

**CITY OF CORVALLIS
COUNCIL WORK SESSION**



AGENDA

**March 9, 2009
7:00 pm**

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

COUNCIL ACTION

I. ROLL CALL

II. UNFINISHED BUSINESS

A. Mayor/Council/Manager Quarterly Meeting

1. Councilor Discussion (issues/topics not identified)
2. Land Use Appeals Process
3. City Council Meetings Related
 - * Agenda Time Expectation, Public Hearing Lights
4. Council Policy on Ethics
5. Economic Development
6. Relationships Using Self-Evaluation Tools
 - * Quarterly or Semi-annually
7. 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

M E M O R A N D U M

TO: Mayor and City Council

FROM: Ken Gibb, Community Development Director

DATE: April 17, 1996

RE: "De Novo" versus "On the Record" Hearings

I. ISSUE

In response to the Mayor/City Manager's request, the following provides some background information on City Council public hearing procedures.

II. BACKGROUND

The City Council has been conducting "de novo" hearings on development applications and/or appeals of development applications (both of which are quasi-judicial issues), consistent with Land Development Code Sections 2.0.50.06 and 2.19.30.01(c). Land Development Code Section 2.0.50.06 outlines the required order of proceedings for quasi-judicial hearings. The order of proceedings includes reference to testimony in favor (of an application), testimony in opposition, testimony that is neutral, rebuttal testimony, and sur-rebuttal testimony.

The Council has been conducting "de novo" hearings on issues which involve the formulation of policy (legislative issues), consistent with Land Development Code Section 2.0.40.03. This code section outlines the required order of proceedings for legislative hearings and includes reference to testimony in favor (of an action), testimony in opposition, and testimony that is neutral.

However, there are other processes recognized as legitimate public hearing procedures. One such procedure is a review "on the record." "On the record" reviews are used by many jurisdictions for quasi-judicial issues. "De novo" hearing reviews are used by all jurisdictions for legislative issues.

To assist in the discussion of this issue, staff conducted an informal survey of other Oregon jurisdictions to determine how their respective City Councils/Boards of Commissioners conducted hearings on development applications and/or appeals of development applications (quasi-judicial issues). The results are as follows:

**RESULTS OF INFORMAL SURVEY ON “DE NOVO” VS.
“ON THE RECORD” HEARINGS**

JURISDICTION	DE NOVO	ON THE RECORD	OTHER
ALBANY		XX	
GRESHAM		XX	
BENTON COUNTY	XX		
LINN COUNTY	XX		
SPRINGFIELD		XX	
SALEM		XX	Appellant or Applicant can request De Novo
BEND	XX	XX	City Council chooses whether or not to hear appeal, then chooses hearing type (On the Record or De Novo)
TIGARD	XX		
EUGENE		XX	
LAKE OSWEGO		XX	
LEBANON	XX		
ASHLAND	XX		

Attachment I contains information also obtained in staff's informal survey of other jurisdictions and involves specific types of development applications and what authority each jurisdiction uses to approve/modify/deny the applications.

III. DISCUSSION

There are various advantages and disadvantages to the City Council holding hearings for development applications and/or appeals of development applications *“on the record.”*

These advantages and disadvantages are described below.

Advantages of Council Hearings “on the record”

1. With the assistance of minutes and audiotapes of Planning Commission hearings, staff reports, appeal letter(s), and submitted written testimony, the Council can be informed of the issues involved with a particular project without “re-hearing” many hours of verbal testimony.
2. By evaluating the evidence “on the record,” citizens are not forced to give verbal testimony twice (once at Council and once at Planning Commission) and the Council liaison, the applicant(s), and the community does not have to listen to similar testimony twice.
3. By evaluating the evidence “on the record,” the Council can arrive at a decision in a more expeditious manner.
4. Expeditious decision-making can lessen costs associated with staff time spent at hearings, lessen citizens' time spent away from home (as well as any costs incurred in association with public testimony), and lessen applicants' costs associated with consultant time spent at hearings.
5. More expeditious decision-making can allow the Council to spend more time on other policy issues.
6. By evaluating the evidence “on the record,” the Council can also empower and increase the credibility of the Planning Commission.

Disadvantages of Council hearings “on the record”

1. By evaluating a development application and/or appeal “on the record,” the Council does not hear “firsthand” the verbal testimony of citizens.
2. By evaluating a development application and/or appeal “on the record,” the Council does not have the opportunity to ask questions of those testifying in order to clarify issues.
3. A review “on the record” may appear to some citizens that the Council does not want to interact with their constituents. This perception may be frustrating to some citizens and applicants since ex parte contact is not allowed and there would be no opportunity to testify directly before the Council.

“On the record” review procedures could allow consideration of written testimony received between the close of the Planning Commission public hearing and 5:00 p.m. the day of the City Council “on the record” review. This written testimony would be included in the City staff report and/or in subsequent memos to the Council (for testimony submitted after the

City Council staff report was completed). This option would permit applicants and citizens to clarify issues and submit additional written testimony prior to Council consideration of the issue.

Related Charter, Ordinance Provisions

Current City Municipal Code and Charter provisions could impact the “on the record” option with regard to Council hearings on appeals. Section 1.11.010 of the Municipal Code states:

Every decision of every board, commission, committee, hearings officer, and official of the City is subject to review by appeal to Council except those decisions relating to the Building Code and Fire Code made by the Building Official, Fire Chief, or Board of Appeals.

This section provides the mechanism for decisions to be appealed. However, it does not specify what type of appeal process needs to be followed. Section 53 of Chapter 10 of the City Charter states:

Appeals to the City Council. In instances where the City Council has delegated authority for rendering decisions following public evidentiary hearings, any decision by that delegated authority may be appealed to the City Council by petition of 10 registered voters who are residents of the City of Corvallis. The City Council shall conduct a *de novo* hearing, basing its decision upon testimony given by proponents, opponents, and staff, as well as the record developed by the hearing authority.

Given the above, there is one situation in which the Council has a choice (if the previously discussed Land Development Code provisions are modified) on what type of hearing (“de novo” or “on the record”) to conduct on an application. In cases where the City Council is hearing an application that has not been appealed (i.e. Comprehensive Plan Map Amendment and/or Annexation request), the City Charter does not specify what type of hearing (“de novo” or “on the record”) needs to be held. In this situation, the Council could choose which type of hearing it felt was appropriate.

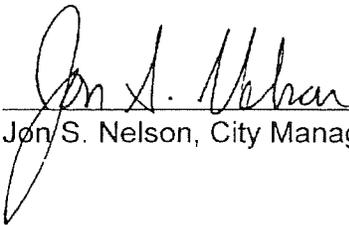
If the Council is interested in “on the record” hearings, staff recommends that the above-referenced Charter provision be amended, since in most cases, appellants could secure the 10 signatures of registered voters necessary to require the Council to hold a “de novo” hearing for Planning Commission decisions which can be appealed to the City Council.

IV. REQUESTED ACTION

It is requested that the City Council review this information and direct staff as appropriate.

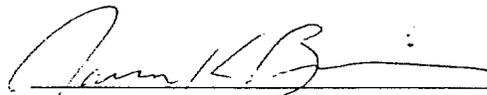
If there is a consensus that the City Council would like to pursue the amendment of the City Charter by presenting it to the voters, Staff is prepared to develop more detail on the cost/benefits of the existing "de novo" and "on the record" hearing processes. Such an analysis would include a review of the number of hearings, planning and support staff resources, public notice costs and other costs related to the current "de novo" hearings and a projection of the resources and costs associated with the "on the record" hearings.

Review and Concur:



Jon S. Nelson, City Manager

Review and Concur:



James Brewer, Deputy City Attorney

244.040 Prohibited use of official position or office; exceptions; other prohibited actions.

- (1) Except as provided in subsection (2) of this section, a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.
- (2) Subsection (1) of this section does not apply to:
 - (a) Any part of an official compensation package as determined by the public body that the public official serves.
 - (b) The receipt by a public official or a relative or member of the household of the public official of an honorarium or any other item allowed under ORS 244.042.
- © Reimbursement of expenses.
 - (d) An unsolicited award for professional achievement.
 - (e) Gifts that do not exceed the limits specified in ORS 244.025 received by a public official or a relative or member of the household of the public official from a source that could reasonably be known to have a legislative or administrative interest in a governmental agency in which the official holds any official position or over which the official exercises any authority.
 - (f) Gifts received by a public official or a relative or member of the household of the public official from a source that could not reasonably be known to have a legislative or administrative interest in a governmental agency in which the official holds any official position or over which the official exercises any authority.
 - (g) The receipt by a public official or a relative or member of the household of the public official of any item, regardless of value, that is expressly excluded from the definition of "gift" in ORS 244.020.
 - (h) Contributions made to a legal expense trust fund established under ORS 244.209 for the benefit of the public official.
- (3) A public official may not solicit or receive, either directly or indirectly, and a person may not offer or give to any public official any pledge or promise of future employment, based on any understanding that the vote, official action or judgment of the public official would be influenced by the pledge or promise.
- (4) A public official may not attempt to further or further the personal gain of the public official through the use of confidential information gained in the course of or by reason of holding position as a public official or activities of the public official.
- (5) A person who has ceased to be a public official may not attempt to further or further the personal gain of any person through the use of confidential information gained in the course of or by reason of holding position as a public official or the activities of the person as a public official.
- (6) A person may not attempt to represent or represent a client for a fee before the governing body of a public body of which the person is a member. This subsection does not apply to the person's employer, business partner or other associate.
- (7) The provisions of this section apply regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed under ORS 244.120. [1974 c.72 §3; 1975 c.543 §2; 1987 c.566 §9; 1989 c.340 §3; 1991 c.146 §1; 1991 c.770 §6; 1991 c.911 §4; 1993 c.743 §9; 2007 c.877 §17]

Section 1.16.060 Ethics and compensation.

1) Members of boards and commissions shall comply with the provisions of the State code of ethics found in ORS 244.040.

2) No member of any board or commission shall receive any compensation for his or her services as a member of said board or commission.

(Ord. 81-99 § 6, 1981)

CITY OF CORVALLIS

ADMINISTRATIVE POLICY MANUAL

POLICY AREA 3 - PERSONNEL MATTERS

AP 92-3.08 Code of Ethics

<u>Adopted</u>	<u>July 1992</u>
Revised	September 1997
Revised	September 2000
Revised	December 2003
Revised	December 2008

3.08.010 Purpose

To establish and communicate the City's code of ethics for all employees. This policy is set forth to ensure compliance with the State's Public Ethics Law and to promote the City's philosophy concerning ethics. Codes of ethics are designed to prevent conflicts of interest, protect confidential information, encourage honesty and loyalty, ensure compliance with the law, and engender public trust.

3.08.020 Definitions

- a. Code of ethics: guidelines for employee and volunteer activities and relationships both inside and outside the organization.
- b. Ethical guidelines: a structure for communicating the City's values and expectations of employees and volunteers and for complying with State requirements.
- c. Public Official: defined according to Oregon Revised Statutes (ORS) 244.020 (12) as "any person who is serving the State of Oregon or any of its political subdivisions or any other public body of the State as an officer, employee, agent or otherwise, and irrespective of whether the person is compensated for such services." It should be noted that persons who volunteer, are members of boards and commissions, or perform work as independent contractors for the City are required to comply with applicable laws.

Administrative Policy 92-3.08

- d. Household member: any relative, dependent, or domestic partner, who resides with the public official.
- e. Administrative interest: an economic interest, distinct from that of the general public, in matters subject to the action of a person acting in the capacity of a public official.
- f. Gift, rebate: something of economic value given without valuable consideration of equivalent value, includes frequent flyer miles or any type of bonus points for use of a personal credit card or any like offer.
- g. Potential Conflict of Interest: any action, decision, or recommendation by a person acting in a capacity as a public official, the outcome of which could be to the private benefit or detriment of the person or the person's relative, household member, or a business with which the person or the person's relative is associated.
- h. Relative: the spouse, domestic partner, and children of the public official or the spouse or domestic partner of the public official; siblings, spouses of siblings, parents, parents of the spouse or the domestic partner of the public official; any individual for whom the public official provides benefits arising from that person's public employment or from whom the public official receives benefits arising from that individual's employment.

3.08.030 Policy

- 3.08.031 It is the policy of the City to conduct its affairs with the highest standards of integrity. The best interests of the City must be the only consideration, and the outside interests of individual employees cannot be considered in relation to City operations or affairs.
- 3.08.032 All City employees, agents, and volunteers must adhere to the State's Code of Ethics law, ORS 244.040, which affects public officials.
 - a. A public official shall not use or attempt to use his/her official position to gain financially (other than salary, honoraria, or reimbursement of expenses) or to avoid financial detriment, for either him/herself, a relative, or any other household member.
 - b. Public officials, candidates for office, relatives, or any household members of such shall not accept gifts with an aggregate value in excess of \$50 during a calendar year from any person or organization who may have an administrative interest in any governmental agency the recipient may be associated with in an authoritative relationship.

Administrative Policy 92-3.08

- c. A public official shall not solicit or receive, either directly or indirectly, and no person shall offer to give any public official any pledge or promise of future employment, based on any arrangement that the public official's action would influence.
 - d. A public official shall not use his/her position, or information obtained because of such position, for personal gain.
 - e. No person shall offer any gift(s) with an aggregate value in excess of \$50 during a calendar year to any public official, candidate, relative, or household member of official or candidate if that person has a legislative or administrative interest in any government agency in which the public official or candidate if elected, would exercise any authority.
 - f. A public official shall not represent a client for a fee before the governing body of a public body of which the person is a member.
- 3.08.033 All City officers, employees, volunteers, agents, or otherwise are obligated to adhere to the above requirements. Reported violations are investigated by the Oregon Government Standards and Practice Commission.
- 3.08.034 The City requires all employees and volunteers to adhere to the following additional City requirements and expectations:
- a. Each employee has a duty to the City to be free from the influence of personal considerations when conducting City business with others.
 - b. Nominal Value – City Municipal Code Chapter 1.04 directs that the purchasing agent, officers, and employees of the City are expressly prohibited from accepting, directly or indirectly, from any person, company, firm, or corporation to which any purchase order or contract is or might be awarded, any rebate, gift, money, or anything of value whatsoever, except where given for the use and benefit of the City.
 - c. No officer or employee of the City shall use his or her official position or office to obtain financial gain, other than official salary, for him/herself or for any member of his/her household, or for any business with which he/she, or a member of his/her household is associated.
 - d. An employee shall not receive personal benefit or discounts for the purchase of goods or services from vendor relationships the City has established through the City purchasing process.
 - e. An employee may not use or accumulate frequent flyer miles, credit card bonus points, and other travel discounts earned as a result of City-related travel if the City pays the cost of the travel. An employee who has no

alternative but to use their own resources to pay for City-related travel, with such resources being reimbursed by the City at a later date, are exempt from this provision as long as there is no alternative to using their own resources to pay the initial cost of such travel.

- f. Except in the manner generally available to the public at large, an employee may not use City equipment or facilities for personal use.
- g. An employee placing ethical principals above private gain shall act with the utmost integrity and is expected to avoid any actions that would create even the appearance of a violation of the law or ethical standards.
- h. An employee shall not accept a position with a customer, supplier, or contractor without informing his/her supervisor of the offer and discussing the situation to determine if the employee has a potential conflict of interest.
- i. While outside employment is not encouraged, it is recognized that some employees may wish to work second jobs. Such employment must not constitute a potential conflict of interest or other conflict with the employee's primary career with the City. An employee must notify his/her supervisor of any outside employment prior to commencing such employment and abide by any other outside complaint requirements specified in an applicable labor contract or City Administrative Policy.
- j. Employees must avoid any associations or other relationships that would or could conflict with the employee's responsibility to make objective decisions in the City's best interest.
- k. Each employee is expected to protect City information and avoid undue outside influence on his/her work-related decisions or activities.
- l. No employee should benefit personally from any purchase of goods or services by the City, nor derive personal gain from actions taken as a representative of the City.
- m. No employee may accept vendor and door prizes won by an employee in attendance at a conference or meeting paid for by the City, except where given for the use and benefit of the City.
- n. Employees shall review with their supervisor any activities that might result in a conflict of interest.
- o. Public employees are prohibited by State law from engaging in political activities while on the job, including but not limited to solicitation of anything of value; promoting or opposing the nomination or election of a candidate; initiative, referendum, or ballot measures and recall signature gathering.

Administrative Policy 92-3.08

- p. Employees shall maintain a high standard of conduct and disqualify themselves from exerting influence in any transaction where they find their own interests may conflict with the best interests of the City or where the employee may gain any financial benefit.
- q. Employees shall report promptly to their supervisors any remuneration they receive from an individual or concern with which the City does business.
- r. Employee loyalty shall remain at all times with the City.
- s. These provisions apply whether or not there is any cost to the City for any gift, rebate, or benefit to the employee.
- t. An employee having knowledge or concerns regarding alleged ethics violations by another employee or volunteer should notify their supervisor, manager, department director, or the Personnel Division. Employees who provide such notification are protected from retaliation by co-workers, the City, or any representative thereof.

3.08.035 Violations of the Code of Ethics are subject to the disciplinary process. Discipline shall only be for just cause and will normally be progressive in nature, beginning with oral reprimand and proceeding to written reprimand, suspension, or demotion, and finally to discharge. Some alternative forms of discipline may occasionally be used as more appropriate to a circumstance than those listed above. If a violation is of a serious enough nature, an employee may be suspended and/or discharged without prior disciplinary warnings.

3.08.040 Procedures

3.08.041 If any employee is faced with a situation in which there is an actual or potential conflict of interest involving an appointment to an office, he/she should follow these procedures:

- a. The employee must notify in writing the person who appointed them to the office of the nature of the potential or actual conflict. If an employee other than a department head is involved, the notice should be sent to the direct supervisor and the department head. If the department head has a potential or actual conflict, he/she shall advise the City Manager. In the case of the City Manager or City Attorney, the City Council shall be notified if a potential conflict of interest exists.
- b. The notice should request the appointing authority to dispose of the matter giving rise to the potential conflict. The supervisor should either designate another employee to dispose of the matter or inform the inquiring employee in writing how the matter giving rise to the conflict should be handled.

Administrative Policy 92-3.08

- c. Once the notification has been completed, the official is free to act if so designated by the supervisor in writing.

3.08.042 If any employee or volunteer is faced with a situation in which there is an actual or potential conflict involving City requirements and expectations (Section 3.08.034), he/she should follow these procedures:

- a. The employee must immediately notify in writing their direct supervisor and the department head of the situation in which there is an actual or potential conflict of interest.
- b. The supervisor should inform the employee or volunteer in writing how the matter giving rise to the conflict should be handled.

3.08.050 Review and Update

The Personnel Division will triennially review these guidelines to ensure compliance with State requirements and to reflect the City's expectations concerning City ethics.

Review and concur:

Jon S. Nelson, City Manager

Date

CORVALLIS CITY COUNCIL
Self-Evaluation
March 9, 2009

Self-Evaluation
General Practices
(Updated January 2007)

	1	1.5	2	2.5	3	03/09
How are we doing on <i>General Practices</i>?	Low		Mid-range		High	Average
1. Thinking and acting strategically	1	1	3	4		2.06
2. Understanding and demonstrating the elements of teams and teamwork	1		3	4	1	2.22
3. Mastering "small group" decision-making	1		2	3	2	2.31
4. Clearly defined roles and relationships	1		3	3	2	2.28
5. Council/staff partnership			1	6	2	2.56
6. Systematic evaluation of policy implementation		1	2	5	1	2.33
7. Allocation of Council time and energy	1	2	3	1	2	2.06
8. Clear rules and procedures for Council meetings			2	3	4	2.61
9. Response to the public's concerns and evaluation of Council performance	1		1	5	2	2.39
10. Continuous personal learning and leadership development	1		3	3	2	2.28

11/09

Additional Comments:

- We are not a particularly good team.
- Area in which I see room for improvement is in setting parameters for agenda items. I would appreciate each agenda item being accompanied by a goal statement - such as - for information, or to provide staff direction or approve a proposal. Also an inclusion of an estimate for the time duration for each item. In association with the time estimate, I'd like to establish a practice of sharing with each other and Council leadership topics for which we expect to ask question or comment that may run the topic past planned time duration.
- I'm very happy with the guidelines for meetings.
- The only reason I didn't mark high/3 is I figure there is always room for improvement.
- #5 – Excellent on most things. On land use and homeless, mid-range.
- #6 – Goal setting – I thought we were going to have another meeting for implementation of goals.
- #10 – I personally am learning something new each week. However, I would like to have a meeting with the land use team.

**Self-Evaluation
Specific Practices
(Updated January 2007)**

	1	1.5	2	2.5	3	03/09
How are we doing on <i>Specific Practices</i>?	Low		Mid-range		High	Average
1. Effective chartering of committees and acceptance of committee work			3	3	3	2.50
2. Prioritizing goals and initiatives and avoiding over-commitment		2	2	4	1	2.22
3. Educating ourselves about issues		1	1	5	2	2.44
4. Limiting amount of time spent on “small-picture” activities	1	1	3	2	2	2.17
5. Regular evaluation of our effectiveness as a Council	1		2	3	3	2.39
6. Celebrating success – our own and that of others	1	1	1	3	3	2.33

Additional Comments:

- Hard to celebrate when I am busy scratching my head. Working hard to learn and do my part.
- Maybe difficult prioritizing “sustainability” work.
- I would mark high/3 on all but am leaving room for improvement.
- #2 – At first I was over-committed, now I am about right.
- #6 – The staff has been outstanding and I think that the recognition at Council meetings is appreciated.

**Self-Evaluation
Code of Conduct
(Revised February 2009)**

1 1.5 2 2.5 3 03/09

How are we doing on <i>Code of Conduct</i>?	Low		Mid-range		High	Average
1. Show consideration; avoid judgmental language		3	1	3	2	2.22
2. Strive as a team to keep opposition from moving into conflict		1	3	3	2	2.33
3. State your opinion; explain reasoning and intent (succinctly); respect the decisions of the body	2	3	2	2		1.72
4. Focus on understanding interests	1	2		4	2	2.22
5. Be concise and respectful while focusing on issue	1	1	1	4	2	2.28
6. Assume best intentions as you seek common ground	1	1	1	2	4	2.39
7. Be honest, reliable, and accountable		1	2	1	5	2.56
8. Prepare adequately for meetings		1	4	2	2	2.28

Additional Comments:

- During land use hearings, testimony time limits are not being adhered to. Will discuss this with Council at work session.
- Not so much concise but does seem to be getting a little bit better :)
- #3 – succinctly – low (1).
- #5 – concise – low (1.5).
- It was embarrassing when no councilors had made a site visit to Deer Run.
- With the exception of O'Brien's emailing.
- #2 – Sometimes I feel that land use decisions are not given enough time to state opposition. A little rushed. However, once it is decided, there is no conflict.
- It seems that we have given an ok to not follow our land use codes – my opinion.
- #3 – Sometimes I feel like opposition opinions are not given enough time. Direct answers to land use questions are usually very well; however, occasionally if it is in opposition to what staff has recommended, it could be improved.

At Home In Lincoln County
Report to the Community
February 2008

3/19/09
Councilor
Reynolds
A

It's been a little over three months since the official launch of "At Home in Lincoln County," a ten-year housing plan for the county with a special focus on chronic homelessness. Although the plan is broad in scope and ambitious in its goals, a number of developments point to positive initial momentum that we hope will continue throughout the life of the plan and beyond.

Project Homeless Connect: Lincoln County's first Project Homeless Connect was held in Newport on Oct. 25, 2007, in conjunction with the launch of the Ten Year Plan (TYP). An estimated 125 individuals received a variety of direct services (haircuts, hot meals, health screenings, vaccinations, foot and wound care, blankets, tents, clothing, bus tickets, thrift store vouchers) and connection to services. A second Homeless Connect in Newport is being planned for 2008, tentatively set for late summer. Additionally, the Lincoln City Homeless Faith Coalition is exploring the possibility of staging its own Homeless Connect event.

Runaway and Homeless Youth: The Lincoln Commission on Children and Families has taken the lead in addressing the county's growing population of homeless youth, establishing a coalition of community partners. According to Lincoln County School District figures, the number of students meeting the federal Department of Education's standard of homeless was 494 at the end of the 2006-2007 school year. *At six percent, Lincoln County ranks first in the state for the percentage of homeless youth among the school-age population.* The coalition developed an application for state grant funding which was approved last month. This will provide almost \$80,000 to expand current outreach and services to homeless youth, and will include the hiring of four teens who are homeless. The task force is now preparing an application for a federal grant which would provide short-term shelter and additional services for runaway, homeless and at-risk youth.

New Domestic Violence Shelter: Last month, My Sisters' Place, the county's non-profit agency providing shelter and services to victims of domestic violence, opened its new 5,100-square foot shelter, replacing an aging facility that was in poor repair. At maximum capacity, the old shelter could house 23 women and children in two bedrooms. The new facility can house 30 women and children in six bedrooms, providing both increased capacity and a greater degree of privacy.

Permanent Supportive Housing: The Community Services Consortium's Regional Housing Center will submit an application to the Oregon Department of Housing and Community Services this month for grant funds to acquire a six-unit apartment building in Newport which will serve as Permanent Supportive Housing. The funds would come from a program approved by the 2007 Legislature to provide 150 new units of Permanent Supportive Housing statewide and include dollars for both buildings and services.

Permanent Supportive Housing is the cornerstone of the federally-advocated effort to end chronic homelessness.

Rent Assistance Fund: Lincoln County will consider creation of a rental assistance fund to help qualifying individuals who are in jeopardy of becoming homeless through circumstances beyond their control. The dollars would be administered through existing programs of the Community Services Consortium. The addition of these funds would allow more people to be served and expand services to individuals and families without children for the first time.

Planning and Zoning Policies: The County Planning Commission will review recommendations in the TYP addressing planning, zoning and fee issues related to housing creation and make recommendations to the Board of Commissioners for potential changes. Each city in the county is being asked by the TYP Governance Committee to undertake a similar review. The Newport Planning Commission is the first to do so as part of a larger review of its zoning ordinances.

Health Services for Homeless Populations: The County's application for continuation of its Federally Qualified Health Center (FQHC) grant references the TYP. From time to time, the federal government has made FQHC expansion grant monies available specifically to serve homeless populations. If and when such funding becomes available again, the county will be better-positioned to access this funding source.

Community Housing Land Trust: An organizing committee has been making steady progress toward creating a community land trust for Lincoln County. Land trusts are an increasingly popular mechanism for creating workforce housing. The trust builds or acquires homes and sells them to qualifying buyers, but retains ownership of the land, which is leased to the homeowner. The current timeline calls for the land trust to be legally established by late spring. At that point, active efforts will begin to secure grants and land donations.

Workforce Housing Group: A Workforce Housing Group has been established to provide an information-sharing forum for existing groups already seeking to increase the supply of workforce housing as well as serving as an additional forum for advocacy and generating solutions.

A work group to establish a day service center in Newport recently held its first meeting. Goals of the facility include providing a centralized location for service information and referrals, laundry and shower facilities, a mailing address for homeless individuals, and storage for personal belongings. Other elements proposed for the site include a small business (social enterprise) and transitional housing.

Another group, which has not yet met, will attempt to address barriers people face in entering rental housing and will seek to promote enhanced communication and cooperation among the many public and private non-profit agencies now working to find placements for people needing housing.

The Local Public Safety Coordinating Council (LPSCC) will consider taking an active role in some of the issues related to homeless populations and public safety. This will include direct interactions between officers and homeless individuals, alternatives to the justice system for individuals with mental illness and successful reentry of those released from jail and prison into the general population.

The TYP Governing Committee continues to meet monthly and is serving as a planning and communication mechanism for these efforts. The committee is looking at additional projects, including conducting a one-night count of local homeless populations.

The reality of homelessness in the county was once again brought home to many by the Newport Police Department's December sweep and cleanup of several illegal camp sites, which was driven by concerns about public health and safety. Twenty-two adults were living in those camps; efforts by the police led to two of those individuals being placed in housing. Crews removed 12,480 pounds of trash from 19 sites. Numerous hypodermic needles and drug pipes were found in the refuse. The city posted advance notice of the cleanup in English and Spanish and provided information on accessing available services.

Although the national housing market has slowed dramatically, it has only cooled in Lincoln County. Home prices continue to rise, although not at the spectacular levels of recent years. The demand for rentals still exceeds the available supply.

Our initial progress has been encouraging, but the work has only just begun. If you have an interest or expertise, want more information, or would like to become involved in these solutions, please contact:

General information: Bill Hall 541-265-4100 bhall@co.lincoln.or.us
Tom Hatley 541-758-2626 thatley@csc.gen.or.us

Community Housing Land Trust: Clay Martin 541-758-2615 cmartin@csc.gen.or.us

Workforce Housing Group: David Huntington: 541-574-0320 david@lincolncdc.org

Project Homeless Connect/Youth Homelessness: Barbara Dougherty 541-574-7811
bdougherty@co.lincoln.or.us

Day Service Center/Rental Barriers groups: Sharon Cox 541-574-0091
scox@csc.gen.or.us

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* NOTICE *

SW Corvallis Turkey Damage! Please Read

The Oregon Department of Fish and Wildlife (ODFW) responded to multiple complaints this year from neighbors in SW Corvallis with property damage caused by turkeys. To help address this issue, ODFW is requesting that landowners avoid any directed or inadvertent feeding of turkeys. Please take down and remove all bird food from feeders if turkeys are present in your neighborhood. Please remove all fallen fruit and nuts from your property.

Landowners in SW Corvallis have expressed frustration with damage and noise caused by the 10+ turkeys defecating on decks and lawns, scratching and tearing up landscaping and roofs, and noise in the early morning hours and/or during the breeding season. The long term solution to this turkey conflict is to not feed the turkeys or closely manage other activities that may attract turkeys and contribute to the nuisance.

ODFW discourages feeding of most wildlife species, especially turkeys. Without exception, turkeys become unwelcome when one neighbor is feeding turkeys on their property and the turkeys cause damage on adjacent properties. Therefore, please do not scatter or deposit bird seed and/or cracked corn on your property with the intent of attracting or feeding wild animals; including turkeys, deer, rodents, and/or raccoons. Once the corn or seed is removed, the turkeys will scatter and re-establish in smaller flocks, creating less conflict with people.

ODFW is willing to issue haze permits to landowners that are experiencing turkey damage. Use of dogs, motion activated "scare crows", high pressure nozzle on a water hose, "super soaker" water guns, and lasers effectively scatter and disperse the flock. If you wish to obtain a turkey haze permit, or have experienced turkey disturbance/damage and have not previously contacted me, I would appreciate hearing from you.

Thank you for being a responsible neighbor.

Nancy Taylor
Oregon Dept. of Fish and Wildlife
Phone: (541) 757-4186 ext 226

Oregon Department of Fish and Wildlife (ODFW) and City of Corvallis staff have responded to multiple turkey damage complaints this year in both NW and SW Corvallis. Landowners in have expressed frustration with damage and noise caused by the turkeys defecating on decks and lawns, scratching and tearing up landscaping and roofs, and noise in the early morning hours and/or during the breeding season. Without exception, turkeys become unwelcome when one neighbor is feeding turkeys on their property and the turkeys cause damage on adjacent properties.

Both the City of Corvallis and ODFW would like to take this opportunity to collaboratively present their positions on the turkey populations in Corvallis. The City of Corvallis regards education as the most effective tool for alerting Corvallis citizens about potential conflicts and issues regarding the feeding of turkeys within City limits. City staff have conducted site visits with residents, discussed this issue within City Council, and presented information discouraging feeding of wildlife in the City newsletter. City Council does not feel comfortable at this time instituting a feeding ordinance since staff resources are not available to enforce the ordinance.

ODFW has been asked to trap and release the turkeys elsewhere. Trapping within City limits has proven to be ineffective because only a small percentage of the flock is trapped, and the rest of the flock becomes trap wary.

ODFW advocates that citizens with turkeys in their neighborhood should avoid any directed or inadvertent feeding of turkeys. They recommend that you

- a) take down and remove all bird food from feeders if turkeys are present in your neighborhood,
- b) remove all fallen fruit and nuts from your property, and
- c) refrain from feeding the turkeys food of any sort. Therefore, please do not feed the turkeys bread, scatter or deposit bird seed and/or cracked corn on your property with the intent of attracting or feeding wild animals; including turkeys, deer, rodents, and/or raccoons. Once the corn or seed is removed, the turkeys will scatter and re-establish in smaller flocks, creating less conflict with people.

ODFW is willing to issue haze permits to landowners that are experiencing turkey damage. Use of dogs, motion activated “scare crows”, high pressure nozzles on a water hose, “super soakers”, and lasers effectively scatter and disperse the flock. If you wish to obtain a turkey haze permit, or have experienced turkey disturbance/damage, feel free to contact ODFW at 757-4186.

Game Bird Buyers:

Raising Turkeys to Release into the Wild is Prohibited



Captive-raised turkeys released into the wild often become a nuisance species that cause property damage. Therefore, it is illegal to release turkeys in Oregon that were raised in captivity. The Oregon Department of Fish and Wildlife is currently involved in numerous turkey-damage issues throughout the Willamette Valley.

Captive turkeys must be kept in a fully enclosed pen (including top) for their entire life.

- **GENETICS:** Birds bred in pen-raised conditions tend to have had favorable "wild" characteristics bred out of the population after several generations. Pen-raised birds are relatively docile and tolerate captive conditions unlike wild birds.
- **INSTINCT:** Young birds raised in pens containing hundreds of birds are deprived of the opportunity to learn survival behaviors from a wild adult bird. Pen-raised birds lack the knowledge of proper predator recognition, proper response to predators and other dangers, skills for identifying food sources, geography of home range, and proper social behaviors such as vocalizations and flocking behaviors.
- **DISEASE:** Pen-raised birds have an increased probability of contracting disease and spreading parasites under confined conditions. If pen-raised birds manage to survive disease and parasite attacks, survivors are often carriers of infectious disease. If these birds are then released into the wild, they run the risk of infecting wild birds, which will have a disastrous effect on local populations.
- **COMPETITION:** Commercial turkeys are introduced, non-native birds that may compete with native birds such as grouse and quail for food, water, and territory.

The Oregon Department of Fish and Wildlife does not issue permits to release pen-raised turkeys.

If you plan on releasing other pen-raised game birds, you will need to contact Nancy Taylor, District Wildlife Biologist, for a permit application and to set up a site visit.

Nancy C. Taylor
District Wildlife Biologist
(541) 757-4186 Ext. 226
nancy.c.taylor@state.or.us



ORDINANCE NO. 1698

An Ordinance amending provisions of the Dallas City Code Section 5.386, relating to wild animals; and repealing conflicting provisions.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 5.386 is hereby amended to read as follows:

5.386 Wild Animals.

- (1) Except as provided in subsections (3) and (4), no person shall feed or keep in captivity within the city a carnivorous wild animal or wild bird.
- (2) As used in this section:
 - (a) "Carnivorous wild animal" means an animal that is not by custom devoted to the service of mankind at the time and in the place in which it is kept. Carnivorous wild animals include, but are not limited to, wolves, coyotes, bobcats, bears, foxes, cougars, and any hybrid animal which has any degree of such wild carnivorous animals.
 - (b) "Wild bird" means duck, goose, merganser, coot, snipe, pheasant, partridge, grouse, peafowl or wild turkey.
 - (c) "Feed" means to place or allow to be placed, in any manner, food or other attractants with the intent of attracting or feeding carnivorous wild animals or wild birds.
- (3) The provisions of this section do not apply to the owners of a circus, tent show, or carnival that is licensed by the city.
- (4) The Council may grant an exemption to this section under the following procedures:
 - (a) An applicant shall file a request for an exemption which includes the following:
 - (i) Type of animal;
 - (ii) A recent photograph of the animal;

- (iii) Where it will be located;
- (iv) Whether its location in the city will be temporary or permanent;
- (v) Whether it has bitten, attacked, or otherwise harmed any person;
- (vi) What steps will be taken to insure the public safety;
- (vii) Proof of adequate liability insurance if the animal harms a person or property;
- (viii) A certification from a licensed veterinarian that the animal has received all necessary inoculations, including, but not limited to, rabies; and
- (ix) A filing fee in an amount set by resolution of the Council.

(b) The Council shall thereafter hold a public hearing on the request for an exemption, after giving notice to the same property owners who would receive notice of a land use hearing relating to the premises where the animal would be located, not less than ten days in advance of the public hearing.

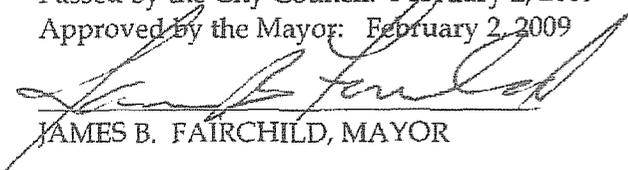
(c) At the conclusion of the public hearing, the Council shall grant the exemption, grant the exemption with conditions, or deny the exemption.

(d) A failure to continually abide by and maintain any conditions imposed by the Council is a violation of this section.

(5) Violation of this section, upon a first offense, shall constitute a civil infraction. Violation of this section upon the second and any subsequent offense shall constitute a Class C misdemeanor.

Section 2. All prior and conflicting ordinance provisions are hereby repealed.

Read for the first time: January 20, 2009
Read for the second time: February 2, 2009
Passed by the City Council: February 2, 2009
Approved by the Mayor: February 2, 2009


JAMES B. FAIRCHILD, MAYOR

ATTEST:


JERRY WYATT, CITY MANAGER