable for payment of rent and for performance and observance of its other obligations and agreements under this lease.

2) Every sublease shall require the sublessee to comply with and observe all obligations of the Lessee under this lease, with the exception of the obligation to pay rent to the City.

The sale of any building(s) constructed on the leased premises during the term of this agreement will require a new land lease agreement between the City and the purchaser upon the same terms, rent schedule and conditions in this agreement. This policy is intended to maintain and continue the City's interest assigning responsibility for environmental protection and cleanup within the Airport Industrial Park.

10. LIENS

The Lessee shall promptly pay for any material and labor used to improve the leased property and shall keep the leased property free of any liens or encumbrances.

11. TAXES

The Lessee shall promptly pay all personal property taxes levied upon the leased premises during the tax year that they become due. Lessee shall not permit a lien to be placed on the leased property.

12. INSURANCE

A. Coverage Requirements. The Lessee shall purchase and maintain Commercial general liability insurance coverage. The limit of liability shall be no less than \$500,000 for any claims arising from a single accident or occurrence. In addition, if the insurance policy contains an annual aggregate limit, the aggregate shall not be less than \$1,000,000. The policy shall name the City of Corvallis, its officers, agents, and employees as an additional insured.

B. Certificate of Insurance. At the time that this lease is signed, the Lessee shall provide to the City a certificate of insurance complying with the requirements of this section and indicating that insurer will provide the City with 30 days notice prior to cancellation. A current certificate shall be maintained at all times during the term of this lease.

13. HOLD HARMLESS

A. General. The Lessee shall at all times indemnify, protect, defend, and hold the City of Corvallis, its officers, agents, invitees and employees harmless from any claims, demands, losses, actions, or expenses, including attorney's fees, to which the City may be subject by reason of any property damage or personal injury arising or alleged to arise from the acts or omissions of the Lessee, its agents, or its employees, or in connection with the use, occupancy, or condition of the property. Likewise, the City shall at all times indemnify, protect, defend and hold Lessee, its officers, agents, assignees, invitees and employees harmless from any claims, demands, actions or expenses, including attorney's fees, to which Lessee may be subject by reason of any property damage or personal injury arising or alleged to arise from the actions or omissions of, or entry onto the leased premises by, the City, its officers, agents, invitees or employees, or in connection with the repair, maintenance modification or other work the City may undertake that in any way relates to or affects the leased premises, including without limitation, the work, repair and modification provided for under Section 8B of this lease.

B. Environmental Protection. The Lessee shall be liable for and shall hold the City harmless from, all costs, fines, assessments, and other liabilities arising from Lessee's use of the premises during this and all prior leases for this site resulting in the need for environmental cleanup under state or federal environmental protection and liability laws, including, but not limited to, costs of investigation, remedial and removal actions, and post-cleanup monitoring arising under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601 to 9675, as presently constituted or hereafter amended.

City shall defend and hold the Lessee harmless from all costs, expenses, fines, assessments, attorney's or other fees and other liabilities arising from the use of the premises by any persons or entities prior to the execution of this lease, except for any contamination caused by the Lessee during the initial term of this lease or any prior leases as a result of the Lessee's activities resulting in the need for environmental clean-up under City, State, Federal environmental protection and liability laws, including, but not limited to, costs of investigation, remedial and removal actions, and post clean-up monitoring including but not limited to liability arising under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601 to 9674, as presently constituted or hereafter amended.

14. NONDISCRIMINATION

The Lessee agrees that no person shall be excluded from participation in the use of the premises on the basis of race, color, creed, religion, sex, sexual orientation, age, physical or mental disability, source of income, or national origin or shall otherwise be subjected to discrimination in the use of the premises and performance of this contract.

15. CONDITIONS ON PROPERTY BY THE UNITED STATES OF AMERICA

This agreement is made subject to the terms and conditions and restrictions of transfer recorded in Book 121, Page 40 and Book 125, Page 239, deed records of Benton County, Oregon, as modified by the Instrument of Release recorded in Book 182, Page 238 of said deed records.

16. WAIVER OF BREACH

A waiver by the City of a breach of any term, covenant, or condition of this lease by the Lessee shall not operate as a waiver of any subsequent breach of the same or any other term, covenant, or condition of the lease.

17. DEFAULT

A. Declaration of Default. Except as otherwise provided in this lease, the City shall have the right to declare this lease terminated and to enter the property and take possession upon either of the following events:

1. Rent and Other Payments. If the monthly rent or any other payment obligation provided hereunder to the City, including but not limited to property taxes and utility bills, remains unpaid for a period of sixty (60) days after it is due, un-protested and payable, if not corrected after ten (10) days written notice by the City to Lessee; or
2. Other Obligations. If any other default is made in this lease and is not corrected after thirty (30) days written notice to the Lessee. Where the default is of such nature that it cannot reasonably be remedied within the thirty (30) day period, the Lessee shall not be deemed in default if the Lessee proceeds with reasonable diligence and good faith to effect correction of the default.

B. Court Action. It is understood that either party shall have the right to institute any proceeding at law or in equity against the other party for violating or threatening to violate any provision of this lease. Proceedings may be initiated against the violating party for a restraining injunction or for damages or for both. In no case shall a waiver by either party of the right to seek relief under this provision constitute a waiver of any other or further violation.

18. TERMINATION

A. Immediate Termination. Where a specific violation of this lease gives the City the option to terminate this lease immediately, this lease shall be terminated upon written notification to the Lessee.

B. Termination Upon 30 Days Default. In the event of any other default under Section 17 of this lease, the lease may be terminated at the option of the City upon written notification to the Lessee as provided herein.

C. Surrender Upon Termination. Upon termination or the expiration of the term of the lease, the Lessee will quit and surrender the property to the City in as good order and condition as it was at the time the Lessee first entered and took possession of the property under this or a prior lease, usual wear and damage by the elements excepted.

D. Restoration of Property. Upon termination or expiration of this lease or Lessee's vacating the premises for any reason, the Lessee shall, at its own expense, remove and properly dispose of all tanks, structures, and other facilities containing waste products, toxic, hazardous, or otherwise, which exist on the leased property or beneath its surface and did not pre-exist the commencement of this lease. Lessee shall comply with all applicable state and federal requirements regarding the safe removal and proper disposal of said facilities containing waste products. If the Lessee fails to comply or does not fully comply with this requirement, the Lessee agrees that the City may cause the waste products and facilities to be removed and properly disposed of, and further Lessee agrees to pay the cost thereof with interest at the legal rate from the date of expenditure.

E. Holding Over. No holding over upon expiration of this lease shall be construed as a renewal thereof. Any holding over by the Lessee after the expiration of the term of this lease or any extension thereof shall be as a tenant from month to month only and not otherwise, and the exercise of rights provided under Section 7B shall not be deemed a holding over.

19. RECORDING FEES

The lease will be recorded with the Benton County Assessor's Office and the Lessee shall be responsible for paying all associated fees.

20. ATTORNEY FEES

If any suit or action is instituted in connection with any controversy arising out of this lease, the prevailing party shall be entitled to recover, in addition to damages and costs, such sum as the trial court or appellate court, as the case may be, may adjudge reasonable as attorney fees.

21. NOTICE

When any notice or anything in writing is required or permitted to be given under this lease, the notice shall be deemed given when actually delivered or 48 hours after deposited in United States mail, with proper postage affixed, directed to the following address:

City

City of Corvallis
Public Works Department
Attention: Airport Manager
P.O. Box 1083
1245 NE 3rd St.
Corvallis, Oregon 97339-1083

Lessee

IN WITNESS WHEREOF, the parties hereto have executed this lease the date and year first written above.

CITY OF CORVALLIS, OREGON

By: _____
City Manager

Date: _____

Approved As-to-Form:

City Attorney

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

Exhibit "A"

North Portion of Parcel 16 (Airport Industrial Park)

A tract of land located in the S.E. 1/4 of Section 22, Township 12 South, Range 5 West, Willamette Meridian, Benton County, Oregon. More particularly described as follows:

Commencing from the S.E. corner of the Alfred Rinehart D.L.C. No.73; thence N 45°47'45"E a distance of 3328.87 feet to a point in the intersection of the west right of way of S.W. Hout Street, a 60 foot right of way, and the north right of way of S.W. Convill Avenue, a 60 foot right of way; thence along said west right of way of S.W. Hout Street N 5°21'30"E, 408.51 feet to the **TRUE POINT OF BEGINNING**; thence continuing along said west right of way N 5°21'30"E, 151.49 feet; thence N 89°59'00"W, 295.81 feet; thence S 0°03'00"W, 150.83 feet; thence S 89°59'00"E, 281.79 feet to the **TRUE POINT OF BEGINNING**.

Said tract contains 43560 square feet, 1.0 acre, more or less.

\\divisions\engineering\capital planning&projects\surveys\airport\lease\TRACT 16 N 1AC.wpd

723 A.

1.366 A.

PARCEL 16
NORTH
1.0 acres

PARCEL 16
SOUTH
1.41 acres

PARCEL 18

PARCEL 19

PARCEL 15

N 89°59'00" W
295.81'

S 00°03'00" W
150.83'

N 05°21'30" E
151.49'

S 89°59'00" E
281.79'

N 05°21'30" E
408.51'

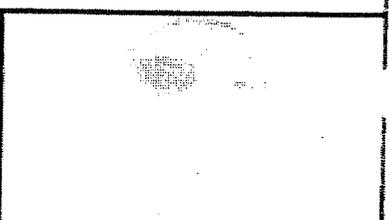
HOUT ST.

CONVILL AVE.

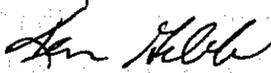
7.6

DESIGNED
DRAWN BY
CHECKED
DATE: 11/20/17
SCALE: 1"=100'

EXHIBIT "B"
North Portion of Parcel 16
Airport Industrial Park



MEMORANDUM

From: Ken Gibb, Community Development Director 
To: Mayor and City Council
Date: March 26, 2007
Re: Initiation of Land Development Code Text Amendments

I. Issue

The Council-approved Planning Division Work Plan for the coming year recognized the need for some Land Development Code Text Amendments on a prioritized basis. This memo provides further information on this issue and requests that the City Council initiate the first group of such amendments.

II. Background

With the adoption of the codification of the Land Development Code that included all text and map changes from the Phase I LDC Update through October 2006, and including the Phase III LDC Update, it was recognized that some difficulties would arise in day-to-day implementation. This was the result of several issues. First is the wholesale nature of the changes to the LDC, and second is the fact that the Phase III Update consciously did not incorporate the Phase I changes that were then under appeal.

As the 2006 Land Development Code is applied each day, staff have become aware of several issues of particular importance. Although staff are aware of issues in addition to those described here, we believe it is necessary to divide the corrections to the Land Development Code into groups based on level of importance. This may also minimize any perceived need to appeal the decisions because with a small number of changes, their intent is more clearly apparent to the public. Staff will continue working on fixes for all of the issues, but present them to Council in this more accessible manner.

Staff propose that the Council initiate the three specific changes in this initial group.

1. Modify the AG-OS (Agricultural Open Space) Zone Regarding Setbacks from Developed Parks and Drainageways. With the implementation of the Phase I Update, all drainageways and parks were changed from their previous zone (usually whatever zone the surrounding properties carried) to the AG-OS Zone. Although on its face this is a perfectly reasonable change, it creates significant conflicts, particularly in the developed area of the City. Standards in the AG-OS zone require a 100-ft setback from the zone boundary on adjacent properties. This standard has

made it so that many structures, including single-family homes, become nonconforming structures if they are located along drainageways or even across the street from a City park. It also results in new developments in these situations needing to meet the 100-ft setback or go through a Planned Development process to vary from the standard. The intent of the standard was to minimize conflicts between residential properties and properties that are actively farmed. Staff will provide specific examples of the significance of this problem and propose changes to address this unintended consequence of the 2006 LDC codification.

2. Correct an Error in the Definition of an Active Detailed Development Plan. With the Phase I Update, the City was required by the Land Conservation and Development Commission to adopt a process for allowing property owners to remove a Planned Development Overlay from residential property for which no Active Detailed Development Plan exists. This is to address Oregon statutes regarding "needed housing." This required process was added to the Land Development Code as an element of the Phase I Update. The term "active Detailed Development Plan" is used in conjunction with provisions in Chapter 3.33- Residential PD (Planned Development) District Overlay. The intent of the definition for "active Detailed Development Plan" is that an active Detailed Development Plan is one that has not expired or been nullified and has had occur on it an action that would constitute "development." Therefore, once development on a property with a Detailed Development Plan has occurred, the Detailed Development Plan is to be considered active. When adopted, the definition of "active Detailed Development Plan" (2.5.50.07 - Effective Period of Detailed Development Plan Approval, subsection "c") inadvertently used the word "and" instead of the word "or" in a listing of the requirements, thus making the term imprecise and unworkable. As a temporary remedy, the Community Development Director processed a legislative Director's Interpretation clarifying the issue. Staff will provide specific examples of this problem and propose changes to address this unintended consequence of the 2006 LDC codification.
3. Create a MADA for Each of the New Zones Adopted as a Part of the Phase I Update and Clarify Specific MADA Provisions. With the adoption of the Phase III Update, the process for determining the Minimum Assured Development Area (MADA) was created to minimize potential "takings" issues that could arise for the City where a property is significantly encumbered by Natural Hazard or Natural Resource protections. The concept of MADA is that all properties under the City's zoning jurisdiction are allowed a specific level of development, even if so encumbered. For residential properties, this equates roughly to the area needed based on minimum lot sizes per Zone to achieve the minimum density allowed by the residential Comprehensive Plan designation. For other developments, the area was determined based on a review of recent, real-world examples of commercial and industrial developments. The MADA concept was developed based on the Land Development Code in place at the time of its development and did not address new Zones created by the Phase I Update. With the codification, some zones disappeared (Linear Commercial, Shopping Area, etc.) and others were created

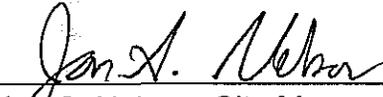
(Neighborhood Center, Mixed Use Community Shopping, etc.). To avoid the possibility of appeals, the codification did not create the new MADA provisions. Staff will propose MADA standards for these new Zones. Other, minor clarifications to the MADA provisions will also be proposed.

III. Request

As indicated, this is the first of several Land Development Code Text Amendments staff will propose to the City Council. Such changes were identified in the Planning Division's work plan, which was accepted by Council on March 5, 2007. These specific proposed amendments are key to the City's ability to administer the Land Development Code. Future changes will be packaged and moved ahead on a priority basis as well, recognizing that there are additional important tasks on the Planning Division Work Program. Based on the preceding discussion, staff request that the City Council initiate this Land Development Code Text Amendment.

Motion: I move that the Council initiate a Land Development Code Text Amendment to address the issues identified by staff in this memo.

Review and Concur:



Jon S. Nelson, City Manager

1. The first part of the document is a letter from the author to the editor of the journal. The letter discusses the author's interest in the topic and the reasons for writing the paper. It also mentions the author's previous work in the field and expresses a hope that the paper will contribute to the understanding of the subject.

2. The second part of the document is the abstract of the paper. It provides a brief summary of the main findings and conclusions of the study.

3. The third part of the document is the introduction. It sets the context for the study and outlines the objectives of the research. The author discusses the importance of the topic and the need for further investigation. The introduction also provides a brief overview of the methods used in the study and the structure of the paper.

4. The fourth part of the document is the conclusion. It summarizes the main findings of the study and discusses their implications. The author also provides some suggestions for future research.

5. The fifth part of the document is the references. It lists the sources used in the paper.



Author's Name