

**HUMAN SERVICES COMMITTEE  
MINUTES  
November 17, 2015**

Present

Councilor Frank Hann, Chair  
Councilor Mike Beilstein  
Councilor Bill Glassmire

Staff

Mark Shepard, City Manager  
Karen Emery, Parks and Recreation  
Director  
Carolyn Rawles, Library Director  
Sharon Bogdanovic, Senior Center  
Supervisor  
Emely Day, City Manager's Office

**SUMMARY OF DISCUSSION**

	Agenda Item	Recommendations
	<i>Chair to call for corrections, if any, to November 17, 2015, HSC Minutes</i>	
	Call to Order	1:00 pm
I.	Council Policy Review and Recommendation: 4.06, "Library Displays, Exhibits, and Bulletin Boards"	Affirm Policy
II.	Municipal Code Review: Chapter 5.01, "City Park Regulations" (Alcoholic Beverages in Parks)	<ul style="list-style-type: none"> <li>• Amend Corvallis Municipal Code Section 5.01.110, "Alcoholic Beverages in Parks," <b>by means of an ordinance to be read by the City Attorney</b></li> <li>• Staff to submit to the Council a report regarding amending Corvallis Municipal Code Section 5.01.110.020, 5.01.110.030, and 5.01.110.040 concerning alcoholic beverages in City parks or facilities</li> </ul>
III.	Council Policy Review and Recommendation: 4.03, "Senior Citizens' Center Operational Policies"	Amend Policy as suggested by staff and the Committee
IV.	Council Policy Review and Recommendation: 4.04, "Park Utility Donations"	Amend Policy as suggested by staff
V.	Other Business A. December meetings canceled B. December Council work session topics	Information
	Adjournment	1:52 pm
	Next Meeting	January 5, 2016 – 2:00 pm

**CONTENT OF DISCUSSION**

I. Council Policy Review and Recommendation: 4.06, "Library Displays, Exhibits, and Bulletin Boards"

Library Director Rawles reported that the Policy had been in effect for many years and guided displays and postings in the Library, in accordance with the United States Constitution First Amendment and restrictions regarding time, place, and manner. The

Library Advisory Board reviewed the Policy and did not recommend amendments. Staff inserted the Policy into the new Council Policy format.

Councilor Beilstein inquired whether the City had ever refused use of Library space or received a complaint regarding use of display space.

Ms. Rawles acknowledged a complaint several years ago about a magazine published in Eugene that was available in the area designated for free literature. An election violation was asserted several years ago by someone who believed Library staff removed his postings; the City's response was supported by the Oregon Secretary of State's Office because anyone could remove any posting from the bulletin boards. During the same election period, the City posted a diagram of the proposed Riverfront Commemorative Park design; ballot measure opponents believed their proposed design diagram should also be displayed. The Policy allowed staff to restrict displays to specific areas. There were no complaints or objections in recent years.

Based upon a motion moved and seconded by Councilors Glassmire and Beilstein, respectively, the Committee unanimously recommends that Council affirm Council Policy 4.06, "Library Displays, Exhibits, and Bulletin Boards."

II. Municipal Code Review: Chapter 5.01, "City Park Regulations" (Alcoholic Beverages in Parks)

Parks and Recreation Directory Emery explained that the issue before the Committee was separated into two actions:

1. *Specify Parks for Alcohol Consumption*

The City had a process by which people could consume alcohol in parks not designated for alcohol consumption. Therefore, designating parks for allowed alcohol consumption was inefficient. The Parks, Natural Areas, and Recreation Advisory Board (PNARAB) suggested not designating parks for alcohol consumption.

Ms. Emery confirmed for Councilor Beilstein that someone consuming alcohol during an informal picnic in a City park would be subject to the City's law concerning open containers of alcohol. She advised Councilor Glassmire that she was not aware of any alcohol-related problems in the City's parks.

Councilor Beilstein surmised that alcohol-related problems in City parks were primarily related to people who went to parks to drink, smoke, and pursue other activities not allowed in the City's parks. Ms. Emery said Police Officers enforced laws related to open-containers of alcohol in City parks. She was not aware of any problems involving a casual picnic that included alcohol consumption. Parks and

Recreation Department staff processed requests for permits allowing alcohol consumption in City parks for specific events.

Ms. Emery confirmed for Chair Hann that the City did not have jurisdiction over property owned by Corvallis School District 509J (509J). The City and 509J did not have cooperative parks but did have a cooperative agreement regarding Wildcat Park playground at Wilson Elementary School. Wildcat Park playground was on property owned and managed by 509J. Through a cooperative agreement with 509J, the City provided a porta potty and collected garbage at the Park during summer months. When the Park was developed, the neighborhood did not have a City-owned park; following recent development of Coronado Park, City staff asked 509J whether a cooperative agreement was still needed for Wildcat Park. The City managed Garfield Park, which was on property owned by 509J (Garfield Elementary School), similar to the tennis courts at Lincoln Elementary School, the pickleball courts behind 509J's administrative offices, and the tennis courts at Linus Pauling Middle School. She confirmed that Osborn Aquatic Center (OAC) was operated by the City but was sited on 509J property.

In response to Chair Hann's inquiry, Ms. Emery said alcohol would not be allowed in conjunction with a swimming event at OAC. She offered to research the City's policy and procedure, should someone renting an OAC room want to provide alcohol to event attendees.

Based upon a motion moved and seconded by Councilors Glassmire and Beilstein, respectively, the Committee unanimously recommends that Council amend Corvallis Municipal Code Section 5.01.110, "Alcoholic Beverages in Parks," **by means of an ordinance to be read by the City Attorney.**

2. Requirement of Liability Insurance

Ms. Emery reported that the PNARAB discussed whether the City should require liability insurance from people who requested permits for alcohol consumption, but not sale, in a City park. The PNARAB recommended including a waiver in the permit system and providing information regarding liability insurance and how it could be obtained but not requiring liability insurance. The PNARAB was concerned that requiring liability insurance would increase the cost of renting park space and that park rental revenue could decrease due to groups not renting park space because of a liability insurance requirement. After consulting with the City Attorney's Office (CAO) and City Risk Manager Krieg, staff recommended requiring liability insurance from everyone seeking a permit to consume alcohol in a City park.

Councilor Glassmire noted that the PNARAB supported including a waiver with the alcohol permit but did not support requiring liability insurance for alcohol use.

Ms. Emery clarified that the City required liability insurance from anyone selling alcohol within City parks, which affected approximately eight to ten events each year; that requirement would not change in response to action related to the issue before the Committee. The PNARAB suggested that the permit process include a waiver and that staff advise permit applicants about liability insurance; the CAO said a waiver would be helpful but would not guarantee the City was not held liable. The CAO and Mr. Krieg recommended requiring liability insurance regarding alcohol.

Chair Hann said community members indicated that providing liability insurance would create a financial barrier to smaller groups that met regularly in City parks.

Ms. Emery noted that her report to the Committee included some information related to potential financial impacts of \$7,000, if 25 percent of current, regular park users discontinued renting park space and seeking alcohol permits for City parks because of a requirement to provide liability insurance.

Councilor Beilstein said he was more concerned that requiring liability insurance would make City facilities unavailable to community members. Otherwise, he would support the suggested Policy amendments.

City Manager Shepard noted that the Committee was considering an issue which required balancing a potential, yet unknown, financial impact on the Parks and Recreation Department budget and the possibility that people would consider the parks unavailable for their events because of increased financial obligations. The City's current tort claim liability was \$1.4 million, creating significant exposure for the City in case of an incident. He said private venues may factor their liability costs into their rental fees. The City would ask park users who wanted to serve alcohol to provide liability insurance, thereby reducing the City's risk.

In response to Councilor Glassmire's inquiry, Ms. Emery said she was not aware of any alcohol-related problems in City parks. However, if someone was arrested for Driving Under the Influence of Intoxicants after leaving a City park, police officers may or may not know that the individual had been at a City park. She confirmed for Councilor Beilstein that, to her knowledge, no one had sued the City for an alcohol-related accident after an event held in a park.

Councilor Glassmire said he was not worried about a possible reduction in City revenue; however, he was concerned about negative public relations and people implying that the City was unnecessarily charging for something to get revenue.

Ms. Emery clarified that the City would facilitate a requirement for park users to provide liability insurance. City staff would inform park users who wanted to serve alcohol that they must provide liability insurance through a private insurer.

Councilor Glassmire said a constituent indicated to him that the proposed liability insurance requirement would make park rental too expensive for some groups. He was concerned about public perception and that community members would allege, through the sustainable budget process, that the City was asking residents and taxpayers for money for multiple reasons.

Ms. Emery acknowledged that a requirement of liability insurance could double the cost of renting a park facility. She explained for Councilor Glassmire that Mr. Krieg spoke with the City's risk insurance vendor to obtain cost information; the size of a group using a park facility would affect the cost of liability insurance. Staff investigated whether Portland required liability insurance, how the city facilitated the insurance requirement, whether the insurance information was available in multiple languages, and how the requirement was implemented. The insurance cost would be an issue between the insurance vendor and the park user. The City could facilitate the requirement by providing access to information. Portland required insurance and provided a link to at least one vendor from the city's Web site. She expressed concern that the City of Corvallis provide information in multiple languages.

Chair Hann expressed concern that loss of park users because of a requirement for liability insurance could impact park access for a segment of the local community, creating an inequity. He asked whether an insurance rider on the City's policy would reduce the cost for park users.

Ms. Emery responded that, upon investigation, staff was told that an insurance policy rider was not a possible option.

Councilor Beilstein noted that the City had not been sued for alcohol-related incidents, and the Committee was considering liability insurance on the chance that an incident might occur. The recommended waiver would provide the City some protection. He questioned whether requiring liability insurance was warranted, with the risk of alienating a few potential park users who could not afford the insurance.

Chair Hann reviewed that the Committee could forward a recommendation to the Council or forward the issue to the Council without a recommendation.

Mr. Shepard suggested that the Committee could direct staff to submit a report directly to the Council separate from the Committee's report.

Chair Hann noted the complexity of the issue. While no one wanted the City sued for activities related to parks, the City wanted people to enjoy using parks with or without alcohol consumption. He acknowledged that a segment of the community would be unable to afford liability insurance, creating an inequity.

Ms. Emery confirmed that requiring liability insurance would necessitate an administrative process to ensure compliance.

In response to Councilor Glassmire's inquiry, Ms. Emery said many tailgate parties related to Oregon State University (OSU) home football games were held on private property or public rights-of-way. Councilor Beilstein said the open-container law might be waived on OSU's property.

Councilor Beilstein said he was reluctant to refer the issue to the Council without a recommendation. Any action on the issue could have negative consequences. He did not want to alienate people or prevent them from using parks as they desired. However, he did not want the City's risk increased. He was inclined to support staff's recommendation, but he questioned whether the City was being too cautious in trying to avoid risks.

Councilor Glassmire acknowledged that the City would not receive revenue from liability insurance purchases, but the City would benefit from a reduced risk. To mitigate public relations concerns, he suggested that the City could pay one-half of the cost of insurance.

Chair Hann responded that the City paying a portion of the insurance cost could indicate that the City was a party to the park use.

Acknowledging Councilor Glassmire's motivation, Mr. Shepard added that taxpayers who did not consume alcohol in parks might object to their tax payments being used to pay for an activity in which the taxpayer did not participate.

In response to Chair Hann's suggestion, Mr. Shepard said the Committee could forward to the Council an endorsement of staff's recommendation with a request that the process be reviewed in one year. He cautioned the Committee against requiring annual reviews of all Council decisions. A one-time review one year after adoption of a procedural change was reasonable.

Councilor Beilstein said he would not be comfortable with a one-year review of the process, as it would only review data staff collected regarding applications for alcohol-use permits and whether issues occurred. When people learned they needed to provide insurance, they may not submit an application. He questioned what information would be provided, whether it would be relevant, and how it might impact the permit process. He would support staff submitting a report to the Council for consideration without a recommendation from the Committee.

Councilor Glassmire also supported staff submitting a report to the Council without a recommendation from the Committee. He believed the Council should consider a requirement that could be construed as the City imposing another fee, particularly if the City then submitted to voters another bond or levy ballot measure.

Based upon a motion moved and seconded by Councilors Glassmire and Beilstein, respective, the Committee unanimously recommends that staff submit to the Council a report regarding amending Corvallis Municipal Code Section 5.01.110.020, 5.01.110.030, and 5.01.110.040 concerning alcoholic beverages in City parks or facilities. *[A revised ordinance is Attachment A to these minutes.]*

Councilor Glassmire noted that the Committee supported staff's recommendation of requiring a permit and waiver for alcohol use in City parks but was unsure about the proposed new requirement for liability insurance.

III. Council Policy Review and Recommendation: 4.03, "Senior Citizens' Center Operational Policies"

Senior Center Supervisor Bogdanovic said staff suggested some minor Policy amendments. The Senior Citizen Foundation had been the Center's primary supportive non-profit agency but was disbanding and transferring its funds to Friends of Corvallis Parks and Recreation. Staff suggested including reference to the Center's behavior expectations.

Councilor Glassmire suggested two minor edits, including deleting from the Goals section the statement "Organizations who store items at the Senior Center will clearly mark and identify them," as the requirement was indicated in the Guidelines section under the heading, "Contributions."

Based upon a motion moved and seconded by Councilors Glassmire and Beilstein, respectively, the Committee unanimously recommends that Council amend Council Policy 4.03, "Senior Citizens' Center Operational Policies," as suggested by staff and the Committee.

IV. Council Policy Review and Recommendation: 4.04, "Park Utility Donations"

Ms. Emery explained that, via City utility service billings, people could donate funds toward park improvements and support the Youth Park Corps. The donations typically provided \$3,000 in annual support to the Corps. Staff suggested minor Policy amendments.

In response to Chair Hann's inquiry, Ms. Emery said the Corps budget allocation was reduced by 50 percent. Donations helped sustain the program but did not allow expanding the program to its previous level. Staff was unable to obtain grant funding from Benton County Foundation during the past few years, necessitating reductions in the Corps program.

Councilor Beilstein said the Corps donation rate was initially set at \$2, which may still be the standard donation amount. If donations totaled \$3,000 per year from \$2 monthly donations, only 125 utility payers contributed to the Corps program. With the increase in

electronic billing and payments, fewer people may be aware of the donation option. He suggested that the City take action to increase awareness of the option to financially support the Corps.

Ms. Emery offered to work with Finance Department staff to generate more support for the Corps program, via billings and newsletters. Chair Hann suggested including the public-access television stations in the marketing efforts. Councilor Beilstein noted that three donation options were available via the City's utility bills: the Corps, the Library, and social services (to help pay utility bills for low-income households).

Ms. Emery explained for Councilor Glassmire that the Corps performed park-improvement projects.

Based upon a motion moved and seconded by Councilors Beilstein and Glassmire, respectively, the Committee unanimously recommends that Council amend Council Policy 4.04, "Park Utility Donations," as suggested by staff.

V. Other Business

- A. Human Services Committee meetings scheduled for December were canceled.
- B. The Council would conduct a work session December 3 to discuss the economic development goal and homelessness.

ORDINANCE 2015-\_\_

**AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGES IN PARKS, AMENDING MUNICIPAL CODE CHAPTER 5.01.110, "ALCOHOLIC BEVERAGES IN PARKS," AS AMENDED**

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Section 5.01.110 is hereby amended as follows:

**Section 5.01.110, Alcoholic Beverages in Parks.**

**5.01.110.010**

1) ~~Notwithstanding the provisions of Section 5.03.040.010.05, alcoholic beverages may be consumed by persons in the following parks or facilities:~~

- ~~a) Those areas in Avery Park known as Thompson Kitchen, Fireside Shelter, Lions Kitchen, and Maple Grove;~~
- ~~b) The Barn in Dr. Martin Luther King, Jr. Park;~~
- ~~c) The Senior Citizens Center;~~
- ~~d) The Picnic Shelter in Willamette Park;~~
- ~~e) The Corl House.~~

2) ~~No alcohol shall be consumed after 10 pm in any of the above parks or facilities.~~

- ~~The Parks and Recreation Director is hereby directed to develop rules and regulations relating to the consumption of alcoholic beverages in the above parks and facilities.~~
- ~~(Ord. 2006-01 § 2, 01/03/2006; Ord. 96-15 § 1, 1996)~~

**5.01.110.0120**

1) Notwithstanding any other provision of the Municipal Code, the City Manager **or his/her designee**, is authorized to issue permits allowing the sale, **consumption** or serving, ~~or both~~, of alcoholic beverages in any park **and/or facility**.

2) The City Manager **or his/her designee**, may issue a permit only if the applicant for a permit provides assurances satisfactory to the City Manager **or his/her designee** that:

- a) The applicant will obtain all necessary permits and licenses for selling or serving alcohol. This obligation shall include, but is not limited to, a requirement that the applicant must execute an Alcohol Agreement with the Parks and Recreation Department. The Alcohol Agreement shall specify that minors are not to be served alcoholic beverages.
- b) The applicant will hold the City of Corvallis, its officers, agents, and employees harmless and indemnify them against any costs or liabilities resulting from the sale, **consumption** or serving of alcoholic beverages in ~~the a park~~ **or facility**. In addition, an applicant seeking a permit to sell alcoholic beverages in ~~the a park~~ **or facility** must obtain a liquor liability insurance policy, in an amount at least equal to the liability limits of the Oregon Tort Claims Act as in effect at the time of the application, naming the City of Corvallis as a co-insured.

- ~~e) A large number of underage persons will not be in attendance at the event. The City Manager may make an exception to this requirement for family activities such as wedding receptions.~~
  - ~~ed) The event is not for the express purpose of serving alcohol.~~
  - ~~ed) Food and non-alcoholic beverages will also be available at the event.~~
  - ~~f) The City Council has approved a similar event.~~
  - ~~ge) If the event is advertised, the primary focus of the advertising will be on the activities offered and not on the sale or consumption of alcoholic beverages. There will be no advertising by distributors; however, acknowledgement of event sponsors shall be allowed.~~
- 3) The City Manager **or his/her designee** may reject an application for a permit under this section if he or she determines that the applicant is not able to control or assume full responsibility for the planned activity. In making this determination, the City Manager **or his/her designee** may consider the applicant's past history; the type of event planned; the security to be provided by the applicant; who has ultimate responsibility for the event; and any other factors deemed relevant.
  - 4) The City Manager may, in his or her discretion, refer any application for a permit directly to the City Council for action. No appeal shall be permitted from the City Council decision.  
(Ord. 95-34 § 1, 1995)

**5.01.110.0230**

Notice of the City Manager's **or his/her designee**, decision to approve or deny a permit application **shall be provided to the applicant.** ~~mailed to the applicant, and shall also be posted at City Hall and at the Parks and Recreation main office.~~ Any person aggrieved by the decision may appeal the decision to the City Council by filing an appeal within 10 days of the date the notice is **received** ~~posted.~~ If possible, the appeal shall be heard and determined at the next Council meeting after it is filed.

~~**5.01.110.040**~~

~~The City Manager shall keep the City Council advised of all permit applications approved or denied through the City Manager's report.~~

~~(Ord. 96-15 § 1, 1996; Ord. 95-34 § 1, 1995; Ord. 93-18 § 1, 07/19/93; Ord. 85-44, 1985; Ord. 84-70 § 2, 1984; Ord. 84-31 § 2, 1984)~~

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

EFFECTIVE this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

TO: Human Services Committee for November 17, 2015  
FROM: Karen Emery, Parks and Recreation Director *KE*  
DATE: October 30, 2015  
THROUGH: Mark W. Shepard, P.E., City Manager *MWS*  
SUBJECT: Municipal Code Alcohol Beverages in Parks or Facilities  
Section 5.01.110.010



Action Requested:

Staff recommends Human Services Committee (HSC) recommend City Council adopt the attached Ordinance which will amend Municipal Code Section 5.01.110.010 to discontinue designating specific parks and facilities for alcohol consumption.

Discussion:

Staff discussed this Municipal Code section with the Parks, Natural Areas and Recreation Advisory Board (PNARAB) at their October 15, 2015 meeting. Section 2.5.01.110.010 designates in which parks and facilities alcohol can be consumed. In addition to designated parks, the City has historically allowed consumption of alcohol in non-designated parks and facilities through a review and permitting process. Because alcohol can be permitted in non-designated parks and facilities, having designated parks and facilities is no longer serving a useful purpose.

PNARAB discussed the policy and moved to recommend to City Council to discontinue designating specific parks and facilities for alcohol consumption.

A permit system would remain in place and approval or disapproval would be at the Department Director level. The Department Director would continue utilizing the rules and regulations currently in place.

Budget Impact:

There is no budget impact.

TO: Human Services Committee for November 17, 2015  
FROM: Karen Emery, Parks and Recreation Department Director  
DATE: October 30, 2015  
THROUGH: Mark W. Shepard, P.E., City Manager  
SUBJECT: Municipal Code Alcohol Beverages in Parks or Facilities  
5.01.110.020, 5.01.110.030, and 5.01.110.040

DAE



Action Requested:

Staff recommends Human Services Committee (HSC) recommend City Council adopt the attached Ordinance which will amend Municipal Code Section 5.01.110.020, 5.01.110.030, and 5.01.110.040.

Discussion:

5.01.110.020

This section pertains to permitting alcohol consumption and requiring liquor liability insurance for events that are selling or serving alcohol.

Staff discussed this Municipal Code section with PNARAB at their October 15, 2015 meeting. PNARAB agreed that those who are selling or serving alcohol should continue to provide liquor liability insurance. They discussed whether the City should require general liability insurance of all renters who have a permit to consume alcohol. Liquor liability is included in general liability insurance if alcohol is not being sold. Members inquired if staff has had any complaints, law suits, or issues in the past. They discussed the increased cost to the renter and that this additional cost might cause some users from renting facilities in the future. The additional cost could range between \$75-\$150 per event.

PNARAB advised Parks and Recreation staff to include an alcohol liability waiver as part of the permit. Additionally, they recommended that staff provide information regarding liability insurance at the time of issuing permits as an option to purchase.

After consulting with the City Attorney and City Risk Manager, staff recommend that the City require general liability insurance for people requesting a permit to consume alcohol, but are not selling alcohol. For those renters who are selling alcohol, liquor liability insurance in an amount at least equal to the liability limits of the Oregon Tort Claims Act, naming City as co-insured, would continue to be required. Additionally, the City Attorney concurred that the City should develop a waiver in addition to the insurance requirement.

In summary, the changes to Municipal Code 5.01.110.020 are:

1. Minor housekeeping changes, including renumbering of Sections;
2. Require general liability insurance of all renters consuming alcohol; and
3. Remove language referencing *a large number of underage persons will not be in attendance at the event*. The language is ambiguous and difficult to enforce.

5.01.110.030

1. Included minor housekeeping changes

5.01.110.040

1. Removed.

Budget Impact:

The City currently requires liquor insurance for renters who serve or sell alcohol. There are generally 8 to 10 permits issued annually. Examples include the Environmental Center's summer concerts, Fall Festival, Red, White and Blues Festival, and the Corvallis Imagination, Music and Arts Faire.

If City Council changes the municipal code to require liquor insurance of all renters who have alcohol at their rental, there may be a reduction in renters due to the added cost of insurance. It's difficult to project a budget impact as we don't know how many renters will no longer rent City facilities. The impact would be to the Parks and Recreation General Fund budget.

FY 14-15 there were 297 renters who had an alcohol permit, 8 of which were required to provide insurance. The majority of the renters rent for one 4 hour block, split fairly evenly between 1-5pm and 6-10pm. Examples of types of events include church services, weddings, family reunions, Oregon State University department events, and retirement parties.

The rental revenue of the 289 renters who were not required to have liquor insurance was approximately \$24,995 and \$3,500 for the permit fee. The projected budget impact if all renters discontinued is \$28,500, if 50% discontinued \$14,250 and if 25% discontinued \$7,125. The cost of liquor insurance for these types of one day events is approximately \$75 to \$150 depending on the size of event. In summary, an event currently costs \$77 and with the insurance cost would be approximately \$152 to \$227. The alcohol permit fee is an additional \$12.

ORDINANCE 2015-\_\_

**AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGES IN PARKS, AMENDING MUNICIPAL CODE SECTION 5.01.110, "ALCOHOLIC BEVERAGES IN PARKS," AS AMENDED**

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Section 5.01.110 is hereby amended as follows:

**Section 5.01.110, Alcoholic Beverages in Parks.**

**5.01.110.010**

1) ~~Notwithstanding the provisions of Section 5.03.040.010.05, alcoholic beverages may be consumed by persons in the following parks or facilities:~~

- a) ~~Those areas in Avery Park known as Thompson Kitchen, Fireside Shelter, Lions Kitchen, and Maple Grove;~~
- b) ~~The Barn in Dr. Martin Luther King, Jr. Park;~~
- c) ~~The Senior Citizens Center;~~
- d) ~~The Picnic Shelter in Willamette Park;~~
- e) ~~The Corl House.~~

2) ~~No alcohol shall be consumed after 10 pm in any of the above parks or facilities.~~

~~The Parks and Recreation Director is hereby directed to develop rules and regulations relating to the consumption of alcoholic beverages in the above parks and facilities.~~

~~(Ord. 2015-\_\_ § 1, 2015; Ord. 2006-01 § 2, 01/03/2006; Ord. 96-15 § 1, 1996)~~

**5.01.110.0120**

1) Notwithstanding any other provision of the Municipal Code, the City Manager **or his/her designee**, is authorized to issue permits allowing the sale, **consumption** or serving, ~~or both~~, of alcoholic beverages in any park **and/or facility**.

2) The City Manager **or his/her designee**, may issue a permit only if the applicant for a permit provides assurances satisfactory to the City Manager **or his/her designee** that:

- a) The applicant will obtain all necessary permits and licenses for selling or serving alcohol. This obligation shall include, but is not limited to, a requirement that the applicant must execute an Alcohol Agreement with the Parks and Recreation Department. The Alcohol Agreement shall specify that minors are not to be served alcoholic beverages.
- b) The applicant will hold the City of Corvallis, its officers, agents, and employees harmless and indemnify them against any costs or liabilities resulting from the sale, **consumption** or serving of alcoholic beverages in ~~the a park~~ **or facility**. In addition, an applicant seeking a permit to sell alcoholic beverages in ~~the a park~~ **or facility** must obtain a liquor liability insurance policy, in an amount at least equal to the liability limits of the Oregon Tort Claims Act as in effect at the time of

the application, naming the City of Corvallis as a co-insured. **An applicant seeking a permit to have alcoholic beverages in a park or facility must obtain general liability insurance.**

~~e) A large number of underage persons will not be in attendance at the event. The City Manager may make an exception to this requirement for family activities such as wedding receptions.~~

~~dc) The event is not for the express purpose of serving alcohol.~~

~~ed) Food and non-alcoholic beverages will also be available at the event.~~

~~f) The City Council has approved a similar event.~~

~~ge) If the event is advertised, the primary focus of the advertising will be on the activities offered and not on the sale or consumption of alcoholic beverages. There will be no advertising by distributors; however, acknowledgement of event sponsors shall be allowed.~~

3) The City Manager **or his/her designee** may reject an application for a permit under this section if he or she determines that the applicant is not able to control or assume full responsibility for the planned activity. In making this determination, the City Manager **or his/her designee** may consider the applicant's past history; the type of event planned; the security to be provided by the applicant; who has ultimate responsibility for the event; and any other factors deemed relevant.

4) The City Manager may, in his or her discretion, refer any application for a permit directly to the City Council for action. No appeal shall be permitted from the City Council decision.

(Ord. 2015-\_\_ § 2, 2015; Ord. 95-34 § 1, 1995)

**5.01.110.0230**

Notice of the City Manager's **or his/her designee**, decision to approve or deny a permit application **shall be provided to the applicant.** ~~mailed to the applicant, and shall also be posted at City Hall and at the Parks and Recreation main office.~~ Any person aggrieved by the decision may appeal the decision to the City Council by filing an appeal within 10 days of the date the notice is **received posted**. If possible, the appeal shall be heard and determined at the next Council meeting after it is filed.

(Ord. 2015-\_\_ § 3, 2015)

**5.01.110.040**

~~The City Manager shall keep the City Council advised of all permit applications approved or denied through the City Manager's report.~~

(Ord. 2015-\_\_ § 4, 2015; Ord. 96-15 § 1, 1996; Ord. 95-34 § 1, 1995; Ord. 93-18 § 1, 07/19/93; Ord. 85-44, 1985; Ord. 84-70 § 2, 1984; Ord. 84-31 § 2, 1984)

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

EFFECTIVE this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

TO: Human Services Committee for November 17, 2015 meeting  
FROM: Carolyn Rawles, Library Director  
DATE: November 5, 2015  
THROUGH: Mark W. Shepard, P.E., City Manager  
SUBJECT: Council Policy #4.06 Review, Library Displays, Exhibits and Bulletin Boards



Action Requested:

Staff recommends Council approve this policy update.

Discussion:

There are no changes recommended in the policy itself. The only changes are reformatting to fit the new policy template and numbering system.

The Library Board reviewed this policy at their November 4, 2015 meeting and recommended no changes except for reformatting. The policy has worked well for governing displays and postings at the Library.

Budget Impact:

None.



**City of Corvallis**

City Council Policy – Leisure and Cultural Activities

Policy # 4.06

**Library Displays, Exhibits, and Bulletin Boards**



**Policy:** Community bulletin boards and exhibit spaces shall be available to all persons and groups, for any purpose consistent with the laws of the State of Oregon, ordinances of the City of Corvallis, and the Library's Code of Conduct. The Corvallis-Benton County Public Library makes its display areas and bulletin boards available to the public, but neither approves nor disapproves of any viewpoint expressed by the users of the display areas or bulletin boards. The Library does not endorse any goods or services; makes no representation as to the accuracy of information; and assumes no liability for the accuracy, quality, or safety of any viewpoint, goods, or services which may be the subject of postings or displays.

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**Purpose:** To establish a policy governing Library displays, exhibits, and bulletin boards.

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**Scope:** This Policy shall apply to all users at the Corvallis-Benton County Public Library except the Library, Friends of the Library, and the Library Foundation.

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**Goals:** The Corvallis-Benton County Public Library provides the community temporary space for displays, exhibits, and bulletin boards to further the Library's mission.

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- Guidelines:**
- a. The Library reserves the right to refuse to post and the right to remove announcements, posters, displays, or exhibits which, in its judgment, do not meet the above criteria.
  - b. The Library reserves the right to establish certain bulletin boards and display areas for certain purposes. The Library may restrict the purpose of certain bulletin boards and display areas and reserves the right to remove and dispose of postings or displays from any given bulletin board or display if the posting or display is not consistent with the purpose of that bulletin board or display area.
  - c. Acceptance of material for display does not imply approval or disapproval by the Library of the ideas or opinions expressed. The Library does not assume responsibility or liability for materials exhibited in Library facilities. The Library will post signs with a disclaimer stating that the Library does not endorse any goods or services, makes no representation as to the accuracy of information, and assumes no liability for the quality or safety of any goods or services which may be the subject of postings or displays.
  - d. Only the Library's established display systems, such as display cases, display area shelving, bulletin boards, and wall hanging systems, may be used for materials on display. Nothing may be attached to the Library's walls,

Council Policy # 4.06

windows, doors, acoustical, panels or other places using tape, pins, staples, or other materials.

- e. All displays, exhibits, and bulletin board postings shall be temporary. Each library display area subject to reservation may be booked no more than six months in advance and may be reserved once each January-June and July-December. All bulletin board postings shall be dated. The Library reserves the right to establish reasonable time limits of no more than 30 days for any announcement, poster, display, or exhibit and to remove postings because of time and space considerations.

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**Definitions:**

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**Review/Update:**

The Library Director will prepare this Council Policy for review every three years for Council approval.

Rev #	Name	Change Date	Character of Change
0		02-18-1992	Adopted
1		07-19-1993	Amended
2		04-07-1997	Amended
3		12-18-2000	Amended
4		11-03-2003	Amended
5		11-20-2006	Amended
6		12-07-2009	Amended
7		11-19-2012	Amended
8	***	**-*-2015	***

TO: Human Services Committee for November 17, 2015  
FROM: Karen Emery, Parks and Recreation Department Director  
DATE: October 19, 2015  
THROUGH: Mark W. Shepard, P.E., City Manager *WWS*  
SUBJECT: Review of Council Policy 4.03 Senior Citizens' Center  
Operational Policies

*EO*



Action Requested:

Staff recommends Council amend City Council Policy 4.03 Senior Citizens' Center Operational Policies as submitted.

Discussion:

The majority of the changes in the Policy are housekeeping in nature. They include updating current terms, improving clarity to the Policy and referencing the patron behavior expectations.

Patron behavior expectations are a guideline referenced in City Council Policy 4.16 Code of Conduct for Patrons at Parks and Recreation Facilities. Policy section 4.16.030, 14. states that the City Manager may develop patron behavior expectations for the following Parks and Recreation Facilities and programs for the safe operation and use of the facility and programs:

- Senior Center
- Osborn Aquatic Center
- Recreation programs

Patron behavior expectations have been developed specific to the Senior Center and a reference has been included in the Senior Citizens' Center Operational Policies as shown in the attached document.



**City of Corvallis**

City Council Policy – Leisure and Cultural Activities

Policy # 4.03

**Senior Citizens' Center Operational Policies**



**Policy:** The Corvallis Senior Center shall be administered by the City of Corvallis through its Parks and Recreation Department.

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**Purpose:** To establish policies governing operation of the Corvallis Senior Center.

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**Scope:** This Policy applies to the Corvallis Senior Center and its patrons.

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**Goals:** The goal of this policy is to have priority use of the facility defined, ensure fees are reviewed annually, code of conduct is abided by and contributions to the Senior Center are City property. Organizations who store items at the Senior Center will clearly mark and identify items.

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**Guidelines:** **Use of Facility**

- a. Where possible, the Corvallis Senior Center shall be scheduled first ~~to serve senior citizen~~ activities and programs **for people 50 and older**, second for other Parks and Recreation activities, third for paid rentals, and fourth for free City use.
- b. A fees and charges schedule shall be set for use of the Corvallis Senior Center and reviewed annually. Any requests for exemption to fees for use of the Corvallis Senior Center shall comply with the City Council Policy ~~97-4.09~~, "Guidelines For Free Use of Parks and Recreation Facilities."
- c. Patrons using the Corvallis Senior Center shall abide by Corvallis Council Policy ~~07-4.06~~, Code of Conduct for Patrons at Parks and Recreation Facilities, Events, and Programs, **and the patron behavior expectations established for the Senior Center**. Any violations of this Policy **or established behavior expectations** will result in enforcement as identified in the Policy.

**Contributions**

- a. All items contributed to the City which are appropriate for use in the Corvallis Senior Center shall be the property of the City of Corvallis. Any items donated directly to the Corvallis Senior Center become property of the City of Corvallis.
- b. **Items stored at the Senior Center by other organizations** ~~all items~~ shall be clearly marked and identified as property belonging to the appropriate

organization. All equipment used in the Corvallis Senior Center shall be used according to established rules and regulations.

Contributions of money or materials may be made to the Corvallis Senior Center and may be accepted by the ~~Senior Citizen Foundation of Benton County~~ **Friends of Corvallis Parks and Recreation** or the City, with the provision that the City has final approval over any improvements or use of donations at the Corvallis Senior Center.

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**Review/Update:** The Parks and Recreation Director will prepare this Council Policy for review every three years for Council approval.

Rev #	Name	Change Date	Character of Change
0		04-17-1978	Adopted
1		06-25-1991	Amended
2		10-07-1991	Affirmed
3		04-17-1995	Amended
4		11-17-1997	Amended
5		06-19-2000	Affirmed
6		10-20-2003	Amended
7		11-06-2006	Amended
8		10-19-2009	Amended
9		11-19-2012	Amended
10	K. Emery	**-*-2015	Amended

TO: Human Services Committee for November 17, 2015  
FROM: Karen Emery, Parks and Recreation Director  
DATE: October 15, 2015  
THROUGH: Mark W. Shepard, P.E., City Manager *MWS*  
SUBJECT: Council Policy 4.04 Park Utility Donations



Action Requested:

Staff recommends the Human Services Committee (HSC) recommend to Council to amend Council Policy 4.04 Park Utility Donations as submitted. The recommendation is housekeeping in nature.

Discussion:

This policy establishes guidelines governing the solicitation and expenditure of funds donated through the rate payers' utility bill for park improvements and support of the Youth Parks Corps (YPC) Program. The Parks and Recreation Department continues to use funds generated through utility bill donations to support the YPC program.

The YPC has been in existence for 23 years and trains youth from 14-16 years of age in basic job skills. Their work encompasses the wide array of field work inherent in any park system including: landscaping, event clean-up, painting, trail maintenance, and other activities as needed. The FY 15-16 program employed 20 youth who worked 1,280 crew hours completing park and trail improvements. A list of projects accomplished this past summer is attached.

Park Utility Donation Revenue

FY 12-13	\$2,912
FY 13-14	\$2,708
FY 14-15	\$2,791
FY 15-16 YTD	\$690

The annual cost of the program is approximately \$22,000, including materials and labor. The Benton County Foundation provided grant funding for many years, however, staff hasn't been successful in the recent past. Staff continues to seek other funding support.

Budget Impact:

No budget impact.

Attachment: Projects YPC Accomplished



**City of Corvallis**

City Council Policy – Leisure and Cultural Activities

Policy # 4.04

**Park Utility Donations**



**Policy:**

- a. The City Council has approved the solicitation of funds as part of and through the City of Corvallis utility bill.
  - b. These funds are necessary to support the employment of youth 14 to 16 years of age to work in the parks and on beautification projects.
  - c. This Policy is necessary to provide guidelines for the solicitation, expenditure, and reporting on the use of these funds.
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**Purpose:**

To provide guidelines in the solicitation and expenditure of funds donated through the utility bill for park improvements and the Youth Park Corps Program.

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**Scope:**

This Policy applies to the funds raised through the City of Corvallis utility bill to support the Youth Park Corps Program.

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**Goals:**

To provide financial support, and the accounting of that support, for the Youth Parks Corps Program.

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**Guidelines:**

Donations for the Youth Park Corps Program shall be solicited through the utility billing process. These funds shall be collected by the Finance Department and accounted for in the Parks and Recreation Fund. Interest earned on the donations shall be credited to this Fund.

Funds shall be used to support a Youth Park Corps Program.

This Program shall be evaluated and an annual report, detailing the amount of funds collected and projects accomplished with utility donation funds, submitted to the City Council by November 1<sup>st</sup> of each year.

Every effort will be made to leverage these funds at least another 25 percent through additional grants and donations of funds/labor.

**Other Pertinent Policies**

Financial Policies:

- a. 10.03.060 (Parks and Recreation Department Fees)
- b. 10.03.110 (Grants)
- c. 10.03.120 (Gifts, Donations, and Bequests)
- d. 10.04.070 (Personnel Services)

**Definition:** Youth Parks Corps - Trains youth ages 14-16 in basic job skills to maintain parks, trails, and beautification areas.

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**Review/Update:** The Parks and Recreation Director will prepare this Council Policy for review every three years during October for Council approval.

Rev #	Name	Change Date	Character of Change
0		02-03-1992	Adopted
1		04-17-1995	Amended
2		01-21-1997	Amended
3		06-19-2000	Affirmed
4		10-20-2003	Affirmed
5		11-06-2006	Amended
6		10-19-2009	Affirmed
7		11-19-2012	Amended
8	K. Emery	**-*-2015	Amended

## YPC Projects 2015

<u>Location</u>	<u>Project</u>	<u>Program Area</u>	<u>Timeline</u>
29th & Grant	Landscape mulching	Horticulture	2hrs
	Bench preparation & staining	Facilities	1hr
Adams School (Pickleball)	Pickleball Court clean-up	Sports	2hrs
Arnold	Amenity repair	Facilities	2hrs
	Mulch landscape beds	Horticulture	1hr
	Weed landscape beds	Horticulture	2hrs
	Landscape rock/brush removal	Horticulture	0.5hrs
Avery	Remove suckers, hazard branches off trees	Arbor	ongoing
	Wash play structure	Facilities	0.5hrs
	Edge sidewalk	Turf	1.5hrs
	Weed baseball back-stops	Sports	1hr
	Weed playground	Facilities	2hrs
Rose Garden	Dead-head roses	Horticulture	ongoing
Rhod. Garden	Rhododendron dead-heading	Horticulture	ongoing
	Landscape mulching	Horticulture	0.5hrs
Lions Shelter	Wash play structure	Facilities	0.5hrs
	Weed playground	Facilities	1hr
Thompson Shelter	Wash play structure	Facilities	0.5hrs
	Weed playground	Facilities	1hr
Horseshoe Court	Edge runways	Sports	4.5hrs
	Clean, prime, paint gate	Facilities	0.25hrs
Nursery Compound	Trim, clean-up compound	Facilities	4hrs
	Transfer plastic fencing to platform	Facilities	2hrs
Bald Hill	Trim around summit benches	Memorials	0.5hrs
Brandis	Trim back trail brush	Trails	1hr
Central	Wash play structure	Facilities	0.5hrs
Chepenefa	Trim brush along concrete path south of park	Trails	0.5hrs
	Weed playground	Facilities	2hrs
	Landscape mulching	Facilities	2hrs
	Wash play structure	Facilities	1hr
Huckleberry Drive	Trim brush along trail at end of Huckleberry	Trails	0.25hrs
Shooting Star	Trim brush along trail	Trails	0.75hrs

	Construct concrete bench pad	Memorials	4hrs
	Install memorial bench	Memorials	1hr
Chintimini	Trim suckers along east fence	Arbor	1hr
	Ivy removal	Horticulture	0.5hrs
	Wash play structure	Facilities	2hrs
	Repair broken amenities	Facilities	1.75hrs
	Edge restroom border	Turf	0.5hrs
	Weed playground	Facilities	1hr
	Paint amenities	Facilities	0.25hrs
Chip Ross	Refinish summit benches, trim bolts	Memorials	1.5hrs
	Re-grade, backfill west trail section	Trails	1hr
	Clear out entrance culvert, channel	Trails	0.5hrs
Cloverland	Repair broken amenities	Facilities	2hrs
	Wash play structure	Facilities	1hr
	Edge sidewalks	Turf	1.5hrs
	Weed playground	Facilities	0.5hrs
	Construct concrete bench pad	Memorials	3hrs
	Install memorial bench	Memorials	1hr
Coronado	Mulch landscape beds	Horticulture	5hrs
	Weed landscape beds	Horticulture	4hrs
Crystal Lake	Refinish memorial bench	Memorials	0.5hrs
	Trail brushing along border	Trails	2hrs
Forest Dell	Trim back trail brush	Trails	1hr
Franklin	Repair broken amenities	Facilities	0.75hrs
	Establish edge/hogfuel swing area	Facilities	5hrs
Grand Oaks	Playground, landscape weed	Facilities	2hrs
	Wash play structure	Facilities	0.5hrs
	Paint amenities	Facilities	0.25hrs
	Tree raising in natural area	Natural Area	13.5
Lilly	Wash play structure	Facilities	0.5hrs
	Prune suckers & hazards	Arbor	1.5hrs
	Weed playground	Facilities	1.5hrs
	Weed sandbed	Facilities	1.5hrs
	Paint picnic tables	Facilities	0.5hrs
Little Fields	Remove play site hogfuel	Facilities	8hrs
MLK	Trim blackberries by fence	Facilities	0.25hrs
	Trail surfacing, drainage	Trails	2hrs

	Replace landscape border by barn	Horticulture	0.5hrs
	Replace elevated walk hardware	Trails	0.5hrs
	Paint playground concrete	Facilities	2hrs+
	Trim back trail brush	Trails	2hrs
	Repair broken amenities	Facilities	0.75hrs
	Wash play structure	Facilities	0.5hrs
	Mulch barn landscape beds	Horticulture	2hrs
	Prepare, prime, paint entry gate	Facilities	0.25hrs
	Paint amenities	Facilities	0.5hrs
	Weed playground	Facilities	3hrs
Pioneer	Replace dugout shelter wood (north)	Sports	3hrs
	Paint dugout interiors where needed	Sports	1.5hrs
Porter	Remove suckers, hazard branches off trees	Arbor	0.5hrs
	Weed playground	Facilities	2hrs
	Wash play structure	Facilities	0.5hrs
	Edge sidewalk	Turf	1hr
	Establish edge/hogfuel playground	Facilities	4hrs+
	Paint amenities	Facilities	0.25hrs
	Repair broken amenities	Facilities	0.75hrs
Riverbend	Wash play structure	Facilities	0.5hrs
	Repair broken amenities	Facilities	0.75hrs
	Weed landscape	Horticulture	0.75hrs
	Prune tree suckers	Arbor	0.75hrs
	Weed playground	Facilities	2hrs
	Edge basketball court	Sports	1hr
	Mulch landscape beds	Horticulture	0.5hrs
Riverfront	Weed landscape beds	Horticulture	1.5
	Hedge landscape beds	Horticulture	5hrs
	Mulch landscape beds	Horticulture	5
Skate Park	Paint amenities	Facilities	0.25hrs
Rock Creek	Clean facilities	Facilities	4hrs
	Remove Scotch Broom	Natural Area	
	Remove English Ivy	Natural Area	
	Trees; clean-up, trimming	Arbor	
Shop	Wash rigs as needed	Shop	ongoing
	Prepare, prime, paint ADA table boards	Facilities	24hrs
	Assemble ADA tables	Facilities	11.5hrs

	Clean-up truck, staging area, loft	Shop	4hrs
	Clean-up nursery compound	Shop	2.5hrs
	Load shelter components	Shop	1.5hrs
Starker Arts	Landscape trim	Horticulture	11.75hrs
	Landscape mulching	Horticulture	
	Trim tree volunteers, suckers	Arbor	
	Ivy removal	Horticulture	
	Trim hazard branches out in mowed turf	Arbor	
	Remove amphitheatre bushes	Horticulture	
	Wash play structure	Facilities	
	Paint garden tables (P&R) & kiosk/sign metal	Facilities	0.5hrs
	Blackberry removal	Horticulture	4hrs
	Replace amphitheatre corner deckboards	Facilities	2hrs
	Paint amenities	Facilities	0.25hrs
Sunset	Landscape bed weeding (pesticide-free areas)	Horticulture	2hrs
	Landscape bed mulching	Horticulture	8hrs
	Wash play structure	Facilities	0.5hrs
	Repair broken amenities	Facilities	0.75hrs
	Trim back bushes by bike path	Horticulture	0.25hrs
	Trim along boardwalk	Trails	1hr
	Trim brush along back section of boardwalk	Trails	0.5hrs
	Repair boardwalk toe rail connections - back section	Trails	0.5hrs
	Landscape hedge trimming	Horticulture	6hrs
Timberhill NA	Regrade trail section - remove barrier cloth	Trails	3.5
Timberhill Park	Blackberry removal	Horticulture	2hrs
	Landscape mulching	Horticulture	1hr
Tunison	Playground wash	Facilities	0.5hrs
Village Green	Wash play structure	Facilities	1hr
	Hazard/ sucker prune	Arbor	0.5hrs
	Repair broken amenities	Facilities	1hr
	Edge basketball court	Sports	1hr
	Paint amenities	Facilities	0.25hrs
	Weed playground	Facilities	1hr
Washington	Hazard, sucker prune	Arbor	0.5hrs
	Wash play structure	Facilities	0.5hrs
	Establish edge/hogfuel playground	Facilities	4hrs+
	Weed playground	Facilities	1.5hrs

	Paint amenities	Facilities	0.25hrs
Willamette	Trim campground hazard branch, suckers	Arbor	0.5hrs
	Trail brushing	Trails	2hrs
	Playground wash	Facilities	0.5hrs
	Paint amenities	Facilities	0.5hrs
	Trim along restroom path	Trails	4hrs
	Re-grade trail steps (near footbridge)	Trails	0.5hrs
	Weed playground	Facilities	1.5hrs
	Playground hogfuel	Facilities	1.5hrs
	Refinish path benches	Facilities	2hrs
Witham Hill Natural Park	Trim back trail brush	Trails	1hr
	Remove wood structure	Natural Area	1.5hrs
Woodland Meadow	Remove ivy from fruit trees	Horticulture	3hrs
	Prune hedges	Horticulture	
Corl House	Remove landscape invasives	Horticulture	0.5hrs
	Paint amenities	Facilities	