

**HUMAN SERVICES COMMITTEE
MINUTES
October 21, 2014**

Present

Councilor Bruce Sorte, Chair
Councilor Penny York

Absent

Councilor Mike Beilstein (excused)

Staff

Nancy Brewer, City Manager *Pro Tem*
Jon Sassaman, Police Chief
Jim Brewer, Deputy City Attorney
Carolyn Rawles, Library Director
Kent Weiss, Housing & Neighborhood Services Manager
Bob Loewen, Housing Program Specialist
Chris Westfall, Code Compliance Supervisor
Carrie Mullens, City Manager's office

Visitors

Jim Day, *Corvallis Gazette-Times*
Joe Raia, *Corvallis TidBits*
Carl Price, Council Candidate
Sarah Finger McDonald
Sally Telford
Penny Okamoto
Richard Johnson
David Erwin
Diana Cook
Ron Highburger
Bill Brooks
Jeanie Mason
Bob Watson
Loerna Simpson
Fred Marsaco
Stewart Wershow

SUMMARY OF DISCUSSION

	Agenda Item	Info Only	Held for Further Review	Recommendations
I.	Open Carry of Loaded Firearms			Forward without recommendation.
II.	Council Policy Review and Recommendation: 93-4.11, "Public Library Policy for Selecting and Discarding Materials"			Amend Council Policy 93-4.11, "Public Library Policy for Selecting and Discarding Materials" as recommended by staff.
III.	Council Policy Review and Recommendation: 95-4.08, "Code of Conduct for all Service Points of the Corvallis-Benton County Public Library"			Amend Council Policy 95-4.08, "Code of Conduct for all Service Points of the Corvallis-Benton County Public Library" as recommended by staff.
IV.	Rental Housing Program Annual Report			Accept the Rental Housing Program annual report for Fiscal Year 2013-2014.
IV.	Other Business	Yes		

Chair Sorte called the meeting to order at 2:00 pm.

CONTENT OF DISCUSSION

I. Open Carry of Loaded Firearms

Sally Telford said she cares about the freedoms for her children and grandchildren, and her own freedom to defend herself. She expressed concern that the Committee does not care and that Councilors are not honoring their oath to uphold the United States and Oregon Constitutions. Both Constitutions take a strong stance on upholding and defending the 2nd Amendment. She opined that holding this public hearing is a violation

of the 2nd Amendment. She said violating any part of the Constitution is a serious offense and could be considered treason and perjury. She requested the Committee cease and desist, and cancel any motion to forward this issue to the City Council.

Penny Okamoto, Ceasefire Oregon Executive Director, reported that an email was recently sent to Council that stated if Corvallis continues to allow open carry of firearms, the writer would cancel their plans to come to Corvallis. The issue is trying to balance the practice of allowing open carry of loaded firearms in Corvallis with public health concerns. She inquired how a person visiting a park with their children is supposed to know the intention of another person in the park who is openly carrying. Considering the gun violence in America, people are understandably upset. She referred to people threatening to bring lawsuits against the City if Council prohibits open carry and opined that this should not be a concern since many Oregon cities have adopted similar legislation. People who open carry do not necessarily have any training in shooting firearms. Obtaining a concealed handgun license in Oregon does not require live firearm training. The reason to prohibit open carry is to decrease the number of loaded firearms on streets and in parks. Unintentional shootings occur everyday. Two weeks ago a man who was openly carrying a firearm in Gresham had his gun stolen. She inquired about the people who are unintentionally shot and said Council should not be put into the position of promising that all people who carry loaded firearms are 100% safe. She added that many people who support banning open carry did not attend this meeting because they are uncomfortable being in a room with people who openly carry.

Richard Johnson said the issue is confusing and he is not sure if it is about public safety, violence, accidents, or fear. When the message is mixed, he suspects it is related to a hidden reason. It may be to disarm American people and/or take away their rights to keep and bear arms in Corvallis. He read aloud the questions he previously submitted about this issue and requested staff response. In the past 10 years in Corvallis, related to open carry of a handgun:

1. How many complaints and concerns have been registered with the Police Department?
2. How many incidents involving irresponsible, negligent, or dangerous actions have occurred?
3. How many accidental discharges of handguns have occurred?
4. How many injuries have occurred?
5. How many deaths have occurred?

Mr. Johnson requested the Committee consider whether there is an issue in Corvallis and how far people need to push the issue.

David Erwin said he is troubled that Council continues to spend time on this topic. The reason this issue is being discussed is because a small group of people expressed concern about a smaller group of people who openly carry in Corvallis. In America, Oregon, and Corvallis all manner of personal expression is protected, even when someone is offended. One person's right is not removed because another person is uncomfortable with that right. People fear many things, including firearms, people who ride motorcycles, etc. Legislation is not drafted due to the fear of a small group of people. People who have testified about being fearful of others openly carrying have not expressed fear that Police Officers openly carry. Citizens employ Officers and should

have the same guaranteed rights. The reason concealed handgun licenses exist is because at one time carrying a hidden gun was the mark of an outlaw. An honorable man always carried his firearm openly. Because of change in fashions and society, honorable men are being attacked for the very reason they were once held in honor. Good people openly carrying firearms are not and will never be a problem in Corvallis. The City has already paid for that expression once. He encouraged the Committee to not forward the issue to Council.

Chair Sorte explained that the Committee does not have a choice about forwarding the issue to Council. The Committee may or may not forward a recommendation, but the issue will be discussed during the next City Council meeting. During that discussion, a motion may be introduced and voted upon by the full Council.

Diana Cook said, as a research scientist, she works with risk assessment and tends to be against rules that are not based on fact. She cannot see any reason for an open carry restriction in Corvallis based on the information she has gathered and considered. Council should not restrict a freedom without a good basis. The only basis she has ascertained is fear. Before Council spends more time and effort, a determination needs to be made about whether the risk assessment of this issue warrants a restriction of freedoms. She encouraged the Committee to not recommend the draft ordinance to Council.

Sarah Finger McDonald testified in support of a prohibition of open carry of loaded firearms without a license. She said Corvallis is one of the safest cities in Oregon and the likelihood of being the victim of violent crime on the streets of Corvallis is low. Citizens are lucky to live in a community where they are free from the threat of violence. People who support this ban recognize that all guns cannot be banned from the streets. Supporters want an ordinance that allows people in Corvallis to carry guns with a concealed handgun license. In Oregon, it is legal to openly carry a firearm without any training, background check, or license. It is also possible to purchase a firearm through a private sale without a background check. There is no way to know if a person carrying a firearm in Corvallis is a good or bad person. There is no way of knowing if they have had training and can capably handle their weapon. It is understandable for people to be alarmed when they see someone carrying a gun in a park or on the street. It is impossible to know that person's intention and whether they can legally own the firearm. The State of Oregon allows municipalities to limit who can carry a loaded weapon in public places. Prohibitions have been adopted in Astoria, Beaverton, Gladstone, Multnomah County, Newport, Oregon City, Portland, Salem, and Tigard. The Portland prohibition was challenged and upheld. There have not been multiple expensive court challenges because the prohibitions are legal and designed to encourage law abiding citizens to act responsibly. She encouraged the City to adopt an ordinance that recognizes both the rights of those who wish to carry a firearm and respects the needs for assurance that a person carrying a firearm in Corvallis is properly trained and able to own a gun legally. Laws should reflect values. In Corvallis, citizens value rights, safety, and quality of life. She encouraged the Committee to recommend Council adopt a prohibition on the unlicensed carrying of loaded firearms in public.

Ron Highburger said he retired from the military and inquired whether the exception in 3)a) of the draft ordinance related to honorably retired peace officers included retired military personnel. Chief Sassaman responded that it did not.

In response to Mr. Highburger's inquiry about how the Committee members would vote if the ordinance moved forward, Chair Sorte said he would not decide his vote until he hears all arguments. Councilor York agreed and said during deliberations the audience might be able to discern the results of a future vote.

Bill Brooks said there is a huge difference between types of fear. Phobias are irrational and debilitating fears. Fear about firearms is abjectly irrational because guns are inanimate objects and cannot cause anything to happen. It is the actor behind the gun that causes people to be fearful. This is not a public safety issue. This is a fear and civil rights issue. Mr. Brooks quoted Thomas Jefferson about the right of liberty as an unobstructed action according to our will. He noted that the draft ordinance includes exceptions taking up three-quarters of the page. The ordinance violates rights and makes Councilors tyrants if it is adopted.

Jeanie Mason said people have the right to be offended and she would never deny another person's right because she was offended by that person's right to offend her. Some people have an irrational fear about firearms and teach their children to be afraid. Mostly likely, these people have not been educated about firearms. Firearms protect us, individually. She inquired whether the City will take responsibility for the protection of each individual in Corvallis if the ordinance is adopted. She wondered if carrying a knife on a belt will be the next item considered for prohibition due to someone being offended.

Bob Watson reported that in 1857, the Oregon State Legislature granted the City of Corvallis its Charter. Since then citizens have been free to exercise the right to carry loaded firearms for lawful self defense. The Council is now contemplating restricting that right by not allowing citizens to openly carry a loaded firearm. He said it is difficult to understand how someone who has a fear of the sight of a firearm can tell whether a firearm is loaded. Police Officers open carry without traumatizing anyone. The City has had more than 150 years of experience to determine if open carry of loaded firearms is an issue. There has not been any discussion about people who open carry bullying or intimidating others. He opined that if Council's consideration of this ordinance is an attempt to pander to irrational fears and paranoia, then the ordinance is based on bigotry and intolerance.

LoErna Simpson read from her written testimony (Attachment 1) in support of an open carry ban.

Fred Marseco said he is not aware of any recent safety issues of people walking around openly carrying a weapon. He suggested that people who are afraid of guns learn about them. People learn how to properly use tools, such as hammers, saws, and knives, without getting hurt. A firearm is a tool. He inquired about the City's authority to restrict and violate his rights. He said the law is an agreement and citizens agree to obey the law. Mr. Marseco said he has a concealed handgun license and is a member of the Albany Rifle and Pistol Club. It is important to him to be responsible; driving a vehicle, operating machinery, or carrying a firearm. He opined that there is no purpose in the

draft ordinance and noted that no one has demonstrated the purpose of the ordinance except to allay someone's fear. He added that there is no law granting removal of rights anytime someone comes forward with a fear.

Stewart Wershow said this issue came forward after a woman who lives in his neighborhood expressed concern about someone openly carrying a gun in Cloverland Park. The woman has young children and is very concerned about this issue. Other people in this community are also concerned. Council needs to determine if there is a basis for the concerns by talking to staff and reviewing data. The issue on both sides is fear. Fear that guns and/or rights will be taken away and fear for safety. He opined that the best way to solve this issue is to hold a discussion between both groups to alleviate the fears of both groups.

Mr. Brewer reported that State law permits the City to narrowly regulate people who do not have concealed handgun licenses from openly carrying loaded firearms. This is the limit of City Council's authority and it has been tested in the Oregon Supreme Court.

Chief Sassaman said the draft ordinance, if adopted, does not enhance any authority the Police Department already has. Search and seizure statutes are not enhanced by this ordinance, nor are stop/detain/question statutes. If adopted, Police Officers will proceed exactly as they are currently operating.

In response to Councilor York's inquiry, Mr. Brewer said the draft ordinance is the same language as the Portland ordinance. The highlighted text refers to items that could be challenged or are not clear.

Councilor York read aloud subsections 1) and 2) and said ORS 166.173 speaks to a municipality not having the authority to regulate storage of ammunition. She inquired whether 2) is within the purview of the City.

Mr. Brewer said the language in 2) has not been tested. Subsection 1) has been tested and upheld. Subsection 3)a-n) was discussed by the Oregon Supreme Court when subsection 1) was challenged. There is statutory language that Council could consider that defines loaded weapons.

Councilor York said this is an emotional issue for many people and it is more about values than fear. The common theme heard/read through testimony is values about family and freedom. The issue that is different is how to protect family and freedom. She opined that people believe one method or another and that belief is most likely based on their association with guns. There are a lot of people who have positive associations with guns and see the opportunity to protect family and freedom. She said she has strong feelings about this issue, but her decision is not based on her feelings. As a public official, she hears what the Oath Keepers say and recognizes that her decision is colored by her feelings. Councilor York described her association with guns that resulted in the death of five people whom she was very close to. She added that she also has a few positive gun associations, including the fact that Chief Sassaman, whom she knows and trusts, carries a loaded weapon. As an elected official she has a responsibility to protect the City legally and in other ways. Based on what she has read and heard from staff, the City has the authority to enact this small restriction.

Councilor York moved to recommend Council adopt the ordinance, amended to remove subsection 2) and the highlighted items as suggested by staff. The motion died for lack of a second.

Chair Sorte said he did not second the motion primarily because adopting the ordinance will not change the ability of the Police Department to do anything different. Police Officers must have reason to believe criminal behavior is about to take place or has taken place to approach a person with a firearm. The City does not have a preponderance of bad behavior that this ordinance is trying to address.

Chair Sorte opined that an unloaded firearm is anticipated to be loaded by most people and it holds the same fear as a loaded firearm. He acknowledged that it is not irrational to be afraid of almost anything, especially if you do not know how someone or something is going to react. There have been few experiences of people openly carrying and causing anxiety in Corvallis. Chief Sassaman previously encouraged people to call 9-1-1 if they are concerned about someone openly carrying a firearm. As a community, everyone has the authority to express their opinions about firearms and there is an expectation in Corvallis that the community is considerate of each others feelings.

Chair Sorte added that there are firearm related actions in legislation that are reasonable, such as requiring firearms to be locked up and enforcing background checks in certain circumstances. The proposed ordinance does not create more effectiveness.

Chair Sorte stated concern about the City becoming a lightning rod for protest. If adopting the ordinance was a benefit for most citizens in Corvallis, he would not mind becoming a lightning rod for protest. In this case, he does not believe there is a good sense from the community on what the community wants. Adopting the ordinance allows people to openly carry an unloaded weapon, but citizens will not know if it is loaded. He suggested two alternatives:

- Council consider a "value" resolution brought forward by either gun rights supporters or citizens who want the City to state that Corvallis does not support open carry or open carry of loaded firearms.
- Council consider an advisory vote similar to their action related to corporations designated as persons.

Chair Sorte added that Corvallis has a responsibility to the State to take on tough issues and develop something better than what the remainder of the State has accomplished. He cannot support an ordinance that does not provide more authority or control bad behavior.

Councilor York said that sometimes people can guess how an elected official might vote based on statements. She said she knew Councilor Sorte was a hunter and assumed he would feel this way. She noted that even though they have different points of view, they continue to respect one another. She hopes Corvallis can move this discussion forward with respect for each other.

Chair Sorte said Council will discuss this issue at their meeting on November 3.

II. Council Policy Review and Recommendation: 93-4.11, "Public Library Policy for Selecting and Discarding Materials"

Ms. Rawles reported that the Library Board reviewed and agreed with staff recommended changes related to updating the review language for consistency.

In response to Councilor York's inquiry, Ms. Rawles said the Policy works well and it has been helpful to include the Library Bill of Rights and Freedom to Read Statement.

The Committee members present unanimously recommended Council amend Council Policy 93-4.11, "Public Library Policy for Selecting and Discarding Materials" as recommended by staff.

III. Council Policy Review and Recommendation: 95-4.08, "Code of Conduct for all Service Points of the Corvallis-Benton County Public Library"

Ms. Rawles said the Policy is used to manage behaviors in the Library. The Library Board and City Attorney's Office reviewed the changes recommended by staff. Changes include updating the tobacco language to meet current Municipal Code, amending the eating/drinking rules, and updating review language.

The Committee members present unanimously recommended Council amend Council Policy 95-4.08, "Code of Conduct for all Service Points of the Corvallis-Benton County Public Library" as recommended by staff.

IV. Rental Housing Program Annual Report

Mr. Loewen reported that the number of Program contacts from tenants increased last fiscal year. That trend is continuing this year. Contacts from landlords and OSU students have steadily decreased since FY 2010-2011. Consistently, the top two habitability complaints subject to the Rental Housing Code (RHC) are related to plumbing or weatherproofing and the most common non-Code-subject habitability complaints are related to garbage and vermin. He noted that seven RHC violation cases were opened in FY 2013-2014. Six of those cases were corrected through compliance action, and one was inconclusive (no action taken).

Mr. Loewen said the outreach and education program has grown in recent years. He is frequently the guest speaker at the local Rental Property Management Group (RPMG) he meets with monthly. He recently worked with OSU's Head Start program, participates in the Money Matters class at OSU, is working with a new program at Jackson Street Youth Shelter preparing future tenants to live on their own, and also teaches the Second Chance Renter's class for Community Services Consortium.

Mr. Weiss added that Mr. Loewen is also working with landlords regarding recent changes in State law that preclude landlords from refusing to rent to Section 8 voucher holders. Mr. Loewen said the new law became effective July 1, 2014. Landlords can no longer have a "no Section 8/no HUD voucher" policy. He provided education to the RPMG and has alerted landlords about the new law when they included illegal

statements in their online advertisements. After receiving complaints from property managers this fall, Mr. Loewen asked the *Corvallis Gazette-Times* to write an article explaining the new law. That article was published one week ago. He noted that the penalty for refusing to accept a Section 8 tenant can be as high as \$11,000.

Chair Sorte recalled that last year a person who essentially operated a hotel in a residential area obtained a rental housing permit from the City and considered the permit sufficient to operate the hotel. The Housing Division was helpful in providing Chair Sorte with code language to help alleviate the issue. Chair Sorte requested the Division be more alert to property owners who may be operating this type of business. He noted that the New York Attorney General said more than 70% of airbnbs are illegal. This is a neighborhood quality of life issue and the City will most likely need to address it in the near future. Additionally, there are related transient room taxes that could potentially be acquired. Chair Sorte added that he recently searched online and found 57 rooms he could rent, with most being located in residential areas. He explained that it is difficult for a long-term resident to tell a neighbor they are doing something illegal.

The Committee members present unanimously recommended Council accept the Rental Housing Program annual report for Fiscal Year 2013-2014.

V. Other Business

Ms. Brewer announced that staff is hoping to not schedule any items for this Committee on December 16 in consideration of the new Council term beginning January 1.

The next Human Services Committee meeting is scheduled for 2:00 pm on Tuesday, November 4 in the Madison Avenue Meeting Room.

The meeting adjourned at 3:21 pm.

Respectfully submitted,

Bruce Sorte, Chair

Oct 21, 2014

If someone comes into a city park, and is not carry a gun, then that person will not be able to shoot anyone accidentally or on purpose. A gun shot that happens in a park ...happens because someone had a gun.

Our Corvallis city parks have been very safe....

--in the past 20 years or so that have lived in Corvallis I know of NO gun shootings or accidents~~—~~^{in parks} that is because...people have not even been thinking about taking a loaded gun into any park.

~~That means~~^{Thus}... no gun in a ^{city} park =equals=, not having a gun shooting or gun accident in a city park!

An Open Carry ban is logical in this day and age,... where many people now want to show off and carry guns, when that is not even necessary and certainly is NOT what the majority of Corvallis citizens want.

Lo Ann Simpson