

**CITY OF CORVALLIS  
COUNCIL WORK SESSION**



**AGENDA**

**March 10, 2008  
5:30 pm**

**Downtown Fire Station  
400 NW Harrison Boulevard**

**COUNCIL ACTION**

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**I. ROLL CALL**

**II. UNFINISHED BUSINESS**

**A. Mayor/Council/Manager Quarterly Meeting**

1. Police Department Policies and Procedures
2. Financial Strategy
3. Councilor Discussion (issues/topics not identified)
4. Progress on 2007-2008 Goals and Values (previously distributed)
5. Relationships Using Self-Evaluation Tools
  - \* General and Specific Practices; Code of Conduct
6. Other

**III. 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 TTD/TDD telephone 766-6477 to arrange for such service.

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

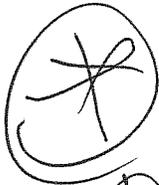
*A Community That Honors Diversity*

\$30,000 allocation. He said staff may need to request Council approval of a budget adjustment later in the fiscal year.

2. Council Request Follow-up Report – January 17, 2008

Mr. Nelson referenced a memorandum from Deputy City Attorney Brewer explaining the Council's options in responding to a request from Amalgamated Transit Union regarding a State requirement for binding arbitration during labor negotiation impasses, rather than Union members voting to strike. The memorandum explains that Corvallis Transit System differs from many privately owned and operated transit services. The CAO recommended that the Council not take action regarding the Union's letter, since the current contract includes provision for extension of one or two years, which the City intends to exercise. He said the Council could direct staff to change the current contract and future contracts to indicate that Union members would not be allowed to strike and that labor negotiation impasses would be forwarded to binding arbitration.

Mr. Nelson suggested that the Police Department's response to Councilor Grosch's inquiries regarding Department policies and pre-text stops be scheduled for discussion during a Council work session or that Council provide further direction to staff.



Councilor Grosch said he was satisfied with most of the Police Department's responses. He would like the Council's March work session to include discussion of existing oversight mechanisms for the Council and the Department. He would like the Council to discuss and clarify the roles of the Council, the Willamette Criminal Justice Council, and the Community Policing Forum.



Councilor Hamby inquired whether the Police Department's General Orders could be posted to the City's Web site.

Mr. Nelson referenced a status report on the Council goals for the current Council term, noting that significant progress was made.

Mr. Nelson reported that a possible construction excise tax was discussed with Corvallis School District 509J (509J). Staff expects the 509J Board to consider a construction excise tax, with receipts dedicated to 509J facility needs. He also expects development of a joint Council/509J Board subcommittee meeting during the next few months.

Mr. Nelson referenced an e-mail from Leslie Bishop posing questions regarding the proposed Seventh Street Station development. Planning Division Manager Towne responded to Ms. Bishop's questions (Attachment A); the responses were forwarded to Ms. Bishop.

Mr. Nelson reported that, during the Council's February 4th noon meeting, staff will present additional information regarding the process associated with a Zoning District change for the Seventh Street Station property. He commented that a Zoning District change could require more than three months' time to process.

**1) What are the mechanisms currently in place for the City Council to provide policy oversight to CPD?**

The Corvallis City Council and the Corvallis community have several mechanisms in place to provide policy oversight for the Police Department. By City Charter the City Manager, who works at the pleasure of the City Council, is charged with general supervision and conduct of employee's work. Guiding this work for the Manager and all City staff are Council policies, Municipal Code, resolutions and internal administrative and departmental policies. Additionally, in the Police Department, the Willamette Criminal Justice Council, which is composed of both law enforcement and lay members of the community, effectively recommends criminal justice policy modifications to police policies. An example of this was the law enforcement consolidation study. The Corvallis Community Policing Forum, also consisting of lay members of the local community, has the power to review and recommend policy. An example of this was the direction from the Forum and later the City Council to adopt the current policy to collect stop data information. Most recently was the creation of the Corvallis Community Police Review Board whose bylaws specifically address making recommendations pertaining to administrative policies, procedures, department complaint history, and training needs. Finally, the Corvallis City Council on occasion addresses policy through targeted Council Resolutions. An example of this was Corvallis Council Resolution 2003-15 which restricts the Corvallis Police, through direction by the City Manager, from engaging in certain activities authorized under the USA PATRIOT Act.

**2) Are there specific written policies and procedures within CPD relating to "special enforcement points of emphasis" and / or "Zero Tolerance" policies such as DUI, Minor in Possession, or Open Container laws or any other area of enforcement such as traffic infractions, theft, etc.? If yes, what are the specific policies and who establishes and reviews these policies? If no, how are enforcement policies/priorities determined within CPD?**

Yes, there are written policies and procedures in Corvallis Police Department General Orders relating to enforcement, however, the words "Zero Tolerance" are not used. The following policies are attached for reference: 61.4.1 Personnel Deployment; 62.1.1 Enforcement Actions; 62.1.4 Uniform Traffic Enforcement; 62.1.5 Enforcement Practices; 62.1.13 DUII Detection and Apprehension; and 62.1.14 DUII Investigation/Arrest. These policies have been established as a requirement of our law enforcement accreditation process and must meet the standards of the Commission on Accreditation for Law Enforcement Agencies (C.A.L.E.A.). This is covered in detail in the response to Question #6. Additionally, the Police Department is working a City Council endorsed strategic plan to address Neighborhood Livability issues that deal with crime related to alcohol use in the Downtown and Monroe corridor and to reduce all alcohol related crime (MIP, Furnishing Alcohol to Minors, Hosting Juvenile Parties, DUII, criminal mischief, etc.). And the Corvallis Police Department participates in a Willamette Criminal Justice Council Strategic Plan to reduce all methamphetamine related crime. One strategy of this plan is to increase the number of Drug Recognition Experts (DRE'S) to assist in the enforcement of both DUII Alcohol and DUII Drugs.

**I have been told on several occasions by City staff and heard CPD spokespersons publicly say that it is not the policy of CPD to engage in “pretext stops” of people in Corvallis. In a newspaper article in the Corvallis Gazette Times dated December 16<sup>th</sup>, 2007 it is reported that at least one officer has been offered specific training to “...ensure a sound basis for the stop for a good violation of the law.” This sounds to me like training in “pretext stops”. According to the article cited above this type of stop is considered legal by the US Supreme Court. I see it as one tool in a tool box for police to use.**

**3) Is it the policy of CPD to use “pretext stops” for minor traffic infractions to seek citations or arrests for other more serious violations?**

Pretext stops are a common practice used by most police agencies in the United States. Corvallis Police Department officers use this investigative tool when they believe it is in the interest of public safety and solving local criminal cases. Corvallis General Orders do not specifically speak to “Pretext Stops”. Most public debate focuses on the difference between a legal pretext stop (legal as considered by both the US and Oregon Supreme Courts) and an “illegal” pretext stop. An example of an illegal pretext stop would be a stop that is based upon the race and/or color or perceived race and/or color of the person stopped. This is racial profiling and it violates both the 4<sup>th</sup> and 14<sup>th</sup> Amendments of the US Constitution. While Corvallis Police Department General Orders do not speak to legal pretext stops, there is much about illegal pretext stops. The following policies are attached for reference: 1.1.5 Code of Ethics; 1.9.2 AAS Person Stops; 1.4.1 Unbiased Law Enforcement; 1.4.2 Stop Data Collection; 41.1.1 Patrol Functions; 41.2.3 Field Interviews; and, 74.3.5 Search and Seizure.

**4) Under what circumstances is it appropriate to use a “pretext stop” as an enforcement tool?**

Pretext stops are used as an investigative tool. It is generally up to the individual officer’s discretion if the stop results in some enforcement activity such as arrest or citation. United States and Oregon law is very specific as it addresses probable cause to stop and detain persons. Generally, all that is needed to legally stop a person in a vehicle is for that person to violate any traffic law, no matter how insignificant it might be. Consider the following scenario which occurs in cities throughout the United States. A citizen reports that they just arrived home and they see a person exiting their residence with their television set. The person, a male white about 25 years old, with brown hair and a dark shirt gets into a blue Honda Accord and drives away. Five minutes later the 911 Dispatch puts out a radio broadcast of this information to police units. An officer sees a blue Honda Accord with a young white male driver with brown hair and a dark shirt driving in the direction previously reported. Based upon past court cases, stopping that person for suspicion of burglary based only upon the information received by 911 may result in an illegal stop. However, if the officer stops the vehicle for failing to signal a turn or some other traffic offense, he will under Oregon law, and most other States, have made a legal stop and the outcome of that stop (found TV, witness/victim identifies

the driver, confession, etc.) will be admissible in court. This scenario and outcome frequently results in the resolution of felony offenses across the United States.

Pretext stops are used to investigate possible DUII violations as well. Officers will witness one or a series of minor traffic infractions and decide to stop a person to investigate a possible DUII violation. While DUII is only a misdemeanor offense, it has been a targeted offense in this community for over 15 years. At one point in the early 1990's the City successfully obtained a three year grant to assist the department in increasing DUII arrests by paying for two FTE police officers to concentrate specifically on DUII enforcement. This budget proposal received both Budget Commission and City Council support.

**5) Are there currently policies and procedures in place for the use of this tool? What are they and do they ever get Council or public review?**

As previously stated, Corvallis has no formal policies or procedures regarding "pretext stops". Also as stated previously, the Corvallis Police Department has policies and procedures in place that forbid certain discriminatory practices that could result in "illegal pretext stops." With the exception of informant policies and practices, Corvallis Police Department General Orders and operating policies are available for public review.

**6) How as a City Council do we assure the public that the policies and procedures of the police department are consistent with City Council intent and with public values?**

This question is directed to the City Council. Background for the City Council to consider in addition to previous answers includes the Corvallis Police Department being nationally accredited by the Commission on Accreditation for Law Enforcement Agencies (C.A.L.E.A.) which was created in 1979 as a credentialing authority through the joint efforts of the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, the National Sheriffs' Association, and the Police Executive Research Forum. Four agencies in Oregon have received this designation. The accreditation requires the development, implementation and proof that 460 law enforcement professional standards are followed by the organization. C.A.L.E.A. representatives come to Corvallis every three years to do an on site assessment of the Corvallis Police Department to verify that these standards are being followed. These standards are constantly being improved upon and updated. In 2007, Corvallis added or modified over 50 local policies to remain in policy compliance. Additionally, in August of 2007 City/County Insurance Services (CCIS) conducted a Law Enforcement Best Practices Survey of the Corvallis Police Department resulting in a favorable report. That survey document is available for review.

	<h2>Corvallis Police Department General Orders</h2>	
<p>61.4</p>	<p>TRAFFIC ADMINISTRATION: DEPLOYMENT</p>	<p>SCOPE: <b>ALL</b></p>
<p>ISSUED: 3/1/05</p>	<p>61.1.1 CALEA STANDARDS</p>	<p>REVISED:</p>

**61.4 TRAFFIC ADMINISTRATION: DEPLOYMENT**

**61.4.1 Personnel Deployment**

Based on the information obtained from the analysis of traffic crash reports and citizen requests for service, selective enforcement personnel shall be deployed to the locations suffering the highest number of crashes and citizen complaints. These personnel shall take steps to reduce the safety hazard and traffic violations at these locations that may include working with City Engineering to correct or post signage, educational efforts, and/or enforcement action. The number of personnel deployed, locations assigned and the time of the assignments shall also be based on information from the crash reports.

**61.4.2 Deployment Based on Past Three-Year period**

Deployment of patrol personnel for selective traffic law enforcement shall be based on analysis of traffic crashes, traffic-related calls for service, and citizen requests covering the most recent three-year period. This information will be obtained from the last three annual traffic crash report summaries and citizen requests. These summaries will be updated once each year in order to follow any new trends. These summaries shall be examined to provide data that includes all seasons of the year and allows for variation that occur as the result of weather, population shifts and monthly or seasonal increases or reductions in the traffic volume.

By Authority of:

  
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 Gary Boldizar, Chief of Police

	<h1>Corvallis Police Department</h1> <h2>General Orders</h2>	
<b>62.1</b>	<b>TRAFFIC LAW ENFORCEMENT</b>	SCOPE: <b>ALL</b>
ISSUED: <b>3/1/05</b>	CALEA STANDARDS <b>1.1.4, 41.1.4, 41.2.1, 61.1.2, 61.1.3, 61.1.4, 61.1.5, 61.1.6, 61.1.7, 61.1.8, 61.1.9, 61.1.10, 61.1.11, 61.1.12, 61.1.13, 82.3.4</b>	REVISED: <b>05/19/06</b>

## 62.1 TRAFFIC LAW ENFORCEMENT

### 62.1.1 Enforcement Action

Officers should take appropriate action for each violation of traffic law witnessed or reported to the Police Department. The ultimate goal is to achieve voluntary compliance with traffic laws and thereby reduce the number of traffic crashes. All enforcement actions will be accomplished in a fair, impartial and courteous manner using one of the following three methods:

A. Verbal Warning

A verbal warning is a proper alternative by police officers in response to some violations. Police officers may use verbal warnings at their discretion in those areas where traffic crash potential is minimal.

B. Citations

The issuance of a traffic citation is applicable in most cases for those violators who commit a minor traffic offense which jeopardizes the safe and efficient flow of vehicular and pedestrian traffic whether those violations are moving, parking or safety and equipment violations, pursuant to Oregon Vehicle Code and the City of Corvallis Ordinances.

C. Physical Arrest

Officers may effect the arrest of any person in violation of a traffic crime as allowed by Oregon Revised Statute. All decisions relating to physical custody must be based on sound legal principles and consistent with G.O. 1.2.3, Alternatives to Arrest and/or Pre-arraignment Confinement.

### 62.1.2 Special Processing Requirements

A. Non-Resident Traffic Violators

Non-resident traffic violators shall be handled in the same manner as a resident violator.

B. Juveniles

1. Generally, juveniles who have committed a traffic violation shall be issued a traffic citation. However, juveniles accused of the following traffic offenses shall be taken into custody:

- a. Driving under the influence,
- b. Felony/misdemeanor hit and run,
- c. Manslaughter by motor vehicle,
- d. Felony/misdemeanor suspended or revoked,
- e. Attempting to elude,
- f. Reckless driving, or
- g. In all incidents where custody of an adult would occur.

2. In all cases where a juvenile is taken into custody, the officer is responsible for notifying the juvenile's parents as soon as possible.

C. Foreign Diplomats/Consular Officials

1. Diplomatic and consular officers shall be accorded their respective privileges, rights, and immunities as directed by International and Federal statute. These officials shall be treated

with the courtesy and respect that befit their distinguished positions. At the same time, it is the duty of all persons enjoying such privileges and immunities to respect local laws and regulations.

2. Diplomatic immunity, a principle of international law, is broadly defined as the freedom from local jurisdiction accorded to duly accredited diplomatic officers, their families, official staff, and servants, who are not nationals of nor permanently reside in the receiving state. They are protected by unlimited immunity from arrest, detention, or prosecution with respect to any civil or criminal offense under current U.S. Law (22 U.S.C. 252).
3. Ambassadors and ministers are the highest ranking diplomatic representatives of a foreign government. Other diplomatic titles are Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary, and Attaché. Diplomatic officers, their families, official staff and servants are protected by unlimited immunity from arrest, detention or prosecution with respect to any civil or criminal offense.
4. Career counselor officials can be identified by credentials issued by the State Department. The State Department credential bears its seal, the name of the officer, his title, and the signatures of the State Department officials. Honorary consular officials do not receive identification cards from the State Department, but may exhibit reduced size copies of the diplomatic note evidencing recognition by the United States Government. These individuals are not immune from arrest or detention. Family members of a Consular Officer cannot claim immunity.
5. United States Congressman/State Legislators  
Members of the United States Congress shall, in all cases except treason, felony and breach of the peace, be immune from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House. They shall not be questioned in any other place.
6. Military Personnel  
Military personnel and their spouses are granted driving privileges as outlined in ORS 807.020.

#### **62.1.3 Service of a Traffic Citation**

- A. At the time a motorist is charged with a violation, the officer will provide the motorist with a copy of the citation.  
The citation will be legible and filled out completely.
- B. The officer will explain the citation and the appropriate court appearance date to the motorist in a courteous manner. If there is any other information that must be provided to the motorist, the officer should make sure the instructions are clear and understood.
- C. In the case of a citizen complaint in which the citizen wishes to sign the citation, the officer shall interview all parties involved and submit a report with a citation completed except for the signature box and court appearance date portion of the citation. The citation shall be submitted with the report to Municipal Court.

#### **62.1.4 Uniform Traffic Enforcement**

All Officers of the Corvallis Police Department are responsible for maintaining a working knowledge of the Oregon Vehicle Code and Corvallis Municipal Code relating to traffic offenses. Consistency is a critical element of traffic enforcement practices of the Corvallis Police Department. The policy is not intended to supersede or supplant officer judgment, for it is impossible to foresee every conceivable situation involving traffic violations.

- A. Driving Under the Influence of Intoxicants

Individuals operating a vehicle while under the influence of intoxicants present a serious threat to the safety of others. It is a policy of the Corvallis Police Department to strictly enforce the law prohibiting this conduct.

B. Speeding Violations

Excessive speed in the operation of motor vehicles presents a real danger to the safety of others and is frequently the cause of motor vehicle crashes. It is a policy of the Corvallis Police Department to strictly enforce the law prohibiting this conduct.

C. Other Hazardous Violations

1. A number of violations of the Oregon Revised Statutes applicable to the operation of vehicles can be considered hazardous. Some violations considered hazardous include, but not limited to:

- a. Disregarding a traffic control device/signal,
- b. Failure to yield to a vehicle and/or pedestrian,
- c. Reckless or Careless Driving, and
- d. Improper lane usage and/or change.

2. The propensity for causing traffic crashes demands the Corvallis Police Department take enforcement action when hazardous violations occur. Citations shall be issued at the scene of a crash when the officer's investigation establishes sufficient evidence ie. reasonable grounds to support the conclusion that an offense has been committed. Warnings are only appropriate where insufficient evidence exists to establish the elements of an offense or for offenses that did not contribute to the crash.

D. Equipment Violations

Vehicles must be properly equipped as provided by law to ensure safe use of public roadways. In some instances, the operator of a vehicle may be unaware certain equipment has malfunctioned or failed. A warning may be all that is necessary to bring about compliance with the vehicle equipment laws. A driver knowingly operating an improperly equipped vehicle may require more strict enforcement.

E. Public Carrier/Commercial Vehicle Violations

Public/Commercial carriers will be treated the same as the general motoring public.

F. Non-hazardous Violations

The enforcement action required in non-hazardous violations remains at the discretion of the officer. Training, experience, and common sense will guide the officer in selecting the appropriate course of enforcement action.

G. Multiple Violations

The seriousness and circumstances of multiple violations are significant factors in the decision as to course of action to be taken by law enforcement officials. Consistent with other traffic procedures, the discretion of the officer will be the guideline for appropriate action.

H. Newly Enacted Laws and/or Regulations

The enforcement guidelines within the text of each new law shall be followed. Officers must remember the goal is to obtain compliance and discretionary authority exists in the level of enforcement delivered.

### 62.1.5 Enforcement Practices

A. An effective deterrent to traffic law violations is visible patrol in a marked Police Department vehicle. Traffic law enforcement activities will be conducted with a high-profile, preventative approach, as well as with traditional enforcement efforts. Officers shall drive patrol vehicles in accordance with existing laws and in such a manner as to demonstrate exemplary driving behavior.

- B. In those areas where stationary observation is necessary to maximize the effectiveness of a selective enforcement effort, officers should park in a conspicuous location and in such a manner that traffic flow is not impeded.
- C. Marked patrol vehicles shall be used for normal traffic enforcement activities. Shift supervisors may utilize other unmarked and/or unconventional vehicles for traffic enforcement should an identifiable need be determined for such a use. However, these vehicles shall not be used as the pursuit vehicle in any pursuit as per G.O. 41.2.8.

#### **62.1.6 Use of Emergency Equipment**

Officers shall use emergency equipment in a manner consistent with the Oregon Vehicle Code and Police Department Policy.

- A. Emergency (red/blue) Lights
  - 1. This equipment is used in conjunction with the siren to signal other users of the roadway that emergency conditions exist and the right-of-way should be relinquished to the patrol vehicle. It cannot be safely assumed by the officer that the lights and siren will be sufficient to assure the right-of-way, even though State law requires that emergency vehicles be yielded the right-of-way. (ORS 811.145) Even when both the emergency lights and siren are in simultaneous operation, officers are still obligated to drive with due regard for the safety of all persons using the street or highway.
  - 2. Emergency lights should be utilized in the following circumstances:
    - a. In accordance with provisions in G.O. 41.2, sections 41.2.8 and 41.2.9.
    - b. When conducting traffic stops.
    - c. When there is reason to warn traffic of an emergency.
- B. Siren
  - 1. The siren is to be used simultaneously with the emergency lights consistent with ORS 811.145.
  - 2. The siren may be used to signal violators to stop when other means of attracting the violator's attention have failed.
- C. Spotlight/Take-down light

These lights should be used as a protection for the officer, particularly when dealing with the unknown or suspected felons. The spotlight may be used to illuminate the interior of the violator's car so all occupants are kept within view. The officer should exercise care not to be silhouetted by the light.
- D. Public Address System

The public address system is valuable when stopping a traffic violator. The desired actions of the violator can be directed from a safe distance minimizing the hazard to the officer. Care should be given to use brief, clear and courteous directions.
- E. Hazardous warning lights and emergency flashers shall be used in compliance with ORS 816.280.

#### **62.1.7 Preparation of Citation/Report**

- A. Traffic citations and arrest reports form the basis for prosecution of traffic offenders.
- B. Specific guidelines for citation and report preparation, processing, and distribution are as follows:
  - 1. Traffic Citations
    - a. All citations shall be neatly and legibly printed or written using a black or blue ball point pen.
    - b. All spaces requiring information shall be completed.
    - c. The court date shall be assigned according to court guidelines. The appropriate copy is then served to the violator.

- d. Officers shall write in detail a statement of the facts on the last page of the citation or in their personal notebook. This statement of facts will assist in any future court testimony.
  - e. Officers are responsible for the filing of the statement of facts in a manner that will enable them to accurately describe the relevant facts which caused the citation to be issued.
  - f. The citation shall be forwarded after supervisory review to Records.
2. Arrest reports shall be required, as outlined in General Order 82.1, section 5, when physical arrest of a traffic violator has occurred. This report, together with the citation, and a booking sheet (if booked at the Law Enforcement Center) shall be submitted to the Records Department after supervisory review. Processing of citations by Records will be done in compliance with G.O. 82.2.11.

#### **62.1.8 Accountability for Traffic Citations**

- A. Traffic/criminal citation books shall be maintained and stored in a locked cabinet in the watch commander's supply room. Access to the watch commander's supply room is restricted to exempt sworn personnel and sergeants. The watch commander supply room is to be kept locked at all times.
  1. Officers must contact the shift sergeant to obtain a citation book.
  2. The sergeant shall issue a citation book(s) to an officer, and enter the appropriate information in the citation log. The citation log is kept with the citations and will be completed by the sergeant each time a citation book is checked out.
2. Information recorded on the log sheet will include the following:
  - a. Officer's badge number,
  - b. Date issued,
  - c. Officer's shift, and
  - d. Numbers of first and last citation in the book issued.
- B. Citations shall be turned in to the patrol supervisor to be checked, then forwarded to the Records unit for processing as outlined in G.O. 82.2.11. From there, citations will be forwarded to the appropriate court.
- C. Cancellation of citation(s) shall be handled as follows:
  1. If an error is made while writing a citation, or if citations have become damaged due to accidental exposure to rain, snow, etc., it may be administratively voided by the officer.
  2. A supervisor may direct an officer to dismiss or void a citation if upon investigation it appears the citation was improperly or inappropriately issued. This type of dismissal would require a written explanation to the appropriate judge for his/her approval.

#### **62.1.9 Officer/Violator Relations**

- A. Traffic law enforcement is one of the routine tasks performed by patrol officers, but for the violator it is frequently an emotional and stressful experience. Officers shall be aware of this and strive to make each contact educational, leaving the violator with the impression that the officer has performed a necessary task in a professional and friendly manner.
- B. Traffic stops have two objectives. The first objective is to take appropriate enforcement action, and the second is to favorably alter the violator's future driving behavior. This requires a thorough understanding of human relations and demands flexibility of the officer. The following procedures are recommended to minimize conflict which may develop between the officer and the violator and assist in achieving the two objectives.
- C. The Officer/Violator relations begin when a stop is initiated. Once the officer has approached to a point where communication can begin, the officer should:
  1. Be alert at all times for the unexpected, but not be obviously apprehensive.

2. Be certain that the observations of the violation were accurate without reservation.
3. Present a professional image in dress, grooming, language, courtesy, bearing and emotional stability.
4. Be prepared for the contact by having the necessary forms immediately available.
5. Decide on the appropriate enforcement action based upon the violator's behavior, not attitude. In most cases it is advisable to have the form of enforcement action decided prior to the initial contact with the violator.
6. Greet the violator with the appropriate title and in a courteous manner.
7. Inform the violator of the traffic law s/he has violated and the intended enforcement action.
8. Ask for and accept the driver's license, registration and insurance, as needed.
9. Obtain a statement from the driver.
10. Complete the forms required of the enforcement action taken or exercise a verbal warning.
11. Explain to the violator exactly what s/he is supposed to do in response to the action taken.
12. Ensure the violator knows when and where to appear if the enforcement requires a court appearance. Explain any alternatives to the violator, but do not predict the actions of the court. Refer questions about the appearance to the court.
13. Be alert for any emotional stress by the violator. If stress is present, the instruction may have to be repeated or the violator may have to calm down before resuming driving. Be prepared to assist the driver if appropriate.
14. Return the violator's license and information with a copy of the citation.
15. Offer a personal business card to the violator.
16. Assist the violator in safely entering the roadway.

#### **62.1.10 Traffic Stops**

- A. No two traffic stops are exactly alike. This procedure is a guide as to how to conduct stops of traffic law violators. Officers shall act in a courteous and prudent manner as dictated by the circumstances of the particular stop.
- B. Suggested procedure for patrol officers when initiating the stop:
  1. Choose the stop location carefully avoiding curves, hill crests and intersections. Consider stop locations where adequate lighting and cover are available.
  2. Inform dispatch of the vehicle license number, state if not Oregon, location, then color and make of vehicle if known.
  3. Activate emergency lights-use horn, then siren if needed- to alert the driver to stop.
  4. Park the patrol car a safe distance behind the stopped vehicle (where practical) and offset to the left or right (i.e., one-way streets) into the traffic lane. Leave the engine running and the driver's door unlocked. Consider your surroundings, such as other persons in the area, at all times.
  5. While exiting the patrol vehicle, observe the occupants of the stopped vehicle at all times. Watch for any furtive or unusual movements.
  6. At night, high headlight beams, spotlight, and takedown lights may be used for visibility inside the stopped vehicle.
  7. Generally, to protect both the officer and the citizen, officers should request violators to remain in their vehicle during the traffic stop. If the violator does not remain in their vehicle, they should be advised to move to a location away from traffic or other possible dangers (sidewalk etc.) The Officer should keep a safe distance from the violator while writing citations. The officer must always observe and be aware of his/her surroundings.
  8. While approaching, watch occupant(s), check for altered tags, check the trunk to ensure it is closed and locked, and observe the interior for possible weapons, or hidden passengers. At night, officers should avoid walking between the patrol vehicles lights.

9. Utilize any of the three standard positions for violator contact and be observant of all occupants.
    - a. Behind the driver's door,
    - b. In front of the driver's door, looking back into the car, or
    - c. Approach on passenger's side and make contact through the passenger's window/door.
  10. Keep a constant view of the driver's hands.
- C. Procedure during the stop:
1. The vehicle operator may be checked for driver's license status, wants and warrants. The vehicle should also be checked for proper licensing and equipment.
  2. Citations should be written outside the patrol vehicle. Officers should maintain visual contact with all occupants throughout the stop.
- D. Procedure for re-contact with the driver:
1. When returning to the stopped vehicle to issue the citation, observe again for changes within the vehicle.
  2. Officer should usually allow the stopped vehicle to depart first. Conditions may exist which necessitate the officer departs first (patrol unit is blocking violators view of traffic, officer needs to respond to a call, driver may be legally parked and is not going to leave, etc.).
  3. Turn off emergency lights and other auxiliary lights before re-entering traffic.

#### **62.1.11 "No Driving Privileges" Procedures**

The patrol officer is frequently in the position of encountering drivers, following the detection of a traffic violation or other contact, who are unable to produce a valid driver's license. This could be the result of various actions not only of the driver, but of the court and/or the Department of Motor Vehicles (DMV). The officer should check the operator's driving record through DMV by name and date of birth or by Oregon Drivers license number for the current status of driving privileges. This check should include Oregon and any other state through which the driver may have a license. If the violator has a valid license, then the officer's actions should be dictated by the initial violation or contact.

- A. If the driver does not have a valid driver's license through DMV on-line records, the officer should determine if the violator was ever issued a license through this state or their state of residency. If it can be determined that no license was ever issued, the officer should cite for "No Operator's License."
- B. If the violator was issued a license in this state or their state of residence, and the violator's driving privileges have been revoked or suspended, the officer should:
  1. Cite for "No Operator's License" for out-of-state licensed drivers, and
  2. Cite for "Driving While Suspended" for Oregon licensed drivers.
- C. In either case the driver should not be allowed to drive the vehicle from the location of the stop, and other arrangements should be made. If the vehicle is legally parked or on private property the vehicle should not be towed.

#### **62.1.12 Speed Measuring Devices**

It is the policy of the Corvallis Police Department to enforce the proper flow, movement, and speed of vehicular traffic within the incorporated city limits of Corvallis. The Department will utilize speed enforcement tools in a manner designed to create an appropriate deterrent, which will reduce speeding violations and crashes. This policy serves to provide guidelines for the patrol officer and to set maintenance and operating procedures for the use speed measuring devices.

- A. Hand held equipment
  1. Equipment Specifications

All speed measuring devices utilized by Corvallis Police Department shall comply with local, state, and federal regulations. All equipment shall meet or exceed the specifications of the U.S. Department of Transportation's National Highway Traffic Safety Administration.

2. Operational Procedures

a. All speed measuring devices, other than Lidar units, shall be checked for accuracy at the beginning of each work shift and after each speeding citation/warning issued. Lidar units shall be checked for accuracy at the beginning and end of each work shift.

b. All tests performed prior to use shall be according to the manufacturers instructions.

3. Proper Care and Upkeep

All speed measuring devices shall be maintained in good working order. Any device found not to be functioning properly shall be removed from service immediately. An equipment repair form shall be filled out and forwarded through the chain of command to the Patrol Lieutenant. The Patrol Lieutenant shall arrange for the repair of all speed measuring devices used by the Police Department.

4. Programmed Maintenance and Calibration

The Patrol Lieutenant shall maintain calibration and maintenance records for each individual device. All records shall be kept in the Patrol Lieutenant's office. Each unit shall be factory calibrated as the Department deems necessary by an authorized technician.

5. Radar Equipment Location

The Patrol Lieutenant shall assign speed measuring devices to patrol vehicles. These radar units shall remain in the assigned vehicles unless otherwise authorized. All other devices shall be kept in the equipment room when not in use. Officers may select any unit available for use during their shift. All devices shall be returned to the equipment room at the end of each shift.

6. Serialized certified tuning forks shall be assigned to each radar unit. The tuning fork shall remain with the assigned radar unit. A speed reader board and two hand held radar units shall be maintained for use with the "Citizen Radar Watch Program" and the speed monitoring radar trailer. A designated Patrol Lieutenant shall be responsible for the care and maintenance of these radar units.

7. Operator Training

All speed measuring device operators shall be trained to properly set up, test, operate, and read the device used. Officers shall demonstrate proper testing and operational procedures prior to the use of any speed measuring device.

B. Radar Trailer

The purpose of the Radar Trailer is to educate and prevent traffic violations and thus reduce property damage, injuries and fatalities within the City of Corvallis. The Radar Trailer shall be used in conjunction with Directed Patrol requests regarding traffic specific concerns. The Radar Trailer shall be used in areas identified by citizens, police officers, and City officials as having traffic related concerns. The Radar Trailer shall also be used in areas of the City following implementation of the Neighborhood Speed Watch Program.

The Radar Trailer is assigned to the Community Services Division and oversight of the program is the responsibility of the CSD Manager, or designee. The CSD Manager or designee is also responsible for maintaining a deployment schedule and care and maintenance of the Radar Trailer.

1. Deployment
  - a. The Radar Trailer shall be deployed prior to morning commute times by the graveyard or day shift supervisor, or designee. The swing shift supervisor, or designee, is responsible for ensuring the Radar Trailer is returned, properly stored, and maintained at the Law Enforcement Building prior to 8:00pm each day.
  - b. Special circumstances may require use of the Radar Trailer after 8:00pm. These situation require the approval of the on duty supervisor.
  - c. As the Radar Trailer is deployed, personnel must ensure it is not a hazard to vehicular, bicycle, and pedestrian traffic. If the Radar Trailer cannot be deployed in a specific location due the hazard it creates the on duty supervisor shall be notified.
  - d. To prevent theft, the Radar Trailer will be properly secured by the use of a tongue lock, chain and padlock.
  - e. CPD personnel deploying the Radar Trailer will ensure the unit is properly functioning and displaying the appropriate signage consistent with the posted speed limit.
  - f. Shift supervisors are responsible for providing training to CSD staff to include deployment, storage, and maintenance of the Radar Trailer.
2. Maintenance of the Radar Trailer

In the event the Radar Trailer is not properly working, a Vehicle Repair Form will be completed and submitted to the on duty supervisor.

#### **62.1.13 DUII Detection and Apprehension**

Drivers impaired by alcohol and/or drugs pose a threat to community safety. The education, detection and apprehension of DUII drivers is an important role for the Corvallis Police Department.

- A. Training

Officers shall be trained in the detection of impaired drivers at the Oregon Police Academy, during their Field Training Program and through advanced courses when available.
- B. DUII Enforcement

Selective DUII enforcement should include assignment of personnel based on an analysis of times and locations where a significant number of violations and/or crashes involving impaired drivers have occurred.
- C. Public Education

The Corvallis Police Department will work with community groups and institutions to provide information and instruction related to alcohol-impaired driving reduction through meetings and presentations.

#### **62.1.14 DUII Investigation/Arrest**

- A. The goal of the Corvallis Police Department with DUII enforcement is to detect, investigate, and apprehend alcohol and drug affected drivers to reduce the number of crashes and violations involving this type of driver. This procedure involves four separate phases:
  1. Vehicle operation,
  2. Driver Contact,
  3. Pre-arrest screening,
  4. Arrest and booking,
- B. Vehicle Operation

Observe the vehicle in operation and note any initial cues of a possible Driving Under the Influence of Intoxicants (DUII) violation. The officer must decide if probable cause exists to stop the vehicle,

to conduct further investigation to determine if the driver may be impaired or for another unrelated traffic violation. The officer is not committed to arresting the driver for DUII based on the initial observation, but should concentrate on gathering all relevant evidence which may suggest impairment.

C. Driver Contact

Approach, observe, and interview the driver and note any evidence of impairment. This may include face to face contact and conversation; and overall assessment of the driver's condition. During the initial contact with the driver, the officer should evaluate the driver's physical condition to determine if probable cause exists for conducting field sobriety tests. The Oregon Supreme Court has ruled field sobriety tests are a search under both state and federal constitutions. This does not preclude an officer from seeking initial consent of the driver to perform field sobriety tests. Areas of concern may include, but are not limited to: odor of alcoholic beverage, marijuana, and/or "cover up" odors; speech patterns; demeanor; ability to follow directions; coordination; and general appearance. All Police Department marked patrol vehicles are assigned cassette recorders. The cassette recorder should be checked at the start of shift to ensure proper functioning. The cassette recorder should be used when conducting an investigation of DUII.

1. The following procedure will be followed when using a tape recorder:
  - a. Activate the tape recorder on determining a DUII investigation will be conducted. Identify yourself, the date, and the time.
  - b. Advise the suspect the conversation is being recorded and the reason for the traffic stop/contact.
  - c. If the suspect refuses the field sobriety tests, advise him/her any refusal to submit to field sobriety tests is admissible as evidence in any subsequent civil or criminal proceeding arising from the allegations the suspect was DUII.
  - d. Advise the suspect of rights per Miranda at such point as custodial interrogation begins.
  - e. Record any conversation during the time the suspect is being transported and booked.
  - f. Advise the suspect whenever the tape recorder is turned on or off, including the date and time.

Whenever circumstances do not permit the recording of conversations with the suspect, admissions or remarks should be included in the officer's preliminary investigative report.

D. Pre-Arrest Screening

Whenever possible, Corvallis Police officers will include standard field sobriety tests in any DUII investigation. The following standardized field sobriety tests will be used:

1. Horizontal Gaze Nystagmus (qualified officers only)
2. Walk and Turn
3. One Leg Stand

Any combination of the following field sobriety tests may be used in conjunction with the above, if the officer has received DPSST certified and documented training:

1. Modified Attention (Romberg test),
2. Finger to Nose,
3. Alphabet,
4. Counting,
5. Finger Dexterity,
6. Internal Clock,

The officer will note the responses to these and other tests given on the "Alcohol Influences Report" form or in the narrative of their preliminary investigative report.

E. Arrest and Booking

Once the officer determines the suspect is DUII, the officer shall advise the suspect he is under arrest for Driving Under the Influence of Intoxicants. The suspect will be taken into custody, searched and transported to the Benton County Correctional Facility, Law Enforcement Building, or other booking facility, with intoxilyzer equipment. If the breath test reading is under .08%, and the officer suspects that the suspect was driving under the influence of drugs, a Police Department on-duty Drug Recognition Expert (DRE) shall be requested to assist with the processing. Should a Police Department DRE not be on-duty, a Dispatcher will contact neighboring police agencies with DREs and determine availability. If none are available, the Watch Commander will be advised to assess the incident and determine if an off-duty DRE should be called in to work.

1. At the conclusion of the DRE's evaluation:
  - a. If the suspect is found to be under the influence of a controlled substance and/or the suspect provided a breath sample with a measurable amount, the officer will complete the booking process.
  - b. If the DRE determines the suspect is not under the influence of a controlled substance and the suspect provided a breath sample of .00%, the suspect will be released from custody after a urine sample is requested.
  - c. When releasing a subject from custody, the officer will:
    - 1) Advise the subject that presently they are not being criminally charged with DUII,
    - 2) Advise the subject that if the urinalysis contains a positive assessment for controlled substances they may be charged in the future for DUII Drugs,
    - 3) Advise the subject that he/she is free to leave,
    - 4) Provide the subject with a business card and case number, and
    - 5) Escort the subject from the Benton County Correctional Facility or other detention facility.
2. If a DRE is not available, officers who have attended the basic 8 hour course "Drugs That Impair" and passed the examination can ask the suspect to submit to a urine test. Reasonable suspicion is the only requirement needed for a trained officer to ask for a urine sample. A suspect who refuses to provide a urine sample under these conditions is subject to a license suspension under the implied consent law. If the officer has not had the "Drugs That Impair" training, the suspect can consent to a urine test however, the implied consent law does not apply.
3. The officer cannot stand next to a person and watch the person give the urine sample. The person has a right to "some" privacy. The sample should be processed according the Police Department evidence guidelines and the OSP form completed.
4. A D07 printout from the Department of Motor Vehicles will be requested by the arresting officer.
5. The officer shall ensure that the violator's vehicle is secure and not a traffic hazard.
6. The subject shall be read the Rights and Consequences from the Implied Consent Form. A breath sample should be taken if the violator consents. If the officer reasonably believes that drugs are involved, attempt consent for a urine sample.
7. If a suspect provides a urine sample, an analysis of the sample shall be requested of the Oregon State Police Crime Laboratory, in accordance with Departmental and Oregon State Police Laboratory procedures. If the sample reveals the presence of a controlled substance, the suspect may be charged with Driving Under the Influence of a Controlled Substance.

F. The following forms shall be completed by the officer:

1. Alcohol influence report,
2. Traffic citation,
3. BAC evidence card (if applicable),

4. Implied Consent Form (alcohol and urine portion if applicable), and
  5. Incident Report.
- G. The following forms shall be completed by the DRE and attached to the arresting officer's report:
1. DRE examination report, and
  2. Evidence form.

All persons arrested for DUII shall be released to a responsible person. Juvenile arrestees shall be released to a parent or legal guardian.

#### **62.1.15 Request for Re-examination of Driver**

Routine enforcement, crash reporting and investigation activities may lead to the discovery of drivers who have suspected incompetency due to physical or mental disability, disease or other condition which might prevent the person from exercising reasonable and ordinary care over a motor vehicle. Officers detecting such a driver should complete the appropriate forms to request the person to be re-examined by the Department of Motor Vehicles.

#### **62.1.16 Pedestrian and Bicycle Enforcement**

- A. Pedestrian and bicycles are involved in collisions with motor vehicles. Often these incidents result in injury or death to the pedestrian or bicyclist. In an effort to reduce the number of occurrences, it is the policy of the Police Department to actively enforce all applicable laws and ordinances pertaining to pedestrian and bicycle traffic enforcement.
- B. Where crashes involving bicycles occur, the investigating officer should take enforcement action in accordance with the Oregon Vehicle Code and Corvallis Municipal Code.
- C. Records will forward copies of all pedestrian and bicycle involved crashes to the Patrol Lieutenant in charge of the Traffic Management Plan.
- D. On a regular basis, the Patrol Lieutenant in charge of the Traffic Management Plan shall review and analyze data from crashes involving pedestrians and bicycles. Particular attention shall be given to those crashes occurring repeatedly at the same location.
- E. Citizen complaints received involving pedestrians and bicyclists shall be assigned to the patrol officer in whose district the hazard occurs. Officers shall patrol the area in an effort to reduce the number of violations.

#### **62.1.17 off Road Recreational Vehicles**

The use of off road recreational vehicles within the City limits is prohibited by Corvallis City Ordinance 6.13.010. If an off road, unlicensed vehicle is operated on the roadway, enforcement action for registration violations and related traffic offenses may be taken.

#### **62.1.18 Parking Citations**

Officers may issue a parking citation upon observing a parking violation. If the violation is a hazard and the officer is unable to contact the registered owner, the vehicle should be towed, in accordance with Corvallis Municipal Ordinance 6.14, specifically 6.14.050 ("exceptions") and General Order 66.1.

#### **62.1.19 Parking Enforcement**

The purpose of Parking Enforcement is to ensure the availability of safe parking by enforcement of State Statutes and Local Parking Ordinances and community education.

##### **A. Citations**

A Parking Enforcement Officer may issue a citation whenever a parking violation is observed. Cancellation of a parking citation should be handled in the following manner:

1. If an error is made while writing a citation, or if citations have become damaged due to accidental exposure to rain, snow, etc., they may be administratively voided by the officer.

2. A supervisor may direct an officer to dismiss or void a citation if s/he determines that the citation was improperly or inappropriately issued. This type of dismissal would require a written explanation to the appropriate judge for approval.
- B. Deployment  
Parking Enforcement Officer's responsibilities are apportioned according to parking needs of the community. Enforcement times are generally 9:00 am to 5:00 pm, Monday through Saturday.
- C. Parking Enforcement Officer's areas of responsibility include, but are not limited to, the monitoring and enforcement of:
1. Parking Meters
  2. Two Hour Residential Parking Districts
  3. All Limited Time Zones.
  4. City owned Permit Lots in the downtown area, citing any vehicles not displaying a valid permit.
  5. Downtown Free Parking District as designated by Corvallis Municipal Code.
- D. Dead Storage Vehicles  
Parking Enforcement Officers share responsibility for abandoned vehicle abatement with Patrol Officers. Officers mark, sticker, cite and initiate the towing of dead storage/abandoned vehicles in their immediate patrol area in compliance with Department Policy and Corvallis Municipal Code.
- E. Equipment  
Parking Enforcement Officers are responsible for the care and maintenance of the equipment they use including, but not limited to:
1. Three wheel scooters are used for patrolling parking routes and as authorized in various situations by a Watch Commander including but not limited to monitoring special events and traffic control.
  2. Uniforms and accompanying equipment.
- F. Disabled Parking Volunteer Program
1. Corvallis Police Department Volunteer Disabled Parking Enforcement Program uses citizen volunteers who are trained in appropriate rules, regulations and laws pertaining to designated disabled parking spaces.
  2. Their primary function is to educate citizens and/or cite violators parked in "Disabled Only" parking spaces on private property, that do not properly display current D.M.V. issued Disabled placards.
  3. The program is limited to fifteen volunteers at one time.
  4. The program is supervised by a CSD Lieutenant.

By Authority of:

  
\_\_\_\_\_  
Gary Boldizar, Chief of Police



# Corvallis Police Department

## General Orders



### 1.1 LAW ENFORCEMENT ROLE AND AUTHORITY: LAW ENFORCEMENT AGENCY ROLE

#### 1.1.0 General Information

Goals and Directives are developed based upon direction from the City Council, which are derived from Council goals and priorities and from citizen input. Goals and objectives are incorporated into the Police Department's strategic and operational master plans including, but not limited to:

- A. Community Policing Strategic Plan
- B. 9-1-1 Communications Master Plan
- C. Enhanced 9-1-1 Communications Plan
- D. From the more general goals and directives, annual performance goals, directives and action plan items are developed during the annual budget process.

#### 1.1.1 Distribution of Agency Goals and Objectives

- A. The Corvallis Police Department formulates specific goals and objectives for the ensuing fiscal year as a part of the overall annual budget development process. Division Managers are responsible to develop and submit annual goals and objectives related to their area of responsibility to the Chief of Police during the budget process.
- B. A final Police Department work plan consisting of goals and objectives, performance measures and financial projections is approved by the Chief of Police and submitted to the City Manager prior to Budget Commission consideration. Following recommendation from the Budget Commission, the mission, goals and objectives, performance measures and budget are reviewed and finally adopted by the City Council in June of each fiscal year.
- C. Employees are informed of the mission, goals and objectives, performance measures and budget related to their respective operations by their Division Managers and/or in Police Department Staff meetings.

#### 1.1.2 Goals and Objectives, Employee Input

Goals and objectives are submitted to the Chief of Police after Division Managers have met with and collected input from their middle managers, supervisors and work groups and have formulated and received approval of their division's operational and strategic plans. Employee input, both during the annual development process as well as in an on-going basis is both highly valued and encouraged. Employees are informed of the annual budget development process and are encouraged to provide input and suggestions ranging from equipment and training suggestions to program and strategic planning ideas. Input will be submitted through processes such as:

- A. Regular Association Management Advisory Team (AMAT) Meetings,
- B. Divisional or work group meetings,
- C. Police Department staff meetings,
- D. Equipment repair/replacement reporting,
- E. Monthly Safety Committee Meetings,
- F. Daily team briefings, or
- G. The chain of command to the respective Division Managers.

### 1.1.3 Annual Goals and Objectives Progress Report

Goals and objectives status and performance measures are reported quarterly to the Chief of Police by Division Managers. Quarterly reports are reviewed and approved by the Chief of Police, with an executive summary sent to the City Manager. Annual progress on goals, objectives and performance measures are reported in the City of Corvallis operating budget document. The Management Assistant maintains historical records of quarterly and annual progress reports.

### 1.1.4 Law Enforcement Oath of Office

All new Corvallis Police Department sworn employees are required to read, understand, sign and commit to upholding an Oath of Office. One copy of the signed Oath of Office will be kept in the employees Police Department personnel file, the other will be sent to the City of Corvallis, Personnel Department for permanent record. One copy of the signed Oath of Office will be sent to Corvallis Municipal Court. The Oath of Office will usually be presented, read and signed during the swearing in and orientation week(s) for each sworn employee. The Oath of Office is:

*"I do solemnly swear or affirm that I will support the Constitution of the United States and of the State of Oregon, and that I will, to the best of my ability, faithfully perform the duties of a law enforcement officer of the City of Corvallis, Oregon during my continuance therein, so help me God."*

### 1.1.5 Code of Ethics

Ethics training will be conducted once every two years for all employees. Employees should receive instruction that concerns their position dilemmas, temptations, responsibilities and duties. Ethics review can be in the form of classroom, shift briefing, computer based training and bulletins or any combination of methods as determined but the respective Division Managers.

- A. All Corvallis Police Department sworn employees are required to read, understand, sign and uphold a Law Enforcement Code of Ethics declaration. One copy of the signed Code of Ethics will be kept in the employee's Police Department personnel file, a photocopy will be sent to the City of Corvallis, Personnel Department, a photocopy will be sent to the Department of Public Safety Standards and Training and a second original will be presented to the employee. The Code of Ethics will usually be presented, read and signed during the swearing in and orientation week(s) for each employee. The Law Enforcement Code of Ethics reads:

*"As a Law Enforcement Officer, my fundamental duty is to serve my community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.*

*I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of the Department. Whatever I see or hear of a confidential nature or that is confided in me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.*

*I will never act officiously or permit personal feelings, prejudices or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities.*

*I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held as long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession.... law enforcement."*

- B. All Corvallis Police Department telecommunications employees are required to read, understand, sign and uphold a Telecommunicator's Code of Ethics declaration. One copy of the signed Code of Ethics will be kept in the employee's Police Department personnel file, a photocopy will be sent to the City of Corvallis, Personnel Department, a photocopy will be sent to the Department of Public Safety Standards and Training and a second original will be presented to the employee. The Code of Ethics will usually be presented, read and signed during the orientation week(s) for each employee. The Telecommunicator's Code of Ethics reads:

*"As a telecommunicator I regard myself as a member of an important and honorable profession. I will recognize the positive relationship between good physical and mental conditioning and the performance of my job.*

*I will perform my duty with efficiency to the best of my ability.*

*My conduct and my performance of my duties will be accomplished in an honest manner, contributory to my fellow workers, and observant of the laws of the city, state and country.*

*I will not, in the performance of my duty, work for unethical advantage or profit.*

*I will recognize at all times in my duty that I am a public safety employee, and that ultimately I am responsible to the public.*

*I will give the most efficient and impartial service of which I am capable at all times.*

*I understand the importance of courtesy and will maintain it as my reference point in all my duties.*

*I will regard my fellow telecommunicators with the same standards as I maintain myself.*

*I share a reciprocal affinity and obligation with my fellow telecommunicators, my administration, and my agency.*

*I will accept responsibility for my actions.*

*I will strive for those values which will reflect honor on my fellow telecommunicators, my agency and myself."*

- C. All Corvallis Police Department non sworn employees are also required to read, understand, sign and uphold the Department's Public Safety Employee Code of Ethics declaration. One copy of the signed Code of Ethics will be kept in the employee's Police Department personnel file, a photocopy will be sent to the City of Corvallis, Personnel Department, and a second original will be presented to the employee. The Code of Ethics will usually be presented, read and signed during the orientation week(s) for each employee. The Public Safety Employee's Code of Ethics reads:

*"As an employee in the field of public safety I regard myself as a member of an important and honorable profession.*

*I will recognize the positive relationship between good physical and mental conditioning and the performance of my job.*

*I will perform my duty with efficiency to the best of my ability.*

*My conduct and my performance of my duties will be accomplished in an honest manner, contributory to my fellow workers, and observant of the laws of the city, state and country.*

*I will not, in the performance of my duty, work for unethical advantage or profit.*

*I will recognize at all times in my duty that I am a public safety employee, and that ultimately I am responsible to the public.*

*I will give the most efficient and impartial service of which I am capable at all times.*

*I understand the importance of courtesy and will maintain it as my reference point in all my duties.*

*I will regard my fellow employees with the same standards as I maintain myself.*

*I share a reciprocal affinity and obligation with my fellow employees, my administration, and my agency.*

*I will accept responsibility for my actions.*

*I will strive for those values which will reflect honor on my fellow employees, my agency and myself."*

**41.2.3 Field Interviews (CALEA Std 1.2.3)**

- A. During the course of their duties, patrol officers often encounter persons in suspicious or unusual circumstances. Recording the identities and descriptions of persons and vehicles along with times and places found, and circumstances of the situations, may be beneficial to ongoing and/or future investigations. Officers encountering persons in these situations shall be aware of both statutory and case law regarding detaining persons and requiring identification. This information of persons and/or vehicles shall be recorded on the Field Report Form. The Field Report Form is submitted to the patrol supervisor for review and forwarded to Records to be filed.
- B. At no time shall an officer stop, detain or search persons under Oregon Revised Statutes when the action is motivated by the officer's perception of the persons race, color, sex or national origin.

**74.3.5 Search and Seizure (CALEA Stds 1.2.4, 1.2.5, 1.2.8)**

It is the policy of the Corvallis Police Department that searches conducted by officers will be consistent with ORS, applicable case law and conducted no more than is reasonably necessary, with the proper regard for the dignity of the individual, the personal safety of the searching officer and the preservation of evidence.

- A. No person shall be subjected to any stop, detention or search by members of this agency when such a stop, detention or search is based solely and impermissibly on the person's race, color, gender, national origin or sexual orientation, or upon the member's perception of any person's race, color, gender, national origin or sexual orientation.

1.9.2

**AAS. Person Stops**

It is a fundamental duty of every member of this agency to observe, respect, and protect the constitutional rights of every person with whom we come in contact. No person shall be subjected to any stop, detention, or search by members of this agency when such a stop, detention, or search is based solely and impermissibly on the person's race, color, sex, national origin, or sexual orientation, or upon the member's perception of any person's race, color, sex, national origin, or sexual orientation.

1.4.1 UNBIASED LAW ENFORCEMENT (CALEA Stds 1.2.8, 22.2.7)

A. PURPOSE

The purpose of this policy is to reaffirm this agency's commitment to unbiased law enforcement, clarify the circumstances in which race can be used as a factor to establish reasonable suspicion or probable cause, and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in a fair, equitable and constitutional manner.

B. DEFINITIONS:

1. BIASED BASED PROFILING: The interdiction, detention, arrest or other nonconsensual treatment of individuals based solely on a characteristic or status characteristic, to include, but are not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age and/or culture.
2. VEHICLE STOP: Any traffic violation contact, suspicious vehicle contact or motorist assists.

C. POLICY

The Corvallis Police Department neither condones nor tolerates the use of any biased based policing in its enforcement programs. Biased based policing undermines legitimate law enforcement efforts, alienates a significant percentage of the population and fosters distrust of law enforcement by the community we have sworn to protect and serve. Officers must have reasonable suspicion supported by specific articulable facts, that the person contacted regarding their identification, activity or location has been, is, or is about to commit a violation of the law or is currently presenting a threat to the safety of themselves or others.

D. PROCEDURE:

1. All investigative detentions, vehicle stops, arrests, searches and seizures of property (to include asset forfeiture procedures) by officers will be based on a standard of reasonable suspicion or probable cause as required by the Oregon Constitution, statutory authority and prevailing case law. Officers must be able to articulate specific facts, circumstances and conclusions, which support probable cause or reasonable suspicion for an arrest, vehicle stop or investigative detention.
2. Officers may take into account the race, ethnic background, gender, sexual orientation, religion, economic status, age and/or culture of a specific suspect or suspects based on credible, reliable, locally-relevant information that links a person of a specific race to a particular criminal incident or links a specific series of crimes in an area to a group of individuals.
  - a. Except as provided above, no person shall be singled out or otherwise treated differently on account of his/her race, ethnic background, gender, sexual orientation, religion, economic status, age and/or culture.
3. In an effort to prevent inappropriate perceptions of biased based law enforcement, officers shall utilize the following strategies when conducting any pedestrian and/or vehicle stops:
  - a. Be courteous, polite, and professional.
  - b. Introduce him/herself (providing name and agency affiliation) and explain to the citizen the reason for the stop as soon as practical. In vehicle stops, provide this information before asking the driver for his/her license, registration and proof of insurance.
  - c. Ensure that the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense.
  - d. Answer any questions the citizen may have, including explaining options for the disposition of the traffic citation, if relevant.
  - e. Officers must provide their agency authorized business card to any person who has been detained or contacted in a vehicle or pedestrian stop.

- 1) This policy shall not apply to authorized undercover operations conducted by members of the Police Department.
- f. Officers will immediately present their Police Identification Card in a polite and courteous manner when requested by a citizen. The exception to this will be officers that are undercover.
4. All members shall receive 4 hours of annual mandatory in-service training in biased based profiling issues. These may include:
  - a. Cultural Diversity
  - b. Ethnic Intimidation/Hate Crimes
  - c. Legal Issues/Updates
  - d. Traffic Stops
  - e. Interview and Communication Skills
5. A review of biased based policing practices shall be included in the annual review conducted by the Professional Standards Lieutenant. ~~Administrative Unit.~~
6. Violations of this policy will be investigated and resolved in accordance General Order 52.2, Internal Affairs Investigations.

#### 1.4.2 Stop Data Collection (CALEA Std 1.2.8)

- A. The Corvallis Police Department is committed to unbiased law enforcement practices while adhering to the Constitutional rights of all citizens. As such, the collection of stop data information provides statistical information to identify the nature of stops made by officers, to include; the perceived race or gender of the stopped driver or pedestrian, age, violation type and length of stop. The stop data information is to be collected and analyzed at the direction of the Chief of Police for any trends in local law enforcement practices which may be perceived as biased based law enforcement.
- B. In an effort to dispel any perceived bias based law enforcement, officers will continue to conduct stops or contacts, as outlined in General Order 1.4.1 (D)(3). In addition, each discretionary stop or contact will include the completion of the stop data form.
- C. The stop data form is available on MDT, department issued Blackberries, as well as, hard copy form. (Stop Data Form)
- D. In the event the MDT or Blackberry is not functioning, officers will complete the hard copy form after the stop is completed and enter the information, as soon as practical, on another MDT, Blackberry or on a department computer.
- E. Officers on bicycle patrol or foot patrol will complete the hard copy form after the completion of any discretionary stop or contact. As soon as practical, the stop data information will be entered on an MDT or department computer.

## 41.1 PATROL: ORGANIZATION AND ADMINISTRATION

### 41.1.1 Patrol Functions

- A. Consistent with the values of a free society, it is the primary objective of the Corvallis Police Department to approach the ideals of a society free from crime and disorder. In so doing, the department's role is to enforce the law in a fair and impartial manner, acting in good faith without malice and recognizing both the statutory and judicial limitations of police authority.
1. No person shall be subjected to any stop, detention, or search under Oregon Revised Statutes by members of this agency when such a stop, detention, or search is based solely and impermissibly on the person's race, color, sex, or national origin, or upon the member's perception of any person's race, color, sex, or national origin.
  2. The mission of the Corvallis Police Department is to enhance community livability by working in partnership with the community to promote public safety and crime prevention through education and enforcement; to maintain public order while preserving the legal rights of all individuals; to reduce the impact of crime; and to provide effective, efficient and courteous service.

January 2, 2008

TO: Corvallis City Council; City Manager  
FROM: George Grosch, Ward 3

RE: Councilor Request for Follow up re Corvallis Police Department.

It is my opinion that community perception surrounding the Corvallis Police Department is at an all time low in my tenure on the Council. It is also my opinion that public transparency of CPD is also at a low point despite continuing efforts by CPD to operate in a transparent matter.

Given these concerns I have the following questions:

1) What are the mechanisms currently in place for the City Council to provide policy oversight to CPD?

2) Are there specific written policies and procedures within CPD relating to "special enforcement points of emphasis" and / or "Zero Tolerance" policies such as DUI, Minor in Possession, or Open Container laws or any other area of enforcement such as traffic infractions, theft, etc.?

If yes to #2 what are the specific policies and who establishes and reviews these policies?  
If no to #2 how are enforcement policies/priorities determined within CPD?

I have been told on several occasions by City staff and heard CPD spokespersons publicly say that it is not the policy of CPD to engage in "pretext stops" of people in Corvallis. In a newspaper article in the Corvallis Gazette Times dated December 16th 2007 it is reported that at least one officer has been offered specific training to "...ensure a sound basis for the stop for a good violation of the law."

This sounds to me like training in "pretext stops". According to the article cited above this type of stop is considered legal by the US Supreme Court. I see it as one tool in a tool box for police to use. My questions around this are as follows:

3) Is it the policy of CPD to use "pretext stops" for minor traffic infractions to seek citations or arrests for other more serious violations?

4) Under what circumstances is it appropriate to use a "pretext stop" as an enforcement tool?

5) Are there currently policies and procedures in place for the use of this tool? What are they and do they ever get Council or public review?

6) How as a City Council do we assure the public that the policies and procedures of the police department are consistent with City Council intent and with public values?

Thank you all for taking the time to answer these questions. I suspect that once I have a reply it will cause me to ask further clarifying questions.

It is also my opinion that the Officers and Staff of CPD are highly trained and dedicated public servants who are asked to do a difficult job in trying conditions. I have every confidence in their ability and qualifications to do the job in a professional manner. I also have confidence that CPD is committed to complete transparency in its operations and in how it carries out its responsibilities.

If you need further clarification regarding my questions please feel free to give me a call.

**CORVALLIS CITY COUNCIL**

**March 10, 2008**

**Self-Evaluation  
General Practices**

	1	1.5	2	2.5	3	03/10	10/15
<b>How are we doing on <i>General Practices?</i></b>	<b>Low</b>		<b>Mid-range</b>		<b>High</b>	<b>Average</b>	<b>Average</b>
1. Thinking and acting strategically	1		3	✓	3	2.31	2.33
2. Understanding and demonstrating the elements of teams and teamwork			1		7	2.88	2.56
3. Mastering "small group" decision-making			4		3	2.43	2.50
4. Clearly defined roles and relationships			3	✓	4	2.56	2.56
5. Council/staff partnership			2		6	2.75	2.69
6. Systematic evaluation of policy implementation	1	✓	2	✓	1	2.07	2.33
7. Allocation of Council time and energy			5	✓	2	2.31	2.33
8. Clear rules and procedures for Council meetings			1		7	2.88	2.89
9. Response to the public's concerns and evaluation of Council performance			5	✓	2	2.31	2.75
10. Continuous personal learning and leadership development			3	✓	4	2.56	2.44

INA

INA

Additional Comments:

- Looking forward to financial strategy outcomes.
- I still don't understand "small group" decision making – need definition of "small group" decision making; discuss at work session.
- Council does not do systematic evaluation of policy implementation. When? Discuss at work session.
- Hard working group.

**Self-Evaluation  
Specific Practices**

	1	1.5	2	2.5	3	03/10	10/15
How are we doing on <i>Specific Practices?</i>	Low		Mid-range		High	Average	Average
1. Effective chartering of committees and acceptance of committee work			2		6	2.75	2.44
2. Prioritizing goals and initiatives and avoiding over-commitment	1		3	/	3	2.31	2.50
3. Educating ourselves about issues			4		3	2.43	2.67
4. Limiting amount of time spent on "small-picture" activities			6	/	1	2.19	2.33
5. Regular evaluation of our effectiveness as a Council			3	/	4	2.56	2.44
6. Celebrating success – our own and that of others			4	///	1	2.31	2.44

1 NA

**Additional Comments:**

- Since "small picture" activities can mean a great deal to constituents, it is hard to not spend time on them.

**Self-Evaluation  
Code of Conduct**

	1	1.5	2	2.5	3	03/10	10/15
How are we doing on <i>Code of Conduct</i> ?	Low		Mid-range		High	Average	Average
1. Show consideration and civility to everyone					8	3.00	2.75
2. Allow for disagreement, but strive to keep conflict at a level where we are working together to address the issues			1		6	2.81	2.67
3. Apply meeting principles to staff and public			2		6	2.75	2.56
4. Explain reasoning and intent			2		5	2.69	2.56
5. Focus on understanding interests of people			3		4	2.56	2.33
6. Be concise and respectful while focusing on issue			1		7	2.88	2.56
7. Assume best intentions as you seek common ground					7	2.94	2.44
8. Respect decisions of the body					8	3.00	2.67

Additional Comments:

- I'm giving myself mid-range with recent land use and visitors' propositions.
- I am really enjoying my work with the other councilors, mayor, and staff!
- Council is working well together.

Dan Brown  
1<sup>st</sup> iteration

To: Corvallis City Council  
From: Dan Brown, Councilor

March 10, 2008

**Topic: THE FINANCIAL STRATEGY IS THE MESSAGE**

Councilor Hamby coined the phrase, "The Strategy is the message." This perspective is the driver for the project which the City Council will discuss tonight. It is focused on communication between the Council and constituents, the public, and the media in a way that is intended to be:

- accurate
- honest
- clear / simple / understandable
- accessible

Over the years, the Council has approved policies in the document called *Council Policies* including Chapter 10, "Financial Policies." This document is long and largely operational, focusing on topics of significant value to the staff, auditors, regulators, lenders, etc.:

- budgeting processes and procedures
- managing budgetary funds during the year
- accounting controls

The Council has received feedback that Chapter 10 is not user friendly for laypeople due to its organization, level of detail, language, and mixing of strategic and operational issues. The proposed financial strategy document is for another purpose and other audiences. Hopefully, the approach will meet the above objectives better.

The attachment is a prototype of an outline for a City Council Financial Strategy Statement.

- The basic organization is very simple and should be familiar to people who have had accounting and are familiar with basic financial statements.
- The intent is to keep the discussion at the 35,000 foot level in keeping with the unique strategy role of the City Council as opposed to the operational role of the City staff.
- It details some Asset and Liability policies which are very important to City Council responsibilities.
- The core of the outline is currently adopted Council policy. There are some topics that are of interest to current Councilors or the subject recent public testimony to the Council. These will be highlighted in red.

The City Council is a body that adopts policies by majority vote. When we say that something "is Council policy", we are merely saying that it was supported by most of the Council (at least 5 to 4) who voted on it. Future majorities or future Councils may reverse the decision. Individual Councilors make their own decisions "to go along with the majority" on a policy or to hold a minority position.

Conceptually, Item IV is the heart of a larger document which follows the included table of contents. (I have shared with the Council several times earlier.) Today's discussion will focus on Item IV.

## **STRATEGY TABLE OF CONTENTS**

### **I. Situation Analysis -**

- Citizen Service Demands and Priorities
- Constraints
- Forecasts and Scenarios
- SWOT: Strengths, Weaknesses, Opportunities, and Threats

### **II. City Vision / Mission –**

### **III. Objectives –**

- Overall City Council Objectives

### **IV. City Council Financial Strategy**

- Financial Objectives
- Revenue
- Expenditures
- Assets
- Liabilities

### **VI. Reporting / Communication -**

- To Public
- To City Council
- To Auditors, etc

## IV. CITY COUNCIL FINANCIAL STRATEGY

### A. Overall City Council Financial Objectives –

1. To provide Adequate, Stable & Diversified Funding for Services Demanded by Citizens
2. To provide Mechanisms to meet the Public's Long-Term Revenue Requirements:
  - on-going infrastructure maintenance and replacement
  - necessary infrastructure extensions and improvements
  - fluctuation in population, commercial activity, and City responsibilities
  - emerging service needs demanded by citizens
3. To Protect the Solvency of the City of Corvallis for the future Benefit to Citizens
  - a. To minimize Financial Risks:
    - revenue below expectations
    - costs higher than expectations
    - loss of public funds (including investment risk)
    - theft
  - b. To ensure Protection and proper Use of the Public's Assets
  - c. To protect the City's Insurance and Credit Ratings
4. To provide quality Services to Citizens at satisfactory Prices

### B. Income Statement (Revenue and Expenditures)

#### 1. CORVALLIS STRATEGIC INCOME STATEMENT OBJECTIVES

- a. To Match Annual Revenues and Expenses (pay-as-you go) (no deficits)
- b. Revenue Objectives:
  - i. To Diversify and Stabilize Revenue Base [e.g. thru Alternatives to Property Taxes ]
  - ii. To Maximize Certain Revenues (Airport, CTS, Debt )
  - iii. To Ensure the City earns the Market Rate of Return on Investments
- c. Expenditure Objectives:
  - i. To achieve Operational Efficiency [e.g. thru Expenditure Reduction ]
  - ii. To Limit Debt Service Expenditures
  - iii. To achieve the City's "Organizational Sustainability Program" Goals through "Sustainable" Expenditures

## 2. REVENUE POLICIES –

- a. The City Council has approved many regarding to taxes, fees, earnings from investments, grants, rents, donations, fines, intergovernmental revenue, etc. Some are in Administrative Policies.
- b. The City Council has sent policies in consideration of additional revenue sources to the Administrative Services Committee for review and recommendations.
- c. Pricing Policies for Services [ Revenue = Price x Quantity Demanded ]
  - i. Policy - Although many tax-supported services are provided to the public free of charge, a fee shall be charged for any service that benefits limited interests within the community.
  - ii. Exceptions to Policy - except for basic unavoidable human needs type services provided to persons with limited ability to pay . . . For certain social service or affordable housing type projects, the City Council may vote to pay fees . . .
  - iii. Council policies specify diverse Bases for setting fees:

<b>Total Cost Recovery</b>	<b>Going-Rate Pricing</b>
<b>Partial Cost Recovery</b>	<b>Inflation Adjustment</b>
<b>Subsidized Prices</b>	<b>Match Benefit</b>
<b>Cover Growth-Related costs</b>	
<b>Prices for Residential Parking Permits and 10 Hour Parking Permits are Set by the City Council</b>	

- d. According to policy, the City Council decide how to allocate property tax revenues at the conclusion of the annual budgeting process.

## 3. EXPENDITURE POLICIES

- a. The City Council has approved policies for Special Programs:
  - o **Economic Development Expenditures**
  - o **Social Services Expenditures**
  - o **Dedicated Arts Center Allocation**
  - o **Rebates for Energy Efficient Washers & Water-Conserving Toilets**
- b. Council policy declares that Excess Unrestricted Funds may be spent.
- c. The Council considers all Future Operating & Maintenance costs in Capital Decisions
- d. **Policies for Increases in City Expenditures:**
  - i. Increased Demand for Existing City services due to:
    - o **fluctuation in population, commercial activity**
    - o **new City responsibilities [e.g. wireless service]**
    - o **necessary infrastructure extensions and improvements**
  - ii. Demand for new Services from the City
  - iii. Increased Costs (including inflation)

## C. Assets and Liabilities

### 1. STRATEGIC ASSET AND LIABILITIES OBJECTIVES

- a. To provide monies to purchase the physical assets required to provide necessary services (through savings and borrowing, not annual operating revenue)
- b. To prevent Loss and Theft (or provide means to replace or restore)

### 2. ASSET POLICIES

#### a. Monetary Assets –

##### i. The City's Cash Management Policy

- **Optimize Liquidity**

Ensure ability to meet month-to-month obligations despite cash flow fluctuations

Target Beginning/Ending Unrestricted Fund Balances

- **Optimize Investment Income**

Achieve the City's Investment Objectives

##### ii. Short-Term Contingency Funds

- Annual Contingency Reserves [  $\geq$  \$2,000,000 ]
- Risk Management Fund [ \$40,000 to \$450,000 ]

##### iii. The City will not maintain a long-term "Rainy Day Fund"

#### b. Physical Assets

Providing many necessary City services requires expensive physical assets. The City does not maintain a complete valuation of all those assets -- as in a balance sheet), but it does make decisions which change the values of assets, such as maintenance and expansion. These decisions will be based on Physical Asset policies.

According to Council-approved policies, Council decisions affecting physical assets are based on several Planning Processes which are specified in Council policies.

- i. **Capital Improvement Plans**
- ii. **Financial Plans**
- iii. **Department business Plans**
- iv. **Master Plans**
- v. **Equipment Replacement Plans**

### 3. LIABILITIES POLICIES

- a. The Council have approved various policies which place limits on Debt, Contracts, Leases, etc. The purpose of these policies appears to be to limit the operating cost burden and preserve the financial solvency of the City of Corvallis.
- b. Unfunded Liabilities can affect expenditures. Should there be Council Policies on Unfunded Liabilities to identify and report the size, forecast, and actual changes in the liability?

3/10/08  
Don Brown  
2<sup>nd</sup> iteration  
replacement

## STRATEGY TOPIC OUTLINE

### I. Situation Analysis -

- Citizen Service Demands and Priorities
- Constraints
- Forecasts and Scenarios
- SWOT: Strengths, Weaknesses, Opportunities, and Threats

### II. City Vision / Mission -

### III. Objectives -

- Overall City Council Objectives

### IV. City Council Financial Strategy

- Financial Objectives
- Revenue Policies
- Expenditure Policies
- Asset Policies
- Liabilities Policies

(consistent w/  
Chpt 10 policies  
re-formatted for better  
understanding of all  
users; electeds/citizens)

### VI. Reporting / Communication -

- To Public
- To City Council
- To Auditors, etc

## **IV. CITY COUNCIL FINANCIAL STRATEGY**

### **A. Overall City Council Financial Objectives –**

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2. To provide Mechanisms to meet the Public's Long-Term Revenue Requirements:
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  - **emerging service needs demanded by citizens**
3. To Protect the Solvency of the City of Corvallis for the future Benefit to Citizens
  - a. To minimize Financial Risks:
    - **revenue below expectations**
    - **costs higher than expectations**
    - **loss of public funds (including investment risk)**
    - **theft**
  - b. To ensure Protection and proper Use of the Public's Assets
  - c. To protect the City's Insurance and Credit Ratings
4. To provide quality Services to Citizens at satisfactory Prices

### **B. Revenues and Expenditures**

#### **1. CORVALLIS STRATEGIC "INCOME STATEMENT" OBJECTIVES**

- a. To Match Annual Revenues and Expenses (pay-as-you go) (no deficits)
- b. Revenue Objectives:
  - i. To Diversify and Stabilize Revenue Base [e.g. thru Alternatives to Property Taxes ]
  - ii. To Maximize Certain Revenues (Airport, CTS, Debt )
  - iii. To Ensure the City earns the Market Rate of Return on Investments
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  - i. To achieve Operational Efficiency [e.g. thru Expenditure Reduction ]
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- d. **Policies for Increases in City Expenditures:**
  - i. Increased Demand for Existing City services due to:
    - o **fluctuation in population, commercial activity**
    - o **new City responsibilities [e.g. wireless service]**
    - o **necessary infrastructure extensions and improvements**
  - ii. Demand for new Services from the City
  - iii. Increased Costs (including inflation)
- e. Restricted Revenues will only be spent on designated purposes.

## C. Assets and Liabilities

### 1. STRATEGIC ASSET AND LIABILITIES OBJECTIVES

- a. To provide monies to purchase the physical assets required to provide necessary services (through savings and borrowing, not annual operating revenue)
- b. Prevent Loss and Theft (or provide means to replace or restore)
- c. Ensure availability of cash to meet month-to-month obligations despite cash flow fluctuations
- d. Achieve Investment Objectives

### 2. ASSET POLICIES

#### a. Monetary Assets –

##### i. The City's Cash Management Policy

- **Liquidity**
- **Minimum Cash Balances**
- **Optimize Investments**

##### ii. Short-Term Contingency Funds

- Appropriated Contingency [  $\geq$  \$2,000,000 ]
- Risk Management Funds [ \$40,000 and \$450,000 ]

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Providing many necessary City services requires expensive physical assets. The City does not maintain a complete valuation of all those assets -- as in a balance sheet), but it does make decisions which change the values of assets, such as maintenance and expansion. These decisions will be based on Physical Asset policies.

According to Council-approved policies, Council decisions affecting physical assets are based on several Planning Processes which are specified in Council policies.

- i. **Capital Improvement Plans**
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- v. **Equipment Replacement Plans**

### 3. LIABILITIES POLICIES

- a. The Council have approved various policies which place limits on Debt, Contracts, Leases, etc. The purpose of these policies appears to be to limit the operating cost burden and preserve the financial solvency of the City of Corvallis.
- b. Unfunded Liabilities can affect expenditures. Should there be Council Policies on Unfunded Liabilities to identify and report the size, forecast, and actual changes in the liability?

3/10/08  
Dan Brown

## IV. CITY COUNCIL FINANCIAL STRATEGY

### **IV-A. City Financial Objectives –**

#### **1. To provide Adequate, Stable & Diversified Funding for Services Demanded by Citizens**

##### **a. Adequate Funding**

*10.01.010 Primary among the responsibilities of the City of Corvallis to its citizens is . . . providing for the adequate funding of the services desired by the public . . .*

*10.01.026 To employ revenue policies . . . which provide adequate funds to operate desired programs.*

##### **b. Stable and Diversified Funding**

*10.01.021 [One financial objective is] To protect the policy making ability of the City Council by ensuring that important policy decisions are not controlled by financial problems or emergencies.*

*7.13.010c The purpose of the Municipal Airport and Industrial Park Lease Policy is to provide . . . a stable revenue source to the airport*

*0.02.030.010 The city will strive to maintain a diversified and stable revenue system to shelter the government from short-run fluctuations in any one revenue source and ensure its ability to provide ongoing service.*

*10.01.026 To employ revenue policies which prevent undue or unbalanced reliance on certain revenues . . .*

#### **2. To provide Mechanisms to meet the Public's Long-Term Revenue Requirements:**

- **on-going infrastructure maintenance and replacement**
- **fluctuation in population, commercial activity, and City responsibilities**
- **emerging service needs demanded by citizens**
- **necessary infrastructure extensions and improvements**

*10.01.010 Primary among the responsibilities of the City of Corvallis to its citizens is . . . providing for . . . the maintenance of public facilities.*

*10.01.027 [One financial objective is] To provide adequate resources to operate and maintain essential public facilities and the City's infrastructure.*

*10.01.030.020 The focus of this analysis [of projected financial condition and key financial indicators] is to identify existing or emerging problems in . . . infrastructure conditions . . .*

### 3. To Protect the Solvency of the City of Corvallis for future benefit to Citizens

#### a. To minimize "Financial Risks":

- **revenue below expectations**
- **costs higher than expectations**
- **loss of public funds (including investment risk)**
- **theft**

*10.01.025 [One financial objective is] To set forth operational principles which minimize . . . financial risk . . .*

*10.07.030 The City shall implement a Risk Management program designed to decrease exposure to risk*

#### b. To ensure Protection and proper Use of the Public's Assets

The City of Corvallis takes its fiduciary responsibilities to the public very seriously. A list of examples of control processes is included in APPENDIX I.

##### i. BASIC CONTROL PRINCIPLES

*10.01.025 [One financial objective is] To set forth operational principles which . . . safeguard the City's assets . . .*

*10.01.029 [One financial objective is] To insure the legal use of all City funds through a sound system of administrative policies and internal controls.*

*10.02.030.020 Restricted revenue shall only be used for the purposes legally permissible and in a fiscally responsible manner. Programs and services funded by restricted revenue will be clearly designated as such.*

*10.01.010 Primary to the responsibilities of the City of Corvallis to its citizens is the care of public funds . . .*

##### ii. DEVELOP PERFORMANCE INDICATORS AS A BASIS FOR MONITORING EXPENSES.

Establish benchmarks for efficiency of service delivery based on national best practices.

*10.03.040.020 Where practical, the City shall develop and employ performance indicators to be included in the budget.*

*10.01.030.010 To achieve and maintain the aforementioned [financial policy] objectives, the Finance Department, at the direction of the City Manager, will conduct an annual analysis of projected financial condition and key financial indicators. This analysis shall be reviewed by the Budget Commission and the City Council prior to the budget process.*

*10.01.030.020 It is the focus of this [annual analysis of projected financial condition and key financial indicators] to . . . identify the areas where the city is already reasonably strong in terms of protecting its financial condition . . .*

**c. To protect the City's Insurance and Credit Ratings**

*10.01.028 [One financial objective is] To protect and enhance the City's credit rating and prevent default on any debt issue of the City.*

*7.11.020 To . . . protect the City's insurance rating the following [water main and fire protection] policies are adopted.*

*10.06.040.040 To maintain the City's credit rating . . . , the annual debt service payments the City must make on net direct long term general obligation debt shall not exceed 10% of operating revenue.*

*10.02.020.010 To maintain the city's credit rating . . . the budget shall target an undesignated budgetary fund balance of at least 5% of estimated annual revenues for general governmental and enterprise fund types.*

**4. To provide quality services to citizens at Satisfactory prices**

**IV-B. Income Statement (Revenue and Expenditures)**

**1. Corvallis Strategic Income Statement Objectives**

**a. To Match Annual Revenues and Expenses (pay-as-you go) (no deficits)**

*10.03.020.010 The City shall attempt to conduct its operations from existing or foreseeable revenue sources. Achieving pay-as-you-go requires . . . current direct and indirect costs for operations and maintenance will be controlled and will be funded with current revenues . . .*

*10.02.030.050 One-time revenue will be used for one-time expenses whenever possible. If one-time revenue is considered for ongoing expenditures (such as adding staff) the Budget Commission or City Council will balance the need for the additional ongoing expenditures with the on-going ability to pay prior to approving the program.*

*10.02.030.060 Capital projects to be constructed with SDC monies will not be initiated until SDC revenue is available or another financing alternative is developed.*

**b. Revenue Objectives:**

**i. TO DIVERSIFY & STABILIZE REVENUE BASE [ e.g. Alternatives to Property Taxes]**

*10.02.120.033 New revenue sources which could reduce the reliance on property taxes will continue to be sought, but will not necessarily result in a reduction of property taxes to the fund unless the new revenue is adequate to address all of the financial and business plans within the fund.*

*10.02.090.010 The City shall aggressively pursue grant opportunities . . .*

*10.02.090.020 Federal funds shall be actively sought.*

*10.02.050.040 Solicitation of funds through donations, fund raising events, non traditional sources, and various other modes shall be encouraged by the Park and Recreation Advisory Board and other advisory committees.*

*10.02.030.040 In preparing the proposed budget, the Finance Director shall make recommendations to the City Manager regarding options to reduce the City's reliance on property tax revenue.*

**ii. TO MAXIMIZE CERTAIN REVENUES**

*7.13.020.20c. In developing the various elements of the Airport and Airport Industrial Park Lease Policy, the goal is to negotiate lease agreements that will . . . permit maximum generation of revenues to the Airport Fund in a manner consistent with sound business practices;*

*1.10.010 It is the City's declared intent and purpose to take into account interests which are of importance to the operation of the transit system. These interests include . . . Maximizing revenues to CTS operations by selling advertising space*

*10.06.040.060 . . .The City shall invest the proceeds from debt issuance . . . to maximize interest earnings available for the capital project. . . . The investment instrument(s) shall be chosen to maximize interest earnings . . . .*

**iii. TO ENSURE THE CITY EARNS THE MARKET RATE OF RETURN ON INVESTMENTS**

*10.08.040 The City's investment objectives [include] . . .attainment of a market rate of return throughout budgetary and economic cycles . . .*

**c. Expenditure Objectives:**

**i. TO ACHIEVE ORGANIZATIONAL EFFICIENCY [e.g, Expenditure Reduction ]**

*10.05.020 The City shall establish and maintain a process that is designed to provide reasonable assurance that the City is achieving . . .efficient operations . . .*

*10.01.025 To set forth operational principles which minimize the cost of government . . .*

*10.06.040.060 The investment instrument(s) shall be chosen to . . . minimize any arbitrage penalties which may accrue within the established IRS regulations*

*1.08.030 City departments, through changes in daily operations, ongoing programs and long-range planning are able to . . . have a significant positive impact on the . . . the economic efficiency of municipal government . . .*

*1.08.043 [One organizational sustainability objective is to] Use City resources efficiently and reduce demand for natural resources, such as energy, land, and water, as a first alternative to expanding supply.*

*1.08.010 The City recognizes its responsibility to . . . use financial resources efficiently and purchase products that are durable, reusable, non-toxic and/or made of recycled materials . . .*

*10.04.020.040 The construction standards will assure projects are built with and acceptable useful life and minimum maintenance costs. What about heating and cooling?*

**ii. TO LIMIT DEBT SERVICE EXPENDITURES**

*10.06.040.040 To maintain the City's . . . expenditure flexibility, the annual debt service payments the City must make on net direct long term general obligation debt shall not exceed 10% of operating revenue.*

*10.06.030.040 . . . , annual debt payments shall not exceed 5% of the combined operating and capital budgets in the Governmental Funds.*

**iii. TO ACHIEVE THE CITY'S "ORGANIZATIONAL SUSTAINABILITY PROGRAM" GOALS THROUGH "SUSTAINABLE" EXPENDITURES**

*1.08.051 The organization seeks to enhance environmental sustainability through practices that . . . reduce consumption of energy, water and natural resources*

*1.08.052 The City values wise use of public funds and considers the full cost implications of its efforts, including short and long-term purchase, operation and disposal costs, known as life-cycle costs. The organization seeks to enhance the economic sustainability through purchasing parameters and guidelines that ensure an analysis of sustainability preferable options with each purchase.*

*1.08.053 The organization seeks to enhance social sustainability through . . . a philosophy for staff of . . . financial health*

*1.08.052 The City values wise use of public funds and considers the full cost implications of its efforts ,including short and long-term purchase, operation and disposal costs, known as life-cycle costs. The organization seeks to enhance economic sustainability through purchasing parameters and guidelines that ensure an analysis of sustainably preferable options occurs with each purchase. Decisions take into consideration the time frame within any incremental initial costs will be paid back from the savings achieved by environmental or social investments and the need to maintain a fiscally healthy financial situation to ensure continued services to the community.*

*1.08.022 Life-cycle cost analysis examines the full life of a product and its impact on the environment including the resources used to acquire the raw material and to manufacture, process, transport and install the material; the accrued life-time maintenance costs; and the final disposal (including recycle or reuse) of the product*

*The City Council has demonstrated its concern for a sustainable community through the Corvallis 2020 Vision Statement . The purpose of this policy is to ensure City departments develop practices that achieve a more sustainable workplace through plans and programs that promote a balance of environmental values with economic and social equity values in the expenditure of public funds.*

*The City Council, in its leadership position, sets an example by adopting sustainable business practices in its activities and providing the resources necessary to allow the organization to be successful in its sustainability efforts.*

## 2. Revenue Policies –

- a. **The City Council has approved many policies with regard to taxes, fees, earnings from investments, grants, rents, donations, fines, intergovernmental revenue, etc. Some policies are recorded in Administrative Policies.**
- b. **The City Council recently delegated consideration of additional revenue sources to the Administrative Services Committee for review and recommendations**
- c. **Pricing Policies for Services [ Revenue = Price x Demand ]**

### i. OVERALL FEE POLICY -

*10.02.050.020 A fee shall be charged for any service that benefits limited interests within the community, except for basic, unavoidable human needs type services provided to persons with limited ability to pay.*

### ii. EXCEPTIONS TO POLICY –

*10.02.050.020 . . . except for basic, unavoidable human needs type services provided to persons with limited ability to pay.*

*10.02.050.050 The City council does not give . . . fee exemptions. For Certain social Service or affordable housing type projects, the City council may vote to pay fees . . .*

### iii. COUNCIL POLICIES SPECIFY DIVERSE BASES FOR SETTING FEES.

Many examples are provided in **APPENDIX II**

- d. **According to policy, the City Council decide how to allocate property tax revenues at the conclusion of the annual budgeting process.**

*10.02.120.040 Property taxes are allocated annually according to the Budget Commission and City Council direction through the annual budget process.*

*10.02.120.050 Every effort shall be made to hold the property tax allocation rates stable for a minimum of two years to improve long-term financial planning and fiscal stability.*

## 3. Expenditure Policies

- a. **The City Council has approved policies for Special Programs:**

### i. ECONOMIC DEVELOPMENT EXPENDITURES

*6.03.022 [ Goals of the Economic Development Policy include financial support for] financial and technical assistance programs that are available to business startups, small business development, local product development, and environmentally responsible modernization.*

*6.03.031a To provide a stable funding source, an amount equal to 50% of the transient room tax revenue collected and due to the City in the previous calendar year shall be allocated from the General Fund for City-sponsored direct and indirect economic development activities.*

*6.03.031b The Corvallis Convention & Visitors Bureau (CCVB) aka Corvallis Tourism, will be allocated, as a dedicated amount thirty percent (30%) of the total transient room tax collected and due to the City, from the prior calendar year.*

**6.03.031c.** *The remaining monies will be allocated to agencies, organizations, or entities requesting funding through the annual Economic Development Allocation Process. Such requests shall be consistent with the purpose, mission, and goals of the Economic Development Policy.*

**6.03.031e.** *The economic development funding formula shall be modified, and may be suspended, during times of significant economic downturn, especially during years when the City's General Fund balance falls below 5% of revenues, or when other revenue sources for City government are significantly reduced. This also applies to the dedicated funding for CCVB.*

**ii SOCIAL SERVICES EXPENDITURES**

**6.05.030** 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** 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 (CPI).

**6.05.060** *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.*

**6.05.050** *Since 1992, the City Council has agreed not to fund Long-term or Preventive Services.*

***Municipal code 1.14***

**iii. DEDICATED ARTS CENTER ALLOCATION**

**10.02.120.024** *The Arts Center allocation shall remain at 0.45% of the total property taxes received.*

**iv. REBATES FOR ENERGY EFFICIENT WASHERS & WATER-CONSERVING TOILETS**

**b. Council policy declares that Excess Unrestricted Funds may be spent**

**10.02.020.040** *In the event the[ ] fund balance is higher than an appropriate level, the difference may be used to fund the following activities:*

- a. *one time capital expenditures which do not significantly increase ongoing City costs;*
- b. *other one time costs; and*
- c. *ongoing or new City programs, provided such action is considered in the context of Council approved multi-year projections of revenue and expenditures.*

**10.07.040.030** *Ending unreserved balances in excess of \$40,000 will be used as a dividend to departments if the catastrophic reserves are fully funded or can be used as funding for additional expenditures in the safety program as directed by the City Manager and appropriated within the following budget year*

**c. The Council considers Future Operating & Maintenance Costs in Capital Decisions**

*10.04.040.020 Future operating budget impacts for new capital facilities will be analyzed and included in the seven-year financial plans as part of considering a proposed capital project.*

*10.02.030.03 Intergovernmental revenue for capital improvements shall be used to finance only those capital improvements . . . whose operation and maintenance costs have been included in operating budget forecasts.*

*10.02.020.040 In the event the fund balance is higher than an appropriate level, the difference may be used to fund . . . ongoing or new City programs, provided such action is considered in the context of Council approved multi-year projections of revenue and expenditures.*

**d. Policies for Increases in City Expenditures**

**i. INCREASED DEMAND FOR EXISTING CITY SERVICES DUE TO:**

- **fluctuation in population, commercial activity**
- **new City responsibilities**
- **necessary infrastructure extensions and improvements**

**ii. DEMAND FOR NEW SERVICES FROM THE CITY**

**iii. INCREASED COSTS (INCLUDING INFLATION)**

*10.02.060.020 Every effort shall be made to index/limit rate increases for the entire utility bill(water, wastewater, and stormwater) to the rate of inflation (estimated at 2% to 3%) but not more than 7% in any one year . . .*

*Municipal Code 2.08 directs the City to adjust Systems Development Charges for Inflation.*

**e. Restricted Revenues will only be spent only for designated purposes.**

*10.02.030.020 Restricted revenue shall only be used for the purposes legally permissible and in a fiscally responsible manner. Programs and services funded by restricted revenue will be clearly designated as such.*

*10.02.100.010 Gifts, donations and/or bequests given to, and accepted by, the City for the use of any of its departments or divisions shall be used solely for the purpose intended by the donor. Unrestricted gifts will be expended on the recommendation of the related advisory board*

*6.03.031 The Transient Room Tax is to be used for Economic Development Activities.*

*10.04.030 Intergovernmental revenue, unless restricted for use to operating purposes by the granting agency, shall be used to finance only those capital improvements that are consistent with the capital improvement plan and local government priorities, and whose operations and maintenance costs have been included in operating budget forecasts,*

## IV-C Assets and Liabilities

### 1. Strategic Asset and Liabilities Objectives

- a. To provide monies to purchase the physical assets required to provide necessary services (through savings and borrowing, not annual operating revenue)
- b. To prevent Loss and Theft (or provide means to replace or restore)

*10.07.040.010 The Risk Management Fund shall be used to provide for insurance coverages, uninsured losses in excess of \$250, safety program expenses, and prudent reserves, contingencies and fund balances.*

- c. **Liquidity – Ensure availability of cash to meet month-to-month obligations despite cash flow fluctuations**

*10.08.020 The goal is to . . . ensure the availability of cash to meet expenditures . . .*

*10.02.020.010 To . . . meet seasonal cash flow shortfalls . . .*

*10.08.020 The purpose of these investment policies to establish and provide guidelines for the safe and efficient management of City funds . . . The goal is to minimize risk, ensure the availability of cash to meet expenditures, while minimizing idle funds*

*10.04.050.020 In no case shall projects incur a funding deficit without the express approval of the City Council.*

- d. **Investment Objectives**

*10.08.040 The City's investment objectives are:*

- a. Preservation of capital and the protection of investment principal,
- b. Conformance with federal, state and other legal requirements,
- c. Maintenance of sufficient liquidity to meet operating requirements,
- d. Diversification to avoid incurring unreasonable risks regarding specific security types or individual financial institutions,
- e. Attainment of a market rate of return throughout budgetary and economic cycles,
- f. Investment purchases made with the intent to hold until maturity.

### 2. Asset Policies

- a. Monetary Assets –

- i. THE CITY'S CASH MANAGEMENT POLICY

- **Liquidity -**

*10.02.110.020 Transfers for specific programs or projects, or to support special operations, should occur on the basis of cash flow needs of the program or service being supported.*

*10.06.040.060 Prior to choosing an investment instrument, staff will take into consideration projected cash flow of the project . . .*

- **To Optimize Investments**

*10.08.050.050 Recognizing that the City's need for funds is not constant, the City Treasurer should schedule investments in coordination with all funds such that there is as little idle cash as practical, consistent with the projected cash flow budget.*

*10.08.030.020 Investments shall be made with judgment and care . . . not for speculation .*

- **Minimum Cash Account Balances**

*10.02.020.021 The Finance Director shall prepare an analysis of each operating fund every year, which recommends the appropriate fund balance for the fund . . .*

*10.02.020.010 To . . . meet seasonal cash flow shortfalls, the budget shall target an undesignated budgetary fund balance of at least 5% of estimated annual revenues for general governmental and enterprise fund types. The unappropriated fund balance shall be exclusive of all reserves.*

**ii. SHORT-TERM CONTINGENCIES**

- **Catastrophic Reserves and Risk Management Fund**

*10.07.040.010 The Risk Management Fund shall be used to provide for insurance coverages, uninsured losses in excess of \$250, safety program expenses, and prudent reserves, contingencies and fund balances.*

*10.07.040.020 The targeted balance for unappropriated catastrophic reserves shall be \$450,000 each year. Appropriated catastrophic reserves which are drawn down will be rebuilt the following fiscal year. Unappropriated catastrophic reserves which are drawn down below the recommended target will be re-built at the rate of \$100,000 per year, or sooner if practical.*

*10.07.040.030 The unreserved fund balance target for the Risk Management Fund shall be \$40,000. Should the ending fund balance drop below \$40,000 in any fiscal year, it will be re-built the following year. Ending unreserved balances in excess of \$40,000 will be used as a dividend to departments if the catastrophic reserves are fully funded or can be used as funding for additional expenditures in the safety program as directed by the City Manager and appropriated within the following budget year*

- **Appropriated Contingencies**

*10.03.070.010 To meet emergency conditions, the budget shall provide for an appropriated contingency of at least 2% of estimated annual operating revenues. All governmental and enterprise funds shall maintain a contingency. The contingency shall be exclusive of all reserves.*

*10.03.070.020 The Finance Director may recommend a contingency in excess of 2% of current revenue in specific funds to address specific needs. When this occurs, the Finance Director will provide the Budget Commission and City Council with information regarding the reasons for the recommendation.*

*10.03.070.030 Where correction of a fund balance deficit causes the contingency to be budgeted below 2% of operating revenue, a gradual correction of the problem over a two year period is preferable to a one time jump in rates, or substantial decreases in other expenditure plans.*

*10.03.070.020 Use of the contingency should be infrequent and for unanticipated expenditures such as costs associated with a response to a disaster, or to meet unanticipated increases in service delivery costs. The City Council must authorize expenditure of any contingencies via a resolution.*

**iii. THE CITY WILL NOT MAINTAIN A LONG-TERM “RAINY DAY FUND”**

**b. Physical Assets**

**i. Providing many necessary City services requires expensive physical assets. The City does not maintain a complete valuation of those assets, but it does take actions which change the value of assets, such as expansion and maintenance.**

*10.01.010 Primary among the responsibilities of the City of Corvallis to its citizens is . . . the maintenance of public facilities.*

*10.01.025 To set forth operational principles which . . . safeguard the City's assets.*

*10.04.040.010 Standards of maintenance to adequately protect the city's capital investments shall be developed and periodically updated. The annual budget will be prepared to meet established maintenance schedules.*

*10.04.020.030 A high priority shall be placed on repair or replacement of capital assets when such assets have deteriorated to the point of becoming hazardous, incur high maintenance costs, are negatively affecting property values, and/or are no longer functionally serving their intended purpose.*

*10.04.020.040 Capital improvements constructed in the City shall be designed and constructed based on published construction standards which shall be periodically updated by the City Engineer. The construction standards will assure projects are built with an acceptable useful life and minimum maintenance costs.*

*10.03.050.040 The seven-year facility maintenance schedule for major maintenance or replacement projects for all City-owned buildings will be updated annually. The primary goal of the plan is to complete maintenance projects prior to system failures that would cause a decrease in service levels to citizens. Criteria for including projects are the same as those identified in 10.03.050.030.*

*10.04.020.030 A high priority shall be placed on repair or replacement of capital assets when such assets have deteriorated to the point of becoming hazardous, incur high maintenance costs, are negatively affecting property values, and/or are no longer functionally serving their intended purposes.*

**ii. According to Council-approved policies, Council decisions affecting physical assets are based on several Planning Processes which are specified in Council policies.**

- **Capital Improvement Plans**
- **Financial Plans**
- **Department business Plans**
- **Master Plans**
- **Equipment Replacement Plans**

### 3. Liabilities Policies

- a. **The Council have approved various policies which mostly place limits on Debt, Contracts, etc. The purpose of these policies appears to be to preserve the financial solvency and credit rating of the City of Corvallis.**

#### i. LONG-TERM DEBT

*10.06.020.010 The City of Corvallis shall only use long-term debt for capital projects that cannot be financed out of current revenues within the Revenue Policy guidelines for rate increases. Debt financing shall generally be limited to one time capital improvement projects and only under the following circumstances:*

- a. when the project's useful life is greater than or equal to the term of the financing;*
- b. when project revenue or specific resources will be sufficient to service the debt; and,*
- c. when the project will benefit the citizens of Corvallis.*

*10.06.030.040 The outstanding principal debt for Limited Tax General Obligation Bonds (LTGO), non-self-supporting leases, and full faith and credit lease purchases, is limited to 1% of the true cash value of the taxable property in the City. Furthermore, annual debt payments shall not exceed 5% of the combined operating and capital budgets in the Governmental Funds.*

*10.06.030.050 Revenue secured debt obligations will be undertaken only after a study of the projected operating, maintenance, debt service and coverage requirements and the impact of these requirements on user rates has been completed. The outcome of the study will be shared with the City Council prior to issuing the debt.*

*10.06.040.040 . . . , the City will structure its[long-term obligation] debt to pay no less than 33% of the principal on bonds sold during the first half of the repayment term.*

*10.02.120.023 If a local option levy is needed, the City Council shall weigh the services to be funded by a levy and determine whether it is better to go for a general levy or a special levy focused on certain service areas.*

*Municipal Code 1.12 – General Obligation Improvement Warran*

#### ii. SHORT-TERM DEBT

*10.06.020.040 Short term debt outstanding at the end of the year will not exceed 5% of net operating revenues (including tax anticipation notes but excluding bond anticipation notes.)*

#### iii. CONTRACTS

*10.06.050 Lease purchase financing shall be considered only when the useful life of the item is equal to or greater than the length of the lease, and a lease purchase is the most economical method of purchasing available. If the item may become technologically obsolete or is likely to require major repair during the lease purchase period, then the item should be either purchased with cash or placed on an operating lease.*

**iv. DEBT MANAGEMENT PLAN**

*10.06.070.010 A Comprehensive Debt Management Plan shall be developed and updated prior to the issuance of any additional debt. The Comprehensive Debt Management Plan shall encompass all debt of the City including, but not limited to:*

- a. detail of the sources of funding for all debt;*
- b. current and future debt capacity analysis;*
- c. issues to be addressed for sound debt management;*
- d. a contingency debt plan should any of the funding sources become unavailable in the foreseeable future; and*
- e. reporting as to the City's compliance with its debt policies.*

**b. Unfunded Liabilities** - Should there be a Council Policy on Unfunded Liabilities?

Pension Fund PERS

Vacation Pay (vacation, sick leave, holiday pay)

## APPENDIX I – FINANCIAL CONTROLS

3/10/08  
Dan Brown

### A. Processes

**10.05.020** *The City shall establish and maintain a process that is designed to provide reasonable assurance that the City is . . . safeguarding assets against unauthorized acquisition, use, or disposition. . . .*

### B. Monitoring

**10.02.030.060** *Operations funded partially or wholly from unpredictable revenue will be monitored monthly and mitigating action will be taken if revenues are not received as expected.*

**10.01.030.020** *It is the focus of this[annual] analysis to . . . review internal Management actions taken during the last budget cycle.*

**10.03.040.010** *The Finance Director shall submit a Quarterly Operating Report (QOR). The QOR will be . . . accepted by the City Council. At a minimum, the QOR will include income statements for all operating funds of the City, and may include other information such as the status of the City Council's Values and Goals and departmental performance information.*

**7.12.020** *To ensure that the City of Corvallis keeps on the cutting edge of . . . cost-effective, sustainable vegetation and pest management techniques, the City shall . . . Initiate a public process every two years to evaluate the effectiveness of the plan.*

**10.02.030.060** *Unpredictable revenue, which includes development related revenue such as Systems Development Charges (SDC), Public Improvement by Private Contractor fees, Development Review, Plan Review and Inspection Permit revenues, will be closely monitored through the year.*

a. *Capital projects to be constructed with SDC monies will not be initiated until SDC revenue is available or another financing alternative is developed.*

b. *Operations funded partially or wholly from unpredictable revenue will be monitored monthly and mitigating action will be taken if revenues are not received as expected.*

**10.08.050.030** *The Investment Council is responsible for providing advice with respect to the investment decisions, activities, and establishment of written procedures for the investment operations. Monitoring of the portfolio shall be performed by the Investment Council at least quarterly and verified by the City's independent auditor at least annually. The Investment Council shall review investment reports, investment strategies, investment holdings, banking relationships, and the legality and probity of investment activities.*

### C. Intervention

**10.02.020.031** *Should the fund balance fall below 5% of estimated annual revenues a plan for expenditure reductions and/or revenue increases shall be submitted to the City Council via the Administrative Services Committee or the Budget Commission.*

**10.02.020.032** *If, at the end of a fiscal year, the fund balance falls below 5% of actual revenues, then the City shall develop a plan to restore the fund balance within the seven-year planning period.*

## APPENDIX II – PRICING POLICIES

### a.. Free Services

*7.10.021 If a property is now being served with City water, replacement costs [for water lines] will be paid by the City.*

### b. Pricing to Cover Direct Costs

*10.02.050.010 All fees for licenses, permits, fines, and other miscellaneous charges other than Parks & Recreation and utility user charges shall be set to recover the City's direct expense in providing the attendant service.*

*10.02.050.030 Fees for direct costs of containment and cleanup of hazardous materials will be assessed to the responsible party for all hazardous material responses by any City department.*

*10.02.080.020 Staff shall review ambulance rates annually . . . to ensure the rates reflect changes in direct costs of service.*

*7.01.021 Properties shall be assessed the cost of installing public sanitary sewer and/or water systems. City participation is limited to extra-capacity components as defined in the SDC ordinance, if sewer or water SDC funds are approved for the project by the City Council.*

*7.02.021 Property owners shall be assessed the cost of installing the storm system carrying local surface water from parcels with within the served drainage basin to an existing trunk storm sewer or other outlet.*

*7.06.030 Unless specifically designated otherwise by the City Council, properties assessed for public improvements shall be responsible for the following costs:*

- a. Actual construction cost, which includes contractor payments, costs for construction work by City forces, construction materials supplied by the City, and any other direct construction cost.*
- b. Actual engineering and administrative costs.*
- c. A financial administration fee not to exceed three percent of total construction cost.*
- d. Actual interim and permanent financing costs calculated in accordance with applicable financial policies and guidelines.*

*7.08.073 Legal action will seek . . . recovery of legal costs incurred by the City.*

*7.08.049 [Sidewalk] Repair costs will include the actual cost of construction plus administrative.*

**1-10.0** Charges for Copying of City material

**c. Total Cost Recovery Pricing**

*10.02.060.010 Utility user charges for each of the three City utilities will be based on the cost of providing the service (i.e., set to fully support the total direct, indirect, and capital costs) and are established so that the operating revenues of each utility are at least equal to its operating expenditures, reserves, debt coverage and annual debt service obligations, and planned replacement of the utility's facilities.*

*10.02.080.010 It is the intent of the City to provide responsive, efficient and self-funded emergency medical services as the Benton County designated service provider to the Benton County Ambulance Service Area, including all residents of the City.*

*7.09.020 It is the policy of the City of Corvallis that street improvement districts, projects and subdivision streets constructed by private developers will provide, at no cost to the City, appropriate traffic control devices.*

*7.11.022b The cost of the hydrants, water mains, and accesses shall be borne by the property owner and/or developer.*

*10.03.020.020 The Finance Director shall prepare a full cost allocation plan tri-annually to provide accurate, complete estimates of indirect service costs. The plan will be updated annually during budget development.*

**d. Pricing to Cover Growth-Related Costs**

*10.02.050.060 Systems Development Charges (SDC) are set to cover the growth related costs of infrastructure necessary to provide services for future growth*

**e. Pricing to match Benefit**

*7.03.033a Each property shall contribute to the cost of adjacent street improvements made to an appropriate urban standard. These costs will be proportionate to the benefit received.*

**f. Market Value - benchmark**

*7.13.030.015 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.*

*7.13.030.016a 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.*

*7.08.062 It is the intent of this policy to set loan rates[for sidewalk repairs] lower than those currently offered for unsecured loans, yet high enough to discourage those who can afford to pay the full cost of repairs from tying up available loan funds.*

**g. Mark-Up Pricing**

*10.02.070.025 Prices for concessions operated by the City shall be set at the wholesale price of the item plus at least 100%. Income from contracted concession services shall be determined based on the negotiated agreement between the City and the concessionaire. All monies from concessions will be used for operations at the Aquatics Center.*

## **h. Subsidized Prices**

**10.02.050.050** *The City Council does not give . . . fee exemptions. For certain social service or affordable housing type projects, the City Council may vote to pay fees . . .*

**10.02.070.020** *The Osborn Aquatics Center direct costs are funded through fees charged for its usage plus a subsidy from property tax monies received in the Parks & Recreation Fund. The Aquatics Center shall pay the general indirect costs charged to all City Departments for centralized administrative functions.*

**10.02.070.021** *The City's subsidy [for Osborn] will be set at \$383,620 in FY 04-05, and will increase 2% annually thereafter unless the City Council revises this policy. All costs in excess of this subsidy will be fee supported.*

**10.02.070.022** *Fees for annual passes, open swim periods, instructional classes, etc. will be set to meet revenue requirements of the Aquatic Center, less all other revenue including the Parks & Recreation subsidy, rentals and concessions. Where possible fees will be comparable to similar publicly owned facilities in Oregon, taking into account the additional amenities offered at Osborn.*

**10.02.070.023** *Rental fees for group usage (i.e., Corvallis Aquatic Team) shall be negotiated at a minimum of a 100% cost recovery rate or the rate of inflation based on the CPI-U whichever is greater.*

**10.02.070.024** *Rental fees for group usage (i.e., Corvallis Aquatic Team) shall be set at negotiated rates for the first year of operation, then will increase at the negotiated rate or the rate of inflation based on the CPI-U.*

**10.02.070.010** *Parks and Recreation programs are funded through a combination of user fees property taxes, grants, and donations. Fees and charges shall be assessed in an equitable manner in accordance with the following fee and charge assessment schedule. Programs that provide recreational opportunities for populations with the fewest recreational alternatives (youth, limited income, senior adults, and families) will be more heavily supported by grants, donations, or property taxes than user fees to ensure that the population is well served by Parks & Recreation programs. Percentages shall be considered as guidelines; however, special circumstances, the nature and cost of each program, and persons to be served should be taken into consideration.*

- a. *total fee support (recover a minimum of 95% of direct costs)*
  - *special instruction classes (all ages)*
  - *recreation trips and outings*
  - *adult sports leagues*
  - *major events which charge admission*
- b. *partial fee support (recover 50% to 75% of direct costs)*
  - *outdoor recreation*
  - *preschool programs/introduction*
  - *child care oriented programs*
  - *senior citizen programs*
- c. *minimum fee support (recover 33% to 50% of direct costs)*
  - *youth programs and events*
  - *playground programs*

**Transit Fares – affordable pricing**

**i. Prices Set by City Council**

*9.03.020a. Section 6.11.380 states that 10-hour parking permit fees and terms shall be determined by the Council*

*9.03.020b Section 6.15.040 4) states that residential parking permit fees shall be determined by the Council.*