



ADMINISTRATIVE SERVICES COMMITTEE

Agenda

**Wednesday, February 18, 2015
1:00 pm**

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

- Discussion/**Possible Action** I. Open Carry of Loaded Firearms Policy & Resolution (Attachment)

- Discussion/**Possible Action** II. Council Policy Review and Recommendation: 2.10, "Use of Electronic Mail by Mayor and City Council" (Attachment)

- Discussion/**Possible Action** III. Livability Code/Neighborhood Outreach Department Advisory Committee Update (Attachment)

- Information IV. Other Business

Next Scheduled Meeting

Wednesday, March 4, 2015 at 1:00 pm
Madison Avenue Meeting Room, 500 SW Madison Avenue

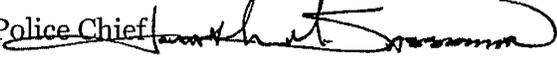
Agenda

Second Quarter Operating Report
Council Policy Review and Recommendation: 10.01-10.08, "Financial Policies"

MEMORANDUM

January 26, 2015

TO: Administrative Services Committee

FROM: Nancy Brewer, City Manager *Pro Tem* 
Jon Sassaman, Police Chief 

SUBJECT: **Open Carry of Loaded Firearms (Council Policy / Resolution)**

I. Issue

To discuss the City Council's direction regarding the open carry of loaded firearms discussions to adopt a Council Policy or a Resolution relative to public safety and constitutional rights. (Direction is required)

II. Background

During the summer months through December of 2014, City Council and Human Services Committee took public testimony over several meetings and were presented with information from the City Attorney and Police Chief on the Federal and Oregon State Constitutional limits on local bans of open carry.

During this time, an ordinance prohibiting the open carry of loaded firearms was considered as well as a variety of alternatives which included: doing nothing; creating an advisory question for registered voters; adopting a resolution; adopting a Council Policy; or encouraging the open market concept where business owners, through signage, could prohibit the open carry of loaded firearms on private property.

At the December 15, 2014 Council meeting, Council passed a motion eliminating from consideration an ordinance banning the open carry of loaded firearms in Corvallis and the advisory question to registered voters. Council further directed staff to prepare a resolution and Council Policy for consideration relative to public safety in Corvallis and the preservation of constitutional rights.

III. Alternatives

As directed, staff prepared a Resolution and a Council Policy for Council to consider. The Resolution and Council Policy are both written with a focus of preserving a community environment of harmony, respect and equality for all community members while ensuring individual rights are maintained. The Policy and Resolution also state the Corvallis Police Department will investigate situations which compromise this framework.

As noted previously, there are different advantages to each approach:

Resolution –

- Advantage – this format gives the opportunity to include a number of statements in the “WHEREAS” section that provide some background for how this resolution was developed and why.

- Disadvantage – resolutions are generally adopted and then no additional action is taken to review/update information in the resolution.

Policy –

- Advantage – Council policies are reviewed on a recurring cycle, which allows for updates as time goes on, and also reminds Councilors, staff, and the community the policy is in place.
- Disadvantage – the Council Policy format does not easily incorporate the background that led to the development of the policy.

IV. Requested Action

Consider the two alternatives presented. Make changes as appropriate. Recommend adoption of one or the other to the City Council.

Review and concur:

A handwritten signature in black ink, appearing to read 'Jim Brewer', is written over a horizontal line.

Jim Brewer, City Attorney

Attachments:

1. Resolution: Public Safety and Constitutional Rights
2. Council Policy: Public Safety and Constitutional Rights

DRAFT**RESOLUTION 2015 - _____****A RESOLUTION OF PUBLIC SAFETY AND CONSTITUTIONAL RIGHTS**

Minutes of the _____, Corvallis City Council meeting, continued.

A resolution submitted by Councilor

WHEREAS, community members approached the City Council concerned about personal safety when they see someone openly carrying a firearm; and

WHEREAS, the City Council considered the issue of banning open carry of firearms and learned that the federal and state Constitutions would allow the City to only ban the open carry of loaded firearms if the person carrying does not have a concealed firearm permit; and

WHEREAS, the City Council and its Human and Administrative Services Committee all heard considerable public testimony from people who treasure their Constitutional right to openly carry firearms as well as hearing from people who treasure their personal safety and are concerned about gun violence in America; and

WHEREAS, people testifying throughout this process stated they believe in the rights of individuals, but also understood that with rights come responsibilities; and

WHEREAS, at the December 15, 2014 Corvallis City Council meeting, the City Council considered a number of alternatives for addressing the open carry of loaded firearms concerns that had been expressed; and

WHEREAS, at the December 15, 2014 Corvallis City Council meeting, the City Council passed a motion eliminating from consideration a ban on "open carry" of loaded firearms in Corvallis and an advisory vote referencing the same; and

WHEREAS, at the December 15, 2014 Corvallis City Council meeting, Council directed staff to prepare a resolution relative to Public Safety in Corvallis and the preservation of Constitutional rights.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES as follows:

1. No form of violence, threat of violence, intimidation and/or tumultuous behavior that causes a violation of law is acceptable in the City of Corvallis; and
2. Federal and State Constitutional rights of all community members are to be preserved; and
3. Each community member should feel and be safe in Corvallis; and

4. Individuals have the right to exercise constitutional rights in a manner that does not infringe on the rights of others; and
5. The Corvallis City staff and elected Officials encourage, pursue and preserve an environment that is harmonious, respectful and fair to all community members; and
6. Community members who have concerns about public safety or their personal safety are encouraged to contact law enforcement; and
7. The Corvallis Police Department will investigate incidents compromising public safety in Corvallis within the framework of existing criminal law; and
8. The Corvallis Police Department will work to ensure the constitutional rights of all community members are protected while working to ensure that public safety is maintained.

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

	<p>City of Corvallis</p> <p>City Council Policy – Community Safety</p> <p>Policy # 5.03</p> <p>Public Safety and Constitutional Rights</p>	DRAFT	
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Policy: No form of violence, threat of violence, intimidation and/or tumultuous behavior that causes a violation of law is acceptable in the City of Corvallis. The Federal and State Constitutional rights of all community members are to be preserved.

Purpose: To establish a policy for public safety in Corvallis that recognizes and protects the constitutional rights of all community members.

Guidelines:

- 1) This policy reflects both the community’s values regarding public safety and the rights of individuals to exercise Constitutional rights. The Corvallis City Council believes each community member should feel and be safe in Corvallis. The Corvallis City Council also believes individuals have the right to exercise constitutional rights in a manner that does not infringe on the rights of others.
 - a) Corvallis Elected Officials and City staff encourages, pursues and preserves an environment that is harmonious, respectful and fair to all community members.
 - b) Corvallis Elected Officials and City staff encourages citizens who have concerns about public safety or their personal safety to contact law enforcement.
 - 2) This Policy directs City staff to investigate incidents compromising public safety in Corvallis within the framework of existing criminal law.
 - 3) The Corvallis Police Department will work to ensure the constitutional rights of all community members are protected while working to ensure that public safety is maintained.
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Review/Update: The Police Chief will prepare this Council Policy review every at the end of its first year, then every three years thereafter for Council approval.

Rev #	Name	Change Date	Character of Change
0	J. Sassaman	***	Adopted

MEMORANDUM
February 12, 2015

TO: Administrative Services Committee

FROM: Carla Holzworth, ^{CP} City Recorder

RE: Review of Council Policy 2.10, "Use of Electronic Mail by Mayor and City Council"

ISSUE:

Council Policy 2.10, "Use of Electronic Mail by Mayor and City Council" is being presented to Council for review and revision. Review of the Policy was held until the new City Council took office.

DISCUSSION:

The purpose of the Policy is to define the use and retention of electronic mail (email) for the Mayor and Council; to promote and maintain transparency in City decisions by making Mayor/Council email communications available on the City's website; to define email and internet access training; and to define management of electronic devices provided by the City.

The Council Policy governing Mayor/Council use of email was established in 1998, although the City has provided email accounts for the Mayor/Councilors since the mid-1990s. To promote and maintain transparency, emails to, from, and between the Mayor/Councilors from these City-provided accounts were configured to automatically display on the City's website.

There is no legal requirement for the Mayor/Councilors to use City-provided email accounts, nor is there a legal requirement for Mayor/Councilor email messages to be posted on the City's website. However, Oregon Public Records Law does clearly state that emails sent to, by, or between the Mayor/Councilors that relate to City business are City records, and therefore they are the property of the public; it does not matter whether the records were generated through a City-provided or personal email account. Prior City Councils used the public accounts with posting to the website to ensure transparency in their communications.

Provided below are some concepts for Council to consider. Staff's proposed Policy amendments are attached.

CONCEPTS TO CONSIDER:

Retention Requirements:

Public records retention requirements are based on the content of the record. Examples of messages sent by email that typically are public records include policies and directives, correspondence or memoranda related to official business, drafts of documents that are circulated for comment or approval, and any document that initiates, authorizes or completes a business transaction. The list of retention periods is lengthy and fairly detailed. Types of records Councilors are likely to have via email and associated retention periods include requests by outside groups for proclamations (1 year), notes from Council Leadership meetings (2 years), requests and complaints (2 years), and legislative issues (4 years). Emails may also be of a temporary or transitory nature, reflecting communication that is fulfilled almost immediately upon reading, such as plans to meet for coffee, notices of scheduled meetings, deadline reminders, and list-serv messages; these messages must be retained until the task is complete or their value has passed.

Use of personal email accounts for City business:

Does Council wish to require that all public record email messages from personal email accounts are forwarded to the City for retention? Or does Council wish to direct, during the term of office, responsibility for retention of messages to and from personal email accounts to the Mayor/Councilor who owns the email account? As City records, emails that had not previously been forwarded to the City would be required to be provided to the City at the end of the Mayor/Councilor's term of office.

Email posted on the City's website:

As noted above, Mayor/Council email sent to and from City email accounts has been automatically posted to the City's website since the 1990s to promote and maintain transparency. Public record emails from Mayor/Councilor personal email accounts can be posted to the City's website if they forward copies to their City email accounts. The adopted Policy currently directs this practice; however, it is not consistently followed. Does Council wish to make forwarding emails from personal accounts a requirement, or remove the statement from the Policy?

Email posted on the City's website contains spam (despite efforts to filter it out), junk mail, and newsletter/list-serve subscriptions that may not be of value to the Mayor/Councilors. Does Council wish to incorporate Policy language that discourages or prohibits signing up for newsletters and list-servs that do not directly relate to City business? (When a new Mayor or Councilor comes into office, emails from these newsletters and list-servs continue to be sent unless the outgoing elected unsubscribed before s/he left office or the newly elected official takes action to unsubscribe.)

Creating in-house email accounts for Councilors:

MIS staff has indicated that in-house Outlook email accounts can be created for Councilors (the Mayor already has one). These accounts could be used in place of personal email accounts and in addition to the current Peak email system where messages are automatically posted to the City's website. Advantages of using Outlook through the City's system include automatic journaling of emails so they are safely stored for retention purposes and the availability of calendaring features.

Housekeeping:

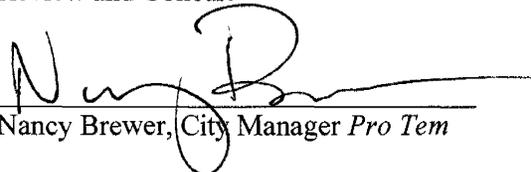
Minor housekeeping changes are recommended:

- Job title updates – Change from Assistant to City Manager/City Recorder to City Recorder.
- Nomenclature updates – Replace the word Laptop with Electronic Device (ED) to capture the addition of other devices such as iPads, Smart Phones, and tablets. Replace Email with email. Replace Web site with website.
- Review Language – Update to make Policy review language consistent with that of other Council Policies.

RECOMMENDATION:

Staff requests the City Council via ASC review the Use of Electronic Mail by Mayor and City Council Policy and provide direction for updates to the Policy.

Review and Concur:


Nancy Brewer, City Manager Pro Tem

 <p>CORVALLIS ENHANCING COMMUNITY LIVABILITY</p>	<p>City of Corvallis</p> <p>City Council Procedures</p> <p>Policy # 2.10</p> <p>Use of Electronic Mail by Mayor and City Council</p>	 <p>CORVALLIS ENHANCING COMMUNITY LIVABILITY</p>
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Policy: Email use by the Mayor and Councilors will comply with the requirements of the Oregon Public Records Law, Oregon Revised Statutes (ORS) 192.410 through 192.505 and the State Archivist public records retention schedule adopted pursuant to ORS 327.825 and the related administrative rules.

Purpose: To establish the use and retention requirements for email for the Mayor and City Council, the training provided by the City, and the management of electronic devices used for City business.

To promote and maintain transparency in City of Corvallis decisions by making available email communications by, between, or to the Mayor and/or City Councilors on the City's website.

To provide guidance to the Mayor and City Council on the proper use of email.

Definitions: Archive email - A paper or electronic file of emails which have been sent to, from, and/or between, the Mayor and/or Councilors.

Email - Electronic mail is a method of exchanging information in a digital format, including various attachments from one author to one or more recipients.

Electronic devices (ED)– EDs include desktop and laptop computers, smart phones, or tablets the Mayor and City Council use for City business.

Mayor and City Council - The Mayor and City Council elected to serve the community during the current term of office.

Public Record - "Includes, but is not limited to, a document, book, paper, photograph, file, sound recording or machine readable electronic record, regardless of physical form or characteristics, made, received, filed, or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use" (ORS 192.005 (5)). In addition, a public record includes ". . . any writing containing information relating to the conduct of the public's business . . . prepared, owned, used or retained by a public body regardless of physical form or characteristics." (ORS 192.410 (4)).

Retention - The length of time a public record must be kept to satisfy the administrative, legal, fiscal, and/or historical needs of the City. Retention periods are tied to the content of the record, not the form.

Council Policy # 2.10**Guidelines: 1. General:**

- a. All persons have the right to inspect public records, including emails created by or sent to local elected officials.
- b. Email from the Mayor and/or Councilors to City staff will be to the City Manager, the City Recorder or Department Directors, unless otherwise authorized by the City Manager.
- c. Email may not be used to discuss policy, quasi-judicial, or administrative issues with a majority of the Council and/or the Mayor, or two or more members of a standing committee on an item coming before it for discussion, or to make policy decisions or carry on deliberations.
- d. Email by, between, or to the Mayor and/or Councilors must be retained according to the Oregon Public Records Laws.
- e. Email from, to, or between Mayor and/or Councilors that is sent to/from the WardX@council.corvallisoregon.gov email address will be retained on the City's website for one year to meet general records retention requirements.
- f. Email sent to/from Mayor and/or Councilors personal email addresses can be retained on the City's website by responding and including the Councilor's ward email address or by forwarding the message to the Ward email address.
- g. All email sent to, by, or between the Mayor and/or Councilors' personal email accounts is subject to public records requirements. Alternatives to manage this requirement include:
 - i. Forwarding/copying the Ward email address;
 - ii. The Mayor/Councilor maintaining the record and making it available when/if a public records request is filed.
 - iii. Providing the records to the City Recorder in either electronic or paper formats.
- h. A request for email records is subject to Oregon Public Records law and must comply with Administrative Policy 1.14, "Public Records Requests."
- i. Email that is associated with a decision the City Council is considering should be forwarded to the City Recorder or responsible Department staff to include in the public record for that decision. This allows the entire City Council to hear the same public feedback about decisions the Council is making.
- j. As required by State law and except as may specifically be exempted by ORS 192.501 and 192.502, the City Manager shall, upon request, make available emails created or received by elected officials. The Mayor and/or Councilors who receive email from constituents regarding land use or other quasi-judicial issues should inform the sender that a copy of the email will be entered into the public record, and, if necessary, that they are unable to discuss such matters outside of the public hearing.
- k. Should the City be a party in litigation that requires a litigation hold on City records, a Mayor or City Councilor using a personal email account for City business shall be notified by the City Recorder or the City Attorney of the litigation hold. As the custodian of the public records on the personal email account, the user of that personal account shall be responsible for holding, saving from destruction or deletion, and providing to the City or parties to the litigation, all emails on that account for potential discovery purposes in

Council Policy # 2.10

litigation. Costs, penalties, fines, or damages awarded associated with the destruction of records subject to a litigation hold shall be considered to be the result of malfeasance and shall be the personal responsibility of the user of the account.

2. Training
 - a. The City's MIS Division will provide training on email and internet access for the Mayor and Councilors at the beginning of each Council term.

3. Equipment
 - a. The Mayor and Councilors may use their own EDs for access to the internet and email, use a City-provided ED for their use while on the Council, or may choose not to use email as a form of communication.
 - b. If the Mayor or Councilor chooses to use her/his own ED, the ED may be subject to public records law requirements.
 - c. If the Mayor or Councilor chooses to use a City-owned ED, MIS Division staff will ensure the ED is configured appropriately for use. The ED will remain the property of the City and must be returned at the end of the Mayor's and Councilor's tenure.
 - d. It is the responsibility of the Mayor and Councilors to return the ED to the City Manager's Office for service or repairs.
 - e. The MIS Division will provide technical support for the Mayor's and Councilors' ED and training between 8:00 am and 5:00 pm Monday through Friday. Service can be coordinated through the City Recorder.

Responsibility: The Mayor and City Council members are responsible for their use of EDs and ensuring public records requirements are met for the public records each individual has.

The City's MIS Manager is responsible for technical support of the City-owned Mayor and City Council EDs, and for providing advice and information to the Mayor and City Councilors on the use of personal EDs.

The City Recorder is responsible for maintaining the archives of the City's records and coordinating filing and retention of Mayor and City Councilor email.

Review/Update: The MIS Manager and City Recorder will prepare this Council Policy review every two years for Council approval.

Rev #	Name	Change Date	Character of Change
0		02-02-1998	Adopted
1		12-07-0998	Revised
2		10-18-1999	Revised
3		03-05-2001	Revised
4		12-01-2003	Revised

Council Policy # 2.10

5		11-07-2005	Revised
6		12-17-2007	Revised
7		11-02-2009	Revised
8		02-06-2012	Revised
9	C. Holzworth/ Council		

	<p>City of Corvallis</p> <p>City Council Procedures</p> <p>Policy # 2.10</p> <p>Use of Electronic Mail by Mayor and City Council</p>	
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Policy: All email use by the Mayor and Councilors will comply with the requirements of the Oregon Public Records Law, Oregon Revised Statutes (ORS) 192.410 through 192.505 and the State Archivist public records retention schedule adopted pursuant to ORS 327.825 and the related administrative rules.

Purpose: To establish ~~define~~ the use and retention requirements ~~of electronic mail (e-mail)~~ for the Mayor and City Council, the training provided by the City, and the management of electronic devices ~~computer equipment~~ used for City business.

To promote and maintain transparency in City of Corvallis decisions by making available Ee-mail communications by, between, or to the Mayor and/or City Councilors on-line ~~the City's website.~~

To provide guidance to the Mayor and City Council on the proper use of Ee-mail.

Definitions: Archive E-mail - ~~An electronic filing paper or electronic file of Ee-mails which have been sent automatically receives a copy of all communications by to, from, and/or between, or to the Mayor and/or Councilors.~~

E-Mail - Electronic mail (Ee-mail) is a method of exchanging information in a digital format ~~messages~~, including various attachments from one author to one or more recipients.

Electronic devices (ED) ~~Laptop Computer~~ — EDs include ~~Ldesktop and laptops computers, smart phones, or tablets~~ are portable computers ~~the City purchases for the Mayor and City Council use~~ for City business.

Mayor and City Council - The Mayor and City Council elected to serve the community during the current term of office.

Public Record: "Includes, but is not limited to, a document, book, paper, photograph, file, sound recording or machine readable electronic record, regardless of physical form or characteristics, made, received, filed, or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use" (ORS 192.005 (5)). In addition, a public record includes ". . . any writing containing information relating to the conduct of the public's business . . . prepared, owned, used or retained by a public body regardless of physical form or characteristics." (ORS 192.410 (4)).

Retention: The length of time a public record must be kept to satisfy the administrative, legal, fiscal, and/or historical needs of the City. Retention periods are tied to the content of the record, not the form.

Council Policy # 2.10**Guidelines: 1. General:**

- a. All persons have the right to inspect public records, including Ee-mails created by or sent to local elected officials on the public Ee-mail system.
- b. E-mail from the Mayor and/or Councilors to City staff will be to the City Manager, the Assistant to City Manager/City Recorder, or Department Directors, unless otherwise authorized by the City Manager.
- c. E-mail may not be used to discuss policy, quasi-judicial, or administrative issues with a majority of the Council and/or the Mayor, or two or more members of a standing committee on an item coming before it for discussion, or to make policy decisions or carry on deliberations.
- d. E-mail by, between, or to the Mayor and/or Councilors or Mayor and Councilors will be automatically copied to the City's Web site and accessible to citizens must be retained according to the Oregon Public Records Laws.
- e. E-mail from, to, or between Mayor and/or Councilors that is sent to/from the WardX@council.corvallisoregon.gov email address will be retained on the City's website for one year to meet general records retention requirements.
- f. E-mail sent by the Mayor and Councilors must ensure that it can be automatically copied to the City's website. Email sent to/from Mayor and/or Councilors personal email addresses can be retained on the City's website by responding and including the Councilor's ward email address or by forwarding the message to the ward email address.
- g. AnyAll Ee-mail sent to, by, or between the Mayor and/or Councilors' personal email accounts is subject to public records requirements. Alternatives to manage this requirement include:
 - i. Forwarding/copying the Ward email address;
 - ii. The Mayor/Councilor maintaining the record and making it available when/if a public records request is filed.
 - iii. Providing the records to the City Recorder in either electronic or paper formats, and will be forwarded electronically by the Mayor or Councilor to the Assistant to City Manager/City Recorder to be included in the appropriate public record file. Mayor and City Council Ee-mail may be viewed on the City's website.
- h. A request for Ee-mail records is subject to Oregon Public Records law and must comply with Administrative Policy AP 06-1.14, (public records request) "Public Records Requests."
- i. E-mail communications will be available for one year and will be deleted from the City' website at the end of that period. Any Ee-mail sent to, by, or between the Mayor and Councilors is subject to public records requirements and must be forwarded electronically by the Mayor or Councilor to the Assistant to City Manager/City Recorder. An example would be comments from a constituent on a land use issue before the Council. Email that is associated with a decision the City Council is considering should be forwarded to the The Assistant to City Manager/City Recorder or responsible Departmental staff to include in the public record for that decision. This allows the entire City Council to hear the same

Council Policy # 2.10

~~public feedback about decisions the Council is making may also make copies of messages containing community feedback on City issues, but the responsibility for forwarding public record related correspondence rests with the Mayor and City Council.~~

- ~~j.~~ As required by State law and except as may specifically be exempted by ORS 192.501 and 192.502, the City Manager shall, upon request, make available ~~E~~e-mails created or received by elected officials. The Mayor and/or Councilors who receive ~~E~~e-mail from constituents regarding land use or other quasi-judicial issues should inform the sender that a copy of the ~~E~~e-mail will be entered into the public record, and, if necessary, that they are unable to discuss such matters outside of the public hearing.
- ~~k.~~ Should the City be a party in litigation that requires a litigation hold on City records, a Mayor or City Councilor using a personal email account for City business shall be notified by the City Recorder or the City Attorney of the litigation hold. As the custodian of the public records on the personal email account, the user of that personal account shall be responsible for holding, saving from destruction or deletion, and providing to the City or parties to the litigation, all emails on that account for potential discovery purposes in litigation. Costs, penalties, fines, or damages awarded associated with the destruction of records subject to a litigation hold shall be considered to be the result of malfeasance and shall be the personal responsibility of the user of the account.

2. Training

- ~~a.~~ The City's MIS Division will provide training on electronic-mail and internet access for the Mayor and Councilors. ~~At the beginning of each Council term, staff will schedule training on both Ee-mail and internet for the Mayor and Council as a group.~~

3. Equipment

- ~~a.~~ The Mayor and Councilors may use their own personal computers ~~EDs~~ for access to the internet and ~~E~~e-mail, use a City-provided ~~ED~~laptop for their use while on the Council, or may choose not to use ~~E~~e-mail as a form of communication.
- ~~b.~~ If the Mayor or Councilor chooses to use her/his own personal computer ~~ED~~, the ~~ED~~personal computer may be subject to public records law requirements.
- ~~c.~~ If the Mayor or Councilor chooses to use a City-owned laptop computer ~~ED~~, MIS Division staff will ensure the ~~ED~~laptop is installed configured appropriately for use. The ~~ED~~laptop will remain the property of the City and must be returned at the end of the Mayor's and Councilor's tenure.
- ~~d.~~ It is the responsibility of the Mayor and Councilors to return the ~~ED~~laptop to the City Manager's Office for service or repairs.
- ~~e.~~ The MIS Division will provide technical support for the Mayor's and Councilors' ~~ED~~laptops and training between 8:00 am and 5:00 pm Monday through Friday. Service can be coordinated through the ~~Assistant to City Manager/City Recorder.~~

Council Policy # 2.10

Responsibility: The Mayor and City Council members are responsible for their use of EDs and ensuring public records requirements are met for the public records each individual has.

The City's MIS Manager is responsible for technical support of the City-owned Mayor and City Council EDs, and for providing advice and information to the Mayor and City Councilors on the use of personal EDs.

The City Recorder is responsible for maintaining the archives of the City's records and coordinating filing and retention of Mayor and City Councilor email.

Review/Update: The MIS Manager and City Recorder will prepare this Council Policy review every two years for Council approval.

Rev #	Name	Change Date	Character of Change
0		<u>02-02-1998</u>	Adopted
1		<u>12-07-0998</u>	Revised
2		<u>10-18-1999</u>	Revised
3		<u>03-05-2001</u>	Revised
4		<u>12-01-2003</u>	Revised
5		<u>11-07-2005</u>	Revised
6		<u>12-17-2007</u>	Revised
7		<u>11-02-2009</u>	Revised
8		<u>02-06-2012</u>	Revised
9	<u>C. Holzworth/ Council</u>		

MEMORANDUM

February 10, 2015

TO: Administrative Services Committee

FROM: Ken Gibb, Community Development Director 

RE: Update on Livability Code Development Process/Timeline; Update on Current Status of Code Violation Caseload

I. Issue

On December 19, 2014, the Administrative Services Committee (ASC) directed staff to move forward with the development of code language to address community livability issues of 20 specific types, and approved a staff-led process to integrate stakeholder input into the code language development process. Also, during past meetings ASC has reviewed code violation caseload data and strategies to address that caseload.

II. Background

Over the last year ASC has discussed the concept of implementing a livability/property maintenance code during ten separate meetings. While initial discussions considered the International Code Council's International Property Maintenance Code as a starting point for the development of a local livability code, ASC direction moved the discussion away from that beginning point to an approach that considered existing livability concerns and gaps that cannot be addressed because there is no current code authority.

Following a series of meetings during which code gaps for both interior and exterior livability issues were discussed and illustrated through photographs, staff prepared a matrix of the identified gaps and requested ASC direction to move forward, or to not move forward, with the development of code language that will address selected gaps. That matrix, with ASC direction for code language development noted, is attached.

Over the last year ASC has also heard reports from staff regarding the number of open code violation cases and the approaches that would be undertaken to address them. During the Committee's June 4, 2014 discussion it was noted that there were approximately 700 open code violation cases.

III. Discussion

Process and Timeline for the Development of Livability Code Language

On December 19, 2014 staff outlined a proposed process to move forward with the development of new code language to address current gaps. ASC endorsed that process. The process will include approximately five meetings of a department advisory committee with six stakeholders, to be conducted using a publicly noticed work session meeting structure. Staff will bring draft code language, in some cases with multiple options, for the advisory group's review, discussion and recommendations; as that language is refined it will be brought back to the group for final discussion and recommendations.

The stakeholders who have agreed to participate on the advisory group, with their interest or affiliation, include:

- Jerry Duerksen, property manager
- Karen Levy Keon, tenant interests
- Carl Carpenter, rental property owner
- Jim Moorefield, affordable housing property developer/manager
- Holly Sears, real estate industry
- Trish Daniels, neighborhood resident

Staff will organize and schedule the first meeting of the advisory group, to consist primarily of backgrounding and establishing group protocols, during March. It is anticipated that a series of up to four additional meetings will follow in March and April to complete the group's work. The products of that work will come back to ASC in April/May for review and the development of a recommendation on how best to move forward for consideration by the full City Council.

Code Violation Caseload

When ASC discussed the number of open cases in June of 2014 and subsequent meetings, staff laid out an approach to address them that would include the following:

- Reorganization of the Community Development Department's Housing Division, which has become the Housing and Neighborhood Services (HNS) Division;
- Bringing the City's Code Compliance Supervisor and his casual/part time staff into HNS from the Development Services (DS) Division;
- Redistribution of open cases between HNS and DS based on the area in which the violation exists, with violations in residential areas to be addressed by HNS and violations in non-residential areas to be addressed by DS. Using these geographic and use type distinctions as a guide, HNS is handling compliance issues relative to the City's Municipal Code, Land Development Code and Rental Housing Code. DS continues to address compliance with building code as well as with the Land Development Code and Municipal Code.
- Adding a .5 FTE levy-funded position in HNS to work on the Division's code compliance issues, and hiring a 1 FTE Building Safety Inspector to help address code compliance issues in DS.

At the time the Department reorganization and redistribution of open code violation cases took place in August/September, approximately 160 cases were assigned to HNS and 654 were assigned to DS. From September to the date of this staff report, that caseload has been reduced by 24%, to approximately 100 cases in HNS and 517 in DS. These reductions have been achieved through HNS Code Compliance staff's narrowed focus on violations occurring in residential areas,

and by DS staff's initiation of work efforts to reprioritize, close, or consolidate cases. Further caseload reductions will be realized in HNS following the start of the newly-hired, levy-funded .5 FTE Code Compliance Specialist in mid-February; similar reductions are anticipated in DS once the 1 FTE Building Safety Inspector is on board, the hiring process for which is currently underway.

During early discussions of a Property Maintenance Code by the Collaboration's Livability Work Group there were many public comments offered, including comments from those who opposed additional regulations, but also felt the City should be more aggressive in gaining compliance by "repeat offenders" of the City's existing codes. Based on these comments and other considerations, as has previously been reported to ASC, the Livability Work Group recommended that the City "utilize a progressive enforcement strategy as part of the process for resolving complaints related to habitability and livability codes." Toward that end, DS has initiated work to implement a progressive enforcement tool to address work without a permit, illegal occupancy, and dangerous building violations. The tool comes in the form of a penalties matrix that treats code violations and related penalties on a graduated scale that is commensurate with the severity of violations and circumstances. The program starts in most cases with a correction notice (warning) without penalty, and builds to an administrative civil penalty with an amount that increases with the severity and/or frequency of violations. A copy of the proposed penalty calculation methodology is attached.

The program is being modeled on a successful program in Eugene in which a person who receives a civil penalty will have an opportunity to timely appeal the penalty to an administrative hearings officer. DS intends to contract with a third party for this service and make hearing dates available on a bi-weekly basis. DS is building the framework for this program into a new DS Code Compliance Guide, which has been in development since July and is reflective of extensive stakeholder input. It is intended that this program will be initiated this spring and will provide another tool to help keep the current caseload in check as we continue to work on reducing the number of open code compliance cases. There will be no Municipal Code amendments required to initiate the civil penalty/administrative hearings officer model; once the model is implemented and fully operational, it will be evaluated for its applicability to other areas of the City's code compliance work.

III. Requested Action

This staff report is offered for information only and as such, no Administrative Services Committee action is requested or required.

Review and Concur:



Nancy Brewer, City Manager Pro Tem

Attachments:

Exhibit 1 – Comprehensive Recap of Livability Code Gaps and ASC Action Recommendations
Exhibit 2 – DS Administrative Civil Penalty Matrix

Comprehensive Recap of Livability Code Gaps for December 17, 2014 Administrative Services Committee Consideration

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
<i>Interior Lighting</i>	Lack of adequate interior lighting of emergency exit paths may result in inability to exit safely in an emergency.	Adopt standards requiring maintenance of adequate interior lighting of exit discharge paths.	Renter-occupied residential properties	Continue
<i>Interior Ventilation</i>	Lack of requirements for maintenance of ventilation systems in bathrooms, kitchens or for clothes dryers may result in mold growth and surface degradation.	Adopt standards and performance criteria for the maintenance of interior ventilation systems.	Renter-occupied residential properties	Continue
<i>Electrical Systems</i>	Lack of requirement to replace electrical system components damaged by exposure to leaks or flooding may result in hazardous situation.	Adopt standards requiring replacement of electrical equipment and devices if exposed to water, with some exceptions.	Renter-occupied residential properties	Continue
	Lack of requirements for ground fault interrupt outlets in bathrooms, kitchens, etc. may result in hazardous situation.	Require installation of ground fault interrupt outlets in bathrooms, kitchens, etc.	Renter-occupied residential properties	Continue
<i>Plumbing Systems</i>	There is no performance standard for or definition of "hot water," which may prevent the production of a temperature adequate for bathing and cleaning.	Adopt a measurable temperature standard for water system performance.	Renter-occupied residential properties	Continue
<i>Interior Sanitation</i>	There are no clear standards for the maintenance of sanitary conditions in residential building interiors, which may present living situations that are unhealthy and/or unsafe.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	Continue
	Lack of standards requiring the maintenance or repair of bathroom and kitchen surfaces, making it difficult to keep them from becoming unsanitary, which may lead to unhealthy living situations.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	Stop (get at in prior language if unsanitary)
<i>Heating</i>	There is no requirement for heat in bathrooms which may make it difficult to maintain a comfortable and dry, mold-free environment.	Adopt standards for heat in bathrooms and other habitable areas not currently covered by the Rental Housing Code.	Renter-occupied residential properties	Continue (focus on definition of habitable areas)

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
<i>Interior Security</i>	There is no requirement for properly functioning door knobs/latches, and no standards for adequate door or window hardware, which may lead to inadequate occupant safety (ingress and egress).	Adopt maintenance requirements for doors and door hardware, including deadbolts, and for windows and window hardware to be maintained to a level sufficient to provide security and safe exiting for occupants.	Renter-occupied residential properties	Continue
<i>Exterior Weather- and Waterproofing</i>	There are no requirements for the prevention of air leakage under, through or around windows or doors, which may increase a resident's discomfort and/or costs for heating and cooling.	Adopt requirements for building envelopes and openings to be sound, in good repair and weather tight in order to prevent wind from entering a structure.	All structure and occupancy types	Continue (rentals only)
	There are no requirements for the prevention of water leakage into non-living areas such as utility basements, attics or exterior membranes and surfaces, which may create situations that enhance mold growth, that will result in infiltration of water into living areas, and lead to overall structural decline.	Adopt requirements for roofs, exterior walls and building openings to be sound, in good repair and weather tight in order to prevent water and other elements from entering a structure.	All structure and occupancy types	Continue
<i>Exterior Sanitation</i>	There are no standards that prevent the accumulation of inadequately/improperly stored personal possessions such as yard maintenance equipment and supplies, serviceable vehicle tires, and furniture manufactured for indoor use. This leads to complaints of unsanitary, blighting neighborhood conditions.	Adopt requirements that all exterior property and premises be maintained in clean and sanitary condition.	All structure and occupancy types	Continue (1st focus on indoor furniture outdoors)
<i>Solid Waste Removal</i>	There are no provisions to assign responsibility between landlords and tenants for the removal of solid waste from a property. This leads to complaints of over-accumulation of contained and uncontained solid waste.	Adopt assignments of responsibility between landlords and tenants for the provision of containers, containment and removal of solid waste from premises	Renter-occupied residential properties	Continue

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
<p><i>Building and Accessory Structure Maintenance</i></p>	<p>There are no standards requiring general maintenance of buildings and accessory structures. This may lead to general structural decline that cannot be addressed until a building becomes dangerous.</p>	<p>Adopt requirements that primary and accessory structures be maintained sound and in good repair, and that exterior surfaces be maintained.</p>	<p>All structure and occupancy types</p>	<p>Continue</p>
	<p>There are no standards requiring maintenance of exterior decks, handrails and stairs in one- and two-family dwellings. This may lead to conditions that may soon deteriorate but that are not yet dangerous.</p>	<p>Adopt requirements that decks, stairs and handrails be maintained in a safe condition.</p>	<p>All structure and occupancy types</p>	<p>Continue</p>
<p><i>Exterior Lighting</i></p>	<p>There are no requirements for the maintenance of exterior lighting in areas such as parking lots or walkways in and around apartment buildings. This has generated concerns regarding personal safety and security.</p>	<p>Adopt standards for the maintenance of exterior lighting in the described circumstances.</p>	<p>Renter-occupied properties; consider including all non-owner occupied properties</p>	<p>Continue</p>
<p><i>Graffiti</i></p>	<p>There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.</p>	<p>Adopt requirements for the prompt abatement of graffiti-defaced property as an obligation of the affected property owner.</p>	<p>All public and private property of all types</p>	<p>Stop</p>
	<p>There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.</p>	<p>Consider the development of a collaborative abatement program with involvement of stakeholders, paint companies, and community volunteers.</p>	<p>All public and private property of all types</p>	<p>Continue</p>
<p><i>Fire Safety</i></p>	<p>There are no maintenance standards for door locks that are operable without keys or special knowledge from the egress side of a doorway. This may create situations in which occupants are unable to exit a building in an emergency. (Partially addressed in Interior Security section above.)</p>	<p>Adopt standards requiring door locks that are operable from the egress side without keys or special knowledge.</p>	<p>All structure and occupancy types</p>	<p>Continue</p>

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
<p><i>Fire Safety (continued)</i></p>	<p>There are no standards for the maintenance of emergency paths of travel and escape openings in one- and two-family dwellings. This may create situations in which occupants are unable to exit a building in an emergency.</p>	<p>Adopt standards requiring the maintenance of clear, unobstructed paths of travel and emergency escape openings for the purpose of safe ingress/egress.</p>	<p>All structure and occupancy types</p>	<p>Continue</p>
	<p>There are no standards for the maintenance or repair of fire-resistant surfaces (e.g., drywall) and assemblies (e.g. ceilings, walls between garages and living space). This may create hazardous situations if surfaces and assemblies are damaged and not returned to a fire-resistant state.</p>	<p>Adopt standards for the maintenance of fire-resistant surfaces and assemblies.</p>	<p>All structure and occupancy types</p>	<p>Continue</p>
<p><i>Occupancy Limits</i></p>	<p>There are no standards that specify how much space a dwelling unit must provide for eating, sleeping or living. This may lead to overcrowding of rooms, and in the overloading of dwelling units resulting in neighborhood impacts such as parking.</p>	<p>Adopt standards for minimum square footage allocation requirements to establish maximum occupancy loads in sleeping and living spaces within a dwelling unit.</p>	<p>Renter-occupied residential properties</p>	<p>Stop</p>
<p><i>General Maintenance (also discussed above)</i></p>	<p>There are no code provisions for the maintenance of structures. With no required maintenance the City is unable to address decline until the condition of a structure constitutes a dangerous building.</p>	<p>Adopt standards for the maintenance of structures to prevent decay that will constitute a dangerous building.</p>	<p>All structure and occupancy types</p>	<p>Continue within context of areas discussed earlier</p>
<p><i>Administration</i></p>	<p>There are inconsistencies between the three City codes that contain livability elements administered by the Housing and Neighborhood Services Division. This results in the application of different definitions, notices, compliance provisions, and penalties, leading to a process that is difficult for community members to understand, and that is relatively complex for City staff to administer.</p>	<p>Adopt a single code that pulls existing livability elements from the Corvallis Municipal Code, Rental Housing Code and Land Development Code; integrate additional code standards that result from the current consideration process into the resulting code document; adopt a single set of administrative provisions to guide the implementation of the resulting livability code.</p>	<p>N/A</p>	<p>Continue</p>

Administrative Civil Penalty

Determination of Penalty Amount under the Development Services Code Compliance Program

The Corvallis Municipal Code indicates that when assessing a civil penalty, consideration of the amount of penalty must include:

1. The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
2. Any prior violations of statutes, rules, orders, and permits;
3. The gravity and magnitude of the violation;
4. Whether the violation was repeated or continuous;
5. Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
6. The violator's level of cooperation and efforts to correct the violation; and
7. Any relevant rule of the building code or the City code.

CMC Section 9.01.210 indicates that a civil penalty will be no less than \$50 and no more than \$5,000 per offense, or in the case of a continuing offense, not more than \$1,000 for each day of the offense.

In order to ensure that penalties correspond appropriately with the level of violation, and in consideration of CMC Section 9.01.210, a formula will be used to determine the daily dollar amount of the civil penalty. The formula is calculated by multiplying \$10 to the amount of a BASE (E+P+C+N) by a MULTIPLIER (K+G).

Total BASE = (E+P+C+N) where:

E = Effort. The effort made by a responsible person in taking all the feasible steps or procedures necessary to correct the violation. The value of "E" shall be:

- 0: active attempt to correct the violation
- 1: minor attempt to correct the violation
- 2: little or no action to correct the violation OR violation is so severe that immediate civil penalties are required

P = Prior Occurrence. The frequency of prior violations of ordinances, rules, orders, or permits. The value of "P" is based on prior similar violations that were verified as valid, regardless of whether enforcement action was taken. The value of "P" shall be:

- 1: first violation of this code provision by responsible person
- 2: second or subsequent similar violation, but the first within the past two years
- 3: second similar violation in past two years
- 5: third or greater similar violation within the past two years

C = Cause. Whether the cause of the violation was an avoidable accident, negligence, or a reckless or intentional act. The value of "C" shall be:

- 1: unavoidable accident or caused by others

- 2: negligence
- 4: reckless or intentional

N = Natural Resources. The relationship of the violation to the protection, preservation and development of natural resources as required by local, State and Federal requirements and the number of prior similar violations, rules, orders, or permits. The value of "N" shall be:

- 0: no direct relationship between the violation and natural resources
- 5: direct relationship and first verified violation of this code provision by the responsible person
- 10: direct relationship and second or subsequent similar violation

Total MULTIPLIER = (K+G) where:

K= Knowledge Is the knowledge the responsible person had at the time of the violation about the legality of his/her action, based on prior notice, order or enforcement action, experience and expertise relating to the circumstances of the violation. The value of "K" shall be:

- 1: the responsible person was uninformed and unaware the action constituted a violation
- 3: responsible person reasonably should have known
- 10: responsible person informed through previous enforcement, permitting, licensing or other means

G = Gravity Is the gravity and magnitude of the violation. The factor is evaluated at the time the Building Safety Inspector initiates compliance efforts. The value of this factor does not decrease if, after enforcement action is initiated, the City makes efforts to reduce the gravity of the violation or the responsible person makes corrections only at the insistence of the Building Safety Inspector. The value of "G" shall be:

- 1: no immediate threat to life or property; minor potential or incurred damage
- 2: no immediate threat to life or property, but significant potential adverse consequences posed or moderate damage incurred
- 10: immediate and direct threat to life or property, or severe damage incurred

While the minimum fine amount per CMC Section 9.01.210 shall be no less than \$50, the basis multiplier will be \$10 as a starting fine amount in working through the formula. The total fine amount will be:

$$\text{Total Civil Penalty} = \$10 \times \text{BASE (E+P+C+N)} \times \text{MULTIPLIER (K+G)}$$

Day, Emely

From: Holzworth, Carla
Sent: Wednesday, February 18, 2015 10:03 AM
To: Day, Emely
Cc: Ward 9
Subject: FW: ASC meeting, Wed, Feb 18, 1pm

From: halb382@
Sent: Wednesday, February 18, 2015 5:58 AM
To: Holzworth, Carla
Subject: Fwd: ASC meeting, Wed, Feb 18, 1pm

to include in record for meeting

From: "LoErna Simpson"
To: "Penny York", "Barb Bull", "Hal Brauner", >, joelhirsch@ "Ceasefire Oregon", "LoErna Simpson"
Sent: Tuesday, February 17, 2015 10:06:14 PM
Subject: Fwd: ASC meeting, Wed, Feb 18, 1pm

Greetings, Barb, Hal, Joel, Jon, Nancy, CeasefireOregon,

I'm LoErna Simpson, a Corvallis citizen of 25+ years, and have attended the Corvallis Committee meetings regarding most of the meetings regarding guns and open carry. I was hoping to attend tomorrow's ASC meeting, Feb 18, 1pm. However I've gotten one of the 'mean' flu bugs that wasn't in the flu vaccine... my Dr. told me everyone that gets the flu has it for 2 weeks.. and she wasn't joking. I'm near two weeks, but still not feeling good. So I am writing to you by email, and I hope my comments will be read and considered.

I definitely prefer the City Council Policy-Community Safety, Policy 5.03, over the Resolution.

However, I was very interested in Penny York's comments regarding the Council Policy 92-5.04, Hate/Bias Violence which she felt was a better model for the draft. I am asking you, the ASC to study that possibility and write a Draft using the framework of CP 92-504 so that we could evaluation which of these Council Policy frameworks seems to work best.

Because we are in no rush, it would be helpful to at least study and compare the statements.

Hopefully, copies of the Hate/Bias Violence will be available for people at tomorrow's

meeting, so people could discuss this.

I look forward to hearing the outcome, hoping to make certain that we using the best language. I'm very disappointed to miss the meeting. I would appreciate having a copy the Hate/Bias Violence framework, if possible.

LoErna Simpson

Corvallis, OR 97330

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----- Forwarded message -----

From: <york.penny58

Date: Mon, Feb 16, 2015 at 3:05 PM

Subject: ASC meeting

To: Barb Bull , Hal Brauner , Joel Hirsch

Cc: "ceasefireoregon@ <ceasefireoregon@, "Sassaman, Jon"
<jon.sassaman@corvallisoregon.gov>, "Brewer, Nancy" <nancy.brewer@corvallisoregon.gov>

Barb, Hal and Joel,

I reviewed the staff report and draft resolution and policy related to open carry. I was disappointed that Council Policy 92-5.04 "Hate/Bias Violence" had not been used as a model for the draft policy. The existing policy is stronger and more to the point concerning our City's position about violence and threatening behavior. It would be relatively easy to use that language about violence in a new policy and state that it is extended to all, not just those of protected classes. If there is a desire to restate our support for people's constitutional rights, we might want to consider adding a statement to that effect to this and other policies, as appropriate. Please provide copies of the Hate/Bias Violence policy at your meeting so that councilors can review the language.

I also want to comment about the new policy form. While I generally like it, I wonder about using the term "guidelines". It seems more like a suggestion than a direction. CP 92-5.04 states "This policy directs City Staff to investigate incidents of hate/bias violence within the framework of existing criminal law." If this sentence were under the category "guidelines" would it be weakened?

Thanks for your consideration,

Penny York

Sent from Windows Mail

CITY OF CORVALLIS
COUNCIL POLICY MANUAL

POLICY AREA 5 - COMMUNITY SAFETY

CP 92-5.04 **Hate/Bias Violence**

<u>Adopted</u>	<u>December 7, 1992</u>
Affirmed	1993/1994
Affirmed	October 16, 1995
Revised	October 6, 1997
Affirmed	December 7, 1998
Revised	October 18, 1999
Affirmed	April 16, 2001
Revised	November 3, 2003
Revised	October 17, 2005
Revised	December 3, 2007
Affirmed	November 2, 2009
Affirmed	December 19, 2011
Revised	July 7, 2014

5.04.010 **Purpose**

To establish a policy regarding hate/bias violence in the City of Corvallis.

5.04.020 **Policy**

5.04.021 Verbal threats and insults based on the recipient's age, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious observance, sex, sexual orientation, and source or level of income are not acceptable in the City of Corvallis.

5.04.022 All physical violence or threatening behavior, including, but not limited to, the intent to cause inconvenience, annoyance, or alarm, or recklessly creating a risk thereof based upon the recipient's age, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious

Council Policy 92-5.04

observance, sex, sexual orientation, and source or level of income is not acceptable in the City of Corvallis.

5.04.023 Property damage or the threat of property damage based on the recipient's age, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious observance, sex, sexual orientation, and source or level of income is not acceptable in the City of Corvallis.

5.04.030 Goals of the Hate/Bias Violence Policy

5.04.031 That Corvallis City staff and elected Officials encourage, pursue, and preserve an environment that is harmonious, respectful, and fair in its treatment of all Corvallis residents, regardless of age, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious observance, sex, sexual orientation, and source or level of income.

5.04.032 That the City of Corvallis work toward tolerance of diversity in our pluralistic society with the goal of equal rights for all Corvallis residents, regardless of age, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious observance, sex, sexual orientation, and source or level of income.

5.04.040 Actions to Implement the Hate/Bias Violence Policy and Goals

5.04.041 This Policy directs City staff to investigate incidents of hate/bias violence within the framework of existing criminal law.

5.04.042 The Corvallis Police Department will work with community organizations representing Corvallis' diversity (e.g., National Association for the Advancement of Colored People, Commission for Martin Luther King Jr., and Casa Latinos Unidos de Benton County) to advise the Department on diversity issues, including diversity training of Department staff.

5.04.043 An ongoing training program for all Corvallis Police Officers involved in patrol and investigation of hate/bias violence shall be established and funded.

5.04.044 The goals of this officer training are to:

- a. Enhance sensitivity to cultural diversity and individual differences.
- b. Recognize that hate and bias are not acceptable in Corvallis.

Council Policy 92-5.04

- c. Document sufficient facts for prosecution.

5.04.050 Review and Update

The Police Chief will prepare the Council Policy review every two years for Council approval.