Packet updated on 9/21/2020 after original publication in order to update the table on page 51 of the packet.

CORVALLIS
CITY COUNCIL AGENDA

September 21, 2020
6:00 pm

Note: The order of business may be revised at the Mayor's discretion. Due to time constraints, items on the agenda not considered will be continued to the next regularly scheduled Council meeting.

Pursuant Governor Brown's Executive Order issued in response to the COVID-19 pandemic, this City Council meeting is online only. The Council Chambers is closed to the public.

The Council meeting will be broadcast live on Comcast Cable Channel 21. The public may also register to watch the meeting live on the internet via this link:

https://attendee.gotowebinar.com/register/6454155654797310477

A video and audio of the meeting will be available on the City's website

EXECUTIVE SESSION

5:30 pm Executive Session under ORS 192.660(2) (d) deliberations with person designated for labor negotiations

COUNCIL ACTION

I. CALL TO ORDER

II. ROLL CALL

IIII. PROCLAMATION / PRESENTATION / RECOGNITION

A. Asphalt Paving Association of Oregon Award for 2019 Street Resurfacing Project

B. Recognition of Retiring Public Works Director Steckel and Finance Director Brewer

IV. COMMUNITY COMMENTS – This is an opportunity for the community to provide input to the City Council on subjects not related to a public hearing before the Council. Community members wishing to offer testimony in advance on topics appearing on any City Council agenda are strongly encouraged to do so in writing through the public input form at www.corvallisoregon.gov/publicinput or you email comments to the City Recorder at Carla.holzworth@corvallisoregon.gov. Community members who wish to offer verbal testimony to the Council either via telephone or through their computer must preregister with City Recorder Carla Holzworth Carla.holzworth@corvallisoregon or 541-766-6729 X 5075 by 9:00 am on Monday, September 21. The number of people who may comment verbally is limited to the first ten who register with the City Recorder. Each speaker is limited to three minutes unless otherwise granted by the Mayor.

V. CONSENT AGENDA – The following items are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member (or a community member through a Council member) so requests, in which case the item will be removed from the Consent Agenda and considered separately. If any item involves a potential conflict of interest, Council members should so note before adoption of the Consent Agenda.

A. Reading of Minutes
1. City Council Briefing from OSU – August 27, 2020
2. City Council Meeting – September 8, 2020
3. City Council Work Session – September 10, 2020
4. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
   a. King Legacy Advisory Board – July 30, 2020

B. Appointment of Planning Commissioner Penny York to Highway 99 Corridor Study Stakeholder Group **E-packet page 5**

C. Authorization for the City Manager to enter into an intergovernmental agreement with the Department of Land Conservation and Development for a middle housing project grant **E-packet pages 6-14**

D. Approval for City Manager to sign an Intergovernmental Agreement with the State of Oregon to receive Federal CARES Act funds for the Majestic Theatre **E-packet pages 15-36**

E. Accept and appropriate Friends of Corvallis Parks and Recreation Donation, James A. Ringler Pickleball Courts Shade Structure **E-packet pages 37-38**

VI. ITEMS REMOVED FROM CONSENT AGENDA

VII. UNFINISHED BUSINESS

A. Low Income Assistance program for City Services Bill **E-packet pages 39-45**

An ordinance relating to Low-Income Assistance, enacting Municipal Code Section 3.13, "Low-Income Assistance" and stating an effective date, **to be read by the City Attorney** with no motion by Council [direction]

A resolution establishing the rates for the Low-Income Assistance Fee**, to be read by the City Attorney** with a motion by Council [direction]

VIII. NEW BUSINESS

A. City Services Customer Account Audit: Findings [information] **E-packet pages 46-58**

B. City Services Customer Account Audit: Ordinance Changes **E-packet pages 58-65**

An ordinance relating to City Services billing accounts, amending Municipal Code Chapters 3.06, "City Services Billing;" 3.08, "Transit Operations Fee;" and 3.12, "Transportation Maintenance Fee, **to be read by the City Attorney** with no motion by Council [direction]

C. An ordinance updating the Corvallis Municipal Code by replacing gender-specific language with gender-neutral language **E-packet pages 66-241**

An ordinance amending the Corvallis Municipal Code to be more inclusive and use gender neutral language; removing Chapter 1.27 on Measure 37 and the offense of hosting a party for minors-alcohol, **to be read by the City Attorney** with no motion by Council [direction]

D. Phased approach to address illegal camping [information] **E-packet pages 242-252**

E. Fiscal Year 2019-20 Fourth Quarterly Operating Report [direction] **E-packet pages 253-288**

IX. MAYOR, COUNCILOR, AND CITY MANAGER REPORTS

A. Mayor's Reports [information]

B. Councilor Reports
1. Evaluation and Municipal Judge updates [information]

C. City Manager's Reports
1. Strategic Operational Plan Highlight Summary [information] **E-packet pages 289-292**
2. Transportation Maintenance Fee (TMF) 1% for Bicycle and Pedestrian Safety [information] **E-packet pages 293-294**

D. City Attorney's Reports [information]

X. ADJOURNMENT

If you need special assistance to participate in this meeting, please contact the City Recorder at (541) 766-6901 (for TTY services, dial 7-1-1). Notification at least two business days prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (In compliance with the Americans with Disabilities Act, 28 CFR 35.102-35.104 ADA Title I and ORS 192.630(5)).

A Community That Honors Diversity

CITY COUNCIL THREE-MONTH SCHEDULE

9/16/20

Agenda items and dates are only proposed and likely to change

Yellow = regular meeting ***Red = work session***

- **Regular Meeting, Monday, September 21, 6:00 pm**
  * Executive Session under ORS 192.660(2) (d) deliberations with person designated for labor negotiations
  * Ordinance: Low Income Assistance for City Services Billing Customers (Finance)
  * City Services Customer Account Audit Findings (Public Works)
  * Ordinance: City Services Customer Account Audit (Public Works)
  * Ordinances: Municipal Code and Land Development Code housekeeping updates regarding gender-neutral language (City Attorney)
  * Phased Approach to Address Illegal Camping (Multiple Depts)
  * Fourth Quarterly Operating Report (Finance)

- *Work Session, Thursday, September 24, 4:00 pm*
  - *Oregon State University/Benton County Health Department TRACE testing update*
  - *Parking Audit – Management of the Downtown Parking System (Public Works)*
  - *Council discussion regarding parliamentary procedures*

September 2020

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27	28	29	30			

** Sept 7 = Labor Day holiday*

- **Regular Meeting, Monday, October 5, 6:00 pm**
  * Executive Session: ORS 192.660(2)(i) (status of employment-related performance) City Attorney Evaluation
  * PUBLIC HEARING: 2025 SW 45th St. Annexation (ANN-2020-01/ZDC-2020-01) (Comm Dev)

- *Work Session, Thursday, October 8, 4:00 pm*
  - *Municipal Judge recruitment*
  - *Interpretation Plan for Dr. Martin Luther King, Jr. Park (Parks and Rec)*
  - *Majestic Theatre Operational Budget*

- **Regular Meeting, Monday, October 19, 6:00 pm**
  * Executive Session: ORS 192.660(2) (i) (status of employment-related performance) City Attorney Evaluation, continued (before meeting) and City Manager Evaluation (after meeting)

- *Work Session, Thursday, October 22, 4:00 pm*
  - *Parking Audit - Management of the Parking System Outside of Downtown (Public Works)*
  - *Emergency Operation Plan Review (Fire Department)*
  - *Planning Commissioner interviews*

October 2020

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- **Regular Meeting, Monday, November 2, 6:00 pm**
  * Executive Session: City Manager Evaluation, continued
  * Fire Department Year in Review Update (Fire Department)
  * Planning Commissioner selection

- *Work Session, Thursday, November 5, 4:00 pm*
  - *Strategic Operational Plan update*

- **Regular Meeting, Monday, November 16, 6:00 pm**
  * Advisory Board Restructuring possible actions

- *Work Session, Thursday, November 19, 4:00 pm*
  - *Parking Audit - Parking Technologies (Public Works)*

November 2020

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29	30					

** Nov 11 = Veterans Day holiday*

** Nov 26, 27 = Thanksgiving holiday*

PENDING ITEMS:

* Charter Amendment Next Steps – gender neutral language and City Manager recruitment timeline
* Budget Commission discussion about Councilor stipends
* Council/Planning Commission joint meeting re: HB 2001
* Council Policy Review
* Parks System Development Charge Related to Credits

At this time, all Council meetings are held online only

M E M O R A N D U M

To: City Council for September 21, 2020, meeting

From: Biff Traber, Mayor

Date: September 14, 2020

Subject: Planning Commissioner Appointment to Highway 99 Corridor Study Stakeholder Group

I am appointing Commissioner Penny York as the Planning Commission representative on the Highway 99 Corridor Study Stakeholder Group. She joins City Councilor Lytle as members of the group.

This item is for your information only. No action by the Council is required.

TO: City Council for September 21, 2020, Council Meeting

FROM: Paul Bilotta, Community Development Director PB

DATE: September 3, 2020

THROUGH: Mark W. Shepard, P.E., City Manager MWS

Nancy Brewer, Finance Director NB

SUBJECT: Department of Land Conservation and Development (DLCD) – Middle Housing Project Grant Application Award

STRATEGIC OPERATIONAL PLAN PRIORITY: P-13N LDC Amendment - Middle Housing (HB 2001)

Action Requested:

Staff requests Council authorize the City Manager to enter into an Intergovernmental Agreement (IGA) with DLCD, related to the award of the Oregon Middle Housing Project Grant.

Discussion:

On March 2, 2020, staff requested and received City Council support to apply for the Department of Land Conservation and Development (DLCD) – Middle Housing Project Grant. On June 4, 2020, staff was informed that the City is a successful applicant.

If the Council authorizes staff to proceed with acceptance of the grant award, next steps in the process are for the City to finalize and sign the IGA with DLCD. The attached, draft IGA also includes the proposed scope of work with relative timelines for completion. DLCD will manage the grant funds, and has selected Angelo Planning Group as the consultant that will provide services to the City, to prepare adoption-ready Land Development Code amendments related to the HB 2001 Middle Housing provisions, and if necessary, related Comprehensive Plan policy amendments. The project is anticipated to wrap up by June 2021.

Although DLCD is providing a consultant to work on this project, it is anticipated this will be a significant work item for Planning staff to support the work of the consultant, particularly given the size and complexity of the Corvallis LDC. These amendments are already part of the Department's Strategic Operational Plan work, as noted above.

Budget Impact:

There is no direct budget impact, as DLCD will be managing the consultant's contract and paying for the associated services. However, staff will work with DLCD to properly document the expenditure of funds and staff time associated with this grant.

Attachments:
CC-A Draft Intergovernmental Agreement

DLCD IGA #19129 – City of Corvallis HB 2001 Code Update

INTERGOVERNMENTAL AGREEMENT

This Agreement is between the State of Oregon acting by and through its **Department of Land Conservation and Development ("DLCD")** and **City of Corvallis** ("Local Government"), each a "Party" and, together, the "Parties."

I. AUTHORITY

This Agreement is authorized by ORS 190.110.

II. EFFECTIVE DATE

This Agreement is effective on the date of the last signature {"Effective Date"), and terminates on **June 15, 2021**, unless terminated earlier.

III. BACKGROUND

During the 2019 legislative session, the legislature appropriated funds to the Department of Land Conservation and Development (Agency) for the purpose of allowing Agency to assist Participating Cities and convening Counties (collectively, local governments) with implementing applicable requirements of House Bills 2001 and 2003. This assistance will be provided, in part, through the Housing Needs Technical Assistance and Housing Code Technical Assistance Projects (Projects), which are important elements of House Bill 2001 and House Bill 2003 (2019) (HB 2001, HB 2003).

DLCD will provide technical assistance (via a Consultant) to the City for the purpose of increasing the supply and affordability of housing within the boundaries of the Cities. Technical assistance will be provided to complete products needed to update comprehensive plans and land use regulations, or adopt other housing strategies, to help ensure that the Cities can satisfy their housing needs. DLCD will hire Consultants to also provide a code audit or code update to help ensure the zoning code allows, and does not include barriers to, development of needed housing.

DLCD has received a special appropriation of funds for the 2019-2021 biennium to assist cities in updating their comprehensive plans and land use regulations to promote housing availability and affordability. The Housing Needs Technical Assistance Project (Project) is financed with State of Oregon General Funds. State funds are paid under this Agreement by DLCD to **Angelo Planning** (Consultant), who will assist the Cities as described in the Scope of Work below. No funds will be given to the Cities for tasks outlined in this IGA or any expenses incurred by the Cities as a result of this Project.

IV. PROJECT OBJECTIVE AND MAJOR DELIVERABLES

Code Update

The primary objective of this Project is to assist a Participating City with a code update of the zoning and development code(s). The code update must ensure that the jurisdiction meets minimum standards to meet the allowance of Middle Housing in HB 2001.

- Non-Metro Cities with more than 10,000 residents update their comprehensive plans and development codes to allow duplexes on each lot or parcel zoned for residential use that allow for the development of detached single-family dwellings by June 30, 2021.

- Cities outside of a metropolitan service district boundary with a population greater than 25,000 people, cities inside a metropolitan service district boundary with a population greater than 1,000 people, and unincorporated portions of counties within a metropolitan service district boundary that have urban services must allow middle housing in areas zoned for residential use that also allows for the development of a detached single family dwelling. Cities and counties described above must also allow for the development of a duplex on every lot and parcel zoned for residential use that also allows for the development of a detached single family dwelling. Cities and counties must adopt local regulations and adopt comprehensive plan language allowing middle housing as provided above by June 30, 2022.

V. ROLES AND RESPONSIBILITIES

City: Overall management of the Project will be the responsibility of the City. The city will appoint a Project Manager to be the principal contact person representing the city all matters dealing with the Project.

Specific project management duties of the Cities will include:

a. Coordinating project schedule and deliverables with Consultant;
b. Coordinating City staff and Consultant work;
c. Ensuring the timely delivery of supporting data/information to Consultant;
d. Reviewing and editing Consultant work;
e. Appointing a project advisory committee with representation from the community;
f. Noticing, scheduling, and managing advisory committee meetings and public official work sessions and public hearings, if any. Activities include preparing and distributing meeting notices, agendas, and summaries; and assisting the Consultant with meeting facilitation.

DLCD: DLCD will provide financial, administrative, and technical assistance to the Project. DLCD will participate in advisory committees. Additional technical assistance may be provided as requested by the City or Consultant. DLCD will review and approve Consultant's work, invoices, and progress reports. DLCD will review the Consultant's performance and deliverables with the City prior to paying invoices received by the Consultant. DLCD will assist in the mediation of Consultant/City conflicts, or issues with the project or deliverables.

VI. COMPENSATION AND COSTS

Each Party shall assume its own costs of carrying out the tasks and responsibilities assigned to it under this Agreement. Under no circumstances is the Local Government responsible for payment of costs incurred under the contract between DLCD and the chosen Consultant.

VII. KEY CONTACTS

City
Jason Yaich, Planning Division Manager
City of Corvallis
501 SW Madison Avenue

Corvallis, Oregon 97333
(541)766-6577
jason.yaich@corvallisoregon.gov

Department of Land Conservation and Development
Project Manager
Patrick Wingard patrick.wingard@state.or.us
1715 Franklin Blvd, Room 221 (541) 393-7675
Eugene, OR 97401

Housing Team Technical Representative
Robert Mansolillo robert.mansolillo@state.or.us
635 Capitol St. NE Suite 150 (503) 934-0053
Salem, OR 97301

Consultant
Matt Hastie, Project Manager mhastie@angeloplanning.com
Angelo Planning Group 503-542-3403
921 SW Washington Street, Suite 468
Portland, OR 97205

A Party may designate a new authorized representative by written notice to the other Party.

VIII. TERMINATION

a) This Agreement may be terminated at any time by mutual written agreement of the Parties.

b) This Agreement may be terminated by DLCD upon 30 days advance written notice and by Local Government upon 45 days advance written notice.

IX. NON-APPROPRIATION

DLCD's obligation to perform its duties under this Agreement is conditioned upon DLCD receiving funding, appropriations, limitations, allotments, or other expenditure authority sufficient to allow DLCD, in the exercise of its reasonable administrative discretion, to meet its obligations under this Agreement. Nothing in this Agreement may be construed as permitting any violation of Article XI, Section 7 of the Oregon Constitution or any law limiting the activities, liabilities or monetary obligations of DLCD.

X. INDEMNIFICATION

Each Party shall defend, save, hold harmless, and indemnify the other Party and the other Party's agencies, subdivisions, officers, directors, employees and agents from and against all claims, suits, actions, loses damages, liabilities, costs and expenses of any nature whatsoever (Claims), including attorney fees, resulting from, arising out of, or relating to the acts or omissions of the indemnifying Party's officers, employees, or agents under this Agreement. Any indemnity by DLCD under this Section shall be subject to the limitations of Article XI, Section 7 of the Oregon Constitution and the Oregon Tort Claims Act, 30.260 to 30.300.

XI. INSURANCE

Each Party shall be responsible for providing workers' compensation insurance as required by law for its covered workers. Neither Party shall be required to provide or show proof of self-insurance, workers' compensation or any other insurance coverage.

Local Government will ensure that consultants providing services have reasonable insurance coverage and amount to protect the Parties. Copies of consultant certificates of insurance will be provided to Local Government if requested by Local Government.

XII. SCOPE OF WORK

SCOPE OF WORK

This Project for the City of Corvallis is composed of the following tasks outlined below. The City and Consultant must create interim project deadlines as needed to manage the Project (see Task 1). All Consultant work must be completed no later than June 15, 2021.

Project Objective:

To prepare hearings-ready Land Development Code and Comprehensive Plan Amendments to comply with the provisions of House Bill 2001 (2019 Legislative Session) regarding middle housing.

Task 1: Project Kick-Off

The purpose of the project kick-off is for the City to meet with the DLCD hired Consultant and help them become familiar with local conditions and with City's planning documents. This will also be a time for the parties to confirm the objectives of the project, refine the project schedule, and for the City to prepare for the Project. Upon receiving initial contact from the Consultant, City shall respond to all inquiries from the Consultant about establishing project expectations and share city-specific concerns with the Consultant. The Consultant will verify the action items identified through this initial call with the City staff and will develop and share a proposed schedule for the actions required for the completion of all tasks, building on the task timeline included in this scope. The level of detail required for the proposed project schedule should be determined and with mutual agreement by the City and the Consultant.

Task 1 will also include one introductory joint work session with the Planning Commission and City Council. The work session is intended to present the high-level requirements of House Bill 2001 to decision makers, and to ensure Planning Commission and City Council understand the minimum requirements for compliance with HB 2001. The DLCD hired Consultant will participate in this work session via phone or online meeting platform. Prior to joint work session with the Planning Commission and City Council, the Consultant will review the City's development code with a focus on standards and regulations necessary for compliance with HB 2001, and provide a high-level summary at the work session, of revisions necessary to achieve minimum compliance.

Task 1 City Obligations:

- *Attend Project Management Team (PMT) meeting #1*
- *Departmental Advisory Committee (DAC) appointments*
- *Plan for DAC Meeting Schedule and Community Engagement through webinars*
- *Information regarding Planning Commission / City Council work session*

Task 1 City Deliverables (prior to PMT #1 meeting):

- *Copy of the City's current comprehensive plan and Land Development Code (LDC)*
- *List of previously identified code provisions from Code Audit project that relate directly to the requirements of House Bill 2001*

Schedule: Month 1-2 Kick-*Off / PMT meeting #1 expected to be held within 30 days of completion of Consultant contract and MOU. Planning Commission and City Council work session to be held in Fall of 2020,*

Task 2: Code and Policy Review & Departmental Advisory Committee (DAC) Meeting Kick-Off

The DLCD hired Consultant will prepare materials for, and facilitate, a kick-off meeting of the DAC to introduce project and receive input on committee member issues; understanding of what House Bill 2001 does and does not require; understanding of focus of grant Project on minimum compliance measures. This will include an explanation of baseline changes to the City's code which are needed to comply with HB 2001 and associated Oregon Administrative Rules (OARs).

Prior to conducting meetings with the DAC and PMT, City will provide Consultant with copies of City's comprehensive plan, land development code, and other land development documents and regulations (if any) for Consultant review to identify legal or policy issues related to compliance with the applicable provisions of House Bill 2001 and associated OARs. This will include, but not be limited to, the Consultant determining whether existing Comprehensive Plan policies and Development Code are consistent with applicable provisions of House Bill 2001, based on latest draft of the Middle Housing Model Code Technical Advisory Committee – Large and Metro Cities Model Code and/or whether they inhibit the City from implementing HB 2001, and whether the LDC contains:

- Standards permitting the development of middle housing in compliance with House Bill 2001 and forthcoming / related Administrative Rules
- A clear and objective path for approval of all residential development, incorporating recommendations from the previous LDC code audit that directly relate to the HB 2001 middle housing provisions
- Standards, conditions, or procedures that have the effect, either in themselves or cumulatively, of discouraging needed middle housing through unreasonable cost or delay
- Criteria or procedures related to application requirements, review, or appeal that may hinder development of needed housing, primarily focused on middle housing

In reviewing the City's LDC, the DLCD hired Consultant will focus on standards and regulations that specifically address the siting and design of housing. Consultant will not do an in-depth review of standards related to resource protection, public works standards, or other code provisions that may affect approval of housing but are not directly related to its siting and design.

City and Consultant will hold two Project Management Team meetings and one meeting with the DAC to review results of the Code Review and agree on direction for subsequent Code Update tasks.

Task 2 City Obligations:

- *Attend PMT Meeting #2 (video/teleconference)*
- *DAC meeting #1*

- *Attend PMT Meeting #3 (video/teleconference)*

Task 2 City Deliverable:

- *DAC meeting notice and agenda for DAC Meeting Kickoff*

Schedule: Month 3 Consultant expected to complete draft materials for DAC meeting #1 and review with the PMT on or before November 30, 2020.

Task 3: Draft Code and Policy Amendments

City will schedule and provide notice and an agenda for three DAC meetings, after the initial DAC Kickoff Meeting, to review the draft code and policy deliverables. Prior to each DAC meeting, City and Consultant will coordinate on meeting arrangements, review a PMT draft of the proposed code amendments, and update the amendments to address PMT comments. Consultant will work with City staff to facilitate the DAC meetings.

The DLCD hired Consultant will draft LDC amendments based on latest information from rulemaking process, incorporating analysis of how DAC and community member concerns can be incorporated into amendments in a way that supports the HB 2001 middle housing provisions. Similar to the Code Review conducted in Task 2, LDC amendments will focus on standards and regulations that specifically address the siting and design of middle housing and are not expected to address standards related to resource protection, public works standards, or other code provisions that may affect approval of housing but are not directly related to its siting and design.

Work will include reviewing and, where necessary, updating specific graphics in the LDC that relate to middle housing and housing variety that related directly to HB 2001 implementation.

Task 3 City Obligations:

- *Attend PMT Meeting #4 (video/teleconference)*
- *Attend DAC Meeting #2 (video/teleconference)*
- *Attend PMT Meeting #5 (video/teleconference)*
- *Attend DAC Meeting #3*
- *Attend PMT Meeting #6 (video/teleconference)*
- *Attend DAC Meeting #4*

Task 3 City Deliverable:

- *Advisory committee meeting notices and agendas*
- *Public meeting notice(s)*

Schedule: Months 4-6 Consultant shall complete draft code amendments and review with the advisory committee on up to three occasions, with completion of the last DAC Meeting expected on or before February 28, 2021. This is in preparation for the public open house / online meeting scheduled for Task 4.

<u>Task 4: Public Open House / Online Open House</u>

After review of the DAC and public input received at DAC Meetings #2, #3, and #4 by the PMT following DAC Meeting #3, the DLCD hired Consultant will prepare public review draft of changes to the City's

Comprehensive Plan policies and LDC, addressing issues identified in Task 3. City and Consultant will work together to prepare for, conduct and summarize the public open house.

Task 4 City Obligations:

- *Attend PMT Meeting #7 (video/teleconference)*
- *Attend and moderate public open house*
- *Review of Consultant's open house meeting notes*

Task 4 City Deliverable:

- *Public open house meeting notice and agenda*

Schedule: Months 7-8 Consultant shall complete public review draft code amendments and review with the PMT prior to the public open house. Public open house / online meeting expected to occur on or before April 15, 2021.

Task 5: Final Draft Amendments of Comprehensive Plan Policies and LDC Text

After review of the public input received at the open house by the PMT and DAC, DLCD hired Consultant will prepare final draft amendments to the City's Comprehensive Plan policies and LDC that comply with adopted OAR and/or the Middle Housing model code, and that incorporate public comments received at the open house that are in alignment with the OAR and/or Middle Housing model code, along with a summary of recommended future actions addressing those community concerns that relate to middle housing but exceed the scope of the Project. Consultant will review draft amendments and findings with PMT and DAC and revise them as needed to reflect results of the review.

Task 5 City Obligations:

- *Attend PMT Meeting #8*
- *Document format for adoption-ready Comprehensive Plan and LDC text*

Task 5 City Deliverable:

- *Advisory committee meeting notice and agenda*

Schedule: Month 9 Consultant must complete final draft of changes to the City's Comprehensive Plan policies and LDC, in an adoption-ready format, and shall prepare draft findings for adoption of the amendments on or before June 15, 2021.

XIII. OTHER CONSIDERATIONS

This agreement will be effective as of the date of the last signature. The termination of this document may occur by mutual consent of the parties with 60 days written notice.

Except as provided herein, nothing in this agreement shall be construed as obligating the other party to expend funds or obligate future payment of money authorized by law and administratively available for this work.

SIGNATURE BLOCK

City Official

_____ _____
Authorized to sign on behalf of the City Date

_____
Printed Name

Department of Land Conservation & Development

_____ _____
Jim Rue, Director Date

TO: City Council for September 21, 2020, Council Meeting

FROM: Karen Emery, Parks and Recreation Department Director KE

DATE: September 11, 2020

THROUGH: Mark W. Shepard, P.E., City Manager MWS

Nancy Brewer, Finance Director NB

SUBJECT: Approval for City Manager to sign an Intergovernmental Agreement with the State of Oregon to receive Federal Coronavirus Aid, Relief, and Economic Security Act funds for the Majestic Theatre

STRATEGIC OPERATIONAL PLAN PRIORITY: E-2 The City manages its finances to effectively provide services to the full spectrum of the community over the long term.

E-5 The City fosters and engages a diverse population through appropriate and accessible services, programs and events.

Action Requested:

Staff recommends Council authorize the City Manager to sign the attached intergovernmental agreement with the State of Oregon for the City to receive Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act grant monies as reimbursement for expenses associated with the COVID-19 pandemic at the Majestic Theatre.

Discussion:

The Federal government passed the CARES Act on March 27, 2020 to provide funding to individuals, businesses, and governments to address some of the impact of the COVID-19 pandemic. The State of Oregon allocated $50,000,000 of CARES Act funding to provide relief for Arts and Cultural Organizations. The City of Corvallis Majestic Theatre has been awarded up to $92,482 in reimbursement for eligible expenses incurred between March 2020 and December 2020.

Approximately $35,000 will apply to FY 19-20 expenses for the Majestic Theatre. The balance of eligible expenses will be reflected in the current FY 20-21 budget, with a combined total not to exceed $92,482. All reimbursements will be received as revenue in FY 20-21.

There are certain restrictions on the use of the funds applied by the federal government, with some restrictions added by the State. For example, the federal government has specifically excluded lost revenue. The Majestic Theatre has incurred expenses in response to the pandemic as they moved from a brick and mortar performance arts venue to a virtual and streaming venue to support community arts and culture activities.

Budget Impact:

This grant funding will offset some of the costs the Majestic Theatre has already incurred in responding to the COVID-19 pandemic as well as expenses to be incurred through December, 2020.

Attachment: CC-A: Intergovernmental Agreement

STATE OF OREGON
GRANT AGREEMENT

Grant No. 3542

This Grant Agreement ("Grant") is between the State of Oregon acting by and through its Department of Administrative Services ("Agency") and The Majestic Theatre, a branch of the City of Corvallis Parks and Recreation Department ("Grantee"), each a "Party" and, together, the "Parties".

SECTION 1: AUTHORITY

Pursuant to funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and as allocated to Agency by the Oregon Emergency Board, Agency is authorized to enter into a grant agreement and provide funding for the purposes described in this Grant.

SECTION 2: PURPOSE

Section 5001 of the CARES Act provides funds to state, local and tribal governments through the Coronavirus Relief Fund to be used for expenditures incurred due to COVID-19 during the period of March 1, 2020 through December 30, 2020 (the "Performance Period"). This Grant governs the disbursement of funds from the Coronavirus Relief Fund to Grantee for the activities described in Exhibit A.

SECTION 3: EFFECTIVE DATE AND DURATION

When all Parties have executed this Grant, and all necessary approvals have been obtained ("Executed Date"), this Grant is effective and has a Grant funding start date as of March 1, 2020 ("Effective Date"), and, unless extended or terminated earlier in accordance with its terms, will expire on December 30, 2020.

SECTION 4: GRANT MANAGERS

4.1 Agency's Grant Manager is:

Gerold Floyd

Department of Administrative Services
Attention: Coronavirus Relief Fund
155 Cottage Street NE, Salem, OR 97301
Phone: 503-378-2709
Email: CoronavirusReliefFund@Oregon.gov

4.2 Grantee's Grant Manager is:

Name: Jimbo Ivy
Address: 115 SW 2nd Street, Corvallis, Oregon 97333
Phone: 541-758-7827
Email: jimbo.ivy@corvallisoregon.gov

4.3 A Party may designate a new Grant Manager by written notice to the other Party.

SECTION 5: PROJECT ACTIVITIES

To receive funds under this Grant, Grantee must perform the project activities set forth in Exhibit A (the "Project"), attached hereto and incorporated in this Grant by this reference, during the Performance Period.

SECTION 6: GRANT FUNDS

In accordance with the terms and conditions of this Grant, Agency will provide Grantee up to an amount not to exceed $92,482 (the "Grant Funds") for eligible Project costs incurred for the Project during the Performance Period. Agency will pay the Grant Funds from monies available through the Oregon Emergency Board's allocation of funds from the Coronavirus Relief Fund ("Funding Source").

SECTION 7: DISBURSEMENT GENERALLY

7.1 **Disbursement.** Subject to the availability of sufficient moneys in and from the Funding Source based on Agency's reasonable projections of moneys accruing to the Funding Source, Agency will disburse Grant Funds to Grantee in a single disbursement within five business days of the Executed Date.

7.2 **Conditions Precedent to Disbursement.** Agency's obligation to disburse Grant Funds to Grantee under this Grant is subject to satisfaction of each of the following conditions precedent:

7.2.1 Agency has received sufficient funding, appropriations, expenditure limitation, allotments or other necessary expenditure authorizations to allow Agency, in the exercise of its reasonable administrative discretion, to make the disbursement from the Funding Source;

7.2.2 No default as described in Section 15 has occurred; and

7.2.3 Grantee's representations and warranties set forth in Section 8 are true and correct on the date of disbursement(s) with the same effect as though made on the date of disbursement.

7.3 **No Duplicate Payment.** Grantee may use other funds in addition to the Grant Funds to complete the Project; provided, however, funds received pursuant to this Grant are not used for expenditures for which a local government entity has received any other supplemental funding

(whether state, federal or private in nature) for that same expense unless otherwise authorized by Agency in writing.

SECTION 8: REPRESENTATIONS AND WARRANTIES

8.1 Organization/Authority. Grantee represents and warrants to Agency that:

8.1.1 Grantee is a branch of local government in Oregon duly organized and validly existing;

8.1.2 Grantee has all necessary rights, powers and authority under any organizational documents and under Oregon Law to (i) execute this Grant, (ii) incur and perform its obligations under this Grant, and (iii) receive financing, including the Grant Funds, for the Project;

8.1.3 This Grant has been duly executed by Grantee and when executed by Agency, constitutes a legal, valid and binding obligation of Grantee enforceable in accordance with its terms;

8.1.4 If applicable and necessary, the execution and delivery of this Grant by Grantee has been authorized by an ordinance, order or resolution of its governing body, or voter approval, that was adopted in accordance with applicable law and requirements for filing public notices and holding public meetings; and

8.1.5 There is no proceeding pending or threatened against Grantee before any court or governmental authority that if adversely determined would materially adversely affect the Project or the ability of Grantee to carry out the Project.

8.2 False Claims Act. Grantee acknowledges the Oregon False Claims Act, ORS 180.750 to 180.785, applies to any "claim" (as defined by ORS 180.750) made by (or caused by) Grantee that pertains to this Grant or to the Project. Grantee certifies that no claim described in the previous sentence is or will be a "false claim" (as defined by ORS 180.750) or an act prohibited by ORS 180.755. Grantee further acknowledges in addition to the remedies under Section 16, if it makes (or causes to be made) a false claim or performs (or causes to be performed) an act prohibited under the Oregon False Claims Act, the Oregon Attorney General may enforce the liabilities and penalties provided by the Oregon False Claims Act against the Grantee.

8.3 No limitation. The representations and warranties set forth in this Section are in addition to, and not in lieu of, any other representations or warranties provided by Grantee.

SECTION 9: OWNERSHIP

9.1 Intellectual Property Definitions. As used in this Section and elsewhere in this Grant, the following terms have the meanings set forth below:

"Third Party Intellectual Property" means any intellectual property owned by parties other than Grantee or Agency.

"Work Product" means every invention, discovery, work of authorship, trade secret or other tangible or intangible item Grantee is required to create or deliver as part of the Project, and all intellectual property rights therein.

9.2 **Grantee Ownership.** Grantee must deliver copies of all Work Product as directed in Exhibit A. Grantee retains ownership of all Work Product, and grants Agency an irrevocable, non-exclusive, perpetual, royalty-free license to use, to reproduce, to prepare derivative works based upon, to distribute, to perform and to display the Work Product, to authorize others to do the same on Agency's behalf, and to sublicense the Work Product to other entities without restriction.

9.3 **Third Party Ownership.** If the Work Product created by Grantee under this Grant is a derivative work based on Third Party Intellectual Property, or is a compilation that includes Third Party Intellectual Property, Grantee must secure an irrevocable, non-exclusive, perpetual, royalty-free license allowing Agency and other entities the same rights listed above for the pre-existing element of the Third party Intellectual Property employed in the Work Product. If state or federal law requires that Agency or Grantee grant to the United States a license to any intellectual property in the Work Product, or if state or federal law requires Agency or the United States to own the intellectual property in the Work Product, then Grantee must execute such further documents and instruments as Agency may reasonably request in order to make any such grant or to assign ownership in such intellectual property to the United States or Agency.

9.4 **Real Property.** If the Project includes the acquisition, construction, remodel or repair of real property or improvements to real property, and if such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Grant Funds provided by section 601(d) of the Social Security Act .

SECTION 10: CONFIDENTIAL INFORMATION

10.1 **Confidential Information Definition.** Grantee acknowledges it and its employees or agents may, in the course of performing its responsibilities, be exposed to or acquire information that is: (i) confidential to Agency or Project participants or (ii) the disclosure of which is restricted under federal or state law, including without limitation: (a) personal information, as that term is used in ORS 646A.602(12) and (b) social security numbers (items (i) and (ii) separately and collectively "Confidential Information").

10.2 **Nondisclosure.** Grantee agrees to hold Confidential Information as required by any applicable law and in all cases in strict confidence, using at least the same degree of care Grantee uses in maintaining the confidentiality of its own confidential information. Grantee may not copy, reproduce, sell, assign, license, market, transfer or otherwise dispose of, give, or disclose Confidential Information to third parties, or use Confidential Information except as is allowed by law and for the Project activities and Grantee must advise each of its employees and agents of these restrictions. Grantee must assist Agency in identifying and preventing any unauthorized use or disclosure of Confidential Information. Grantee must advise Agency immediately if Grantee learns or has reason to believe any Confidential Information has been, or may be, used or disclosed in violation of the restrictions in this Section. Grantee must, at its expense, cooperate with Agency in seeking injunctive or other equitable relief, in the name of Agency or Grantee, to

stop or prevent any use or disclosure of Confidential Information. At Agency's request, Grantee must return or destroy any Confidential Information. If Agency requests Grantee to destroy any Confidential Information, Grantee must provide Agency with written assurance indicating how, when and what information was destroyed.

10.3 **Identity Protection Law.** Grantee must have and maintain a formal written information security program that provides safeguards to protect Confidential Information from loss, theft, and disclosure to unauthorized persons, as required by the Oregon Consumer Information Protection Act, ORS 646A.600-628. If Grantee or its agents discover or are notified of a potential or actual "Breach of Security", as defined by ORS 646A.602(1)(a), or a failure to comply with the requirements of ORS 646A.600-628, (collectively, "Breach") with respect to Confidential Information, Grantee must promptly but in any event within one calendar day (i) notify the Agency Grant Manager of such Breach and (ii) if the applicable Confidential Information was in the possession of Grantee or its agents at the time of such Breach, Grantee must (a) investigate and remedy the technical causes and technical effects of the Breach and (b) provide Agency with a written root cause analysis of the Breach and the specific steps Grantee will take to prevent the recurrence of the Breach or to ensure the potential Breach will not recur. For the avoidance of doubt, if Agency determines notice is required of any such Breach to any individual(s) or entity(ies), Agency will have sole control over the timing, content, and method of such notice, subject to Grantee's obligations under applicable law.

10.4 **Subgrants/Contracts.** Grantee must require any subgrantees, contractors or subcontractors under this Grant who are exposed to or acquire Confidential Information to treat and maintain such information in the same manner as is required of Grantee under subsections 10.1 and 10.2 of this Section.

SECTION 11: INDEMNITY/LIABILITY

11.1 **Indemnity.** Grantee must defend, save, hold harmless, and indemnify the State of Oregon and Agency and their officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature whatsoever, including attorneys' fees, resulting from, arising out of, or relating to the activities of Grantee or its officers, employees, subgrantees, contractors, subcontractors, or agents under this Grant (each of the foregoing individually or collectively a "Claim" for purposes of this Section). If legal limitations apply to the indemnification ability of Grantee, this indemnification must be for the maximum amount of funds available for expenditure, including any available contingency funds, insurance, funds available under ORS 30.260 to 30.300 or other available non-appropriated funds.

11.2 **Defense.** Grantee may have control of the defense and settlement of any Claim subject to this Section. But neither Grantee nor any attorney engaged by Grantee may defend the Claim in the name of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without first receiving from the Attorney General, in a form and manner determined appropriate by the Attorney General, authority to act as legal counsel for the State of Oregon. Nor may Grantee settle any Claim on behalf of the State of Oregon without the approval of

the Attorney General. The State of Oregon may, at its election and expense, assume its own defense and settlement in the event the State of Oregon determines Grantee is prohibited from defending the State of Oregon, or is not adequately defending the State of Oregon's interests, or an important governmental principle is at issue and the State of Oregon desires to assume its own defense. Grantee may not use any Grant Funds to reimburse itself for the defense of or settlement of any Claim.

11.3 **Limitation.** Except as provided in this Section, neither Party will be liable for incidental, consequential, or other direct damages arising out of or related to this Grant, regardless of whether the damages or other liability is based in contract, tort (including negligence), strict liability, product liability or otherwise. Neither Party will be liable for any damages of any sort arising solely from the termination of this Grant in accordance with its terms.

SECTION 12: INSURANCE

12.1 **Private Insurance.** If Grantee is a private entity, or if any contractors, subcontractors, or subgrantees used to carry out the Project are private entities, Grantee and any private contractors, subcontractors or subgrantees must obtain and maintain insurance covering Agency in the types and amounts indicated in Exhibit B.

12.2 **Public Body Insurance.** If Grantee is a "public body" as defined in ORS 30.260, Grantee agrees to insure any obligations that may arise for Grantee under this Grant, including any indemnity obligations, through (i) the purchase of insurance as indicated in Exhibit B or (ii) the use of self-insurance or assessments paid under ORS 30.282 that is substantially similar to the types and amounts of insurance coverage indicated on Exhibit B, or (iii) a combination of any or all of the foregoing.

12.3 **Real Property.** If the Project includes the construction, remodel or repair of real property or improvements to real property, Grantee must insure the real property and improvements against liability and risk of direct physical loss, damage or destruction at least to the extent that similar insurance is customarily carried by entities constructing, operating and maintaining similar property or facilities.

SECTION 13: GOVERNING LAW, JURISDICTION

This Grant is governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively "Claim") between Agency or any other agency or department of the State of Oregon, or both, and Grantee that arises from or relates to this Grant must be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon; provided, however, if a Claim must be brought in a federal forum, then it will be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event may this Section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, to or from any Claim or from the

jurisdiction of any court. GRANTEE, BY EXECUTION OF THIS GRANT, HEREBY CONSENTS TO THE PERSONAL JURISDICTION OF SUCH COURTS.

SECTION 14: ALTERNATIVE DISPUTE RESOLUTION

The Parties should attempt in good faith to resolve any dispute arising out of this Grant. This may be done at any management level, including at a level higher than persons directly responsible for administration of the Grant. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation. Each Party will bear its own costs incurred for any mediation or non-binding arbitration.

SECTION 15: DEFAULT

15.1 **Grantee.** Grantee will be in default under this Grant upon the occurrence of any of the following events:

15.1.1 Grantee fails to use the Grant Funds for the intended purpose described in Exhibit A or otherwise fails to perform, observe or discharge any of its covenants, agreements or obligations under this Grant;

15.1.2 Any representation, warranty or statement made by Grantee in this Grant or in any documents or reports relied upon by Agency to measure the Project, the expenditure of Grant Funds or the performance by Grantee is untrue in any material respect when made; or

15.1.3 A petition, proceeding or case is filed by or against Grantee under any federal or state bankruptcy, insolvency, receivership or other law relating to reorganization, liquidation, dissolution, winding-up or adjustment of debts; in the case of a petition filed against Grantee, Grantee acquiesces to such petition or such petition is not dismissed within 20 calendar days after such filing, or such dismissal is not final or is subject to appeal; or Grantee becomes insolvent or admits its inability to pay its debts as they become due, or Grantee makes an assignment for the benefit of its creditors.

15.2 **Agency.** Agency will be in default under this Grant if, after 15 days written notice specifying the nature of the default, Agency fails to perform, observe or discharge any of its covenants, agreements, or obligations under this Grant; provided, however, Agency will not be in default if Agency fails to disburse Grant Funds because there is insufficient expenditure authority for, or moneys available from, the Funding Source.

SECTION 16: REMEDIES

16.1 **Agency Remedies.** In the event Grantee is in default under Section 15.1, Agency may, at its option, pursue any or all of the remedies available to it under this Grant and at law or in equity, including, but not limited to: (i) termination of this Grant under Section 18.2, (ii) reducing or withholding payment for Project activities or materials that are deficient or Grantee has failed to complete by any scheduled deadlines, (iii) requiring Grantee to complete, at Grantee's expense,

additional activities necessary to satisfy its obligations or meet performance standards under this Grant, (iv) initiation of an action or proceeding for damages, specific performance, or declaratory or injunctive relief, (v) exercise of its right of recovery of overpayments under Section 17 of this Grant or setoff, or both, or (vi) declaring Grantee ineligible for the receipt of future awards from Agency. These remedies are cumulative to the extent the remedies are not inconsistent, and Agency may pursue any remedy or remedies singly, collectively, successively or in any order whatsoever.

16.2 **Grantee Remedies.** In the event Agency is in default under Section 15.2 and whether or not Grantee elects to terminate this Grant, Grantee's sole monetary remedy will be, within any limits set forth in this Grant, reimbursement of Project activities completed and accepted by Agency and authorized expenses incurred, less any claims Agency has against Grantee. In no event will Agency be liable to Grantee for any expenses related to termination of this Grant or for anticipated profits.

SECTION 17: WITHHOLDING FUNDS, RECOVERY

Agency may withhold from disbursements of Grant Funds due to Grantee, or Grantee must return to Agency within 30 days of Agency's written demand:

17.1 Any Grant Funds paid to Grantee under this Grant, or payments made under any other agreement between Agency and Grantee, that exceed the amount to which Grantee is entitled;

17.2 Any Grant Funds received by Grantee that remain unexpended or contractually committed for payment of the Project at the end of the Performance Period;

17.3 Any Grant Funds determined by Agency to be spent for purposes other than allowable Project activities; or

17.4 Any Grant Funds requested by Grantee as payment for deficient activities or materials.

SECTION 18: TERMINATION

18.1 **Mutual.** This Grant may be terminated at any time by mutual written consent of the Parties.

18.2 **By Agency.** Agency may terminate this Grant as follows:

18.2.1 At Agency's discretion, upon 30 days advance written notice to Grantee;

18.2.2 Immediately upon written notice to Grantee, if Agency fails to receive funding, or appropriations, limitations or other expenditure authority at levels sufficient in Agency's reasonable administrative discretion, to perform its obligations under this Grant;

18.2.3 Immediately upon written notice to Grantee, if federal or state laws, rules, regulations or guidelines are modified or interpreted in such a way that Agency's performance under this Grant is prohibited or Agency is prohibited from funding the Grant from the Funding Source; or

18.2.4 Immediately upon written notice to Grantee, if Grantee is in default under this Grant and such default remains uncured 15 days after written notice thereof to Grantee.

18.3 **By Grantee.** Grantee may terminate this Grant as follows:

18.3.1 If Grantee is a governmental entity, immediately upon written notice to Agency, if Grantee fails to receive funding, or appropriations, limitations or other expenditure authority at levels sufficient to perform its obligations under this Grant.

18.3.2 If Grantee is a governmental entity, immediately upon written notice to Agency, if applicable laws, rules, regulations or guidelines are modified or interpreted in such a way that the Project activities contemplated under this Grant are prohibited by law or Grantee is prohibited from paying for the Project from the Grant Funds or other planned Project funding; or

18.3.3 Immediately upon written notice to Agency, if Agency is in default under this Grant and such default remains uncured 15 days after written notice thereof to Agency.

18.4 **Cease Activities.** Upon receiving a notice of termination of this Grant, Grantee must immediately cease all activities under this Grant, unless Agency expressly directs otherwise in such notice. Upon termination, Grantee must deliver to Agency all materials or other property that are or would be required to be provided to Agency under this Grant or that are needed to complete the Project activities that would have been performed by Grantee.

SECTION 19: MISCELLANEOUS

19.1 **Conflict of Interest.** Grantee by signature to this Grant declares and certifies the award of this Grant and the Project activities to be funded by this Grant, create no potential or actual conflict of interest, as defined by ORS Chapter 244, for a director, officer or employee of Grantee.

19.2 **Nonappropriation.** Agency's obligation to pay any amounts and otherwise perform its duties under this Grant is conditioned upon Agency receiving funding, appropriations, limitations, allotments, or other expenditure authority sufficient to allow Agency, in the exercise of its reasonable administrative discretion, to meet its obligations under this Grant. Nothing in this Grant may be construed as permitting any violation of Article XI, Section 7 of the Oregon Constitution or any other law limiting the activities, liabilities or monetary obligations of Agency.

19.3 **Amendments.** The terms of this Grant may not be altered, modified, supplemented or otherwise amended, except by written agreement of the Parties.

19.4 **Notice.** Except as otherwise expressly provided in this Grant, any notices to be given under this Grant must be given in writing by email, personal delivery, or postage prepaid mail, to a Party's Grant Manager at the physical address or email address set forth in this Grant, or to such other addresses as either Party may indicate pursuant to this Section. Any notice so addressed and mailed becomes effective five (5) days after mailing. Any notice given by personal delivery becomes effective when actually delivered. Any notice given by email becomes effective upon the

sender's receipt of confirmation generated by the recipient's email system that the notice has been received by the recipient's email system.

19.5 **Survival.** All rights and obligations of the Parties under this Grant will cease upon termination of this Grant, other than the rights and obligations arising under Sections 11, 13, 14, 16, 17 and subsection 19.5 hereof and those rights and obligations that by their express terms survive termination of this Grant; provided, however, termination of this Grant will not prejudice any rights or obligations accrued to the Parties under this Grant prior to termination.

19.6 **Severability.** The Parties agree if any term or provision of this Grant is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected, and the rights and obligations of the Parties will be construed and enforced as if the Grant did not contain the particular term or provision held to be invalid.

19.7 **Counterparts.** This Grant may be executed in several counterparts, all of which when taken together constitute one agreement, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of the Grant so executed constitutes an original.

19.8 **Compliance with Law.** In connection with their activities under this Grant, the Parties must comply with all applicable federal, state and local laws.

19.9 **Intended Beneficiaries.** Agency and Grantee are the only parties to this Grant and are the only parties entitled to enforce its terms. Nothing in this Grant provides, is intended to provide, or may be construed to provide any direct or indirect benefit or right to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of this Grant.

19.10 **Assignment and Successors.** Grantee may not assign or transfer its interest in this Grant without the prior written consent of Agency and any attempt by Grantee to assign or transfer its interest in this Grant without such consent will be void and of no force or effect. Agency's consent to Grantee's assignment or transfer of its interest in this Grant will not relieve Grantee of any of its duties or obligations under this Grant. The provisions of this Grant will be binding upon and inure to the benefit of the Parties hereto, and their respective successors and permitted assigns.

19.11 **Contracts and Subgrants.** Grantee may enter into contracts or subgrants for any of the Project activities required of Grantee under this Grant, however Grantee is required to communicate subgrantee information to Agency in such a manner and timing as prescribed by Agency that Agency considers necessary to fulfill its federal reporting obligations.

19.12 **Time of the Essence.** Time is of the essence in Grantee's performance of the Project activities under this Grant.

19.13 **Records Maintenance and Access.** Grantee must maintain all financial records relating to this Grant in accordance with generally accepted accounting principles. In addition, Grantee must maintain any other records, whether in paper, electronic or other form, pertinent to this Grant in such a manner as to clearly document Grantee's performance. All financial records and other records, whether in paper, electronic or other form, that are pertinent to this Grant, are

collectively referred to as "Records." Grantee acknowledges and agrees Agency and the Oregon Secretary of State's Office and the federal government and their duly authorized representatives will have access to all Records to perform examinations and audits and make excerpts and transcripts. Grantee must retain and keep accessible all Records for a minimum of six (6) years, or such longer period as may be required by applicable law, following termination of this Grant, or until the conclusion of any audit, controversy or litigation arising out of or related to this Grant, whichever date is later.

19.14 **Headings.** The headings and captions to sections of this Grant have been inserted for identification and reference purposes only and may not be used to construe the meaning or to interpret this Grant.

19.15 **Grant Documents.** This Grant consists of the following documents, which are incorporated by this reference and listed in descending order of precedence:

- This Grant less all exhibits
- Exhibit A (the "Project")
- Exhibit B (Insurance)
- Exhibit C (Federal Terms and Conditions)
- Exhibit D (Federal Award Identification)

19.16 **Merger, Waiver.** This Grant and all exhibits and attachments, if any, constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Grant. No waiver or consent under this Grant binds either Party unless in writing and signed by both Parties. Such waiver or consent, if made, is effective only in the specific instance and for the specific purpose given.

SECTION 20: SIGNATURES

EACH PARTY, BY SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES IT HAS READ THIS GRANT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS. The Parties further agree that by the exchange of this Grant electronically, each has agreed to the use of electronic means, if applicable, instead of the exchange of physical documents and manual signatures. By inserting an electronic or manual signature below, each authorized representative acknowledges that it is their signature, that each intends to execute this Grant, and that their electronic or manual signature should be given full force and effect to create a valid and legally binding agreement.

IN WITNESS WHEREOF, the Parties have executed this Grant as of the dates set forth below.

STATE OF OREGON acting by and through its Department of Administrative Services

By: _____ _____
Name, Title Date

The Majestic Theatre

By: _____ _____
Authorized Signature Date

_____ _____
Printed Name Title

93-6002145 030796783
Federal Tax ID Number DUNS Number

Approved for Legal Sufficiency in accordance with ORS 291.047

By: *s/ Sam Zeigler* by email dated 8/19/20
Senior Assistant Attorney General Date
Oregon Department of Justice

EXHIBIT A
THE PROJECT

SECTION I. BACKGROUND AND GOALS

In response to the public health crisis in Oregon, the Grant provides funding for certain federal eligible expenses under the CARES Act, Coronavirus Relief Fund, that are:

1. Necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. Were not accounted for in the Grantee's budget most recently approved as of March 27, 2020; and
3. Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

SECTION II. PROJECT ACTIVITIES, SCHEDULE, AND BUDGET

At the July 2020 meeting of the Emergency Board, as amended at the August 5, 2020, meeting of the Emergency Board, Agency was allocated a total of $24,015,128 for payments to arts organizations, cultural and community venues, and community colleges, of which the $92,482 in Grant Funds to Grantee were a part. Because the Grant Funds available to Grantee are pursuant to this Emergency Board action, only expenses incurred by Grantee that relate to arts organizations, cultural and community venues, or community colleges are eligible under the Grant. Grantee expenses otherwise eligible under Section I, but unrelated to arts organizations, cultural and community venues, or community colleges, are ineligible costs under this Grant.

SECTION III. U.S. Treasury Guidelines and Answers to FAQs

Agency will disburse Grant Funds only for eligible costs incurred by Grantee for the Performance Period and in accordance with criteria and guidance established by US Treasury:

(https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf)

Additionally, the US Treasury has provided answers to frequently asked questions regarding eligible costs under the Coronavirus Relief Fund:

https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf

Indirect Costs. Grantee will not be reimbursed for any indirect costs with Grant Funds in accordance with U.S. Treasury guidance. The information described in this paragraph overrides any other verbal or written rate(s) or information provided by Agency.

SECTION IV. REPORTING REQUIREMENTS

No later than (i) October 1, 2020, for the period July 1, 2020 to September 30, 2020, and (ii) January 5, 2021, for the period October 1, 2020 to December 30, 2020, Grantee shall report the following information, as applicable, to Agency:

a. Amount spent on administrative expenses;

b. Amount spent on budgeted personnel and services diverted to a substantially different use;

c. Amount spent to COVID-19 testing and contract tracing;

d. Amount spent on economic support (other than small business, housing, and food assistance);

e. Amount spent on expenses associated with the issuance of tax anticipation notes;

f. Amount spent on facilitating distance learning;

g. Amount spent on food programs;

h. Amount spent on housing support;

i. Amount spent to improve telework capabilities of public employees;

j. Amount spent on medical expenses;

k. Amount spent on nursing home assistance;

l. Amount spent on payroll for public health and safety employees;

m. Amount spent on personal protective equipment;

n. Amount spent on public heath expenses;

o. Amount spent on small business assistance;

p. Amount spent on unemployment benefits;

q. Amount spent on workers' compensation;

r. Amount spent on items not listed above; and

s. The primary place of performance of this Project.

SECTION V. DISBURSEMENT PROVISIONS

Agency will disburse the Grant Funds within five business days of the Executed Agreement

EXHIBIT B
INSURANCE

INSURANCE REQUIREMENTS

Grantee must obtain at Grantee's expense, and require its first tier contractors and subgrantees, if any, to obtain the insurance specified in this exhibit prior to performing under this Grant, and must maintain it in full force and at its own expense throughout the duration of this Grant, as required by any extended reporting period or tail coverage requirements, and all warranty periods that apply. Grantee must obtain and require its first tier contractors and subgrantees, if any, to obtain the following insurance from insurance companies or entities acceptable to Agency and authorized to transact the business of insurance and issue coverage in Oregon. Coverage must be primary and non-contributory with any other insurance and self-insurance, with the exception of professional liability and workers' compensation. Grantee must pay and require its first tier contractors and subgrantees to pay, if any, for all deductibles, self-insured retention and self-insurance, if any.

WORKERS' COMPENSATION

All employers, including Grantee, that employ subject workers, as defined in ORS 656.027, shall comply with ORS 656.017 and provide workers' compensation insurance coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). Grantee shall require and ensure that each of its subgrantees, contractors, and subcontractors complies with these requirements. If Grantee is a subject employer, as defined in ORS 656.023, Grantee shall also obtain employers' liability insurance coverage with limits not less than $500,000 each accident. If Grantee is an employer subject to any other state's workers' compensation law, Grantee shall provide workers' compensation insurance coverage for its employees as required by applicable workers' compensation laws including employers' liability insurance coverage with limits not less than $500,000, and shall require and ensure that each of its out-of-state subgrantees, contractors, and subcontractors complies with these requirements.

COMMERCIAL GENERAL LIABILITY

☒ **Required** ☐ **Not required**

Commercial general liability insurance covering bodily injury and property damage in a form and with coverage that are satisfactory to Agency. This insurance must include personal and advertising injury liability, products and completed operations, contractual liability coverage for the indemnity provided under this Grant, and have no limitation of coverage to designated premises, project or operation. Coverage must be written on an occurrence basis in an amount of not less than $1,000,000 per occurrence. Annual aggregate limit may not be less than $2,000,000.

AUTOMOBILE LIABILITY INSURANCE

☒ **Required** ☐ **Not required**

Automobile liability insurance covering Grantee's business use including coverage for all owned, non-owned, or hired vehicles with a combined single limit of not less than $1,000,000 for bodily injury and property damage. This coverage may be written in combination with the commercial general liability insurance (with separate limits for commercial general liability and automobile liability). Use of

personal automobile liability insurance coverage may be acceptable if evidence that the policy includes a business use endorsement is provided.

PROFESSIONAL LIABILITY

☐ **Required** ☒ **Not required**

Professional liability insurance covering any damages caused by an error, omission or any negligent acts related to the activities performed under this Grant by the Grantee and Grantee's contractors, subgrantees, agents, officers or employees in an amount not less than $_____ per claim. Annual aggregate limit may not be less than $_____. If coverage is on a claims made basis, then either an extended reporting period of not less than 24 months must be included in the professional liability insurance coverage, or the Grantee must provide tail coverage as stated below.

NETWORK SECURITY AND PRIVACY LIABILITY

☐ **Required** ☒ **Not required**

Grantee must provide network security and privacy liability insurance for the duration of the Grant and for the period of time in which Grantee (or its business associates, contractors, or subgrantees) maintains, possesses, stores or has access to Agency or client data, whichever is longer, with a combined single limit of no less than $_____ per claim or incident. This insurance must include coverage for third party claims and for losses, thefts, unauthorized disclosures, access or use of Agency or client data (which may include, but is not limited to, Personally Identifiable Information ("PII"), payment card data and Protected Health Information ("PHI")) in any format, including coverage for accidental loss, theft, unauthorized disclosure access or use of Agency data.

POLLUTION LIABILITY

☐ **Required** ☒ **Not required**

Pollution liability insurance covering Grantee's or appropriate contractor or subgrantee's liability for bodily injury, property damage and environmental damage resulting from sudden, accidental, or gradual pollution and related cleanup costs incurred by Grantee, all arising out of the Project activities (including transportation risk) performed under this Grant is required. Combined single limit per occurrence may not be less than $_____. Annual aggregate limit may not be less than $_____.

An endorsement to the commercial general liability or automobile liability policy, covering Grantee's, contractor, or subgrantee's liability for bodily injury, property damage and environmental damage resulting from sudden, accidental, or gradual pollution and related clean-up costs incurred by Grantee that arise from the Project activities (including transportation risk) performed by Grantee under this Grant is also acceptable.

DIRECTORS, OFFICERS AND ORGANIZATION LIABILITY

☐ **Required** ☒ **Not required**

Directors, officers and organization liability insurance covering the Grantee's organization, directors, officers, and trustees actual or alleged errors, omissions, negligent, or wrongful acts, including improper governance, employment practices and financial oversight - including improper oversight

and/or use of Grant Funds and donor contributions - with a combined single limit of no less than $_____ per claim.

CRIME PROTECTION COVERAGE: EMPLOYEE DISHONESTY or FIDELITY BOND

☐ **Required** ☒ **Not required**

Employee dishonesty or fidelity bond covering loss of money, securities and property caused by dishonest acts of Grantee's employees. Coverage limits may not be less than $_____.

PHYSICAL ABUSE AND MOLESTATION INSURANCE COVERAGE

☐ **Required** ☒ **Not required**

Abuse and molestation insurance in a form and with coverage satisfactory to the State covering damages arising out of actual or threatened physical abuse, mental injury, sexual molestation, negligent: hiring, employment, supervision, investigation, reporting to proper authorities, and retention of any person for whom the Grantee, its contractors, subcontractors or subgrantees ("Covered Entity") is responsible including but not limited to any Covered Entity's employees and volunteers. Policy endorsement's definition of an insured must include the Covered Entity and its employees and volunteers. Coverage must be written on an occurrence basis in an amount of not less than $_____ per occurrence. Any annual aggregate limit may not be less than $_____. Coverage can be provided by a separate policy or as an endorsement to the commercial general liability or professional liability policies. The limits must be exclusive to this required coverage. Incidents related to or arising out of physical abuse, mental injury, or sexual molestation, whether committed by one or more individuals, and irrespective of the number of incidents or injuries or the time period or area over which the incidents or injuries occur, must be treated as a separate occurrence for each victim. Coverage must include the cost of defense and the cost of defense must be provided outside the coverage limit.

EXCESS/UMBRELLA INSURANCE

A combination of primary and excess/umbrella insurance may be used to meet the required limits of insurance.

ADDITIONAL INSURED

All liability insurance, except for workers' compensation, professional liability, and network security and privacy liability (if applicable), required under this Grant must include an additional insured endorsement specifying the State of Oregon, its officers, employees and agents as Additional Insureds, including additional insured status with respect to liability arising out of ongoing operations and completed operations, but only with respect to Grantee's activities to be performed under this Grant. Coverage must be primary and non-contributory with any other insurance and self-insurance. The Additional Insured endorsement with respect to liability arising out of Grantee's ongoing operations must be on ISO Form CG 20 10 07 04 or equivalent and the Additional Insured endorsement with respect to completed operations must be on ISO form CG 20 37 04 13 or equivalent.

WAIVER OF SUBROGATION

Grantee waives, and must require its first tier contractors and subgrantees waive, rights of subrogation which Grantee, Grantee's first tier contractors and subgrantees, if any, or any insurer of

Grantee may acquire against the Agency or State of Oregon by virtue of the payment of any loss. Grantee must obtain, and require its first tier contractors and subgrantees to obtain, any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the Agency has received a waiver of subrogation endorsement from the Grantee or the Grantee's insurer(s).

TAIL COVERAGE

If any of the required insurance is on a claims made basis and does not include an extended reporting period of at least 24 months, Grantee must maintain, and require its first tier contractors and subgrantees, if any, maintain, either tail coverage or continuous claims made liability coverage, provided the effective date of the continuous claims made coverage is on or before the Effective Date of this Grant, for a minimum of 24 months following the later of (i) Grantee's completion and Agency's acceptance of all Project activities required under this Grant, or, (ii) Agency or Grantee termination of Grant, or, iii) the expiration of all warranty periods provided under this Grant.

CERTIFICATE(S) AND PROOF OF INSURANCE

At Agency's request, Grantee must provide to Agency a Certificate(s) of Insurance for all required insurance. The Certificate(s) must list the State of Oregon, its officers, employees and agents as a Certificate holder and as an endorsed Additional Insured. The Certificate(s) must also include all required endorsements or copies of the applicable policy language effecting coverage required by this Grant. If excess/umbrella insurance is used to meet the minimum insurance requirement, the Certificate of Insurance must include a list of all policies that fall under the excess/umbrella insurance. As proof of insurance, Agency has the right to request copies of insurance policies and endorsements relating to the insurance requirements in this Grant. Grantee must furnish acceptable insurance certificates to: CoronavirusReliefFund@oregon.gov or by mail to: Department of Administrative Services, Attention: Coronavirus Relief Fund, 155 Cottage Street NE, Salem, OR, 97301 prior to commencing the work.

NOTICE OF CHANGE OR CANCELLATION

Grantee or its insurer must provide at least 30 days' written notice to Agency before cancellation of, material change to, potential exhaustion of aggregate limits of, or non-renewal of the required insurance coverage(s).

INSURANCE REQUIREMENT REVIEW

Grantee agrees to periodic review of insurance requirements by Agency under this Grant, and to provide updated requirements as mutually agreed upon by Grantee and Agency.

STATE ACCEPTANCE

All insurance providers are subject to Agency acceptance. If requested by Agency, Grantee must provide complete copies of insurance policies, endorsements, self-insurance documents and related insurance documents to Agency's representatives responsible for verification of the insurance coverages required under this exhibit.

EXHIBIT C
FEDERAL TERMS AND CONDITIONS

1. FEDERAL FUNDS

1.1. If specified below, Agency's payments to Grantee under this Grant will be paid in whole or in part by funds received by Agency from the United States Federal Government. If so specified then Grantee, by signing this Grant, certifies neither it nor its employees, contractors, subcontractors or subgrantees who will perform the Project activities are currently employed by an agency or department of the federal government.

Payments ☒ will ☐ will not be made in whole or in part with federal funds.

1.2. In accordance with the Chief Financial Office's Oregon Accounting Manual, policy 30.40.00.104, Agency has determined:

☒ Grantee is a subrecipient ☐ Grantee is a contractor ☐ Not applicable

1.3. Catalog of Federal Domestic Assistance (CFDA) #(s) of federal funds to be paid through this Grant: 21.019

2. FEDERAL PROVISIONS

2.1. The use of all federal funds paid under this Grant are subject to all applicable federal regulations, including the provisions described below.

2.2. Grantee must ensure that any further distribution or payment of the federal funds paid under this Grant by means of any contract, subgrant, or other agreement between Grantee and another party for the performance of any of the activities of this Grant, includes the requirement that such funds may be used solely in a manner that complies with the provisions of this Grant.

2.3. Grantee must include and incorporate the provisions described below in all contracts and subgrants that may use, in whole or in part, the funds provided by this Grant.

2.4. Grantee must comply, and ensure the compliance by subcontractors or subgrantees, with 41 U.S.C. 4712, Program for Enhancement of Employee Whistleblower Protection. Grantee must inform subrecipients, contractors and employees, in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 USC § 4712.

In accordance with U.S. Treasury guidance – Grantee is subject to the following provisions, as applicable.

For purposes of these provisions, the following definitions apply:

"Contract" means this Grant or any contract or subgrant funded by this Grant.

"Contractor" and **"Subrecipient"** and **"Non-Federal entity"** mean Grantee or Grantee's contractors or subgrantees, if any.

(A) 2 CFR §200.303 Internal Controls

(B) 2 CFR §§ 200.330 through 200.332 Subrecipient Monitoring and Management

(C) Subpart F – Audit Requirements of 2 CFR §200.5XX

i. Contractor must comply, and require any subcontractor to comply, with applicable audit requirements and responsibilities set forth in this Contract and applicable state or federal law.

ii. If Contractor receives federal awards in excess of $750,000 in a fiscal year, Contractor is subject to audit conducted in accordance with the provisions of 2 CFR part 200, subpart F. Copies of all audits must be submitted to Agency within 30 days of completion.

iii. Contractor must save, protect and hold harmless Agency from the cost of any audits or special investigations performed by the Secretary of State with respect to the funds expended under this Contract. Contractor acknowledges and agrees that any audit costs incurred by Contractor as a result of allegations of fraud, waste or abuse are ineligible for reimbursement under this or any other agreement between Contractor and State.

(D) System for Award Management. Grantee must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at https://www.sam.gov. This includes applicable requirements regarding registration with SAM, as well as maintaining current information in SAM. The Grantee also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the Grantee) the unique entity identifier required for SAM registration.

3. ADDITIONAL FEDERAL REQUIREMENTS

None.

DAS GRANT #3542 – *[Coronavirus Relief Fund]*

EXHIBIT D
FEDERAL AWARD IDENTIFICATION
(Required by 2 CFR 200.331(a))

(i)	Grantee Name: *(must match DUNS registration)*	City of Corvallis
(ii)	Grantee's DUNS number:	030796783
(iii)	Federal Award Identification Number (FAIN):	
(iv)	Federal award date: *(date of award to DAS by federal agency)*	March 27, 2020
(v)	Grant period of performance start and end dates:	Start: March 1, 2020 End: December 30, 2020
(vi)	Total amount of federal funds obligated by this Grant:	$92,482
(vii)	Total amount of federal award committed to Grantee by Agency: *(amount of federal funds from this FAIN committed to Grantee)*	$92,482
(viii)	Federal award project description:	Coronavirus Relief Fund
(ix)	Federal awarding agency:	U.S. Department of the Treasury
	Name of pass-through entity:	Oregon Department of Administrative Services
	Contact information for awarding official of pass-through entity:	Gerold Floyd, CoronavirusReliefFund@Oregon.gov
(x)	CFDA number, name, and amount:	Number: 21.019 Name: Coronavirus Relief Fund Amount: $1,388,506,837.10
(xi)	Is award research and development?	Yes ☐ No ☒
(xii)	Indirect cost rate:	Not allowed per U.S. Treasury guidance
	Is the 10% de minimis rate being used per §200.414?	Yes ☐ No ☒

TO: City Council for September 21, 2020 Council Meeting

FROM: Karen Emery, Parks and Recreation Director KE

DATE: August 31, 2020

THROUGH: Mark W. Shepard, P.E., City Manager MWS

Nancy Brewer, Finance Director NB

SUBJECT: Friends of Corvallis Parks and Recreation Donation, James A. Ringler Pickleball Courts Shade Structure

STRATEGIC OPERATIONAL PLAN PRIORITY: N/A

Action Requested:

Staff recommends Council accept and appropriate a donation from the Friends of Corvallis Parks and Recreation in the amount of $30,500 to fund the new shade structure at the James A. Ringler Pickleball Courts. Adoption of the attached resolution will authorize acceptance of the donation and provide appropriation for use.

Discussion:

The Friends of Corvallis Parks and Recreation have received donations to be utilized at this specific Pickleball Court location. Users of the courts have requested shade for the bleacher area. Although the property is owned by the School District near the District Administration Office, the City has an easement for the courts. The District has agreed that the prefabricated commercial shade structure can be installed on District property adjacent to the Pickleball Courts. If the District ever needs the shade structure removed at a future date, it will be re-purposed at another location.

Budget Impact:
There is no impact to the current budget, the donation and increased appropriations will cover all costs of the project. The funds will be designated for this specific special project.

Attachment:
CC-A-City Council Resolution 2020

RESOLUTION 2020-__

A RESOLUTION ACCEPTING AND APPROPRIATING A DONATION IN THE AMOUNT OF $30,500 FOR THE PURPOSE OF INSTALLING A SHADE STRUCTURE AT JAMES A. RINGLER PICKLEBALL COURTS

Minutes of the September 21, 2020, Corvallis City Council meeting, continued.

A Resolution submitted by Councilor _____.

WHEREAS, ORS 294.338 (1) states that a municipal corporation may not expend money unless the municipal corporation has complied with Local Budget Law sections ORS 294.305 to 294.565; and

WHEREAS, ORS 294.338 (2) provides that ORS 294.338 (1) does not apply to the expenditure of grants, gifts, bequests or devises transferred to a municipal corporation in trust for a specific purpose if the governing body of the municipal corporation enacts appropriation ordinances or resolutions authorizing the expenditure; and

WHEREAS, the City of Corvallis has received a donation from Friends of Corvallis Parks and Recreation in the amount of $30,500 for the specific purpose of installing the shade structure at James A. Ringler Pickleball Courts.

WHEREAS, the donation was unanticipated at the time the fiscal year 2020-21 budget was adopted; and

WHEREAS, the City Council finds that it is in the City's best interest to use the donation for intended purpose; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES to accept the donation offered by Friends of Corvallis Parks and Recreation and authorizes the City Manager to execute agreements accepting the grant and any future amendments relating to this agreement; and

BE IT FURTHER RESOLVED that the Finance Director be authorized to make the proper adjustments in the budget appropriations.

GENERAL FUND	INCREASE
Parks and Recreation Department Special Projects	$30,500

_____

Councilor

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

TO: City Council for September 21, 2020, Council Meeting

FROM: Nancy Brewer, Finance Director NB

DATE: September 14, 2020

THROUGH: Mark W. Shepard, P.E., City Manager MWS

SUBJECT: Low-Income Assistance program for the City Services Bill.

STRATEGIC OPERATIONAL PLAN PRIORITY: E-4 B: Investigate and develop a low-income assistance program for city services customers

Action Requested:

Staff recommends Council adopt the attached ordinance creating Municipal Code Chapter 3.13 Low-Income Assistance (CC-A) and the Resolution to set rates (CC-B).

Discussion:

The Council has supported the idea of a low-income assistance program for the City Services Bill for some time. Implementation of a low-income program was included in the most recent Strategic Operational Plan – E-4B.

At the July 20 and September 8 Council meeting, the Council made several decisions about implementing an on-going low-income assistance program for Corvallis City Services account holders. These include:

- To use participation in the Oregon Health Plan, Supplemental Nutrition Assistance Program, or the school district's free lunch program as the verification method for customers to qualify for this benefit (ord. 3.13.030 (2));
- To provide $25 per month in a credit for qualified single-family customers where the customer pays the City Services bill (ord. 3.13.030 (2));
- To provide this credit for one year, with the option for the customer to renew annually (ord. 3.13.030 (4); and
- To assess a 35 cent per month fee on all customers to fund this program (ord. 3.13.040 (1); resolution setting fee).

The attached ordinance and resolution will initiate an on-going low-income assistance program for City Services bill customers, funded by a new 35-cent fee on the bill. Finance staff will work with Public Information Officer Rollens to advertise the program and make applications available to customers. Program information will be made available in Spanish and English.

Staff anticipates program initiation for January 1, 2021, but applications will be accepted year around. In one comparator community, an initial application made within four months of the annual renewal date would have the assistance automatically extended for the entire year.

This initial program will allow staff to assess demand for the program. The program will be evaluated for needed modifications as we gain experience with how it is working. As noted earlier, staff will provide interim reports to the Council to inform future decisions.

Budget Impact:

Staff estimates the 35-cent fee will generate $5,531 per month from all customers, and assist 221 customers each month. The average single-family bill (using six units of water in a month) will increase from $95.18 to $95.53.

Attachments:
CC-A: Ordinance enacting CMC 3.13 Low-Income Assistance
CC-B: Resolution setting the Low-Income Assistance fee

ORDINANCE 2020-___

AN ORDINANCE RELATING TO LOW-INCOME ASSISTANCE, ENACTING MUNICIPAL CODE SECTION 3.13 "LOW-INCOME ASSISTANCE" AND STATING AN EFFECTIVE DATE.

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Section 3.13 Low-Income Assistance is hereby enacted as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 2. Effective date. The general welfare of the public will be promoted if this ordinance takes effect on January 1, 2021.

Section 3. No other provision in the Municipal Code is amended by this ordinance

PASSED by the City Council this _____ day of _____, 2020

APPROVED by the Mayor this _____ day of _____, 2020

EFFECTIVE this _____ day of _____, 2020

_____
Mayor

ATTEST:

_____
City Recorder

ORDINANCE 2020-___

EXHIBIT A

Chapter 3.13 – LOW-INCOME ASSISTANCE FEE

Section 3.13.010 - Purpose.

1) The City Council has identified income disparity as a concern in the community and that assistance for low-income residents in paying their City Services bills could improve some aspects of that disparity.

2) The City Council has also determined that the existing one-time emergency assistance program is not adequate to aid low-income residents and on-going support is necessary.

3) The City Council has also determined that establishing a program of on-going monthly discounts will be beneficial at making Corvallis more affordable for low-income community members, and that separate funding to provide the discounts will maintain all others services currently funded by fees on the City Services bill at their current level.

(Ord. 2020- § 1 (Exh. A), 09/21/2020)

Section 3.13.020 - Definitions.

Terms used in this chapter have the same meaning as those in Chapter 3.06 City Services Billing.

(Ord. 2020- § 1 (Exh. A), 09/21/2020)

Section 3.13.030 - Revenue.

1) The low-income assistance fee shall be accounted for in the General Fund. Revenue from the fee will be used each month as provided in 3.13.030(2). Any balances remaining at fiscal year-end will be reported as a Committed Reserve in the General Fund.

2) Revenue from the Low-Income Assistance Fee provides a $25 credit monthly for single-family residential customers located inside the Corvallis city limits, who pay the City Services bill and participate in the Supplemental Nutrition Assistance Program (SNAP), or Oregon Health Plan (OHP), or school free lunch program.

3) Customers who participate in one of these programs will complete an application, show proof of their participation, and be approved before a credit will be applied.

4) Customers will be able to seek annual renewals, and will be notified when the renewal period begins.

(Ord. 2020- § 1 (Exh. A), 09/21/2020)

Section 3.13.040 – Low-Income Assistance Fee.

1) A Low-Income Assistance Fee is imposed upon all City Services accounts except for customer accounts identified in 3.13.050. The fees imposed under this chapter shall become due and payable from and after the effective date of this chapter, and for property developed after the effective date of this chapter, from and after the date the property becomes developed.

2) The Low-Income Assistance Fee imposed under subsection (1) of this section may be paid by the owner, occupant or anyone designated by the owner or occupant; however if the Low-Income Assistance Fee is not paid promptly, when due, the City shall proceed to collect such charges in any manner provided by law. No lien will attach to property in the event of nonpayment of the Low-Income Assistance Fee.

3) The fees imposed under this chapter shall begin with City Services bills issued on or after January 1 1, 2021.

(Ord. 2020- § 1 (Exh. A), 09/21/2020)

Section 3.13.050 - Exceptions to the Low-Income Assistance Fee.

The following shall not be subject to the Low-Income Assistance Fee:

1) City-owned parking lots, which are not associated with public services other than parking.

2) Publicly owned parkland, open spaces, and greenways.

3) Areas encompassed by railroad and public rights-of-way, except for developed railroad property such as maintenance areas, non-rolling storage areas and areas used for the transfer of rail-transported goods to non-rail transport.

4) Undeveloped properties.

5) Customers outside of the City limits.

6) Irrigation accounts.

7) Fire Service accounts.

(Ord. 2020- § 1 (Exh. A), 09/21/2020)

Section 3.13.060 - Determination of Low-Income Assistance Fee.

1) The City Council will set the Low-Income Assistance Fee by Resolution.

(Ord. 2020- , § 1 (Exh. A), 09/21/2020)

Section 3.13.070 - Billing and Collection of Fees.

1) The Low-Income Assistance Fee shall be billed and collected monthly on the City Services bill.

2) If the Low-Income Assistance Fee is not paid when due, the City shall proceed to collect such charges in any manner provided by law.

(Ord. 2020- § 1 (Exh. A), 09/21/2020)

Section 3.13.080 - Appeal.

1) Any person responsible for an account may appeal the calculation of this fee to the City Council.

(Ord. 2020- § 1 (Exh. A), 09/21/2020)

Section 3.11.090 - Severability.

If any provision, paragraph, word, section, or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

(Ord. 2020- § 1 (Exh. A), 09/21/2020)

RESOLUTION 2020-_____

A RESOLUTION ESTABLISHING THE RATES FOR THE LOW-INCOME ASSISTANCE FEE.

Minutes of the September 21, 2020, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, the Low-Income Assistance Fee has been established by the City Council in Corvallis Municipal Code Chapter 3.13; and

WHEREAS, the City Council has determined that is in the public interest to establish a rate for the Low-Income Assistance Fee to be effective for bills rendered on or after January 1, 2021; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that the Low-Income Assistance Fee shall be established at the rate of 35 cents per month.

_____
Councilor

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

TO: City Council for September 21, 2020, Council

FROM: Meeting Mary Steckel, Public Works Director MS

DATE: August 24, 2020

THROUGH: Mark W. Shepard, P.E., City Manager MWS

Nancy Brewer, Finance Director NB

SUBJECT: City Services Customer Account Audit: Findings

STRATEGIC OPERATIONAL PLAN PRIORITY: E-2D Audit City Services Customer Accounts for Accuracy

Action Requested:

For information only, no action required.

Discussion:

The City Services Bill has changed significantly over the last fifteen years. Traditionally referred to as the Utility Bill, stemming from its initial function to charge customers for water and wastewater services, the City Services Bill now collects revenue for nine different service programs at the City. In an effort to ensure accuracy of the City's billing system, staff conducted a review of the various charges through a comprehensive audit of customer accounts. This effort is identified as a priority in the City's Strategic Operational Plan (E-2D).

The audit performed by City staff focused on the following:

1. The history of each fee including when it was implemented and the last time it was reviewed or updated by the City Council;
2. The methodology of how each fee is currently applied on a City Services Bill;
3. The review of all Commercial accounts for current business type and size, used in the calculation of the Transportation Maintenance Fee and the Transit Operations Fee;
4. The review of stormwater fees applied to Multi-Family, Group Residential and Commercial accounts; and
5. The accuracy of current rates for each fee and the accuracy of each account type to contain all appropriate charges, rules, and formulas.

Each of the nine service fees is charged based on a robust methodology that has been developed in order to collect the fees in an equitable and consistent manner across the various customer classes and types that the City serves. With approximately 17,000 accounts, there are bound to be corrections or adjustments that are required from time to time. In this audit, staff found that the City has been consistently accurate in how service fee methodologies are applied and that, overall, customers have been billed appropriately.

Details on each of the audit components listed above are provided in the following sections.

History of the Fees

The history of each fee provides context to how the City Services Bill has changed over the last fifteen years.

In 2005, the Transportation Maintenance Fee was adopted by the City Council in alignment with the results from the 2004 Task Force appointed to review street maintenance funding. In 2019, the Transportation Maintenance Fee methodology was reviewed by staff. Recommendations to increase and simplify the fee structure were approved by the City Council. The Transportation Maintenance Fee was last updated on February 1, 2020.

In 2006, staff consolidated the customer billing guidelines from three Chapters of the Municipal Code regulating water, wastewater and stormwater services, into a new Section titled City Services Billing. A result of this effort was a Rate Table that detailed water, wastewater and stormwater rates for the various customer groups all in one place within the Municipal Code.

In 2011, the Sidewalk Maintenance Fee, Transit Operations Fee, and Urban Forest Management Fee were adopted by the City Council to create funding sources to implement programs detailed in the Community Sustainability Action Plan. The Sidewalk Maintenance and Urban Forest Management Fees were last updated on February 1, 2011. The Transit Operations Fee is reviewed annually and was last updated on February 1, 2020.

In 2014, staff worked with a consultant to conduct a utility rate study to review the effectiveness of the existing rates in recovering the costs to operate and maintain the utilities. A rate structure change was approved by the City Council. Water, wastewater and stormwater fees are reviewed annually and were last updated on February 1, 2020.

In 2018, the Police Service Fee and Fire Service Fee were adopted by the City Council, in conjunction with a community vote, to provide specific funding sources for Police and Fire services separate from the General Fund. The Police and Fire Service Fees were last updated on July 1, 2020.

Fee Methodology

Understanding the methodology used to calculate each fee is helpful to appreciate the complexities of the City Services Bill system.

Water Service - the provision of potable water for customer use, described in Municipal Code (MC) Chapter 3.06. Water service is billed as a combination of a monthly fixed rate and a monthly consumption rate times the number of water units used. Rates vary, based on the type of property (ex. Single Family Residential or Commercial) and elevation of the property (ex. 1st or 2nd Level).

Wastewater Service – the treatment of water-carried waste from the sanitary conveniences of customers, described in MC Chapter 3.06. Wastewater service is billed as a combination of a monthly fixed rate and a monthly consumption rate times the number of water units used, based on the type of property (ex. Commercial or Residential) and strength of discharge (ex. High Strength).

Stormwater Service – the conveyance of surface stormwater away from customer properties, described in MC Chapter 3.06. Stormwater service is billed as a fixed rate per Equivalent Surface Unit (ESU). One ESU equals the average impervious surface for a Single Family Residential property. The ESUs for all other customer groups are based on the parcel's actual impervious surface area.

Sidewalk Maintenance Fee – for the maintenance and upkeep of the sidewalk system within the City limits, described in MC Chapter 3.07. Sidewalk maintenance service is billed as a fixed rate per customer account.

Transit Operations Fee – for fareless transit service within the City limits, described in MC Chapter 3.08. The Transit Fee is billed as a per-unit rate (for Single Family and Multi-Family accounts) or as a per-trip

rate times the number of assigned trips based on the developed property's type and use (for Group Residential and Commercial accounts).

Urban Forest Management Fee – for the management and upkeep of the City's urban forest, limited to the public right-of-way within the City limits and City parkland, described in MC Chapter 3.09. Urban forest management service is billed as a fixed rate per customer account.

Police Service Fee – for the supplemental and additional law enforcement services, above and beyond the core levels and types of services, described in MC Chapter 3.10. Police service is billed as a fixed rate based on the residential meter equivalency to determine the intensity of use of a property and the corresponding need for additional Police services.

Fire Service Fee – for the supplemental and additional fire and emergency medical technician services, above and beyond the core levels and types of services, described in MC Chapter 3.11. Fire service is billed as a fixed rate based on the residential meter equivalency to determine the intensity of use of a property and the corresponding need for additional supplemental Fire services.

Transportation (Street) Maintenance Fee – for pavement preservation or street reconstruction activities on city streets, and for pedestrian/bicycle safety projects, described in MC Chapter 3.12. Transportation maintenance is billed as a fixed per-unit (for Single Family and Multi-Family accounts) or a per-trip rate times the number of assigned trips based on the developed property's type and use (for Group Residential and Commercial accounts).

Attachment CC-A outlines the current fees in table format.

Transportation Maintenance and Transit Operations Fee Commercial Account Review

The City uses a manual published by the Institute of Transportation Engineers (ITE) to classify Commercial properties into categories that is then used in the calculation of the Transportation Maintenance and Transit Operations Fees. The ITE category and subsequent number of trips allocated per customer account is based on information provided to the City by the Commercial property owner. At times, this information can become outdated, and because the City does not have a business license program, there is no reliable mechanism for reviewing this information as occupants and uses of buildings change over time. In an effort to update current data, staff worked with a group of Oregon State University students to conduct a review of all Commercial accounts. The students physically visited each Commercial property to identify business type, current square footage and registry with the Benton County Assessor's office. The students spent over fifty hours in the field collecting and updating data for the City.

Stormwater Equivalent Surface Unit Review

Stormwater fees are based on the impervious surface area for each property. Common impervious surfaces include rooftops, driveways, sidewalks, patios areas, and parking lots. These hard-surface areas prevent infiltration of rain water into the ground, causing water to run off in greater quantities than under natural conditions, leading to the need for a storm/surface water collection system. Single Family Residential properties are charged for one Equivalent Surface Unit (ESU) equal to 2,750 square feet of impervious surface. Multi-Family Residential, Group Residential and Commercial properties are charged a corresponding number of ESUs based on the impervious surface area on their property. Over time, the amount of impervious surface assigned to a property can change through the addition of hard surfaces (i.e. a gravel parking lot is paved with asphalt). To ensure appropriate stormwater fees are being collected in relation to the amount of impervious surface, staff conducted an audit of a sample of non-residential properties located in the downtown. Staff found that the total amount billed was consistent with the total

impervious surface area downtown; and that the majority of accounts are billed correctly based on ESUs. However, staff did find some individual accounts that were billed too much and some that were billed too little. Since discrepancies were found in the sample data, additional staff time will be dedicated to review every account in the customer database.

Accuracy of Account Setup and Rates

Single Family Residential (SFR) accounts make up the majority of all City Services accounts held by the City and have the most basic setup of all account types. One hundred SFR accounts (less than 1%) were audited, with representation from locations across the city and length of service. SFR customers are charged fixed rates for all services with the exception of water and wastewater consumption units, which are based on actual usage each month. Water consumption rates are defined by both physical elevation of the property and the quantity of usage – rates progressively increase as usage increases. This structure was set up by the City Council as a method to incentivize the conservation of water. Attachment CC-B is an example of a SFR bill. Applicable rates for each service were reviewed and found to be accurate within the billing system. No changes are recommended for SFR accounts.

Multi-Family Residential (MFR) accounts make up nearly 6% of City Services accounts reflecting the nearly 1,000 apartment complexes, duplexes, and townhouses in the city. Ninety-five MFR accounts (10%) were audited, with representation from various locations and length of service. MFR accounts are comprised of residential structures with two or more dwelling units served by one water meter. Similar to SFR accounts, MFR customers are charged fixed rates for most services, excluding water and wastewater consumption units, and stormwater fees. Stormwater is assessed by Equivalent Surface Unit (ESU) that varies between customers depending on the amount of impervious surface on the property. MFR customers are also charged a fixed rate for the Transportation Maintenance and Transit Operations Fees, which are both assessed based on the number of residential units. Attachment CC-C is an example MFR bill.

Applicable rates for each service were reviewed and found to be accurate within the billing system. Staff identified some MFR accounts that were charged single family residential or group residential rates. It is unclear if the property use changed or if they are classified incorrectly in the system. Since discrepancies were found in the sample data, additional staff time will be dedicated to review every MFR account in the customer database.

In conjunction with this finding, staff identified an inconsistency in the definition of Multi-Family Unit in the MC as it pertains to group residential properties. This inconsistency has not impacted the service charges to customers, but should be corrected. A recommendation to remedy this discrepancy is provided in a subsequent staff report.

Group Residential (GD/GM/FR) accounts consist of dormitories, fraternities, sororities, and cooperative living accommodations for residential use with shared sanitary and kitchen facilities. There are approximately one hundred group residential properties in the city; staff audited 100% of these accounts. Group Residential accounts are more complex than SFR and MFR accounts. Similar to other residential customer types, water service is billed as a combination of a fixed monthly rate and a consumption charge for units of water used. Water consumption rates are defined by both physical elevation of the property and the quantity of usage – rates progressively increase as usage increases. Wastewater service includes a fixed monthly rate and a consumption charge based on the strength of discharged wastewater. The Transportation Maintenance and Transit Operations Fees are calculated based on a formula for the type and size of the property. Stormwater fees are assessed based on equivalent surface units of the property. Attachment CC-D is an example Group Residential bill.

Applicable rates for each service were reviewed and found to be accurate and applied consistently in the billing system. Staff identified a discrepancy in the definition of Group Residential in the MC as it pertains to assisted living facilities. This inconsistency has not impacted the service charges to customers, but should be corrected. A recommendation to remedy this discrepancy is provided in a subsequent staff report.

Commercial (CD/CM/CH/CV) accounts represent almost 8% of City Services accounts and include stores, personal service establishments, offices, government buildings, hospitals, schools, churches and manufacturing sites. There are approximately 1,200 commercial accounts in the City; staff audited 100% of these accounts. Commercial accounts are complex. Water service is billed as a combination of a fixed monthly rate and a flat consumption charge for units of water used; Commercial properties do not pay higher rates as their water consumption increases. Wastewater service includes a fixed monthly rate and a consumption charged based on the strength of discharged wastewater. The Transportation Maintenance and Transit Operations Fees are calculated based on a formula for the type and size of the property. Stormwater fees are assessed based on equivalent surface units of the property. Attachment CC-E is an example Commercial bill.

Applicable rates for each service were reviewed and found to be accurate within the billing system. Staff identified some Commercial accounts that were charged single family residential rates. These inconsistencies have since been resolved. In addition, staff identified a discrepancy in the definition of Commercial Service in the MC as it pertains to hotels and motels. This inconsistency has not impacted the service charges to customers, but should be corrected. A recommendation to remedy this discrepancy is provided in a subsequent staff report.

Irrigation (IR) and Fire Service (FS) are typically reflected as a sub-account or as an additional charge on the bill for Commercial, Multi-Family or Group Residential properties. Irrigation service is billed as a combination of a fixed monthly rate and a progressively increasing consumption rate as set thresholds for the amount of water used are reached. Fire service is billed as a monthly fixed rate since fire meters are only used when needed and rarely reflect consumption. Accounts that are for either irrigation or fire service only are not charged the other service fees. Each irrigation or fire service only account has a corresponding primary City Services account that is charged the other service fees. Attachment CC-F is an example irrigation bill. Applicable rates for each service were reviewed and found to be accurate within the billing system. No changes are recommended for irrigation or fire service only accounts.

Budget Impact:

No budget impact.

Attachments:
CC-A – Current Fee Schedule
CC-B – Single Family Residential City Service Bill
CC-C – Multi-Family Residential City Service Bill
CC-D – Group Residential City Service Bill
CC-E – Commercial City Service Bill with Fire Service
CC-F – Irrigation Only City Service Bill

2/1/2020 Effective Date

1) Rates for single family customers:

Meter Size	Base Rate	hcf	Water Consumption Rates per hcf 1st Level	2nd Level	3rd Level	Wastewater Consumption Rate per hcf Base Rate	All Usage	Stormwater Rate Per ESU
3/4"	$ 16.12	0-7	$ 1.78	$ 2.05	$ 2.16	$ 19.20	$ 3.06	$ 9.29
		8-13	$ 2.31	$ 2.58	$ 2.69			
		≥14	$ 2.83	$ 3.10	$ 3.21			
1.0"	$ 24.79	0-7	$ 1.78	$ 2.05	$ 2.16	$ 19.20	$ 3.06	$ 9.29
		8-13	$ 2.31	$ 2.58	$ 2.69			
		≥14	$ 2.83	$ 3.10	$ 3.21			
1.5"	$ 30.58	0-7	$ 1.78	$ 2.05	$ 2.16	$ 19.20	$ 3.06	$ 9.29
		8-13	$ 2.31	$ 2.58	$ 2.69			
		≥14	$ 2.83	$ 3.10	$ 3.21			

2/1/2020 Transportation Maintenance Fee Per Unit	2/1/2011 Sidewalk Maintenance Fee Per Account	2/1/2020 Transit Operations Fee Per Unit	2/1/2011 Urban Forestry Fee Per Account	7/1/2019 Police Service Fee Per RME	7/1/2019 Fire Service Fee Per RME
$ 4.06	$ 0.80	$ 3.13	$ 0.50	$ 12.10	$ 5.21
$ 4.06	$ 0.80	$ 3.13	$ 0.50	$ 12.10	$ 5.21
$ 4.06	$ 0.80	$ 3.13	$ 0.50	$ 12.10	$ 5.21

2) Rates for irrigation meters:

Meter Size	Base Rate	hcf	Water Consumption Rates per hcf 1st Level	2nd Level	3rd Level
3/4"	$ 14.03	0-7	$ 2.36	$ 2.78	$ 3.09
		8-13	$ 3.06	$ 3.48	$ 3.79
		≥14	$ 3.77	$ 4.19	$ 4.50
1.0"	$ 21.43	0-7	$ 2.36	$ 2.78	$ 3.09
		8-13	$ 3.06	$ 3.48	$ 3.79
		≥14	$ 3.77	$ 4.19	$ 4.50
1.5"	$ 26.38	0-7	$ 2.36	$ 2.78	$ 3.09
		8-13	$ 3.06	$ 3.48	$ 3.79
		≥14	$ 3.77	$ 4.19	$ 4.50
2.0"	$ 50.77	0-7	$ 2.36	$ 2.78	$ 3.09
		8-13	$ 3.06	$ 3.48	$ 3.79
		≥14	$ 3.77	$ 4.19	$ 4.50
3.0"	$ 174.52	0-7	$ 2.36	$ 2.78	$ 3.09
		8-13	$ 3.06	$ 3.48	$ 3.79
		≥14	$ 3.77	$ 4.19	$ 4.50
4.0"	$ 297.99	0-7	$ 2.36	$ 2.78	$ 3.09
		8-13	$ 3.06	$ 3.48	$ 3.79
		≥14	$ 3.77	$ 4.19	$ 4.50
6.0"	$ 495.53	0-7	$ 2.36	$ 2.78	$ 3.09
		8-13	$ 3.06	$ 3.48	$ 3.79
		≥14	$ 3.77	$ 4.19	$ 4.50
8.0"	$ 791.85	0-7	$ 2.36	$ 2.78	$ 3.09
		8-13	$ 3.06	$ 3.48	$ 3.79
		≥14	$ 3.77	$ 4.19	$ 4.50
10.0"	$ 1,137.56	0-7	$ 2.36	$ 2.78	$ 3.09
		8-13	$ 3.06	$ 3.48	$ 3.79
		≥14	$ 3.77	$ 4.19	$ 4.50

Transportation Maintenance Fee Per Unit	Sidewalk Maintenance Fee Per Account	Transit Operations Fee Per Unit	Urban Forestry Fee Per Account	Police Service Fee Per RME	Fire Service Fee Per RME
$ -	$ -	$ -	$ -	$ -	$ -

3) Rates for Multi-Family:

Meter Size	Base Rate	hcf	Water Consumption Rates per hcf 1st Level	2nd Level	3rd Level	Wastewater Consumption Rate per hcf Base Rate	All Usage	Stormwater Rate Per ESU
3/4"	$ 23.93	0-7	$ 1.28	$ 1.55	$ 1.66	$ 19.20	$ 3.06	$ 9.29
		8-13	$ 1.41	$ 1.68	$ 1.79			
		≥14	$ 1.53	$ 1.80	$ 1.91			
1.0"	$ 37.29	0-18	$ 1.28	$ 1.55	$ 1.66	$ 19.20	$ 3.06	$ 9.29
		19-33	$ 1.41	$ 1.68	$ 1.79			
		≥34	$ 1.53	$ 1.80	$ 1.91			
1.5"	$ 46.19	0-35	$ 1.28	$ 1.55	$ 1.66	$ 19.20	$ 3.06	$ 9.29
		36-65	$ 1.41	$ 1.68	$ 1.79			
		≥66	$ 1.53	$ 1.80	$ 1.91			
2.0"	$ 90.69	0-56	$ 1.28	$ 1.55	$ 1.66	$ 19.20	$ 3.06	$ 9.29
		57-104	$ 1.41	$ 1.68	$ 1.79			
		≥105	$ 1.53	$ 1.80	$ 1.91			
3.0"	$ 313.20	0-112	$ 1.28	$ 1.55	$ 1.66	$ 19.20	$ 3.06	$ 9.29
		113-208	$ 1.41	$ 1.68	$ 1.79			
		≥209	$ 1.53	$ 1.80	$ 1.91			
4.0"	$ 535.72	0-175	$ 1.28	$ 1.55	$ 1.66	$ 19.20	$ 3.06	$ 9.29
		176-325	$ 1.41	$ 1.68	$ 1.79			
		≥326	$ 1.53	$ 1.80	$ 1.91			
6.0"	$ 891.75	0-350	$ 1.28	$ 1.55	$ 1.66	$ 19.20	$ 3.06	$ 9.29
		351-650	$ 1.41	$ 1.68	$ 1.79			
		≥651	$ 1.53	$ 1.80	$ 1.91			
8.0"	$ 1,425.80	0-560	$ 1.28	$ 1.55	$ 1.66	$ 19.20	$ 3.06	$ 9.29
		561-1040	$ 1.41	$ 1.68	$ 1.79			
		≥1041	$ 1.53	$ 1.80	$ 1.91			
10.0"	$ 2,048.85	0-805	$ 1.28	$ 1.55	$ 1.66	$ 19.20	$ 3.06	$ 9.29
		806-1495	$ 1.41	$ 1.68	$ 1.79			
		≥1496	$ 1.53	$ 1.80	$ 1.91			

Transportation Maintenance Fee Per Unit	Sidewalk Maintenance Fee Per Account	Transit Operations Fee Per Unit	Urban Forestry Fee Per Account	Police Service Fee Per RME	Fire Service Fee Per RME
$ 3.15	$ 0.80	$ 2.16	$ 0.50	$ 12.10	$ 5.21
$ 3.15	$ 0.80	$ 2.16	$ 0.50	$ 24.20	$ 10.42
$ 3.15	$ 0.80	$ 2.16	$ 0.50	$ 48.40	$ 20.84
$ 3.15	$ 0.80	$ 2.16	$ 0.50	$ 84.70	$ 36.47
$ 3.15	$ 0.80	$ 2.16	$ 0.50	$ 193.60	$ 83.36
$ 3.15	$ 0.80	$ 2.16	$ 0.50	$ 338.80	$ 145.88
$ 3.15	$ 0.80	$ 2.16	$ 0.50	$ 774.40	$ 333.44
$ 3.15	$ 0.80	$ 2.16	$ 0.50	$ -	$ -
$ 3.15	$ 0.80	$ 2.16	$ 0.50	$ 2,153.80	$ 927.38

4) Rates for group residential/fraternity/sorority:
(D=Domestic; M=Medium; H=High; VH=Very High)

Meter Size	Base Rate	hcf	Water Consumption Rates per hcf 1st Level	2nd Level	3rd Level	Wastewater Consumption Rates per hcf Base Rate	All Usage	Stormwater Rate Per ESU
3/4"	$ 23.93	0-7	$ 1.28	$ 1.55	$ 1.66	$ 19.20	D - $3.06	$ 9.29
		8-13	$ 1.41	$ 1.68	$ 1.79		M - $3.60	
		≥14	$ 1.53	$ 1.80	$ 1.91		H - $5.17	
							VH - $7.13	
1.0"	$ 37.29	0-18	$ 1.28	$ 1.55	$ 1.66	$ 19.20	D - $3.06	$ 9.29
		19-33	$ 1.41	$ 1.68	$ 1.79		M - $3.60	
		≥34	$ 1.53	$ 1.80	$ 1.91		H - $5.17	
							VH - $7.13	
1.5"	$ 46.19	0-35	$ 1.28	$ 1.55	$ 1.66	$ 19.20	D - $3.06	$ 9.29

Transportation Maintenance Fee Per **Trip**	Sidewalk Maintenance Fee Per Account	Transit Operations Fee Per **Trip**	Urban Forestry Fee Per Account	Police Service Fee Per RME	Fire Service Fee Per RME
$ 0.430	$ 0.80	$ 0.327	$ 0.50	$ 12.10	$ 5.21
$ 0.430	$ 0.80	$ 0.327	$ 0.50	$ 24.20	$ 10.42
$ 0.430	$ 0.80	$ 0.327	$ 0.50	$ 48.40	$ 20.84

		36-65	$ 1.41	$ 1.68	$ 1.79		M - $3.60								
		≥66	$ 1.53	$ 1.80	$ 1.91		H - $5.17								
							VH - $7.13								
2.0"	$ 90.69	0-56	$ 1.28	$ 1.55	$ 1.66	$ 19.20	D - $3.06	$ 9.29	$ 0.430	$ 0.80	$ 0.327	$ 0.50	$ 84.70	$ 36.47
		57-104	$ 1.41	$ 1.68	$ 1.79		M - $3.60							
		≥105	$ 1.53	$ 1.80	$ 1.91		H - $5.17							
							VH - $7.13							
3.0"	$ 313.20	0-112	$ 1.28	$ 1.55	$ 1.66	$ 19.20	D - $3.06	$ 9.29	$ 0.430	$ 0.80	$ 0.327	$ 0.50	$ 193.60	$ 83.36
		113-208	$ 1.41	$ 1.68	$ 1.79		M - $3.60							
		≥209	$ 1.53	$ 1.80	$ 1.91		H - $5.17							
							VH - $7.13							
4.0"	$ 535.72	0-175	$ 1.28	$ 1.55	$ 1.66	$ 19.20	D - $3.06	$ 9.29	$ 0.430	$ 0.80	$ 0.327	$ 0.50	$ 338.80	$ 145.88
		176-325	$ 1.41	$ 1.68	$ 1.79		M - $3.60							
		≥326	$ 1.53	$ 1.80	$ 1.91		H - $5.17							
							VH - $7.13							
6.0"	$ 891.75	0-350	$ 1.28	$ 1.55	$ 1.66	$ 19.20	D - $3.06	$ 9.29	$ 0.430	$ 0.80	$ 0.327	$ 0.50	$ 774.40	$ 333.44
		351-650	$ 1.41	$ 1.68	$ 1.79		M - $3.60							
		≥651	$ 1.53	$ 1.80	$ 1.91		H - $5.17							
							VH - $7.13							
8.0"	$ 1,425.80	0-560	$ 1.28	$ 1.55	$ 1.66	$ 19.20	D - $3.06	$ 9.29	$ 0.430	$ 0.80	$ 0.327	$ 0.50	$ -	$ -
		561-1040	$ 1.41	$ 1.68	$ 1.79		M - $3.60							
		≥1041	$ 1.53	$ 1.80	$ 1.91		H - $5.17							
							VH - $7.13							
10.0"	$ 2,048.85	0-805	$ 1.28	$ 1.55	$ 1.66	$ 19.20	D - $3.06	$ 9.29	$ 0.430	$ 0.80	$ 0.327	$ 0.50	$ 2,153.80	$ 927.38
		806-1495	$ 1.41	$ 1.68	$ 1.79		M - $3.60							
		≥1496	$ 1.53	$ 1.80	$ 1.91		H - $5.17							
							VH - $7.13							

5) Rates for commercial and all other customers:
(D=Domestic; M=Medium; H=High; VH=Very High)

Meter Size	Base Rate	hcf	Water Consumption Rates per hcf			Wastewater Consumption Rates per hcf		Stormwater Rate	Transportation Maintenance Fee	Sidewalk Maintenance Fee	Transit Operations Fee	Urban Forestry Fee	Police Service Fee	Fire Service Fee
			1st Level	2nd Level	3rd Level	Base Rate	All Usage	Per ESU	Per **Trip**	Per Account	Per **Trip**	Per Account	Per RME	Per RME
3/4"	$ 23.93	≥0	$ 1.23	$ 1.44	$ 1.65	$ 24.04	D - $3.06	$ 9.29	$ 0.430	$ 0.80	$ 0.049	$ 0.50	$ 12.10	$ 5.21
							M - $3.60							
							H - $5.17							
							VH - $7.13							
1.0"	$ 37.29	≥0	$ 1.23	$ 1.44	$ 1.65	$ 24.04	D - $3.06	$ 9.29	$ 0.430	$ 0.80	$ 0.049	$ 0.50	$ 24.20	$ 10.42
							M - $3.60							
							H - $5.17							
							VH - $7.13							
1.5"	$ 46.19	≥0	$ 1.23	$ 1.44	$ 1.65	$ 24.04	D - $3.06	$ 9.29	$ 0.430	$ 0.80	$ 0.049	$ 0.50	$ 48.40	$ 20.84
							M - $3.60							
							H - $5.17							
							VH - $7.13							
2.0"	$ 90.69	≥0	$ 1.23	$ 1.44	$ 1.65	$ 24.04	D - $3.06	$ 9.29	$ 0.430	$ 0.80	$ 0.049	$ 0.50	$ 84.70	$ 36.47
							M - $3.60							
							H - $5.17							
							VH - $7.13							
3.0"	$ 313.20	≥0	$ 1.23	$ 1.44	$ 1.65	$ 24.04	D - $3.06	$ 9.29	$ 0.430	$ 0.80	$ 0.049	$ 0.50	$ 193.60	$ 83.36
							M - $3.60							
							H - $5.17							
							VH - $7.13							
4.0"	$ 535.72	≥0	$ 1.23	$ 1.44	$ 1.65	$ 24.04	D - $3.06	$ 9.29	$ 0.430	$ 0.80	$ 0.049	$ 0.50	$ 338.80	$ 145.88
							M - $3.60							
							H - $5.17							
							VH - $7.13							
6.0"	$ 891.75	≥0	$ 1.23	$ 1.44	$ 1.65	$ 24.04	D - $3.06	$ 9.29	$ 0.430	$ 0.80	$ 0.049	$ 0.50	$ 774.40	$ 333.44
							M - $3.60							
							H - $5.17							
							VH - $7.13							
8.0"	$ 1,425.80	≥0	$ 1.23	$ 1.44	$ 1.65	$ 24.04	D - $3.06	$ 9.29	$ 0.430	$ 0.80	$ 0.049	$ 0.50	$ -	$ -
							M - $3.60							
							H - $5.17							
							VH - $7.13							
10.0"	$ 2,048.85	≥0	$ 1.23	$ 1.44	$ 1.65	$ 24.04	D - $3.06	$ 9.29	$ 0.430	$ 0.80	$ 0.049	$ 0.50	$ 2,153.80	$ 927.38
							M - $3.60							
							H - $5.17							
							VH - $7.13							

6) Rates for Fire Service:
Standby (minimum) charges for automatic fire service. Charges are based on wet or dry sprinkling systems without hose or other connections; combined systems will pay the regular service meter minimums and the regular meter rates.

Meter Size	Base Rate	hcf	Transportation Maintenance Fee	Sidewalk Maintenance Fee	Transit Operations Fee	Urban Forestry Fee	Police Service Fee	Fire Service Fee
			Per Unit	Per Account	Per Unit	Per Account	Per RME	Per RME
1.0"	$ 1.29	≥0	$ -	$ -	$ -	$ -	$ -	$ -
1.5"	$ 1.63	≥0						
2.0"	$ 3.24	≥0						
3.0"	$ 11.31	≥0						
4.0"	$ 19.38	≥0						
6.0"	$ 32.31	≥0						
8.0"	$ 51.70	≥0						
10.0"	$ 74.32	≥0						

7) Stormwater Special User Unit (per ESU to the nearest .01 ESU): $1.73

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City of Corvallis
Utility Customer Services
500 SW•Madison Ave
PO•Box 3015
Corvallis, OR 97339-3015

Questions: 541-766-6949
Phone Payments: 877-690-3729
Jurisdiction: 4700
Email: utility.billing@corvallisoregon.gov
Web Site: corvallisoregon.gov/pay

CITY SERVICE BILL

Customer Name	Service Address
[redacted]	[redacted] CANTERBURY CIR

Bill Number	Bill Date	Account Number	Customer Number	Current Billing Due Date
244537	06/01/2020	[redacted]	[redacted]	06/26/2020

Charge Description	Meter Number	Previous Read Date	Current Read Date	Previous Reading	Current Reading	Usage (* Units)	Charge Amount
WATER BASE RATE							16.12
WATER CONSUMPTION RATE	70496209	04/28/2020	05/27/2020	384	390	6	10.68
*UNIT (HCF)						6 X 1.780	
WASTEWATER BASE RATE							19.20
WASTEWATER DISCHARGE *UNITS (HCF)						6 X 3.060	18.36
STORMWATER							9.29
STREET MAINTENANCE FEE							4.06
SIDEWALK MAINTENANCE FEE							0.80
TRANSIT OPERATIONS FEE							3.13
URBAN FORESTRY FEE							0.50
POLICE PUBLIC SERVICE FEE							12.10
FIRE PUBLIC SERVICE FEE							5.21

AUTO PAY (EFT)BANK DRAFT PROCESSED ON DUE DATE

ARE YOU MOVING? PLEASE REMEMBER TO NOTIFY THE CITY TO STOP SERVICE BY GOING TO OUR WEBSITE WWW.CORVALLISOREGON.GOV OR BY CALLING 541-766-6949. IF NOTICE IS NOT PROVIDED, YOU ARE REQUIRED TO CONTINUE TO PAY FOR SERVICE UNTIL A NEW CUSTOMER SIGNS UP FOR SERVICE.

Total Current Charges	99.45
Previous Balance	99.45
Adjustments	0.00
Less Payments Received	-99.45
Balance Forward	0.00
Total Due	**$99.45**

Detach and return the portion below with your payment

City of Corvallis
Utility Customer Services
500 SW•Madison Ave
PO•Box 3015
Corvallis, OR 97339-3015

CITY SERVICE BILL
REMIT PORTION

Please write your Account Number on your check and enclose this portion of bill with your payment.

Service Address	Bill Number	Account #	Customer #	Balance Forward Due By	
[redacted] CANTERBURY CIR	244537	[redacted]	[redacted]	Current Charges Due By	06/26/2020

AUTO PAY (EFT)BANK DRAFT PROCESSED ON DUE DATE

TOTAL DUE	**$99.45**
VOLUNTARY PARK DONATIONS	$
LIBRARY YOUTH SERVICES DONATIONS	$
CITY SERVICES ASSISTANCE DONATIONS	$
TOTAL PAID	$

[redacted]
[redacted] CANTERBURY CIR
CORVALLIS, OR 97330

0000604202060024453770000099457

City of Corvallis
Utility Customer Services
500 SW•Madison Ave
PO•Box 3015
Corvallis, OR 97339-3015

Questions: 541-766-6949
Phone Payments: 877-690-3729
Jurisdiction: 4700
Email: utility.billing@corvallisoregon.gov
Web Site: corvallisoregon.gov/pay

CITY SERVICE BILL

Customer Name	Service Address
[redacted] APARTMENTS	[redacted] NW [redacted] DR 1-8

Bill Number	Bill Date	Account Number	Customer Number	Current Billing Due Date
239200	06/01/2020	[redacted]	[redacted]	06/26/2020

Charge Description		Meter Number	Previous Read Date	Current Read Date	Previous Reading	Current Reading	Usage (* Units)	Charge Amount
WATER BASE RATE								46.19
SURCHARGE LEVEL	*UNIT (HCF)						26 X 0.270	7.02
WATER CONSUMPTION RATE		80956118	04/24/2020	05/22/2020	6382	6408	26	33.28
	*UNIT (HCF)						26 X 1.280	
WASTEWATER BASE RATE								19.20
WASTEWATER DISCHARGE	*UNITS (HCF)						26 X 3.060	79.56
STORMWATER								29.54
STREET MAINTENANCE FEE								25.20
SIDEWALK MAINTENANCE FEE								0.80
TRANSIT OPERATIONS FEE								17.28
URBAN FORESTRY FEE								0.50
POLICE PUBLIC SERVICE FEE								48.40
FIRE PUBLIC SERVICE FEE								20.84

ARE YOU MOVING? PLEASE REMEMBER TO NOTIFY THE CITY TO STOP SERVICE BY GOING TO OUR WEBSITE WWW.CORVALLISOREGON.GOV OR BY CALLING 541-766-6949. IF NOTICE IS NOT PROVIDED, YOU ARE REQUIRED TO CONTINUE TO PAY FOR SERVICE UNTIL A NEW CUSTOMER SIGNS UP FOR SERVICE.

Total Current Charges	327.81
Previous Balance	332.42
Adjustments	0.00
Less Payments Received	-332.42
Balance Forward	0.00
Total Due	**$327.81**

Detach and return the portion below with your payment

City of Corvallis
Utility Customer Services
500 SW•Madison Ave
PO•Box 3015
Corvallis, OR 97339-3015

CITY SERVICE BILL
REMIT PORTION

Please write your Account Number on your check and enclose this portion of bill with your payment.

Service Address	Bill Number	Account #	Customer #
[redacted] NW [redacted] DR 1-8	239200	[redacted]	[redacted]

Balance Forward Due By	
Current Charges Due By	06/26/2020
TOTAL DUE	**$327.81**
VOLUNTARY PARK DONATIONS	$
LIBRARY YOUTH SERVICES DONATIONS	$
CITY SERVICES ASSISTANCE DONATIONS	$
TOTAL PAID	$

[redacted] APARTMENTS
[redacted] NW [redacted] DR
CORVALLIS, OR 97330

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City of Corvallis
Utility Customer Services
500 SW•Madison Ave
PO•Box 3015
Corvallis, OR 97339-3015

Questions: 541-766-6949
Phone Payments: 877-690-3729
Jurisdiction: 4700
Email: utility.billing@corvallisoregon.gov
Web Site: corvallisoregon.gov/pay

CITY SERVICE BILL

Customer Name	Service Address
[redacted] FRATERNITY C/O [redacted] - TREASURER	[redacted] NW 13TH ST

Bill Number	Bill Date	Account Number	Customer Number	Current Billing Due Date
230733	05/14/2020	[redacted]	[redacted]	06/09/2020

Charge Description	Meter Number	Previous Read Date	Current Read Date	Previous Reading	Current Reading	Usage (* Units)	Charge Amount
WATER BASE RATE							46.19
WATER CONSUMPTION RATE	70299863	04/08/2020	05/07/2020	5828	5842	14	17.92
*UNIT (HCF)						14 X 1.280	
FIRE BASE RATE							19.38
FIRE CONSUMPTION RATE	70750381	04/08/2020	05/07/2020	0	0	0	0.00
CONSUMPTION RATE 0-175							
WASTEWATER BASE RATE							19.20
WASTEWATER DISCHARGE *UNITS (HCF)						14 X 3.600	50.40
STORMWATER							29.54
STREET MAINTENANCE FEE PER TRIP						4 X 0.430	1.72
SIDEWALK MAINTENANCE FEE							0.80
TRANSIT OPERATIONS FEE PER TRIP							8.32
URBAN FORESTRY FEE							0.50
POLICE PUBLIC SERVICE FEE							48.40
FIRE PUBLIC SERVICE FEE							20.84

GO TO WWW.CORVALLISOREGON.GOV/CORONAVIRUS FOR THE LATEST NEWS ON COVID-19 IN CORVALLIS. FREE GRAB-AND-GO MEALS AVAILABLE TO ALL CHILDREN 18 AND YOUNGER. LUNCH AND BREAKFAST PROVIDED VIA DRIVE-THRU PICKUP. FOR LOCATIONS AND TIMES VISIT WWW.CSD509J.NET.

Total Current Charges	263.21
Previous Balance	346.17
Adjustments	0.00
Less Payments Received	-346.17
Balance Forward	0.00
Total Due	**$263.21**

✂ Detach and return the portion below with your payment ✂

City of Corvallis
Utility Customer Services
500 SW•Madison Ave
PO•Box 3015
Corvallis, OR 97339-3015

CITY SERVICE BILL
REMIT PORTION

Please write your Account Number on your check and enclose this portion of bill with your payment.

Service Address	Bill Number	Account #	Customer #
[redacted] NW 13TH ST	230733	[redacted]	[redacted]

Balance Forward Due By	
Current Charges Due By	06/09/2020
TOTAL DUE	**$263.21**
VOLUNTARY PARK DONATIONS	$
LIBRARY YOUTH SERVICES DONATIONS	$
CITY SERVICES ASSISTANCE DONATIONS	$
TOTAL PAID	$

[redacted] FRATERNITY
C/O [redacted] - TREASURER
[redacted] NW 13TH ST
CORVALLIS, OR 97330

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City of Corvallis
Utility Customer Services
500 SW•Madison Ave
PO•Box 3015
Corvallis, OR 97339-3015

Questions: 541-766-6949
Phone Payments: 877-690-3729
Jurisdiction: 4700
Email: utility.billing@corvallisoregon.gov
Web Site: corvallisoregon.gov/pay

CITY SERVICE BILL

Customer Name	Service Address
[redacted] C/O [redacted]	[redacted] PL

Bill Number	Bill Date	Account Number	Customer Number	Current Billing Due Date
239825	06/01/2020	[redacted]	[redacted]	06/26/2020

Charge Description	Meter Number	Previous Read Date	Current Read Date	Previous Reading	Current Reading	Usage (* Units)	Charge Amount
WATER BASE RATE							46.19
WATER CONSUMPTION RATE	59554560	04/24/2020	05/22/2020	7070	7117	47	57.81
*UNIT (HCF)						47 X 1.230	
FIRE BASE RATE							51.70
FIRE CONSUMPTION RATE	61006200	04/24/2020	05/22/2020	9999	9999	0	0.00
*UNIT (HCF)							
WASTEWATER BASE RATE							24.04
WASTEWATER DISCHARGE *UNIT (HCF)						47 X 3.060	143.82
STORMWATER							1,423.23
STREET MAINTENANCE FEE PER TRIP						1705 X 0.430	733.15
SIDEWALK MAINTENANCE FEE							0.80
TRANSIT OPERATIONS FEE PER TRIP						3280 X 0.049	160.72
URBAN FORESTRY FEE							0.50
POLICE PUBLIC SERVICE FEE							48.40
FIRE PUBLIC SERVICE FEE							20.84

ARE YOU MOVING? PLEASE REMEMBER TO NOTIFY THE CITY TO STOP SERVICE BY GOING TO OUR WEBSITE WWW.CORVALLISOREGON.GOV OR BY CALLING 541-766-6949. IF NOTICE IS NOT PROVIDED, YOU ARE REQUIRED TO CONTINUE TO PAY FOR SERVICE UNTIL A NEW CUSTOMER SIGNS UP FOR SERVICE.

Total Current Charges	2,711.20
Previous Balance	2,642.56
Adjustments	0.00
Less Payments Received	-2642.56
Balance Forward	0.00
Total Due	**$2,711.20**

Detach and return the portion below with your payment

City of Corvallis
Utility Customer Services
500 SW•Madison Ave
PO•Box 3015
Corvallis, OR 97339-3015

CITY SERVICE BILL
REMIT PORTION

Please write your Account Number on your check and enclose this portion of bill with your payment.

Service Address	Bill Number	Account #	Customer #
[redacted] PL	239825	[redacted]	[redacted]

Balance Forward Due By	
Current Charges Due By	06/26/2020
TOTAL DUE	**$2,711.20**
VOLUNTARY PARK DONATIONS	$
LIBRARY YOUTH SERVICES DONATIONS	$
CITY SERVICES ASSISTANCE DONATIONS	$
TOTAL PAID	$

[redacted]
C/O [redacted]
[redacted]
SPOKANE, WA 99210

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City of Corvallis
Utility Customer Services
500 SW•Madison Ave
PO•Box 3015
Corvallis, OR 97339-3015

Questions: 541-766-6949
Phone Payments: 877-690-3729
Jurisdiction: 4700
Email: utility.billing@corvallisoregon.gov
Web Site: corvallisoregon.gov/pay

CITY SERVICE BILL

Customer Name	Service Address
[redacted] LLC	[redacted] NW 4TH ST IRRIG

Bill Number	Bill Date	Account Number	Customer Number	Current Billing Due Date
249625	06/12/2020	[redacted]	[redacted]	07/10/2020

Charge Description	Meter Number	Previous Read Date	Current Read Date	Previous Reading	Current Reading	Usage (* Units)	Charge Amount
IRRIGATION BASE RATE							21.43
CONSUMPTION RATE IRRIG	0020121062	05/11/2020	06/09/2020	1330	1375	45	155.52
*UNIT (HCF)						7 X 2.360	
*UNIT (HCF)						6 X 3.060	
*UNIT (HCF)						32 X 3.770	

AUTO PAY (EFT)BANK DRAFT PROCESSED ON DUE DATE

ARE YOU MOVING? PLEASE REMEMBER TO NOTIFY THE CITY TO STOP SERVICE BY GOING TO WWW.CORVALLISOREGON.GOV OR BY CALLING 541-766-6949.
IF NOTICE IS NOT PROVIDED, YOU ARE REQUIRED TO CONTINUE TO PAY FOR SERVICE UNTIL A NEW CUSTOMER SIGNS UP FOR SERVICE.

Total Current Charges	176.95
Previous Balance	158.10
Adjustments	0.00
Less Payments Received	-158.10
Balance Forward	0.00
Total Due	**$176.95**

Detach and return the portion below with your payment

City of Corvallis
Utility Customer Services
500 SW•Madison Ave
PO•Box 3015
Corvallis, OR 97339-3015

CITY SERVICE BILL
REMIT PORTION

Please write your Account Number on your check and enclose this portion of bill with your payment.

Service Address	Bill Number	Account #	Customer #	Balance Forward Due By	
[redacted] NW 4TH ST IRRIG	249625	[redacted]	[redacted]	Current Charges Due By	07/10/2020
				TOTAL DUE	**$176.95**
				VOLUNTARY PARK DONATIONS	$
				LIBRARY YOUTH SERVICES DONATIONS	$
				CITY SERVICES ASSISTANCE DONATIONS	$
				TOTAL PAID	$

AUTO PAY (EFT)BANK DRAFT PROCESSED ON DUE DATE

[redacted] LLC
C/O [redacted]
[redacted] BLVD STE [redacted]
VANCOUVER, WA 98660

0000604202060024962550000017695 8

TO: City Council for September 8, 2020, Council Meeting

FROM: Mary Steckel, Public Works Director MS

DATE: August 24, 2020

THROUGH: Mark W. Shepard, P.E., City Manager MWS

Nancy Brewer, Finance Director NB

SUBJECT: City Services Customer Account Audit: Ordinance Changes

STRATEGIC OPERATIONAL PLAN PRIORITY: E-2D Audit City Services Customer Accounts for Accuracy

Action Requested:

Staff recommends Council adopt the attached Ordinance that will amend Corvallis Municipal Code Sections 3.06 City Services Billing, 3.08 Transit Operations Fee, and 3.12 Transportation Maintenance Fee to align definitions among the fees.

Discussion:

The City Services Bill collects revenue for nine different service programs at the City. To ensure accuracy of the City's billing system, staff conducted a review of the Municipal Code Sections that describe how fees are applied to different customer groups. The Municipal Code defines the various customer types in each Municipal Code Section for the nine different service programs. Common customer types include single-family residential, multi-family residential, group residential, non-residential or commercial, and utility account customer.

Over time, as these Municipal Code sections have been adopted or amended, the customer type definitions have begun to slightly stray from one another. Staff identified three areas where updating definitions would improve the consistency of the Municipal Code.

Additionally, staff recommends the inclusion of a Group Residential customer group for the Transportation Maintenance Fee (TMF). Group Residential was not demarcated from Multi-Family Residential when the TMF was first developed, but was included in subsequent City Service Bill programs. The addition of this customer group to the TMF section of the Municipal Code creates consistency across the fees.

These recommendations are detailed in Exhibit A of the attached ordinance.

Budget Impact:

No budget impact. The recommended amendment is administrative only and will not affect how current rates are applied in the City Services Billing software.

Attachment:
Ordinance Amending Municipal Code Sections 3.06 City Services Billing, 3.08 Transit Operation Fee, and 3.12 Transportation Maintenance Fee

ORDINANCE 2020-___

AN ORDINANCE RELATING TO CITY SERVICES BILLING ACCOUNTS, AMENDING MUNICIPAL CODE CHAPTERS 3.06, "CITY SERVICES BILLING;" 3.08, "TRANSIT OPERATIONS FEE;" AND 3.12, "TRANSPORTATION MAINTENANCE FEE."

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Section 3.06.020 Definitions, 3.08.020 Definitions, 3.12.010 Definitions, and 3.12.050 Determination of transportation maintenance fee are hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 2. No other provision in the Municipal Code is amended by this ordinance.

PASSED by the City Council this _____ day of _____, 2020

APPROVED by the Mayor this _____ day of _____, 2020

EFFECTIVE this _____ day of _____, 2020

_____
Mayor

ATTEST:

_____
City Recorder

Attachment A
Strikeout Version of Exhibit A

ORDINANCE 2020-___

EXHIBIT A

Chapter 3.06 CITY SERVICES BILLING

Section 3.06.020 - Definitions

1) *Applicant.* A person applying for water and/or wastewater and/or storm water service.
2) *Base Rate.* The monthly charge for access to the water and wastewater system services whether or not there is water consumption. The base rate covers the costs associated with having water available, providing adequate water flow for fire protection, and capacity for wastewater removal.
3) *BOD.* Biochemical Oxygen Demand.
4) *City services.* As used herein, the services supported by fees on the monthly City Services Bill for utility services, transportation system maintenance, transit operations, sidewalk maintenance, and urban forest management.
5) *Commercial service.* Provision of water to premises which include mercantile establishments, stores, offices, public buildings, governmental agencies, public and private hospitals, schools, churches, **hotels, motels,** other commercial enterprises, and mercantile establishments combined with residences.
6) *Consumption rate.* As used herein, a charge placed on every hundred cubic feet (HCF) of water as measured by the meter.
7) *Customer.* As used herein, a person who has applied for and who has agreed to be responsible for the water, wastewater, and/or storm water account. The customer who signs up for utility service is deemed to be responsible for all services billed on the City services bill.
8) *Day(s)* is calendar day(s).
9) *Domestic service.* Provision of water for household residential purposes, including water for lawns, gardens, and shrubbery; watering livestock; washing vehicles; and other similar and customary purposes.
10) *Domestic waste.* Water-carried waste from the noncommercial preparation, cooking, and handling of food or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.
11) *Dwelling unit.* One or more rooms, with access limited by a locking door, including at least one sanitary facility and one kitchen facility designed for occupancy by one or more individuals.
12) *Equivalent dwelling unit (EDU).* A residential or nonresidential living configuration estimated to place approximately equal demand on the City's wastewater treatment system as a single-family dwelling unit.
13) *Equivalent service unit (ESU).* Improved premises estimated to place approximately the same demand on the City's storm water system as a single-family dwelling unit. One ESU shall be equal to 2,750 square feet of impervious surface.
14) *Fire protection service.* Provision of water to premises for automatic fire protection.
15) *Fire service fee.* The fee levied in accordance with Chapter 3.11 and billed on the monthly City Services bill.
16) *Group residential.* A dormitory, fraternity, sorority, cooperative**, assisted living facility** or other similar structure primarily used for personal, domestic accommodation providing common sanitary and kitchen facilities. ~~Does not include hotels, motels, assisted living facilities or other similar structures.~~
17) *High level service.* Areas served by the utility that, in the opinion of the utility, require secondary pumping to provide adequate service.
18) *Hundred Cubic Feet (hcf).* The units used to measure water consumption. One hundred cubic feet equals one unit of water measured by the water meter and also equals 748 gallons of water.

19) *Impervious surface.* Hard-surface areas located upon real property which either prevent or retard saturation of water into the land surface and/or cause water to run off the land surface in greater quantities or at an increased rate of flow than under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, concrete or asphalt sidewalks, walkways, patio areas, driveways, parking lots or storage areas and graveled, oiled, macadam or other surfaces which similarly impact the natural saturation or runoff patterns which existed prior to development.
20) *Improved premises.* Any area which has been altered such that the runoff from the site is greater than that which could historically have been expected. Such a condition shall be determined by the City Engineer.
21) *Industrial service.* Provision of water to a customer for use in manufacturing or processing activities.
22) *Irrigation service.* Provision of water to a customer only for outside watering of landscaping, plants, or lawns and where no water passing through the meter enters the wastewater system.
23) *Landlord.* Owner of a house, apartment, condominium, land or real estate which is rented or leased to an individual or business.
24) *Monthly.* A term referring to frequency of billing indicating a period of 26 to 34 days.
25) *Multi-Family Unit.* ~~For utility services billing purposes, a multi-family unit shall include:~~
    ~~a) Any dormitory, boarding house, fraternity, sorority, "quad" or similar structure providing common sanitary and kitchen facilities;~~
    ~~b)~~ Any **residential** structure served by one water meter constructed as, or used as, two or more **separate** dwelling units, regardless of building code classification; provided that the temporary vacancy of one or more of the dwelling units shall not alter the classification of such structure unless the owner shall have filed an affidavit attesting that such dwelling units have been removed from the rental market.
26) *New account.* The initial process of application for service, setting up billing, reading the meter, and turning on the water or any part thereof and at a single location for a given customer.
27) *Person.* As used herein, any individual, firm, partnership, agency, company, institution, unincorporated association, public or private corporation, government or government instrumentality.
28) *Police Service Fee.* The fee levied in accordance with Chapter 3.10 and billed on the monthly City Services bill.
29) *Premises.* As used herein, the integral property or area, including improvements thereon to which water service is or will be provided.
30) *Rate schedules.* The entire body of effective rates, rentals, charges, and regulations as set forth herein. All rate schedules are made available to the public.
31) *Service connection.* The pipe, valves, and other facilities by means of which the utility conducts water from its distribution mains to and through the meter but does not include the piping from the meter to the property served.
32) *Service renewal.* The process for renewing service on delinquent accounts, and turning on the water or any part thereof and at a single location for a given customer.
33) *Sidewalk Maintenance Fee.* The fee levied in accordance with Chapter 3.07 and billed on the monthly City Services bill.
34) *Single-family unit (SFU).* One or more rooms with bathroom and kitchen facilities designed for occupancy by one family such as detached townhouses, condominiums, zero lot-line, etc., where the units are sold and deeded as single-family units and have individual water meters.
35) *Special user unit.* Any improved premises which discharges its storm runoff water directly to the Willamette River via a system consisting entirely of non-public facilities and approved by the City Engineer pursuant to Section 4.03.020.010 6). Discharge from a special user unit shall comply with all applicable federal, State, and local laws, ordinances, and regulations. No premises shall be considered a special user unit for purposes of determining the applicable storm water charges until a special user unit permit is issued as provided in Section 3.06.120.

36) *Summer Wastewater Average.* The practice of using the prior winter's average water usage to calculate the summer wastewater bills for customers, recognizing water used in excess of winter averages are likely used for irrigation purposes and are not going through the wastewater system.
37) *Tenant.* One who rents or leases from a Landlord.
38) *Transit Operations Fee.* The fee levied in accordance with Chapter 3.08 and billed on the monthly City Services bill.
39) *Transportation Maintenance Fee.* The fee levied in accordance with Chapter 3.~~5~~**12** and billed on the monthly City Services bill.
40) *TSS.* Total Suspended Solids.
41) *Urban Forest Management Fee.* The fee levied in accordance with Chapter 3.09 and billed on the monthly City Services bill.
42) *User charge.* The fee levied on users of the water, wastewater, storm water, and transportation collection, distribution, and treatment systems for their proportionate share of the costs of operation, maintenance, replacement, and capital facilities of the respective systems.
43) *Utility.* As used herein, the City of Corvallis, a municipal corporation of the State of Oregon (Public Works).
44) *Utility service.* Water, wastewater and/or storm water services provided by the City of Corvallis.

(Ord. 2020-__§ __, __/__/____; Ord. 2018-31 § 2(Exh. A), 11/19/2018, eff. 07/01/2019; Ord. 2013-01 § 1, 01/07/2013; Ord. 2012-11 § 1, 07/02/2012; Ord. 2011-04 § 1, 02/07/2011; Ord. 2006-07 § 1, 04/03/2006)

Chapter 3.08 TRANSIT OPERATIONS FEE

Section 3.08.020 - Definitions

For purposes of this chapter, the definition of the following terms are:

1) *City Engineer.* The person appointed by the City Manager through the Director to perform the functions of City Engineer or the City Engineer's designee acting under his or her direction.
2) *Director.* The person, or duly authorized representative, designated by the City Manager to supervise the Public Works Department.
3) *Dwelling unit.* A facility designed for permanent or semi-permanent occupancy by a person or a single family and which contains, at a minimum, sleeping facilities and shared or individual sanitary and cooking facilities.
4) *Gross square footage.* The calculation of the area of all structures located on a site, measured along the exterior walls of such structures, and including, but not limited to, enclosed courtyards and stairwells, but not including fences and parking areas not enclosed within a building.
5) *Group residential site.* A dormitory, fraternity, sorority, cooperative, **assisted living facility,** or other similar structure primarily used for personal, domestic accommodation providing common sanitary and kitchen facilities. ~~Does not include hotels, motels, assisted living facilities or other similar structures.~~
6) *Multi-family residential site.* A site with a structure primarily used for personal, domestic accommodation, served by one water meter, and constructed as, or used as, two or more dwelling units. As used herein, includes quads or similar structures, but does not include group residential sites.
7) *Non-residential site.* A site that is not used for personal, domestic accommodation. Includes, but is not limited to, industrial and commercial sites, ~~assisted living facilities,~~ and hotels.
8) *Single-family residential site.* A site with a structure used primarily for personal, domestic accommodation, of one or more rooms with bathroom and kitchen facilities, and designated for occupancy by one family. As used herein, includes houses, detached townhouses, condominiums, and zero lot-line, where the units are sold and deeded as single-family units and have individual water meters.

9) *Trip generation.* The average number of vehicle trips generated by a site, as determined by reference to the manual entitled, Trip Generation, published by the Institute of Transportation Engineers (ITE), herein referred to as the ITE Manual.
10) *Utility account.* An account with the City of Corvallis for water, wastewater and/or storm water service within the City limits. As used herein, does not include accounts designated as fire service or irrigation only.
11) *Utility account customer.* The person in whose name a water, wastewater and/or storm water account exists and who is responsible for payment of charges for said account.

(Ord. 2020-__§ __, __/__/____; Ord. 2010-31 § 1, 12/20/2010)

Chapter 3.12 TRANSPORTATION MAINTENANCE FEE

Section 3.12.010 - Definitions

As used in this chapter, the following means:

1) *City Engineer.* The person appointed by the City Manager through the Director to perform the functions of City Engineer or the City Engineer's designee acting under their direction.
2) *Developed property.* A parcel or legal portion of real property, on which an improvement exists or has been constructed. Improvement on developed property includes, but is not limited to buildings, parking lots, outside storage, and other uses that impact the transportation system.
3) *Director.* The person, or duly authorized representative designated by the City Manager to supervise the Public Works Department.
4) *Dwelling unit.* A facility designed for permanent or semi-permanent occupancy by a person or a single family and, which contains, at a minimum, sleeping facilities and shared or individual sanitary and cooking facilities.
5) *Gross square footage.* The calculation of the area of all structures located on a site, measured along the exterior walls of such structures, and including but not limited to enclosed courtyards and stairwells, but not including fences and parking areas which are not enclosed within a building.
6) ***Group residential site.* A dormitory, fraternity, sorority, cooperative, assisted living facility, or other similar structure primarily used for personal, domestic accommodation providing common sanitary and kitchen facilities.**
7) *Multi-family residential unit.* Residential property consisting of two or more separate dwelling units.
8) *Non-residential.* A use of property which is primarily not for personal, domestic accommodation. Includes, but is not limited to, industrial and commercial uses**, and hotels**.
9) *Residential property.* A use of property which is primarily for personal, domestic accommodation, including single family and multi-family residential property, but not including hotels, motels, bed and breakfast establishments, and assisted living facilities.
10) *Trip generation.* The average number of vehicle trips, as determined by reference to the manual entitled, Trip Generation, published by the Institute of Transportation Engineers (ITE).
11) *Utility account customer.* The person in whose name a water, wastewater and/or storm water account exists and who is responsible for payment of charges for said account.

(Ord. 2020-__§ __, __/__/____; Ord. 2020-03, § 2(Exh. A), 2/18/2020)

Section 3.12.050 – Determination of transportation maintenance fee.

1) There shall be ~~three~~ **four** customer groups as follows:
   a) Single family residential.
   b) Multi-family residential.
   c) **Group residential.**
   d) Non-residential.

2) The fee shall be based on the following factors:
   a) The developed use of the property which includes the amount of vehicular traffic generated by the property, as determined by the City Engineer per subsection (5) of this section.
   b) For **group- and** non-residential properties the developed square footage on the property or parcel.
3) The monthly fee for each customer group shall use the same per-trip rate, which shall be set by Resolution.
4) An inflationary adjustment to the per-trip rate, based on the change in the Engineering News Record (ENR) Construction Cost Index (Seattle), shall be presented for Council consideration and set by Resolution.
5) For **group- and** non-residential properties, the City Engineer shall determine the category of use from the ITE Manual that shall apply to each developed lot or parcel within the City. In the absence of a specific use category from within the ITE Manual for a particular developed use, the City Engineer shall determine the appropriate category by interpreting the ITE Manual and assigning the category which most accurately reflects the traffic generated by the particular developed use. After determining the appropriate use category for a developed parcel, the City Engineer shall use the estimated trip generation figures for the assigned use category from the ITE Manual to calculate the total fee using the rate in the current resolution. If the ITE Manual User's Guide has a Pass-by trip reduction table for the use category, the assigned trips shall be reduced by the average percentage shown for that use category before calculating the total fee using the rate in the current resolution.

In setting the monthly fee, the City Engineer may require and consider the results of a traffic study, provided that such study shall be conducted in conformance with the methodology outlined in the ITE Manual. The determination of a use category shall not be considered a land use decision as that term is defined in ORS 197.015.

6) If the use of a property changes such that its impact on the transportation systems either increases or decreases, the person responsible for the property must notify the City Engineer within 30 days to obtain a new determination regarding the fee for that property. The new fee will be applied with the next City services billing. If the person responsible for the property neglects to notify the City, and the change would result in a lower monthly Transportation Maintenance Fee, no refund will be made for the time between when the change was made and when the City became aware of the change. If the change would result in a higher monthly Transportation Maintenance Fee, the City will calculate the amount owed back to the time the change was made and apply that to the next City services billing.

(Ord. 2020-__§ __, __/__/____; Ord. 2020-03, § 2(Exh. A), 2/18/2020)

TO: City Council for September 21, 2020 Council Meeting

FROM: Carrie Greenshields, Deputy City Attorney

DATE: August 6, 2020

SUBJECT: An ordinance updating the Corvallis Municipal Code by replacing gender-specific language with gender neutral language.

STRATEGIC OPERATIONAL PLAN PRIORITY: N/A

Action Requested:

The City Attorney's office recommends Council adopt the attached ordinance to the Corvallis Municipal Code identified in Attachment 1 that removes gender-specific language and replaces it with gender neutral language. Our office recommends that the Council pass a motion to initiate the same changes in the Land Development Code for the same purpose. Our office recommends that Council direct the City Attorney to prepare the same changes in the City Charter for presentation to the voters.

Discussion:

The existing Corvallis Municipal Code contains gender-specific language. The changes proposed replace gender-specific language with gender neutral language, which updates the Code to reflect social norms and community expectations. Attachment 2 lists the specific changes in the code to be enacted.

Budget Impact:

No budgetary impact is anticipated.

Attachments:

Attachment 1: Draft ordinance to be enacted.

Attachment 2: Strikeout version of proposed amendments to Corvallis Municipal Code

Carrie Greenshields, Deputy City Attorney

ORDINANCE 2020-___

AN ORDINANCE AMENDING THE CORVALLIS MUNICIPAL CODE TO BE MORE INCLUSIVE AND USE GENDER NEUTRAL LANGUAGE; REMOVING CHAPTER 1.27 ON MEASURE 37 AND THE OFFENSE OF HOSTING A PARTY FOR MINORS-ALCOHOL

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Chapter 1.01 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 2. Municipal Code Chapter 1.03 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 3. Municipal Code Chapter 1.04 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 4. Municipal Code Chapter 1.05 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 5. Municipal Code Chapter 1.06 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 6. Municipal Code Chapter 1.07 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 7. Municipal Code Chapter 1.09 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 8. Municipal Code Chapter 1.12 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 9. Municipal Code Chapter 1.15 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 10. Municipal Code Chapter 1.16 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 11. Municipal Code Chapter 1.23 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 12. Municipal Code Chapter 1.25 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 13. Municipal Code Chapter 1.27 is hereby removed as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 14. Municipal Code Chapter 2.03 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 15. Municipal Code Chapter 2.11 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 16. Municipal Code Chapter 2.15 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 17. Municipal Code Chapter 2.19 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 18. Municipal Code Chapter 3.01 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 19. Municipal Code Chapter 3.05 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 20. Municipal Code Chapter 3.06 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 21. Municipal Code Chapter 3.08 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 22. Municipal Code Chapter 3.09 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 23. Municipal Code Chapter 4.01 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 24. Municipal Code Chapter 4.03 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 25. Municipal Code Chapter 4.04 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 26. Municipal Code Chapter 5.01 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 27. Municipal Code Chapter 5.02 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 28. Municipal Code Chapter 5.03 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 29. Municipal Code Chapter 5.04 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 30. Municipal Code Chapter 5.06 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 31. Municipal Code Chapter 5.07 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 32. Municipal Code Chapter 6.01 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 33. Municipal Code Chapter 6.04 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 34. Municipal Code Chapter 6.05 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 35. Municipal Code Chapter 6.07 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 36. Municipal Code Chapter 6.08 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 37. Municipal Code Chapter 6.10 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 38. Municipal Code Chapter 6.11 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 39. Municipal Code Chapter 6.13 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 40. Municipal Code Chapter 6.14 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 41. Municipal Code Chapter 6.15 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 42. Municipal Code Chapter 6.17 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 43. Municipal Code Chapter 7.04 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 44. Municipal Code Chapter 7.06 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 45. Municipal Code Chapter 7.07 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 46. Municipal Code Chapter 7.08 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 47. Municipal Code Chapter 8.01 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 48. Municipal Code Chapter 8.02 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 49. Municipal Code Chapter 8.03 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 50. Municipal Code Chapter 8.04 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 51. Municipal Code Chapter 8.05 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 52. Municipal Code Chapter 8.09 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 53. Municipal Code Chapter 8.11 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 54. Municipal Code Chapter 8.12 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 55. Municipal Code Chapter 8.14 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 56. Municipal Code Chapter 9.01 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 57. Municipal Code Chapter 9.02 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 58. Municipal Code Chapter 9.03 is hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 59. No other provision in the Municipal Code is amended by this ordinance.

PASSED by the City Council this _____ day of _____, 2020

APPROVED by the Mayor this _____ day of _____, 2020

EFFECTIVE this _____ day of _____, 2020

_____
Mayor

ATTEST:

_____
City Recorder

ORDINANCE 2020-___
EXHIBIT A

Chapter 1.01
GENERAL PROVISIONS

Section 1.01.020 – Definitions.

The following definitions and rules of construction apply to the Code, unless inconsistent with the intent of the Council or the context clearly requires otherwise:

1) City. The City of Corvallis, Oregon, and the area within its boundaries, including its boundaries as extended in the future.

2) City Attorney. The City Attorney of the City of Corvallis or a designated representative of that office.

3) City Engineer. The City Engineer of the City of Corvallis or a designated representative of that office.

4) City Manager. The City Manager of the City of Corvallis or a designated representative of that office.

5) Code. The municipal code of the City of Corvallis, Oregon.

6) Council. The City Council of the City of Corvallis, Oregon.

7) Fire Chief. The Fire Chief of the City of Corvallis or a designated representative of that office.

8) Holiday. Holiday shall have the same meaning as defined in ORS 187.010(1) and 187.020(2), or as otherwise specified by City rules and regulations.

9) Legislative body. The Council of the City of Corvallis.

10) Municipal Court or Court. The Municipal Court for the City of Corvallis.

11) Municipal Judge or Judge. The Municipal Judge of the City of Corvallis or a designated representative of that office.

12) ORS. Oregon Revised Statutes.

13) Person. Any individual, firm, partnership, unincorporated association, public or private corporation, government or government instrumentality.

14) Police Chief. The Chief of Police of the City of Corvallis or a designated representative of that office.

15) Recorder. The City Recorder of the City of Corvallis or a designated representative of that office.

16) State. The State of Oregon.

(Ord. 2020-____ § __, __/__/2020; Ord. 92-34 § 4, 1992)

Chapter 1.03
NOMINATING PROCEDURES

Sections:

1.03.010 – Definitions.
1.03.020 – Contents of petition.

Section 1.03.010 – Nominee requirements.

Nominees for all elective offices of the City must:

1) Be qualified electors of the City.

2) Have resided in the City one year immediately preceding the election at which the nominee is a candidate. In elective offices other than Mayor, the nominee must reside in the ward from which the nominee is seeking nomination at the time the nomination petition is filed. Nomination for the elective officers of the City shall be by petition specifying the position sought in a form prescribed by Council. Petitions for Mayor shall be signed by not fewer than 100 qualified electors of the City and petitions for Council by not fewer than 20 qualified electors of the City. In petitions for nomination for elective officers other than Mayor, all 20 electors must be residents of the ward or other political subdivision from which the petitioner seeks the nomination. The signatures to a nomination petition need not all be appended to one paper; but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature appended thereto was made in the presence of the circulator and is the genuine signature of the person whose name it purports to be. All nomination papers comprising a petition shall be assembled and filed at the office of the City Recorder as one instrument not earlier than 99 days and not later than 5:00 pm on the eighty-first day before the election.

The Recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the Recorder shall notify the candidate and the persons who filed the petition within five days after the filing. If the petition is insufficient in any other particular, the Recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. Such deficient petition may be amended and filed again as a new petition, or a different petition for the same candidate may be filed within the regular time for filing nomination petitions. The Recorder shall notify an eligible person of the nomination within five days after verification of signatures on the petition and shall cause the person's name to be printed on the ballot. The petitions of nomination and withdrawals shall be preserved in the office of the City Recorder as required by State law. A person wishing to withdraw as a candidate must do so in writing with the City Recorder; and if legally possible, the City Recorder shall prevent the name of such a candidate from being printed on the ballot.

(Ord. 2020-____ § __, __/__/2020; Ord. 81-29, 1981; Ord. 78-34, 1978; Ord. 77-09, 1977; Ord. 54-32 § 1, 1954)

Section 1.03.020 – Contents of petition.

1) No petition for nomination shall contain the name of more than one candidate.

2) Each petition for nomination shall contain:

a) The name of the candidate by which the candidate is commonly known and by which the candidate transacts important, private or official business. A nickname may be used in parentheses in connection with the candidate’s full name.

b) The mailing address of the residence of the candidate.

c) The office for which the candidate seeks election.

d) A statement that the candidate is willing to accept the nomination or election.

e) A statement that the candidate will qualify if elected.

f) The signature of the candidate.

3) Attached to each petition for nomination shall be a sheet or sheets containing:

a) For the nomination of a candidate for the office of Mayor, the signatures of 100 or more qualified electors of the City.

b) For the nomination petition of a candidate for the office of Councilor, the signatures of 20 or more qualified electors who are residents of the ward from which the candidate seeks nomination.

c) With each signature to a nominating petition, the signer's residence address and precinct number and, in the nominating petitions for the office of Councilor, the ward in which the signer resides.

(Ord. 2020-____ § ___, __/__/2020; Ord. 81-29, 1981; Ord. 77-09, 1977; Ord. 70-125, 1970; Ord. 54-32 § 2, 1954)

Chapter 1.04
PURCHASING

Section 1.04.050 – Prohibition of interest.

No officer or employee of the City shall use an official position or office to obtain financial gain, other than official salary, for the officer or the employee or for any household member, or for any business with which the officer or employee, or a household member, is associated.

(Ord. 2020-____ § __, __/__/2020; Ord. 2005-01 § 2, 02/07/2005; 99-08, Amended, 06/21/1999)

Chapter 1.05
JURY TRIALS

Sections:

1.05.020 – Demand for jury trial.
1.05.100 – Selection of jurors for trial service; summons.
1.05.130 – Additional jurors for trial service.

Section 1.05.020 – Demand for jury trial.
The right to a jury trial shall be exercised by giving notice in writing to the Municipal Judge that a trial by jury is demanded. Such notice shall be signed by the defendant or defendant's attorney and shall be effective only if given not less than seven days before the date set for trial of the case.

(Ord. 2020-____ § __, __/__/2020; Ord. 91-14 § 2, 1991; Ord. 71-16, 1971; Ord. 63-10 § 2, 1963)

Section 1.05.100 – Selection of jurors for trial service; summons.

When a jury trial has been demanded as provided in Section 1.05.020 herein and the date of jury trial has been set, the Municipal Judge or designee shall draw 30 ballots from the jury box. If the defendant has specified in the written demand for jury trial described in Section 1.05.020 herein the desire to be present or represented at the drawing of ballots from the jury box, not less than three days before the drawing the Municipal Judge or designee shall give written notice by ordinary mail to the defendant or defendant's attorney and to the City Attorney indicating the time and place where the ballots shall be drawn.

(Ord. 2020-____ § __, __/__/2020; Ord. 91-14 § 10, 1991; Ord. 63-10 § 10, 1963)

Section 1.05.130 – Additional jurors for trial service.

When the number of jurors summoned does not appear at the time and place of trial or when the Municipal Judge or designee determines that the number of jurors to appear is likely to become exhausted before a jury is duly empaneled, additional names may be drawn from the jury box and the jurors so drawn summoned in the manner provided in Section 1.05.120 herein, or in person, if there is insufficient time to give the notice provided in Section 1.05.120 herein.

(Ord. 2020-____ § __, __/__/2020; Ord. 91-14 § 13, 1991; Ord. 63-10 § 13, 1963)

Chapter 1.06
DELEGATION OF DUTIES

Section 1.06.010 – Delegation of powers.

1) That the City Manager of the City is hereby authorized to delegate to any employee of the City who is under the direct supervision and control of the City Manager any and all administrative duties imposed upon the City Manager by ordinances, resolutions, or policies of the City.

2) This Chapter shall be liberally construed to the end that the City Manager shall not be required to personally perform the administrative duties and functions for which the City Manager is held responsible under the terms of the ordinances, resolutions, and policies of the City.

3) Any acts done by any employee who is under the direct supervision and control of the City Manager and done pursuant to a delegation of authority given by the City Manager to said employee shall be deemed to be done by the City Manager of the City as required by the ordinances, resolutions, and policies thereof.

4) This Chapter shall not be construed to make the City Manager liable for any damage or injury caused by a negligent or willful act or omission of any such employee.

(Ord. 2020-____ § __, __/__/2020; Ord. 63-56, 1963)

Chapter 1.07
AUXILIARY POLICE UNIT

Section 1.07.040 – Delegation of powers.

Upon acceptance for membership in the auxiliary police unit, the applicant shall take the same oath of office as a regular patrol officer and be fingerprinted. Any member of the auxiliary police unit may be dismissed by the City Manager or the Chief of Police on written notice, with or without cause, and the

member shall have no right to a hearing or specifications of charges, nor shall the member have any claim against the Manager, the Chief of Police, or the City on account of dismissal.

(Ord. 2020-____ § __, __/__/2020; Ord. 66-95 § 4, 1966)

CHAPTER 1.09
APPOINTMENT OF COUNSEL

Sections:

1.09.010 – Right to counsel.
1.09.020 – Appointment of counsel.

Section 1.09.010 – Right to counsel.

If a defendant appears in the Municipal Court for arraignment without counsel, the court shall inform the defendant of defendant's right to have counsel prior to arraignment and shall ask Defendant if the aid of counsel is desired.

(Ord. 2020-____ § ___, __/__/2020; Ord. 72-65, 1972; Ord. 69-114 § 1, 1969)

Section 1.09.020 – Appointment of counsel.

If, upon arraignment of a person accused in the Municipal Court of a violation of a law of this City, the person being arraigned appears without counsel, the Court shall appoint suitable counsel to represent the person if:

1) The accused requests aid of counsel.

2) The accused makes a verified financial statement and provides other information in writing under oath showing the inability to obtain counsel and provides any other information required by the Court as to that inability.

3) It appears to the Court that the accused is without means and is unable to obtain counsel.

(Ord. 2020-____ § ___, __/__/2020; Ord. 72-65, 1972; Ord. 69-114 § 2, 1969)

CHAPTER 1.12
GENERAL OBLIGATION IMPROVEMENT WARRANTS

Section 1.12.020 – Terms and conditions.

All general obligation improvement warrants issued by the City shall be subject to such terms and conditions as the City Manager may require, in the City Manager's reasonable discretion.

(Ord. 2020-____ § __, __/__/2020; Ord. 73-18 § 2, 1973)

CHAPTER 1.15
ADMINISTRATIVE SEARCH WARRANTS

Sections:

1.15.030 – Procedure for issuing search warrant.
1.15.040 – Execution of search warrant.

Section 1.15.030 – Procedure for issuing search warrant.

1) Before issuing any search warrant, the Municipal Judge shall examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.

2) If the Municipal Judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the warrant are satisfied, the Municipal Judge may issue the warrant, particularly describing the same and title of the person or persons authorized to execute the warrant, the place to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 am and 6:00 pm, or where the Municipal Judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

(Ord. 2020-____ § ___, __/__/2020; Ord. 79-27 § 3, 1979)

Section 1.15.040 – Execution of search warrant.

1) Except as provided in subsection 2) of this Section, in executing a search warrant, the person authorized to execute the warrant shall, before entry, make a reasonable effort to present credentials, authority and purpose to an occupant or person in possession of the location designated in the warrant and show the warrant or a copy thereof upon request.

2) In executing a search warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection 1) of this Section, but may promptly enter the designated location if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition.

3) A peace officer may be requested to assist in the execution of the warrant.

4) A warrant must be executed and returned to the Municipal Judge by whom it was issued within 10 days from its date, unless such Municipal Judge before the expiration of such time, by endorsement thereon, extends the time for five days. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

(Ord. 2020-____ § ___, __/__/2020; Ord. 79-27 § 4, 1979)

CHAPTER 1.16
BOARDS AND COMMISSIONS

Sections:

1.16.060 – Ethics and compensation.
1.16.235 – Planning commission.

Section 1.16.060 – Ethics and compensation.

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

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

(Ord. 2020-____ § ___, __/__/2020; Ord. 81-99 § 6, 1981)

Section 1.16.235 – Planning commission.

1) Hereby is created a City Planning Commission for the City of Corvallis, Oregon. The Planning Commission is created pursuant to ORS 227.020.

2) The City Planning Commission shall consist of nine members to be appointed by Council. No more than two voting members of the Commission may be engaged principally in the buying, selling, or developing of real estate for profit as individuals or be members of any partnership or officers or employees of any corporation that engages principally in the buying, selling, or developing of real estate for profit. In the interest of ensuring a balanced, community-wide perspective on the Planning Commission, no more than two members shall be engaged in the same kind of occupation, business, trade, or profession.

3) Upon expiration of a term or vacancy, a public announcement of the opening will be announced in a newspaper of general circulation in the City. The notice shall contain the qualifications for appointment in subsection 2) and a list of the occupations of existing commissioners. After receiving applications Council may conduct interviews. If more than one application is submitted, Council shall hold a ballot vote conducted by the City Recorder. Any person receiving a majority vote shall be appointed to the Planning Commission. If no person receives a majority vote, the two receiving the most votes shall be voted upon again. The one then receiving the majority vote shall be appointed to the Planning Commission.

4) Five members of the City Planning Commission shall constitute a quorum. If a quorum cannot be obtained because five (5) or more members have a conflict of interest, the quorum requirement shall be reduced to three (3) for that issue only.

5) A member of the Planning Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: the member; a spouse of a member; a brother, sister, child, parent, father-in-law, mother-in-law of a member; any business in which the member is then serving or has served within the previous two (2) years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken. Examples of conflict of interest include:

a) The member owns property within the area entitled to receive notice of the public hearing;

b) The member has a direct private interest in the proposal; and

c) For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.

6) The Commission shall have the authority which is now or may hereafter be assigned to it by Charter, ordinances, or resolutions of the City and ORS 227.090, and other State laws.

The Planning Commission shall function primarily as a comprehensive planning body proposing policy and legislation to Council related to the coordination of the growth and development of the community. The functions of the Planning Commission shall include, but not be limited to, the following:

a) Review the Comprehensive Plan and make recommendations to Council concerning Plan amendments which it has determined are necessary based on further study or changed concepts, circumstances, or conditions.

b) Formulate and recommend legislation to implement the Comprehensive Plan.

c) Review and recommend detailed plans including functional plans which relate to public facilities and services, and subarea plans which relate to specific areas of the community to implement the Comprehensive Plan.

d) Assist in the formulation of the Capital Investment Plan [Capital Improvement Program] and submit periodic reports and recommendations relating to the integration and conformance of the plan with the Comprehensive Plan.

e) Review and make recommendations concerning any proposed annexation.

f) Conduct hearings, prepare findings of fact, and take such actions concerning specific land development proposals as required by the Land Development Code.

g) Advance cooperative and harmonious relationships with other planning commissions, public and semi-public agencies and officials, and civic and private organizations to encourage the coordination of public and private planning and development activities affecting the City and its environs.

h) Study and propose, in general, such measures regarding land development as may be advisable for promotion of the public interest, health, safety, comfort, convenience, and welfare.

(Ord. 2020-____ § ___, __/__/2020; Ord. 98-45 § 3, 11/11/1998; Ord. 82-6 §§ 2, 3, 1982; Ord. 81-99 § 60, 1981)

CHAPTER 1.23
CIVIL RIGHTS

Sections:

1.23.020 – Intent.
1.23.030 – Definitions.
1.23.040 – Exceptions.
1.23.090 – Authority of City Attorney to adopt rules.

Section 1.23.020 – Intent.

1) It is the intent of the City that no person be denied the equal protection of the laws, nor shall any person be denied the enjoyment of civil or political rights or be discriminated against because 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. Nothing herein contained shall be construed to prohibit any affirmative laws passed by any level of government.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2007-09 § 4, 05/07/2007; Ord. 92-41 § 2, 12/07/92)

Section 1.23.030 – Definitions.

1) Sexual orientation. Actual or supposed male or female homosexuality, heterosexuality or bisexuality.

2) Gender identity or expression. Refers to an individual's gender related self-identity, appearance, expression or behavior, regardless of the individual's assigned sex at birth.

3) Source of Income. The means by which a person supports themselves and any dependents, including but not limited to money and property from any occupation, profession or activity, from any contract, settlement or agreement, from federal or state payments, court-ordered payments, gifts, bequests, annuities, life insurance policies, and compensation for illness or injury, but excluding any money or property derived in a manner made illegal or criminal by any law, statute or ordinance.

4) All other terms used in this Chapter are to be defined as in Oregon Revised Statutes Chapter 659A or Corvallis Municipal Code Chapter 1.01.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2007-09 § 5, 05/07/2007; Ord. 92-41 § 3, 12/07/92)

Section 1.23.040 – Exceptions.

1) The prohibitions in this Chapter against discriminating on the basis of sexual orientation do not apply:

a) To the leasing or renting of a room or rooms within an individual living unit which is occupied by the lessor as a residence;

b) To dwellings with not more than two individual living units where one of the units is owner occupied;

c) To bona fide church or sectarian religious organizations, including churches, temples, synagogues, religious schools, or other facilities used primarily for religious purposes.

2) The prohibitions of this Chapter against discriminating on the basis of source of income do not prohibit:

a) Inquiry into and verification of a source or amount of income;

b) Inquiry into, evaluation of, and decisions based on the amount, stability, security or creditworthiness of any source of income;

c) Screening prospective purchasers and tenants on bases not specifically prohibited by this Chapter or state or federal law;

d) Refusal to contract with a governmental agency under 42 U.S.C. § 1437f(a) "Section 8".

(Ord. 2020-____ § ___, __/__/2020; Ord. 92-41 § 4, 12/07/92)

Section 1.23.090 – Authority of City Attorney to adopt rules.

1) The City Attorney is hereby authorized to adopt rules, procedures and forms to assist in the implementation of the provisions of this Chapter.

2) Any rule adopted pursuant to this Section shall require a public review process. Not less than ten nor more than thirty days before such public review process, notice shall be given by publication in a newspaper of general circulation. Such notice shall include the place, time and purpose of the public review process and the location at which copies of the full text of the proposed rules may be obtained.

3) During the public review, a designee of the City Attorney shall hear testimony or receive written comment concerning the proposed rules. The City Attorney shall review the recommendation of the designee, taking into consideration the comments received during the public review process, and shall either adopt the proposal, modify or reject it. If a substantial modification is made, additional public review shall be conducted, but no additional notice shall be required if such additional review is announced at the hearing at which the original comments are received.

4) Unless otherwise stated, all rules shall be effective upon adoption by the City Attorney and shall be filed in the office of the City Recorder.

5) Notwithstanding paragraphs 2) and 3) of this Section, an interim rule may be adopted without prior notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties. The finding shall state the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph shall be effective for a period of not longer than 180 days.

(Ord. 2020-____ § ___, __/__/2020; Ord. 92-33, 10/19/92)

CHAPTER 1.25
LIVING WAGE

Sections:

1.25.080 – Complaint process.
1.25.090 – Penalties.

Section 1.25.080 – Complaint process.

1) Employees who believe that a Living Wage has not been paid for the time worked on City of Corvallis projects may file a written complaint with the City of Corvallis, City Manager, or a designee of that office during the term of the contract.

2) Within five working days, the City shall request in writing records for the City's inspection from the employer. The City may also request pay stubs, or copies of paychecks from the complaining individual.

3) City staff will audit the payroll records and the employee's records for compliance with the City's Living Wage chapter of the Corvallis Municipal Code. The audit report will outline and detail all findings of non-compliance with the City's Living Wage legislation. The audit report will be given to the contractor and the City Manager or a designee of that office and to the complainant.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2001-11, § 3, 08/06/2001; Ord. 2000-07 § 8, 04/03/2000)

Section 1.25.090 – Penalties.

1) Contractors who are found to be in violation of this section of the Municipal Code based on the audit identified in section 1.25.080 of the code will have 15 calendar days to correct any violations, including paying employees the Living Wage retroactively to the beginning of the contract term. If the violations are not corrected within 15 calendar days, the City will terminate the current contract for the public good and disqualify the contractor from doing business with the City for one year.

2) A contractor who is found to be in violation of the Living Wage more than one time, and who fails to correct the violation with 15 days, shall be barred from doing business with the City for five years.

3) Liability for payment of the Living Wage rests solely with the contractor. The City shall not be held liable for any incorrectly paid amounts.

4) The employee or the employer may appeal staff's findings that a violation of the Living Wage had occurred in writing to the City Manager within 15 calendar days. The appeal must state why the employee or employer believes staff's findings were in error, and must include any documents available to support the appeal. The City Manager will issue a decision within 15 calendar days. The City Manager's decision is final.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2001-11, § 4, 08/06/2001; Ord. 2000-07 § 9, 04/03/2000)

CHAPTER 2.03
STREET CUTS

Sections:

2.03.030 – Security.
2.03.040 – Permits.
2.03.060 – Adherence to and exhibition of permits.
2.03.110 – Option to City to replace pavement.

Section 2.03.030 – Security.

Before the issuance of any permit, the City Engineer shall require the applicant to file as security either:

1) A surety bond in an amount fixed by the City Engineer, but not to exceed $500.00, conditioned that the applicant will, immediately upon the completion of the work, remove all surplus earth, rubbish, or other material, replace the pavement cut or undermined in a condition as good as or better than it was before, and keep the same in good repair, at the applicant’s own expense, for a period of time to be designated by the City Engineer but not to exceed one year from the completion of said work;

2) Cash or certified checks in an amount equal to twice the estimated replacement value of the pavement to be cut, together with the cost of reexcavation and refilling with proper material, if necessary, as determined by the City Engineer, to be held and returned subject to the same conditions as set forth above in the case of surety bonds; or

3) A blanket surety bond to cover all street cuts made by any particular applicant for a period of one year in an amount to be fixed by the City Engineer, but not to exceed $5,000.00, and subject to the same conditions as stated above with reference to bonds for particular street cuts.

Provided, however, that in the case of unimproved streets no security shall be required, unless, in the opinion of the City Engineer, such security is necessary for the protection of the public interest.

(Ord. 2020-____ § ___, __/__/2020; Ord. 62-26 § 3, 1962)

Section 2.03.040 – Permits.

If the City Engineer is satisfied that the excavation, cut or tunnel is feasible and proper, that the said application has been made in due form, and that adequate security has been filed, as required by the provisions herein, the City Engineer shall issue a permit which shall designate: The name and address of the person to whom the permit is granted; the date of the issuance of the permit; the street or streets to be cut or tunneled under; the nature of the street surface or pavement involved; the purpose of the work; the size and nature of the cut or excavation; the estimated cost of restoration; the nature and amount of security deposited; the time within which the work is to be completed, as determined by the City Engineer; and such other restrictions as may be deemed necessary or proper by the City Engineer for the safety of the public and the protection of public interests. A permit fee in the amount provided in Section 8.03.110 herein shall be paid in advance for a permit.

(Ord. 2020-____ § ___, __/__/2020; Ord. 71-98, 1971; Ord. 62-26 § 4, 1962)

Section 2.03.060 – Adherence to and exhibition of permits.

No work shall be undertaken other than that specified in the application and permit for the particular cut or excavation. Upon demand of the City Engineer, an assistant to the City Engineer, or any City police officer, said permits shall be produced at the place where the work is in progress; or such work shall be stopped until said permit is produced.
(Ord. 2020-____ § ___, __/__/2020; Ord. 62-26 § 6, 1962)

Section 2.03.110 – Option to City to replace pavement.

Whenever, in the opinion of the City Engineer, it would be to the best interests of the City for the City itself to replace or repair the street surface or pavement cut, dug up, damaged, tunneled under, or undermined under the provisions herein, such work shall be done by the City under the direction of the City Engineer and the cost of said work shall be either charged to the person to whom the permit for the said cut or excavation has been granted or deducted from the security deposited with the City Engineer.

(Ord. 2020-____ § ___, __/__/2020; Ord. 62-26 § 11, 1962)

CHAPTER 2.11
DEFERRED PAYMENT OF ASSESSMENT

Sections:

2.11.020 – Election to defer.
2.11.030 – Prerequisite for deferral.
2.11.090 – Voluntary payment of deferred charges.

Section 2.11.020 – Election to defer.

1) Notwithstanding any provision of Chapter 2.08 or Chapter 4.03 and subject to Section 2.11.030, an individual may elect to defer payment of the amount of City systems development charges (SDC), or infrastructure cost recovery charges to the individual's homestead due and

payable during the calendar year for which the election is made. The election shall be made by filing a claim for deferral with the Community Development Director.

2) If a guardian or conservator has been appointed for an individual otherwise qualified to obtain the deferral of payment of SDC's, and infrastructure cost recovery charges accorded hereunder, the guardian or conservator may act for such individual in complying with this Chapter.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2003-29 § 2, 09/15/2003; Ord. 83-74 § 2, 1983)

Section 2.11.030 – Prerequisite for deferral.

In order to qualify for deferral of payment of SDCs, and/or infrastructure cost recovery charges hereunder, the individual filing the claim for deferral, the homestead and dwelling unit with respect to which the claim is filed, and the amount of the deferral must meet the following requirements at the time the claim for deferral is filed and thereafter so long as payment of the amount of SDCs, and/or infrastructure cost recovery charges are deferred:

1) The individual filing the claim, individually or together with a co-owner, must own the fee simple estate or be purchasing the fee simple estate under a recorded instrument of sale.

2) The property with respect to which the claim is filed must be the homestead of the individual who files the claim for deferral as well as the homestead's co-owner if it is owned jointly.

3) The dwelling unit on the property with respect to which the claim is filed did not require the issuance of a building permit from the City to accomplish construction work other than connection to the City infrastructure which generated the SDC or infrastructure cost recovery charges.

4) The household income, as defined in Section 2.11.010, of the individual filing the claim must have been 50% or less of the Corvallis median income as determined annually by the U.S. Department of Housing and Urban Development for the calendar year immediately preceding the calendar year in which the initial claim for deferral of SDC's, and/or infrastructure cost recovery charges is filed.

5) The amount of the deferral must not be more than the County Assessor's real market value of the property with respect to which the claim is filed minus the combined total principal balance and accrued interest on all prior liens.

6) The homestead is the only structure existing on the parcel, excepting accessory structures.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2003-29 § 3, 09/15/2003; Ord. 83-74 § 3, 1983)

Section 2.11.090 – Voluntary payment of deferred charges.

1) Subject to subsection 2) of this Section, all or a part of the amounts deferred, and accrued interest, may at any time be paid to the City by:

a) The individual who filed the claim for deferral or the co-owner.

b) The next of kin of the individual who filed the claim for deferral, an heir at law, a child, or any person having or claiming a legal or equitable interest in the property.

2) Any payments made under this Section shall be applied first against accrued interest and any remainder against the principal balance. A payment made pursuant to this Section does not affect the deferred status of the homestead. Unless otherwise provided by law, the payment does not give the person paying the deferred amount any interest in the property or any claim against the estate, in the absence of a valid agreement to the contrary.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2003-29 § 5, 09/15/2003; Ord. 83-74 § 9, 1983)

CHAPTER 2.15
SIDEWALK IMPROVEMENTS

Sections:

2.15.020 – Improvements required.
2.15.090 – Order; notice to owner.

Section 2.15.020 – Improvements required.

1) All owners of land adjoining any public street in the City shall construct, reconstruct, repair, and maintain in good condition the sidewalks and driveway approaches within the public right-of-way in front of, along, or abutting the property owner's land in accordance with the provisions of this Chapter. Construction, reconstruction, repair, and maintenance of sidewalks and driveway approaches is declared to be a routine obligation of the adjacent property owner and deemed necessary to protect the health and safety of persons in the City.

2) The City Manager shall, at such times as the City Manager determines appropriate, survey or inspect the condition of sidewalks in all or any part of the City. When a survey or inspection reveals sidewalk conditions that may pose a threat to the health and safety of persons in the City, the City Manager may issue an order to repair the sidewalk pursuant to Section 2.15.090.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2011-02 § 1, 02/07/2011; Ord. 94-20 § 3, 1994)

Section 2.15.090 – Order; notice to owner.

1) When the City Manager determines that construction, restoration, or repair of a sidewalk is necessary to protect public health and safety, the City Manager may issue an order requiring the property owner to perform the required work.

2) Notice of the City Manager's order shall be served upon the owner by personal service or by certified mail, return receipt requested, directed to the owner at the address on the County assessor's most recent property tax assessment roll. The notice shall be deemed served at the time of personal service, or three days after mailing.

3) The notice shall state:

a) The work required to be performed;

b) That the City has determined the work is necessary for public health and safety;

c) That the work must be completed in accordance with City standards within sixty (60) days of service of the notice;

d) That, if the owner fails to complete the work within the required time, the owner may be subject to a fine of $250 per day, the City may perform the work at the owner expense, and the cost of the work performed by the City may become a lien against the property;

e) That the owner may appeal the order by filing an appeal within ten (10) days of service of the notice.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2011-02 § 2, 02-07-2011; Ord. 99-20 § 1, 11/15/1999; Ord. 94-20 § 3, 1994)

CHAPTER 2.19
TREE AND PARK STRIP PLANTING

Sections:

2.19.030 - Enforcement
2.19.070 – Permit issuance and conditions.
2.19.080 – General conditions and restrictions.
2.19.140 – Sight distances.
2.19.170 – Abuse, mutilation, destruction or topping.

Section 2.19.030 – Enforcement

The City Manager or a duly authorized representative of that office shall be charged with the enforcement of this Chapter.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2005-06 § 3, 04/18/2005)

Section 2.19.070 – Permit issuance and conditions.

1) On receiving an application filed by an applicant containing all relevant facts relating to the request, the City Manager may issue a permit or permits to the property owner or an authorized designee to plant, prune or remove trees, shrubs or vegetation in the park strip areas adjacent to the property owner's property. A separate permit for traffic control maybe required, with a written plan that conforms to the Short Term Traffic Control Handbook.

2) The City Manager shall give consideration to the following factors in granting such permits and shall not grant a permit if doing so would be detrimental to the public interest:

a) Width of the park strip or planting space.

b) Species and growth habit of tree, shrub or vegetation.

c) Location of parking meters, light standards, crosswalks, buildings, entrance and exit ways, streets, utility poles, alleys, loading zones, and other physical conditions and legal restrictions then existing or reasonably contemplated. Reference Corvallis Land Development Code 4.2.30 (Required Tree Planting), trees shall not be planted within 10 feet of fire hydrants and utility poles; within 20 feet of street light standards; or within 10 feet of a public sanitary sewer, storm drainage or water line.

d) Purpose of applicant's proposed action.

e) Any other factors found to be relevant.

3) The City Manager shall designate in the permit or in an exhibit attached to it the areas in which planting shall be allowed, the type of plantings allowed, and any other condition or restriction deemed necessary or expedient to protect the public interest.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2005-06 § 3, 04/18/2005)

Section 2.19.080 – General conditions and restrictions.

1) Each property owner planting, pruning and removing trees, shrubs, or vegetation under permit shall comply with the following general conditions and restrictions:

a) The permittee shall abide by all of the terms, conditions and restrictions contained in the permit and abide by the ANSI A 300 for Tree Care Operations, ANSI Z133 Safety for Tree Care Operations as well as all state and local safety regulations.

b) The permittee shall indemnify and save the City, its officers, agents, officials and employees, harmless from any claim or award for damages or injuries to property or persons, including costs and attorneys fees, allegedly arising in whole or in part out of the use, occupation, or disruption of park strip areas by permittee or those acting on behalf of permittee or with permittee's approval or ratification or allegedly arising in whole or in part out of the failure by the permittee to abide by the terms of this permit.

c) The permit shall be nontransferable.

d) The permit shall be revocable at any time with cause at the discretion of the City Manager and no expenditure of money, lapse of time, or any act or thing shall act as an estoppel against the City or be held to give permittee or the owner of any property any vested right.

e) The installation and care of such plantings shall be at the sole cost and expense of the permittee without cost to the City, and the park strip sidewalks and sidewalk areas in the vicinity of the plantings and the structure served thereby shall be maintained in a good state of repair and maintenance at the sole cost and expense of the permittee.

f) The permittee shall remove, replace or relocate individual plantings or vegetation as the public convenience or necessity warrants and at the request of the City Manager.

g) No permit shall become effective unless the permittee named shall simultaneously with the issuance file with the City Manager a notice of acceptance of the terms, covenants, and conditions and an agreement to abide by all of the terms, covenants, conditions, and obligations imposed on permittee.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2005-06 § 3, 04/18/2005)

Section 2.19.140 – Sight distances.

Every property owner in the City shall have a duty to and shall prune, or remove any tree, shrub, plant or vegetation on the property owner's property so that such tree, shrub, plant, or vegetation shall not interfere with reasonable sight distance at street intersections, alley ways and private driveways. This work shall comply with current industry standards (ANSI A300, ANSI Z133).

(Ord. 2020-____ § ___, __/__/2020; Ord. 2005-06 § 3, 04/18/2005)

Section 2.19.170 – Abuse, mutilation, destruction or topping.

1) It shall be unlawful for any person to abuse, destroy, top or mutilate any tree in or upon any street right-of-way, park strip or other public place in the City or to attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill or other thing to, on or in any tree. Abuse and mutilation could include but not be limited to; pouring solvents on roots, girdling the tree, harming any part of the trunk or circumference of a tree, causing compaction around the tree roots, removing/harming any part of the roots, breaking branches by hanging on or climbing a tree etc.

2) Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where normal pruning practices are impractical may be exempted at the determination of the City Manager.

3) This action shall not be construed to prevent abutting property owners from minor pruning of a tree, shrub or plant in or upon a street rights-of-way or park strip abutting the property owner's property in accordance with the ANSI A300's, nor shall it be construed to prevent the City or the City Manager from pruning or removing any tree, plant, shrub or vegetation from any street right-of-way, park strip or other public place in the City.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2005-06 § 3, 04/18/2005)

CHAPTER 3.01
WATER REGULATIONS

Sections:

3.01.210 – Responsibility for equipment.
3.01.220 – Damage to utility's property.
3.01.280 – Resale of water.

Section 3.01.210 – Responsibility for equipment.

The customer shall, at the customer's own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water. The utility shall not be responsible for any loss or damage caused by the improper installation of such water equipment, or the negligence, want of proper care or wrongful act of the customer or any of the customer's tenants or agents in installing, maintaining, using, operating or interfering with such equipment. The utility shall not be responsible for damage to property caused by spigots, faucets, valves and other equipment that are open when water is turned on at the meter, either when the water is turned on originally or when turned on after a temporary shutdown.

(Ord. 2020-____ § ___, __/__/2020; Ord. 58-65 § 19, 1958)

Section 3.01.220 – Damage to utility's property.

The customer shall be liable for any damage to a meter or other equipment or property owned by the utility which is caused by an act of the customer, or the customer's tenants or agents. Such damage shall include the breaking or destruction of locks by the customer or others, on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The utility shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

(Ord. 2020-____ § ___, __/__/2020; Ord. 58-65 § 20, 1958)

Section 3.01.280 – Resale of water.

Except by special agreement with the utility, no customer shall resell any of the water received from the utility, nor shall water be delivered to premises other than those specified in the application for service.

(Ord. 2020-____ § ___, __/__/2020; Ord. 58-65 § 26, 1958)

CHAPTER 3.05
TRANSPORTATION MAINTENANCE FEE

Section 3.05.020 – Definitions.

As used in this chapter, the following means:

1) City Engineer. The person appointed by the City Manager through the Director to perform the functions of City Engineer or the City Engineer's designee acting under the City Engineer's direction.

2) Developed property. A parcel or legal portion of real property, on which an improvement exists or has been constructed. Improvement on developed property includes, but is not limited to buildings, parking lots, outside storage, and other uses that impact the transportation system.

3) Director. The person, or duly authorized representative designated by the City Manager to supervise the Public Works Department.

4) Dwelling unit. A facility designed for permanent or semi-permanent occupancy by a person or a single family and, which contains, at a minimum, sleeping facilities and shared or individual sanitary and cooking facilities.

5) Gross square footage. The calculation of the area of all structures located on a site, measured along the exterior walls of such structures, and including but not limited to enclosed courtyards and stairwells, but not including fences and parking areas which are not enclosed within a building.

6) Multi-family residential unit. Residential property consisting of two or more separate dwelling units.

7) Non-residential. A use of property which is primarily not for personal, domestic accommodation. Includes, but is not limited to, industrial and commercial uses.

8) Residential property. A use of property which is primarily for personal, domestic accommodation, including single family and multi-family residential property, but not including hotels, motels, bed and breakfast establishments, and assisted living facilities.

9) Trip generation. The average number of vehicle trips, as determined by reference to the manual entitled, Trip Generation, published by the Institute of Transportation Engineers (ITE).

10) Utility account customer. The person in whose name a water, wastewater and/or stormwater account exists and who is responsible for payment of charges for said account.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-03 § 1, 02/01/2010; Ord. 2005-17 § 1, 11/07/2005)

CHAPTER 3.06
CITY SERVICES BILLING

Sections:

3.06.050 – Billing and payments.
3.06.060 – Meter test.

Section 3.06.050 – Billing and payments.

1) Bills.

a) Bills for City services will be rendered monthly. Customers may be billed for any combination of the four services on each month's bill depending on which services are used.

1] Water service is considered to be used if the customer's property is connected to the water system, and the customer has not notified the utility that the property is vacant and water service is no longer required. Consumption of water is based on the meter reading on the utility's meters.

2] Wastewater service is considered to be used if the customer's property is connected to the water and wastewater system, and the customer has not notified the utility that the property is vacant and wastewater service is no longer required. Consumption for wastewater service is generally based on the water used as measured on the utility's water meter. If the customer does not have utility provided water service, and the wastewater system is connected to the property, the wastewater service is considered to be used.

3] Storm water service is considered to be used if the customer's property has any kind of development or impervious surface on it, and the property is being used, regardless of whether water or wastewater service is being used.

4] Other City services are considered to be used if a utility services account is active.

b) Water consumption via meter readings is the best available measure of wastewater usage. Therefore, the amount of water used each month will be used to determine the wastewater consumption and associated charges.

c) Meter readings.

1] Meters will be read at regular intervals for the preparation of bills and as required for the preparation of opening, closing, and special bills.

2] It may not always be possible to read meters on the same day of each period. Should a monthly billing period contain less than 26 days or more than 34 days, a pro rata correction will be made.

3] Where all water used is derived from the Corvallis water system, the metered amount of water delivered to the unit from the Corvallis water system for each month shall be the amount of water used for determining the water and wastewater bill, except for summer wastewater averaging (Section 3.06.050(2)).

4] Where part of the water used is derived from the Corvallis water system and part of the water used is derived from other sources, the amount of water used to determine the wastewater bill shall be the combination of the amounts determined under subsections 3] and 5] of this Section.

5] Where all water used is derived from sources other than Corvallis' water system and the unit is other than a single family or multi-family served by the Corvallis wastewater treatment system, the amount of water used shall be determined by the City Manager using records and data furnished by the wastewater user or gathered from the City Manager's own investigation, or both, at the discretion of the City Manager. In lieu of such determination by the City Manager of the amount of water used, a wastewater user may be required to provide, install, and maintain a meter to measure the amount of water used at the wastewater user's expense; and the City Manager may accept the measurement of water used as determined by such meter if the City Manager is reasonably satisfied as to the accuracy of such measurement.

6] Where all water used is derived from sources other than Corvallis' water system and the unit is a single family or multi-family unit served by the Corvallis wastewater system, the wastewater charge shall be a flat rate based on single family residential rates (Section 3.06.140(6)).

7] Exceptions.

a) In those cases where commercial or industrial customers can demonstrate that water used is not directly returned to the wastewater treatment system, an adjustment shall be made on the wastewater consumption charge proportionate to the non-returned usage. In order to qualify for this exemption, the customer shall install a wastewater exemption meter per Section 4.03.020.010, Use of Public Sewers Required, to measure water not returned to the wastewater treatment system.

8] Estimations. In rare circumstances the City is unable to read a water meter due to inaccessibility of the meter, and must estimate the read to calculate a bill. Estimate calculations are based on the amount of water used in the same month in the prior year. If there was no usage data for the customer for the prior year, then the prior month's data is used. Bills that are rendered based on an estimated read will indicate that information.

d) City Services billings will be prorated for partial month billings. Prorated billings shall be computed by the following formula:

1] For Water and wastewater:

A] Consumption × the current consumption rate = Consumption Charge.

B] Consumption × the current applicable high-level surcharge, if any = High Level Surcharge.

C] Base Rate ÷ 30 × number of days service = Prorated Base Rate Charge.

D] Consumption Charge + High-Level Surcharge + Prorated Base Rate Charge = Total Charge.

2] For Storm Water and other City services:

A] Base Rate ÷ 30 × number of days service = Prorated Base Rate Charge.

2) Summer Wastewater Average. The utility recognizes that some water is used in the summer for irrigation that is not measured through a meter designated for irrigation purposes. Since this water does not go through the utility's wastewater system, summer wastewater bills are calculated in the following method:

a) Single-family units will be charged the base rate and the consumptive rate for any consumption on bills rendered the prior December through April. For bills rendered May through November, the monthly billing will be computed upon the average metered water consumption for the preceding months of December through April or computed upon the actual consumption whichever is less.

b) Multi-family units and 509J classroom facilities will be billed the basic minimum and the consumptive rate for any consumption rendered December through April. For bills rendered May through November, billing will be computed upon the average metered water consumption for the preceding months of December through April or computed upon the actual consumption, whichever is less.

c) Where by reason of new construction, a single-family unit was not connected to water and wastewater service on February 1 of a year, such unit shall be billed for the period May through November following construction, for an amount not to exceed eight units per month.

d) Where by reason of new construction, a multi-family unit was not connected to water and wastewater service on February 1 of a year, such unit shall be billed for the period May through November following construction, on the basis of actual consumption.

e) Commercial customers (all other customers not described in the above categories) will be billed the basic minimum and the appropriate consumptive rate for all consumption based on the commercial customer’s wastewater strength designation. There will be no seasonal exceptions made except for measured amounts proven not to be discharged to the sanitary or storm water systems.

3) Bill payment.

a) All bills are generated for services already rendered. Balances are due upon receipt and must be paid on or before the 25th day following the billing date, or the payment will be considered delinquent. Payment may be made at the City's Utility Billing office.

b) Final bills will be processed at the time of discontinuance of service.

c) When bills are delinquent, the utility will follow the procedures as outlined in Section 3.06.080.

4) Billings of separate meters not combined. Each meter on customer's premises will be considered separately, and the readings of two or more meters will not be combined unless specifically provided for in the rate schedule, or unless the utility's operating convenience required the use of more than one meter or of a battery of meters. The minimum monthly charge for such combined meters will be based on the diameter of the total combined discharge areas of the meters.

5) All payments for services rendered may be remitted on a single check or on separate checks. The utility shall deposit monies equal to the billings for each service into the respective fund for the service rendered. Payment shall be applied first to the police service fee, then to the fire service fee, then to the urban forest management fee, then to the sidewalk maintenance fee, then to the transit operations fee, then to the transportation maintenance fee, then to storm water charges, then to wastewater charges, and finally to the water charges.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2018-31 § 3(Exh. A), 11/19/2018, eff. 07/01/2020; Ord. 2011-04 § 1, 02/07/2011; Ord. 2008-03 § 1, 01/22/2008; Ord. 2006-07 § 1, 04/03/2006)

Section 3.06.060 – Meter test.

1) Meter test.

a) Prior to installation, each meter will be tested and no meter found to register more than three percent fast or slow under conditions of normal operation will be placed in service.

b) On customer request.

1] A customer may, giving not less than one week's notice, request the utility to test the meter serving the customer’s premises.

2] For each additional test after the first performed in a calendar year, the utility may charge the customer an amount to cover the reasonable cost of test, as follows:

a] For ¾" meters: $25.00.

b] For 1" - 1.5" meters: $50.00.

c] For larger than 1.5" meters: Estimated cost.

3] The charge will be refunded if the meter is found to register more than three percent fast. The customer will be notified not less than five days in advance of the time and place of the test.

4] A customer or representative shall have the right to be present when the test is made.

5] A written report giving the results of the test shall be available to the customer within 10 days after completion of the test.

2) Leak Test. The City will assist customers who have higher than expected usage to test for leaks. If an underground leak is discovered, the City will adjust the customer's bill as identified in section 3.06.070 Adjustments.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2011-04 § 1, 02/07/2011; Ord. 2006-07 § 1, 04/03/2006)

CHAPTER 3.08
TRANSIT OPERATIONS FEE

Sections:

3.08.020 – Definitions.
3.08.070 – Appeal.

Section 3.08.020 – Definitions.

For purposes of this chapter, the definition of the following terms are:

1) City Engineer. The person appointed by the City Manager through the Director to perform the functions of City Engineer or the City Engineer's designee acting under the City Engineer's direction.

2) Director. The person, or duly authorized representative, designated by the City Manager to supervise the Public Works Department.

3) Dwelling unit. A facility designed for permanent or semi-permanent occupancy by a person or a single family and which contains, at a minimum, sleeping facilities and shared or individual sanitary and cooking facilities.

4) Gross square footage. The calculation of the area of all structures located on a site, measured along the exterior walls of such structures, and including, but not limited to, enclosed courtyards and stairwells, but not including fences and parking areas not enclosed within a building.

5) Group residential site. A dormitory, fraternity, sorority, cooperative or other similar structure primarily used for personal, domestic accommodation providing common sanitary and kitchen facilities. Does not include hotels, motels, assisted living facilities or other similar structures.

6) Multi-family residential site. A site with a structure primarily used for personal, domestic accommodation, served by one water meter, and constructed as, or used as, two or more dwelling units. As used herein, includes quads or similar structures, but does not include group residential sites.

7) Non-residential site. A site that is not used for personal, domestic accommodation. Includes, but is not limited to, industrial and commercial sites, assisted living facilities, and hotels.

8) Single-family residential site. A site with a structure used primarily for personal, domestic accommodation, of one or more rooms with bathroom and kitchen facilities, and designated for occupancy by one family. As used herein, includes houses, detached townhouses, condominiums, and zero lot-line, where the units are sold and deeded as single-family units and have individual water meters.

9) Trip generation. The average number of vehicle trips generated by a site, as determined by reference to the manual entitled, Trip Generation, published by the Institute of Transportation Engineers (ITE), herein referred to as the ITE Manual.

10) Utility account. An account with the City of Corvallis for water, wastewater and/or storm water service within the City limits. As used herein, does not include accounts designated as fire service or irrigation only.

11) Utility account customer. The person in whose name a water, wastewater and/or storm water account exists and who is responsible for payment of charges for said account.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-31 § 1, 12/20/2010)

Section 3.08.070 – Appeal.

1) Any utility account customer who disputes the City Engineer's decision in assigning a customer group classification or monthly billing rate for non-residential site may present the reason for dispute to the City Engineer, along with payment of an appeal fee of $100. The City Engineer will review the information and render a decision, along with an explanation of how that decision was reached.

2) If the utility account customer is not satisfied at this point, the customer may appeal such decision to the City Manager by filing a written notice of appeal, together with the reason for the appeal and any arguments, within 30 days of the date of the City Engineer's notice of customer group or monthly billing rate.

3) The City Manager shall consider the appeal within 60 days of receipt. The decision of the City Manager shall be limited to whether the appellant's utility account has been assigned the appropriate customer group or monthly billing rate.

4) In the event that the City Manager changes or otherwise overturns the City Engineer's decision on appeal, any appeal fee paid by the appellant shall be refunded.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-31 § 1, 12/20/2010)

CHAPTER 3.09
URBAN FOREST MANAGEMENT FEE

Section 3.09.020 – Definitions.

As used in this chapter, the following means:

1) Director. The person, or duly authorized representative designated by the City Manager to supervise the Parks and Recreation Department.

2) Ecosystem services. The direct and indirect benefits provided to the community by a healthy Urban Forest. These include, but are not limited to: increased water quality and stormwater retention, energy savings and carbon capture, air quality improvements, and wildlife habitat improvements.

3) Tree. A self supporting, perennial woody plant characterized by one main trunk, or in some cases, multiple trunks with a trunk diameter of at least 1-1/2 inches at a point 6 inches above ground level at the base of the trunk and one main canopy of leaves, usually growing to a height of 15 feet or more.

4) Urban Forester. The person appointed by the City Manager through the Director to perform the functions of Urban Forester or the designee acting under the Urban Forester's direction.

5) Urban Forest. The collection of trees growing in the City, and the plants that grow beneath them. For the purpose of this chapter, the focus will be limited to trees growing in the public right-of-way within the City limits and on City park land.

6) Utility account. An account with the City of Corvallis for water, wastewater and/or stormwater service within the City limits. As used herein, this does not include accounts designated as fire service or irrigation only, or those for Oregon State University.

7) Utility account customer. The person in whose name a water, wastewater and/or stormwater service account exists and who is responsible for payment of charges for said account.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-32 § 1, 12/20/2010)

CHAPTER 4.01
SOLID WASTE REGULATIONS

Sections:

4.01.020 – Supervision by City Manager.
4.01.080 – Private disposal.
4.01.090 – Unauthorized disposal of solid waste prohibited.
4.01.120 – Disposal equipment and maintenance.

Section 4.01.020 – Supervision by City Manager.

The regulation of the disposal and hauling of solid waste in the City under the provisions herein shall be under the supervision of the City Manager. The City Manager may conduct inspections to ensure full compliance with the terms and provisions herein, and to arbitrate or to provide for arbitration of any and all disputes arising between franchise holders hereunder and citizens of the City and suspend or revoke the franchise of any franchise holder hereunder for noncompliance after reasonable notice of any award or decision made in arbitration or upon conviction of any violation of this chapter in the Municipal Court.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2008-21§ 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.080 – Private disposal.

Any person may transport solid waste generated by the person upon the streets of the City without procuring a franchise therefor; provided, that such solid waste is hauled in such manner as to prevent leakage or litter upon the streets.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2008-21 § 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.090 – Unauthorized disposal of solid waste prohibited.

1) It shall be unlawful for any person to remove the lid from or interfere with any solid waste receptacle to dump or dispose any solid waste accumulated on or about the person's home, residence or any house or building or place of business into any public or semipublic solid waste receptacle or privately owned solid waste receptacle other than that owned by such person without the consent of the owner thereof.

2) It shall be unlawful for any person to dump or dispose of solid waste in any public or semipublic solid waste receptacle or disposal unit, except solid waste accumulated or acquired within an area reasonably contemplated to be served by such solid waste receptacle or disposal unit.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2008-21 § 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.120 – Disposal equipment and maintenance.

It shall be unlawful for any franchised solid waste hauler or person transporting solid waste the person produced to transport solid waste on the streets of Corvallis, except in a covered, watertight and drip-proof vehicle.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2008-21 § 1, 12/15/2008)

CHAPTER 4.03
SEWER REGULATIONS

Sections:

4.03.020.030 – Building sewers and connections.
4.03.02.060 – Licensing of sewer and septic tank workers.

Section 4.03.020.030 – Building sewers and connections.

1) No person shall uncover, make any connections to or opening into, use, alter, or disturb any public sewer or appurtenance without first obtaining a wastewater connection permit from the City Engineer. This Section shall not apply to duly authorized City employees acting in the performance of official duties or persons participating in City approved activities.

2) Any user of the building sewer or any agent shall make application on a form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City. A permit fee shall be paid to the City at the time the application is filed.

3) All costs and expenses incident to the wastewater connection shall be borne by the user. The user shall indemnify the City from any loss or damage that may directly or indirectly be caused by the wastewater connection.

4) A separate wastewater connection shall be provided for every building, except where one building stands at the rear of another on an interior lot.

5) Old sewers may be used in connection with new buildings only when they are found, on examination and test, to meet all requirements herein.

6) The size and slope of the wastewater connection shall be subject to the approval of the City Engineer.

7) The wastewater connection shall be laid at uniform grade and in straight alignment insofar as possible and a minimum of 3 feet from any bearing wall, which might thereby be weakened. Changes in direction shall be made only in accordance with the City's Standard Construction Specifications.

8) All excavations for wastewater connections shall be open trench unless approved by the City Engineer, and no backfill shall be placed until the work has been inspected by the City Engineer.

9) The wastewater connection shall be made in conformance with the rules and regulations of the Oregon Department of Environmental Quality and the City's Standard Construction Specifications. Wastewater connections to public sewers must be done by either a licensed sewer contractor or by the City at the user's expense.

10) The applicant for the wastewater connection permit shall notify the City Engineer when the sewer is ready for inspection. The connection shall be made under the supervision of the City Engineer.

11) All excavations for sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-20 , § 1(Exh. A), 07-15-2020)

Section 4.03.02.060 – Licensing of sewer and septic tank workers.

No person shall construct or attempt to construct a wastewater connection within the City without first obtaining a license pursuant to the requirements of ORS Chapter 701 as amended. No person shall engage in septic tank cleaning, construction, or repair within the City without first obtaining a license as a septic tank worker as required by ORS Chapter 701 as amended.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-20 , § 1(Exh. A), 07-15-2020)

CHAPTER 4.04
URBAN STORMWATER QUALITY MANAGEMENT AND DISCHARGE CONTROL

Sections:

4.04.060 – Sampling and monitoring requirements.
4.04.080 – Notification of discharges and spills.

Section 4.04.060 – Sampling and monitoring requirements.

Whenever the Public Works Director determines that any person engaged in any activity and/or owns or operates any facility that may be causing or contributing to stormwater pollution or illicit discharge to the storm drainage system, the Public Works Director may, by written notice as described in Section 4.04.090.020, order that such a person undertake such monitoring activities and/or analyses and furnish such reports as the Public Works Director may deem necessary to demonstrate compliance with this Article. The written notice shall set forth the basis for such order and shall describe the monitoring activities and/or analyses and reports required. The sampling and monitoring devices utilized shall be approved by the Public Works Director and maintained at all times in a safe and proper operating condition by the owner or operator at the owner or operator’s own expense. All devices used to measure flow and quality shall be calibrated in accordance with the manufacturer's recommendations to an accuracy determined by the Public Works Director. The recipient of such order shall undertake and provide the monitoring, analyses, and reports within the time frames set forth in the order.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-15 § 1, 07/19/2010)

Section 4.04.080 – Notification of discharges and spills.

1) In the event of a release of hazardous material, as soon as any owner, tenant, or resident, or any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges into the storm drainage system, said person shall immediately notify the Public Works Director by telephone or, if outside City of Corvallis business hours, via a telephone call to the City Police Department non-emergency service. Notification shall include information on the location, date and time of occurrence, nature, characteristics, and quantity of the discharge.

2) In the event of a release of non-hazardous material, said person shall notify the Public Works Director in person or by telephone or facsimile as soon as known but no later than the next business day. Notification shall include information on the location, date and time of occurrence, nature, characteristics, and quantity of the discharge.

3) If the pollutant discharge emanates from a commercial or industrial establishment, notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Public Works Director within five (5) business days of the telephone notice. Written notification shall include information on the location, date and time of occurrence, nature, characteristics, and quantity of the discharge, and a summary of the actions taken by the responsible party to prevent any recurrence of the discharge. Additionally, the owner or operator of such establishment shall retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years and provided to the Public Works Director at upon request.

4) Failure to notify the Public Works Director as required by this section shall be a violation of this Article.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-15 § 1, 07/19/2010)

CHAPTER 5.01
CITY PARK REGULATIONS

Sections:

5.01.050 – Commercial activity.
5.01.080 – Fireworks, dangerous equipment and activities.
5.01.090 – Special use areas.
5.01.100 - Permit for use of designated area.
Section 5.01.110 - Alcoholic beverages in parks.
Section 5.01.120 - Sound.
Section 5.01.130 - Hours of use; sleeping and camping.
Section 5.01.170 - Flora.
Section 5.01.180 - Marking, injuring, or disturbing any structure.
Section 5.01.190 - Authority of City Manager.

Section 5.01.050 - Commercial activity.

1) No person shall sell or attempt to sell any merchandise or service or operate any concession in a park without permission of the City Manager. The City Manager may issue a permit authorizing the selling of merchandise or services or the operating of a concession in a park if, in the City Manager's reasonable discretion, that is determined to be in the best interests of the City. The City Manager may include reasonable conditions in the permit; and may revoke a permit if the terms of the permit are violated; or may deny a permit to a person or persons who have violated the terms of a permit within the previous year.

2) No person who holds a valid permit issued by the City Manager under this Section shall sell merchandise or services within a park in violation of any conditions stated in that permit.

(Ord. 2020-____ § ___, __/__/2020; Ord. 72-27 § 7, 1972)

Section 5.01.080 - Fireworks, dangerous equipment and activities.

1) No person shall possess or use any fireworks in the following parks between June 1 and September 30: Bald Hill Park, Chip Ross Park;

2) No person shall use or engage in any activity that the City Manager determines, in their reasonable discretion, creates an unreasonable interference or danger to other persons. Such activity shall include but not be limited to the use of golf clubs, archery equipment, a discus, javelin, or short or any aircraft, rocket, or missile powered by fuel or mechanical means, or any firearm. Such activities will be allowed only as provided in Section 5.01.090 herein.

3) Notwithstanding the above, the use of bean-shooters or other comparable devices used to shoot beans, pebbles, or other substance or thing, or rockets or missiles, when conducted as part of a class or activity by the City's Parks and Recreation Department and/or da Vinci Days, Inc., during the annual da Vinci Days festival and for 60 days before the da Vinci Days festival, is permitted.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2002-19 § 2, 06/17/2002; Ord. 91-38 § 2, 1991; Ord. 72-27 § 10, 1972)

Section 5.01.090 - Special use areas.

The City Manager is authorized and directed to set aside, establish, alter, and/or discontinue special use areas in one or more of the parks. These special use areas would include but not be limited to activities such as horse or pony riding, Junior Olympics, bicycle riding, camping activities, motorcycle riding, or any one or more of those activities otherwise prohibited under Section 5.01.100 herein. Before establishing, altering, or discontinuing such a special use area, the City Manager shall determine, in the City Manager’s reasonable discretion, priority of need for such an area and whether the activity may be carried on without unreasonable interference or danger to other persons. If a special use area is established, the City Manager may designate such hours or days of usage, the particular activity or activities which are permitted, and such conditions as are determined to be reasonably required for the safety and convenience of persons and property. The boundaries of the special use area shall be marked and such signs and warnings concerning that special use area shall be posted as are deemed reasonably appropriate. No person shall use or injure any special use area except for the purposes of one or more of the activities permitted in that special use area under any conditions specified by the City Manager.

(Ord. 2020-____ § ___, __/__/2020; Ord. 72-27 § 11, 1972)

Section 5.01.100 - Permit for use of designated area.

The City Manager is authorized to issue permits for public use of a designated area in a park for such activities as picnicking, softball, and other special events or activities deemed appropriate. Permits shall have a priority use over all other uses. The City Manager reserves the right to refuse or revoke a permit and may retain all fees and deposits for, but not limited to, the failure to comply with park and City rules and regulations, any special conditions specified on the permit, any order or directive issued by the City Manager's Office, the Police, or the Parks and Recreation Department.

(Ord. 2020-____ § ___, __/__/2020; Ord. 81-35 § 3, 1981; Ord. 72-27 § 12, 1972)

Section 5.01.110 - Alcoholic beverages in parks.

5.01.110.010

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

2) The City Manager or a designee of that office may issue a permit only if the applicant for a permit provides assurances satisfactory to the City Manager or the 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 the City, its officers, agents, and employees against any costs or liabilities resulting from the sale, consumption or serving of alcoholic beverages in a park or facility. In addition, an applicant seeking a permit to sell alcoholic beverages in 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.

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

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

e) 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 a designee of that office may reject an application for a permit under this section if it is determined that the applicant is not able to control or assume full responsibility for the planned activity. In making this determination, the City Manager or the 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 the City Manager’s 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. 2020-____ § ___, __/__/2020; Ord. No. 2016-06 , § 1, 04/04/2016; Ord. No. 2015-24 § 1, 12/21/15; Ord. No. 2015-21 § 1, 12/17/15; Ord. 2006-01 § 2, 01/03/2006; Ord. 96-15 § 1, 1996)

5.01.110.020

Notice of the City Manager's or a designee's decision to approve or deny a permit application shall be provided to the applicant. 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. If possible, the appeal shall be heard and determined at the next Council meeting after it is filed.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2016-06 , § 1, 04/04/2016; Ord. No. 2015-24 § 1, 12/21/15; Ord. No. 2015-21 § 1, 12/17/15; 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)

Section 5.01.120 - Sound.

1) No person shall disturb the peace in any park between the hours of 10:00 pm and 6:30 am. For purposes of this subsection, disturbing the peace is defined as including, but not being limited to, the following:

a) Playing a musical instrument;

b) Playing a radio;

c) Shouting;

d) Engaging in any organized games.

2) No person shall use any device to amplify sound in any park unless a valid permit has been issued by the City Manager under Section 5.03.030.020 herein.

3) The City Manager may issue a sound permit authorizing the use of one or more designated devices to amplify sound by one or more designated persons in a designated area of a park on a designated date between specific hours if, according to the City Manager’s reasonable discretion, the number of persons to be entertained or served by the use of sound can be adequately and reasonably served only by the amplification of sound. The City Manager may include conditions in such a permit which deems reasonable; and may revoke a permit if the terms of the permit are violated; or may deny a permit to a person or group of persons who have violated the terms of a permit within the previous year.

4) No person who holds a valid sound permit issued by the City Manager shall amplify sound within a park in violation of any conditions stated in that permit.

(Ord. 2020-____ § ___, __/__/2020; Ord. 82-78 § 4, 1982; Ord. 81-35 § 4, 1981; Ord. 72-27 § 13, 1972)

Section 5.01.130 - Hours of use; sleeping and camping.

1) No person shall sleep in any park between the hours of 10:00 pm and 6:00 am, except as provided in subsection 3).

2) No person shall use any tent, shelter-half, motor home, vehicle, camper, or trailer as a shelter for housing or sleeping in any park area, except as provided in subsection 3).

3) The City Manager may, in the City Manager’s reasonable discretion, issue permits or designate areas for the use of tents, shelter-half, motor homes, vehicles, campers, or trailers as shelters for

housing or sleeping in parks for any overnight sleeping in parks between the hours of 10:00 pm and 6:00 am.

(Ord. 2020-____ § ___, __/__/2020; Ord. 82-78 § 5, 1982; Ord. 81-35 § 5, 1981; Ord. 72-27 § 14, 1972)

Section 5.01.170 - Flora.

No person other than a duly authorized City employee in the performance of official duty or persons participating in City approved activities shall dig, remove, destroy, injure, mutilate or cut any trees, plants, shrubs, blooms, or flowers or any portion thereof growing in any park.

(Ord. 2020-____ § ___, __/__/2020; Ord. 81-35 § 9, 1981; Ord. 72-27 § 18, 1972)

Section 5.01.180 - Marking, injuring, or disturbing any structure.

No person other than a duly authorized City employee in the performance of official duty shall:

1) Cut, break, injure, deface, or disturb any rock, building, cage, pen, monument, sign, fence, bench, structure, apparatus, equipment, or property in a park;

2) Mark or place any mark, writing, or printing on any rock, building, cage, pen, monument, sign, fence, bench, structure, apparatus, equipment, or property in a park;

3) Attach any sign, card, display, or similar device to any rock, building, cage, pen, monument, sign, fence, bench, structure, apparatus, equipment, or property in a park, except as authorized by permit issued by the City Manager.

(Ord. 2020-____ § ___, __/__/2020; Ord. 82-78 § 7, 1982; Ord. 81-35, 1981; Ord. 72-27 § 19, 1972)

Section 5.01.190 - Authority of City Manager.

1) Whenever this Chapter makes reference to the exercise of reasonable discretion of the City Manager, the City Manager shall take into account the use and enjoyment of the parks for the maximum number of people and the general purpose set forth in Section 5.01.010 herein.

2) The City Manager is authorized to establish and revise fees for permits issued in accordance with the provisions herein.

3) The City Manager is authorized to establish and revise fees for recreation programs.

(Ord. 2020-____ § ___, __/__/2020; Ord. 90-17 § 2, 1990; Ord. 89-53 § 1, 1989; Ord. 72-27 § 20, 1972)

CHAPTER 5.02
ABANDONED/DISCARDED VEHICLES

Sections:

5.02.050 – Administration and enforcement.
5.02.090 - Hearings; determinations.

Section 5.02.050 - Administration and enforcement.

Except as otherwise provided herein, the provisions herein shall be administered and enforced by the Chief of Police. In the enforcement of the provisions herein, such officer and any deputies, representatives and/or agents may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to identity of a vehicle declared to be a nuisance pursuant to the provisions herein.

(Ord. 2020-____ § ___, __/__/2020; Ord. 74-83 § 5, 1974)

Section 5.02.090 - Hearings; determinations.

1) All hearings held pursuant to the provisions herein shall be held before Council who shall hear all facts and testimony that it deems pertinent. Such facts and testimony may include testimony on the condition of the vehicle or part thereof, and the circumstances concerning its location on private property or public property. Council shall not be limited by the technical rules of evidence. The owner of the land on which the vehicle is located may appear in person at the hearing, or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with reasons for such denial.

2) Council may impose such conditions and take such other action as it deems appropriate under the circumstances, to carry out the purposes herein. It may delay the time for removal of the vehicle or part thereof if, in its opinion, the circumstances so justify. At the conclusion of the public hearing, Council may find that a vehicle or part thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property, order the same removed from the property as a public nuisance and disposed of as provided herein, and determine the administrative costs and the cost of removal to be charged against the owner of the parcel of land on which the vehicle or part thereof is located. The order requiring removal shall include a description of the vehicle or part thereof, and the correct identification number and license number of the vehicle if available at the site.

3) If it is determined at the hearing that the vehicle was placed upon the land without the consent of the land owner and that the owner has not subsequently acquiesced in its presence, Council shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such land owner.

4) If an interested person makes a written presentation to Council but does not appear, written notice of the decision shall be sent to the last known address.

(Ord. 2020-____ § ___, __/__/2020; Ord. 74-83 § 9, 1974)

CHAPTER 5.03
OFFENSES

Sections:

5.03.010.060 - Parties to offenses.
5.03.040.010.04 - Misrepresentation of true age of minor.
5.03.040.010.05 - Defense of written age statement.
5.03.040.010.07 - Arresting officer to seize property.
5.03.040.010.10 - Hosting party for minors.
5.03.040.020.07 - Hosting party for minors.
5.03.080.090 - Resisting arrest.
5.03.080.160.01 - Definitions
5.03.090.060.01 - Definitions.
5.03.100.040.02 - Selling on public ways prohibited.
5.03.150.020 – Liability imposed.

Section 5.03.010.060 - Parties to offenses.

1) A person is guilty of an offense if it is committed by the person's own conduct or by the conduct of another person for which the person is liable, or both.

2) A person is liable for the conduct of another person constituting an offense if:

a) The person is made liable hereby defining the offense; or

b) With the intent to promote or facilitate the commission of the offense, the person: 1] solicits or commands such other person to commit the offense, 2] aids or abets or agrees or attempts to aid or abet such other person in planning or committing the offense, 3] having a legal duty to prevent the commission of the offense fails to make an effort the person is legally required to make.

3) In any prosecution for an offense in which liability is based upon the conduct of another person pursuant to subsection 2) of this section, it is no defense that;

a) Such other person has not been prosecuted for or convicted of any offense based upon the conduct in question or has been convicted of a different offense; or

b) The offense, as defined, can be committed only by a particular class or classes or persons to which the defendant does not belong, and the person is for that reason legally incapable of committing the offense in an individual capacity.

4) Except as otherwise provided hereby defining the offense, a person is not liable for conduct of another constituting an offense if:

a) The person is a victim of that offense.

b) The offense is so defined that the person's conduct is necessarily incidental thereto.

5) In addition to the liability of a corporation, firm, partnership, association, or joint stock company otherwise imposed by the law of this City, such an organization is guilty of an offense if:

a) The conduct constituting the offense is engaged in by an agent or the organization while acting within the scope of employment and in behalf of the organization, or the offense is one defined by a law that clearly indicates a legislative intent to impose liability on an organization; or

b) The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on such organizations by law; or

c) The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or knowingly tolerated by the board of directors or by a high managerial agent acting within the scope of employment and in behalf of the organization.

1] As used in this Section:

a] *Agent.* Any director, officer, or employee of an organization, or any other person who is authorized to act in behalf of the organization.

b] *High managerial agent.* An officer of an organization who exercises authority with respect to the formulation of policy or the supervision in a managerial capacity of subordinate employees, or any other agent in a position of comparable authority.

6) A person is liable for conduct constituting an offense which the person perform~~s~~ or cause~~s~~ to be performed in the name of or in behalf of a corporation, firm, partnership, association, or joint stock company to the same extent as if such conduct were performed in the person's own name or behalf.

(Ord. 2020-____ § ___, __/__/2020; Ord. 82-77 § 100.06, 1974)

Section 5.03.040.010.04 - Misrepresentation of true age of minor.

1) No minor shall falsely represent being of any age other than the true age of the minor, or produce any evidence that would falsely indicate, for the purpose of securing any right, benefit, or privilege denied minors by Section 5.03.040.010.

2) No person shall falsely represent a minor to be 21 years of age or older for the purpose of securing or assisting such minor in securing any right, benefit, or privilege denied to minors by this Section.

3) A violation of this Section is a Class A Infraction.

Section 5.03.040.010.05 - Defense of written age statement.

If a licensee or an employee or agent is prosecuted in the Municipal Court for selling alcoholic liquor to a minor or permitting a minor to consume alcoholic liquor or to enter or loiter upon the licensed premises, the licensee or an employee or agent may offer in defense any written statement made by or for such minor prior to the violation, which statement was made and taken pursuant to the laws of Oregon and the rules and regulations of the Commission, and such statement shall constitute a prima facie defense.

Section 5.03.040.010.07 - Arresting officer to seize property.

When an officer arrests any person for violation of Section 5.03.040.010, the officer may take possession of all alcoholic liquor which the person arrested possesses, or is present on the premises, which apparently is being used or kept in violation of Section 5.03.040.010. If the person arrested is convicted and the Court finds that the alcoholic liquor has been used in violation of this Section, such forfeiture proceedings as are authorized by ORS 471.610 may be instituted.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2013-08 § 4, 06/03/2013; Ord. 2013-08 § 2, 06/03/13; Ord. 91-28 § 1 (part), 1991; Ord. 82-77 § 103.01, 1982)

Section 5.03.040.020.07 - Hosting party for minors.

1) No person shall permit, allow or host a juvenile party at the person's place of residence or premises under the person's control while marijuana or marijuana products are consumed or possessed by any minor.

2) This Section is intended to be a strict liability crime and the court shall not require proof of a mental state.

3) A violation of this Section is a Class A misdemeanor. Upon conviction, the court shall impose at least a mandatory minimum sentence:

a) Upon a first conviction, a fine of $500;

b) Upon a second conviction, a fine of $1,000; and

c) Upon a third conviction, a fine of $1,500 and not less than 30 days of imprisonment.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2015-09 § 1, 05/04/2015)

Section 5.03.080.090 - Resisting arrest.

1) No person shall intentionally resist a person known to be a police officer in making an arrest.

2) A violation of this Section is a Class A Misdemeanor.

3) It is no defense to a prosecution under this Section that a police officer lacked legal authority to make the arrest, provided the police officer was acting under color of official authority.

(Ord. 2020-____ § ___, __/__/2020; Ord. 82-77 § 107.09, 1982)

Section 5.03.080.160.01 - Definitions.

1) *Accessibility ramp.* A ramp intended to provide access for people with disabilities to and from an entrance or exit.

2) *Bar.* An area which is devoted to the serving of alcoholic beverages for consumption by guests on premises and in which the serving of food is only incidental to the consumption of such beverages.

3) *Business.* Any sole proprietorship, partnership, joint venture, corporation, or other business entity, including for-profit and non-profit entities, private clubs, and retail establishments where goods or services are sold as well as professional corporations and other entities where professional services are delivered.

4) *Electronic smoking device.* Any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use of inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or under any other product name of descriptor and any cartridge or other component of the device or related product.

5) *Employee.* Any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers services to a non-profit entity.

6) *Employer*. Any person or entity who employs the services of one or more individuals.

7) *Enclosed area.* Any covered space having more than 50 percent of its perimeter area walled in or otherwise closed to the outside, such as, for example, a covered porch with more than two walls; or any space open to the sky having more than 75 percent of its perimeter area walled in or otherwise closed to the outside, such as, for example, a courtyard.

8) *Place of employment.* Any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and rest rooms, conference and class rooms, cafeterias and hallways, and vehicles that are operated in the course of an employer's business that are not operated exclusively by one employee. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.

9) *Private club.* An organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used for club purposes, which is operated for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain.

10) *Public place.* Any City-owned or managed park and recreational facilities, including parks, trails, open space, and special use areas, City-owned bicycle parking structures, and City-owned transit shelters, and any enclosed area to which the public is invited or in which the public is permitted including but. not limited to banks, education facilities, health facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.

11) *Restaurant.* Any coffee shop, cafeteria, sandwich stand, private or public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

12) *Retail tobacco store.* A retail store utilized primarily for the sale of tobacco products and accessories and in which sale of other products is merely incidental.

13) *Service line.* Any indoor line or any portion of an indoor line that extends out of doors, at which one or more persons are waiting for or receiving services of any kind, whether or not such services involves the exchange of money.

14) *Smoking.* Any inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, weed, plant, or other tobacco like product or substance in any manner or in any form. Smoking also includes the use of an electronic smoking device which creates a vapor, in any manner or in any form.

15) *Sports arena.* Any sports pavilion, gymnasium, health spa, swimming pool, roller rink, bowling alley, and other places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

16) *Tobacco product.* Any product that contains tobacco or is derived from tobacco and is intended to be introduced into the human body. "Tobacco Product" includes any electronic smoking device. "Tobacco Product" does not mean any product that the United States Food and Drug Administration has approved as a tobacco use cessation product.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2013-17 , § 1, 12/16/2013; Ord. 2013-09 § 1, 06/03/2013; Ord. 2006-01 § 1, 01/03/2006)

Section 5.03.090.060.01 - Definitions.

For purposes of this Section, the following definitions shall apply:

1) *Dwelling.* A building which regularly or intermittently is occupied by a person lodging therein at night, whether or not a person is actually present.

2) *Enter or remain unlawfully.*

a) To enter or remain in or upon premises when the premises, at the time of such entry or remaining, are not open to the public or when the entrant is not otherwise licensed or privileged to do so; or

b) To fail to leave premises that are open to the public after being lawfully directed to do so by the person in charge.

c) To enter premises that are open to the public after being lawfully directed not to enter the premises; or

d) To enter or remain in a motor vehicle when the entrant is not authorized to do so.

3) *Open to the public.* Premises by which their physical nature, function, custom, usage, notice, or lack thereof, or other circumstances at the time would cause a reasonable person to believe that no permission to enter or remain is required.

4) *Person in charge.* A person, a representative of the person, or an employee of the person who has lawful control of premises by ownership, tenancy, official position, or other legal relationship. It includes, but is not limited to, the person, or holder of a position, designated as the person or position holder in charge by the governor, board, commission, or governing body of any political subdivision of this State.

5) *Premises.* Any building and any real property whether privately or publicly owned.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2011-14 § 1, 10/03/2011; Ord. 88-50 § 7, 1988; Ord. 82-77 § 108.06.01—108.06.03, 1982)

Section 5.03.100.040.02 - Selling on public ways prohibited.

1) No person shall use any public way or any portion thereof for the selling, storing, or displaying of any merchandise or equipment, except that newsracks may be placed and maintained in the public way subject to compliance with the standards and conditions set out in Subsections 5.03.100.040.03 and 5.03.100.040.04 below.

2) Notwithstanding the provisions of subparagraph 1) above, traditional events and festivals with a long local history may apply to the City Manager or a designee of that office for a permit to use the public ways to display and sell merchandise and wares while the event or festival is underway. For Farmers' Market, this would include all Saturdays from mid-April through mid-November. A change in the duration or location of the event or festival would be cause for a City Council discussion and approval/disapproval.

3) A violation of this Section is a Class A Infraction.

Section 5.03.150.020 - Liability imposed.

1) Each person responsible for, or engaged in, activity or conduct requiring police response and resulting in the imposition of a special response fee as defined in subsection 5.03.150.010 of this Section shall be held jointly and severally liable for payment of the costs included in that special response fee. If any person responsible for, or engaged in, the activity or conduct is a minor, the minor's parent(s) or guardian(s) shall also be liable for such fee.

2) Affirmative defense. A person charged for a special response fee under the terms of Section 5.03.150.010 may demonstrate to the City Manager (by providing a valid driver's license or utility bill or other similar document satisfactory to the City Manager) that the person has vacated the property and officially changed address and/or residency so that the person no longer had control of the location where the activity or conduct occurred at the time the special response fee was charged. If the documents show clearly and unambiguously on their face that the change of address was effective prior to the date of the subsequent police response set out in Section 5.03.150.010, the City Manager shall waive the special response fee charges and no appeal to a hearings officer is required.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2013-08 § 8, 06/03/2013; Ord. 2010-17 § 2, 08/16/2010; Ord. 82-77 1972)

CHAPTER 5.04
NUISANCES

Section 5.04.110 – Assessment of costs.

1) The City Manager shall post a notice on the premises where the nuisance was abated to the owner or person in charge of the property stating:

a) The total cost of abatement including the administrative overhead;

b) That the cost as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice;

c) That if the owner or person in charge of the property objects to the cost of the abatement as indicated, that person may file a written notice of objection with the City Manager not more than 10 days from the date of the notice.

2) Upon the expiration of ten (10) days after the date of the notice, the hearings officer shall hear and determine the objections to the costs to be assessed.

3) If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs as stated or as determined by the hearings officer shall thereupon be entered in the docket of City liens and upon such entry being made shall constitute a lien upon the property from which the nuisance was removed or abated.

4) The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of 10 percent per annum; such interest shall commence to run from date of the entry of the lien in the lien docket. That lien herein shall have priority over all other liens and encumbrances of any character.

(Ord. 2020-____ § ___, __/__/2020; Ord. 85-46 § 8, 1985; Ord. 82-79 § 11, 1982)

CHAPTER 5.06
TRANSIT REGULATIONS

Sections:

5.06.020- Definitions.
5.06.030.010 – Prohibited acts.

Section 5.06.020- Definitions.

1) Corvallis Transit System. The property, equipment and improvements of whatever nature owned, leased or controlled by the City to provide public transportation for passengers or to provide for movement of people, and includes any City transit vehicle and any City passenger shelter.

2) City transit vehicle. A bus, trolley, van or other vehicle used to transport passengers and owned or operated on behalf of the City.

3) City passenger shelter or shelter. A structure provided along a transit route for the purpose of providing seating and/or protecting transit passengers from inclement weather and that publicly-owned area within three (3) feet of the structure.

4) Emergency. An on-board City transit vehicle fire, serious physical injury to person(s), or threat thereof, or any apparently urgent medical need, or any action which threatens the safe operation of a transit vehicle and its passenger(s).

5) Peace officer. Includes a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and such other persons as may be designated by law.

6) Transit Manager. The Transit Manager of the City of Corvallis or a designated representative of that office.

7) Unreasonable Interference with the safe and efficient operation of the transit system. Includes any action by a person or persons which reduces the overall safety, timeliness, convenience or accessibility of drivers, vehicles or facilities of the transit system in a manner no reasonable person would allow.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2006-06 § 1, 02/21/2006; Ord. 96-25 § 1, 1996)

Section 5.06.030.010 – Prohibited acts.

No person shall:

1) In any manner hang onto or attach any part of the person to any exterior part of a City transit vehicle at any time;

2) Ride a skateboard, roller skates, or roller blades in a City transit vehicle or shelter;

3) Smoke tobacco or any other substance, or carry any burning or smoldering substance, in any form, aboard a City transit vehicle;

4) Smoke tobacco or any other substance, or carry any burning or smoldering substance, in any form, in a transit shelter;

5) Activate the "Emergency Exit", "Emergency Stop", or alarm device of a City transit vehicle in the absence of an emergency;

6) Bring aboard a City transit vehicle or take into a shelter:

a) any flammable fuel containers, or

b) any flammable liquid, except in a cigarette lighter.

7) No person shall extend any portion of the body through any door or window of a City transit vehicle while it is in motion.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2014-02 , § 1, 03/03/2014; Ord. 2006-06 § 2, 02/21/2006; Ord. 96-25 § 1, 1996)

CHAPTER 5.07
CHRONIC NUISANCE PROPERTY

Section 5.07.020 – Chronic nuisance property.

1) Any property within the City that becomes a chronic nuisance property, as defined herein, is in violation of this Chapter and subject to its remedies.

2) Any person who permits property under the ownership or control of the person to be a chronic nuisance property, as defined herein, shall be in violation of this Chapter and subject to its remedies.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2008-22 § 1, 12/15/2008)

CHAPTER 6.01
JUNIOR SAFETY PATROL

Section 6.01.030 – Uniforms and badges.

1) It shall be the duty of every officer seeking to enforce the traffic laws of this City to be in uniform or to have conspicuously displayed a conspicuous badge indicating official authority.

2) For the purposes of this Section the term "officer" as used in subsection 1) shall mean and include members of the Corvallis junior safety patrol.

(Ord. 2020-____ § ___, __/__/2020; Ord. 1574 § 3, 1947)

CHAPTER 6.04
TAXICAB STANDS

Section 6.04.040 – Parking.

It shall be unlawful for any person to cause, allow, permit or suffer any vehicle operated or controlled by the person (other than a taxicab licensed under said Chapter 8.07) to be upon any street in Corvallis in any parking space designated as a taxicab stand as above provided and marked as above provided.

(Ord. 2020-____ § ___, __/__/2020; Ord. 50-47 § 4, 1950)

CHAPTER 6.05
SPECIAL PARKING PERMITS

Sections:

6.05.010 – Licensing.
6.05.020 – Courtesy parking permits.

Section 6.05.010 – Licensing.

The City Manager is authorized to issue to an applicant a license granting to the licensee the exclusive use of a parking space on the streets of Corvallis while the licensee is engaged in performing work requiring the use of a parking space for a service vehicle of a mechanic or utility. Each applicant for such a license shall pay to the City a fee as provided in the Fees Chapter. If the City Manager determines in the City Manager's reasonable discretion that the applicant qualifies for such a license, the City Manager shall

issue to the licensee a parking meter hood, device, or sign which shall indicate the serial number of the license represented by that hood, device, or sign, and which shall warn the public in bold lettering that parking is not permitted by the public at the space where the hood, device, or sign is in place. The licensee is granted the exclusive use of a parking space selected by the licensee during the time that hood, device, or sign is in place during the time the licensee is engaged in performing work requiring use of such a parking space for a service vehicle of a mechanic or utility, but during no other time. While the parking space is so marked with a hood, device, or sign, no person other than the licensee shall cause, allow, permit, or suffer any vehicle operated or controlled by that person to be parked in the parking space so marked.

(Ord. 2020-____ § ___, __/__/2020; Ord. 72-13, 1972; Ord. 50-48 § 1, 1950)

Section 6.05.020 – Courtesy parking permits.

1) The City Manager (or designated staff) is authorized to issue at no charge, subject to availability of parking and the exercise of reasonable discretion, courtesy parking permits to:

a) Volunteers performing services for the City, including but not limited to Library volunteers, task force, board and commission members, Dial-A-Bus volunteers, and Parks and Recreation volunteers;

b) City employees acting in the course of official City business;

c) Contractors performing services for the City;

d) Persons whose usual parking areas are temporarily unavailable for use due to construction projects;

e) Persons visiting City Hall for meetings and interviews;

f) Contractors performing construction work in residential parking districts;

g) Officials of other public agencies meeting with City of Corvallis officials or otherwise engaged in City business;

h) Benton County employees acting in the course of official business and using a Benton County owned and operated vehicle.

i) Persons serving as jurors in Benton County District Court, Benton County Circuit Court, or Corvallis Municipal Court;

j) Elected officials of the City.

2) Courtesy parking permits shall be valid for a period to be determined by the City Manager; this period may vary depending on the purpose for which the courtesy permit is issued. Courtesy parking permits shall not be valid at 24-minute parking meters. The City Manager may impose such additional restrictions and conditions with respect to location and hours of use as the City Manager deems in the best interest of the City.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2003-06 § 1, 02/18/2003; Ord. 94-34 § 2, 1994)

CHAPTER 6.07
DISPOSITION OF PERSONAL PROPERTY; ABANDONED VEHICLES

Sections:

6.07.010 – Seizure or abandonment.
6.07.020 – Sale at public auction.
6.07.030 – Certificate of sale.
6.07.040 – Property owner rights after sale.

Section 6.07.010 – Seizure or abandonment.

1) Whenever any automobile, motorcycle or other motor vehicle, or any bicycle, or any part thereof, or any other personal property, shall be taken into custody by the Chief of Police of Corvallis, Oregon, or anyone the Chief of Police so designates, by reason of seizure or abandonment, or for any other lawful reason, the same shall be held at the expense and risk of the owner or person lawfully entitled to possession thereof.

2) If a motor vehicle is removed and held by or at the direction of the Chief of Police of the City, the Chief of Police shall cause the vehicle to be appraised, and shall make all reasonable efforts to ascertain the names and addresses of the legal owner and owner or person entitled to possession of the vehicle taken into custody. If the names and addresses of such owners or persons entitled to possession can be ascertained, then the Chief of Police shall notify each of the owners of the location of the vehicle. If the vehicle is registered in the office of the Motor Vehicles Division of the State of Oregon, notice is deemed given when a registered or certified letter addressed to the registered owner of the vehicle, and a similar letter addressed to the legal owner, if any, at the respective latest address of each shown by the records of the office of the Motor Vehicles Division, return receipt requested and postage prepaid thereon, is mailed at least 20 days before the vehicle is sold hereunder. This same procedure of notice shall be followed for each vehicle registered in states other than Oregon through that state's equivalent to Oregon's Motor Vehicles Division.

3) Not withstanding 6.07.010 1) and 2), if a vehicle is valued at $1,000 or less by a licensed State of Oregon Vehicle Appraiser, the vehicle and contents will be sold to the towing agent in consideration for towing and storage charges, according to ORS 819.220, 87.192, and 87.196. After any vehicle has been sold under this Section, the former legal owner, owner, or person entitled to possession has no further right, title, claim, or interest in or to the vehicle itself.

(Ord. 2020-____ § ___, __/__/2020; Ord. 95-11 § 1, 1995; Ord. 81-27 § 2, 1981; Ord. 73-84 § 1, 1973; Ord. 55-29 § 1, 1955)

Section 6.07.020 – Sale at public auction.

On January 1 and July 1 of each year, or more often if in the Chief of Police's judgment it shall be desirable, the Chief of Police shall transmit to the City Manager, or authorized representative, of the said City a list of all unclaimed motor vehicles valued at more than $1,000, and bicycles and parts thereof, or any other personal property which has been in the possession of the Corvallis Police Department for 30 days or more, except such as are being held as evidence in any civil or criminal proceedings, together with a description thereof sufficient for identification; and the City Manager shall forthwith proceed to sell the same at the public auction. Notice of the time and place of such sale shall be given by posting notice thereof in three public places in the City for at least 10 days prior to the date of such sale; and such property shall be sold to the highest bidder for cash. The proceeds of such sale shall be first applied to the payment of the cost of such sale and the expense incurred in the preservation and custody of such motor

vehicle or bicycle or parts, or other personal property; and the balance, if any, shall be credited to the general fund of the City. After any vehicle has been sold under this Section, the former legal owner, owner or person entitled to possession has no further right, title, claim or interest in or to the vehicle itself.

(Ord. 2020-____ § ___, __/__/2020; Ord. 95-11 § 1, 1995; Ord. 81-27, 1981; Ord. 73-84 § 2, 1973; Ord. 55-29 § 2, 1955)

Section 6.07.030 – Certificate of sale.

At the time of the payment of the purchase price, the City Manager shall execute a certificate of sale in duplicate, the original of which shall be delivered to the purchaser and the duplicate copy thereof filed with the Chief of Police, which certificate of sale shall be in substantially the following form: "This is to certify that under the provisions of Chapter 6.07 of the Municipal Code of the City of Corvallis, Oregon, entitled: 'Disposition of Personal Property; Abandoned Vehicles' and pursuant to due notice of the time and place of sale, I did on _____, 20___, sell at public auction to for the sum of $___ cash (the highest bidder and that being the highest sum bid therefor), the following described personal property, to wit: [Brief description of property] "And in consideration of the payment of the sum of $___, receipt of which is hereby acknowledged, I have this day delivered to said purchaser the foregoing property. "Dated this ____ day of _____, 20__.

City Manager "Note: The City assumes no responsibility as to the condition or title of the above-described property. In case this sale shall for any reason be invalid, the liability of the City is limited to the return of the purchase price."

(Ord. 2020-____ § ___, __/__/2020; Ord. 88-17 § 1, 1988; Ord. 81-27 § 3, 1981; Ord. 73-84 § 3, 1973; Ord. 55-29 § 3, 1955)

Section 6.07.040 – Property owner rights after sale.

At any time within two years after such sale, the owner of any property sold as herein provided shall be entitled to have the balance of the proceeds of such sale paid to the owner out of the general fund upon making application therefor to the City Manager and presenting satisfactory proof of ownership.

(Ord. 2020-____ § ___, __/__/2020; Ord. 88-17 § 2, 1988; Ord. 81-27 § 4, 1981; Ord. 55-29 § 4, 1955)

CHAPTER 6.08
OVERSIZE VEHICLES

Section 6.08.010 – Vehicle dimension stipulations.

1) No person, persons, copartnership, association, firm or corporation shall use or occupy any portion of any street or sidewalk in Corvallis, Oregon, for driving or moving any vehicle or combination of vehicles, including any load thereon, which shall exceed an outside width of eight feet two inches or a height of twelve feet six inches or a length of 35 feet for single vehicle and 50 feet for a combination of vehicles, or which vehicle or combination of vehicles, including load thereon, shall be wider, higher or longer than is permitted by State law without first obtaining a permit therefor from the office of the City Engineer, of the City, as hereinafter provided.

2) No person, persons, copartnership, association, firm or corporation shall permit any vehicle or combination of vehicles, owned by the person, persons, copartnership, association, firm or corporation, to be moved on or over any portion of any street or sidewalk in the City in violation

of this Chapter unless a permit therefor has been obtained from the City Engineer of the City as hereinafter provided.

(Ord. 2020-____ § ___, __/__/2020; Ord. 56-20 § 1, 1956)

CHAPTER 6.10
GENERAL TRAFFIC CODE

Sections:

6.10.040.010 – Method of parking.
6.10.060.090 – Mechanical condition; riding on sidewalks.
6.10.070.010.01 – Emergency vehicle.

Section 6.10.040.010 – Method of parking.

1) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than at the indicated direction and within a single marked space, unless the size or shape of such vehicle makes a compliance impossible.

2) Whenever the owner or driver of a vehicle discovers that such vehicle is parked immediately in front of or close to a building to which the Fire Department has been summoned, the owner or driver shall immediately remove such vehicle from the area unless otherwise directed by Police or Fire officers.

(Ord. 2020-____ § ___, __/__/2020; Ord. 80-77 § 2, 1980; Ord. 57-39 § 11, 1957)

Section 6.10.060.090 – Mechanical condition; riding on sidewalks.

1) No person shall ride a bicycle which is in an unsafe mechanical condition.

2) No person, except a Police officer in the performance of official duties, shall ride a bicycle upon a sidewalk within the following boundary, including any and all adjacent sidewalks:

The northerly side of NW Jackson Avenue between NW Fifth Street and the west side of the Riverfront bike path, the westerly side of Fifth Street between NW Jackson Avenue and SW Jefferson Avenue, and the southerly side of SW Jefferson Avenue to the west side of the Riverfront bike path; and the northerly side of Monroe Avenue between Fourteenth Street and Twenty-sixth Street, and the southerly side of Monroe Avenue between Fourteenth Street and Twenty-sixth Street.

(Ord. 2020-____ § ___, __/__/2020; Ord. 98-48, Renumbered, 12/07/1998; Ord. 93-06 § 3, 1993; Ord. 90-35, 1990; Ord. 86-22 § 2, 1986; Ord. 83-63, 1983; Ord. 71-4, 1971; Ord. 67-12, 1967; Ord. 57-39 § 46, 1957)

Section 6.10.070.010.01 – Emergency vehicle.

The provisions herein regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles including but not being limited to the following: vehicles operated by Corvallis Police Department, Oregon State Police, Corvallis Fire Department including vehicles of volunteers equipped with and using where applicable red light and siren, Corvallis ambulance service, Benton County Sheriff's Office, and other State law enforcement agencies; except as provided by the Motor Vehicle Laws of the State of Oregon as follows:

1) A driver when operating such vehicle in an emergency, except when otherwise directed by a Police officer or other authorized person, may park or stand notwithstanding the provision herein.

2) A driver of a Police vehicle or Fire Department or patrol vehicle when operating such vehicle in an emergency may disregard regulations governing turning in specified directions as long as doing so does not endanger life or property.

3) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of recklessly disregarding ~~of~~ the safety of others.

CHAPTER 6.11
PARKING METERS

Sections:

6.11.050 – Marking of on-street parking places
6.11.060 – Hours of operation.
6.11.070 – Time limits.
6.11.120 – Violations record and citation.
6.11.130 – Authority to withdraw meter and parking space from use.
6.11.170 – Regular collection of money deposited.
6.11.180 – Marking off-street parking spaces.
6.11.190 – Restricted vehicles.
6.11.290 – Marking of spaces in the Downtown parking area.
6.11.300 – Downtown free customer parking area; time limitations.
6.11.310 – Downtown free customer parking area; user identification.
6.11.340 – Downtown free customer parking area signs.

Section 6.11.050 – Marking of on-street parking places

The City Manager shall paint lines or markings adjacent to each parking meter designating the parking space for which the meter is to be used. No persons shall cause, allow, permit or suffer any vehicle owned, operated or controlled by the person to be parked across any such line or marking, or to be parked in such a position that it is not entirely within the space designated by such lines or markings.

(Ord. 2020-____ § ___, __/__/2020; Ord. 59-107 § 5, 1959)

Section 6.11.060 – Hours of operation.

No person shall cause, allow, permit or suffer any vehicle owned, operated or controlled by the person to be parked in a marked space regulated by a parking meter or pay-station at any time when the parking meter or pay-station shows a signal indicating that parking in the space has not been paid for between the hours of 9:00 am and 5:00 pm of any day except Sundays and holidays unless a valid 10-hour parking permit as per Section 6.11.380 is attached to the vehicle while parked at a metered 10-hour space.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2004-19 § 2, 10/04/2004; Ord. 79-34 § 2, 1979; 59-107 § 6, 1959)

Section 6.11.070 – Time limits.

No person shall cause, allow, permit, or suffer any vehicle owned, operated or controlled by the person to be parked in a marked space, regulated by a parking meter or pay-station, between the hours specified and

on a day not excepted in Section 6.11.060 herein, for a period of time longer than the maximum time which will show on the parking meter or pay-station, whether or not the parking meter or pay-station indicates that parking in the space has been paid for unless a valid 10-hour parking permit is attached to the vehicle while parked at a metered 10-hour space. Each instance of such over-parking for a period of time equal to the maximum period of time which will show on the parking meter or pay-station shall be a separate offense.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2004-19 § 3, 10/04/2004; Ord. 59-107 § 7, 1959)

Section 6.11.120 – Violations record and citation.

The City Manager shall keep account of all violations of this Chapter. The City Manager shall keep an account of and report the number of each parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parked in violation of any of the provisions herein, the date and hour of such violation, the make and the State license number of such vehicle, and any other facts a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation. The City Manager shall cause to be attached to vehicles parked in violation hereof a notice stating that it has been parked in violation.

(Ord. 2020-____ § ___, __/__/2020; Ord. 59-107 § 12, 1959)

Section 6.11.130 – Authority to withdraw meter and parking space from use.

For emergency requirements the City Manager may at any time withdraw a meter from use by the public by covering the head of such meter with a hood having printed plainly thereon: "No parking. Police Department." No person shall cause, allow, permit, or suffer any vehicle operated or controlled by the person to be parked in a marked space adjacent to any meter covered by such a hood.

(Ord. 2020-____ § ___, __/__/2020; Ord. 59-107 § 13, 1959)

Section 6.11.170 – Regular collection of money deposited.

The City Manager shall designate some person or persons to make regular collections of the money deposited in said parking meters, and shall count the money and place it in a special account to be known as the "parking meter account," which account shall be used exclusively for the purposes specified in Section 6.11.160. Each person making such collections shall be bonded in the sum of $1,000.00 to insure the faithful performance of duties.

(Ord. 2020-____ § ___, __/__/2020; Ord. 88-17 § 3, 1988; Ord. 59-107 § 17, 1959)

Section 6.11.180 – Marking off-street parking spaces.

The City Manager may mark and maintain markings delineating each individual parking space on the surface used for parking in each off-street permit parking area of the City. Such marking may include markings to reserve one or more spaces exclusively for parking of motor bikes, motor scooters, motorcycles and bicycles. The City Manager shall determine the necessity for and the size and location of all spaces according to the City Manager’s reasonable determination of the safety, convenience, and necessity of the public.

(Ord. 2020-____ § ___, __/__/2020; Ord. 71-75, 1971; Ord. 59-107 § 21, 1959)

Section 6.11.190 – Restricted vehicles.

No person shall cause, allow, suffer, or permit any vehicle other than a motorbike, motor scooter, [or] motorcycle owned, operated, or controlled by the person to be parked in an off-street free parking area or off-street permit parking area within a space or area marked for the parking of motor bikes, motor scooters, or motorcycles.

(Ord. 2020-____ § ___, __/__/2020; Ord. 69-139, 1969; Ord. 66-89, 1966; Ord. 65-81, 1965)

Section 6.11.290 – Marking of spaces in the Downtown parking area.

Within the Downtown parking area designated in Section 6.11.280 of this Chapter, the City Manager shall cause each parking space in a street or within an off-street free parking area to be clearly marked and numbered upon the adjacent curb or the paved surface of the street or off-street free parking area. The City Manager shall determine the necessity for and the size and location of all parking spaces according to the City Manager's reasonable determination of the safety, convenience and necessity of the public. Such markings may include markings to reserve one or more spaces exclusively for parking of motorbikes, motor scooters, motorcycles and bicycles.

(Ord. 2020-____ § ___, __/__/2020; Ord. 71-75 (part), 1971)

Section 6.11.300 – Downtown free customer parking area; time limitations.

1) Except as provided in subsections 2) and 3) [below], no person shall, while at the person's residence, place of employment, educational institution, or registered as a guest in a hotel or motel, which is located within the City limits, cause, allow, suffer or permit any motor vehicle owned, operated or controlled by that person to be parked in any one or more parking spaces upon the public streets or off-street free parking areas within the downtown free customer parking area as designated in Section 6.11.370 between 9:00 am and 5:00 pm Monday - Saturday.

a) For purposes of this Section, the term "employment" shall include being engaged for wages, credit or other remuneration or as a volunteer for a public or private enterprise.

2) This Section shall not apply on Sundays or holidays and to persons lawfully parked in a limited-time parking space or quarterly permit space within the downtown parking area.

3) Employer-owned or controlled vehicles shall be permitted in designated loading zones, subject to the limitations on the use of such zones contained in Chapter 6.10, as amended.

4) Any person violating any of the provisions of this Section shall, upon conviction thereof, be punished by a fine of not less than $40.00 for the first conviction of this Section within the three years preceding the violation; not less than $50.00 for the second conviction of a violation of this Section within the three years preceding the violation; not less than $100.00 for the third and every subsequent conviction of a violation of this Section within the three years preceding the violation.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2004-19 § 5, 10/04/2004; Ord. 85-19 § 1, 1985; Ord. 82-13 § 1, 1982; Ord. 78-96 § 1 , 1978; Ord. 73-63, 1973; Ord. 71-75 (part), 1971)

Section 6.11.310 – Downtown free customer parking area; user identification.

1) Upon request by the City, every employer who employs one or more persons who work in or have as a primary place of employment a location within the Downtown free customer parking area shall provide to the City the employer's and employees' names and residence addresses and vehicle license number of vehicles owned, operated or controlled by each employer and employee.

2) Every resident residing within the Downtown free customer parking area shall provide to the City the resident's name and residence address, and vehicle license number of vehicles owned, operated or controlled by the resident.

3) Upon request by the City, every owner or operator of an educational institution located within the Downtown free customer parking area shall provide to the City the names and residence addresses of all its students and vehicle license number of vehicles owned, operated or controlled by each student.

4) Any person violating any of the provisions of this section shall be subject, upon conviction, to a fine of not more than $300.00 for each offense.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-27 § 1, 12/06/2010; Ord. 2007-06 § 1, 04/16/2007; Ord. 2005-12 § 1, 06/20/2005; Ord. 2004-19 § 6, 10/04/2004; Ord. 85-19 § 2, 1985)

Section 6.11.340 – Downtown free customer parking area signs.

1) The City Manager shall post and maintain one or more signs at each street entrance to the downtown free customer parking area stating, in substance, the following information.

a) That parking at any free customer parking spaces within the Downtown free customer parking area by persons while at a place of employment or at their residence between 9:00 am and 5:00 pm, except Sundays and holidays, is prohibited.

b) That free customer parking is allowed for shoppers, those having business downtown and visitors with a maximum time limit of three hours.

2) The City Manager shall post and maintain one or more signs at each off-street free customer parking area stating, in substance, the same information as provided under subsection 1) of this Section.

3) The City Manager may add any other information to any sign which the City Manager finds informative and convenient to the public concerning the provisions herein.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-33 § 2, 12/20/2010; Ord. 2004-19 § 7, 10/04/2004; Ord. 78-96 § 2, 1978; Ord. 71-75 (part), 1971)

CHAPTER 6.13
MOTOR VEHICLE OPERATION PROHIBITED

Sections:

6.13.020 – Definitions.
6.13.030 – Prohibition prescribed.

Section 6.13.020 – Definitions.

1) Driver or operator. Any person who is in actual physical control of a vehicle upon the highways or streets of the City.

2) Highway, road, or street. The entire width between the boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular traffic.

3) Motor vehicle. Any vehicle which is self-propelled.

4) Private road or driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the property owner, but not used by other persons.

5) Vehicle. As used herein, every device in, upon or by which any person or property is or may be transported, except devices moved by human power or used exclusively upon stationary rails or tracks.

Section 6.13.030 – Prohibition prescribed.

It shall be unlawful for any person to operate a motor vehicle on any road, thoroughfare or property in private ownership within the City, or in the ownership of the City. This does not include any highway, road or street publicly maintained and open to the use of the public for purposes of vehicular traffic, nor does it include any private road or driveway used for vehicular travel by the owner and those having express or implied permission from the property owner.

(Ord. 2020-____ § ___, __/__/2020; Ord. 73-81 § 3, 1973)

CHAPTER 6.14
TOWING OF VEHICLES

Section 6.14.020 – Authority.

1) Any vehicle parked or left standing in violation of any City ordinance or regulation may be taken into custody by the Chief of Police and taken to a garage, parking lot, or other suitable place, and shall be held at the expense of the owner or person entitled to possession of the vehicle. The Chief of Police may utilize Police personnel, equipment and facilities for the removal and preservation of the vehicles or may hire other personnel, equipment and facilities for that purpose.

2) A Police Officer may impound vehicles operated by persons who the Officer has probable cause to believe has committed any of the following offenses: Driving Under the Influence of Intoxicants (ORS 813.010); Driving While License is Suspended or Revoked (ORS 811.182);

Driving While Suspended or Revoked (ORS 811.175); Operating Without Driving Privileges or Violating License Restrictions (ORS 801.010); and Driving Uninsured (ORS 806.010) when there is a clear and present traffic safety need to tow or impound the vehicle. This section establishes City Policies and Procedures to use this authority to best assist in increasing traffic safety and to provide opportunity for hearings contesting the validity of impoundments.

3) The Chief of Police shall establish policies and procedures for impounding vehicles under the authority of ORS 809.716 and ORS 809.720 in order to best assist in increasing traffic safety. The Chief of Police shall establish the actual administrative costs of impoundment. For purposes of Section 1) above, the expense of the owner or person entitled to take possession of the vehicle shall include the actual administrative costs of impoundment or towing.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2003-01 § 1, 01/06/2003; Ord. 81-26 § 2, 1981)

CHAPTER 6.15
RESIDENTIAL PARKING PERMIT DISTRICTS

Sections:

6.15.040 – Issuance of permits; placement of signs.
6.15.060 – Parking permit violations.

Section 6.15.040 – Issuance of permits; placement of signs.

1) The City Engineer shall cause residential parking district signs to be erected to designate the location of each district.

2) A permit shall be issued upon application and payment of the permit fee only to the owner or the operator of a motor vehicle who resides on property within that residential parking district, not to exceed three per kitchen (as defined in the Land Development Code) in a dwelling unit; except for cooperatives, fraternities, and sororities (as defined in the Land Development Code), in which cases, the number of permits issued will not exceed 20 per kitchen. Only one permit may be issued per registered vehicle owned or operated by a person residing within the permit zone.

3) Permits shall be valid from the date of issuance to and including the next following August 31 and may be renewed annually for a term of one (1) year beginning on September 1.

4) Residential parking permit fees shall be determined by Council.
5) The application for a permit shall contain the name of the owner or operator of the motor vehicle, residential address, motor vehicle's make, model, registration number, and the applicant's driver's license number. The permit shall display the permit number and expiration date.

6) The permit shall be nontransferable. If the holder of a valid permit sells, gives, or otherwise disposes of a vehicle for which the permit has been issued, a new permit will be issued to the holder of said valid permit upon the surrender of the valid permit and the filing of an application for a permit for another vehicle owned or operated by the holder of the surrendered permit and eligible for a permit under the provisions herein. The new permit shall be valid for the same period of time that the surrendered permit was valid and shall be issued at no additional charge to the permit holder.

7) The City Manager or designee is authorized to issue temporary parking permits to bona fide visitors of residents in residential parking districts.

8) Notwithstanding anything herein to the contrary, the following special provisions apply to employers:

a) Up to three permits may be issued to the employer, for use by the proprietor or employees of the business. These permits are transferable among the employees of that business;

b) The permit may be used only for parking while the proprietor or employee is at the place of employment;

c) A permit held by a person in violation of these provisions may be revoked and future permits may be denied or restricted;

d) To the extent applicable, all other provisions herein shall apply.

9) Notwithstanding anything herein to the contrary, the following special provisions apply to employers located in District "C":

a) Employers may purchase one permit for each 400 square feet of office space in the building for use by the proprietor or employees of the business. These permits are transferrable among the employees of that business.

b) The permit may be used only for parking while the proprietor or employee is at the place of employment.

c) A permit held by a person in violation of these provisions may be revoked and future permits may be denied or restricted.

d) To the extent applicable, all other provisions herein shall apply.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2016-09 , § 2, 05/16/2016; Ord. No. 2015-12 § 1, 07/20/2015; Ord. No. 2015-03 §§ 1, 2, 02/17/2015; Ord. No. 2014-05 § 1, 06/02/2014; Ord. 2010-16 § 1, 07/19/2010; Ord. 89-45 § 2, 1989; Ord. 89-08 § 2, 1989; Ord. 88-08 § 4, 1988; Ord. 82-66 § 4, 1982)

Section 6.15.060 – Parking permit violations.

It shall be unlawful for any person to:

1) Represent entitlement to a residential parking permit when that person is not so entitled;

2) Fail to surrender a permit to which the holder is no longer entitled; or

3) Park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to hold it.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2015-03 , §§ 1, 2, 02/17/2015; Ord. No. 2014-05 , § 1, 06/02/2014; Ord. 82-66 § 6, 1982)

CHAPTER 6.17
PEDICAB STANDS

Section 6.17.040 – Parking.

It shall be unlawful for any person to cause, allow, permit or suffer any vehicle operated or controlled by the person (other than a pedicab licensed under said Chapter 8.12) to be upon any street in Corvallis in any parking space designated as a pedicab stand as above provided and marked as above provided.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2009-08 § 1, 05/18/2009)

CHAPTER 7.04
ALARM CONTROL

Section 7.04.070 –

Whenever a user of an alarm system deems it necessary to test or otherwise intentionally set off or activate an alarm system located on user's premises, user shall notify user's monitoring station that the user intends to test or otherwise intentionally activate that alarm prior to actual tests being conducted. Failure to do so will result in that user being considered as having had a false alarm.

(Ord. 2020-____ § ___, __/__/2020; Ord. 86-2 § 6, 1986; Ord. 76-30 § 8, 1976)

CHAPTER 7.06
BURNING OF COMBUSTIBLE MATERIALS

Section 7.06.040 – Authorization by City Manager of burning periods.

1) The City Manager or City Manager's designee shall:

a) Make public those periods during which burning may be conducted.

b) Declare and prohibit burning on prohibited days.

2) The City Manager or City Manager's designee may:

a) Grant permission for burning on authorized burning days.

b) Promulgate rules and regulations prescribing reasonable standards for the protection of persons and property and the minimizing of air pollution by specifying minimum distances between fire and streets, sidewalks and objects subject to damage by fire or smoke, minimum standards for structure and maintenance of burners, and minimum standards for supervision of burning.

c) Conduct such inspections of burners and places where fires are held or to be held as deemed necessary to assist in carrying out duties hereunder.

d) Suspend or revoke permission to burn whenever, in the City Manager’s opinion, the person to whom the permit was issued has burned or allowed the burning of combustible

materials contrary to the provisions herein or the rules and regulations promulgated herein.

(Ord. 2020-____ § ___, __/__/2020; Ord. 79-54 § 4, 1979)

CHAPTER 7.07
EXPLOSIVE MATERIALS CODE

Sections:

7.070.030 – Definitions.
7.07.060 – Permits required.
7.070.090 – Bond insurance required.

Section 7.070.030 – Definitions.

1) Authority having jurisdiction. As used herein, the City Manager. (Amends definition contained in Section 1-4 of Pamphlet 495.)

2) Chief. As used herein, the Fire Chief of the City of Corvallis, Oregon, or an authorized representative of that office.

3) Jurisdiction. As used herein, the City of Corvallis and any property owned by the City.

4) Permit. As used herein, the written authority of the City Manager or authorized representative issued pursuant to Chapter 7.07 to manufacture, have, keep, store, sell, transport, or use an explosive or blasting agent.

5) Person. As used herein, every natural person, firm, partnership, association or corporation.

(Ord. 2020-____ § ___, __/__/2020; Ord. 83-57 § 4, 1983)
Section 7.07.060 – Permits required.

No person shall possess, manufacture, transport, store, keep, use, or sell explosives in the City unless the person has legally obtained from the State of Oregon the required Certificate of Possession or Certificate of Registration, has met all the applicable requirements set forth in Chapter 480 of the Oregon Revised Statutes, and has obtained a permit from the City as required in Section 7.07.070 herein.

(Ord. 2020-____ § ___, __/__/2020; Ord. 83-57 § 7, 1983)

Section 7.070.090 – Bond insurance required.

1) Before a permit is issued to use explosive material in a blasting operation as required by Section 7.07.070 subsection 1)c) herein, the applicant shall file with the City a corporate surety bond in the principal sum of $300,000.00 or a public liability insurance policy issued by a company authorized to do business in the State of Oregon. The principal amount of the insurance policy shall be not less than $300,000.00. The City Manager may specify a greater or lesser amount of principal sum when, in the City Manager's opinion, conditions at the location of use indicate a greater or lesser amount is required.

2) The filing of the surety bond or the insurance policy shall be for the purpose of the payment of all damages to persons or property which arise from or are caused by the conduct of any act authorized by the permit upon which any legal judgment results.

3) The policy shall name the permittee and all persons and employees responsible for carrying out the activities authorized by the permit as the insureds. The insurance policy shall provide coverage for all activities covered by the permit. Said insurance policy shall indemnify the City and its officers, agents, and employees.

4) The permittee and all persons responsible for carrying out the activities authorized by the permit shall hold the City, its officers, agents, and employees harmless from any and all loss which is proximately caused by any activity authorized by the permit, including, but not limited to, costs, attorney's fees, or judgments incurred or rendered in any and all suits or actions brought as a result of permitted activities, whether the suits or actions be well founded in law or otherwise. The City assumes no responsibility for any damage caused by the actions of the permittee or permittee's authorized employees or agents acting in compliance with or in violation of a permit issued.

(Ord. 2020-____ § ___, __/__/2020; Ord. 83-57 § 10, 1983)

CHAPTER 7.08
CORVALLIS FIRE CODE

Sections:

7.08.100 – Cost recovery procedures.
7.08.140 – Explosives and fireworks.

Section 7.08.100 – Cost recovery procedures.

1) OFC Section 113 is amended by adding Section 113.6, Section 113.6.1, Section 113.6.2, Section 113.6.3, Section 113.6.4, and Section 113.6.5, as follows:

113.6 Cost Recovery Procedures. Whenever the fire chief has taken action to abate or cleanup a hazardous condition under the OFC Section 109, the owner of the property shall be liable for the cost of cleanup or, abatement of the condition in the manner provided in this Section.

113.6.1 Costs. The fire chief shall keep an accurate record of the expenses incurred by the City in abating or cleaning up the condition. Costs shall include, but not be limited to actual labor cost of City personnel, including workers compensation benefits and fringe benefits, cost of equipment operation, cost of materials obtained directly by the City, and cost of any contract labor and materials; plus administrative overhead in the amount of 20 percent of the sum of the foregoing costs.

113.6.2 Assessment of costs. The fire chief shall either post on the property, or serve on the owner or occupant of the property, and mail by certified mail to the owner of the property at the last known address as shown on the County tax records, a notice stating:

1) The fire chief's total costs of abatement, under Section 113.6.1 herein;

2) That the costs as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice;

3) That, if the owner or person in charge of the property objects to the costs of abatement, the owner or person in charge of the property may file a written notice of objection with the City Manager not later than 10 days after the date of the notice.

113.6.3 Hearing. Upon receipt of written notice of objection within 10 days after the date of the notice, the City Manager shall appoint a hearings officer to hear and determine the objections to the costs to be assessed. The hearing shall be held within 30 days after the date of the notice.

113.6.4 Lien. If the costs of the abatement are not paid within 30 days after the date of the notice an assessment of the costs as stated in the notice or as determined by the hearings officer shall thereupon be entered in the docket of City liens. Upon such entry being made, the assessment shall constitute a lien upon the property upon which the condition was cleaned up or abated.

113.6.5 Enforcement. The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of 10 percent per annum; such interest shall commence to run from the date of the entry of the lien in the lien docket. That lien herein shall have priority over all other liens and encumbrances of any character.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2014-08 , § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998; Ord. 96-10 § 1, 1996; Ord. 92-40 § 9, 1992; Ord 89-54 § 10, 1989)

Section 7.08.140 – Explosives and fireworks.

1) OFC Chapter 56 as adopted by this Chapter is amended to add Sections 5601.2 and 5601.7 as follows:

5601.2 Permits and regulations. Permits shall be required as set forth in Section 105.6 and regulated in accordance with this section.

5601.2.1 General. Fireworks wholesale sales and storage of pyrotechnics, retail sales and storage of pyrotechnics, use and handling of pyrotechnical special effects material, use in motion pictures, television, and theatrical and group entertainment productions shall be in accordance with this article and OAR Chapter 837, Division 12.

5601.2.2 Requirements. All persons, municipalities, associations, organizations, or groups of individuals desiring to sell, discharge, fire off, explode, or display fireworks for a public display shall meet the following requirements:

1) Obtain a permit from the office of the State Fire Marshal, and comply with the applicable requirements of OAR 837, Div 12.

2) Obtain a permit from the fire chief, and comply with all reasonable rules and regulations as adopted and enforced by the fire chief for the granting of a permit for supervised public displays or sales of fireworks or items described in OAR 837, Div 12.

3) Provide a bond in the sum of not less than $10,000 conditioned on the compliance of the provisions in this article and the laws, rules, and regulations of the State Fire Marshal for all public displays.

4) Furnish proof of financial responsibility to satisfy the claims for damage to property or personal injuries arising out of any act or omission of the part of such person, firm, or corporation or any agent or employee associated with conduct of a public display in such amount, character and form as the fire chief determines to be necessary for the protection of the public.

5) Every public display held within the boundaries of the jurisdiction shall be under the supervision of the Chiefs of the Police and Fire Departments and shall be of such character and so located, discharged, or fired as in the opinion of the Chief of the Fire Department, after proper inspection shall not be hazardous to property or endanger any person.

6) No permit shall be issued under the provisions of this Article to a nonresident, person, firm, or corporation for the conduct of a pyrotechnic display in this jurisdiction until such person, firm, or corporation shall have appointed in writing a member of the Oregon State Bar whose major office is located in Corvallis upon whom all process in any action or proceedings against the person, firm, or corporation may be served.

7) All persons, municipalities, associations, organizations, or groups of individuals desiring to sell articles described in ORS 480.127 shall obtain a permit from the fire chief and comply with all reasonable rules and regulations ad [as] adopted and enforced by the fire chief for the granting of permits for sale of such items.

8) The fire chief may revoke permits for public display, display or sale of fireworks and other items described under the provisions of ORS 480.127 when in the fire chief's opinion, public display, display or sale of fireworks or items is not in compliance with the applicable rules and regulations governing such sale or display or is in violation of the Oregon Revised Statutes, and Administrative Rules. Permit fees shall not be refunded in the event such permits are revoked.

9) The City shall levy and collect from each person, organization, or entity sponsoring, owning, or operating an approved stand for the sale of exempt fireworks a fee in the amount of $100.00 for each booth, stand, or other location where exempt fireworks are to be sold. The fee shall be paid to the City prior to and as a condition for the approval of such stand by the fire chief. The funds collected in accordance with this subsection may be used for community fireworks displays, educational, programs for fireworks safety, and the administration of this fee. The fee imposed herein shall be levied and collected on all stands now approved or to be approved by the fire chief for sales of exempt fireworks commencing in 1989.

5601.7 Seizure.

5601.7.1 General. The fire chief shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks or pyrotechnics special effects material offered to expose for sale, stored, or held in violation of this Article.

5601.7.2 Post seizure notices. After items or materials which are prohibited by the terms herein have been taken into custody by the fire chief notice must be provided to the person who was in possession of the contraband. The notice must describe the nature and number of the items seized and the rights the person has to a hearing described further herein.

5601.7.3 Requests for hearing. A person claiming ownership of the contraband must request a hearing within five days after receipt of the notice. The request may be made in person or in writing and the failure to appear in person or deliver a letter within five days after receipt of the notice by the person claiming possession, shall act as a waiver of the right to a hearing. The request for a hearing must be delivered to the fire chief within the time specified above.

5601.7.4 Hearing. Upon request of the person claiming rights of possession of the contraband a hearing shall be held before a hearings officer appointed by the City Manager. The hearing shall be set and conducted within 48 hours of the receipt of the request, holidays, and Saturdays and Sundays not to

be included. The hearing can be set for a later date if the person claiming possession so requests. At the hearing the person claiming possession may contest whether the materials or items seized constitute contraband prohibited by the Code of the City.

5601.7.5 Findings of hearing officer. If the hearings officer finds that the action of the fire chief was valid the hearings officer shall order that the contraband shall be destroyed. If the hearings officer finds that the action of the fire chief in taking the contraband into custody was improper, the hearings officer shall order the material released to the person claiming possession. If the owner does not appear at the scheduled hearing the hearings officer shall deem that the request has been withdrawn and order that the contraband shall be destroyed.

5601.7.6 Manufacturing. The manufacturing of fireworks is prohibited except under special permit as required by local and state regulations. See Section 105.6.15.

5601.7.7 Pyrotechnic special effects material. A permit is required to manufacture, compound, store, or use pyrotechnic special effects material. A permit for use shall be granted only to a pyrotechnic operator. See Section 105.6.37.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2014-08 , § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998; Ord. 96-10 § 1, 1996; Ord 93-40 § 33, 1992; Ord. 89-54 § 28, 1989)

CHAPTER 8.01
GENERAL BUSINESS LICENSES

Sections:

8.01.010.010 – License regulations.
8.01.070.050 – Notice of rejection.
8.01.070.100 – Information and false reports.
8.01.070.140 – Carry and post license certificates.
8.01.080.010 – Investigation and complaint.
8.01.080.020 –Display of license.
8.01.080.070 – Persons presently licensed.

Section 8.01.010.010 – License regulations.

No person, an employee or agent shall engage in or conduct a business, occupation, profession, or activity, or allow the public to operate a machine or equipment, required to be licensed or for which a license fee is required to be paid hereby unless the license fee is paid and a license therefor issued by the City.

(Ord. 2020-____ § ___, __/__/2020; Ord. 91-22 § 1, 1991; Ord. 61-15 § 1, 1961)

Section 8.01.070.050 – Notice of rejection.

The City Manager shall act upon the application for a merchant patrol's license within 30 days after the filing thereof. If the City Manager disapproved the application, the City Manager shall mail to the applicant within 35 days after the date upon which the application was filed a notice of the action taken, stating the reasons for denial of the permit.

(Ord. 2020-____ § ___, __/__/2020; Ord. 98-25 § 1, 07/06/1998; Ord. 61-15 § 41, 1961)

Section 8.01.070.100 – Information and false reports.

No merchant patrol, holding a license granted under the provisions herein, shall divulge to anyone other than the merchant patrol's employer, except as may be required by law, any information obtained in such employer's service. No merchant patrol, holding a license granted under the provisions herein shall make a false report or account to an employer.

(Ord. 2020-____ § ___, __/__/2020; Ord. 98-25 § 1, 07/06/1998; Ord. 61-15 § 46, 1961)

Section 8.01.070.140 – Carry and post license certificates.

The licensees hereunder shall cause a certificate of such license to be displayed at all times in a conspicuous place in or on the place of business as described in such license. The licensee and licensee's employees shall carry a certificate of the license issued hereunder at all times when performing services as a merchant patrol. The licensee hereunder shall furnish to the City Manager a current list of all employees employed at all times.

(Ord. 2020-____ § ___, __/__/2020; Ord. 98-25 § 1, 07/06/1998; Ord. 61-15 § 50, 1961)

Section 8.01.080.010 – Investigation and complaint.

In all cases where no special provision is made herein to investigate an applicant for a license, Council, City Manager, or both may require the applicant to present personally before Council or City Manager as a condition of granting the license.

(Ord. 2020-____ § ___, __/__/2020; Ord. 98-25 § 1, 07/06/1998; Ord. 80-32 § 11, 1980; Ord. 61-15 § 59, 1961)

Section 8.01.080.020 –Display of license.

A license issued for a business shall be conspicuously posted at all times in the licensee's place of business or if there is no place of business, the licensee shall have the license on their person.

(Ord. 2020-____ § ___, __/__/2020; Ord. 98-25 § 1, 07/06/1998; Ord. 80-32 § 12, 1980; Ord. 61-15 § 60, 1961)

Section 8.01.080.070 – Persons presently licensed.

A person presently licensed on the effective date hereof to conduct business, occupation, profession, or capacity, or keep, maintain or operate a machine or equipment shall not be required to obtain a license under the provisions herein until the present license expires.

(Ord. 2020-____ § ___, __/__/2020; Ord. 98-25 § 1, 07/06/1998; Ord. 80-32 § 17, 1980; Ord. 61-15 § 65, 1961)

CHAPTER 8.02
AERONAUTICAL LICENSES AND REGULATIONS

Section 8.02.040– Conditions of licensing.

1) Except for licenses for Mobile Service Providers, each licensee under the provisions herein is required to hold, as a condition of the validity of such license, a valid lease or rental agreement with the City providing all ground space, auto parking and building requirements necessary to provide the services covered by that license, including reasonable office, waiting room, restroom, shop, storage and instruction space reasonably necessary to fulfill the functions covered by the license. Subject to available space in existing buildings, licensees may be required to provide substantial improvements at the licensees' own expense.

2) Ground space allocation to licensees under the provisions herein shall be made in accordance with the master plan and the land use plan adopted by the City for development of the airport as those plans are now constituted or are hereafter changed.

3) All improvements on the airport shall comply with all codes applicable within the City. Structural and architectural design of all structures shall be subject to approval by the City Manager. Termination of a lease or rental agreement without other satisfactory arrangements having been made with the City shall automatically revoke a license for aeronautical service.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2002-36 § 1, 10/21/2002; Ord. 64-53 § 4, 1964)

CHAPTER 8.03
FEES

Sections:

8.03.010.030 – Exceptions.
8.03.100.010 – Carnival and circus event fees.

Section 8.03.010.030 – Exceptions.

The City Manager may issue any license or permit referred to herein for a period greater or less than a calendar year for the purpose of ultimate conformance of issuance or renewal of that license or permit with the calendar year basis provided in Section 8.03.010.020. The City Manager, in the City Manager's reasonable discretion, may prorate the fee applicable to such a license or permit.

Section 8.03.100.010 – Carnival and circus event fees.

The applicable fees for the following activity, business, or event licensed under Chapter 8.01 shall be:

1) License Fee (non-refundable):

a) Carnival, Class I - $617.00/week (or $97.00 + $97.00/day).

b) Carnival, Class II - $52.00/week (or $20.00 + $7.00/day).

c) Circus - $200.00/day.

d) Sideshow Accompanying or Exhibiting with a Circus (a single license is issued for each sideshow to the operator of the circus, whether the sideshow is operated by the circus or others by permission) - $25.00/day.

2) Deposit (refundable):

a) Carnival, Class I - $600.00.

b) The deposit shall be returned to the licensee following the term of the license if no damage has occurred to City property and if no cleanup activities are necessary in the public right-of-way; costs for damages or cleanup will be deducted from the deposit and the remainder, if any, refunded to the licensee; and costs in excess of the deposit shall be immediately due and payable from the licensee to the City.

CHAPTER 8.04
LODGING TAX

Sections:

8.04.020 – Tax imposed.
8.04.060 – Registration of tax collector; form and contents; execution; certificate of authority.
8.04.070 – Due date; returns and payments.
8.04.090 – Deficiency determinations; fraud; evasion; lodging tax collector delay.
8.04.100 – Redeterminations.
8.04.110 – Security for collection of tax.
8.04.130 – Refunds.
8.04.140 – Administration.
8.04.150 – Appeals.

Section 8.04.020 – Tax imposed.

1) For the privilege of occupancy in any lodging, each occupant shall pay a tax in the amount of 9 percent of the total retail price, including all charges other than taxes, paid by a person for occupancy of the lodging.

2) The total retail price paid by a person for occupancy of a lodging facility that is part of a travel package may be determined by reasonable and verifiable standards from books and records kept in the ordinary course of the lodging tax collector's business.

3) The tax constitutes a debt owed by the occupant to the City, which is extinguished only by payment to the lodging tax collector. The occupant shall pay the tax to the lodging tax collector at the time the rent is paid.

4) The lodging tax collector shall enter the tax on the tax collector’s records when rent is collected. If rent is paid in installments, a proportionate share of the tax shall be paid by the occupant to the lodging tax collector with each installment. If, for any reason, the tax due is not paid to the lodging tax collector, the tax administrator may require that such tax shall be paid directly to the City.

5) In all cases, the rent paid or charged for occupancy shall exclude the sale of any goods, services, and commodities other than the furnishing of rooms, accommodations, and parking spaces in mobile home parks or trailer parks.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2018-14 , § 2, 05/07/2018; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 90-22, 1990; Ord. 83-55 § 1, 1983; Ord. 81-86 § 2, 1981; Ord. 73-82 § 3, 1973)

Section 8.04.060 – Registration of tax collector; form and contents; execution; certificate of authority.

1) Every person engaging or about to engage in business as a lodging tax collector in this City shall register with the tax administrator on a form provided by the City. Lodging tax collectors engaged in business at the time the ordinance codified in this Chapter is adopted must register not later than 30 calendar days after passage hereof. Lodging tax collectors starting business after the ordinance codified in this Chapter is adopted must register within 15 calendar days after commencing business. The privilege of registration after the date of imposition of such tax shall not relieve any person from the obligation of payment or collection of tax, regardless of registration.

2) Registration shall set forth the name under which a lodging tax collector transacts or intends to transact business, the location of the tax collector's place or places of business, and such other information to facilitate the collection of the tax as the tax administrator may require. The registration shall be signed by the lodging tax collector.

3) The tax administrator shall, within 10 days after registration, issue without charge a certificate of authority to each registrant to collect the tax from the occupant, together with a duplicate thereof for each additional place of business of each registrant. Certificates shall be non-assignable and nontransferable. Each certificate and duplicate shall state the place of business to which it is applicable, and shall be prominently displayed in that place so as to be seen and come to the notice readily of all occupants and persons seeking occupancy.

4) Said certificate shall, among other things, state the following:

a) The name of the lodging tax collector;

b) The address of the hotel;

c) The date upon which the certificate was issued;

d) "This Lodging Tax Collector Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Lodging Tax Chapter of the City by registration with the tax administrator for the purpose of collecting from occupants the lodging tax imposed by said City and remitting said tax to the tax administrator. This certificate does not authorize any person to conduct any lawful business in an unlawful manner, or to operate a lodging facility without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of the City. This certificate does not constitute a permit."

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 82-57 § 1, 1982; Ord. 73-82 § 7, 1973)

Section 8.04.070 – Due date; returns and payments.

1) The tax imposed by this Chapter shall be paid by the occupant to the lodging tax collector at the time that rent is paid. All amounts of such taxes collected by any lodging tax collector are due and payable to the tax administrator on a quarterly basis on the last day of the month following the end of the calendar quarter with respect to all occupancy of lodging that ended during the reporting period to which the return relates.

2) On or before the last day of the month following each quarter, a return for the preceding quarter's tax collections shall be filed with the tax administrator. The return shall be filed in such form as the tax administrator may prescribe by every lodging tax collector liable for payment of tax.

3) Returns shall show the amount of tax collected or otherwise due for the related period. The tax administrator may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of lodging tax collector for such period and an explanation in detail of any discrepancy between such amounts, and the amount of rents exempt, if any.

4) The person required to file the return shall deliver the return, together with the remittance of the amount of the tax due, to the tax administrator at the tax administrator's office, either by personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.

5) For good cause, the tax administrator may extend for not to exceed one month the time for making any return or payment of tax. No further extension shall be granted, except by the City Manager. Any lodging tax collector to whom an extension is granted shall pay interest at the rate of 1 percent per month on the amount of tax due without proration for a fraction of a month. If a return is not filed, and the tax and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties described elsewhere in this Chapter.

6) The tax administrator, if the tax administrator deems it necessary to insure payment or facilitate collection by the City of the amount of taxes in any individual case, may require returns and payment of the amount of taxes for other than quarterly periods.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 8, 1973)

Section 8.04.090 – Deficiency determinations; fraud; evasion; lodging tax collector delay.

1) Deficiency determination. If the tax administrator determines that the returns are incorrect, the tax administrator may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns, or upon the basis of any information within the possession of the tax collector or that may come into the tax collector's possession. One or more deficiency determinations may be made of the amount due for one, or more than one period; and the amount so determined shall be due and payable immediately upon service of notice, as provided in this Chapter; after which, the amount determined is delinquent. Penalties on deficiencies shall be applied as set forth in Section 8.04.080.

a) In making a determination, the tax administrator may offset overpayments, if any, which may have been previously made for a period or periods, against any underpayment

for a subsequent period or periods, or against penalties and interest on the underpayments. The interest on underpayments shall be computed in the manner set forth in Section 8.04.080.

b) The tax administrator shall give to the lodging tax collector a written notice of determination. The notice may be served personally or by mail; if by mail, the notice shall be addressed to the lodging tax collector at the address as it appears in the records of the tax administrator. In case of service by mail of any notice required by this Chapter, the service is complete at the time of deposit in the United States Post Office.

c) Except in the case of fraud, intent to evade the provisions of this Chapter or authorized rules and regulations, every deficiency determination shall be made and notice thereof mailed within three years after the last day of the month following the close of the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period expires the later.

d) Any determination shall become due and payable immediately upon receipt of notice, and shall become final within 10 days after the tax administrator has given notice thereof; provided, however, the lodging tax collector may petition redemption and refund if the petition is filed before the determination becomes final, as provided in this Chapter.

2) Fraud; refusal to collect; evasion. If any lodging tax collector shall fail or refuse to collect said tax or to make, within the time provided in this Chapter, any report and remittance of said tax or any portion of the tax required by this Chapter, or makes a fraudulent return or otherwise willfully attempts to evade the provisions of this Chapter, the tax administrator shall proceed in such manner as the tax administrator may deem best to obtain facts and information on which to base an estimate of the tax due.

a) As soon as the tax administrator has determined the tax due that is imposed by this Chapter, from any lodging tax collector who has failed or refused to collect the same and to report and remit said tax, the tax administrator shall proceed to determine and assess against such lodging tax collector the tax, interest, and penalties provided in this Chapter. In case such determination is made, the tax administrator shall give a notice in the manner aforesaid of the amount so assessed. Such determination and notice shall be made and mailed within three years after discovery by the tax administrator of any fraud, intent to evade or failure or refusal to collect said tax, or failure to file return.

b) Any determination shall become due and payable immediately upon receipt of notice and shall become final within 10 days after the tax administrator has given notice thereof; provided, however, the lodging tax collector may petition redemption and refund, if the petition is filed before the determination becomes final, as provided in this Chapter.

3) Lodging tax collector delay. If the tax administrator believes that the collection of any tax or any amount of tax required to be collected and paid to the City will be jeopardized by delay, or if any determination will be jeopardized by delay, the tax administrator shall thereupon make a determination of the tax or amount of tax required to be collected, noting the fact upon the determination.

a) The amount so determined, as provided in this Chapter, shall be immediately due and payable; and the lodging tax collector shall immediately pay the amount to the tax administrator after service of notice thereof. Provided, however, the lodging tax collector

may petition, after payment has been made, for redemption and refund of such determination, if the petition is filed within 10 days from the date of service of notice by the tax administrator.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 10, 1973)

Section 8.04.100 – Redeterminations.

1) Any person against whom a determination is made under Section 8.04.090, or any person directly interested, may petition for a redetermination and redemption and refund within the time required in Section 8.04.090 of this Chapter. If a petition for redetermination and refund is not filed within the time required in Section 8.04.090, the determination becomes final at the expiration of the allowable time.

2) If a petition for redetermination and refund is filed within the allowable period, the tax administrator shall reconsider the determination; and, if the person has so requested in the petition, shall grant the person an oral hearing and shall give the petitioner 10 days' notice of the time and place of the hearing. The tax administrator may continue the hearing from time to time as may be necessary.

3) The tax administrator may decrease or increase the amount of the determination as a result of the hearing; and, if an increase is determined, such increase shall be payable immediately after the hearing.

4) The order or decision of the tax administrator upon a petition for redetermination of redemption and refund becomes final 10 days after service upon the petitioner of notice thereof, unless appeal of such order or decision is filed with the City Manager within the 10 days after service of such notice.

5) No petition for redetermination of redemption and refund or appeal therefrom shall be effective for any purpose unless the lodging tax collector has first complied with the payment provisions of this Chapter.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 11, 1973)

Section 8.04.110 – Security for collection of tax.

1) The tax administrator, whenever deemed necessary to ensure compliance herewith, may require any lodging tax collector subject thereto to deposit with the tax administrator such security in the form of cash, bond, or other security as the tax administrator may determine. The amount of the security shall be fixed by the tax administrator, but shall not be greater than twice the lodging tax collector's estimated average quarterly liability for the period for which a return is filed, determined in such manner as the tax administrator deems proper, or $5,000, whichever amount is the lesser. The amount of the security may be increased or decreased by the tax administrator, subject to the limitations provided in this Chapter.

2) At any time within three years after any tax or any amount of tax required to be collected becomes due and payable, or at any time within three years after any determination becomes final, the tax administrator may bring an action in the courts of this State, or any other State, or of

the United States, in the name of the City, to collect the amount delinquent together with penalties and interest.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 12, 1973)

Section 8.04.130 – Refunds.

1) Lodging tax collector's refunds. Whenever the amount of any tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or received by the tax administrator, it may be refunded; provided a verified claim in writing therefor, stating the specific reason upon which the claim is founded, is filed with the tax administrator within three years from the date of payment. The claim shall be made on forms provided by the tax administrator. If the claim is approved by the tax administrator, the excess amount collected or paid may be refunded or may be credited on any amounts then due and payable from the lodging tax collector from whom it was collected, or by whom paid; and the balance may be refunded to such lodging tax collector, the tax collector’s administrators, executors, or assignees.

2) Occupant refunds. Whenever the tax required by this Chapter has been collected by the lodging tax collector and deposited by the lodging tax collector with the tax administrator, and it is later determined that the tax was erroneously or illegally collected or received by the tax administrator, it may be refunded by the tax administrator to the occupant; provided a verified claim in writing therefor, stating the specific reason on which the claim is founded, is filed with the tax administrator within three years from the date of payment.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 14, 1973)

Section 8.04.140 – Administration.

1) Records required from lodging tax collectors, etc.; form. Every lodging tax collector shall keep guest records of room sales and accounting books and records of the room sales. All records shall be retained by the lodging tax collector for a period of three years and six months after they come into being.
2) Examination of records; investigations. The tax administrator or any person authorized in writing by the tax administrator may examine, during normal business hours, the books, papers, and account records relating to room sales of any lodging tax collector after notification to the lodging tax collector liable for the tax, and may investigate the business of the lodging tax collector in order to verify the accuracy of any return made, or if no return is made by the lodging tax collector, to ascertain and determine the amount required to be paid.

3) Confidential character of information obtained; disclosure unlawful. It shall be unlawful for the tax administrator or any person having an administrative or clerical duty under the provisions of this Chapter to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain a lodging tax registration certificate or pay a lodging tax, or any other person visited or examined in the discharge of official duty; or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth in any statement or application; or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person. Provided, that nothing in this subsection shall be construed to prevent:

a) The disclosure to, or the examination of, records and equipment by another City official, employee, or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this Chapter; or collecting taxes imposed under this Chapter.

b) The disclosure, after the filing of a written request to that effect, to the taxpayer, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, of information as to any paid tax, any unpaid tax or amount of tax required to be collected, or interest and penalties; further provided, however, that the City Attorney approves each such disclosure, and that the tax administrator may refuse to make any disclosure referred to in this paragraph when, in the tax administrator's opinion, the public interest would suffer thereby.

c) The disclosure of the names and addresses of any persons to whom lodging tax registration certificates have been issues.

d) The disclosure of general statistics regarding taxes collected or business done in the City.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 15, 1973)

Section 8.04.150 – Appeals.

1) Any person aggrieved by any decision of the tax administrator may appeal to the City Manager by filing a notice of appeal with the tax administrator within 10 days of the serving or mailing of the notice of a decision given by the tax administrator. The tax administrator shall fix a time and place for hearing such appeal, and shall give the appellant 10 days' written notice of the time and place of hearing.

2) The City Manager shall have the power, and it shall be the City Manager's duty:

a) To hear and determine appeals of orders or decisions of the tax administrator made upon petitions for redetermination of tax. The City Manager may affirm, modify or reverse such orders or decisions, or dismiss the appeals therefrom, as may be just, and shall prescribe such forms, rules and regulations relating to appeals as the City Manager may deem necessary. In the review of the tax administrator's decision or order the City Manager may take such evidence and make such investigation as deemed necessary. The City Manager shall give notice of the determination in the manner prescribed for service of notice of a tax administrator's decision, and shall file a copy of each such determination with the tax administrator with certification thereon of the date of service thereof. Such determination shall become final 10 days thereafter, and shall thereupon become due and payable, subject to interest and penalties, and enforceable by the tax administrator in like manner as an order or decision of the tax administrator.

b) To approve, modify or disapprove all forms, rules and regulations prescribed by the tax administrator in the administration and enforcement hereof; and such forms, rules and regulations shall be subject to and become effective only on such approval.

c) To hear and determine in such manner as shall be just, any protest, which may be made by any person who may be interested, to any form, rule or regulation approved or prescribed by the City Manager.

d) To grant for good cause, applications for extensions of time in excess of one month for making any return or payment of tax, and to prescribe rules therefor.

e) To make such investigations as the City Manager deems advisable regarding the imposition and administration of the lodging tax and report the findings to Council. To act in an advisory capacity to Council on matters pertaining to the lodging tax and enforcement problems, and recommend to Council the adoption, amendment or repeal of legislation pertaining thereto.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 16, 1973)

CHAPTER 8.05
GOING-OUT-OF-BUSINESS SALES

Section 8.05.030 – Application of regulations.

1) Established business requisite. Any person who has not been the owner of a business advertised or described in the application for a license hereunder for a period of at least four months prior to the date of the proposed sale shall not be granted a license.

a) Exception for survivors of business people. Upon the death of a person doing business in the City, any heirs, devisees, or legatees of the person doing business shall have the right to apply at any time for a license hereunder.

2) Interval between sales. Any person who has held a sale, as regulated hereunder, at the location stated in the application, within two years last past from the date of such application, shall not be granted a license.

3) Restricted location. Where a person applying for a license hereunder operates more than one place of business, the license issued shall apply only to the one store or branch specified in the application, and no other store or branch shall advertise or represent that it is cooperating with it, or in any way participating in the licensed sale, nor shall the store or branch conducting the licensed sale advertise or represent that any other store or branch is cooperating with it or participating in any way in the licensed sale.

4) Persons exempted. The provisions herein shall not apply to or affect the following persons:

a) Persons acting pursuant to an order or process of a court of competent jurisdiction.

b) Persons acting in accordance with their powers and duties as public officials.

c) Duly licensed auctioneers selling at auction.

d) Persons conducting a sale of the type regulated herein on the effective date hereof, unless such sale is continued for a period more than 30 days from and after such effective

date, in which event, such person, at the lapse of the said 30-day period, shall comply with the provisions herein.

(Ord. 2020-____ § ___, __/__/2020; Ord. 77-78 § 3, 1977)

CHAPTER 8.09
PAWNBROKERS AND SECONDHAND DEALERS

Sections:

8.09.040 – Licenses required.
8.09.050 – Application for license.
8.09.090 – Record forms.

Section 8.09.040 – Licenses required.

1) No person shall engage in business as an antique dealer; precious metal, gem or coin dealer; scrap metal dealer; pawnbroker; or secondhand dealer within the City without first obtaining a license therefor and complying with the provisions herein.

2) Every dealer shall have and keep conspicuously posted near the entrance to the place of business, or in an equally conspicuous place, a valid license required hereby.

3) Only one license issued by the City shall be required for a dealer who conducts business as a dealer in one or more categories of business regulated hereby.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2020-06 , § 1, 2/4/2020; Ord. 91-1 § 4, 1991)

Section 8.09.050 – Application for license.

1) An application for a dealer's license shall be filed with the City on forms provided by the City, and such application shall be accompanied by a fee as set forth in Chapter 8.03.

2) Such application shall be verified under oath and shall include the following information:

a) The full name and any other name used by applicant, date of birth, residence, present and previous occupations of the applicant, and that of all full- or part-time employees;

b) A statement whether the applicant is a United States citizen;

c) The business name and location of the principal place of business;

d) The length of time the applicant has been a resident of Oregon;

e) Information regarding any criminal convictions; and

f) Such other information as the City Manager shall find reasonably necessary.

3) The application shall be forwarded to the Chief of Police for investigation. If it shall appear from the Chief of Police's investigation that a dealer license should not be granted to the applicant or applicants, the Chief of Police shall notify the City Manager to that effect and shall set forth the reasons why, in the Chief of Police’s opinion, the applicant or applicants shall be denied a

license. The Chief of Police may interview the applicant or any employee of the applicant prior to recommending a determination to the application.

4) An application may be denied for the following reasons:

a) The applicant has been convicted of a crime or offense involving theft and related offenses, burglary, criminal trespass, criminal mischief or robbery as those crimes are defined in ORS Chapter 164 or its counterpart in another jurisdiction;

b) The applicant has engaged in dishonest, fraudulent or illegal practices or conduct in any business or profession;

c) The applicant failed to supply the required application information or submits false or misleading information;

d) The applicant has previously violated the provisions contained herein or its counterpart in another jurisdiction; or

e) The applicant has failed to pay any fee required to be paid hereby.

5) The City Manager, after considering the application, the reports required to be attached thereto, and the results of the police investigation, shall approve or deny the application for a dealer's license. If the application is denied, the applicant may request a hearing, which shall be held in accordance with the provisions of Section 8.09.150, to offer evidence why the application should be reconsidered.

(Ord. 2020-____ § ___, __/__/2020; Ord. 91-1 § 5, 1991)

Section 8.09.090 – Record forms.

1) All dealers shall, at the time of purchasing any article for which the dealer is regulated hereby from any person who appears with such article at the dealer's place of business, place the description of the article purchased upon a transaction form which shall be provided by the Corvallis Police Department. In lieu of the use of forms supplied by the Corvallis Police Department, the dealer may utilize other transaction forms if such forms have been approved by the Chief of Police. The transaction form provided for herein shall be of such size, shape and color and shall require such information, related to the regulations of this chapter, as the Chief of Police may direct. The description of any article so purchased shall be such description as may be called for by the transaction form and in sufficient detail as to distinguish the article from similar articles in the dealer’s possession. The dealer shall fill in all the blank spaces on such form with such data as required by the form including the date, time and type of transaction, the customer last name, first name, middle initial, date of birth, physical descriptors (sex, race, hair color, eye color, height, weight), current address, phone number, type of identification used, identification number, identification issuer, clerk/employees' initials or name and require the person selling any article regulated hereby to sign the transaction form; such form shall be filled out in clearly legible printing in the English language. The information required to be furnished shall be considered confidential and privileged from disclosure to the maximum extent possible under applicable law.

2) The dealer's copy of all such forms shall be retained for a period of not less than one (1) year.

3) Every person regulated by the provisions herein shall mail handwritten transaction forms, postage prepaid by Thursday of each week. Digitally transmitted forms shall be submitted by the end of each business day.

4) Every person regulated by the provisions herein shall mail to the Chief of Police the full name and date of birth of each new employee within one week of hire.

5) The Chief of Police may order that the transaction form information be digitally transmitted to the Chief of Police by the end of each business day in a manner as chosen by the Chief of Police. If the Chief of Police choses to have the transaction form information digitally transmitted the Chief will provide written notification to all dealers and dealers will have 60 days within which to comply with the new order.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2020-06 , § 1, 2/4/2020; Ord. 91-1 § 8, 1991)

CHAPTER 8.11
SOCIAL GAMING

Section 8.11.060 – Standards for issuance of license.

The City Manager shall either approve the application and grant the license applied for or deny the application and refuse to grant the license. The license shall not be granted, or it shall be temporarily revoked or suspended, if any applicant or any person(s) financially interested in the business, entity or organization have:

1) Supplied any false or misleading information in the application or omitted any requested information from the application;

2) Pleaded no contest to or been convicted of any felony within the last ten (10) years;

3) Had a license in the applicant’s name which was revoked or suspended three (3) times by the Oregon Liquor Control Commission, either of which was in the last (5) years;

4) Been convicted and is currently on parole for any crime involving or related to gambling;

5) Had two (2) or more convictions within five (5) years for gambling-related activities; or

6) Violated any provision of this Ordinance.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2005-05 § 1, 04/04/2005)

CHAPTER 8.12
PEDICAB LICENSE AND REGISTRATION

Section 8.12.260 – Direct route to be traveled; fares not charged when vehicle disabled.

1) Any pedicab operator employed to carry passengers to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to the specified destination.

2) In the event any vehicle described herein shall, while under employment, become disabled or breaks down without fault of the passenger, the time of stoppage shall be deducted from the charge.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2009-08 § 3, 05/18/2009)

CHAPTER 8.14
SINGLE-USE PLASTIC CARRYOUT BAGS

Section 8.14.020 – Definitions

1) ASTM Standard. means the current American Society for Testing and Materials (ASTM)'s International D-6400.

2) Barrel Size. a paper carryout bag with approximate dimensions of 12 inches wide × 7 inches deep × 13-18 inches tall or a capacity of 1,100 to 1,600 cubic inches.

3) City. City of Corvallis, Oregon.

4) City Manager. The City Manager for the City of Corvallis or a designated representative of that office.

5) Recyclable Paper Bag. means a paper bag that meets all of the following requirements:

a) Is 100% recyclable and contains a minimum of 40% post-consumer recycled content;

b) Is capable of composting consistent with the timeline and specifications of the ASTM Standard.

6) Retail Establishment. means any store, shop, sales outlet, or vendor located within the City of Corvallis that sells goods at retail. Retail Establishment does not include any establishment where the primary business is the preparation of food or drink:

a) For consumption by the public;

b) In a form or quantity that is consumable then and there, whether or not it is consumed within the confines of the place where prepared; or

c) In consumable form for consumption outside the place where prepared.

7) Reusable Bag. means a bag with handles that is either:

a) Made of cloth or other machine washable material, or

b) Made of durable plastic that is at least 2.25 mils thick.

8) Single-Use Plastic Carryout Bag. means a plastic bag made from synthetic or natural organic materials that is provided by a Retail Establishment to a customer at the point of sale for use to transport or carry away purchases from the Retail Establishment. A Single-use Plastic Carryout Bag does not include:

a) A reusable bag.

b) A plastic bag provided by a Retail Establishment to a customer at a time other than the time of checkout; or

c) Pharmacy prescription bags.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2013-03 § 1, 05/06/2013; Ord. 2012-13 § 1, 07/02/2012)

CHAPTER 9.01
BUILDING SAFETY AND CONSTRUCTION STANDARDS

Sections:

9.01.080.060 – Authority to abate hazardous equipment.
9.01.080.090 – Occupancy violations.
9.01.100.090 – Inspections.

Section 9.01.080.060 – Authority to abate hazardous equipment.

1) When the building official ascertains that equipment, or any portion thereof, regulated by this code has become hazardous to life, health or property, the building official shall order the equipment either removed from its location or restored to a safe and/or sanitary condition, as appropriate. The notice shall be in writing and contain a fixed time limit for compliance. Persons shall not use the defective equipment after receiving the notice.

2) When equipment or an installation is to be disconnected, written notice of the disconnection (and causes therefor) shall be given within 24 hours to the involved utility, the owner and/or occupant of the building, structure or premises. When equipment is maintained in violation of this code and in violation of a notice issued pursuant to the provisions of this section, the building official may institute such action as deemed necessary to prevent, restrain, correct or abate the violation.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.080.090 – Occupancy violations.

Whenever any building, structure or equipment therein regulated by this code is used contrary to the provisions of this code, the building official may order such use discontinued and the structure (or portion thereof) vacated. All persons using the structure (or portion thereof) shall discontinue the use within the time prescribed by the building official in the notice and make the structure, or portion thereof, comply with the requirements of this code. Structures that are altered, modified, or repaired without the benefit of permits, for purposes of adding rooms for tenants, shall be considered as occupancy violations and subject to the penalties of Section 9.01.210.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-01 § 1, 02/01/2010; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.100.090 – Inspections.

1) It shall be the duty of the permit holder or authorized agent to request all inspections that may be necessary or otherwise required in a timely manner, provide access to the site, and to provide

all equipment as may be deemed necessary or appropriate by the building official. The permit holder shall not proceed with construction activity prior to permit issuance or until receiving specific written authorization to do so by the building official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper inspection shall be the responsibility of the permit holder or the permit holder's agent.

2) Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has made available on site, a copy of the permit authorizing such work and supporting documents such as City approved construction documents. This permit and supporting documents shall be maintained available by the permit holder until final approval has been granted by the building official.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-01 § 1, 02/01/2010; Ord. 2004-22 § 14, 11/01/2004; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

CHAPTER 9.02
CORVALLIS LIVABILITY CODE

Sections:

9.02.080 – Definitions.
9.02.130.03 – Appeal procedure.

Section 9.02.080 – Definitions.

9.02.080.01 All words and terms assume their dictionary definitions unless they are specifically defined in this chapter.

9.02.080.02 Words stated in the present tense in this chapter include the future; the singular number includes the plural, and the plural includes the singular.

9.02.080.03 Whenever the words "dwelling unit," "dwelling," "premises," "structure," or "building" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

9.02.080.04 Defined terms. Unless the context otherwise specifically requires, for purposes of this chapter, the following terms and phrases mean:

1) Abandoned Structure. A vacant structure that is an attractive nuisance.

2) Abatement [e. g., of a Nuisance]. The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.

3) Accessible Means of Egress. This term shall have the meaning provided under the Oregon Fire Code, Sec. 1002.1: A continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way.

4) Accessory Structure. Any structure not intended for human occupancy. Accessory structures may or may not be attached to a primary structure. Examples of accessory structures include, but are not limited to: garages, carports, sheds, playhouses, decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways.

5) Agent. A person authorized by another to act in the other person's behalf.

6) Approved. Meets the standards set forth by this chapter, or is approved by the Director.

7) Attic. The unfinished, non-habitable part of a structure between the roof and the ceiling immediately below.

8) Attractive Nuisance. Buildings, structures, or premises that are in an unsecured, derelict or dangerous condition so as potentially to constitute an attraction to minors, vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing an unlawful act.

9) Basement. That portion of a building or structure which is partly or completely below grade.

10) Bathroom. A room containing plumbing fixtures including a bathtub or shower.

11) Bedroom. Any room or space used or intended to be used for sleeping purposes.

12) Boarded. The securing of an unoccupied building or structure against entry by the placement of material such as plywood, boards, or other similar material over openings, consistent with administrative operating guidelines, that are designed or intended for windows or doors, where the materials are visible off the premises and where the materials are not lawfully or customarily installed on a building or structure that would be occupied.

13) Building. Any structure designed for habitation, shelter, storage, trade, manufacture, business, education, or other similar purposes.

14) Building Code. The specialty codes adopted and as may be amended by the City of Corvallis, as provided in CMC Chapter 9.01.

15) Building Official. The administrator of the Development Services Division of the Community Development Department, or the administrator's designee.

16) Bulk Solid Waste. Discarded bedding, mattresses and furniture, junk, yard debris, uprooted tree stumps, demolition or construction debris, or other nonputrefactive and nonhazardous materials not placed in a receptacle, or too large to be placed into a receptacle.

17) Deterioration. A lowering in the quality, condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance.

18) Derelict Structure. A building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions:

a) Is unoccupied and unsecured;
b) Is partially constructed;

c) Is an abandoned structure or attractive nuisance;

d) Is in condition of deterioration;

e) Has an infestation of pests;

f) Has doors or windows boarded over; or

g) Other condition that in the opinion of the Director is detrimental to public health, safety or welfare.

19) Dilapidation. Being in a state of partial ruin, decay or disrepair.

20) Director. The person appointed by the City Manager as the Community Development Director for the City of Corvallis, or the person charged by the City Manager with the implementation and enforcement of this chapter, or the appointed person's designee.

21) Dwelling. Any structure containing one or more dwelling units.

22) Dwelling Unit. A single unit within a dwelling providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

23) Exit. A continuous, unobstructed means of egress from a dwelling to the exterior of the building and to a public way.

24) Exterior Property. The areas of a property which are outside the exterior walls and roof of a building. All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, yards, gardens, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.

25) Extermination. The control, elimination and removal of pests by eliminating harborage places; by removing or making inaccessible materials that serve as food; by poison spraying, fumigating, trapping or by any other pest elimination method approved by the Director.

26) Hazardous Solid Waste. Any solid waste which, in the opinion of the Director, would constitute a danger to collection personnel or to anyone who may come in contact with such solid waste, and includes, without limitation, any hazardous waste as defined in ORS 466.005(7) as may be amended.
27) Habitable. Suitable for human habitation.

28) Habitable Space. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

29) Hazardous Thicket. Blackberry vines or other thickets that conceal trash, debris, or junk; or create a harborage for people involved in criminal activity or for products used for unlawful activity; or that encroach upon the public right-of-way, or private property of another in a manner that may be hazardous.

30) Hearings Officer. The person or persons appointed by the City Manager to serve in that capacity and to pass on matters stipulated for quasi-judicial review under this chapter.

31) Human Habitation. The use of a structure, portion of the structure, or space, in which any person remains for a continuous period of two or more hours per day, or for periods which will accumulate to four or more hours in a day.

32) Imminent Hazard. Any condition of deterioration that places public health, safety or welfare in high risk of peril, when the peril is immediate, impending, or on the point of happening.

33) Incipient Hazard. Any condition that can become an imminent hazard if further deterioration is allowed to occur.

34) Indoor Fixture. Any item that is designed to be used indoors or otherwise protected from environmental elements, including, but not limited to, heating, plumbing and electrical fixtures.

35) Indoor Furnishing/Furniture. Any item that is designed to be used indoors or otherwise protected from environmental elements including, but not limited to, upholstered furniture, indoor appliances and indoor carpet.

36) Infestation. The presence of pests in large numbers that is harmful or bothersome within or adjacent to a building or structure or upon premises.

37) Junk. Articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. As used in this chapter the term "junk" includes, but is not limited to:

a) Any derelict motor vehicle, trailer, or boat, i.e., any used motor vehicle, trailer, or boat without a vehicle license or with an expired license; or

b) Neglected motor vehicle, trailer, or boat, i.e., a motor vehicle, trailer, or boat, that is missing critical parts required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires; or

c) Wrecked motor vehicle, trailer, or boat or part thereof, i.e., a motor vehicle, trailer, or boat, that is dismantled or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire; or

d) Machinery or parts thereof that are inoperative, worn out, or in a state of disrepair; or
e) Any appliances or parts thereof that are inoperative, worn out, or in a state of disrepair; or

f) Any worn out or dilapidated indoor fixtures or furnishings, or parts thereof; or

g) Any bulk solid waste; and

h) Solid waste items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap and other similar items.

38) Landlord. The owner or lessor of a dwelling unit, a building, or premises, including a person authorized by the owner or lessor to manage the premises or to enter into a rental agreement.

39) Legally Occupied. The use of premises for a purpose authorized by law, including the building code and the Corvallis land development code. For the purposes of this chapter, a premises shall be considered legally occupied, even if presently vacant, as long as the premises is maintained in compliance with the provisions of this chapter, and in the case of a building or structure, conditions that would qualify the building or structure as derelict are not present.

40) Let for Occupancy or Let. To permit, to provide, or to offer possession or occupancy of a dwelling unit, building, structure or premises, pursuant to a lease, permit, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

41) Maintained Compost. A small portion of a property set aside for the purpose of methodically encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer or amendment for the soil on the property. Maintained compost shows clear indicators that the organic materials placed there are being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition does not constitute maintained compost.

42) Means of Egress/Doors. A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. Includes any doors that are present at the exit access, along the path of exit, and at the exit discharge.

43) Multi-Family Dwelling. A building or structure within which are comprised three or more dwelling units.

44) Must. Mandatory.

45) Naturescape. Landscaping and gardening approaches that use predominantly native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for pesticides, chemical fertilizers, and summer watering.

46) Occupancy. The purpose for which a building, structure or premises is used or intended to be used.

47) Occupant. Any person, including an owner, tenant or operator, using a building or any part of a building for its lawful, intended use or having possession of a space within a building or structure or possession of a premises.

48) Owner. The person recorded in the official records of the state, county or city as holding title to premises, and that person's agent; any person who has purchased or otherwise acquired a premises but whose ownership is not yet reflected in the official records of the state, county or city; a trustee, executor, administrator, guardian or mortgagee in possession and having control of the premises; a person who has care and control of a premises in the case of the absence or disability of the person holding title thereto.

49) Partially Constructed. An occupied or vacant structure, or portion thereof, that has been left in a state of partial construction for more than six months, or that has not been completed prior to the expiration of any building permit.

50) Person. An individual, corporation, limited liability company, cooperative, association, partnership, or any other entity in law or fact.

51) Pests. Animals detrimental to humans or human concerns including, but not limited to, insects, rodents, rats or vermin.

52) Premises. A lot or parcel of land, including any buildings or structures thereon.

53) Rank Vegetation. Any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied.

54) Receptacle. With respect to solid waste containment, a trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into which solid waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal.

55) Recycling. The process of transforming waste into new or different products in such a manner that the original waste products may lose their identity. Recycling includes collection, transportation and storage of waste that places the waste in the stream of commerce for recycling, resource recovery or utilization.

56) Remediation. The elimination or correction of a condition, including, but not limited to, repair, replacement, restoration or removal.

57) Repair. The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

58) Residential Property. Real property and all improvements thereon including edifices, structures, buildings, dwelling units or parts thereof used or intended to be used for residential purposes including single-family, duplex, multi-family structures and mixed-use structures which have one or more dwelling units. Hotels and other building types used exclusively for transient occupancy are excluded from this definition of residential property.

59) Rubbish. Worthless, discarded material, including, but not limited to, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a premises.
60) Shall. Mandatory.

61) Solid waste. This term shall have the same meaning as provided under CMC 4.01.010.

62) Structure. That which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

63) Temporary. Unless otherwise specified, a period up to 6 months in any 12 month period.

64) Unfit for Human Habitation. A building or structure that, as found by the Director, is unfit for human habitation due to unsanitary conditions, infestation, accumulation of filth or contamination, lack of required ventilation, illumination, sanitary or heating facilities, or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.

65) Unoccupied. Not legally occupied.

66) Unsecured. Any structure in which doors, windows, or apertures are open or able to be opened from the outside so as to allow access by unauthorized persons; unlocked or otherwise open to entry.

67) Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

68) Watertight. As secure as possible against the entry of rain, melt water and storm water.

69) Waste Tire. A tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

70) Weathertight. As secure as possible against the entry of wind, rain, melt water, storm water and natural elements.

71) Workmanlike. Executed in a skilled manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-18 , § 7(Exh. B), 07/15/2020; Ord. No. 2015-20 , § 2, 9/15/2016; Ord. No. 2016-07 , § 1, 4/18/2016)

Section 9.02.130.03 – Appeal procedure.

1) The Director shall confirm that the appeal meets the filing criteria as prescribed under CMC Sections 9.02.130.02(1-4), and that the person filing the request for an appeal has standing.

2) If the filing criteria have not been met, or if the filing party does not have standing, the person filing the appeal will be so notified and hearing before the Hearings Officer will not be convened. The Director, at the Director's discretion, may extend the filing deadline by an additional three (3) days to allow a prospective appellant with standing to resubmit a request for an appeal that has been deemed incomplete. Only one extension may be granted.

3) If the filing criteria are met, the Director shall, within 30 days of the filing of the appeal, set the schedule for a hearing before the Hearings Officer. The hearing shall be held not later than 60 days after the filing of the appeal.

a) The appeal shall be conducted on the record.

b) Formal rules of evidence are not required.

c) The Hearings Office shall have the authority to hear appeals of orders, decisions or determinations made under authority of this chapter to determine whether the substance of the order, decision or determination was arbitrary and capricious.

d) The Hearings Officer shall not be empowered to waive requirements of this chapter.

e) The Hearings Officer shall issue a written finding and conclusion on the appeal within seven (7) days of the hearing, and shall provide a copy to the person filing the appeal and to the Director.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2015-20 , § 2, 9/15/2016; Ord. No. 2016-07 , § 1, 4/18/2016)

CHAPTER 9.03
EROSION PREVENTION AND SEDIMENT CONTROL

Sections:

9.03.060 – Definitions.
9.03.100 – Erosion prevention and sediment control plan requirements.
9.03.140 – Nuisance abatement.

Section 9.03.060 – Definitions.

For the purpose of this chapter, the following definitions shall apply:

1) Approval or Approved. A determination by the City Manager or a designee of that office that the provisions of these Standards have been met.

2) Best Management Practices (BMPs). a physical, chemical, structural or managerial practice that prevents, reduces, or treats contamination of water or which prevents or reduces soil erosion.

3) City Manager. the City Manager or other designated authority charged with the administration and enforcement of these Standards, or the City Manager's duly authorized representative.

4) Erosion. the wearing away of the earth's surface due to the action of gravity, wind, water or other mechanical forces.

5) Ground Disturbing Activity. any activity that exposes soil.

6) Pollutants. substances that contaminate the soil or water originating on a construction site. Pollutants commonly associated with construction sites include sediment, solid and sanitary wastes, fertilizers, pesticides, oil and grease, concrete truck washout, sheet rock taping compound, glues, epoxies, paints, construction chemicals and construction debris.

7) Responsible Party. the property owner or person authorized to act on the owner's behalf; or any person allowing, causing or contributing to a violation of the Code.

8) Sediment. Mineral or organic matter generated as a result of erosion.

9) Visible and Measurable Erosion and Sediment Release.

a) Sloughing, mud flows, gullies, sediment laden water, or other visual evidence that erosion has occurred or is likely to occur.

b) The presence of deposits or tracking of sediment exceeding one half cubic foot in volume at any one time on public or private streets, in drainage systems, and/or on adjacent property.

c) In streams or drainage systems, an increase in total suspended solids and/or turbidity relative to a control point immediately upstream of the discharge point of the sediment generating activity.

d) Evidence of off site airborne sediment clearly visible to the eye.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2004-17 § 1, 09/20/2004)

Section 9.03.100 – Erosion prevention and sediment control plan requirements.

The applicant shall submit an Erosion Prevention & Sediment Control Plan (EPSCP) for projects requiring an EPSC permit prior to commencing any ground disturbing activity. All plans shall comply with the minimum standards set forth in the City of Corvallis Erosion Prevention & Sediment Control Manual.

1) Erosion Prevention and Sediment Control Plans.

a) Erosion prevention and sediment control plans shall be prepared in conformance with and shall demonstrate compliance with these Standards and the City of Corvallis Erosion Prevention & Sediment Control Manual in effect at the time of application.

b) The EPSCP shall be reviewed and approved by the City Manager prior to commencing any ground disturbing activity including installation of erosion and sediment control BMPs.

c) The EPSCP shall be implemented only after approval and prior to commencing any ground disturbing activity.

d) Subsequent development permits (Grading, Public Improvement, or Building) will not be issued prior to implementation of the EPSCP unless authorized by the City Manager or a designee of that office.

2) Approval of Erosion Prevention and Sediment Control Plan.

a) The City Manager or a designee of that office shall approve the EPSCP if it demonstrates compliance with these Standards and the adopted City of Corvallis Erosion Prevention & Sediment Control Manual. An EPSC permit shall be issued following approval of the plan and verification from the applicant that all other rules and laws governing this aspect of development have been addressed and are in compliance.

b) The responsible party shall be accountable for obtaining re-authorization for implementing any EPSCP modifications needed due to conflicts, omissions, changed conditions, damage or other factor jeopardizing compliance with these Standards.

c) In cases where erosion is occurring, the responsible party must immediately install interim control measures to stabilize the condition and minimize sediment leaving the site. The responsible party will be required to provide new plans, or revisions to existing plans, for review that provide for long term erosion and sediment control. Upon approval of the plans, the new measures described must be implemented in a timely manner.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2004-17 § 1, 09/20/2004)

Section 9.03.140 – Nuisance abatement.

1) Summary Abatement Authorized. The City Manager may determine that the failure or non-existence of erosion, sediment and pollutant control measures as required by this Code constitute a nuisance presenting an immediate threat of injury to the public health, the environment, or public or private property. Such nuisances shall be subject to the requirements of this Section. In cases where the City Manager determines it is necessary to take immediate action in order to meet the purposes of this Code, summary abatement of such nuisance is authorized.

2) Notification Following Summary Abatement. When summary abatement is authorized by this Code, the decision regarding whether or not to use summary abatement shall be at the City Manager's discretion. In case of summary abatement, notice to the responsible party prior to abatement is not required. However, following summary abatement, the City Manager shall post upon the affected site the abatement notice describing the action taken to abate the nuisance and shall cause a notice to be mailed to the owner at the owner's address as recorded in the county assessment and taxation records for the property.

3) Financial Responsibility.

a) Whenever a nuisance is abated under this section, the City Manager shall keep an accurate account of all expenses incurred.

b) The City Manager shall file a statement of such costs with the City Finance Department. Upon receipt of the statement, the Finance Director or their designee shall mail a notice to the property owner, stating the City's intent to assess the property in question the amount due plus charges to cover the costs of processing. In the event that amount due set forth in the notice is not paid in full within 30 days of the date of notice, the City Finance Director shall enter the amount of the unpaid balance, plus charges to cover administrative costs in the Docket of City liens which shall therefore constitute a lien against the property.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2004-17 § 1, 09/20/2004)

ORDINANCE 2020-____
EXHIBIT A

Chapter 1.01
GENERAL PROVISIONS

Section 1.01.020 – Definitions.

The following definitions and rules of construction apply to the Code, unless inconsistent with the intent of the Council or the context clearly requires otherwise:

1) City. The City of Corvallis, Oregon, and the area within its boundaries, including its boundaries as extended in the future.

2) City Attorney. The City Attorney of the City of Corvallis or ~~his/her~~ **a** designated representative **of that office**.

3) City Engineer. The City Engineer of the City of Corvallis or **a** ~~his/her~~ designated representative **of that office**.

4) City Manager. The City Manager of the City of Corvallis or **a** ~~his/her~~ designated representative **of that office**.

5) Code. The municipal code of the City of Corvallis, Oregon.

6) Council. The City Council of the City of Corvallis, Oregon.

7) Fire Chief. The Fire Chief of the City of Corvallis or **a** ~~his/her~~ designated representative **of that office**.

8) Holiday. Holiday shall have the same meaning as defined in ORS 187.010(1) and 187.020(2), or as otherwise specified by City rules and regulations.

9) Legislative body. The Council of the City of Corvallis.

10) Municipal Court or Court. The Municipal Court for the City of Corvallis.

11) Municipal Judge or Judge. The Municipal Judge of the City of Corvallis or **a** ~~his/her~~ designated representative **of that office**.

12) ORS. Oregon Revised Statutes.

13) Person. Any individual, firm, partnership, unincorporated association, public or private corporation, government or government instrumentality.

14) Police Chief. The Chief of Police of the City of Corvallis or **a** ~~his/her~~ designated representative **of that office**.

15) Recorder. The City Recorder of the City of Corvallis or **a** ~~his/her~~ designated representative **of that office**.

16) State. The State of Oregon.

(Ord. 2020-____ § __, __/__/2020; Ord. 92-34 § 4, 1992)

Chapter 1.03
NOMINATING PROCEDURES

Sections:

1.03.010 – Definitions.
1.03.020 – Contents of petition.

Section 1.03.010 – Nominee requirements.

Nominees for all elective offices of the City must:

1) Be qualified electors of the City.

2) Have resided in the City one year immediately preceding the election at which **the nominee** ~~she or he~~ is a candidate. In elective offices other than Mayor, the nominee must reside in the ward from which ~~she or he~~ **the nominee** is seeking nomination at the time the nomination petition is filed. Nomination for the elective officers of the City shall be by petition specifying the position sought in a form prescribed by Council. Petitions for Mayor shall be signed by not fewer than 100 qualified electors of the City and petitions for Council by not fewer than 20 qualified electors of the City. In petitions for nomination for elective officers other than Mayor, all 20 electors must be residents of the ward or other political subdivision from which the petitioner seeks the nomination. The signatures to a nomination petition need not all be appended to one paper; but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature appended thereto was made in **the** ~~his or her~~ presence **of the circulator** and is the genuine signature of the person whose name it purports to be. All nomination papers comprising a petition shall be assembled and filed at the office of the City Recorder as one instrument not earlier than 99 days and not later than 5:00 pm on the eighty-first day before the election.

The Recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the Recorder shall notify the candidate and the persons who filed the petition within five days after the filing. If the petition is insufficient in any other particular, the Recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. Such deficient petition may be amended and filed again as a new petition, or a different petition for the same candidate may be filed within the regular time for filing nomination petitions. The Recorder shall notify an eligible person of ~~his or her~~ **the** nomination within five days after verification of signatures on the petition and shall cause the person's name to be printed on the ballot. The petitions of nomination and withdrawals shall be preserved in the office of the City Recorder as required by State law. A person wishing to withdraw as a candidate must do so in writing with the City Recorder; and if legally possible, the City Recorder shall prevent the name of such a candidate from being printed on the ballot.

(Ord. 2020-____ § __, __/__/2020; Ord. 81-29, 1981; Ord. 78-34, 1978; Ord. 77-09, 1977; Ord. 54-32 § 1, 1954)

Section 1.03.020 – Contents of petition.

1) No petition for nomination shall contain the name of more than one candidate.

2) Each petition for nomination shall contain:

a) The name of the candidate by which the candidate is commonly known and by which the candidate transacts important, private or official business. ~~A candidate~~ **A nickname** may **be** use**d** ~~a nickname~~ in parentheses in connection with ~~his or her~~ **the candidate's** full name.

b) The mailing address of the residence of the candidate.

c) The office for which the candidate seeks election.

d) A statement that the candidate is willing to accept the nomination or election.

e) A statement that the candidate will qualify if elected.

f) The signature of the candidate.

3) Attached to each petition for nomination shall be a sheet or sheets containing:

a) For the nomination of a candidate for the office of Mayor, the signatures of 100 or more qualified electors of the City.

b) For the nomination petition of a candidate for the office of Councilor, the signatures of 20 or more qualified electors who are residents of the ward from which the candidate seeks nomination.

c) With each signature to a nominating petition, the signer's residence address and precinct number and, in the nominating petitions for the office of Councilor, the ward in which the signer resides.

(Ord. 2020-____ § ___, __/__/2020; Ord. 81-29, 1981; Ord. 77-09, 1977; Ord. 70-125, 1970; Ord. 54-32 § 2, 1954)

Chapter 1.04
PURCHASING

Section 1.04.050 – Prohibition of interest.

No officer or employee of the City shall use **an** ~~his or her~~ official position or office to obtain financial gain, other than official salary, for ~~himself or herself~~ **the officer or employee** or for any ~~member of his or her~~ household **member**, or for any business with which **the officer or employee** ~~he or she~~, or a **household** member ~~of his or her household~~, is associated.

(Ord. 2020-____ § __, __/__/2020; Ord. 2005-01 § 2, 02/07/2005; 99-08, Amended, 06/21/1999)

Chapter 1.05
JURY TRIALS

Sections:

1.05.020 – Demand for jury trial.
1.05.100 – Selection of jurors for trial service; summons.
1.05.130 – Additional jurors for trial service.

Section 1.05.020 – Demand for jury trial.

The right to a jury trial shall be exercised by giving notice in writing to the Municipal Judge that a trial by jury is demanded. Such notice shall be signed by the defendant or **defendant's** ~~her/his~~ attorney and shall be effective only if given not less than seven days before the date set for trial of the case.

(Ord. 2020-____ § __, __/__/2020; Ord. 91-14 § 2, 1991; Ord. 71-16, 1971; Ord. 63-10 § 2, 1963)

Section 1.05.100 – Selection of jurors for trial service; summons.

When a jury trial has been demanded as provided in Section 1.05.020 herein and the date of jury trial has been set, the Municipal Judge or designee shall draw 30 ballots from the jury box. If the defendant has specified in the written demand for jury trial described in Section 1.05.020 herein **the desire** ~~that he/she desires~~ to be present or represented at the drawing of ballots from the jury box, not less than three days before the drawing the Municipal Judge or designee shall give written notice by ordinary mail to the defendant or **defendant's** ~~her/his~~ attorney and to the City Attorney indicating the time and place where the ballots shall be drawn.

(Ord. 2020-____ § __, __/__/2020; Ord. 91-14 § 10, 1991; Ord. 63-10 § 10, 1963)

Section 1.05.130 – Additional jurors for trial service.

When the number of jurors summoned does not appear at the time and place of trial or when the Municipal Judge or designee determines that the number of jurors to appear is likely to become exhausted before a jury is duly empaneled, **additional names** ~~he/she~~ may **be** draw**n** ~~additional names~~ from the jury box and ~~summon~~ the jurors so drawn **summoned** in the manner provided in Section 1.05.120 herein, or in person, if there is insufficient time to give the notice provided in Section 1.05.120 herein.

(Ord. 2020-____ § __, __/__/2020; Ord. 91-14 § 13, 1991; Ord. 63-10 § 13, 1963)

Chapter 1.06
DELEGATION OF DUTIES

Section 1.06.010 – Delegation of powers.

1) That the City Manager of the City ~~be and that she or he~~ is hereby authorized to delegate to any employee of the City who is under the direct supervision and control of the City Manager any and all administrative duties imposed upon the City Manager by ordinances, resolutions, or policies of the City.

2) This Chapter shall be liberally construed to the end that the City Manager shall not be required to personally perform the administrative duties and functions for which ~~she or he~~ **the City Manager** is held responsible under the terms of the ordinances, resolutions, and policies of the City.

3) Any acts done by any employee who is under the direct supervision and control of the City Manager and done pursuant to a delegation of authority given by the City Manager to said employee shall be deemed to be done by the City Manager of the City as required by the ordinances, resolutions, and policies thereof.

4) This Chapter shall not be construed to make the City Manager liable for any damage or injury caused by a negligent or willful act or omission of any such employee.

(Ord. 2020-____ § __, __/__/2020; Ord. 63-56, 1963)

Chapter 1.07
AUXILIARY POLICE UNIT

Section 1.07.040 – Delegation of powers.

Upon acceptance for membership in the auxiliary police unit, the applicant shall take the same oath of office as a regular patrol officer and be fingerprinted. Any member of the auxiliary police unit may be dismissed by the City Manager or the Chief of Police on written notice, with or without cause, and the member shall have no right to a hearing or specifications of charges, nor shall **the member** ~~she or he~~ have any claim against the Manager, the Chief of Police, or the City on account of dismissal.

(Ord. 2020-____ § __, __/__/2020; Ord. 66-95 § 4, 1966)

CHAPTER 1.09
APPOINTMENT OF COUNSEL

Sections:

1.09.010 – Right to counsel.
1.09.020 – Appointment of counsel.

Section 1.09.010 – Right to counsel.

If a defendant appears in the Municipal Court for arraignment without counsel, the **court shall inform the** defendant **of defendant's** ~~shall be informed by the Court that it is his or her~~ right to have counsel **prior to arraignment** ~~before being arraigned~~ and shall **ask Defendant if the aid of counsel is desired** ~~be asked if she or he desires the aid of counsel~~.

(Ord. 2020-____ § ___, __/__/2020; Ord. 72-65, 1972; Ord. 69-114 § 1, 1969)

Section 1.09.020 – Appointment of counsel.

If, upon arraignment of a person accused in the Municipal Court of a violation of a law of this City, the person being arraigned appears without counsel, the Court shall appoint suitable counsel to represent the person if:

1) The accused requests aid of counsel.

2) The accused makes a verified financial statement and provides other information in writing under oath showing **the inability** ~~his or her lack of ability~~ to obtain counsel and provides any other information required by the Court as to **that** ~~his or her~~ inability ~~to obtain counsel~~.

3) It appears to the Court that the accused is without means and is unable to obtain counsel.

(Ord. 2020-____ § ___, __/__/2020; Ord. 72-65, 1972; Ord. 69-114 § 2, 1969)

CHAPTER 1.12
GENERAL OBLIGATION IMPROVEMENT WARRANTS

Section 1.12.020 – Terms and conditions.

All general obligation improvement warrants issued by the City shall be subject to such terms and conditions as the City Manager may require**,** in ~~his or her~~ **the City Manager's** reasonable discretion.

(Ord. 2020-____ § __, __/__/2020; Ord. 73-18 § 2, 1973)

CHAPTER 1.15
ADMINISTRATIVE SEARCH WARRANTS

Sections:

1.15.030 – Procedure for issuing search warrant.
1.15.040 – Execution of search warrant.

Section 1.15.030 – Procedure for issuing search warrant.

1) Before issuing any search warrant, the Municipal Judge shall examine under oath the applicant and any other witness and shall **be** satisf~~y~~**ied** ~~her or himself~~ of the existence of grounds for granting such application.

2) If the Municipal Judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the warrant are satisfied, **the Municipal Judge** ~~she or he~~ may issue the warrant, particularly describing the same and title of the person or persons authorized to execute the warrant, the place to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 am and 6:00 pm, or where the Municipal Judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

(Ord. 2020-____ § ___, __/__/2020; Ord. 79-27 § 3, 1979)

Section 1.15.040 – Execution of search warrant.

1) Except as provided in subsection 2) of this Section, in executing a search warrant, the person authorized to execute the warrant shall, before entry, make a reasonable effort to present credentials, authority and purpose to an occupant or person in possession of the location designated in the warrant and show ~~her or him~~ the warrant or a copy thereof upon request.

2) In executing a search warrant, the person authorized to execute the warrant need not inform anyone of ~~his or her~~ **the person's** authority and purpose, as prescribed in subsection 1) of this Section, but may promptly enter the designated location if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition.

3) A peace officer may be requested to assist in the execution of the warrant.

4) A warrant must be executed and returned to the Municipal Judge by whom it was issued within 10 days from its date, unless such Municipal Judge before the expiration of such time, by endorsement thereon, extends the time for five days. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

(Ord. 2020-____ § ___, __/__/2020; Ord. 79-27 § 4, 1979)

CHAPTER 1.16
BOARDS AND COMMISSIONS

Sections:

1.16.060 – Ethics and compensation.
1.16.235 – Planning commission.

Section 1.16.060 – Ethics and compensation.

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

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

(Ord. 2020-____ § ___, __/__/2020; Ord. 81-99 § 6, 1981)

Section 1.16.235 – Planning commission.

1) Hereby is created a City Planning Commission for the City of Corvallis, Oregon. The Planning Commission is created pursuant to ORS 227.020.

2) The City Planning Commission shall consist of nine members to be appointed by Council. No more than two voting members of the Commission may be engaged principally in the buying, selling, or developing of real estate for profit as individuals or be members of any partnership or officers or employees of any corporation that engages principally in the buying, selling, or developing of real estate for profit. In the interest of ensuring a balanced, community-wide perspective on the Planning Commission, no more than two members shall be engaged in the same kind of occupation, business, trade, or profession.

3) Upon expiration of a term or vacancy, a public announcement of the opening will be announced in a newspaper of general circulation in the City. The notice shall contain the qualifications for appointment in subsection 2) and a list of the occupations of existing commissioners. After receiving applications Council may conduct interviews. If more than one application is submitted, Council shall hold a ballot vote conducted by the City Recorder. Any person receiving a majority vote shall be appointed to the Planning Commission. If no person receives a majority vote, the two receiving the most votes shall be voted upon again. The one then receiving the majority vote shall be appointed to the Planning Commission.

4) Five members of the City Planning Commission shall constitute a quorum. If a quorum cannot be obtained because five (5) or more members have a conflict of interest, the quorum requirement shall be reduced to three (3) for that issue only.

5) A member of the Planning Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: the member**;** ~~or his or her spouse,~~ **a spouse of a member; a** brother, sister, child, parent, father-in-law, mother-in-law **of a member**~~,~~**;** any business in which **the member** ~~she or he~~ is then serving or has served within the previous two (2) years, or any business with which **the member** ~~she or he~~ is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken. Examples of conflict of interest include:

a) The member owns property within the area entitled to receive notice of the public hearing;

b) The member has a direct private interest in the proposal; and

c) For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.

6) The Commission shall have the authority which is now or may hereafter be assigned to it by Charter, ordinances, or resolutions of the City and ORS 227.090, and other State laws.

The Planning Commission shall function primarily as a comprehensive planning body proposing policy and legislation to Council related to the coordination of the growth and development of the community. The functions of the Planning Commission shall include, but not be limited to, the following:

a) Review the Comprehensive Plan and make recommendations to Council concerning Plan amendments which it has determined are necessary based on further study or changed concepts, circumstances, or conditions.

b) Formulate and recommend legislation to implement the Comprehensive Plan.

c) Review and recommend detailed plans including functional plans which relate to public facilities and services, and subarea plans which relate to specific areas of the community to implement the Comprehensive Plan.

d) Assist in the formulation of the Capital Investment Plan [Capital Improvement Program] and submit periodic reports and recommendations relating to the integration and conformance of the plan with the Comprehensive Plan.

e) Review and make recommendations concerning any proposed annexation.

f) Conduct hearings, prepare findings of fact, and take such actions concerning specific land development proposals as required by the Land Development Code.

g) Advance cooperative and harmonious relationships with other planning commissions, public and semi-public agencies and officials, and civic and private organizations to encourage the coordination of public and private planning and development activities affecting the City and its environs.

h) Study and propose, in general, such measures regarding land development as may be advisable for promotion of the public interest, health, safety, comfort, convenience, and welfare.

(Ord. 2020-____ § ___, __/__/2020; Ord. 98-45 § 3, 11/11/1998; Ord. 82-6 §§ 2, 3, 1982; Ord. 81-99 § 60, 1981)

CHAPTER 1.23
CIVIL RIGHTS

Sections:

1.23.020 – Intent.
1.23.030 – Definitions.
1.23.040 – Exceptions.

1.23.090 – Authority of City Attorney to adopt rules.

Section 1.23.020 – Intent.

1) It is the intent of the City that no person be denied the equal protection of the laws, nor shall any person be denied the enjoyment of ~~his/her~~ civil or political rights or be discriminated against because **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. Nothing herein contained shall be construed to prohibit any affirmative laws passed by any level of government.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2007-09 § 4, 05/07/2007; Ord. 92-41 § 2, 12/07/92)

Section 1.23.030 – Definitions.

1) Sexual orientation. Actual or supposed male or female homosexuality, heterosexuality or bisexuality.

2) Gender identity or expression. Refers to an individual's gender related self-identity, appearance, expression or behavior, regardless of the individual's assigned sex at birth.

3) Source of Income. The means by which a person supports **themselves** ~~himself or herself~~ and **any** ~~his or her~~ dependents, including but not limited to money and property from any occupation, profession or activity, from any contract, settlement or agreement, from federal or state payments, court-ordered payments, gifts, bequests, annuities, life insurance policies, and compensation for illness or injury, but excluding any money or property derived in a manner made illegal or criminal by any law, statute or ordinance.

4) All other terms used in this Chapter are to be defined as in Oregon Revised Statutes Chapter 659A or Corvallis Municipal Code Chapter 1.01.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2007-09 § 5, 05/07/2007; Ord. 92-41 § 3, 12/07/92)

Section 1.23.040 – Exceptions.

1) The prohibitions in this Chapter against discriminating on the basis of sexual orientation do not apply:

a) To the leasing or renting of a room or rooms within an individual living unit which is occupied by the lessor as **a** ~~his or her~~ residence;

b) To dwellings with not more than two individual living units where one of the units is owner occupied;

c) To bona fide church or sectarian religious organizations, including churches, temples, synagogues, religious schools, or other facilities used primarily for religious purposes.

2) The prohibitions of this Chapter against discriminating on the basis of source of income do not prohibit:

a) Inquiry into and verification of a source or amount of income;

b) Inquiry into, evaluation of, and decisions based on the amount, stability, security or creditworthiness of any source of income;

c) Screening prospective purchasers and tenants on bases not specifically prohibited by this Chapter or state or federal law;

d) Refusal to contract with a governmental agency under 42 U.S.C. § 1437f(a) "Section 8".

(Ord. 2020-____ § ___, __/__/2020; Ord. 92-41 § 4, 12/07/92)

Section 1.23.090 – Authority of City Attorney to adopt rules.

1) The City Attorney is hereby authorized to adopt rules, procedures and forms to assist in the implementation of the provisions of this Chapter.

2) Any rule adopted pursuant to this Section shall require a public review process. Not less than ten nor more than thirty days before such public review process, notice shall be given by publication in a newspaper of general circulation. Such notice shall include the place, time and purpose of the public review process and the location at which copies of the full text of the proposed rules may be obtained.

3) During the public review, a designee of the City Attorney shall hear testimony or receive written comment concerning the proposed rules. The City Attorney shall review the recommendation of **the** ~~his or her~~ designee, taking into consideration the comments received during the public review process, and shall either adopt the proposal, modify or reject it. If a substantial modification is made, additional public review shall be conducted, but no additional notice shall be required if such additional review is announced at the hearing at which the original comments are received.

4) Unless otherwise stated, all rules shall be effective upon adoption by the City Attorney and shall be filed in the office of the City Recorder.

5) Notwithstanding paragraphs 2) and 3) of this Section, an interim rule may be adopted without prior notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties. The finding shall state the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph shall be effective for a period of not longer than 180 days.

(Ord. 2020-____ § ___, __/__/2020; Ord. 92-33, 10/19/92)

CHAPTER 1.25
LIVING WAGE

Sections:

1.25.080 – Complaint process.
1.25.090 – Penalties.

Section 1.25.080 – Complaint process.

1) Employees who believe that ~~they have not been paid~~ a Living Wage **has not been paid** for the time ~~that they~~ worked on City of Corvallis projects may file a written complaint with the City of Corvallis, City Manager, or **a** ~~his/her~~ designee **of that office** during the term of the contract.

2) Within five working days, the City shall request in writing records for the City's inspection from the employer. The City may also request pay stubs, or copies of paychecks from the complaining individual.

3) City staff will audit the payroll records and the employee's records for compliance with the City's Living Wage chapter of the Corvallis Municipal Code. The audit report will outline and detail all findings of non-compliance with the City's Living Wage legislation. The audit report will be given to the contractor and the City Manager or **a** ~~his/her~~ designee **of that office** and to the complainant.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2001-11, § 3, 08/06/2001; Ord. 2000-07 § 8, 04/03/2000)

Section 1.25.090 – Penalties.

1) Contractors who are found to be in violation of this section of the Municipal Code based on the audit identified in section 1.25.080 of the code will have 15 calendar days to correct any violations, including paying employees the Living Wage retroactively to the beginning of the contract term. If the violations are not corrected within 15 calendar days, the City will terminate the current contract for the public good and disqualify the contractor from doing business with the City for one year.

2) A contractor who is found to be in violation of the Living Wage more than one time, and who fails to correct the violation with 15 days, shall be barred from doing business with the City for five years.

3) Liability for payment of the Living Wage rests solely with the contractor. The City shall not be held liable for any incorrectly paid amounts.

4) The employee or the employer may appeal staff's findings that a violation of the Living Wage had occurred in writing to the City Manager within 15 calendar days. The appeal must state why the employee or employer believes staff's findings were in error, and must include any documents available to support the~~ir~~ appeal. The City Manager will issue **a** ~~his/her~~ decision within 15 calendar days. The City Manager's decision is final.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2001-11, § 4, 08/06/2001; Ord. 2000-07 § 9, 04/03/2000)

~~CHAPTER 1.27~~
~~REAL PROPERTY COMPENSATION~~

~~**Sections:**~~

~~**1.27.020 – Definitions.**~~
~~**1.27.040 – Processing of claims.**~~

~~Section 1.27.020 – Definitions.~~

~~As used in this Chapter, the following words and phrases mean:~~

~~1) "City Manager" means the City Manager of the City or his or her a designee of that office.~~

~~2) "Claim" means a claim filed under Measure 37.~~

~~3) "Exempt land use regulation" means a land use regulation that:~~

~~a) Restricts or prohibits activities commonly and historically recognized as public nuisances under common law;~~

~~b) Restricts or prohibits activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;~~

~~c) Is required in order to comply with federal law;~~

~~d) Restricts or prohibits the use of property for the purpose of selling pornography or performing nude dancing; or~~

~~e) Was inactive prior to the date of acquisition of the property by the owner or a family member of the owner.~~

~~4) "Family Member" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child, grandparent, or grandchild of the owner of the property, and estate of any of the foregoing family members or a legal entity owned by any one or combination of these family members or the owner of the property.~~

~~5) "Land Use Regulation" includes:~~

~~a) Any statute regulating the use of land, or any interest therein;~~

~~b) Administrative rules and goals of the Land Conservation and Development Commission; and~~

~~c) Local government comprehensive plan, zoning ordinances, land division ordinances, and transportation ordinances.~~

~~6) "Owner" means the present owner of the property or any interest therein, as demonstrated by the real property and tax assessor's records of Benton or Linn County.~~
~~7) "Valid Claim" means a claim submitted by the owner of real property that is subject to a land use regulation adopted or enforced by the City that restricts the use of private real property in a manner that reduces the fair market value of the real property.~~

~~(Ord. 2020-_____ § ___, __/__/2020; Ord. 2005-03 § 1, 02/22/2005)~~

~~Section 1.27.040 – Processing of claims.~~

~~1) All Measure 37 claims filed with the City shall be processed by the City Manager, or a his or her designee of that office, and shall be presented to the City Council after the claim is filed to determine eligibility, as set forth in the next section.~~

~~2) If the claim is determined eligible by the City Council, as set forth in the next section, the City shall investigate, and forward to the City Council, as part of the Public Hearing Process, the results of the investigation of the claim.~~

~~(Ord. 2020-____ § ___, __/__/2020; Ord. 2005-03 § 1, 02/22/2005)~~

CHAPTER 2.03
STREET CUTS

Sections:

2.03.030 – Security.
2.03.040 – Permits.
2.03.060 – Adherence to and exhibition of permits.
2.03.110 – Option to City to replace pavement.

Section 2.03.030 – Security.

Before the issuance of any permit, the City Engineer shall require the applicant to file ~~with her or him~~ as security either:

1) A surety bond in an amount fixed by the City Engineer, but not to exceed $500.00, conditioned that the applicant will, immediately upon the completion of the work, remove all surplus earth, rubbish, or other material, replace the pavement cut or undermined in a condition as good as or better than it was before, and keep the same in good repair, at ~~his or her~~ **the applicant's** own expense, for a period of time to be designated by the City Engineer but not to exceed one year from the completion of said work;

2) Cash or certified checks in an amount equal to twice the estimated replacement value of the pavement to be cut, together with the cost of reexcavation and refilling with proper material, if necessary, as determined by the City Engineer, to be held and returned subject to the same conditions as set forth above in the case of surety bonds; or

3) A blanket surety bond to cover all street cuts made by any particular applicant for a period of one year in an amount to be fixed by the City Engineer, but not to exceed $5,000.00, and subject to the same conditions as stated above with reference to bonds for particular street cuts.

Provided, however, that in the case of unimproved streets no security shall be required, unless, in the opinion of the City Engineer, such security is necessary for the protection of the public interest.

(Ord. 2020-____ § ___, __/__/2020; Ord. 62-26 § 3, 1962)

Section 2.03.040 – Permits.

If the City Engineer is satisfied that the excavation, cut or tunnel is feasible and proper, that the said application has been made in due form, and that adequate security has been filed, as required by the provisions herein, ~~she or he~~ **the City Engineer** shall issue a permit which shall designate: The name and address of the person to whom the permit is granted; the date of the issuance of the permit; the street or streets to be cut or tunneled under; the nature of the street surface or pavement involved; the purpose of the work; the size and nature of the cut or excavation; the estimated cost of restoration; the nature and amount of security deposited; the time within which the work is to be completed, as determined by the City Engineer; and such other restrictions as may be deemed necessary or proper by the City Engineer for

the safety of the public and the protection of public interests. A permit fee in the amount provided in Section 8.03.110 herein shall be paid in advance for a permit.

(Ord. 2020-____ § ___, __/__/2020; Ord. 71-98, 1971; Ord. 62-26 § 4, 1962)

Section 2.03.060 – Adherence to and exhibition of permits.

No work shall be undertaken other than that specified in the application and permit for the particular cut or excavation. Upon demand of the City Engineer, ~~his or her assistants,~~ **an assistant to the City Engineer,** or any City police officer, said permits shall be produced at the place where the work is in progress; or such work shall be stopped until said permit is produced.

(Ord. 2020-____ § ___, __/__/2020; Ord. 62-26 § 6, 1962)

Section 2.03.110 – Option to City to replace pavement.

Whenever, in the opinion of the City Engineer, it would be to the best interests of the City for the City itself to replace or repair the street surface or pavement cut, dug up, damaged, tunneled under, or undermined under the provisions herein, such work shall be done by the City under the direction of the City Engineer and the cost of said work shall be either charged to the person to whom the permit for the said cut or excavation has been granted or deducted from the security deposited ~~by her or him~~ with the City Engineer.

(Ord. 2020-____ § ___, __/__/2020; Ord. 62-26 § 11, 1962)

CHAPTER 2.11
DEFERRED PAYMENT OF ASSESSMENT

Sections:

2.11.020 – Election to defer.
2.11.030 – Prerequisite for deferral.
2.11.090 – Voluntary payment of deferred charges.

Section 2.11.020 – Election to defer.

1) Notwithstanding any provision of Chapter 2.08 or Chapter 4.03 and subject to Section 2.11.030, an individual may elect to defer payment of the amount of City systems development charges (SDC), or infrastructure cost recovery charges to ~~his or her~~ **the individual's** homestead due and payable during the calendar year for which the election is made. The election shall be made by filing a claim for deferral with the Community Development Director.

2) If a guardian or conservator has been appointed for an individual otherwise qualified to obtain the deferral of payment of SDC's, and infrastructure cost recovery charges accorded hereunder, the guardian or conservator may act for such individual in complying with this Chapter.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2003-29 § 2, 09/15/2003; Ord. 83-74 § 2, 1983)

Section 2.11.030 – Prerequisite for deferral.

In order to qualify for deferral of payment of SDCs, and/or infrastructure cost recovery charges hereunder, the individual filing the claim for deferral, the homestead and dwelling unit with respect to which the claim is filed, and the amount of the deferral must meet the following requirements at the time

the claim for deferral is filed and thereafter so long as payment of the amount of SDCs, and/or infrastructure cost recovery charges are deferred:

1) The individual filing the claim, ~~by himself or herself~~ **individually** or together with ~~his or her~~ **a** co-owner, must own the fee simple estate or be purchasing the fee simple estate under a recorded instrument of sale.

2) The property with respect to which the claim is filed must be the homestead of the individual who files the claim for deferral as well as the homestead's co-owner if it is owned jointly.

3) The dwelling unit on the property with respect to which the claim is filed did not require the issuance of a building permit from the City to accomplish construction work other than connection to the City infrastructure which generated the SDC or infrastructure cost recovery charges.

4) The household income, as defined in Section 2.11.010, of the individual filing the claim must have been 50% or less of the Corvallis median income as determined annually by the U.S. Department of Housing and Urban Development for the calendar year immediately preceding the calendar year in which the initial claim for deferral of SDC's, and/or infrastructure cost recovery charges is filed.

5) The amount of the deferral must not be more than the County Assessor's real market value of the property with respect to which the claim is filed minus the combined total principal balance and accrued interest on all prior liens.

6) The homestead is the only structure existing on the parcel, excepting accessory structures.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2003-29 § 3, 09/15/2003; Ord. 83-74 § 3, 1983)

Section 2.11.090 – Voluntary payment of deferred charges.

1) Subject to subsection 2) of this Section, all or a part of the amounts deferred, and accrued interest, may at any time be paid to the City by:

a) The individual who filed the claim for deferral or the co-owner.

b) The next of kin of the individual who filed the claim for deferral, ~~his or her~~ **an** heir at law, ~~his or her~~ **a** child, or any person having or claiming a legal or equitable interest in the property.

2) Any payments made under this Section shall be applied first against accrued interest and any remainder against the principal balance. A payment made pursuant to this Section does not affect the deferred status of the homestead. Unless otherwise provided by law, the payment does not give the person paying the deferred amount any interest in the property or any claim against the estate, in the absence of a valid agreement to the contrary.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2003-29 § 5, 09/15/2003; Ord. 83-74 § 9, 1983)

CHAPTER 2.15
SIDEWALK IMPROVEMENTS

Sections:

2.15.020 – Improvements required.
2.15.090 – Order; notice to owner.

Section 2.15.020 – Improvements required.

1) All owners of land adjoining any public street in the City shall construct, reconstruct, repair, and maintain in good condition the sidewalks and driveway approaches within the public right-of-way in front of, along, or abutting the~~ir~~ **property owner's** land in accordance with the provisions of this Chapter. Construction, reconstruction, repair, and maintenance of sidewalks and driveway approaches is declared to be a routine obligation of the adjacent property owner and deemed necessary to protect the health and safety of persons in the City.

2) The City Manager shall, at such times as ~~he or she~~ **the City Manager** determines appropriate, survey or inspect the condition of sidewalks in all or any part of the City. When a survey or inspection reveals sidewalk conditions that may pose a threat to the health and safety of persons in the City, the City Manager may issue an order to repair the sidewalk pursuant to Section 2.15.090.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2011-02 § 1, 02/07/2011; Ord. 94-20 § 3, 1994)

Section 2.15.090 – Order; notice to owner.

1) When the City Manager determines that construction, restoration, or repair of a sidewalk is necessary to protect public health and safety, ~~she or he~~ **the City Manager** may issue an order requiring the property owner to perform the required work.

2) Notice of the City Manager's order shall be served upon the owner by personal service or by certified mail, return receipt requested, directed to the owner at the address on the County assessor's most recent property tax assessment roll. The notice shall be deemed served at the time of personal service, or three days after mailing.

3) The notice shall state:

a) The work required to be performed;

b) That the City has determined the work is necessary for public health and safety;

c) That the work must be completed in accordance with City standards within sixty (60) days of service of the notice;

d) That, if the owner fails to complete the work within the required time, the owner may be subject to a fine of $250 per day, the City may perform the work at the owner expense, and the cost of the work performed by the City may become a lien against the property;

e) That the owner may appeal the order by filing an appeal within ten (10) days of service of the notice.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2011-02 § 2, 02-07-2011; Ord. 99-20 § 1, 11/15/1999; Ord. 94-20 § 3, 1994)

CHAPTER 2.19

TREE AND PARK STRIP PLANTING

Sections:

2.19.030 - Enforcement
2.19.070 – Permit issuance and conditions.
2.19.080 – General conditions and restrictions.
2.19.140 – Sight distances.
2.19.170 – Abuse, mutilation, destruction or topping.

Section 2.19.030 – Enforcement

The City Manager or ~~her or his~~ **a** duly authorized representative **of that office** shall be charged with the enforcement of this Chapter.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2005-06 § 3, 04/18/2005)

Section 2.19.070 – Permit issuance and conditions.

1) On receiving an application filed by an applicant containing all relevant facts relating to the request, the City Manager may~~, in his or her discretion,~~ issue a permit or permits to the property owner or ~~their~~ **an** authorized designee to plant, prune or remove trees, shrubs or vegetation in the park strip areas adjacent to ~~his/her~~ **the property owner's** property. A separate permit for traffic control maybe required, with a written plan that conforms to the Short Term Traffic Control Handbook.

2) The City Manager shall give consideration to the following factors in granting such permits and shall not grant a permit if ~~she or he finds that to~~ do**ing** so would be detrimental to the public interest:

a) Width of the park strip or planting space.

b) Species and growth habit of tree, shrub or vegetation.

c) Location of parking meters, light standards, crosswalks, buildings, entrance and exit ways, streets, utility poles, alleys, loading zones, and other physical conditions and legal restrictions then existing or reasonably contemplated. Reference Corvallis Land Development Code 4.2.30 (Required Tree Planting), trees shall not be planted within 10 feet of fire hydrants and utility poles; within 20 feet of street light standards; or within 10 feet of a public sanitary sewer, storm drainage or water line.

d) Purpose of applicant's proposed action.

e) Any other factors found ~~by her or him~~ to be relevant.

3) The City Manager shall designate in the permit or in an exhibit attached to it the areas in which planting shall be allowed, the type of plantings allowed, and any other condition or restriction ~~that she or he~~ deems**ed** necessary or expedient to protect the public interest.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2005-06 § 3, 04/18/2005)

Section 2.19.080 – General conditions and restrictions.

1) Each property owner planting, pruning and removing trees, shrubs, or vegetation under permit shall comply with the following general conditions and restrictions:

a) The permittee shall abide by all of the terms, conditions and restrictions contained in the permit and abide by the ANSI A 300 for Tree Care Operations, ANSI Z133 Safety for Tree Care Operations as well as all state and local safety regulations.

b) The permittee shall indemnify and save the City, its officers, agents, officials and employees, harmless from any claim or award for damages or injuries to property or persons, including costs and attorneys fees, allegedly arising in whole or in part out of the use, occupation, or disruption of park strip areas by permittee or those acting on ~~his or her~~ behalf **of permittee** or with ~~his or her~~ **permittee's** approval or ratification or allegedly arising in whole or in part out of the failure by the permittee to abide by the terms of this permit.

c) The permit shall be nontransferable.

d) The permit shall be revocable at any time with cause at the discretion of the City Manager and no expenditure of money, lapse of time, or any act or thing shall act as an estoppel against the City or be held to give permittee or the owner of any property any vested right.

e) The installation and care of such plantings shall be at the sole cost and expense of the permittee without cost to the City, and the park strip sidewalks and sidewalk areas in the vicinity of the plantings and the structure served thereby shall be maintained in a good state of repair and maintenance at the sole cost and expense of the permittee.

f) The permittee shall remove, replace or relocate individual plantings or vegetation as the public convenience or necessity warrants and at the request of the City Manager.

g) No permit shall become effective unless the permittee named shall simultaneously with the issuance file with the City Manager ~~in form approved by her or him~~ a notice of acceptance of the terms, covenants, and conditions and an agreement to abide by all of the terms, covenants, conditions, and obligations imposed on permittee.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2005-06 § 3, 04/18/2005)

Section 2.19.140 – Sight distances.

Every property owner in the City shall have a duty to and shall prune, or remove any tree, shrub, plant or vegetation on ~~her or his~~ **the property owner's** property so that such tree, shrub, plant, or vegetation shall not interfere with reasonable sight distance at street intersections, alley ways and private driveways. This work shall comply with current industry standards (ANSI A300, ANSI Z133).

(Ord. 2020-____ § ___, __/__/2020; Ord. 2005-06 § 3, 04/18/2005)

Section 2.19.170 – Abuse, mutilation, destruction or topping.

1) It shall be unlawful for any person to abuse, destroy, top or mutilate any tree in or upon any street right-of-way, park strip or other public place in the City or to attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill or other thing

to, on or in any tree. Abuse and mutilation could include but not be limited to; pouring solvents on roots, girdling the tree, harming any part of the trunk or circumference of a tree, causing compaction around the tree roots, removing/harming any part of the roots, breaking branches by hanging on or climbing a tree etc.

2) Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where normal pruning practices are impractical may be exempted at the determination of the City Manager.

3) This action shall not be construed to prevent abutting property owners from minor pruning of a tree, shrub or plant in or upon a street rights-of-way or park strip abutting ~~her or his~~ **the property owner's** property in accordance with the ANSI A300's, nor shall it be construed to prevent the City or the City Manager from pruning or removing any tree, plant, shrub or vegetation from any street right-of-way, park strip or other public place in the City.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2005-06 § 3, 04/18/2005)

CHAPTER 3.01
WATER REGULATIONS

Sections:

3.01.210 – Responsibility for equipment.
3.01.220 – Damage to utility's property.
3.01.280 – Resale of water.

Section 3.01.210 – Responsibility for equipment.

The customer shall, at ~~her or his~~ **the customer's** own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water. The utility shall not be responsible for any loss or damage caused by the improper installation of such water equipment, or the negligence, want of proper care or wrongful act of the customer or any of ~~her or his~~ **the customer's** tenants or agents in installing, maintaining, using, operating or interfering with such equipment. The utility shall not be responsible for damage to property caused by spigots, faucets, valves and other equipment that are open when water is turned on at the meter, either when the water is turned on originally or when turned on after a temporary shutdown.

(Ord. 2020-____ § ___, __/__/2020; Ord. 58-65 § 19, 1958)

Section 3.01.220 – Damage to utility's property.

The customer shall be liable for any damage to a meter or other equipment or property owned by the utility which is caused by an act of the customer, or ~~her or his~~ **the customer's** tenants or agents. Such damage shall include the breaking or destruction of locks by the customer or others, on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The utility shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

(Ord. 2020-____ § ___, __/__/2020; Ord. 58-65 § 20, 1958)

Section 3.01.280 – Resale of water.

Except by special agreement with the utility, no customer shall resell any of the water received ~~by her or him~~ from the utility, nor shall water be delivered to premises other than those specified in the application for service.

(Ord. 2020-____ § ___, __/__/2020; Ord. 58-65 § 26, 1958)

CHAPTER 3.05
TRANSPORTATION MAINTENANCE FEE

Section 3.05.020 – Definitions.

As used in this chapter, the following means:

1) City Engineer. The person appointed by the City Manager through the Director to perform the functions of City Engineer or the City Engineer's designee acting under ~~his or her~~ **the City Engineer's** direction.

2) Developed property. A parcel or legal portion of real property, on which an improvement exists or has been constructed. Improvement on developed property includes, but is not limited to buildings, parking lots, outside storage, and other uses that impact the transportation system.

3) Director. The person, or duly authorized representative designated by the City Manager to supervise the Public Works Department.

4) Dwelling unit. A facility designed for permanent or semi-permanent occupancy by a person or a single family and, which contains, at a minimum, sleeping facilities and shared or individual sanitary and cooking facilities.

5) Gross square footage. The calculation of the area of all structures located on a site, measured along the exterior walls of such structures, and including but not limited to enclosed courtyards and stairwells, but not including fences and parking areas which are not enclosed within a building.

6) Multi-family residential unit. Residential property consisting of two or more separate dwelling units.

7) Non-residential. A use of property which is primarily not for personal, domestic accommodation. Includes, but is not limited to, industrial and commercial uses.

8) Residential property. A use of property which is primarily for personal, domestic accommodation, including single family and multi-family residential property, but not including hotels, motels, bed and breakfast establishments, and assisted living facilities.

9) Trip generation. The average number of vehicle trips, as determined by reference to the manual entitled, Trip Generation, published by the Institute of Transportation Engineers (ITE).

10) Utility account customer. The person in whose name a water, wastewater and/or stormwater account exists and who is responsible for payment of charges for said account.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-03 § 1, 02/01/2010; Ord. 2005-17 § 1, 11/07/2005)

CHAPTER 3.06
CITY SERVICES BILLING

Sections:

3.06.050 – Billing and payments.
3.06.060 – Meter test.

Section 3.06.050 – Billing and payments.

1) Bills.

a) Bills for City services will be rendered monthly. Customers may be billed for any combination of the four services on each month's bill depending on which services are used.

1] Water service is considered to be used if the customer's property is connected to the water system, and the customer has not notified the utility that the property is vacant and water service is no longer required. Consumption of water is based on the meter reading on the utility's meters.

2] Wastewater service is considered to be used if the customer's property is connected to the water and wastewater system, and the customer has not notified the utility that the property is vacant and wastewater service is no longer required. Consumption for wastewater service is generally based on the water used as measured on the utility's water meter. If the customer does not have utility provided water service, and the wastewater system is connected to the property, the wastewater service is considered to be used.

3] Storm water service is considered to be used if the customer's property has any kind of development or impervious surface on it, and the property is being used, regardless of whether water or wastewater service is being used.

4] Other City services are considered to be used if a utility services account is active.

b) Water consumption via meter readings is the best available measure of wastewater usage. Therefore, the amount of water used each month will be used to determine the wastewater consumption and associated charges.

c) Meter readings.

1] Meters will be read at regular intervals for the preparation of bills and as required for the preparation of opening, closing, and special bills.

2] It may not always be possible to read meters on the same day of each period. Should a monthly billing period contain less than 26 days or more than 34 days, a pro rata correction will be made.

3] Where all water used is derived from the Corvallis water system, the metered amount of water delivered to the unit from the Corvallis water system for each month shall be the amount of water used for determining the water and wastewater bill, except for summer wastewater averaging (Section 3.06.050(2)).

4] Where part of the water used is derived from the Corvallis water system and part of the water used is derived from other sources, the amount of water used to determine the wastewater bill shall be the combination of the amounts determined under subsections 3] and 5] of this Section.

5] Where all water used is derived from sources other than Corvallis' water system and the unit is other than a single family or multi-family served by the Corvallis wastewater treatment system, the amount of water used shall be determined by the City Manager using records and data furnished ~~to her or him~~ by the wastewater user or gathered from the City Manager's own investigation, or both, at the discretion of the City Manager. In lieu of such determination by the City Manager of the amount of water used, a wastewater user may be required to provide, install, and maintain a meter to measure the amount of water used at the wastewater user's expense; and the City Manager may accept the measurement of water used as determined by such meter if the City Manager is reasonably satisfied as to the accuracy of such measurement.

6] Where all water used is derived from sources other than Corvallis' water system and the unit is a single family or multi-family unit served by the Corvallis wastewater system, the wastewater charge shall be a flat rate based on single family residential rates (Section 3.06.140(6)).

7] Exceptions.

a)In those cases where commercial or industrial customers can demonstrate that water used is not directly returned to the wastewater treatment system, an adjustment shall be made on the wastewater consumption charge proportionate to the non-returned usage. In order to qualify for this exemption, the customer shall install a wastewater exemption meter per Section 4.03.020.010, Use of Public Sewers Required, to measure water not returned to the wastewater treatment system.

8] Estimations. In rare circumstances the City is unable to read a water meter due to inaccessibility of the meter, and must estimate the read to calculate a bill. Estimate calculations are based on the amount of water used in the same month in the prior year. If there was no usage data for the customer for the prior year, then the prior month's data is used. Bills that are rendered based on an estimated read will indicate that information.

d) City Services billings will be prorated for partial month billings. Prorated billings shall be computed by the following formula:

1] For Water and wastewater:

A] Consumption × the current consumption rate = Consumption Charge.

B] Consumption × the current applicable high-level surcharge, if any = High Level Surcharge.

C] Base Rate ÷ 30 × number of days service = Prorated Base Rate Charge.

D] Consumption Charge + High-Level Surcharge + Prorated Base Rate Charge = Total Charge.

2] For Storm Water and other City services:

A] Base Rate ÷ 30 × number of days service = Prorated Base Rate Charge.

2) Summer Wastewater Average. The utility recognizes that some water is used in the summer for irrigation that is not measured through a meter designated for irrigation purposes. Since this water does not go through the utility's wastewater system, summer wastewater bills are calculated in the following method:

a) Single-family units will be charged the base rate and the consumptive rate for any consumption on bills rendered the prior December through April. For bills rendered May through November, the monthly billing will be computed upon the average metered water consumption for the preceding months of December through April or computed upon the actual consumption whichever is less.

b) Multi-family units and 509J classroom facilities will be billed the basic minimum and the consumptive rate for any consumption rendered December through April. For bills rendered May through November, billing will be computed upon the average metered water consumption for the preceding months of December through April or computed upon the actual consumption, whichever is less.

c) Where by reason of new construction, a single-family unit was not connected to water and wastewater service on February 1 of a year, such unit shall be billed for the period May through November following construction, for an amount not to exceed eight units per month.

d) Where by reason of new construction, a multi-family unit was not connected to water and wastewater service on February 1 of a year, such unit shall be billed for the period May through November following construction, on the basis of actual consumption.

e) Commercial customers (all other customers not described in the above categories) will be billed the basic minimum and the appropriate consumptive rate for all consumption based on the~~ir~~ **commercial customer's** wastewater strength designation. There will be no seasonal exceptions made except for measured amounts proven not to be discharged to the sanitary or storm water systems.

3) Bill payment.

a) All bills are generated for services already rendered. Balances are due upon receipt and must be paid on or before the 25th day following the billing date, or the payment will be considered delinquent. Payment may be made at the City's Utility Billing office.

b) Final bills will be processed at the time of discontinuance of service.

c) When bills are delinquent, the utility will follow the procedures as outlined in Section 3.06.080.

4) Billings of separate meters not combined. Each meter on customer's premises will be considered separately, and the readings of two or more meters will not be combined unless specifically provided for in the rate schedule, or unless the utility's operating convenience required the use of more than one meter or of a battery of meters. The minimum monthly charge for such combined meters will be based on the diameter of the total combined discharge areas of the meters.

5) All payments for services rendered may be remitted on a single check or on separate checks. The utility shall deposit monies equal to the billings for each service into the respective fund for the service rendered. Payment shall be applied first to the police service fee, then to the fire service fee, then to the urban forest management fee, then to the sidewalk maintenance fee, then to the transit operations fee, then to the transportation maintenance fee, then to storm water charges, then to wastewater charges, and finally to the water charges.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2018-31 § 3(Exh. A), 11/19/2018, eff. 07/01/2020; Ord. 2011-04 § 1, 02/07/2011; Ord. 2008-03 § 1, 01/22/2008; Ord. 2006-07 § 1, 04/03/2006)

Section 3.06.060 – Meter test.

1) Meter test.

a) Prior to installation, each meter will be tested and no meter found to register more than three percent fast or slow under conditions of normal operation will be placed in service.

b) On customer request.

1] A customer may, giving not less than one week's notice, request the utility to test the meter serving ~~her or his~~ **the customer's** premises.

2] For each additional test after the first performed in a calendar year, the utility may charge the customer an amount to cover the reasonable cost of test, as follows:

a] For ¾" meters: $25.00.

b] For 1" - 1.5" meters: $50.00.

c] For larger than 1.5" meters: Estimated cost.

3] The charge will be refunded if the meter is found to register more than three percent fast. The customer will be notified not less than five days in advance of the time and place of the test.

4] A customer or representative shall have the right to be present when the test is made.

5] A written report giving the results of the test shall be available to the customer within 10 days after completion of the test.

2) Leak Test. The City will assist customers who have higher than expected usage to test for leaks. If an underground leak is discovered, the City will adjust the customer's bill as identified in section 3.06.070 Adjustments.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2011-04 § 1, 02/07/2011; Ord. 2006-07 § 1, 04/03/2006)

CHAPTER 3.08
TRANSIT OPERATIONS FEE

Sections:

3.08.020 – Definitions.
3.08.070 – Appeal.

Section 3.08.020 – Definitions.

For purposes of this chapter, the definition of the following terms are:

1) City Engineer. The person appointed by the City Manager through the Director to perform the functions of City Engineer or the City Engineer's designee acting under ~~his or her~~ **the City Engineer's** direction.

2) Director. The person, or duly authorized representative, designated by the City Manager to supervise the Public Works Department.

3) Dwelling unit. A facility designed for permanent or semi-permanent occupancy by a person or a single family and which contains, at a minimum, sleeping facilities and shared or individual sanitary and cooking facilities.

4) Gross square footage. The calculation of the area of all structures located on a site, measured along the exterior walls of such structures, and including, but not limited to, enclosed courtyards and stairwells, but not including fences and parking areas not enclosed within a building.

5) Group residential site. A dormitory, fraternity, sorority, cooperative or other similar structure primarily used for personal, domestic accommodation providing common sanitary and kitchen facilities. Does not include hotels, motels, assisted living facilities or other similar structures.

6) Multi-family residential site. A site with a structure primarily used for personal, domestic accommodation, served by one water meter, and constructed as, or used as, two or more dwelling units. As used herein, includes quads or similar structures, but does not include group residential sites.

7) Non-residential site. A site that is not used for personal, domestic accommodation. Includes, but is not limited to, industrial and commercial sites, assisted living facilities, and hotels.

8) Single-family residential site. A site with a structure used primarily for personal, domestic accommodation, of one or more rooms with bathroom and kitchen facilities, and designated for occupancy by one family. As used herein, includes houses, detached townhouses, condominiums, and zero lot-line, where the units are sold and deeded as single-family units and have individual water meters.

9) Trip generation. The average number of vehicle trips generated by a site, as determined by reference to the manual entitled, Trip Generation, published by the Institute of Transportation Engineers (ITE), herein referred to as the ITE Manual.

10) Utility account. An account with the City of Corvallis for water, wastewater and/or storm water service within the City limits. As used herein, does not include accounts designated as fire service or irrigation only.

11) Utility account customer. The person in whose name a water, wastewater and/or storm water account exists and who is responsible for payment of charges for said account.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-31 § 1, 12/20/2010)

Section 3.08.070 – Appeal.

1) Any utility account customer who disputes the City Engineer's decision in assigning a customer group classification or monthly billing rate for non-residential site may present the reason for ~~his or her~~ dispute to the City Engineer, along with payment of an appeal fee of $100. The City Engineer will review the information and render a decision, along with an explanation of how that decision was reached.

2) If the utility account customer is not satisfied at this point, ~~he or she~~ **the customer** may appeal such decision to the City Manager by filing a written notice of appeal, together with the reason for the appeal and any arguments, within 30 days of the date of the City Engineer's notice of customer group or monthly billing rate.

3) The City Manager shall consider the appeal within 60 days of receipt. The decision of the City Manager shall be limited to whether the appellant's utility account has been assigned the appropriate customer group or monthly billing rate.

4) In the event that the City Manager changes or otherwise overturns the City Engineer's decision on appeal, any appeal fee paid by the appellant shall be refunded.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-31 § 1, 12/20/2010)

CHAPTER 3.09
URBAN FOREST MANAGEMENT FEE

Section 3.09.020 – Definitions.

As used in this chapter, the following means:

1) Director. The person, or duly authorized representative designated by the City Manager to supervise the Parks and Recreation Department.

2) Ecosystem services. The direct and indirect benefits provided to the community by a healthy Urban Forest. These include, but are not limited to: increased water quality and stormwater retention, energy savings and carbon capture, air quality improvements, and wildlife habitat improvements.

3) Tree. A self supporting, perennial woody plant characterized by one main trunk, or in some cases, multiple trunks with a trunk diameter of at least 1-1/2 inches at a point 6 inches above ground level at the base of the trunk and one main canopy of leaves, usually growing to a height of 15 feet or more.

4) Urban Forester. The person appointed by the City Manager through the Director to perform the functions of Urban Forester or the designee acting under ~~his or her~~ **the Urban Forester's** direction.

5) Urban Forest. The collection of trees growing in the City, and the plants that grow beneath them. For the purpose of this chapter, the focus will be limited to trees growing in the public right-of-way within the City limits and on City park land.

6) Utility account. An account with the City of Corvallis for water, wastewater and/or stormwater service within the City limits. As used herein, this does not include accounts designated as fire service or irrigation only, or those for Oregon State University.

7) Utility account customer. The person in whose name a water, wastewater and/or stormwater service account exists and who is responsible for payment of charges for said account.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-32 § 1, 12/20/2010)

CHAPTER 4.01
SOLID WASTE REGULATIONS

Sections:

4.01.020 – Supervision by City Manager.
4.01.080 – Private disposal.
4.01.090 – Unauthorized disposal of solid waste prohibited.
4.01.120 – Disposal equipment and maintenance.

Section 4.01.020 – Supervision by City Manager.

The regulation of the disposal and hauling of solid waste in the City under the provisions herein shall be under the supervision of the City Manager~~,~~**.** **The City Manager may** ~~her or his power and duties to include but not be limited to authority to~~ conduct inspections to ensure full compliance with the terms and provisions herein, and to arbitrate or to provide for arbitration of any and all disputes arising between franchise holders hereunder and citizens of the City and suspend or revoke the franchise of any franchise holder hereunder for noncompliance after reasonable notice of any award or decision made in arbitration or upon conviction of any violation of this chapter in the Municipal Court.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2008-21§ 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.080 – Private disposal.

Any person~~,~~ may transport solid waste generated by ~~herself, himself or itself~~ **the person** upon the streets of the City without procuring a franchise therefor; provided, that such solid waste is hauled in such manner as to prevent leakage or litter upon the streets.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2008-21 § 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.090 – Unauthorized disposal of solid waste prohibited.

1) It shall be unlawful for any person to remove the lid from or interfere with any solid waste receptacle to dump or dispose any solid waste accumulated on or about ~~her or his~~ **the person's** home, residence or any house or building or place of business into any public or semipublic solid waste receptacle or privately owned solid waste receptacle other than that owned by such person without the consent of the owner thereof.

2) It shall be unlawful for any person to dump or dispose of solid waste in any public or semipublic solid waste receptacle or disposal unit, except solid waste accumulated or acquired within an area reasonably contemplated to be served by such solid waste receptacle or disposal unit.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2008-21 § 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.120 – Disposal equipment and maintenance.

It shall be unlawful for any franchised solid waste hauler or person transporting solid waste **the person** produced ~~by herself, himself or itself~~ to transport solid waste on the streets of Corvallis, except in a covered, watertight and drip-proof vehicle.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2008-21 § 1, 12/15/2008)

CHAPTER 4.03
SEWER REGULATIONS

Sections:

4.03.020.030 – Building sewers and connections.
4.03.02.060 – Licensing of sewer and septic tank workers.

Section 4.03.020.030 – Building sewers and connections.

1) No person shall uncover, make any connections to or opening into, use, alter, or disturb any public sewer or appurtenance without first obtaining a wastewater connection permit from the City Engineer. This Section shall not apply to duly authorized City employees acting in the performance of ~~their~~ **official** duties or persons participating in City approved activities.

2) Any user of the building sewer or ~~his/her~~ **any** agent shall make application on a form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City. A permit fee shall be paid to the City at the time the application is filed.

3) All costs and expenses incident to the wastewater connection shall be borne by the user. The user shall indemnify the City from any loss or damage that may directly or indirectly be caused by the wastewater connection.

4) A separate wastewater connection shall be provided for every building, except where one building stands at the rear of another on an interior lot.

5) Old sewers may be used in connection with new buildings only when they are found, on examination and test, to meet all requirements herein.

6) The size and slope of the wastewater connection shall be subject to the approval of the City Engineer.

7) The wastewater connection shall be laid at uniform grade and in straight alignment insofar as possible and a minimum of 3 feet from any bearing wall, which might thereby be weakened. Changes in direction shall be made only in accordance with the City's Standard Construction Specifications.

8) All excavations for wastewater connections shall be open trench unless approved by the City Engineer, and no backfill shall be placed until the work has been inspected by the City Engineer.

9) The wastewater connection shall be made in conformance with the rules and regulations of the Oregon Department of Environmental Quality and the City's Standard Construction Specifications. Wastewater connections to public sewers must be done by either a licensed sewer contractor or by the City at the user's expense.

10) The applicant for the wastewater connection permit shall notify the City Engineer when the sewer is ready for inspection. The connection shall be made under the supervision of the City Engineer.

11) All excavations for sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-20 , § 1(Exh. A), 07-15-2020)

Section 4.03.02.060 – Licensing of sewer and septic tank workers.

No person shall construct or attempt to construct a wastewater connection within the City **without** ~~until she or he has~~ first obtain~~ed~~**ing** a license pursuant to the requirements of ORS Chapter 701 as amended. No person shall engage in septic tank cleaning, construction, or repair within the City **without** ~~until she or he has~~ first obtain~~ed~~**ing** a license as a septic tank worker as required by ORS Chapter 701 as amended.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-20 , § 1(Exh. A), 07-15-2020)

CHAPTER 4.04
URBAN STORMWATER QUALITY MANAGEMENT AND DISCHARGE CONTROL

Sections:

4.04.060 – Sampling and monitoring requirements.
4.04.080 – Notification of discharges and spills.

Section 4.04.060 – Sampling and monitoring requirements.

Whenever the Public Works Director determines that any person engaged in any activity and/or owns or operates any facility that may be causing or contributing to stormwater pollution or illicit discharge to the storm drainage system, the Public Works Director may, by written notice as described in Section 4.04.090.020, order that such a person undertake such monitoring activities and/or analyses and furnish such reports as the Public Works Director may deem necessary to demonstrate compliance with this Article. The written notice shall set forth the basis for such order and shall describe the monitoring activities and/or analyses and reports required. The sampling and monitoring devices utilized shall be approved by the Public Works Director and maintained at all times in a safe and proper operating

condition by the owner or operator at ~~his/her~~ **the owner or operator's** own expense. All devices used to measure flow and quality shall be calibrated in accordance with the manufacturer's recommendations to an accuracy determined by the Public Works Director. The recipient of such order shall undertake and provide the monitoring, analyses, and reports within the time frames set forth in the order.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-15 § 1, 07/19/2010)

Section 4.04.080 – Notification of discharges and spills.

1) In the event of a release of hazardous material, as soon as any owner, tenant, or resident, or any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges into the storm drainage system, said person shall immediately notify the Public Works Director by telephone or, if outside City of Corvallis business hours, via a telephone call to the City Police Department non-emergency service. Notification shall include information on the location, date and time of occurrence, nature, characteristics, and quantity of the discharge.

2) In the event of a release of non-hazardous material, said person shall notify the Public Works Director in person or by telephone or facsimile as soon as known but no later than the next business day. Notification shall include information on the location, date and time of occurrence, nature, characteristics, and quantity of the discharge.

3) If the pollutant discharge emanates from a commercial or industrial establishment, notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Public Works Director within five (5) business days of the telephone notice. Written notification shall include information on the location, date and time of occurrence, nature, characteristics, and quantity of the discharge, and a summary of the actions taken by the responsible party to prevent any recurrence of the discharge. Additionally, the owner or operator of such establishment shall retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years and provided to the Public Works Director at ~~his/her~~ **upon** request.

4) Failure to notify the Public Works Director as required by this section shall be a violation of this Article.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-15 § 1, 07/19/2010)

CHAPTER 5.01
CITY PARK REGULATIONS

Sections:

5.01.050 – Commercial activity.
5.01.080 – Fireworks, dangerous equipment and activities.
5.01.090 – Special use areas.
5.01.100 - Permit for use of designated area.
Section 5.01.110 - Alcoholic beverages in parks.
Section 5.01.120 - Sound.
Section 5.01.130 - Hours of use; sleeping and camping.
Section 5.01.170 - Flora.
Section 5.01.180 - Marking, injuring, or disturbing any structure.
Section 5.01.190 - Authority of City Manager.

Section 5.01.050 - Commercial activity.

1) No person shall sell or attempt to sell any merchandise or service or operate any concession in a park without permission of the City Manager. The City Manager may issue a permit authorizing the selling of merchandise or services or the operating of a concession in a park if, in ~~his or her~~ **the City Manager's** reasonable discretion, that is determined to be in the best interests of the City. The City Manager may include reasonable conditions in the permit; and may revoke a permit if the terms of the permit are violated; or may deny a permit to a person or persons who have violated the terms of a permit within the previous year.

2) No person who holds a valid permit issued by the City Manager under this Section shall sell merchandise or services within a park in violation of any conditions stated in that permit.

(Ord. 2020-____ § ___, __/__/2020; Ord. 72-27 § 7, 1972)

Section 5.01.080 - Fireworks, dangerous equipment and activities.

1) No person shall possess or use any fireworks in the following parks between June 1 and September 30: Bald Hill Park, Chip Ross Park;

2) No person shall use or engage in any activity that the City Manager determines, in ~~his/her~~ **their** reasonable discretion, creates an unreasonable interference or danger to other persons. Such activity shall include but not be limited to the use of golf clubs, archery equipment, a discus, javelin, or short or any aircraft, rocket, or missile powered by fuel or mechanical means, or any firearm. Such activities will be allowed only as provided in Section 5.01.090 herein.

3) Notwithstanding the above, the use of bean-shooters or other comparable devices used to shoot beans, pebbles, or other substance or thing, or rockets or missiles, when conducted as part of a class or activity by the City's Parks and Recreation Department and/or da Vinci Days, Inc., during the annual da Vinci Days festival and for 60 days before the da Vinci Days festival, is permitted.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2002-19 § 2, 06/17/2002; Ord. 91-38 § 2, 1991; Ord. 72-27 § 10, 1972)

Section 5.01.090 - Special use areas.

The City Manager is authorized and directed to set aside, establish, alter, and/or discontinue special use areas in one or more of the parks. These special use areas would include but not be limited to activities such as horse or pony riding, Junior Olympics, bicycle riding, camping activities, motorcycle riding, or any one or more of those activities otherwise prohibited under Section 5.01.100 herein. Before establishing, altering, or discontinuing such a special use area, the City Manager shall determine, in ~~his or her~~ **the City Manager's** reasonable discretion, priority of need for such an area and whether the activity may be carried on without unreasonable interference or danger to other persons. If ~~she or he~~ **a special use area is established,** ~~establishes a special use area,~~ the City Manager may designate such hours or days of usage, the particular activity or activities which are permitted, and such conditions as are determined to be reasonably required for the safety and convenience of persons and property. The boundaries of the special use area shall be marked and such signs and warnings concerning that special use area shall be posted as are deemed reasonably appropriate. No person shall use or injure any special use area except for the purposes of one or more of the activities permitted in that special use area under any conditions specified by the City Manager.

(Ord. 2020-____ § ___, __/__/2020; Ord. 72-27 § 11, 1972)

Section 5.01.100 - Permit for use of designated area.

The City Manager is authorized to issue permits for public use of a designated area in a park for such activities as picnicking, softball, and other special events or activities ~~as she or he may~~ deem**ed** appropriate. Permits shall have a priority use over all other uses. The City Manager reserves the right to refuse or revoke a permit and may retain all fees and deposits for, but not limited to, the failure to comply with park and City rules and regulations, any special conditions specified on the permit, any order or directive issued by the City Manager's Office, the Police, or the Parks and Recreation Department.

(Ord. 2020-____ § ___, __/__/2020; Ord. 81-35 § 3, 1981; Ord. 72-27 § 12, 1972)

Section 5.01.110 - Alcoholic beverages in parks.

5.01.110.010

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

2) The City Manager or ~~his/her~~ **a** designee **of that office** may issue a permit only if the applicant for a permit provides assurances satisfactory to the City Manager or ~~his/her~~ **the** 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 the~~m~~ **City, its officers, agents, and employees** against any costs or liabilities resulting from the sale, consumption or serving of alcoholic beverages in a park or facility. In addition, an applicant seeking a permit to sell alcoholic beverages in 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.

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

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

e) 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~~ **a** designee **of that office** may reject an application for a permit under this section if ~~he or she~~ **it is** determine~~s~~**ed** 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~~ **the** 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~~ **the City Manager's** 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. 2020-____ § ___, __/__/2020; Ord. No. 2016-06 , § 1, 04/04/2016; Ord. No. 2015-24 § 1, 12/21/15; Ord. No. 2015-21 § 1, 12/17/15; Ord. 2006-01 § 2, 01/03/2006; Ord. 96-15 § 1, 1996)

5.01.110.020

Notice of the City Manager's or ~~his/her~~ **a** designee's decision to approve or deny a permit application shall be provided to the applicant. 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. If possible, the appeal shall be heard and determined at the next Council meeting after it is filed.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2016-06 , § 1, 04/04/2016; Ord. No. 2015-24 § 1, 12/21/15; Ord. No. 2015-21 § 1, 12/17/15; 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)

Section 5.01.120 - Sound.

1) No person shall disturb the peace in any park between the hours of 10:00 pm and 6:30 am. For purposes of this subsection, disturbing the peace is defined as including, but not being limited to, the following:

a) Playing a musical instrument;

b) Playing a radio;

c) Shouting;

d) Engaging in any organized games.

2) No person shall use any device to amplify sound in any park unless a valid permit has been issued by the City Manager under Section 5.03.030.020 herein.

3) The City Manager may issue a sound permit authorizing the use of one or more designated devices to amplify sound by one or more designated persons in a designated area of a park on a designated date between specific hours if, according to ~~his or her~~ **the City Manager's** reasonable discretion, the number of persons to be entertained or served by the use of sound can be adequately and reasonably served only by the amplification of sound. The City Manager may include conditions in such a permit which ~~she or he~~ deems reasonable; and may revoke a permit if the terms of the permit are violated; or may deny a permit to a person or group of persons who have violated the terms of a permit within the previous year.

4) No person who holds a valid sound permit issued by the City Manager shall amplify sound within a park in violation of any conditions stated in that permit.

(Ord. 2020-____ § ___, __/__/2020; Ord. 82-78 § 4, 1982; Ord. 81-35 § 4, 1981; Ord. 72-27 § 13, 1972)

Section 5.01.130 - Hours of use; sleeping and camping.

1) No person shall sleep in any park between the hours of 10:00 pm and 6:00 am, except as provided in subsection 3).

2) No person shall use any tent, shelter-half, motor home, vehicle, camper, or trailer as a shelter for housing or sleeping in any park area, except as provided in subsection 3).

3) The City Manager may, in ~~his or her~~ **the City Manager's** reasonable discretion, issue permits or designate areas for the use of tents, shelter-half, motor homes, vehicles, campers, or trailers as shelters for housing or sleeping in parks for any overnight sleeping in parks between the hours of 10:00 pm and 6:00 am.

(Ord. 2020-____ § ___, __/__/2020; Ord. 82-78 § 5, 1982; Ord. 81-35 § 5, 1981; Ord. 72-27 § 14, 1972)

Section 5.01.170 - Flora.

No person other than a duly authorized City employee in the performance of ~~his or her~~ **official** duty or persons participating in City approved activities shall dig, remove, destroy, injure, mutilate or cut any trees, plants, shrubs, blooms, or flowers or any portion thereof growing in any park.

(Ord. 2020-____ § ___, __/__/2020; Ord. 81-35 § 9, 1981; Ord. 72-27 § 18, 1972)

Section 5.01.180 - Marking, injuring, or disturbing any structure.

No person other than a duly authorized City employee in the performance of ~~his or her~~ **official** duty shall:

1) Cut, break, injure, deface, or disturb any rock, building, cage, pen, monument, sign, fence, bench, structure, apparatus, equipment, or property in a park;

2) Mark or place any mark, writing, or printing on any rock, building, cage, pen, monument, sign, fence, bench, structure, apparatus, equipment, or property in a park;

3) Attach any sign, card, display, or similar device to any rock, building, cage, pen, monument, sign, fence, bench, structure, apparatus, equipment, or property in a park, except as authorized by permit issued by the City Manager.

(Ord. 2020-____ § ___, __/__/2020; Ord. 82-78 § 7, 1982; Ord. 81-35, 1981; Ord. 72-27 § 19, 1972)

Section 5.01.190 - Authority of City Manager.

1) Whenever this Chapter makes reference to the exercise of reasonable discretion of the City Manager, ~~she or he~~ **the City Manager** shall take into account the use and enjoyment of the parks for the maximum number of people and the general purpose set forth in Section 5.01.010 herein.

2) The City Manager is authorized to establish and revise fees for permits issued in accordance with the provisions herein.

3) The City Manager is authorized to establish and revise fees for recreation programs.

(Ord. 2020-____ § ___, __/__/2020; Ord. 90-17 § 2, 1990; Ord. 89-53 § 1, 1989; Ord. 72-27 § 20, 1972)

CHAPTER 5.02
ABANDONED/DISCARDED VEHICLES

Sections:

5.02.050 – Administration and enforcement.
5.02.090 - Hearings; determinations.

Section 5.02.050 - Administration and enforcement.

Except as otherwise provided herein, the provisions herein shall be administered and enforced by the Chief of Police. In the enforcement of the provisions herein, such officer and ~~his or her~~ **any** deputies, representatives and/or agents may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to identity of a vehicle declared to be a nuisance pursuant to the provisions herein.

(Ord. 2020-____ § ___, __/__/2020; Ord. 74-83 § 5, 1974)

Section 5.02.090 - Hearings; determinations.

1) All hearings held pursuant to the provisions herein shall be held before Council who shall hear all facts and testimony that it deems pertinent. Such facts and testimony may include testimony on the condition of the vehicle or part thereof, and the circumstances concerning its location on private property or public property. Council shall not be limited by the technical rules of evidence. The owner of the land on which the vehicle is located may appear in person at the hearing, or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with reasons for such denial.

2) Council may impose such conditions and take such other action as it deems appropriate under the circumstances, to carry out the purposes herein. It may delay the time for removal of the vehicle or part thereof if, in its opinion, the circumstances so justify. At the conclusion of the public hearing, Council may find that a vehicle or part thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property, order the same removed from the property as a public nuisance and disposed of as provided herein, and determine the administrative costs and the cost of removal to be charged against the owner of the parcel of land on which the vehicle or part thereof is located. The order requiring removal shall include a description of the vehicle or part thereof, and the correct identification number and license number of the vehicle if available at the site.

3) If it is determined at the hearing that the vehicle was placed upon the land without the consent of the land owner and that ~~she or he~~ **the owner** has not subsequently acquiesced in its presence, Council shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such land owner.

4) If an interested person makes a written presentation to Council but does not appear, ~~she or he~~ **written notice of the decision shall be sent to the last known address.** ~~shall be notified in writing of the decision.~~

(Ord. 2020-____ § ___, __/__/2020; Ord. 74-83 § 9, 1974)

CHAPTER 5.03
OFFENSES

Sections:

5.03.010.060 - Parties to offenses.
5.03.040.010.04 - Misrepresentation of true age of minor.
5.03.040.010.05 - Defense of written age statement.
5.03.040.010.07 - Arresting officer to seize property.
5.03.040.010.10 - Hosting party for minors.
5.03.040.020.07 - Hosting party for minors.
5.03.080.090 - Resisting arrest.
5.03.080.160.01 - Definitions
5.03.090.060.01 - Definitions.
5.03.100.040.02 - Selling on public ways prohibited.
5.03.150.020 – Liability imposed.

Section 5.03.010.060 - Parties to offenses.

1) A person is guilty of an offense if it is committed by ~~his or her~~ **the person's** own conduct or by the conduct of another person for which ~~she or he~~ **the person** is liable, or both.

2) A person is liable for the conduct of another person constituting an offense if:

a) ~~She or he~~ **The person** is made liable hereby defining the offense; or

b) With the intent to promote or facilitate the commission of the offense, ~~she or he~~ **the person**: 1] solicits or commands such other person to commit the offense, 2] aids or abets or agrees or attempts to aid or abet such other person in planning or committing the offense, 3] having a legal duty to prevent the commission of the offense fails to make an effort ~~she or he~~ **the person** is legally required to make.

3) In any prosecution for an offense in which liability is based upon the conduct of another person pursuant to subsection 2) of this section, it is no defense that;

a) Such other person has not been prosecuted for or convicted of any offense based upon the conduct in question or has been convicted of a different offense; or

b) The offense, as defined, can be committed only by a particular class or classes or persons to which the defendant does not belong, and the person is for that reason legally incapable of committing the offense in an individual capacity.

4) Except as otherwise provided hereby defining the offense, a person is not liable for conduct of another constituting an offense if:

a) ~~She or he~~ **The person** is a victim of that offense.

b) The offense is so defined that ~~his or her~~ **the person's** conduct is necessarily incidental thereto.

5) In addition to the liability of a corporation, firm, partnership, association, or joint stock company otherwise imposed by the law of this City, such an organization is guilty of an offense if:

a) The conduct constituting the offense is engaged in by an agent or the organization while acting within the scope of employment and in behalf of the organization, or the offense is

one defined by a law that clearly indicates a legislative intent to impose liability on an organization; or

b) The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on such organizations by law; or

c) The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or knowingly tolerated by the board of directors or by a high managerial agent acting within the scope of employment and in behalf of the organization.

1] As used in this Section:

a] *Agent.* Any director, officer, or employee of an organization, or any other person who is authorized to act in behalf of the organization.

b] *High managerial agent.* An officer of an organization who exercises authority with respect to the formulation of policy or the supervision in a managerial capacity of subordinate employees, or any other agent in a position of comparable authority.

6) A person is liable for conduct constituting an offense which ~~she or he~~ **the person** perform~~s~~ or cause~~s~~ to be performed in the name of or in behalf of a corporation, firm, partnership, association, or joint stock company to the same extent as if such conduct were performed in ~~his or her~~ **the person's** own name or behalf.

(Ord. 2020-____ § ___, __/__/2020; Ord. 82-77 § 100.06, 1974)

Section 5.03.040.010.04 - Misrepresentation of true age of minor.

1) No minor shall falsely represent ~~that she or he is~~ **being** of any age other than ~~his or her~~ **the** true age **of the minor** , or produce any evidence that would falsely indicate ~~his or her~~ age, for the purpose of securing any right, benefit, or privilege denied minors by Section 5.03.040.010.

2) No person shall falsely represent a minor to be 21 years of age or older for the purpose of securing or assisting such minor in securing any right, benefit, or privilege denied to minors by this Section.

3) A violation of this Section is a Class A Infraction.

Section 5.03.040.010.05 - Defense of written age statement.

If a licensee or an employee or agent is prosecuted in the Municipal Court for selling alcoholic liquor to a minor or permitting a minor to consume alcoholic liquor or to enter or loiter upon the licensed premises, the licensee or ~~his or her~~ **an** employee or agent may offer in defense any written statement made by or for such minor prior to the violation, which statement was made and taken pursuant to the laws of Oregon and the rules and regulations of the Commission, and such statement shall constitute a prima facie defense.

Section 5.03.040.010.07 - Arresting officer to seize property.

When an officer arrests any person for violation of Section 5.03.040.010, the officer may take ~~into his or her~~ possession **of** all alcoholic liquor which the person arrested ~~has in~~ ~~his or her~~ possess~~ion~~**es**, or **is**

present on the premises, which apparently is being used or kept in violation of Section 5.03.040.010. If the person arrested is convicted and the Court finds that the alcoholic liquor has been used in violation o~~r~~**f** this Section, such forfeiture proceedings as are authorized by ORS 471.610 may be instituted.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2013-08 § 4, 06/03/2013; Ord. 2013-08 § 2, 06/03/13; Ord. 91-28 § 1 (part), 1991; Ord. 82-77 § 103.01, 1982)

~~Section 5.03.040.010.10 - Hosting party for minors.~~

~~1) No person shall permit, allow or host a juvenile party at his or her the person's place of residence or premises under the person's control while alcoholic liquor is consumed or possessed by any minor.~~

~~2) It shall be an affirmative defense to this Section that the alcoholic liquor is provided by the minor's parent or guardian in accordance with this Chapter.~~

~~3) This Section is intended to be a strict liability crime and the court shall not require proof of a mental state.~~

~~4) A violation of this Section is a Class A misdemeanor. Upon conviction, the court shall impose at least a mandatory minimum sentence:~~

~~a) Upon a first conviction, a fine of $500;~~

~~b) Upon a second conviction, a fine of $1,000; and~~

~~c) Upon a third conviction, a fine of $1,500 and not less than 30 days of imprisonment.~~

~~(Ord. 2020-____ § ___, __/__/2020; Ord. 2013-08 § 6, 06/03/2013; Ord. 92-02 § 1, 1992; Ord. 91-28 § 2, 1991; Ord. 82-77 §§ 103.01.02—103.01.09, 1982)~~

Section 5.03.040.020.07 - Hosting party for minors.

1) No person shall permit, allow or host a juvenile party at ~~his or her~~ **the person's** place of residence or premises under the person's control while marijuana or marijuana products are consumed or possessed by any minor.

2) This Section is intended to be a strict liability crime and the court shall not require proof of a mental state.

3) A violation of this Section is a Class A misdemeanor. Upon conviction, the court shall impose at least a mandatory minimum sentence:

a) Upon a first conviction, a fine of $500;

b) Upon a second conviction, a fine of $1,000; and

c) Upon a third conviction, a fine of $1,500 and not less than 30 days of imprisonment.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2015-09 § 1, 05/04/2015)

Section 5.03.080.090 - Resisting arrest.

1) No person shall intentionally resist a person known ~~by her or him~~ to be a police officer in making an arrest.

2) A violation of this Section is a Class A Misdemeanor.

3) It is no defense to a prosecution under this Section that a police officer lacked legal authority to make the arrest, provided the police officer was acting under color of official authority.

(Ord. 2020-____ § ___, __/__/2020; Ord. 82-77 § 107.09, 1982)

Section 5.03.080.160.01 - Definitions.

1) *Accessibility ramp.* A ramp intended to provide access for people with disabilities to and from an entrance or exit.

2) *Bar.* An area which is devoted to the serving of alcoholic beverages for consumption by guests on premises and in which the serving of food is only incidental to the consumption of such beverages.

3) *Business.* Any sole proprietorship, partnership, joint venture, corporation, or other business entity, including for-profit and non-profit entities, private clubs, and retail establishments where goods or services are sold as well as professional corporations and other entities where professional services are delivered.

4) *Electronic smoking device.* Any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use of inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or under any other product name of descriptor and any cartridge or other component of the device or related product.

5) *Employee.* Any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers ~~his or her~~ services to a non-profit entity.

6) *Employer.* Any person or entity who employs the services of one or more individuals.

7) *Enclosed area.* Any covered space having more than 50 percent of its perimeter area walled in or otherwise closed to the outside, such as, for example, a covered porch with more than two walls; or any space open to the sky having more than 75 percent of its perimeter area walled in or otherwise closed to the outside, such as, for example, a courtyard.

8) *Place of employment.* Any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and rest rooms, conference and class rooms, cafeterias and hallways, and vehicles that are operated in the course of an employer's business that are not operated exclusively by one employee. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.

9) *Private club.* An organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used for club purposes, which is operated for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain.

10) *Public place.* Any City-owned or managed park and recreational facilities, including parks, trails, open space, and special use areas, City-owned bicycle parking structures, and City-owned transit shelters, and any enclosed area to which the public is invited or in which the public is permitted including but. not limited to banks, education facilities, health facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.

11) *Restaurant.* Any coffee shop, cafeteria, sandwich stand, private or public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

12) *Retail tobacco store.* A retail store utilized primarily for the sale of tobacco products and accessories and in which sale of other products is merely incidental.

13) *Service line.* Any indoor line or any portion of an indoor line that extends out of doors, at which one or more persons are waiting for or receiving services of any kind, whether or not such services involves the exchange of money.

14) *Smoking.* Any inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, weed, plant, or other tobacco like product or substance in any manner or in any form. Smoking also includes the use of an electronic smoking device which creates a vapor, in any manner or in any form.

15) *Sports arena.* Any sports pavilion, gymnasium, health spa, swimming pool, roller rink, bowling alley, and other places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

16) *Tobacco product.* Any product that contains tobacco or is derived from tobacco and is intended to be introduced into the human body. "Tobacco Product" includes any electronic smoking device. "Tobacco Product" does not mean any product that the United States Food and Drug Administration has approved as a tobacco use cessation product.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2013-17 , § 1, 12/16/2013; Ord. 2013-09 § 1, 06/03/2013; Ord. 2006-01 § 1, 01/03/2006)

Section 5.03.090.060.01 - Definitions.

For purposes of this Section, the following definitions shall apply:

1) *Dwelling.* A building which regularly or intermittently is occupied by a person lodging therein at night, whether or not a person is actually present.

2) *Enter or remain unlawfully.*

a) To enter or remain in or upon premises when the premises, at the time of such entry or remaining, are not open to the public or when the entrant is not otherwise licensed or privileged to do so; or

b) To fail to leave premises that are open to the public after being lawfully directed to do so by the person in charge.

c) To enter premises that are open to the public after being lawfully directed not to enter the premises; or

d) To enter or remain in a motor vehicle when the entrant is not authorized to do so.

3) *Open to the public.* Premises by which their physical nature, function, custom, usage, notice, or lack thereof, or other circumstances at the time would cause a reasonable person to believe that no permission to enter or remain is required.

4) *Person in charge.* A person, ~~her or his~~ **a** representative **of the person**, or ~~her or his~~ **an** employee **of the person** who has lawful control of premises by ownership, tenancy, official position, or other legal relationship. It includes, but is not limited to, the person, or holder of a position, designated as the person or position holder in charge by the governor, board, commission, or governing body of any political subdivision of this State.

5) *Premises.* Any building and any real property whether privately or publicly owned.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2011-14 § 1, 10/03/2011; Ord. 88-50 § 7, 1988; Ord. 82-77 § 108.06.01—108.06.03, 1982)

Section 5.03.100.040.02 - Selling on public ways prohibited.

1) No person shall use any public way or any portion thereof for the selling, storing, or displaying of any merchandise or equipment, except that newsracks may be placed and maintained in the public way subject to compliance with the standards and conditions set out in Subsections 5.03.100.040.03 and 5.03.100.040.04 below.

2) Notwithstanding the provisions of subparagraph 1) above, traditional events and festivals with a long local history may apply to the City Manager or ~~his/her~~ **a** designee **of that office** for a permit to use the public ways to display and sell merchandise and wares while the~~ir~~ event or festival is underway. For Farmers' Market, this would include all Saturdays from mid-April through mid-November. A change in the duration or location of the event or festival would be cause for a City Council discussion and approval/disapproval.

3) A violation of this Section is a Class A Infraction.

Section 5.03.150.020 - Liability imposed.

1) Each person responsible for, or engaged in, activity or conduct requiring police response and resulting in the imposition of a special response fee as defined in subsection 5.03.150.010 of this Section shall be held jointly and severally liable for payment of the costs included in that special response fee. If any person responsible for, or engaged in, the activity or conduct is a minor, the minor's parent(s) or guardian(s) shall also be liable for such fee.

2) Affirmative defense. A person charged for a special response fee under the terms of Section 5.03.150.010 may demonstrate to the City Manager (by providing a valid driver's license or utility bill or other similar document satisfactory to the City Manager) that the person has vacated the property and officially changed ~~his or her~~ address and/or residency so that the person no longer had control of the location where the activity or conduct occurred at the time the special response fee was charged. If the documents show clearly and unambiguously on their face that the change of address was effective prior to the date of the subsequent police response set out in Section 5.03.150.010, the City Manager shall waive the special response fee charges and no appeal to a hearings officer is required.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2013-08 § 8, 06/03/2013; Ord. 2010-17 § 2, 08/16/2010; Ord. 82-77 1972)

CHAPTER 5.04
NUISANCES

Section 5.04.110 – Assessment of costs.

1) The City Manager shall post a notice on the premises where the nuisance was abated to the owner or person in charge of the property stating:

a) The total cost of abatement including the administrative overhead;

b) That the cost as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice;

c) That if the owner or person in charge of the property objects to the cost of the abatement as indicated, ~~she or he~~ **that person** may file a written notice of objection with the City Manager not more than 10 days from the date of the notice.

2) Upon the expiration of ten (10) days after the date of the notice, the hearings officer shall hear and determine the objections to the costs to be assessed.

3) If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs as stated or as determined by the hearings officer shall thereupon be entered in the docket of City liens and upon such entry being made shall constitute a lien upon the property from which the nuisance was removed or abated.

4) The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of 10 percent per annum; such interest shall commence to run from date of the entry of the lien in the lien docket. That lien herein shall have priority over all other liens and encumbrances of any character.

(Ord. 2020-____ § ___, __/__/2020; Ord. 85-46 § 8, 1985; Ord. 82-79 § 11, 1982)

CHAPTER 5.06
TRANSIT REGULATIONS

Sections:

5.06.020- Definitions.
5.06.030.010 – Prohibited acts.

Section 5.06.020- Definitions.

1) Corvallis Transit System. The property, equipment and improvements of whatever nature owned, leased or controlled by the City to provide public transportation for passengers or to provide for movement of people, and includes any City transit vehicle and any City passenger shelter.

2) City transit vehicle. A bus, trolley, van or other vehicle used to transport passengers and owned or operated on behalf of the City.

3) City passenger shelter or shelter. A structure provided along a transit route for the purpose of providing seating and/or protecting transit passengers from inclement weather and that publicly-owned area within three (3) feet of the structure.

4) Emergency. An on-board City transit vehicle fire, serious physical injury to person(s), or threat thereof, or any apparently urgent medical need, or any action which threatens the safe operation of a transit vehicle and its passenger(s).

5) Peace officer. Includes a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and such other persons as may be designated by law.

6) Transit Manager. The Transit Manager of the City of Corvallis or ~~his/her~~ **a** designated representative **of that office**.

7) Unreasonable Interference with the safe and efficient operation of the transit system. Includes any action by a person or persons which reduces the overall safety, timeliness, convenience or accessibility of drivers, vehicles or facilities of the transit system in a manner no reasonable person would allow.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2006-06 § 1, 02/21/2006; Ord. 96-25 § 1, 1996)

Section 5.06.030.010 – Prohibited acts.

No person shall:

1) In any manner hang onto or attach ~~himself or herself~~ **any part of the person** ~~on~~to any exterior part of a City transit vehicle at any time;

2) Ride a skateboard, roller skates, or roller blades in a City transit vehicle or shelter;

3) Smoke tobacco or any other substance, or carry any burning or smoldering substance, in any form, aboard a City transit vehicle;

4) Smoke tobacco or any other substance, or carry any burning or smoldering substance, in any form, in a transit shelter;

5) Activate the "Emergency Exit", "Emergency Stop", or alarm device of a City transit vehicle in the absence of an emergency;

6) Bring aboard a City transit vehicle or take into a shelter:

a) any flammable fuel containers, or

b) any flammable liquid, except in a cigarette lighter.

7) No person shall extend any portion of ~~his or her~~ **the** body through any door or window of a City transit vehicle while it is in motion.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2014-02 , § 1, 03/03/2014; Ord. 2006-06 § 2, 02/21/2006; Ord. 96-25 § 1, 1996)

CHAPTER 5.07
CHRONIC NUISANCE PROPERTY

Section 5.07.020 – Chronic nuisance property.

1) Any property within the City that becomes a chronic nuisance property, as defined herein, is in violation of this Chapter and subject to its remedies.

2) Any person who permits property under ~~his or her~~ **the** ownership or control **of the person** to be a chronic nuisance property, as defined herein, shall be in violation of this Chapter and subject to its remedies.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2008-22 § 1, 12/15/2008)

CHAPTER 6.01
JUNIOR SAFETY PATROL

Section 6.01.030 – Uniforms and badges.

1) It shall be the duty of every officer seeking to enforce the traffic laws of this City to be in uniform or to have conspicuously displayed ~~upon her or his person~~ a conspicuous badge indicating ~~her or his~~ official authority.

2) For the purposes of this Section the term "officer" as used in subsection 1) shall mean and include members of the Corvallis junior safety patrol.

(Ord. 2020-____ § ___, __/__/2020; Ord. 1574 § 3, 1947)

CHAPTER 6.04
TAXICAB STANDS

Section 6.04.040 – Parking.

It shall be unlawful for any person to cause, allow, permit or suffer any vehicle operated or controlled by ~~her or him~~ **the person** (other than a taxicab licensed under said Chapter 8.07) to be upon any street in Corvallis in any parking space designated as a taxicab stand as above provided and marked as above provided.

(Ord. 2020-____ § ___, __/__/2020; Ord. 50-47 § 4, 1950)

CHAPTER 6.05
SPECIAL PARKING PERMITS

Sections:

6.05.010 – Licensing.
6.05.020 – Courtesy parking permits.

Section 6.05.010 – Licensing.

The City Manager is authorized to issue to an applicant a license granting to the licensee the exclusive use of a parking space on the streets of Corvallis while the licensee is engaged in performing work requiring the use of a parking space for a service vehicle of a mechanic or utility. Each applicant for such a license shall pay to the City a fee as provided in the Fees Chapter. If the City Manager determines in ~~her or his~~ **the City Manager's** reasonable discretion that the applicant qualifies for such a license, ~~she or he~~ **the City Manager** shall issue to the licensee a parking meter hood, device, or sign which shall indicate the serial number of the license represented by that hood, device, or sign, and which shall warn the public in bold lettering that parking is not permitted by the public at the space where the hood, device, or sign is in place. The licensee is granted the exclusive use of a parking space selected by the licensee during the time that hood, device, or sign is in place during the time the licensee is engaged in performing work requiring use of such a parking space for a service vehicle of a mechanic or utility, but during no other time. While the parking space is so marked with a hood, device, or sign, no person other than the licensee shall cause, allow, permit, or suffer any vehicle operated or controlled by that person to be parked in the parking space so marked.

(Ord. 2020-____ § ___, __/__/2020; Ord. 72-13, 1972; Ord. 50-48 § 1, 1950)

Section 6.05.020 – Courtesy parking permits.

1) The City Manager (or designated staff) is authorized to issue at no charge, subject to availability of parking and the exercise of reasonable discretion, courtesy parking permits to:

a) Volunteers performing services for the City, including but not limited to Library volunteers, task force, board and commission members, Dial-A-Bus volunteers, and Parks and Recreation volunteers;

b) City employees acting in the course of official City business;

c) Contractors performing services for the City;

d) Persons whose usual parking areas are temporarily unavailable for use due to construction projects;

e) Persons visiting City Hall for meetings and interviews;

f) Contractors performing construction work in residential parking districts;

g) Officials of other public agencies meeting with City of Corvallis officials or otherwise engaged in City business;

h) Benton County employees acting in the course of official business and using a Benton County owned and operated vehicle.

i) Persons serving as jurors in Benton County District Court, Benton County Circuit Court, or Corvallis Municipal Court;

j) Elected officials of the City.

2) Courtesy parking permits shall be valid for a period to be determined by the City Manager; this period may vary depending on the purpose for which the courtesy permit is issued. Courtesy parking permits shall not be valid at 24-minute parking meters. The City Manager may impose such additional restrictions and conditions with respect to location and hours of use as ~~he or she~~ **the City Manager** deems in the best interest of the City.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2003-06 § 1, 02/18/2003; Ord. 94-34 § 2, 1994)

CHAPTER 6.07
DISPOSITION OF PERSONAL PROPERTY; ABANDONED VEHICLES

Sections:

6.07.010 – Seizure or abandonment.
6.07.020 – Sale at public auction.
6.07.030 – Certificate of sale.
6.07.040 – Property owner rights after sale.

Section 6.07.010 – Seizure or abandonment.

1) Whenever any automobile, motorcycle or other motor vehicle, or any bicycle, or any part thereof, or any other personal property, shall be taken into custody by the Chief of Police of Corvallis, Oregon, or anyone ~~she or he~~ **the Chief of Police** so designates, by reason of seizure or abandonment, or for any other lawful reason, the same shall be held at the expense and risk of the owner or person lawfully entitled to possession thereof.

2) If a motor vehicle is removed and held by or at the direction of the Chief of Police of the City, ~~she or he~~ **the Chief of Police** shall cause the vehicle to be appraised, and shall make all reasonable efforts to ascertain the names and addresses of the legal owner and owner or person entitled to possession of the vehicle taken into custody. If the names and addresses of such owners or persons entitled to possession ~~or either of them~~ can be ascertained, then the Chief of Police shall notify each of ~~them~~ **the owners** of the location of the vehicle. If the vehicle is registered in the office of the Motor Vehicles Division of the State of Oregon, notice is deemed given when a registered or certified letter addressed to the registered owner of the vehicle, and a similar letter addressed to the legal owner, if any, at the respective latest address of each shown by the records of the office of the Motor Vehicles Division, return receipt requested and postage prepaid thereon, is mailed at least 20 days before the vehicle is sold hereunder. This same procedure of notice shall be followed for each vehicle registered in states other than Oregon through that state's equivalent to Oregon's Motor Vehicles Division.

3) Not withstanding 6.07.010 1) and 2), if a vehicle is valued at $1,000 or less by a licensed State of Oregon Vehicle Appraiser, the vehicle and contents will be sold to the towing agent in consideration for towing and storage charges, according to ORS 819.220, 87.192, and 87.196. After any vehicle has been sold under this Section, the former legal owner, owner, or person entitled to possession has no further right, title, claim, or interest in or to the vehicle itself.

(Ord. 2020-____ § ___, __/__/2020; Ord. 95-11 § 1, 1995; Ord. 81-27 § 2, 1981; Ord. 73-84 § 1, 1973; Ord. 55-29 § 1, 1955)

Section 6.07.020 – Sale at public auction.

On January 1 and July 1 of each year, or more often if in ~~her or his~~ **the Chief of Police's** judgment it shall be desirable, the Chief of Police shall transmit to the City Manager, or authorized representative, of the said City a list of all unclaimed motor vehicles valued at more than $1,000, and bicycles and parts thereof, or any other personal property which has been in ~~her or his~~ **the** possession **of the Corvallis Police Department** for 30 days or more, except such as are being held as evidence in any civil or criminal proceedings, together with a description thereof sufficient for identification; and the City Manager shall forthwith proceed to sell the same at the public auction. Notice of the time and place of such sale shall be given by posting notice thereof in three public places in the City for at least 10 days prior to the date of such sale; and such property shall be sold to the highest bidder for cash. The proceeds of such sale shall be first applied to the payment of the cost of such sale and the expense incurred in the preservation and custody of such motor vehicle or bicycle or parts, or other personal property; and the balance, if any, shall be credited to the general fund of the City. After any vehicle has been sold under this Section, the former legal owner, owner or person entitled to possession has no further right, title, claim or interest in or to the vehicle itself.

(Ord. 2020-____ § ___, __/__/2020; Ord. 95-11 § 1, 1995; Ord. 81-27, 1981; Ord. 73-84 § 2, 1973; Ord. 55-29 § 2, 1955)

Section 6.07.030 – Certificate of sale.

At the time of the payment of the purchase price, the City Manager shall execute a certificate of sale in duplicate, the original of which shall be delivered to the purchaser and the duplicate copy thereof filed with the Chief of Police, which certificate of sale shall be in substantially the following form: "This is to certify that under the provisions of Chapter 6.07 of the Municipal Code of the City of Corvallis, Oregon, entitled: 'Disposition of Personal Property; Abandoned Vehicles' and pursuant to due notice of the time and place of sale, I did on ~~the~~ **_____,** ~~day of~~ ~~19~~ **20**___, sell at public auction to for the sum of $___ cash (~~she or he being~~ the highest bidder and that being the highest sum bid therefor), the following described personal property, to wit: [Brief description of property] "And in consideration of the payment of the sum of $___, receipt of which is hereby acknowledged, I have this day delivered to said purchaser the foregoing property. "Dated this **____**day of **_____**, ~~19~~ **20__**.

City Manager "Note: The City assumes no responsibility as to the condition or title of the above-described property. In case this sale shall for any reason be invalid, the liability of the City is limited to the return of the purchase price."

(Ord. 2020-____ § ___, __/__/2020; Ord. 88-17 § 1, 1988; Ord. 81-27 § 3, 1981; Ord. 73-84 § 3, 1973; Ord. 55-29 § 3, 1955)

Section 6.07.040 – Property owner rights after sale.

At any time within two years after such sale, the owner of any property sold as herein provided shall be entitled to have the balance of the proceeds of such sale paid to ~~him/her~~ **the owner** out of the general fund upon making application therefor to the City Manager and presenting satisfactory proof of ownership.

(Ord. 2020-____ § ___, __/__/2020; Ord. 88-17 § 2, 1988; Ord. 81-27 § 4, 1981; Ord. 55-29 § 4, 1955)

CHAPTER 6.08
OVERSIZE VEHICLES

Section 6.08.010 – Vehicle dimension stipulations.

1) No person, persons, copartnership, association, firm or corporation shall use or occupy any portion of any street or sidewalk in Corvallis, Oregon, for driving or moving any vehicle or combination of vehicles, including any load thereon, which shall exceed an outside width of eight feet two inches or a height of twelve feet six inches or a length of 35 feet for single vehicle and 50 feet for a combination of vehicles, or which vehicle or combination of vehicles, including load thereon, shall be wider, higher or longer than is permitted by State law without first obtaining a permit therefor from the office of the City Engineer, of the City, as hereinafter provided.

2) No person, persons, copartnership, association, firm or corporation shall permit any vehicle or combination of vehicles, owned by ~~her or him or it~~ **the person, persons, copartnership, association, firm or corporation**, to be moved on or over any portion of any street or sidewalk in the City in violation of this Chapter unless a permit therefor has been obtained from the City Engineer of the City as hereinafter provided.

(Ord. 2020-____ § ___, __/__/2020; Ord. 56-20 § 1, 1956)

CHAPTER 6.10
GENERAL TRAFFIC CODE

Sections:

6.10.040.010 – Method of parking.
6.10.060.090 – Mechanical condition; riding on sidewalks.
6.10.070.010.01 – Emergency vehicle.

Section 6.10.040.010 – Method of parking.

1) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than at the indicated direction and within a single marked space, unless the size or shape of such vehicle makes a compliance impossible.

2) Whenever the owner or driver of a vehicle discovers that such vehicle is parked immediately in front of or close to a building to which the Fire Department has been summoned, ~~she or he~~ **the owner or driver** shall immediately remove such vehicle from the area unless otherwise directed by Police or Fire officers.

(Ord. 2020-____ § ___, __/__/2020; Ord. 80-77 § 2, 1980; Ord. 57-39 § 11, 1957)

Section 6.10.060.090 – Mechanical condition; riding on sidewalks.

1) No person shall ride a bicycle which is in an unsafe mechanical condition.

2) No person, except a Police officer in the performance of ~~his/her~~ official duties, shall ride a bicycle upon a sidewalk within the following boundary, including any and all adjacent sidewalks:

The northerly side of NW Jackson Avenue between NW Fifth Street and the west side of the Riverfront bike path, the westerly side of Fifth Street between NW Jackson Avenue and SW Jefferson Avenue, and the southerly side of SW Jefferson Avenue to the west side of the Riverfront bike path; and the northerly side of Monroe Avenue between Fourteenth Street and Twenty-sixth Street, and the southerly side of Monroe Avenue between Fourteenth Street and Twenty-sixth Street.

(Ord. 2020-____ § ___, __/__/2020; Ord. 98-48, Renumbered, 12/07/1998; Ord. 93-06 § 3, 1993; Ord. 90-35, 1990; Ord. 86-22 § 2, 1986; Ord. 83-63, 1983; Ord. 71-4, 1971; Ord. 67-12, 1967; Ord. 57-39 § 46, 1957)

Section 6.10.070.010.01 – Emergency vehicle.

The provisions herein regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles including but not being limited to the following: vehicles operated by Corvallis Police Department, Oregon State Police, Corvallis Fire Department including vehicles of volunteers equipped with and using where applicable red light and siren, Corvallis ambulance service, Benton County Sheriff's Office, and other State law enforcement agencies; except as provided by the Motor Vehicle Laws of the State of Oregon as follows:

1) A driver when operating such vehicle in an emergency, except when otherwise directed by a Police officer or other authorized person, may park or stand notwithstanding the provision herein.

2) A driver of a Police vehicle or Fire Department or patrol vehicle when operating such vehicle in an emergency may disregard regulations governing turning in specified directions as long as ~~she or he~~ **doing so** does not endanger life or property.

3) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of ~~this (her or his)~~ reckless**ly** disregard**ing** ~~of~~ the safety of others.

CHAPTER 6.11
PARKING METERS

Sections:

6.11.050 – Marking of on-street parking places
6.11.060 – Hours of operation.
6.11.070 – Time limits.
6.11.120 – Violations record and citation.
6.11.130 – Authority to withdraw meter and parking space from use.
6.11.170 – Regular collection of money deposited.
6.11.180 – Marking off-street parking spaces.
6.11.190 – Restricted vehicles.
6.11.290 – Marking of spaces in the Downtown parking area.
6.11.300 – Downtown free customer parking area; time limitations.
6.11.310 – Downtown free customer parking area; user identification.
6.11.340 – Downtown free customer parking area signs.

Section 6.11.050 – Marking of on-street parking places

The City Manager shall paint lines or markings adjacent to each parking meter designating the parking space for which the meter is to be used. No persons shall cause, allow, permit or suffer any vehicle owned, operated or controlled by ~~her or him~~ **the person** to be parked across any such line or marking, or to be parked in such a position that it is not entirely within the space designated by such lines or markings.

(Ord. 2020-____ § ___, __/__/2020; Ord. 59-107 § 5, 1959)

Section 6.11.060 – Hours of operation.

No person shall cause, allow, permit or suffer any vehicle owned, operated or controlled by ~~her or him~~ **the person** to be parked in a marked space regulated by a parking meter or pay-station at any time when the parking meter or pay-station shows a signal indicating that parking in the space has not been paid for between the hours of 9:00 am and 5:00 pm of any day except Sundays and holidays unless a valid 10-hour parking permit as per Section 6.11.380 is attached to the vehicle while parked at a metered 10-hour space.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2004-19 § 2, 10/04/2004; Ord. 79-34 § 2, 1979; 59-107 § 6, 1959)

Section 6.11.070 – Time limits.

No person shall cause, allow, permit, or suffer any vehicle owned, operated or controlled by ~~her or him~~ **the person** to be parked in a marked space, regulated by a parking meter or pay-station, between the hours specified and on a day not excepted in Section 6.11.060 herein, for a period of time longer than the maximum time which will show on the parking meter or pay-station, whether or not the parking meter or pay-station indicates that parking in the space has been paid for unless a valid 10-hour parking permit is attached to the vehicle while parked at a metered 10-hour space. Each instance of such over-parking for a period of time equal to the maximum period of time which will show on the parking meter or pay-station shall be a separate offense.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2004-19 § 3, 10/04/2004; Ord. 59-107 § 7, 1959)

Section 6.11.120 – Violations record and citation.

The City Manager shall keep account of all violations of this Chapter. ~~She or he~~ **The City Manager** shall keep an account of and report the number of each parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parked in violation of any of the provisions herein, the date and hour of such violation, the make and the State license number of such vehicle, and any other facts a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation. ~~She or he~~ **The City Manager** shall cause to be attached to vehicles parked in violation hereof a notice stating that it has been parked in violation.

(Ord. 2020-____ § ___, __/__/2020; Ord. 59-107 § 12, 1959)

Section 6.11.130 – Authority to withdraw meter and parking space from use.

For emergency requirements the City Manager may at any time withdraw a meter from use by the public by covering the head of such meter with a hood having printed plainly thereon: "No parking. Police Department." No person shall cause, allow, permit, or suffer any vehicle operated or controlled by ~~her or him~~ **the person** to be parked in a marked space adjacent to any meter covered by such a hood.

(Ord. 2020-____ § ___, __/__/2020; Ord. 59-107 § 13, 1959)

Section 6.11.170 – Regular collection of money deposited.

The City Manager shall designate some person or persons to make regular collections of the money deposited in said parking meters, and shall count the money and place it in a special account to be known as the "parking meter account," which account shall be used exclusively for the purposes specified in Section 6.11.160. Each person making such collections shall be bonded in the sum of $1,000.00 to insure the faithful performance of ~~her or his~~ duties.

(Ord. 2020-____ § ___, __/__/2020; Ord. 88-17 § 3, 1988; Ord. 59-107 § 17, 1959)

Section 6.11.180 – Marking off-street parking spaces.

The City Manager may mark and maintain markings delineating each individual parking space on the surface used for parking in each off-street permit parking area of the City. Such marking may include markings to reserve one or more spaces exclusively for parking of motor bikes, motor scooters, motorcycles and bicycles. The City Manager shall determine the necessity for and the size and location of all spaces according to ~~her or his~~ **the City Manager's** reasonable determination of the safety, convenience, and necessity of the public.

(Ord. 2020-____ § ___, __/__/2020; Ord. 71-75, 1971; Ord. 59-107 § 21, 1959)

Section 6.11.190 – Restricted vehicles.

No person shall cause, allow, suffer, or permit any vehicle other than a motorbike, motor scooter, [or] motorcycle owned, operated, or controlled by ~~her or him~~ **the person** to be parked in an off-street free parking area or off-street permit parking area within a space or area marked for the parking of motor bikes, motor scooters, or motorcycles.

(Ord. 2020-____ § ___, __/__/2020; Ord. 69-139, 1969; Ord. 66-89, 1966; Ord. 65-81, 1965)

Section 6.11.290 – Marking of spaces in the Downtown parking area.

Within the Downtown parking area designated in Section 6.11.280 of this Chapter, the City Manager shall cause each parking space in a street or within an off-street free parking area to be clearly marked and numbered upon the adjacent curb or the paved surface of the street or off-street free parking area. The City Manager shall determine the necessity for and the size and location of all parking spaces according to ~~her or his~~ **the City Manager's** reasonable determination of the safety, convenience and necessity of the public. Such markings may include markings to reserve one or more spaces exclusively for parking of motorbikes, motor scooters, motorcycles and bicycles.

(Ord. 2020-____ § ___, __/__/2020; Ord. 71-75 (part), 1971)

Section 6.11.300 – Downtown free customer parking area; time limitations.

> 1) Except as provided in subsections 2) and 3) [below], no person shall, while at ~~her or his~~ **the person's** residence, place of employment, educational institution, or registered as a guest in a hotel or motel, which is located within the City limits, cause, allow, suffer or permit any motor vehicle owned, operated or controlled by that person to be parked in any one or more parking

spaces upon the public streets or off-street free parking areas within the downtown free customer parking area as designated in Section 6.11.370 between 9:00 am and 5:00 pm Monday - Saturday.

a) For purposes of this Section, the term "employment" shall include being engaged for wages, credit or other remuneration or as a volunteer for a public or private enterprise.

2) This Section shall not apply on Sundays or holidays and to persons lawfully parked in a limited-time parking space or quarterly permit space within the downtown parking area.

3) Employer-owned or controlled vehicles shall be permitted in designated loading zones, subject to the limitations on the use of such zones contained in Chapter 6.10, as amended.

4) Any person violating any of the provisions of this Section shall, upon conviction thereof, be punished by a fine of not less than $40.00 for the first conviction of this Section within the three years preceding the violation; not less than $50.00 for the second conviction of a violation of this Section within the three years preceding the violation; not less than $100.00 for the third and every subsequent conviction of a violation of this Section within the three years preceding the violation.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2004-19 § 5, 10/04/2004; Ord. 85-19 § 1, 1985; Ord. 82-13 § 1, 1982; Ord. 78-96 § 1 , 1978; Ord. 73-63, 1973; Ord. 71-75 (part), 1971)

Section 6.11.310 – Downtown free customer parking area; user identification.

1) Upon request by the City, every employer who employs one or more persons who work in or have as ~~their~~ **a** primary place of employment a location within the Downtown free customer parking area shall provide to the City the employer's and employees' names and residence addresses and vehicle license number of vehicles owned, operated or controlled by each employer and employee.

2) Every resident residing within the Downtown free customer parking area shall provide to the City ~~her or his~~ **the resident's** name and residence address, and vehicle license number of vehicles owned, operated or controlled by the resident.

3) Upon request by the City, every owner or operator of an educational institution located within the Downtown free customer parking area shall provide to the City the names and residence addresses of all its students and vehicle license number of vehicles owned, operated or controlled by each student.

4) Any person violating any of the provisions of this section shall be subject, upon conviction, to a fine of not more than $300.00 for each offense.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-27 § 1, 12/06/2010; Ord. 2007-06 § 1, 04/16/2007; Ord. 2005-12 § 1, 06/20/2005; Ord. 2004-19 § 6, 10/04/2004; Ord. 85-19 § 2, 1985)

Section 6.11.340 – Downtown free customer parking area signs.

1) The City Manager shall post and maintain one or more signs at each street entrance to the downtown free customer parking area stating, in substance, the following information.

a) That parking at any free customer parking spaces within the Downtown free customer parking area by persons while at ~~their~~ **a** place of employment or at their residence between 9:00 am and 5:00 pm, except Sundays and holidays, is prohibited.

b) That free customer parking is allowed for shoppers, those having business downtown and visitors with a maximum time limit of three hours.

2) The City Manager shall post and maintain one or more signs at each off-street free customer parking area stating, in substance, the same information as provided under subsection 1) of this Section.

3) The City Manager may add any other information to any sign which ~~she or he~~ **the City Manager** finds informative and convenient to the public concerning the provisions herein.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-33 § 2, 12/20/2010; Ord. 2004-19 § 7, 10/04/2004; Ord. 78-96 § 2, 1978; Ord. 71-75 (part), 1971)

CHAPTER 6.13
MOTOR VEHICLE OPERATION PROHIBITED

Sections:

6.13.020 – Definitions.
6.13.030 – Prohibition prescribed.

Section 6.13.020 – Definitions.

1) Driver or operator. Any person who is in actual physical control of a vehicle upon the highways or streets of the City.

2) Highway, road, or street. The entire width between the boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular traffic.

3) Motor vehicle. Any vehicle which is self-propelled.

4) Private road or driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from ~~him~~ **the property owner**, but not used by other persons.

5) Vehicle. As used herein, every device in, upon or by which any person or property is or may be transported, except devices moved by human power or used exclusively upon stationary rails or tracks.

Section 6.13.030 – Prohibition prescribed.

It shall be unlawful for any person to operate a motor vehicle on any road, thoroughfare or property in private ownership within the City, or in the ownership of the City. This does not include any highway, road or street publicly maintained and open to the use of the public for purposes of vehicular traffic, nor does it include any private road or driveway used for vehicular travel by the owner and those having express or implied permission from ~~him/her~~ **the property owner**.

(Ord. 2020-____ § ___, __/__/2020; Ord. 73-81 § 3, 1973)

CHAPTER 6.14
TOWING OF VEHICLES

Section 6.14.020 – Authority.

1) Any vehicle parked or left standing in violation of any City ordinance or regulation may be taken into custody by the Chief of Police and taken to a garage, parking lot, or other suitable place, and shall be held at the expense of the owner or person entitled to possession of the vehicle. The Chief of Police may utilize ~~her or his own~~ **Police** personnel, equipment and facilities for the removal and preservation of the vehicles or may hire other personnel, equipment and facilities for that purpose.

2) A Police Officer may impound vehicles operated by persons who the Officer has probable cause to believe has committed any of the following offenses: Driving Under the Influence of Intoxicants (ORS 813.010); Driving While License is Suspended or Revoked (ORS 811.182); Driving While Suspended or Revoked (ORS 811.175); Operating Without Driving Privileges or Violating License Restrictions (ORS 801.010); and Driving Uninsured (ORS 806.010) when there is a clear and present traffic safety need to tow or impound the vehicle. This section establishes City Policies and Procedures to use this authority to best assist in increasing traffic safety and to provide opportunity for hearings contesting the validity of impoundments.

3) The Chief of Police shall establish policies and procedures for impounding vehicles under the authority of ORS 809.716 and ORS 809.720 in order to best assist in increasing traffic safety. The Chief of Police shall establish the actual administrative costs of impoundment. For purposes of Section 1) above, the expense of the owner or person entitled to take possession of the vehicle shall include the actual administrative costs of impoundment or towing.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2003-01 § 1, 01/06/2003; Ord. 81-26 § 2, 1981)

CHAPTER 6.15
RESIDENTIAL PARKING PERMIT DISTRICTS

Sections:

6.15.040 – Issuance of permits; placement of signs.
6.15.060 – Parking permit violations.

Section 6.15.040 – Issuance of permits; placement of signs.

1) The City Engineer shall cause residential parking district signs to be erected to designate the location of each district.

2) A permit shall be issued upon application and payment of the permit fee only to the owner or the operator of a motor vehicle who resides on property within that residential parking district, not to exceed three per kitchen (as defined in the Land Development Code) in a dwelling unit; except for cooperatives, fraternities, and sororities (as defined in the Land Development Code), in which cases, the number of permits issued will not exceed 20 per kitchen. Only one permit may be issued per registered vehicle owned or operated by a person residing within the permit zone.

3) Permits shall be valid from the date of issuance to and including the next following August 31 and may be renewed annually for a term of one (1) year beginning on September 1.

4) Residential parking permit fees shall be determined by Council.

5) The application for a permit shall contain the name of the owner or operator of the motor vehicle, residential address, motor vehicle's make, model, registration number, and the applicant's driver's license number. The permit shall display the permit number and expiration date.

6) The permit shall be nontransferable. If the holder of a valid permit sells, gives, or otherwise disposes of a vehicle for which the permit has been issued, a new permit will be issued to the holder of said valid permit upon the surrender of the valid permit and the filing of an application for a permit for another vehicle owned or operated by the holder of the surrendered permit and eligible for a permit under the provisions herein. The new permit shall be valid for the same period of time that the surrendered permit was valid and shall be issued at no additional charge to the permit holder.

7) The City Manager or designee is authorized to issue temporary parking permits to bona fide visitors of residents in residential parking districts.

8) Notwithstanding anything herein to the contrary, the following special provisions apply to employers:

a) Up to three permits may be issued to the employer, for use by the proprietor or employees of the business. These permits are transferable among the employees of that business;

b) The permit may be used only for parking while the proprietor or employee is at ~~her or his~~ **the** place of employment;

c) A permit held by a person in violation of these provisions may be revoked and future permits may be denied or restricted;

d) To the extent applicable, all other provisions herein shall apply.

9) Notwithstanding anything herein to the contrary, the following special provisions apply to employers located in District "C":

a) Employers may purchase one permit for each 400 square feet of office space in the building for use by the proprietor or employees of the business. These permits are transferrable among the employees of that business.

b) The permit may be used only for parking while the proprietor or employee is at ~~her or his~~ **the** place of employment.

c) A permit held by a person in violation of these provisions may be revoked and future permits may be denied or restricted.

d) To the extent applicable, all other provisions herein shall apply.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2016-09 , § 2, 05/16/2016; Ord. No. 2015-12 § 1, 07/20/2015; Ord. No. 2015-03 §§ 1, 2, 02/17/2015; Ord. No. 2014-05 § 1, 06/02/2014; Ord. 2010-16 § 1, 07/19/2010; Ord. 89-45 § 2, 1989; Ord. 89-08 § 2, 1989; Ord. 88-08 § 4, 1988; Ord. 82-66 § 4, 1982)

Section 6.15.060 – Parking permit violations.

It shall be unlawful for any person to:

1) Represent ~~that he/she is entitled~~ **entitlement** to a residential parking permit when that person is not so entitled;

2) Fail to surrender a permit to which the holder is no longer entitled; or

3) Park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to hold it.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2015-03 , §§ 1, 2, 02/17/2015; Ord. No. 2014-05 , § 1, 06/02/2014; Ord. 82-66 § 6, 1982)

CHAPTER 6.17
PEDICAB STANDS

Section 6.17.040 – Parking.

It shall be unlawful for any person to cause, allow, permit or suffer any vehicle operated or controlled by ~~her or him~~ **the person** (other than a pedicab licensed under said Chapter 8.12) to be upon any street in Corvallis in any parking space designated as a pedicab stand as above provided and marked as above provided.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2009-08 § 1, 05/18/2009)

CHAPTER 7.04
ALARM CONTROL

Section 7.04.070 –

Whenever a user of an alarm system deems it necessary to test or otherwise intentionally set off or activate an alarm system located on user's premises, user shall notify user's monitoring station that ~~she or he~~ **the user** intends to test or otherwise intentionally activate that alarm prior to actual tests being conducted. Failure to do so will result in that user being considered as having had a false alarm.

(Ord. 2020-____ § ___, __/__/2020; Ord. 86-2 § 6, 1986; Ord. 76-30 § 8, 1976)

CHAPTER 7.06
BURNING OF COMBUSTIBLE MATERIALS

Section 7.06.040 – Authorization by City Manager of burning periods.

1) The City Manager or City Manager's designee shall:

a) Make public those periods during which burning may be conducted.

b) Declare and prohibit burning on prohibited days.

2) The City Manager or City Manager's designee may:

a) Grant permission for burning on authorized burning days.

b) Promulgate rules and regulations prescribing reasonable standards for the protection of persons and property and the minimizing of air pollution by specifying minimum distances between fire and streets, sidewalks and objects subject to damage by fire or smoke, minimum standards for structure and maintenance of burners, and minimum standards for supervision of burning.

c) Conduct such inspections of burners and places where fires are held or to be held as deemed necessary to assist in carrying out duties hereunder.

d) Suspend or revoke permission to burn whenever, in ~~her or his~~ **the City Manager's** opinion, the person to whom the permit was issued has burned or allowed the burning of combustible materials contrary to the provisions herein or the rules and regulations promulgated herein.

(Ord. 2020-____ § ___, __/__/2020; Ord. 79-54 § 4, 1979)

CHAPTER 7.07
EXPLOSIVE MATERIALS CODE

Sections:

7.070.030 – Definitions.
7.07.060 – Permits required.
7.070.090 – Bond insurance required.

Section 7.070.030 – Definitions.

1) Authority having jurisdiction. As used herein, the City Manager. (Amends definition contained in Section 1-4 of Pamphlet 495.)

2) Chief. As used herein, the Fire Chief of the City of Corvallis, Oregon, or ~~her or his~~ **an** authorized representative **of that office**.

3) Jurisdiction. As used herein, the City of Corvallis and any property owned by the City.

4) Permit. As used herein, the written authority of the City Manager or authorized representative issued pursuant to Chapter 7.07 to manufacture, have, keep, store, sell, transport, or use an explosive or blasting agent.

5) Person. As used herein, every natural person, firm, partnership, association or corporation.

(Ord. 2020-____ § ___, __/__/2020; Ord. 83-57 § 4, 1983)

Section 7.07.060 – Permits required.

No person shall possess, manufacture, transport, store, keep, use, or sell explosives in the City unless ~~she or he~~ **the person** has legally obtained from the State of Oregon the required Certificate of Possession or Certificate of Registration, has met all the applicable requirements set forth in Chapter 480 of the Oregon Revised Statutes, and has obtained a permit from the City as required in Section 7.07.070 herein.

(Ord. 2020-____ § ___, __/__/2020; Ord. 83-57 § 7, 1983)

Section 7.070.090 – Bond insurance required.

1) Before a permit is issued to use explosive material in a blasting operation as required by Section 7.07.070 subsection 1)c) herein, the applicant shall file with the City a corporate surety bond in the principal sum of $300,000.00 or a public liability insurance policy issued by a company authorized to do business in the State of Oregon. The principal amount of the insurance policy shall be not less than $300,000.00. The City Manager may specify a greater or lesser amount of principal sum when, in ~~her or his~~ **the City Manager's** opinion, conditions at the location of use indicate a greater or lesser amount is required.

2) The filing of the surety bond or the insurance policy shall be for the purpose of the payment of all damages to persons or property which arise from or are caused by the conduct of any act authorized by the permit upon which any legal judgment results.

3) The policy shall name the permittee and all persons and employees responsible for carrying out the activities authorized by the permit as the insureds. The insurance policy shall provide coverage for all activities covered by the permit. Said insurance policy shall indemnify the City and its officers, agents, and employees.

4) The permittee and all persons responsible for carrying out the activities authorized by the permit shall hold the City, its officers, agents, and employees harmless from any and all loss which is proximately caused by any activity authorized by the permit, including, but not limited to, costs, attorney's fees, or judgments incurred or rendered in any and all suits or actions brought as a result of permitted activities, whether the suits or actions be well founded in law or otherwise. The City assumes no responsibility for any damage caused by the actions of the permittee or permittee's authorized employees or agents acting in compliance with or in violation of a permit issued.

(Ord. 2020-____ § ___, __/__/2020; Ord. 83-57 § 10, 1983)

CHAPTER 7.08
CORVALLIS FIRE CODE

Sections:

7.08.100 – Cost recovery procedures.
7.08.140 – Explosives and fireworks.

Section 7.08.100 – Cost recovery procedures.

1) OFC Section 113 is amended by adding Section 113.6, Section 113.6.1, Section 113.6.2, Section 113.6.3, Section 113.6.4, and Section 113.6.5, as follows:

113.6 Cost Recovery Procedures. Whenever the fire chief has taken action to abate or cleanup a hazardous condition under the OFC Section 109, the owner of the property shall be liable for the cost of cleanup or, abatement of the condition in the manner provided in this Section.

113.6.1 Costs. The fire chief shall keep an accurate record of the expenses incurred by the City in abating or cleaning up the condition. Costs shall include, but not be limited to actual labor cost of City personnel, including workers compensation benefits and fringe benefits, cost of equipment operation, cost of materials obtained directly by the City, and cost of any contract labor and materials; plus administrative overhead in the amount of 20 percent of the sum of the foregoing costs.

113.6.2 Assessment of costs. The fire chief shall either post on the property, or serve on the owner or occupant of the property, and mail by certified mail to the owner of the property at the last known address as shown on the County tax records, a notice stating:

1) The fire chief's total costs of abatement, under Section 113.6.1 herein;

2) That the costs as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice;

3) That, if the owner or person in charge of the property objects to the costs of abatement, ~~he or she~~ **the owner or person in charge of the property** may file a written notice of objection with the City Manager not later than 10 days after the date of the notice.

113.6.3 Hearing. Upon receipt of written notice of objection within 10 days after the date of the notice, the City Manager shall appoint a hearings officer to hear and determine the objections to the costs to be assessed. The hearing shall be held within 30 days after the date of the notice.

113.6.4 Lien. If the costs of the abatement are not paid within 30 days after the date of the notice an assessment of the costs as stated in the notice or as determined by the hearings officer shall thereupon be entered in the docket of City liens. Upon such entry being made, the assessment shall constitute a lien upon the property upon which the condition was cleaned up or abated.

113.6.5 Enforcement. The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of 10 percent per annum; such interest shall commence to run from the date of the entry of the lien in the lien docket. That lien herein shall have priority over all other liens and encumbrances of any character.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2014-08 , § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998; Ord. 96-10 § 1, 1996; Ord. 92-40 § 9, 1992; Ord 89-54 § 10, 1989)

Section 7.08.140 – Explosives and fireworks.

1) OFC Chapter 56 as adopted by this Chapter is amended to add Sections 5601.2 and 5601.7 as follows:

5601.2 Permits and regulations. Permits shall be required as set forth in Section 105.6 and regulated in accordance with this section.

5601.2.1 General. Fireworks wholesale sales and storage of pyrotechnics, retail sales and storage of pyrotechnics, use and handling of pyrotechnical special effects material, use in motion pictures, television, and theatrical and group entertainment productions shall be in accordance with this article and OAR Chapter 837, Division 12.

5601.2.2 Requirements. All persons, municipalities, associations, organizations, or groups of individuals desiring to sell, discharge, fire off, explode, or display fireworks for a public display shall meet the following requirements:

1) Obtain a permit from the office of the State Fire Marshal, and comply with the applicable requirements of OAR 837, Div 12.

2) Obtain a permit from the fire chief, and comply with all reasonable rules and regulations as adopted and enforced by the fire chief for the granting of a permit for supervised public displays or sales of fireworks or items described in OAR 837, Div 12.

3) Provide a bond in the sum of not less than $10,000 conditioned on the compliance of the provisions in this article and the laws, rules, and regulations of the State Fire Marshal for all public displays.

4) Furnish proof of financial responsibility to satisfy the claims for damage to property or personal injuries arising out of any act or omission of the part of such person, firm, or corporation or any agent or employee associated with conduct of a public display in such amount, character and form as the fire chief determines to be necessary for the protection of the public.

5) Every public display held within the boundaries of the jurisdiction shall be under the supervision of the Chiefs of the Police and Fire Departments and shall be of such character and so located, discharged, or fired as in the opinion of the Chief of the Fire Department, after proper inspection shall not be hazardous to property or endanger any person.

6) No permit shall be issued under the provisions of this Article to a nonresident, person, firm, or corporation for the conduct of a pyrotechnic display in this jurisdiction until such person, firm, or corporation shall have appointed in writing a member of the Oregon State Bar whose major office is located in Corvallis upon whom all process in any action or proceedings against ~~her or him~~ **the person, firm, or corporation** may be served.

7) All persons, municipalities, associations, organizations, or groups of individuals desiring to sell articles described in ORS 480.127 shall obtain a permit from the fire chief and comply with all reasonable rules and regulations ad [as] adopted and enforced by the fire chief for the granting of permits for sale of such items.

8) The fire chief may revoke permits for public display, display or sale of fireworks and other items described under the provisions of ORS 480.127 when in the fire chief's opinion, public display, display or sale of fireworks or items is not in compliance with the applicable rules and regulations governing such sale or display or is in violation of the Oregon Revised Statutes, and Administrative Rules. Permit fees shall not be refunded in the event such permits are revoked.

9) The City shall levy and collect from each person, organization, or entity sponsoring, owning, or operating an approved stand for the sale of exempt fireworks a fee in the amount of $100.00 for each booth, stand, or other location where exempt fireworks are to be sold. The fee shall be paid to the City prior to and as a condition for the approval of such stand by the fire chief. The funds collected in accordance with this subsection may be used for community fireworks displays, educational, programs for fireworks safety, and the administration of this fee. The fee imposed herein shall be levied and collected on all stands now approved or to be approved by the fire chief for sales of exempt fireworks commencing in 1989.

5601.7 Seizure.

5601.7.1 General. The fire chief shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks or pyrotechnics special effects material offered to expose for sale, stored, or held in violation of this Article.

5601.7.2 Post seizure notices. After items or materials which are prohibited by the terms herein have been taken into custody by the fire chief notice must be provided to the person who was in possession of the contraband. The notice must describe the nature and number of the items seized and the rights the person has to a hearing described further herein.

5601.7.3 Requests for hearing. A person claiming ownership of the contraband must request a hearing within five days after receipt of the notice. The request may be made in person or in writing and the failure to appear in person or deliver a letter within five days after receipt of the notice by the person claiming possession, shall act as a waiver of the right to a hearing. The request for a hearing must be delivered to the fire chief within the time specified above.

5601.7.4 Hearing. Upon request of the person claiming rights of possession of the contraband a hearing shall be held before a hearings officer appointed by the City Manager. The hearing shall be set and conducted within 48 hours of the receipt of the request, holidays, and Saturdays and Sundays not to be included. The hearing can be set for a later date if the person claiming possession so requests. At the hearing the person claiming possession may contest whether the materials or items seized constitute contraband prohibited by the Code of the City.

5601.7.5 Findings of hearing officer. If the hearings officer finds that the action of the fire chief was valid the hearings officer shall order that the contraband shall be destroyed. If the hearings officer finds that the action of the fire chief in taking the contraband into custody was improper, the hearings officer shall order the material released to the person claiming possession. If the owner does not appear at the scheduled hearing the hearings officer shall deem that the request has been withdrawn and order that the contraband shall be destroyed.

5601.7.6 Manufacturing. The manufacturing of fireworks is prohibited except under special permit as required by local and state regulations. See Section 105.6.15.

5601.7.7 Pyrotechnic special effects material. A permit is required to manufacture, compound, store, or use pyrotechnic special effects material. A permit for use shall be granted only to a pyrotechnic operator. See Section 105.6.37.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2014-08 , § 1 and § 2, Repealed & Replaced, 07/21/2014; Ord. 2004-23 § 1 and § 2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998; Ord. 96-10 § 1, 1996; Ord 93-40 § 33, 1992; Ord. 89-54 § 28, 1989)

CHAPTER 8.01
GENERAL BUSINESS LICENSES

Sections:

8.01.010.010 – License regulations.
8.01.070.050 – Notice of rejection.
8.01.070.100 – Information and false reports.
8.01.070.140 – Carry and post license certificates.
8.01.080.010 – Investigation and complaint.
8.01.080.020 –Display of license.
8.01.080.070 – Persons presently licensed.

Section 8.01.010.010 – License regulations.

No person ~~or his/her~~**, an** employee or agent shall engage in or conduct a business, occupation, profession, or activity, or allow the public to operate a machine or equipment, required to be licensed or for which a

license fee is required to be paid hereby unless the license fee is paid and a license therefor issued by the City.

(Ord. 2020-____ § ___, __/__/2020; Ord. 91-22 § 1, 1991; Ord. 61-15 § 1, 1961)

Section 8.01.070.050 – Notice of rejection.

The City Manager shall act upon the application for a merchant patrol's license within 30 days after the filing thereof. If the City Manager disapproved the application, ~~she or he~~ **the City Manager** shall mail to the applicant within 35 days after the date upon which the application was filed a notice of the action taken, stating the reasons for denial of the permit.

(Ord. 2020-____ § ___, __/__/2020; Ord. 98-25 § 1, 07/06/1998; Ord. 61-15 § 41, 1961)

Section 8.01.070.100 – Information and false reports.

No merchant patrol, holding a license granted under the provisions herein, shall divulge to anyone other than ~~her or his~~ **the merchant patrol's** employer, except as may be required by law, any information obtained in such employer's service. No merchant patrol, holding a license granted under the provisions herein shall make a false report or account to ~~her or his~~ **an** employer.

(Ord. 2020-____ § ___, __/__/2020; Ord. 98-25 § 1, 07/06/1998; Ord. 61-15 § 46, 1961)

Section 8.01.070.140 – Carry and post license certificates.

The licensees hereunder shall cause a certificate of such license to be displayed at all times in a conspicuous place in or on ~~her or his~~ **the** place of business as described in such license. The licensee and licensee's employees shall carry ~~on their person~~ **a certificate of the license issued hereunder** at all times when performing services as a merchant patrol**.** ~~a certificate of the license issued hereunder.~~ The licensee hereunder shall furnish to the City Manager a current list of all employees employed ~~by her or him~~ at al~~t~~**l** times.

(Ord. 2020-____ § ___, __/__/2020; Ord. 98-25 § 1, 07/06/1998; Ord. 61-15 § 50, 1961)

Section 8.01.080.010 – Investigation and complaint.

In all cases where no special provision is made herein to investigate an applicant for a license, Council, City Manager, or both may require the applicant to present ~~herself or himself~~ personally before Council or City Manager as a condition of granting the license.

(Ord. 2020-____ § ___, __/__/2020; Ord. 98-25 § 1, 07/06/1998; Ord. 80-32 § 11, 1980; Ord. 61-15 § 59, 1961)

Section 8.01.080.020 –Display of license.

A license issued for a business shall be conspicuously posted at all times in the licensee's place of business or if ~~she or he has~~ **there is** no place of business, the licensee shall have the license on ~~her or his~~ **their** person.

(Ord. 2020-____ § ___, __/__/2020; Ord. 98-25 § 1, 07/06/1998; Ord. 80-32 § 12, 1980; Ord. 61-15 § 60, 1961)

Section 8.01.080.070 – Persons presently licensed.

A person presently licensed on the effective date hereof to conduct business, occupation, profession, or capacity, or keep, maintain or operate a machine or equipment shall not be required to obtain a license under the provisions herein until ~~her or his~~ **the** present license expires.

(Ord. 2020-____ § ___, __/__/2020; Ord. 98-25 § 1, 07/06/1998; Ord. 80-32 § 17, 1980; Ord. 61-15 § 65, 1961)

CHAPTER 8.02
AERONAUTICAL LICENSES AND REGULATIONS

Section 8.02.040– Conditions of licensing.

1) Except for licenses for Mobile Service Providers, each licensee under the provisions herein is required to hold, as a condition of the validity of such license, a valid lease or rental agreement with the City providing all ground space, auto parking and building requirements necessary to provide the services covered by that license, including reasonable office, waiting room, restroom, shop, storage and instruction space reasonably necessary to fulfill the functions covered by the license. Subject to available space in existing buildings, licensees may be required to provide substantial improvements at ~~their~~ **the licensees'** own expense.

2) Ground space allocation to licensees under the provisions herein shall be made in accordance with the master plan and the land use plan adopted by the City for development of the airport as those plans are now constituted or are hereafter changed.

3) All improvements on the airport shall comply with all codes applicable within the City. Structural and architectural design of all structures shall be subject to approval by the City Manager ~~in her or his reasonable discretion~~. Termination of a lease or rental agreement without other satisfactory arrangements having been made with the City shall automatically revoke a license for aeronautical service.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2002-36 § 1, 10/21/2002; Ord. 64-53 § 4, 1964)

CHAPTER 8.03
FEES

Sections:

8.03.010.030 – Exceptions.
8.03.100.010 – Carnival and circus event fees.

Section 8.03.010.030 – Exceptions.

The City Manager may issue any license or permit referred to herein for a period greater or less than a calendar year for the purpose of ultimate conformance of issuance or renewal of that license or permit with the calendar year basis provided in Section 8.03.010.020**. The City Manager,** ~~and~~ in ~~her or his~~ **the City Manager's** reasonable discretion**,** ~~she or he~~ may prorate the fee applicable to such a license or permit.

Section 8.03.100.010 – Carnival and circus event fees.

The applicable fees for the following activity, business, or event licensed under Chapter 8.01 shall be:

1) License Fee (non-refundable):

a) Carnival, Class I - $617.00/week (or $97.00 + $97.00/day).

b) Carnival, Class II - $52.00/week (or $20.00 + $7.00/day).

c) Circus - $200.00/day.

d) Sideshow Accompanying or Exhibiting with a Circus (a single license is issued for each sideshow to the operator of the circus, whether the sideshow is operated by ~~her or him~~ **the circus** or others by ~~her or his~~ permission) - $25.00/day.

2) Deposit (refundable):

a) Carnival, Class I - $600.00.

b) The deposit shall be returned to the licensee following the term of the license if no damage has occurred to City property and if no cleanup activities are necessary in the public right-of-way; costs for damages or cleanup will be deducted from the deposit and the remainder, if any, refunded to the licensee; and costs in excess of the deposit shall be immediately due and payable from the licensee to the City.

CHAPTER 8.04
LODGING TAX

Sections:

8.04.020 – Tax imposed.
8.04.060 – Registration of tax collector; form and contents; execution; certificate of authority.
8.04.070 – Due date; returns and payments.
8.04.090 – Deficiency determinations; fraud; evasion; lodging tax collector delay.
8.04.100 – Redeterminations.
8.04.110 – Security for collection of tax.
8.04.130 – Refunds.
8.04.140 – Administration.
8.04.150 – Appeals.

Section 8.04.020 – Tax imposed.

1) For the privilege of occupancy in any lodging, each occupant shall pay a tax in the amount of 9 percent of the total retail price, including all charges other than taxes, paid by a person for occupancy of the lodging.

2) The total retail price paid by a person for occupancy of a lodging facility that is part of a travel package may be determined by reasonable and verifiable standards from books and records kept in the ordinary course of the lodging tax collector's business.

3) The tax constitutes a debt owed by the occupant to the City, which is extinguished only by payment to the lodging tax collector. The occupant shall pay the tax to the lodging tax collector at the time the rent is paid.

4) The lodging tax collector shall enter the tax on ~~her or his~~ **the tax collector's** records when rent is collected. If rent is paid in installments, a proportionate share of the tax shall be paid by the occupant to the lodging tax collector with each installment. If, for any reason, the tax due is not paid to the lodging tax collector, the tax administrator may require that such tax shall be paid directly to the City.

5) In all cases, the rent paid or charged for occupancy shall exclude the sale of any goods, services, and commodities other than the furnishing of rooms, accommodations, and parking spaces in mobile home parks or trailer parks.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2018-14 , § 2, 05/07/2018; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 90-22, 1990; Ord. 83-55 § 1, 1983; Ord. 81-86 § 2, 1981; Ord. 73-82 § 3, 1973)

Section 8.04.060 – Registration of tax collector; form and contents; execution; certificate of authority.

1) Every person engaging or about to engage in business as a lodging tax collector in this City shall register with the tax administrator on a form provided by the City. Lodging tax collectors engaged in business at the time the ordinance codified in this Chapter is adopted must register not later than 30 calendar days after passage hereof. Lodging tax collectors starting business after the ordinance codified in this Chapter is adopted must register within 15 calendar days after commencing business. The privilege of registration after the date of imposition of such tax shall not relieve any person from the obligation of payment or collection of tax, regardless of registration.

2) Registration shall set forth the name under which a lodging tax collector transacts or intends to transact business, the location of ~~her or his~~ **the tax collector's** place or places of business, and such other information to facilitate the collection of the tax as the tax administrator may require. The registration shall be signed by the lodging tax collector.

3) The tax administrator shall, within 10 days after registration, issue without charge a certificate of authority to each registrant to collect the tax from the occupant, together with a duplicate thereof for each additional place of business of each registrant. Certificates shall be non-assignable and nontransferable. Each certificate and duplicate shall state the place of business to which it is applicable, and shall be prominently displayed in that place so as to be seen and come to the notice readily of all occupants and persons seeking occupancy.

4) Said certificate shall, among other things, state the following:

a) The name of the lodging tax collector;

b) The address of the hotel;

c) The date upon which the certificate was issued;

d) "This Lodging Tax Collector Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Lodging Tax Chapter of the City by registration with the tax administrator for the purpose of collecting from occupants the lodging tax imposed by said City and remitting said tax to the tax administrator. This certificate does not authorize any person to conduct any lawful business in an unlawful

manner, or to operate a lodging facility without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of the City. This certificate does not constitute a permit."

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 82-57 § 1, 1982; Ord. 73-82 § 7, 1973)

Section 8.04.070 – Due date; returns and payments.

1) The tax imposed by this Chapter shall be paid by the occupant to the lodging tax collector at the time that rent is paid. All amounts of such taxes collected by any lodging tax collector are due and payable to the tax administrator on a quarterly basis on the last day of the month following the end of the calendar quarter with respect to all occupancy of lodging that ended during the reporting period to which the return relates.

2) On or before the last day of the month following each quarter, a return for the preceding quarter's tax collections shall be filed with the tax administrator. The return shall be filed in such form as the tax administrator may prescribe by every lodging tax collector liable for payment of tax.

3) Returns shall show the amount of tax collected or otherwise due for the related period. The tax administrator may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of lodging tax collector for such period and an explanation in detail of any discrepancy between such amounts, and the amount of rents exempt, if any.

4) The person required to file the return shall deliver the return, together with the remittance of the amount of the tax due, to the tax administrator at ~~her or his~~ **the tax administrator's** office, either by personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.

5) For good cause, the tax administrator may extend for not to exceed one month the time for making any return or payment of tax. No further extension shall be granted, except by the City Manager. Any lodging tax collector to whom an extension is granted shall pay interest at the rate of 1 percent per month on the amount of tax due without proration for a fraction of a month. If a return is not filed, and the tax and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties described elsewhere in this Chapter.

6) The tax administrator, if ~~she or he~~ **the tax administrator** deems it necessary ~~in order~~ to insure payment or facilitate collection by the City of the amount of taxes in any individual case, may require returns and payment of the amount of taxes for other than quarterly periods.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 8, 1973)

Section 8.04.090 – Deficiency determinations; fraud; evasion; lodging tax collector delay.

1) Deficiency determination. If the tax administrator determines that the returns are incorrect, ~~she or he~~ **the tax administrator** may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns, or upon the basis of any information within

~~her or his~~ **the** possession **of the tax collector** or that may come into ~~her or his~~ **the tax collector's** possession. One or more deficiency determinations may be made of the amount due for one, or more than one period; and the amount so determined shall be due and payable immediately upon service of notice, as provided in this Chapter; after which, the amount determined is delinquent. Penalties on deficiencies shall be applied as set forth in Section 8.04.080.

a) In making a determination, the tax administrator may offset overpayments, if any, which may have been previously made for a period or periods, against any underpayment for a subsequent period or periods, or against penalties and interest on the underpayments. The interest on underpayments shall be computed in the manner set forth in Section 8.04.080.

b) The tax administrator shall give to the lodging tax collector a written notice of ~~her or his~~ determination. The notice may be served personally or by mail; if by mail, the notice shall be addressed to the lodging tax collector at ~~her or his~~ **the** address as it appears in the records of the tax administrator. In case of service by mail of any notice required by this Chapter, the service is complete at the time of deposit in the United States Post Office.

c) Except in the case of fraud, intent to evade the provisions of this Chapter or authorized rules and regulations, every deficiency determination shall be made and notice thereof mailed within three years after the last day of the month following the close of the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period expires the later.

d) Any determination shall become due and payable immediately upon receipt of notice, and shall become final within 10 days after the tax administrator has given notice thereof; provided, however, the lodging tax collector may petition redemption and refund if the petition is filed before the determination becomes final, as provided in this Chapter.

2) Fraud; refusal to collect; evasion. If any lodging tax collector shall fail or refuse to collect said tax or to make, within the time provided in this Chapter, any report and remittance of said tax or any portion of the tax required by this Chapter, or makes a fraudulent return or otherwise willfully attempts to evade the provisions of this Chapter, the tax administrator shall proceed in such manner as ~~she or he~~ **the tax administrator** may deem best to obtain facts and information on which to base an estimate of the tax due.

a) As soon as the tax administrator has determined the tax due that is imposed by this Chapter, from any lodging tax collector who has failed or refused to collect the same and to report and remit said tax, ~~she or he~~ **the tax administrator** shall proceed to determine and assess against such lodging tax collector the tax, interest, and penalties provided in this Chapter. In case such determination is made, the tax administrator shall give a notice in the manner aforesaid of the amount so assessed. Such determination and notice shall be made and mailed within three years after discovery by the tax administrator of any fraud, intent to evade or failure or refusal to collect said tax, or failure to file return.

b) Any determination shall become due and payable immediately upon receipt of notice and shall become final within 10 days after the tax administrator has given notice thereof; provided, however, the lodging tax collector may petition redemption and refund, if the petition is filed before the determination becomes final, as provided in this Chapter.

3) Lodging tax collector delay. If the tax administrator believes that the collection of any tax or any amount of tax required to be collected and paid to the City will be jeopardized by delay, or if any determination will be jeopardized by delay, ~~she or he~~ **the tax administrator** shall thereupon make a determination of the tax or amount of tax required to be collected, noting the fact upon the determination.

a) The amount so determined, as provided in this Chapter, shall be immediately due and payable; and the lodging tax collector shall immediately pay ~~same determination~~ **the amount** to the tax administrator after service of notice thereof. Provided, however, the lodging tax collector may petition, after payment has been made, for redemption and refund of such determination, if the petition is filed within 10 days from the date of service of notice by the tax administrator.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 10, 1973)

Section 8.04.100 – Redeterminations.

1) Any person against whom a determination is made under Section 8.04.090, or any person directly interested, may petition for a redetermination and redemption and refund within the time required in Section 8.04.090 of this Chapter. If a petition for redetermination and refund is not filed within the time required in Section 8.04.090, the determination becomes final at the expiration of the allowable time.

2) If a petition for redetermination and refund is filed within the allowable period, the tax administrator shall reconsider the determination; and, if the person has so requested in ~~her or his~~ **the** petition, shall grant the person an oral hearing and shall give ~~her or him~~ **the petitioner** 10 days' notice of the time and place of the hearing. The tax administrator may continue the hearing from time to time as may be necessary.

3) The tax administrator may decrease or increase the amount of the determination as a result of the hearing; and, if an increase is determined, such increase shall be payable immediately after the hearing.

4) The order or decision of the tax administrator upon a petition for redetermination of redemption and refund becomes final 10 days after service upon the petitioner of notice thereof, unless appeal of such order or decision is filed with the City Manager within the 10 days after service of such notice.

5) No petition for redetermination of redemption and refund or appeal therefrom shall be effective for any purpose unless the lodging tax collector has first complied with the payment provisions of this Chapter.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 11, 1973)

Section 8.04.110 – Security for collection of tax.

1) The tax administrator, whenever ~~she or he~~ deem**s**~~s~~**ed** ~~it~~ necessary to ~~i~~**e**nsure compliance herewith, may require any lodging tax collector subject thereto to deposit with ~~her or him~~ **the tax administrator** such security in the form of cash, bond, or other security as the tax administrator

may determine. The amount of the security shall be fixed by the tax administrator, but shall not be greater than twice the lodging tax collector's estimated average quarterly liability for the period for which ~~she or he~~ **a return is filed** ~~files returns~~, determined in such manner as the tax administrator deems proper, or $5,000, whichever amount is the lesser. The amount of the security may be increased or decreased by the tax administrator, subject to the limitations provided in this Chapter.

2) At any time within three years after any tax or any amount of tax required to be collected becomes due and payable, or at any time within three years after any determination becomes final, the tax administrator may bring an action in the courts of this State, or any other State, or of the United States, in the name of the City, to collect the amount delinquent together with penalties and interest.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 12, 1973)

Section 8.04.130 – Refunds.

1) Lodging tax collector's refunds. Whenever the amount of any tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or received by the tax administrator, it may be refunded; provided a verified claim in writing therefor, stating the specific reason upon which the claim is founded, is filed with the tax administrator within three years from the date of payment. The claim shall be made on forms provided by the tax administrator. If the claim is approved by the tax administrator, the excess amount collected or paid may be refunded or may be credited on any amounts then due and payable from the lodging tax collector from whom it was collected, or by whom paid; and the balance may be refunded to such lodging tax collector, ~~her or his~~ **the tax collector's** administrators, executors, or assignees.

2) Occupant refunds. Whenever the tax required by this Chapter has been collected by the lodging tax collector and deposited by the lodging tax collector with the tax administrator, and it is later determined that the tax was erroneously or illegally collected or received by the tax administrator, it may be refunded by the tax administrator to the occupant; provided a verified claim in writing therefor, stating the specific reason on which the claim is founded, is filed with the tax administrator within three years from the date of payment.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 14, 1973)

Section 8.04.140 – Administration.

1) Records required from lodging tax collectors, etc.; form. Every lodging tax collector shall keep guest records of room sales and accounting books and records of the room sales. All records shall be retained by the lodging tax collector for a period of three years and six months after they come into being.

2) Examination of records; investigations. The tax administrator or any person authorized in writing by ~~her or him~~ **the tax administrator** may examine, during normal business hours, the books, papers, and account records relating to room sales of any lodging tax collector after notification to the lodging tax collector liable for the tax, and may investigate the business of the lodging tax collector in order to verify the accuracy of any return made, or if no return is made by the lodging tax collector, to ascertain and determine the amount required to be paid.

3) Confidential character of information obtained; disclosure unlawful. It shall be unlawful for the tax administrator or any person having an administrative or clerical duty under the provisions of this Chapter to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain a lodging tax registration certificate or pay a lodging tax, or any other person visited or examined in the discharge of official duty; or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth in any statement or application; or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person. Provided, that nothing in this subsection shall be construed to prevent:

a) The disclosure to, or the examination of, records and equipment by another City official, employee, or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this Chapter; or collecting taxes imposed under this Chapter.

b) The disclosure, after the filing of a written request to that effect, to the taxpayer ~~herself or himself~~, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, of information as to any paid tax, any unpaid tax or amount of tax required to be collected, or interest and penalties; further provided, however, that the City Attorney approves each such disclosure, and that the tax administrator may refuse to make any disclosure referred to in this paragraph when, in ~~her or his~~ **the tax administrator's** opinion, the public interest would suffer thereby.

c) The disclosure of the names and addresses of any persons to whom lodging tax registration certificates have been issues.

d) The disclosure of general statistics regarding taxes collected or business done in the City.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 15, 1973)

Section 8.04.150 – Appeals.

1) Any person aggrieved by any decision of the tax administrator may appeal to the City Manager by filing a notice of appeal with the tax administrator within 10 days of the serving or mailing of the notice of a decision given by the tax administrator. The tax administrator shall fix a time and place for hearing such appeal, and shall give the appellant 10 days' written notice of the time and place of hearing.

2) The City Manager shall have the power, and it shall be ~~her or his~~ **the City Manager's** duty:

a) To hear and determine appeals of orders or decisions of the tax administrator made upon petitions for redetermination of tax. The City Manager may affirm, modify or reverse such orders or decisions, or dismiss the appeals therefrom, as may be just, and shall prescribe such forms, rules and regulations relating to appeals as ~~she or he~~ **the City Manager** may deem necessary. In the review of the tax administrator's decision or order the City Manager may take such evidence and make such investigation as ~~she or he may~~ deem**ed** necessary. ~~She or he~~ **The City Manager** shall give notice of ~~her or his~~ **the**

determination in the manner prescribed for service of notice of a tax administrator's decision, and shall file a copy of each such determination with the tax administrator with certification thereon of the date of service thereof. Such determination shall become final 10 days thereafter, and shall thereupon become due and payable, subject to interest and penalties, and enforceable by the tax administrator in like manner as an order or decision of the tax administrator.

b) To approve, modify or disapprove all forms, rules and regulations prescribed by the tax administrator in the administration and enforcement hereof; and such forms, rules and regulations shall be subject to and become effective only on such approval.

c) To hear and determine in such manner as shall be just, any protest, which may be made by any person who may be interested, to any form, rule or regulation approved or prescribed by the City Manager.

d) To grant for good cause, applications for extensions of time in excess of one month for making any return or payment of tax, and to prescribe rules therefor.

e) To make such investigations as ~~she or he~~ **the City Manager** deems advisable regarding the imposition and administration of the lodging tax and report the findings to Council. To act in an advisory capacity to Council on matters pertaining to the lodging tax and enforcement problems, and recommend to Council the adoption, amendment or repeal of legislation pertaining thereto.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-25 , § 1(Exh. A), 09/03/2020; Ord. No. 2017-03 , § 1, 03/06/2017; Ord. 73-82 § 16, 1973)

CHAPTER 8.05
GOING-OUT-OF-BUSINESS SALES

Section 8.05.030 – Application of regulations.

1) Established business requisite. Any person who has not been the owner of a business advertised or described in the application for a license hereunder for a period of at least four months prior to the date of the proposed sale shall not be granted a license.

a) Exception for survivors of business people. Upon the death of a person doing business in the City, ~~his or her~~ **any** heirs, devisees, or legatees **of the person doing business** shall have the right to apply at any time for a license hereunder.

2) Interval between sales. Any person who has held a sale, as regulated hereunder, at the location stated in the application, within two years last past from the date of such application, shall not be granted a license.

3) Restricted location. Where a person applying for a license hereunder operates more than one place of business, the license issued shall apply only to the one store or branch specified in the application, and no other store or branch shall advertise or represent that it is cooperating with it, or in any way participating in the licensed sale, nor shall the store or branch conducting the licensed sale advertise or represent that any other store or branch is cooperating with it or participating in any way in the licensed sale.

4) Persons exempted. The provisions herein shall not apply to or affect the following persons:

a) Persons acting pursuant to an order or process of a court of competent jurisdiction.

b) Persons acting in accordance with their powers and duties as public officials.

c) Duly licensed auctioneers selling at auction.

d) Persons conducting a sale of the type regulated herein on the effective date hereof, unless such sale is continued for a period more than 30 days from and after such effective date, in which event, such person, at the lapse of the said 30-day period, shall comply with the provisions herein.

(Ord. 2020-____ § ___, __/__/2020; Ord. 77-78 § 3, 1977)

CHAPTER 8.09
PAWNBROKERS AND SECONDHAND DEALERS

Sections:

8.09.040 – Licenses required.
8.09.050 – Application for license.
8.09.090 – Record forms.

Section 8.09.040 – Licenses required.

1) No person shall engage in business as an antique dealer; precious metal, gem or coin dealer; scrap metal dealer; pawnbroker; or secondhand dealer within the City without first obtaining a license therefor and complying with the provisions herein.

2) Every dealer shall have and keep conspicuously posted near the entrance to ~~his/her~~ **the** place of business, or in an equally conspicuous place, a valid license required hereby.

3) Only one license issued by the City shall be required for a dealer who conducts business as a dealer in one or more categories of business regulated hereby.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2020-06 , § 1, 2/4/2020; Ord. 91-1 § 4, 1991)

Section 8.09.050 – Application for license.

1) An application for a dealer's license shall be filed with the City on forms provided by the City, and such application shall be accompanied by a fee as set forth in Chapter 8.03.

2) Such application shall be verified under oath and shall include the following information:

a) The full name and any other name used by applicant, date of birth, residence, present and previous occupations of the applicant, and that of all full- or part-time employees;

b) A statement whether the applicant is a United States citizen;

c) The business name and location of the principal place of business;

d) The length of time the applicant has been a resident of Oregon;

e) Information regarding any criminal convictions; and

f) Such other information as the City Manager shall find reasonably necessary.

3) The application shall be forwarded to the Chief of Police for investigation. If it shall appear from the Chief of Police's investigation that a dealer license should not be granted to the applicant or applicants, the Chief of Police shall notify the City Manager to that effect and shall set forth the reasons why, in ~~his/her~~ **the Chief of Police's** opinion, the applicant or applicants shall be denied a license. The Chief of Police may interview the applicant or any employee of the applicant prior to recommending a determination to the application.

4) An application may be denied for the following reasons:

a) The applicant has been convicted of a crime or offense involving theft and related offenses, burglary, criminal trespass, criminal mischief or robbery as those crimes are defined in ORS Chapter 164 or its counterpart in another jurisdiction;

b) The applicant has engaged in dishonest, fraudulent or illegal practices or conduct in any business or profession;

c) The applicant failed to supply the required application information or submits false or misleading information;

d) The applicant has previously violated the provisions contained herein or its counterpart in another jurisdiction; or

e) The applicant has failed to pay any fee required to be paid hereby.

5) The City Manager, after considering the application, the reports required to be attached thereto, and the results of the police investigation, shall approve or deny the application for a dealer's license. If the application is denied, the applicant may request a hearing, which shall be held in accordance with the provisions of Section 8.09.150, to offer evidence why the application should be reconsidered.

(Ord. 2020-____ § ___, __/__/2020; Ord. 91-1 § 5, 1991)

Section 8.09.090 – Record forms.

1) All dealers shall, at the time of purchasing any article for which ~~he/she~~ **the dealer** is regulated hereby from any person who appears with such article at the dealer's place of business, place the description of the article purchased upon a transaction form which shall be provided by the Corvallis Police Department. In lieu of the use of forms supplied by the Corvallis Police Department, the dealer may utilize ~~his/her own~~ **other** transaction forms if such forms have been approved by the Chief of Police. The transaction form provided for herein shall be of such size, shape and color and shall require such information, related to the regulations of this chapter, as the Chief of Police may direct. The description of any article so purchased shall be such description as may be called for by the transaction form and in sufficient detail as to distinguish the article from similar articles in the dealer's possession. The dealer shall fill in all the blank spaces on such form with such data as required by the form including the date, time and type of transaction, the customer last name, first name, middle initial, date of birth, physical descriptors

(sex, race, hair color, eye color, height, weight), current address, phone number, type of identification used, identification number, identification issuer, clerk/employees' initials or name and require the person selling any article regulated hereby to sign ~~his/her name on such~~ **the** transaction form; such form shall be filled out in clearly legible printing in the English language. The information required to be furnished shall be considered confidential and privileged from disclosure to the maximum extent possible under applicable law.

2) The dealer's copy of all such forms shall be retained for a period of not less than one (1) year.

3) Every person regulated by the provisions herein shall mail handwritten transaction forms, postage prepaid by Thursday of each week. Digitally transmitted forms shall be submitted by the end of each business day.

4) Every person regulated by the provisions herein shall mail to the Chief of Police the full name and date of birth of each new employee within one week of hire.

5) The Chief of Police may order that the transaction form information be digitally transmitted to the Chief of Police by the end of each business day in a manner as chosen by the Chief of Police. If the Chief of Police choses to have the transaction form information digitally transmitted the Chief will provide written notification to all dealers and dealers will have 60 days within which to comply with the new order.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2020-06 , § 1, 2/4/2020; Ord. 91-1 § 8, 1991)

CHAPTER 8.11
SOCIAL GAMING

Section 8.11.060 – Standards for issuance of license.

The City Manager shall either approve the application and grant the license applied for~~,~~ or deny the application and refuse to grant the license. The license shall not be granted, or it shall be temporarily revoked or suspended, if any applicant or any person(s) financially interested in the business, entity or organization have:

1) Supplied any false or misleading information in the application or omitted any requested information from the application;

2) Pleaded no contest to or been convicted of any felony within the last ten (10) years;

3) Had a license in ~~his/her~~ **the applicant's** name which was revoked or suspended three (3) times by the Oregon Liquor Control Commission, either of which was in the last (5) years;

4) Been convicted and is currently on parole for any crime involving or related to gambling;

5) Had two (2) or more convictions within five (5) years for gambling-related activities; or

6) Violated any provision of this Ordinance.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2005-05 § 1, 04/04/2005)

CHAPTER 8.12

PEDICAB LICENSE AND REGISTRATION

Section 8.12.260 – Direct route to be traveled; fares not charged when vehicle disabled.

1) Any pedicab operator employed to carry passengers to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to ~~his/her~~ **the specified** destination.

2) In the event any vehicle described herein shall, while under employment, become disabled or breaks down without fault of the passenger, the time of stoppage shall be deducted from the charge.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2009-08 § 3, 05/18/2009)

CHAPTER 8.14
SINGLE-USE PLASTIC CARRYOUT BAGS

Section 8.14.020 – Definitions

1) ASTM Standard. means the current American Society for Testing and Materials (ASTM)'s International D-6400.

2) Barrel Size. a paper carryout bag with approximate dimensions of 12 inches wide × 7 inches deep × 13-18 inches tall or a capacity of 1,100 to 1,600 cubic inches.

3) City. City of Corvallis, Oregon.

4) City Manager. The City Manager for the City of Corvallis or **a designated representative of that office** ~~the City Manager's designee acting under his or her direction.~~

5) Recyclable Paper Bag. means a paper bag that meets all of the following requirements:

a) Is 100% recyclable and contains a minimum of 40% post-consumer recycled content;

b) Is capable of composting consistent with the timeline and specifications of the ASTM Standard.

6) Retail Establishment. means any store, shop, sales outlet, or vendor located within the City of Corvallis that sells goods at retail. Retail Establishment does not include any establishment where the primary business is the preparation of food or drink:

a) For consumption by the public;

b) In a form or quantity that is consumable then and there, whether or not it is consumed within the confines of the place where prepared; or

c) In consumable form for consumption outside the place where prepared.

7) Reusable Bag. means a bag with handles that is either:

a) Made of cloth or other machine washable material, or

b) Made of durable plastic that is at least 2.25 mils thick.

8) Single-Use Plastic Carryout Bag. means a plastic bag made from synthetic or natural organic materials that is provided by a Retail Establishment to a customer at the point of sale for use to transport or carry away purchases from the Retail Establishment. A Single-use Plastic Carryout Bag does not include:

a) A reusable bag.

b) A plastic bag provided by a Retail Establishment to a customer at a time other than the time of checkout; or

c) Pharmacy prescription bags.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2013-03 § 1, 05/06/2013; Ord. 2012-13 § 1, 07/02/2012)

CHAPTER 9.01
BUILDING SAFETY AND CONSTRUCTION STANDARDS

Sections:

9.01.080.060 – Authority to abate hazardous equipment.
9.01.080.090 – Occupancy violations.
9.01.100.090 – Inspections.

Section 9.01.080.060 – Authority to abate hazardous equipment.

1) When the building official ascertains that equipment, or any portion thereof, regulated by this code has become hazardous to life, health or property, the building official shall order the equipment either removed from its location or restored to a safe and/or sanitary condition, as appropriate. The notice shall be in writing and contain a fixed time limit for compliance. Persons shall not use the defective equipment after receiving the notice.

2) When equipment or an installation is to be disconnected, written notice of the disconnection (and causes therefor) shall be given within 24 hours to the involved utility, the owner and/or occupant of the building, structure or premises. When equipment is maintained in violation of this code and in violation of a notice issued pursuant to the provisions of this section, the building official may institute such action as ~~he/she~~ deem~~s~~**ed** necessary to prevent, restrain, correct or abate the violation.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.080.090 – Occupancy violations.

Whenever any building, structure or equipment therein regulated by this code is used contrary to the provisions of this code, the building official may order such use discontinued and the structure (or portion thereof) vacated. All persons using the structure (or portion thereof) shall discontinue the use within the time prescribed by the building official in ~~his~~ **the** notice and make the structure, or portion thereof, comply with the requirements of this code. Structures that are altered, modified, or repaired without the benefit of permits, for purposes of adding rooms for tenants, shall be considered as occupancy violations and subject to the penalties of Section 9.01.210.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-01 § 1, 02/01/2010; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

Section 9.01.100.090 – Inspections.

1) It shall be the duty of the permit holder or authorized agent to request all inspections that may be necessary or otherwise required in a timely manner, provide access to the site, and to provide all equipment as may be deemed necessary or appropriate by the building official. The permit holder shall not proceed with construction activity prior to permit issuance or until receiving specific written authorization to do so by the building official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper inspection shall be the responsibility of the permit holder or ~~his~~ **the permit holder's** agent.

2) Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has made available on site, a copy of the permit authorizing such work and supporting documents such as City approved construction documents. This permit and supporting documents shall be maintained available by the permit holder until final approval has been granted by the building official.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2010-01 § 1, 02/01/2010; Ord. 2004-22 § 14, 11/01/2004; Ord. 2002-23 § 2, 07/15/2002; Ord. 96-17 § 2, 1996)

CHAPTER 9.02
CORVALLIS LIVABILITY CODE

Sections:

9.02.080 – Definitions.
9.02.130.03 – Appeal procedure.

Section 9.02.080 – Definitions.

9.02.080.01 All words and terms assume their dictionary definitions unless they are specifically defined in this chapter.

9.02.080.02 Words stated in the present tense in this chapter include the future; the singular number includes the plural, and the plural includes the singular.

9.02.080.03 Whenever the words "dwelling unit," "dwelling," "premises," "structure," or "building" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

9.02.080.04 Defined terms. Unless the context otherwise specifically requires, for purposes of this chapter, the following terms and phrases mean:

1) Abandoned Structure. A vacant structure that is an attractive nuisance.

2) Abatement [e. g., of a Nuisance]. The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.

3) Accessible Means of Egress. This term shall have the meaning provided under the Oregon Fire Code, Sec. 1002.1: A continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way.

4) Accessory Structure. Any structure not intended for human occupancy. Accessory structures may or may not be attached to a primary structure. Examples of accessory structures include, but are not limited to: garages, carports, sheds, playhouses, decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways.

5) Agent. A person authorized by another to act in ~~his/her~~ **the other person's** behalf.

6) Approved. Meets the standards set forth by this chapter, or is approved by the Director.

7) Attic. The unfinished, non-habitable part of a structure between the roof and the ceiling immediately below.

8) Attractive Nuisance. Buildings, structures, or premises that are in an unsecured, derelict or dangerous condition so as potentially to constitute an attraction to minors, vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing an unlawful act.

9) Basement. That portion of a building or structure which is partly or completely below grade.

10) Bathroom. A room containing plumbing fixtures including a bathtub or shower.

11) Bedroom. Any room or space used or intended to be used for sleeping purposes.

12) Boarded. The securing of an unoccupied building or structure against entry by the placement of material such as plywood, boards, or other similar material over openings, consistent with administrative operating guidelines, that are designed or intended for windows or doors, where the materials are visible off the premises and where the materials are not lawfully or customarily installed on a building or structure that would be occupied.

13) Building. Any structure designed for habitation, shelter, storage, trade, manufacture, business, education, or other similar purposes.

14) Building Code. The specialty codes adopted and as may be amended by the City of Corvallis, as provided in CMC Chapter 9.01.

15) Building Official. The administrator of the Development Services Division of the Community Development Department, or the administrator's designee.

16) Bulk Solid Waste. Discarded bedding, mattresses and furniture, junk, yard debris, uprooted tree stumps, demolition or construction debris, or other nonputrefactive and nonhazardous materials not placed in a receptacle, or too large to be placed into a receptacle.

17) Deterioration. A lowering in the quality, condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance.

18) Derelict Structure. A building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions:

a) Is unoccupied and unsecured;
b) Is partially constructed;

c) Is an abandoned structure or attractive nuisance;

d) Is in condition of deterioration;

e) Has an infestation of pests;

f) Has doors or windows boarded over; or

g) Other condition that in the opinion of the Director is detrimental to public health, safety or welfare.

19) Dilapidation. Being in a state of partial ruin, decay or disrepair.

20) Director. The person appointed by the City Manager as the Community Development Director for the City of Corvallis, or the person charged by the City Manager with the implementation and enforcement of this chapter, or the appointed person's designee.

21) Dwelling. Any structure containing one or more dwelling units.

22) Dwelling Unit. A single unit within a dwelling providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

23) Exit. A continuous, unobstructed means of egress from a dwelling to the exterior of the building and to a public way.

24) Exterior Property. The areas of a property which are outside the exterior walls and roof of a building. All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, yards, gardens, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.

25) Extermination. The control, elimination and removal of pests by eliminating harborage places; by removing or making inaccessible materials that serve as food; by poison spraying, fumigating, trapping or by any other pest elimination method approved by the Director.

26) Hazardous Solid Waste. Any solid waste which, in the opinion of the Director, would constitute a danger to collection personnel or to anyone who may come in contact with such solid waste, and includes, without limitation, any hazardous waste as defined in ORS 466.005(7) as may be amended.

27) Habitable. Suitable for human habitation.

28) Habitable Space. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

29) Hazardous Thicket. Blackberry vines or other thickets that conceal trash, debris, or junk; or create a harborage for people involved in criminal activity or for products used for unlawful activity; or that encroach upon the public right-of-way, or private property of another in a manner that may be hazardous.

30) Hearings Officer. The person or persons appointed by the City Manager to serve in that capacity and to pass on matters stipulated for quasi-judicial review under this chapter.

31) Human Habitation. The use of a structure, portion of the structure, or space, in which any person remains for a continuous period of two or more hours per day, or for periods which will accumulate to four or more hours in a day.

32) Imminent Hazard. Any condition of deterioration that places public health, safety or welfare in high risk of peril, when the peril is immediate, impending, or on the point of happening.

33) Incipient Hazard. Any condition that can become an imminent hazard if further deterioration is allowed to occur.

34) Indoor Fixture. Any item that is designed to be used indoors or otherwise protected from environmental elements, including, but not limited to, heating, plumbing and electrical fixtures.

35) Indoor Furnishing/Furniture. Any item that is designed to be used indoors or otherwise protected from environmental elements including, but not limited to, upholstered furniture, indoor appliances and indoor carpet.

36) Infestation. The presence of pests in large numbers that is harmful or bothersome within or adjacent to a building or structure or upon premises.

37) Junk. Articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. As used in this chapter the term "junk" includes, but is not limited to:

a) Any derelict motor vehicle, trailer, or boat, i.e., any used motor vehicle, trailer, or boat without a vehicle license or with an expired license; or

b) Neglected motor vehicle, trailer, or boat, i.e., a motor vehicle, trailer, or boat, that is missing critical parts required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires; or

c) Wrecked motor vehicle, trailer, or boat or part thereof, i.e., a motor vehicle, trailer, or boat, that is dismantled or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire; or

d) Machinery or parts thereof that are inoperative, worn out, or in a state of disrepair; or

e) Any appliances or parts thereof that are inoperative, worn out, or in a state of disrepair; or

f) Any worn out or dilapidated indoor fixtures or furnishings, or parts thereof; or

g) Any bulk solid waste; and

h) Solid waste items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap and other similar items.

38) Landlord. The owner or lessor of a dwelling unit, a building, or premises, including a person authorized by the owner or lessor to manage the premises or to enter into a rental agreement.

39) Legally Occupied. The use of premises for a purpose authorized by law, including the building code and the Corvallis land development code. For the purposes of this chapter, a premises shall be considered legally occupied, even if presently vacant, as long as the premises is maintained in compliance with the provisions of this chapter, and in the case of a building or structure, conditions that would qualify the building or structure as derelict are not present.

40) Let for Occupancy or Let. To permit, to provide, or to offer possession or occupancy of a dwelling unit, building, structure or premises, pursuant to a lease, permit, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

41) Maintained Compost. A small portion of a property set aside for the purpose of methodically encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer or amendment for the soil on the property. Maintained compost shows clear indicators that the organic materials placed there are being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition does not constitute maintained compost.

42) Means of Egress/Doors. A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. Includes any doors that are present at the exit access, along the path of exit, and at the exit discharge.

43) Multi-Family Dwelling. A building or structure within which are comprised three or more dwelling units.

44) Must. Mandatory.

45) Naturescape. Landscaping and gardening approaches that use predominantly native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for pesticides, chemical fertilizers, and summer watering.

46) Occupancy. The purpose for which a building, structure or premises is used or intended to be used.

47) Occupant. Any person, including an owner, tenant or operator, using a building or any part of a building for its lawful, intended use or having possession of a space within a building or structure or possession of a premises.

48) Owner. The person recorded in the official records of the state, county or city as holding title to premises, and that person's agent; any person who has purchased or otherwise acquired a premises but whose ownership is not yet reflected in the official records of the state, county or city; a trustee, executor, administrator, guardian or mortgagee in possession and having control of the premises; a person who has care and control of a premises in the case of the absence or disability of the person holding title thereto.

49) Partially Constructed. An occupied or vacant structure, or portion thereof, that has been left in a state of partial construction for more than six months, or that has not been completed prior to the expiration of any building permit.

50) Person. An individual, corporation, limited liability company, cooperative, association, partnership, or any other entity in law or fact.

51) Pests. Animals detrimental to humans or human concerns including, but not limited to, insects, rodents, rats or vermin.

52) Premises. A lot or parcel of land, including any buildings or structures thereon.

53) Rank Vegetation. Any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied.

54) Receptacle. With respect to solid waste containment, a trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into which solid waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal.

55) Recycling. The process of transforming waste into new or different products in such a manner that the original waste products may lose their identity. Recycling includes collection, transportation and storage of waste that places the waste in the stream of commerce for recycling, resource recovery or utilization.

56) Remediation. The elimination or correction of a condition, including, but not limited to, repair, replacement, restoration or removal.

57) Repair. The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

58) Residential Property. Real property and all improvements thereon including edifices, structures, buildings, dwelling units or parts thereof used or intended to be used for residential purposes including single-family, duplex, multi-family structures and mixed-use structures which have one or more dwelling units. Hotels and other building types used exclusively for transient occupancy are excluded from this definition of residential property.

59) Rubbish. Worthless, discarded material, including, but not limited to, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a premises.

60) Shall. Mandatory.

61) Solid waste. This term shall have the same meaning as provided under CMC 4.01.010.

62) Structure. That which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

63) Temporary. Unless otherwise specified, a period up to 6 months in any 12 month period.

64) Unfit for Human Habitation. A building or structure that, as found by the Director, is unfit for human habitation due to unsanitary conditions, infestation, accumulation of filth or contamination, lack of required ventilation, illumination, sanitary or heating facilities, or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.

65) Unoccupied. Not legally occupied.

66) Unsecured. Any structure in which doors, windows, or apertures are open or able to be opened from the outside so as to allow access by unauthorized persons; unlocked or otherwise open to entry.

67) Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

68) Watertight. As secure as possible against the entry of rain, melt water and storm water.

69) Waste Tire. A tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

70) Weathertight. As secure as possible against the entry of wind, rain, melt water, storm water and natural elements.

71) Workmanlike. Executed in a skilled manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2020-18 , § 7(Exh. B), 07/15/2020; Ord. No. 2015-20 , § 2, 9/15/2016; Ord. No. 2016-07 , § 1, 4/18/2016)

Section 9.02.130.03 – Appeal procedure.

1) The Director shall confirm that the appeal meets the filing criteria as prescribed under CMC Sections 9.02.130.02(1-4), and that the person filing the request for an appeal has standing.

2) If the filing criteria have not been met, or if the filing party does not have standing, the person filing the appeal will be so notified and hearing before the Hearings Officer will not be convened. The Director, at ~~his/her~~ **the Director's** discretion, may extend the filing deadline by an additional three (3) days to allow a prospective appellant with standing to resubmit a request for an appeal that has been deemed incomplete. Only one extension may be granted.

3) If the filing criteria are met, the Director shall, within 30 days of the filing of the appeal, set the schedule for a hearing before the Hearings Officer. The hearing shall be held not later than 60 days after the filing of the appeal.

a) The appeal shall be conducted on the record.

b) Formal rules of evidence are not required.

c) The Hearings Office shall have the authority to hear appeals of orders, decisions or determinations made under authority of this chapter to determine whether the substance of the order, decision or determination was arbitrary and capricious.

d) The Hearings Officer shall not be empowered to waive requirements of this chapter.

e) The Hearings Officer shall issue a written finding and conclusion on the appeal within seven (7) days of the hearing, and shall provide a copy to the person filing the appeal and to the Director.

(Ord. 2020-____ § ___, __/__/2020; Ord. No. 2015-20 , § 2, 9/15/2016; Ord. No. 2016-07 , § 1, 4/18/2016)

CHAPTER 9.03
EROSION PREVENTION AND SEDIMENT CONTROL

Sections:

9.03.060 – Definitions.
9.03.100 – Erosion prevention and sediment control plan requirements.
9.03.140 – Nuisance abatement.

Section 9.03.060 – Definitions.

For the purpose of this chapter, the following definitions shall apply:

1) Approval or Approved. ~~a~~ **A** determination by the City Manager or ~~his/her~~ **a** Designee **of that office** that the provisions of these Standards have been met.

2) Best Management Practices (BMPs). a physical, chemical, structural or managerial practice that prevents, reduces, or treats contamination of water or which prevents or reduces soil erosion.

3) City Manager. the City Manager or other designated authority charged with the administration and enforcement of these Standards, or the City Manager's duly authorized representative.

4) Erosion. the wearing away of the earth's surface due to the action of gravity, wind, water or other mechanical forces.

5) Ground Disturbing Activity. any activity that exposes soil.

6) Pollutants. substances that contaminate the soil or water originating on a construction site. Pollutants commonly associated with construction sites include sediment, solid and sanitary wastes, fertilizers, pesticides, oil and grease, concrete truck washout, sheet rock taping compound, glues, epoxies, paints, construction chemicals and construction debris.

7) Responsible Party. the property owner or person authorized to act on the owner's behalf; or any person allowing, causing or contributing to a violation of the Code.

8) Sediment. Mineral or organic matter generated as a result of erosion.

9) Visible and Measurable Erosion and Sediment Release.

a) Sloughing, mud flows, gullies, sediment laden water, or other visual evidence that erosion has occurred or is likely to occur.

b) The presence of deposits or tracking of sediment exceeding one half cubic foot in volume at any one time on public or private streets, in drainage systems, and/or on adjacent property.

c) In streams or drainage systems, an increase in total suspended solids and/or turbidity relative to a control point immediately upstream of the discharge point of the sediment generating activity.

d) Evidence of off site airborne sediment clearly visible to the eye.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2004-17 § 1, 09/20/2004)

Section 9.03.100 – Erosion prevention and sediment control plan requirements.

The applicant shall submit an Erosion Prevention & Sediment Control Plan (EPSCP) for projects requiring an EPSC permit prior to commencing any ground disturbing activity. All plans shall comply with the minimum standards set forth in the City of Corvallis Erosion Prevention & Sediment Control Manual.

1) Erosion Prevention and Sediment Control Plans.

a) Erosion prevention and sediment control plans shall be prepared in conformance with and shall demonstrate compliance with these Standards and the City of Corvallis Erosion Prevention & Sediment Control Manual in effect at the time of application.

b) The EPSCP shall be reviewed and approved by the City Manager prior to commencing any ground disturbing activity including installation of erosion and sediment control BMPs.

c) The EPSCP shall be implemented only after approval and prior to commencing any ground disturbing activity.

d) Subsequent development permits (Grading, Public Improvement, or Building) will not be issued prior to implementation of the EPSCP unless authorized by the City Manager or ~~his/her~~ **a** designee **of that office**.

2) Approval of Erosion Prevention and Sediment Control Plan.

a) The City Manager or ~~his/her~~ **a** designee **of that office** shall approve the EPSCP if it demonstrates compliance with these Standards and the adopted City of Corvallis Erosion Prevention & Sediment Control Manual. An EPSC permit shall be issued following

approval of the plan and verification from the applicant that all other rules and laws governing this aspect of development have been addressed and are in compliance.

b) The responsible party shall be accountable for obtaining re-authorization for implementing any EPSCP modifications needed due to conflicts, omissions, changed conditions, damage or other factor jeopardizing compliance with these Standards.

c) In cases where erosion is occurring, the responsible party must immediately install interim control measures to stabilize the condition and minimize sediment leaving the site. The responsible party will be required to provide new plans, or revisions to existing plans, for review that provide for long term erosion and sediment control. Upon approval of the plans, the new measures described must be implemented in a timely manner.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2004-17 § 1, 09/20/2004)

Section 9.03.140 – Nuisance abatement.

1) Summary Abatement Authorized. The City Manager may determine that the failure or non-existence of erosion, sediment and pollutant control measures as required by this Code constitute a nuisance presenting an immediate threat of injury to the public health, the environment, or public or private property. Such nuisances shall be subject to the requirements of this Section. In cases where the City Manager determines it is necessary to take immediate action in order to meet the purposes of this Code, summary abatement of such nuisance is authorized.

2) Notification Following Summary Abatement. When summary abatement is authorized by this Code, the decision regarding whether or not to use summary abatement shall be at the City Manager's discretion. In case of summary abatement, notice to the responsible party prior to abatement is not required. However, following summary abatement, the City Manager shall post upon the affected site the abatement notice describing the action taken to abate the nuisance and shall cause a notice to be mailed to the owner at the owner's address as recorded in the county assessment and taxation records for the property.

3) Financial Responsibility.

a) Whenever a nuisance is abated under this section, the City Manager shall keep an accurate account of all expenses incurred.

b) The City Manager shall file a statement of such costs with the City Finance Department. Upon receipt of the statement, the Finance Director or ~~his/her~~ **their** designee shall mail a notice to the property owner, stating the City's intent to assess the property in question the amount due plus charges to cover the costs of processing. In the event that amount due set forth in the notice is not paid in full within 30 days of the date of notice, the City Finance Director shall enter the amount of the unpaid balance, plus charges to cover administrative costs in the Docket of City liens which shall therefore constitute a lien against the property.

(Ord. 2020-____ § ___, __/__/2020; Ord. 2004-17 § 1, 09/20/2004)

TO: City Council for September 21, 2020 Council Meeting

FROM: Ken McCarthy, Fire Department, Chief KSM

Karen Emery, Parks and Recreation Department, Director KE

Mary Steckel, Public Works Department, Director MS

Paul Bilotta, Community Development Department, Director PB

Nick Hurley, Police Department, Chief NH

DATE: September 15, 2020

THROUGH: Mark W. Shepard, P.E., City Manager MWS

SUBJECT: Phased Approach To Address Illegal Camping

STRATEGIC OPERATIONAL PLAN PRIORITY: S-1 The City maintains safe and accessible natural resources and facilities through long-range planning to ensure proper maintenance and capital investments in critical community resources.

S-5 The City enhances safety for all community members by providing professional and proactive public safety services

E-9 The City supports organizations that are working towards solutions for homelessness in Corvallis

S-6 the City develops and sustains a safe, secure and welcoming community through crime reduction and focusing on livability offenses throughout the community in coordination with partners.

S-10 the City is a steward of its natural resources with the goal of promoting native and sustainable ecological systems.

Action Requested:

For information only, no action required.

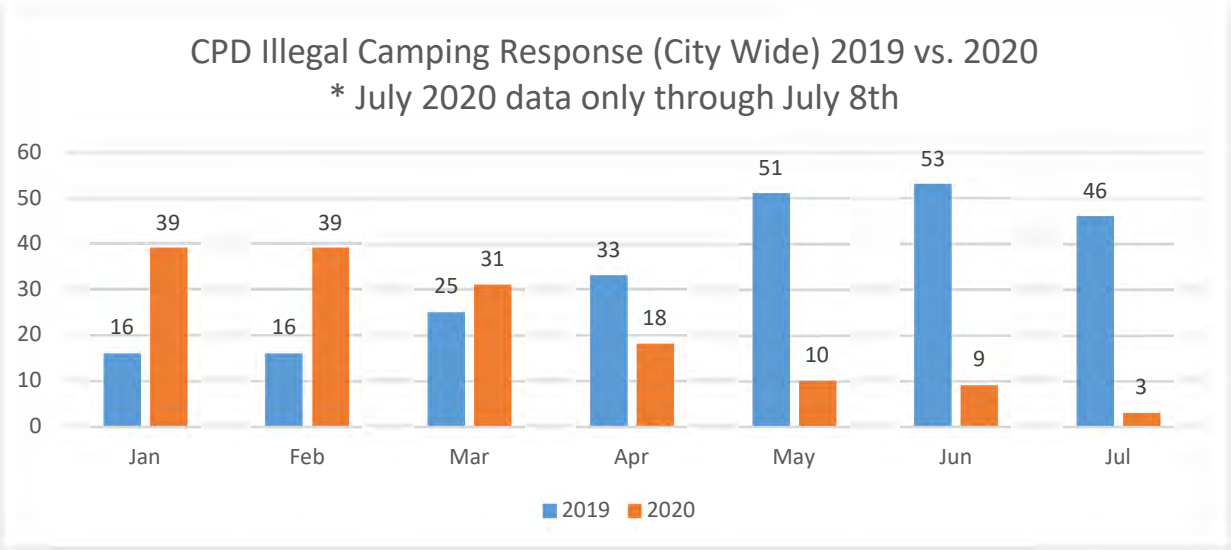
Discussion:

During the COVID-19 pandemic, many steps have been taken to ensure the safety of our community. With health as a top priority, many City departments have altered their protocols since the Governor declared a state of emergency on March 8, 2020. This includes how City departments have addressed illegal camping.

Illegal camping is not a new issue for our community, but under the direction of the Emergency Operations Center (EOC), using guidance from the Oregon Health Authority (OHA) and the

Center for Disease Control (CDC), City departments have not taken any significant action to address this behavior during the pandemic. As you are aware, OHA guidelines have recommended not displacing persons who are illegally camping because it may elevate the risk of transmitting COVID-19.

The Corvallis Police Department (CPD) is charged with responding to calls for service related to illegal camping, and partners with the Parks & Recreation and/or Public Works Departments to address the myriad issues related to this type of call. Community members continue to call in with complaints about illegal camping, fielded by the Parks and Recreation Department, Public Works Department and the Police Department, despite the pandemic; these community members have been advised the City is generally not responding to complaints of illegal camping based on OHA guidelines. Police have only responded to illegal camping where aggravating circumstances necessitate a response. As you can see from the following graph, law enforcement response to illegal camping has dropped dramatically during COVID compared to 2019.

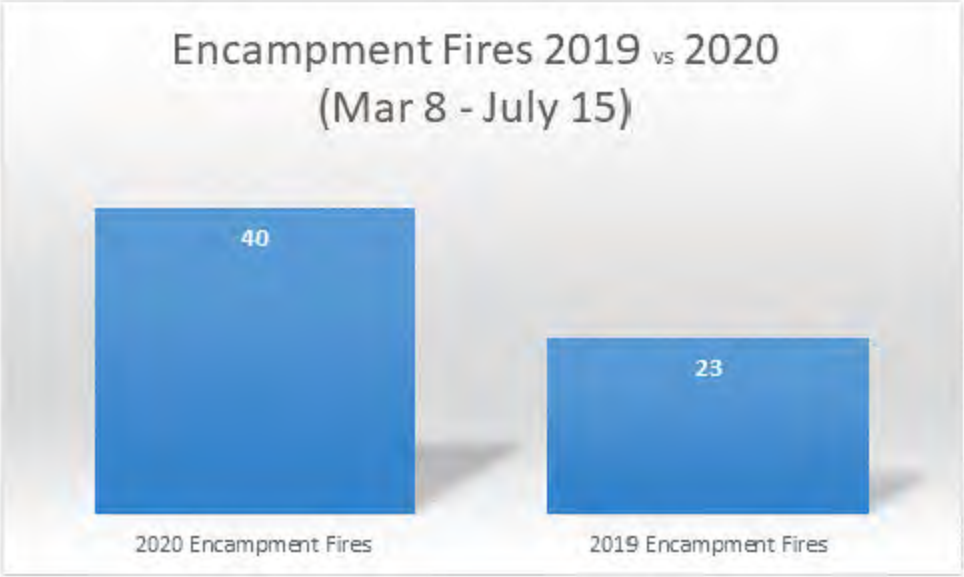


There are a variety of issues with not addressing illegal camping in Corvallis. City departments are receiving routine complaints from community members. These complaints often bring up sanitary conditions, violations of law/code/ordinance/charter, environmental impacts and the impact on livability and perceived safety of our community. Community complaints about illegal camping are primarily related to this activity in City parks and natural areas.

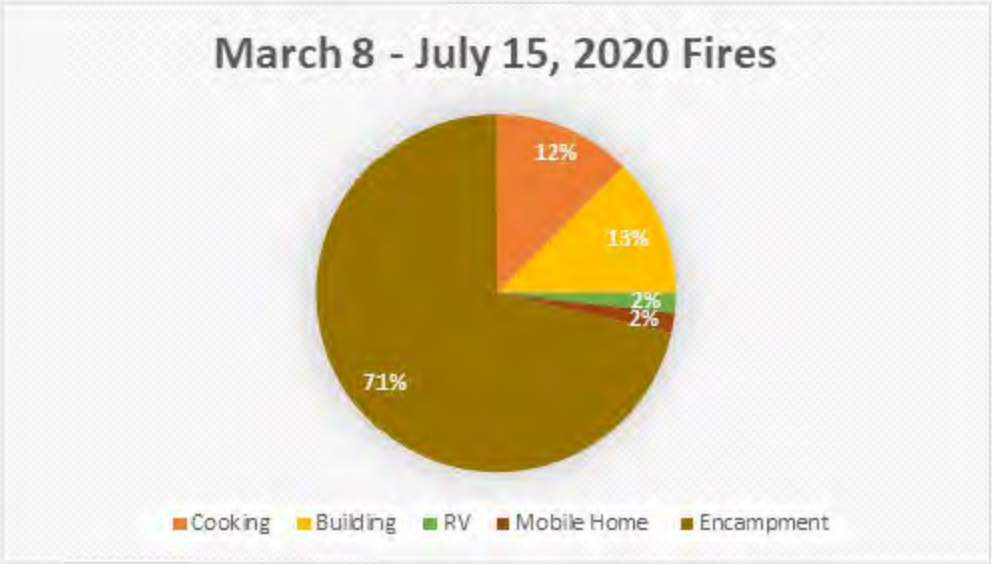
As an example, at the start of the pandemic, the Men's Cold Weather Shelter (MCWS) transitioned from a shelter into a hygiene facility. A significant number of people are now illegally camping in and around the BMX Track in particular. This has resulted in a dramatic increase in the number of calls for service for Fire, Police, and EMS. From March 8th (the day the Governor declared a state of emergency) through July 8th, 247 calls for service were received for the immediate area of the BMX Track/MCWS. This represents a threefold increase in the number of calls made for emergency services compared to the same time period in 2019. It is

worth noting that number would likely be much higher if not for the efforts of MCWS staff and volunteers to address issues as they come up.

Each department has observed specific impacts with the current status of illegal camping. The Corvallis Fire Department has tracked a 73% increase in fires related to illegal campsites from March 8 through July 15, 2020 compared to the same time period in 2019.



Furthermore, fires at illegal campsites have made up 71% of total fires in Corvallis during that time period:



Besides the obvious impact on resources, this is a significant life safety concern. This concern became a reality in the early morning hours of July 13th, when a fire at an illegal campsite in Pioneer Park destroyed several campsites and threatened the lives of the campers. Fortunately, no lives were lost in the blaze.

It is apparent multiple violations of law are occurring in the illegal campsites. Besides illegal camping and littering, there is evidence of drug use, theft, and reckless burning. Human waste is often accumulated in five gallon buckets, even with porta-potties placed near the illegal campsites. Calls from the area of the BMX Track/MCWS include reports of assaults, menacing, criminal mischief (vandalism), theft, harassment, and sex offenses. Parks & Recreation staff is finding it difficult to comply with fire prevention regulations pertaining to mowing due to the prevalence of illegal camping.

Besides violations of statute or ordinance, the City is in violation of its DEQ storm water permits by not addressing illegal camping. Per the permit, the City must effectively prohibit non-storm water discharge into our waterways. Illegal campsites in riparian zones result in pollution including garbage, drug paraphernalia, propane tanks, and human waste reaching nearby waterways in violation of permit requirements. Parks and Recreation and Public Works Departments have devoted significant resources to this issue, but the progress they have made has now diminished with the limitations on illegal campsite removal put in place due to COVID-19.

Parks and Recreation staff are seeing an increase in vandalism at Riverfront and Pioneer Parks, including the destruction of property, along with damaging and cutting down trees. Significant quantities of garbage including used needles are found in and around many of the campsites throughout the park system.

It is worth noting that other cities in the area have returned to enforcing illegal camping laws. Specifically, OPB ran a May 22nd article about the Portland Police Bureau resuming illegal camp cleanups, and the Eugene Register-Guard had a June 23rd article about the Eugene Police Department returning to enforcing illegal camping laws.

City staff met with service providers to the houseless community on Monday, September 14 to seek feedback on the phased approach. The service providers shared that their resources continue to be stretched. They expressed concern about where the illegal campers would go. They repeated that there continues to be no local long term solution to houselessness that is of a scale to address all the issues in the region. Service providers noted they also had experienced some of the challenges outlined in this report and have seen examples of people coming to Corvallis from surrounding areas like Linn County that are already enforcing illegal camping. Service providers agreed to create a smaller working group to work with City staff in coordinating, refining, and implementing this phased approach. This work effort may provide some modifications to the later phases in this approach as it progresses. However, the work to start addressing the impacts of illegal camping must be initiated now and the initial phases will be implemented as described below.

PHASED APPROACH PLAN

The issue of homelessness in our community is a complex one. The actions outlined here are not intended to provide a solution to the homeless issue. This effort is intended to address illegal camping and related behaviors, and their impacts, in a way that will promote the safety and environmental well-being of our community, including those illegally camping, and allow staff

to continue to be effective stewards of the land and waterways in an appropriate way using a multi-step process.

STEP ONE: Immediate action

These actions will be taken immediately to address several high-risk behaviors occurring in illegal campsites.

- CPD will begin routine patrols of areas where illegal camping is occurring to address illegal campfires. Parks and Recreation staff will report to Dispatch any fires they observe while performing their daily park maintenance work in the parks system. This is critical with dry weather and dry vegetation. An out of control campfire could be catastrophic to illegal campers and neighboring residents and businesses.
- Parks & Recreation staff will continue to provide garbage bags to people illegally camping, encouraging them to pick up refuse to mitigate the associated health hazard. The trash will be routinely collected at specified locations.
- CPD will continue to work with local resource providers to engage persons who are illegally camping in an effort to connect them with services they may need to affect a positive change in their circumstances. This could include outreach teams, social workers, mental health professionals, or other volunteer organizations.
- Persons camping in RVs will be encouraged to take advantage of lawful camping available at the fairgrounds; otherwise, their site will be posted.
- Community Development staff will continue to collaborate with resource providers to reach out to churches or other community entities that have expressed interest in installing microshelters as transitional housing for houseless persons. City staff will discuss the installation of microshelters at the MCWS with MCWS staff. Microshelters are permitted through the City, with community partners responsible for installing and maintaining the structures. To date, only five microshelters have been permitted. These have shown some success in safely transitioning people out of homelessness. Microshelters are a safe alternative to illegal camping during the pandemic.
- CPD, Parks and Recreation staff and service providers will provide educational handouts to persons illegally camping, to include:
    - Lists of local assistance resources
    - Information about the subsequent steps of this multi-step approach to addressing illegal camping
- CPD and Parks and Recreation staff will engage with ODOT and Portland & Western Railroad in an effort to work collaboratively on properties owned by those entities that are affected by illegal camping.

STEP TWO: 30 days

These actions will be taken.

- To address the increasing hazards of illegal camping, illegal campsites on City property will be posted and cleaned up.. *This will not apply to illegal camping at the BMX Track.* In order to minimize the potential spread of COVID-19, as well as utilizing a phased approach to address illegal camping, we recommend waiting to address the behavior at the BMX Track, which has some level of oversight from MCWS volunteers and staff.
- Staff will coordinate with ODOT and Portland & Western Railroad to address illegal camping on their properties adjacent to City parks in the same timeframe.
- Parks and Recreation and Public Works staff will follow all illegal camp cleanup protocols including the storage of property.
- Illegal campers will be notified that the City is returning to pre-COVID practices in addressing that behavior, including future plans to address the behavior in the BMX Track near the MCWS due to fire, health and environmental risks and impacts.
- Staff will continue to work with community partners to engage those illegally camping to assist them with finding appropriate solutions.

STEP THREE: 60 days

- To address illegal camping in a phased approach in the area of the BMX track near the MCWS, post and clean up any illegal campsites more than 150 feet away from the MCWS property. The result will be that the remaining illegal camping activity will be taking place out of wooded areas, and further away from waterways.
- Contact ODOT to coordinate illegal camp clean up on their adjacent properties.
- Parks and Recreation and Public Works staff will follow all illegal camp cleanup protocols including the storage of property.
- Notify illegal campers that the City is returning to pre-COVID practices in addressing that behavior, including future plans to address the behavior in the BMX Track near the MCWS.
- Staff will continue to work with community partners to engage those illegally camping to assist them with finding appropriate solutions.

STEP FOUR: 90 days

- As the final step in addressing illegal camping, any other sites will be posted and cleaned up.
- Ideally, the MCWS will seek permits for several microshelters on their property. These could be used for people who are at higher risk and/or those who can transition out of homelessness.
- Ideally, other churches or nonprofits will have additionally permitted and installed microshelters.

- Parks and Recreation and Public Works staff will follow all illegal camp cleanup protocols including the storage of property.
- Illegal campers will be notified the City is returning to pre-COVID practices in addressing that behavior.
- Staff will continue to work with community partners to engage those illegally camping to assist them with finding appropriate solutions.

Attachments
CC-A BMX Park and Area
CC-B ODOT Property near Brooklane
CC-C Photos

BMX PROPERTY

Feet
0 150

Feet
0 200

N
W E
S

HWY 34 & BROOKLANE DRIVE

Pioneer Park July 13, 2020

Riverfront Park July 8, 2020

Pioneer Park, July 1, 2020

TO: City Council for September 21, 2020, Council Meeting

FROM: Nancy Brewer, Finance Director NB

DATE: September 3, 2020

THROUGH: Mark W. Shepard, P.E., City Manager MWS

SUBJECT: FY 19-20 Fourth Quarterly Operating Report

STRATEGIC OPERATIONAL PLAN PRIORITY: N/A

Action Requested:

Staff recommends Council accept the FY 19-20 Fourth Quarterly Operating Report (QOR).

Discussion:

In July, I provided an early update on the state of the City's finances at the end of FY 19-20. The Fourth QOR updates that data to include most, but not all, of the accruals and adjustments required to ensure accurate financial statements that meet Generally Accepted Accounting Principles in the Comprehensive Annual Financial Report. There will be additional adjustments over the coming two months as staff completes year-end work, prepares the financial statements, and the audit is completed.

The monthly reports provided in May, June, and July allowed the Council to monitor financial performance compared to the original projected budget and the revised FY 19-20 budget with estimated COVID-19 impacts. At the time we made revised estimates in early April, we had anticipated that the "Stay Home, Stay Safe" measures taken in late March would be successful, some activities would begin again in mid-May, and by mid- to late-June things would be returning to normal. That return to normal has not yet occurred, and the lack of a re-start in May has had an impact not estimated in the budget process.

Revenues

Actual financial performance is fairly close to the revised estimates for many of the major revenue sources, including:

- Property tax revenue was $1 million higher than the $31.8 million originally projected, and about $65,000 higher than the revised estimate, based on 6.24% growth in assessed value.
- State Shared Revenue ended up $108,000 higher than projected based on alcohol and marijuana sales. Actual revenue was about $8,000 higher than the revised estimate of $2.07 million.
- Lodging taxes, originally projected to total $2.29 million, revised in April 2020 to $1.629 million, actually totaled $1.621 million.
- Total Fines and Forfeitures were budgeted at $1 million, and revised down to $755,800 based on a significant reduction in citations written for both Parking and Traffic offenses, and eliminating late return penalties on Library materials. Actual revenue ended at $702,800.
- System Development Charge revenue was originally projected at $2.76 million, and revised down to $900,000. Actual revenue ended at $1.284 million, with all but Parks SDCs slightly exceeding the revised estimate as construction activity picked-up faster than anticipated.
- Water, Wastewater, and Storm Water revenue charged on monthly bills to customers totaled $24.2 million. This was about $1.1 million lower than original projections. Some of this was the result of a higher number of delinquent accounts, but there was also less water used than in prior years, likely a result of pandemic driven closures.

- Parks and Recreation revenues ended up $1 million lower than budget, and $800,000 lower than revised. The delay in re-starting regular activities has had a significant impact on Recreation programming for all ages and at all facilities.

Expenditures

Total operating expenses, across all funds, ended FY 19-20 $16.8 million under budget. Capital Project spending was $13.3 million under budget. In both cases, the COVID-19 pandemic had an impact, even as staff made significant efforts to maintain services provided to the community.

- Basic operations generally continued, though many staff members had work schedules change, or spent time developing and implementing COVID protocols such as safe customer access, cleaning and sanitizing workspaces and facilities, mask wearing, and sanitizing public restrooms.
- A number of staff members from all departments worked in the Emergency Operations Center, responding with Benton County staff to acquire PPE, assist hospital and health department staff with preparations, secure hand sanitizer and masks, and more.
- IT staff was able to acquire and deploy 50 laptops in just a couple of weeks to allow many staff members to work from home.
- Staff in the Economic Development Office hit high speed to help the business community find any and all the help available to keep them operational to the greatest extent possible.
- Library staff turned from helping patrons find items in the building to making home deliveries and completing story time on-line.
- Recreation staff also moved programming to physically distanced performances from the Majestic Theatre, yoga classes, and youth exercise ideas for families, all provided on-line. Since early content was free to help keep isolated community members engaged, costs for operations remained at mostly normal levels as revenues decreased.

The City has used CARES Act monies for the pandemic response to reimburse most of the extra costs associated with the pandemic response.

There have been other expenditure impacts associated with the COVID pandemic response. Vendors or staff delayed or deferred some special projects. For example, vehicle-manufacturing plants closed for several months, delaying delivery of several planned purchases. Fire staff focused on high priority COVID-19 work, delaying the project to address Fire Station 4 dorms. Staff delayed some capital projects to ensure expenses matched lower revenue estimates. In all of these cases, the result has been a re-prioritization, with projects moved to a future year, delaying projects planned for 2021, 2022, and beyond to future years.

FY 19-20 Implications for FY 20-21

The COVID-19 pandemic reared its ugly head near the final stages of developing the FY 20-21 budget. Staff made a number of assumptions at the time about the fiscal impact of the pandemic on FY 19-20 and on FY 20-21. One of the biggest assumptions was that the pandemic would be under control in May and the pandemic driven changes in behavior (such as limited travel, restaurant closures, etc.) would be ending by June; that has clearly proven to be false as the pandemic and its effects are still present well into September.

Staff continues to monitor financial performance, and will complete revised budget projections for FY 20-21 in January. The factors identified by the CDC and the Oregon Health Authority for returning to normal – the ability to maintain the short-term behavior changes necessary to reduce the number of cases of COVID-19 until an effective vaccine is widely available – have a significant influence on the City's

financial status. Staff will monitor the progress toward this objective, and adjust current year and FY 21-22 assumptions as needed.

Budget Impact:

Staff monitor each Department's revenues and expenses. Finance Department staff are responsible for monitoring the whole organization's finances. It takes an estimated 40-60 hours of staff time to write and review the QOR.

Attachments:
CC-A – Fourth Quarterly Operating Report
CC-B – Fourth Quarter Income Statements

Quarter Four Financial Summary
FY 2019-20

This report provides summary information on the City's financial status as of the end of June, 2020; more detailed comparative income statement format data is available on-line at this link.

YTD PERFORMANCE AT A GLANCE		COMMENTS
GENERAL FUND		
General Fund Expenditure vs. Revenue	**WATCH**	General Fund long-term fiscal health remains a concern due to ongoing property tax growth limitations, and cost increases that exceed annual growth in tax revenue.
Property Tax Revenue	**WATCH**	Assessed value grew by 6.24% for 2019, the largest single year of growth since 1997, leading staff to leave property taxes in a "watch" status, but in a more cautiously optimistic vein than it has been for years.
Other taxes (Lodging, Marijuana)	**WATCH**	Lodging taxes fell 23.5% compared to last fiscal year due to the impact of COVID-19. Local marijuana tax revenue finished FY 19-20 up 12.5% over the previous fiscal year.
Franchise Fees	**WATCH**	We continue to see decreases in telephone and cable franchise fees, and there is considerable discussion at the FCC about the ability to assess franchise fees for cable services. Franchise Fees were down 2.1% compared to last FY.
State Shared Revenue	**POSITIVE**	State shared revenues from alcohol and marijuana sales were greater than projected. Alcohol was up 6.8% and marijuana was up 26.5% over last FY; cigarette taxes are following expectations for continuing declines.
Fines & Forfeitures	**WATCH**	Receipts for this year came in below last fiscal year. Traffic fine revenue was far behind historical amounts, in part due to availability of Police Officers as they focus on training new staff and other community needs during the City's COVID-19 response. Library also made a policy change to no longer charge late fees on checked out materials.
General Fund Expenditures vs. Budget	**WATCH**	General Fund expenditures came in under target with many of the special projects either having not taken place or being carried over to FY 20-21 due to COVID-19 interruptions.
SPECIAL REVENUE FUNDS		
9-1-1 Emergency Services	**POSITIVE**	Revenues were in line with projections coming in at 98% of budget. Expenditures fell slightly behind target finishing at 91% of budget. The 911 Service District will have an impact on this fund.
Community Development Revolving	**POSITIVE**	Construction Excise Tax revenue remained low throughout the year, reflecting a lull in development permits; many of the larger projects currently underway pulled permits last fiscal year. Grant reimbursements have also been delayed as projects to be completed by partner agencies are in the initiation phase. The fund remains in positive territory due to the significantly higher than expected CET revenue in FY 18-19.
Development Services	**POSITIVE**	Revenues rebounded in the second half of the FY due to some large payments from OSU and 509J school district. Like many other funds, expenditures were below target through the year, reflecting a near stop in new building construction applications during the COVID-19 pandemic.
Parking	**WATCH**	Parking citation revenue dried up during the second half of the year as Parking Enforcement Officers had their responsibilities shifted to COVID-19 response. Public Works has begun working on the Parking Audit and Analysis.
Street	**WATCH**	Street Fund revenues came in higher due to the larger than originally budgeted for increase in the Transportation Maintenance Fee. During the second quarter Council increased the Transportation Maintenance Fee to better fund the infrastructure needs identified in the Transportation System Plan and the Pavement Management study. The impact of COVID-19 on state highway tax disbursements will likely be felt in FY 20-21.

YTD PERFORMANCE AT A GLANCE		COMMENTS
Transit	**POSITIVE**	Increased State and Federal Funding is being used to expand Transit services to better meet the community's needs.
ENTERPRISE FUNDS		
Airport	**WATCH**	Construction started in May 2019 on the Airport Runway Project and was completed in September. A few punch list items were completed in June 2020. A combination of timing for grant reimbursements and the project coming in under budget explain the fund being below target. Accruals will take place.
Storm Water	**WATCH**	Revenues were on target. Expenditures were below target due to timing of special projects and capital improvement projects. This fund is in a positive position, but the demand for storm water services and expected future regulations cause it to remain on watch status.
Wastewater	**WATCH**	Wastewater revenues and expenditures were below target. Future needs for infrastructure maintenance were discussed during the annual rate review in the second quarter.
Water	**POSITIVE**	Water revenues and expenditures were below target. Expenditures are lagging a bit for the year. Some special projects were carried forward due to COVID-19.
INTERNAL SERVICE FUNDS		
Risk Management	**POSITIVE**	Risk coverage premiums continue to increase, and the Human Resources budget was significantly increased this year to cover expected workers' compensation costs. However, the City's insurance premiums came in slightly under budget, and its use of self-insurance was less than in previous years. The fund contingency was not used in FY 19-20.

What the ratings mean:

Positive *– Current revenues and City Council-adopted use of reserves are sufficient to support the current level of service. Fund balances appear stable over a three-year forecast. No significant negative issues are identified.*

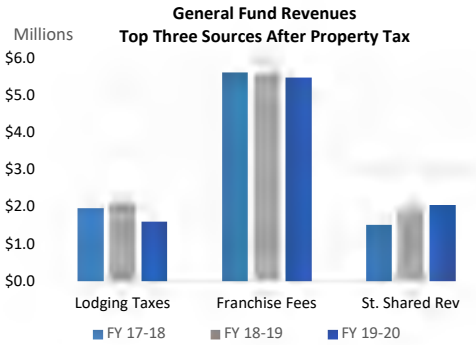
Watch *– Various stressors may cause current revenues to be flat or decline and impact the fund's capacity to support the current level of service. Factors exist that may contribute to higher than anticipated expenditure levels in more than one category over the next 6-12 months.*

Negative *– Current expenditures exceed or revenues are significantly behind forecast assumptions. Fund balance is unstable. Immediate action to balance fund is likely required.*

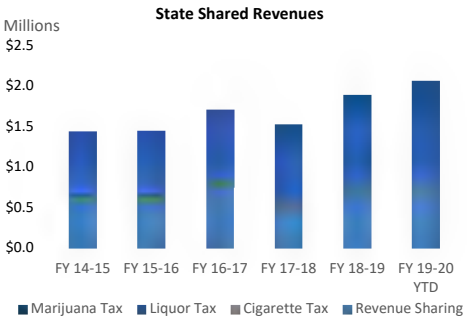
GENERAL FUND

REVENUE	AMENDED BUDGET	4th Quarter FY 19-20	YTD FY 19-20	FY 19-20 % REC/EXPEND	AMENDED BUDGET	4th Quarter FY 18-19	YTD FY 18-19	FY 18-19 % REC/EXPEND
Budgeted Beg. Fund Balance (incl reserves)	$17,348,644				$16,178,430			
Property Taxes	$31,790,400	$980,730	$32,843,290	103.31%	$30,353,200	$865,319	$30,389,164	100.12%
Other Tax	2,529,000	533,933	1,919,830	75.91%	2,032,100	1,163,683	2,385,998	117.42%
Licenses/Permits	10,820,100	2,838,658	10,126,793	93.59%	6,264,000	2,106,326	6,012,090	95.98%
Charges for Service	7,345,500	1,086,262	6,712,856	91.39%	7,425,100	1,580,249	7,617,865	102.60%
Intergovernmental	5,511,600	650,960	5,123,766	92.96%	4,648,200	910,356	5,213,922	112.17%
Fines/Forfeitures	550,800	67,132	394,514	71.63%	543,700	104,248	463,111	85.18%
Miscellaneous	1,676,000	847,252	1,543,363	92.09%	1,466,150	696,502	2,068,958	141.12%
Other Financing Sources	2,226,900	198,183	849,486	38.15%	1,443,100	329,419	1,454,422	100.78%
TOTAL CURRENT REVENUE	$62,450,300	$7,203,111	$59,513,898	95.30%	$54,175,550	$7,756,101	$55,605,530	102.64%
EXPENDITURE BY DEPARTMENT								
Mayor and City Council	$1,305,900	$312,171	$1,270,240	97.27%	$1,530,140	$367,024	$1,428,004	93.33%
City Manager's Office	574,700	117,136	514,618	89.55%	418,300	93,337	415,620	99.36%
City Manager's Office Special Projects	200,000	0	35,095	17.55%	0	0	0	0.00%
Community Development	1,686,300	410,439	1,582,173	93.83%	1,577,650	382,720	1,560,867	98.94%
Community Development Special Projects	271,300	525	8,222	3.03%	272,700	(18,201)	27,429	10.06%
Finance	703,400	138,926	584,046	83.03%	688,400	152,737	572,027	83.10%
Finance Special Projects	0	0	0	0.00%	0	0	0	0.00%
Fire	14,825,300	3,818,800	14,473,032	97.62%	12,694,600	3,487,732	12,577,564	99.08%
Fire Special Projects	185,000	8,708	50,000	27.03%	174,000	23,027	23,027	13.23%
Library	7,302,000	1,838,131	7,081,772	96.98%	7,147,000	1,774,081	6,889,130	96.39%
Library Special Projects	514,000	45,639	160,033	31.13%	253,700	61,546	130,755	51.54%
Parks and Recreation	8,551,900	2,235,193	8,091,605	94.62%	7,802,400	2,212,784	7,691,275	98.58%
Parks and Recreation Special Projects	566,500	83,529	176,039	31.07%	629,750	82,783	283,937	45.09%
Police	16,688,900	3,778,693	14,460,267	86.65%	13,658,600	3,420,003	13,284,552	97.26%
Police Special Projects	474,000	124,013	203,458	42.92%	251,200	53,920	113,307	45.11%
Public Works	353,200	57,464	248,767	70.43%	354,600	52,272	275,706	77.75%
Public Works Special Projects	0	0	0	0.00%	20,000	0	0	0.00%
Non-Departmental	603,000	2,938	10,474	1.74%	3,393,650	108,047	3,358,219	98.96%
TOTAL OPERATING EXPENDITURES	$54,805,400	$12,972,304	$48,949,842	89.32%	$50,866,690	$12,253,812	$48,631,418	95.61%
Debt Service	$694,200	$0	$694,133	99.99%	$692,200	$0	$692,192	100.00%
Transfers / Other Financing Uses	6,988,200	2,470,836	5,320,579	76.14%	5,321,000	2,447,771	5,111,706	96.07%
Contingencies/Reserves	640,000	0	0	0.00%	662,560	0	0	0.00%
TOTAL ALL EXPENDITURES	$63,127,800	$15,443,140	$54,964,555	87.07%	$57,542,450	$14,701,583	$54,435,316	94.60%
CURRENT REVENUE LESS TOTAL EXPENDITURES	(677,500)	(8,240,029)	4,549,343		(3,366,900)	(6,945,482)	1,170,214	

The General Fund Income Statement format above shows that FY 19-20 revenues year-to-date (YTD) (excluding Other Financing Sources, which are associated with pass-throughs that have an offsetting expense) are greater than FY 18-19 by approximately 7%. Other tax revenue, which includes Lodging and local Marijuana Tax, is down 19.5% YTD compared to FY 18-19. Q4 lodging tax revenue was down more than 27% from the same quarter of the previous year. Licenses/permits/fees revenue ended the year up 41% from last year due to the new Police and Fire Service fees. Operating Expenditures for FY 19-20 were up .09% year-over-year.



The graph to the left compares revenue for the last three years. Lodging Taxes were trending upward through Q3 due to the new hotel as well as the addition of revenue from AirBnBs and vacation rentals. Near the end of Q3 and through Q4 COVID-19 had a significant impact on this revenue stream, and will for some time into the future. Franchise Fees were down roughly 2.2% in FY 19-20 from previous year. State Shared Revenues were up 9.1% over FY 18-19.



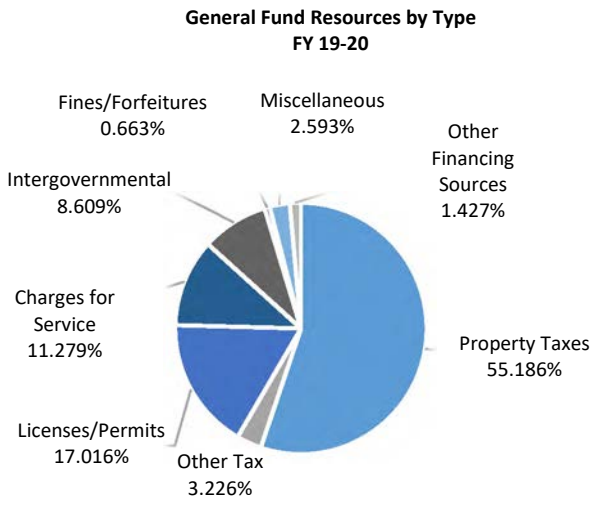
State Shared Revenues – Cigarette tax revenue is projected to decline 3% annually under the current outlook; cigarette tax revenue fell 5% year-over-year. Liquor revenue was up 6.8% in FY 19-20, and Marijuana tax receipts were up 26.5% from previous year. Overall, State Shared Revenues were up 9.1% in FY 19-20.

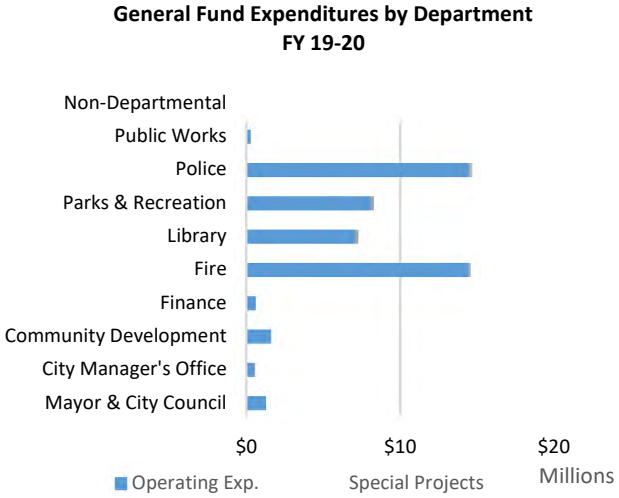
The **Resources** pie chart, to the right, graphically illustrates the YTD proportions of all resources supporting General Fund services.

The **Expenditures** bar graph shows the distribution of General Fund expenditures by department through the end of FY 19-20. The public safety departments (Fire and Police) account for almost 60% of the fund's operating expenditures; while other operations such as Library, Parks & Recreation, Economic Development, Municipal Court, Planning and Code Enforcement are the remaining 40% of expenditures.

Operational spending in total, and as a proportion of budget, was greater in FY 19-20 than in FY 18-19.

- The Fire Department Special Projects budget was under expended due to a very large station renovation project for crew quarters being delayed.
- Police Department budget includes an additional 15.0 FTE Police Officers for FY 19-20. Filling the new Police Officer positions is underway. Police was slightly under expended in FY 19-20 due to timing of filling those vacancies.
- The Police Department Special Projects budget includes overtime for training staff in the new CAD/RMS system; new vehicles for the Police Officers added for FY 19-20 are on order, but there is a backlog for the Police Hybrid.
- Parks and Recreation Special Projects budget is under expended due to timing of projects and purchases of vehicles.





NON-GENERAL FUND RESOURCES

Fund Name	Resources YTD through 4th Quarter FY 19-20	Resources YTD through 4th Quarter FY 18-19	Variance FY 19-20 to FY 18-19	FY 19-20 Total Budget Resources	YTD% of FY 19-20 Total Budget Resources
911 Emergency Services	2,942,817	2,821,006	121,811	3,005,400	97.92%
Administrative Services	5,957,985	5,487,596	470,388	5,976,600	99.69%
Airport	3,139,215	3,596,424	(457,209)	8,268,000	37.97%
Capital Construction	7,729,376	4,880,721	2,848,655	15,626,800	49.46%
Community Development Revolving	927,099	2,349,539	(1,422,440)	2,345,200	39.53%
Davidson	104	187	(82)	100	104.37%
Development Services	3,781,373	4,430,604	(649,231)	3,616,400	104.56%
Facility Maintenance	1,226,260	1,004,117	222,143	1,831,900	66.94%
Fleet Maintenance	1,365,892	1,156,442	209,449	1,573,400	86.81%
General Obligation Debt Service	218	1,193,388	(1,193,170)	0	N/A
Parking	522,093	697,702	(175,609)	721,400	72.37%
Parks System Development Charge	283,009	2,826,157	(2,543,148)	1,042,000	27.16%
Pension Obligation Debt Service	3,391,555	3,246,134	145,420	3,391,300	100.01%
Risk Management	1,922,875	1,835,561	87,314	1,879,500	102.31%
Street	6,720,065	6,595,701	124,365	6,190,000	108.56%
Street & Utilities System Development Charge	1,833,818	8,792,880	(6,959,062)	2,643,500	69.37%
Storm Water	3,706,685	3,604,111	102,574	3,895,600	95.15%
Technology & Communication	2,792,759	2,773,282	19,477	2,781,700	100.40%
Transit	4,776,860	3,096,934	1,679,927	5,050,700	94.58%
Vehicle/Equipment Reserve	1,764,280	1,242,310	521,970	1,746,700	101.01%
Wastewater	11,400,555	11,411,577	(11,021)	12,311,700	92.60%
Water	12,184,346	11,279,500	904,847	13,088,500	93.09%
TOTAL RESOURCES	**$78,369,239**	**$84,321,872**	**(5,952,633)**	**$96,986,400**	**80.80%**

RESOURCES – Info on <>5% difference in Operating Funds from prior year or budget target (100%)

Airport – *Most of the resources are from grant reimbursements for the Runway Overlay project.*

Capital Construction – *Resources are mostly from grants, reimbursed after project expenditures occur.*

CD Revolving – *Revenue sources in this fund are generally unpredictable in timing. Major revenues include the Construction Excise Tax, which is dependent on development, and reimbursements from federal agencies for grant funded projects where expenditures must occur prior to the request to draw grant monies.*

Facility Maintenance – *Some transfers in did not taken place for FY 19-20 because the facility project they were funding was postponed due to COVID-19.*

Fleet Maintenance – *Garage maintenance charges and fuel sales were less than projected during the fiscal year.*

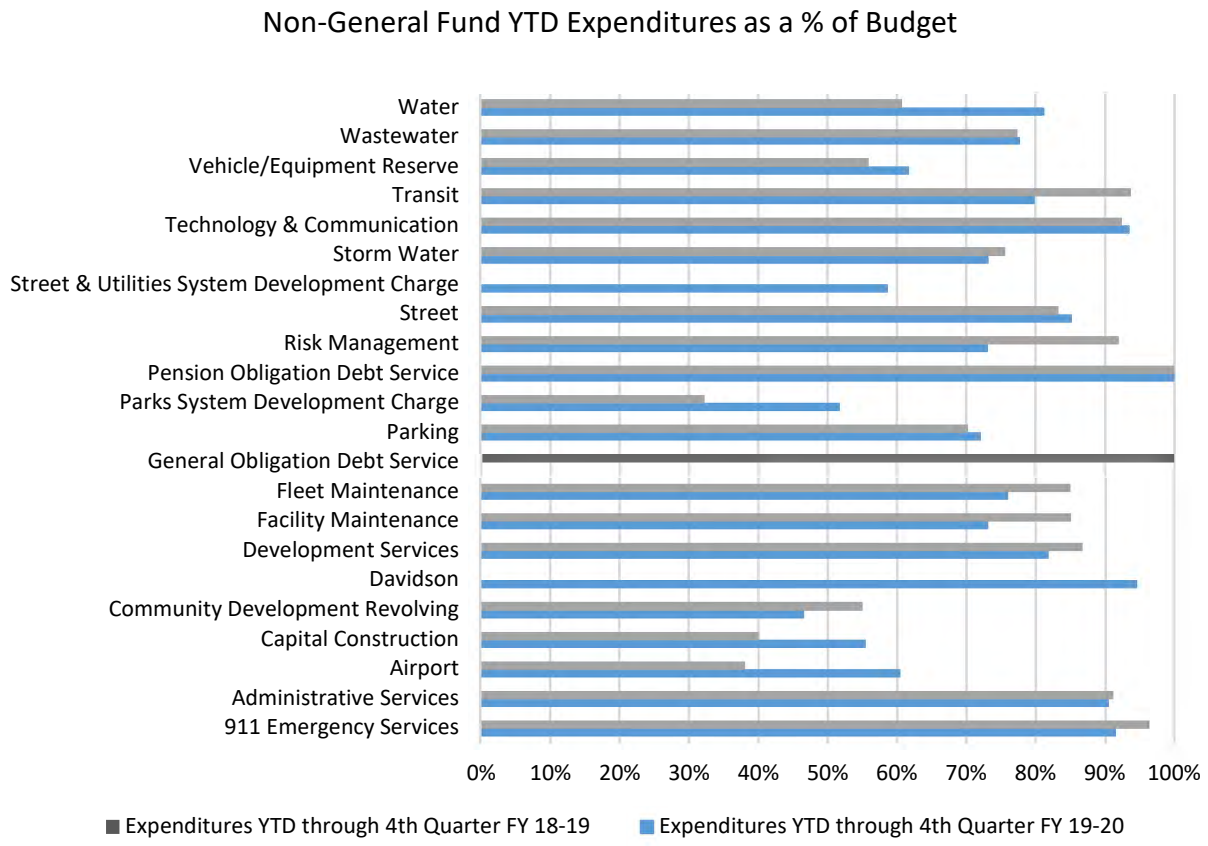
General Obligation Bond – *There is no outstanding GO debt, and no tax levy for FY 19-20. There is a small balance in the fund, which will earn interest through the year.*

Parking – *Fewer parking tickets written in March through Q4 due to COVID-19 and Parking Enforcement Officer duties being modified to assist in other areas for the City's response.*

Parks System Development Charge (SDC) / Street & Utilities SDC – *Charges for Service revenue in these funds were lower than last year due to the currently slower rate of development.*

Street – *The Transportation Maintenance Fee increase Council set in the 2nd quarter was greater than originally projected resulting in better than expected revenue in the fund.*

NON-GENERAL FUND EXPENDITURES



EXPENDITURES – Info on <>5% difference in Operating Funds from prior year or budget target (100%)

The above bar graph compares FY 19-20 and FY 18-19 expenditures through June 30th as a percentage of their respective total budgets for all City funds except the General Fund (discussed in previous pages).

9-1-1 Emergency Services – *Expenditures were slightly low for the year due to some of the one-time projects being delayed and carried forward.*

Administrative Services – *Multiple HR one-time projects were delayed due to COVID-19.*

Capital Construction – *Some projects were carried forward to FY 20-21.*

CD Revolving – *Expenditures came in low in 19-20 as project delays slowed the expenditure of CDBG funds.*

Development Services – *All one-time projects did not taken place during the fiscal year.*

Facility Maintenance – *Multiple one-time projects were carried forward to FY 20-21.*

Fleet Maintenance – *Low recurring expenditures were caused by a few vacancies during the year and unused contingency appropriations in a relatively small fund.*

Parking – *COVID-19 response shifted Parking Enforcement Officers duties out of the parking fund resulting in less expenditures in the fund.*

Parks System Development Charge (SDC) – *Corvallis Community Center Expansion, Chintimini Park Improvement, and Central Park Playground replacement have used SDC funding.*

Storm Water – *Three large special projects were carried forward to FY 20-21. COVID-19 delayed many professional development activities.*

Transit – *Delaying some special projects due to COVID-19 had an impact on expenditures this FY.*

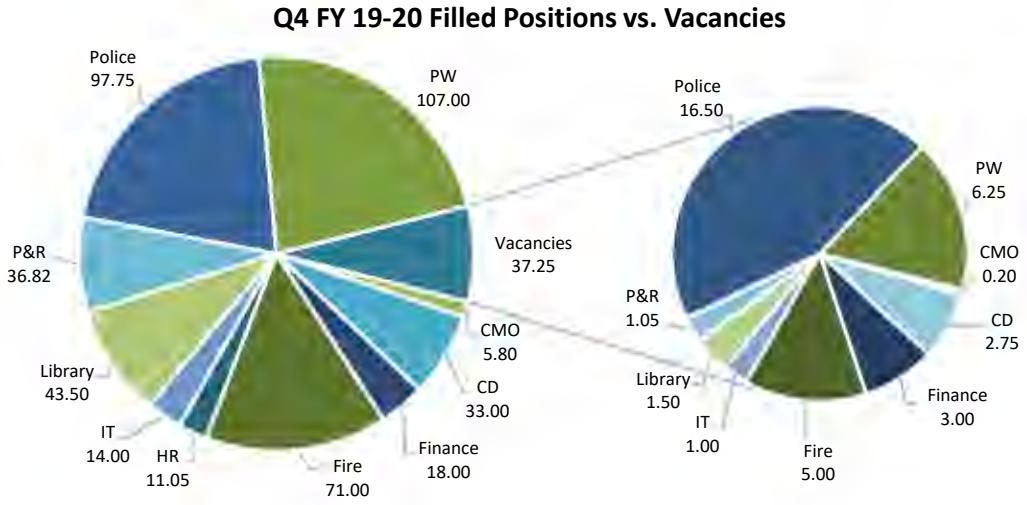
Vehicle/Equipment Reserve – *Vehicle and equipment purchases take place at different times throughout the year and timing of deliveries can cross fiscal years.*

Wastewater – *Timing of special projects due to COVID-19 had an impact on expenditures this FY.*

Water – *Timing of special projects due to COVID-19 had an impact on expenditures this FY.*

City Staff – Personnel Services Quarterly Update

Vacancies – The pie-within-a-pie chart below depicts how different departments have been impacted by vacancies through Q4 of this fiscal year. The 37.25 FTEs in citywide vacancies is 7.8% of total FY 19-20 authorized FTEs and is 4.3 FTE vacancies more than the same quarter of the previous fiscal year. Two retirements occurred in the fourth quarter of FY 19-20. Police gained 19 additional authorized FTE, and Fire gained 7 additional authorized FTE in FY 19-20. This helps explain the significant increase in vacancies from the same quarter of the previous fiscal year. Public Works (PW) vacancies increased by 1.25 FTE since last quarter; the department now has 10.25 full-time equivalent (FTE) positions vacant as of quarter end, representing roughly 9% of its total authorized FTE. Police have 15 vacancies at the end of Q4 representing no change since last quarter. Fire filled a vacancy during Q4 bringing the department total vacancies to 4.0 FTE. Community Development (CD) reflects 2.75 FTE vacancies at the end of Q4, a increase of 1.25 FTE from the previous quarter. Parks & Recreation ended Q4 with 1.05 vacancies, down 1.95 FTE from the end of last quarter. Information Technology (IT) vacancies held steady at 1.0 FTE during the quarter. Library vacancies increased by .5 FTE in Q4, leaving them with 1.5 FTE vacant. Finance vacancies held steady during the quarter at 3.0 FTE. Human Resources remained fully staffed in the quarter. The City Manager's Office had .20 FTE vacant at the end of Q4, a decrease of .8 FTE from the previous quarter. Departments must perform a position review and/or consider reorganizations whenever a position becomes vacant, in order to optimize potential budget savings and/or other possible efficiencies within that department.



CAPITAL IMPROVEMENT PROJECTS

QUARTERLY UPDATE ON SIGNIFICANT ACTIVITY

Senior Center Expansion	**Adopted Budget:** **$5,393,200**	**Amended:** **$4,837,940**	**YTD Expended:** **$4,078,646**

This project is to expand the Senior Community Center to better meet the needs of the community. The project will also construct and expand a parking lot for the building and park to serve the community and meet code requirements.

The building was completed with the exception of punch-list items in the fourth quarter. COVID-19 delays and utility work have kept staff from gaining building occupancy. It is anticipated that these issues will be resolved shortly.

Central Park Playground Improvements	**Adopted Budget:** **$585,200**	**Amended:** **$642,200**	**YTD Expended:** **$504,573**

Central Park is a 3.75 acre park located in the core of the City and adjacent to City Hall and the Arts Center. The park features a playground, landscaped areas, open lawn, accessible walkways and a gazebo. Over the last few years, the park has become a place where illegal behaviors occur on a regular basis, thereby keeping normal users away. In accordance with the Crime Prevention Through Environmental Design (CPTED) review by the Corvallis Police Department, this project upgrades the playground equipment, playground surfacing, and add a low open fence to define the play area. The goal of the project is to define the children's play area as a safe place from illegal behaviors, while bringing more users back to the park.

During the fourth quarter, the playground was completed, the existing gazebo was removed and site work for the replacement of the gazebo was completed.

Park Improvement – Bruce Starker Arts Park	**Adopted Budget:** **$100,000**	**Amended:** **$162,700**	**YTD Expended:** **$158,792**

This three phase project replaced the existing playground equipment (Phase I); restored the pond to a more natural condition with a perimeter walkway (Phase II); and make improvements to the amphitheater (Phase III).

Phase I and II were completed in prior fiscal years. Phase II, upgrade of the amphitheater was completed during the fourth quarter including a new stage floor, column bases, irrigation and landscaping.

Street Resurfacing – Circle Blvd	**Adopted Budget:** **$593,000**	**Amended:** **$593,000**	**YTD Expended:** **$296,170**

This project resurfaces streets based on priorities set through an asset management evaluation. Streets age with time and traffic loading, and require restoration periodically to maintain service levels. This project resurfaces Circle Boulevard from Highland Drive to Dogwood Drive.

Construction underway with completion expected by the end of October 2020.

Marys River Water Main Crossing	**Adopted Budget:** **$4,200,000**	**Amended:** **$4,200,000**	**YTD Expended:** **$3,373,090**

This project will construct additional crossings independent of bridges at the 4th and 15th streets by directional drilling under the Marys River. The 4th Street crossing is also identified in the Water Distribution System Master Plan as a future project to increase capacity by replacing the existing pipe with a larger pipe.

The 15th Street crossing has been completed and the new waterline is in service.

The City has determined that it is in the City's best interest to terminate the contract with the current contractor and re-bid the rest of the project for construction in FY 21-22.

Avery Park Lift Station Rehabilitation	**Adopted Budget:** **$453,000**	**Amended:** **$453,000**	**YTD Expended:** **$410,918**
This project replaces the Avery Park Lift Station pumps and installs an automatic power transfer. Construction is complete and the site is fully operational.			
Crescent Valley Lift Station Rehabilitation	**Adopted Budget:** **$573,000**	**Amended:** **$573,000**	**YTD Expended:** **$470,744**
This project replaces the electrical control systems, communication equipment, wet well, and pumps at the Crescent Valley Lift Station. Construction is complete and the site is fully operational. Once all invoices are finalized, the City will seek reimbursement from the School District. The total project cost is approximately $100K less than the initial estimate given to the School District.			
Water Pipe Replacement – Maser Drive	**Adopted Budget:** **$0**	**Amended:** **$340,000**	**YTD Expended:** **$256,285**
This project is for the emergency replacement of a failing waterline in Maser Drive. The new waterline has been completed and is in service.			

CASHFLOW AND INVESTMENT PORTFOLIO QUARTERLY UPDATE

A Treasury Report is prepared monthly per City policy and is sent directly to Council to help fulfill its fiduciary responsibilities. The quarterly operating report provides a high-level update beyond what is provided on a monthly basis.

The graphs in this section depict the City's total holdings and comparable return rates over the past five years. Total holdings have grown due to the addition of the local operating levy revenues, the Council Policy to build to a $7.4 million fund balance reserve in the General Fund, and increased receipts from system development charges (SDC) from local development work.

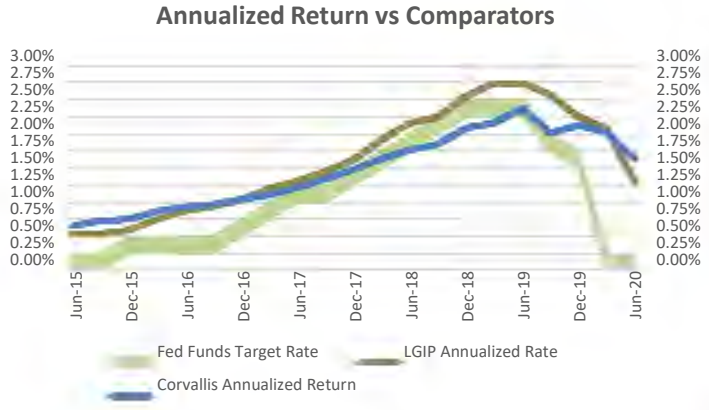
The novel coronavirus COVID-19 pandemic continued to disrupt life across the country and the world in the fourth quarter of FY 19/20, resulting in deep economic impacts. Interest rates remained near zero, as the Fed indicated a willingness to use all tools at its disposal to stabilize the economy.

Treasury yields continued to slide between April and June, with the 3-month Treasury note dropping 14 basis points (b.p.), ending the quarter at 0.16%. The 2-year note ended at 0.19% after losing 26 b.p., and the 10-year note fell 14 b.p., landing at 0.73%.

While the interest rate in the Oregon Local Government Investment Pool (LGIP) declined 78 b.p. over the fourth quarter, it continued to outperform available fixed-income investments. Finance Department staff continued to use strategic laddering to safeguard and optimize the City's portfolio.

During the fourth quarter, a 1.5-year (bullet) $2 million US Treasury bond at 2.375% yield, a 4-year (bullet) $2 million Federal Home Loan Mortgage Corporation agency at 1.375% yield, and a 3-year (bullet) $2 million Apple Inc. bond at 1.844% yield matured. A 3-year (bullet) $1 million Toyota Corporate bond at 2.6093% yield and a 3-year (bullet) $1 million Toyota Corporate bond at 2.6121% yield were sold due to ratings downgrades by Moody's from Aa3 to A1. A 3-year (bullet) $.25 million California State bond at 1.031% yield, a 1-year (bullet) $1 million San Diego Unified School District bond at 0.751% yield, a 2-year (bullet) $1 million Washington State bond at 0.962% yield, a 3-year (bullet) $1.75 million Federal Home Loan Mortgage Corporation agency at 0.419% yield, a 2-year (bullet) $2 million floating rate US Treasury note at 0.245% yield, a 3-year (bullet) $.5 million Apple Inc. bond at 0.842% yield, and a 2-year (callable) $.25 million Oregon State bond at 0.502% yield were purchased.

The City and its investment advisor continue to take a balanced approach that offers the best returns within our strategic timeline for maturities.



NON-OPERATING EXPENDITURES – DEBT SERVICE QUARTERLY UPDATE

Debt service payments are typically targeted for the second quarter to match the City's influx of property taxes. Since our debt issuances require semi-annual payments, the fourth quarter then picks up the remainder by default. Though funding sources have shifted somewhat over the years, the City's total debt service has been in much the same range for the past few years. The 2009 General Obligation Refunding Bonds were fully satisfied in FY 18-19, and the CSO 2006 Advanced Refunding Bonds were fully satisfied in FY 19-20.

PERFORMANCE MEASURES

The COVID-19 pandemic will cause a significant negative impact on some measures. This is especially true for many of the Parks and Recreation and Library measures that track participation data.

Management Goals & Objectives	Performance Measures	FY18-19 ACTUAL	FY19-20 TARGET	4th QTR ACTUAL	FY19-20 YTD
Ensure City financial resources are primarily spent on operations that provide services directly to the community.	Maintain general overhead costs (City Manager's Office, HR, and Finance) at less than 7% of total operating expenses.	5.5%	7.00%	5.7%	7.18%
Provide opportunities for community involvement and enhance Department service levels while lowering program costs.	Total number of hours worked by volunteers in support of parks and recreation services (not including Majestic).	16,944 (8.15 FTE)	24,000 (11.53 FTE)	331 (.16 FTE)	13,081 (6.29 FTE)
Increase community safety by maintaining overall number of traffic accidents resulting in injuries/fatalities at less than the State average of 5/per thousand population.	Fatal and injury traffic accidents per 1,000 population.	106 or 1.80/thou	<2.5/thou	14 or .24/thou	148 or 2.50/thou
Provide a welcoming organization that promotes and respects diversity.	% of job applicants for regular positions who identify themselves as a minority.	18%	16%	20%	20%
Provide recreation programs that are inclusive, creating an opportunity for the diverse community to come together.	Total number of registrations; all programs.	210,772	163,750	3,202	123,387

Management Goals & Objectives	Performance Measures	FY18-19 ACTUAL	FY19-20 TARGET	4th QTR ACTUAL	FY19-20 YTD
Assure that low income residents' housing needs are met in a cost effective manner.	Housing units occupied by low income households assisted per $100,000 in City funds invested.	5	5	0	4
Seek out the most promising Stage 2 companies in Benton County as determined by local employment growth and capital investment and develop a major account manager program that will proactively address their needs and growth opportunities.	Number of Economic Development division staff visits to Benton County's promising Stage 2 companies.	179	150	134	170
Increase the number of customer accounts with electronic monthly bills to reduce printing and postage costs.	% of City Services customers receiving bills electronically.	24%	30%	29%	29%
Conserve resources by reducing fuel and paper use.	Percentage of permits issued online (mechanical, electrical, and plumbing).	67%	65%	91%	79%
Provide public transportation for community members and reduce greenhouse gases emitted in the city.	Transit rides provided per capita (National average for urbanized areas larger than Corvallis is 13).	18.59	23	5.38	15.94
Increase community usage of on-line police reporting system by 10%.	Number of police reports made through the on-line system.[1]	820	933	0	6
Remain below national average of 10% annual water loss in the distribution system.	Percent of water loss in the distribution system.	6.02%	<10%	5.95	5.36
Interact with at least 10% of residents (5,824 people city and rural district) in public Fire education events annually.	Number of community members attending public education events.	10,881	6,500	45	3,189
Be recognized as a leading advocate for reading and learning in the community.	Circulation per capita (estimated service population).[2]	19.37	18.6	N/A	N/A

1. On-line reporting transitioned during implementation of the new Records Management System. Estimated completion in 3rd quarter of FY 19-20.
2. No data collected for second half of FY 19-20. Library was closed on March 14 in response to COVID-19 pandemic.

Quarter Four Income Statement

COUNCIL RESOLUTIONS

The Amended Budget reflects the adopted budget, plus any amendments approved by the City Council via resolution during the course of the fiscal year. Through the fourth quarter of FY 19-20, the following amendments to the budget were approved:

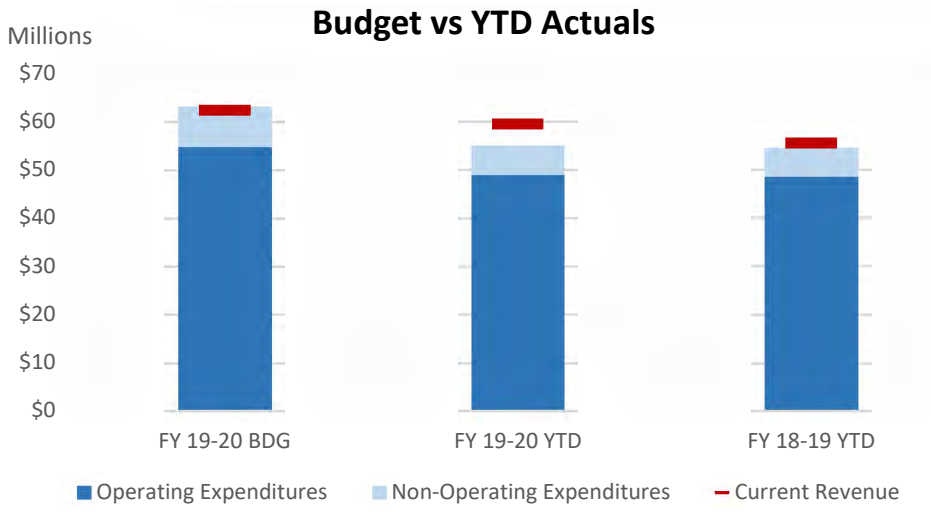
Date	Amendment Type	Resource	Fund	Department	Net Expenditure Impact
8/5/2019	Resolution	Transfer for Climate Action from Mayor/Council to City Manager's Office for Economic Development staff support for CAAB.	General	Mayor/City Council to City Manager's Office	None/ Transfer
11/18/2019	Resolution	Transfer from Parks & Recreation to Parks & Rec Special Projects	General	Parks and Recreation	Transfer
11/18/2019	Resolution	Transfer from Human Resources Dept. to Finance Dept.	Admin	HR/Finance	Transfer
					$ -

ALL FUNDS

REVENUE	AMENDED BUDGET	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$99,772,301							
Property Taxes	$31,790,400	$980,730	$32,843,290	103.31%	$31,543,200	$922,274	$31,575,790	100.10%
Other Tax	2,994,000	548,318	2,028,758	67.76%	2,487,100	1,338,709	3,656,819	147.03%
License/Permits	14,788,800	4,124,870	14,600,850	98.73%	10,012,500	3,150,562	10,332,651	103.20%
System Development Charges	2,758,000	430,846	1,284,655	46.58%	3,079,100	2,143,670	10,378,919	337.08%
Charges for Service	51,895,700	12,599,116	50,029,151	96.40%	49,219,800	12,635,580	50,321,400	102.24%
Intergovernmental	27,729,900	3,571,998	16,981,527	61.24%	24,971,800	7,658,781	17,854,470	71.50%
Fines/Forfeitures	1,005,800	61,484	703,065	69.90%	988,700	215,257	896,141	90.64%
Miscellaneous	7,000,500	1,429,772	5,940,207	84.85%	4,230,650	1,623,076	5,171,391	122.24%
Other Financing Sources/Transfers In	19,473,600	4,695,265	13,471,287	69.18%	13,410,000	4,306,219	9,739,822	72.63%
TOTAL CURRENT REVENUE	$159,436,700	$28,442,398	$137,882,790	86.48%	$139,942,850	$33,994,129	$139,927,401	99.99%
EXPENDITURE BY DEPARTMENT								
Mayor and City Council	$1,305,900	$312,171	$1,270,240	97.27%	$1,530,140	$367,024	$1,428,004	93.33%
City Manager's Office	1,719,800	357,607	1,579,915	91.87%	1,436,800	306,985	1,399,559	97.41%
City Manager's Office Special Projects	200,000	0	35,095	17.55%	0	0	0	N/A
Community Development	8,169,300	1,661,668	6,063,096	74.22%	7,458,700	1,416,647	5,929,019	79.49%
Community Development Special Projects	317,800	525	8,222	2.59%	648,500	7,157	395,918	61.05%
Finance	4,606,100	775,419	4,282,808	92.98%	4,504,200	854,180	4,238,040	94.09%
Finance Special Projects	0	0	0	N/A	232,500	2,260	232,335	99.93%
Fire	14,825,300	3,818,800	14,473,032	97.62%	12,694,600	3,487,732	12,577,564	99.08%
Fire Special Projects	1,100,500	311,153	805,932	73.23%	374,000	51,043	222,603	59.52%
Human Resources	2,944,400	675,357	2,587,512	87.88%	2,919,400	821,531	2,658,074	91.05%
Human Resources Special Projects	225,000	14,940	58,913	26.18%	225,000	0	0	0.00%
IT	2,761,100	761,990	2,644,393	95.77%	2,573,800	714,954	2,538,990	98.65%
IT Special Projects	735,000	127,058	350,765	47.72%	1,151,100	164,728	513,589	44.62%
Library	7,302,000	1,838,131	7,081,772	96.98%	7,147,000	1,774,081	6,889,130	96.39%
Library Special Projects	514,700	45,639	160,695	31.22%	281,700	89,546	158,755	56.36%
Parks and Recreation	8,551,900	2,235,193	8,091,605	94.62%	7,802,400	2,212,784	7,691,275	98.58%
Parks and Recreation Special Projects	626,500	109,094	201,604	32.18%	752,750	82,783	378,837	50.33%
Police	19,732,200	4,461,897	17,300,197	87.67%	16,524,500	4,060,793	16,053,973	97.15%
Police Special Projects	789,300	246,581	460,982	58.40%	448,100	90,317	306,082	68.31%
Public Works	28,872,000	6,929,206	26,486,108	91.74%	26,867,000	6,538,532	24,741,780	92.09%
Public Works Special Projects	10,152,500	2,461,885	5,261,309	51.82%	6,975,400	2,192,089	5,087,154	72.93%
Non-Departmental	604,400	2,938	11,824	1.96%	3,395,000	108,047	3,359,569	98.96%
TOTAL OPERATING EXPENDITURES	$116,055,700	$27,147,251	$99,216,022	85.49%	$105,942,590	$25,343,214	$96,800,248	91.37%
Debt Service	$5,966,200	$1,368,844	$5,966,072	100.00%	$7,027,770	$2,520,953	$7,027,747	100.00%
Capital Projects	33,062,700	3,413,816	19,753,011	59.74%	30,736,400	3,771,227	10,340,783	33.64%
Other Financing Uses / Transfers Out	19,473,600	4,699,220	13,395,564	68.79%	13,410,000	4,830,362	9,720,198	72.48%
Contingencies / Reserves	1,969,000	0	0	0.00%	1,649,560	0	0	0.00%
TOTAL EXPENDITURES	$176,527,200	$36,629,133	$138,330,669	78.36%	$158,766,320	$36,465,756	$123,888,975	78.03%
CURRENT REVENUES LESS TOTAL EXPENDITURES	($17,090,500)	($8,186,735)	($447,880)		($18,823,470)	($2,471,626)	$16,038,426	

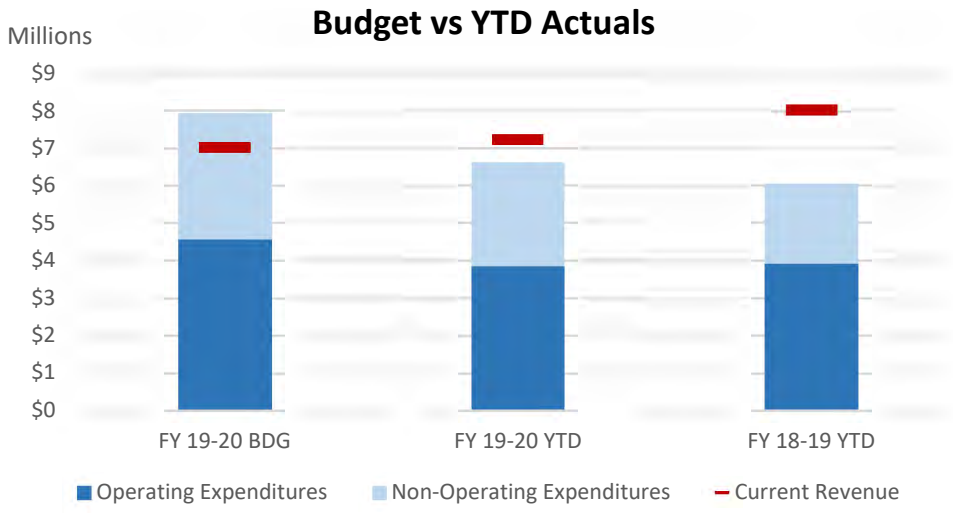
GENERAL FUND

REVENUE	AMENDED BUDGET FY 19-20	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET FY 18-19	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$17,348,644							
Property Taxes	$31,790,400	$980,730	$32,843,290	103.31%	$30,353,200	$865,319	$30,389,164	100.12%
Other Tax	2,529,000	533,933	1,919,830	75.91%	2,032,100	1,163,683	2,385,998	117.42%
License/Permits	10,820,100	2,838,658	10,126,793	93.59%	6,264,000	2,106,326	6,012,090	95.98%
Charges for Service	7,345,500	1,086,262	6,712,856	91.39%	7,425,100	1,580,249	7,617,865	102.60%
Intergovernmental	5,511,600	650,960	5,123,766	92.96%	4,648,200	910,356	5,213,922	112.17%
Fines/Forfeitures	550,800	67,132	394,514	71.63%	543,700	104,248	463,111	85.18%
Miscellaneous	1,676,000	847,206	1,543,318	92.08%	1,466,150	696,502	2,068,958	141.12%
Other Financing Sources/Transfers In	2,226,900	198,183	849,486	38.15%	1,443,100	329,419	1,454,422	100.78%
TOTAL CURRENT REVENUE	$62,450,300	$7,203,065	$59,513,852	95.30%	$54,175,550	$7,756,101	$55,605,530	102.64%
EXPENDITURE BY DEPARTMENT								
Mayor and City Council	$1,305,900	$312,171	$1,270,240	97.27%	$1,530,140	$367,024	$1,428,004	93.33%
City Manager's Office	574,700	117,136	514,618	89.55%	418,300	93,337	415,620	99.36%
City Manager's Office Special Projects	200,000	0	35,095	17.55%	0	0	0	N/A
Community Development	1,686,300	416,022	1,587,756	94.16%	1,577,650	382,720	1,560,867	98.94%
Community Development Special Projects	271,300	525	8,222	3.03%	272,700	(18,201)	27,429	10.06%
Finance	703,400	138,926	584,046	83.03%	688,400	152,737	572,027	83.10%
Fire	14,825,300	3,818,800	14,473,032	97.62%	12,694,600	3,487,732	12,577,564	99.08%
Fire Special Projects	185,000	8,708	50,000	27.03%	174,000	23,027	23,027	13.23%
Library	7,302,000	1,838,131	7,081,772	96.98%	7,147,000	1,774,081	6,889,130	96.39%
Library Special Projects	514,000	45,639	160,033	31.13%	253,700	61,546	130,755	51.54%
Parks and Recreation	8,551,900	2,235,193	8,091,605	94.62%	7,802,400	2,212,784	7,691,275	98.58%
Parks and Recreation Special Projects	566,500	83,529	176,039	31.07%	629,750	82,783	283,937	45.09%
Police	16,688,900	3,778,693	14,460,267	86.65%	13,658,600	3,420,003	13,284,552	97.26%
Police Special Projects	474,000	124,013	203,458	42.92%	251,200	53,920	113,307	45.11%
Public Works	353,200	57,464	248,767	70.43%	354,600	52,272	275,706	77.75%
Public Works Special Projects	0	0	0	N/A	20,000	0	0	0.00%
Non-Departmental	603,000	2,938	10,474	1.74%	3,393,650	108,047	3,358,219	98.96%
TOTAL OPERATING EXPENDITURES	$54,805,400	$12,977,886	$48,955,425	89.33%	$50,866,690	$12,253,812	$48,631,418	95.61%
Debt Service	$694,200	$0	$694,133	99.99%	$692,200	$0	$692,192	100.00%
Other Financing Uses / Transfers Out	6,988,200	2,470,836	5,320,579	76.14%	5,321,000	2,447,771	5,111,706	96.07%
Contingencies / Reserves	640,000	0	0	0.00%	662,560	0	0	0.00%
TOTAL EXPENDITURES	$63,127,800	$15,448,722	$54,970,137	87.08%	$57,542,450	$14,701,583	$54,435,316	94.60%
CURRENT REVENUES LESS TOTAL EXPENDITURES	($677,500)	($8,245,657)	$4,543,715		($3,366,900)	($6,945,482)	$1,170,214	



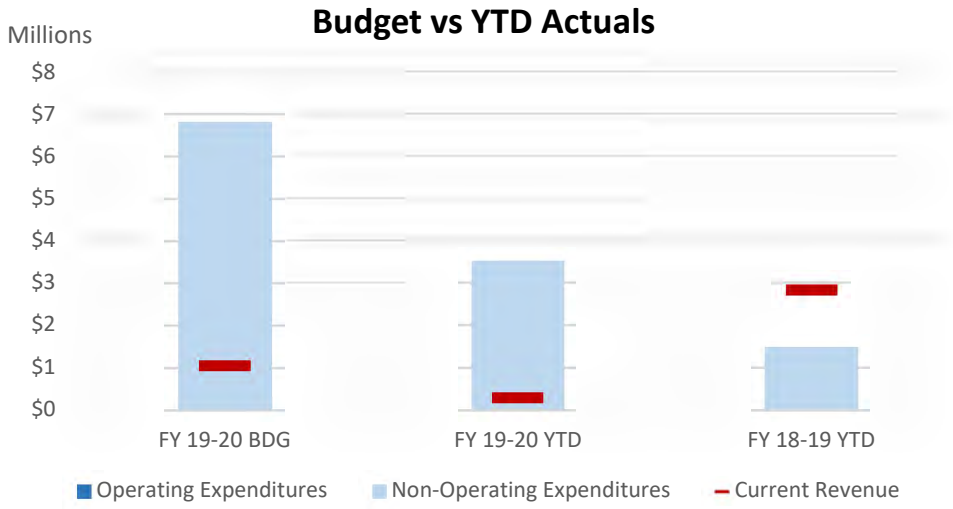
STREET FUND

REVENUE	AMENDED BUDGET FY 19-20	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET FY 18-19	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$11,485,342							
License/Permits	$1,328,200	$675,918	$2,027,949	152.68%	$1,330,000	$371,397	$1,440,971	108.34%
System Development Charges	700,000	222,135	368,455	52.64%	700,000	256,804	1,253,854	179.12%
Charges for Service	206,400	85,368	228,062	110.50%	137,900	196,224	373,221	270.65%
Intergovernmental	4,324,800	1,180,587	4,093,830	94.66%	4,233,800	1,386,508	4,383,026	103.52%
Fines/Forfeitures	500	68	378	75.57%	500	66	494	98.79%
Miscellaneous	212,800	88,145	245,669	115.45%	127,900	106,873	335,919	262.64%
Other Financing Sources/Transfers In	255,500	3,488	264,318	103.45%	255,500	0	255,500	100.00%
TOTAL CURRENT REVENUE	$7,028,200	$2,255,708	$7,228,661	102.85%	$6,785,600	$2,317,873	$8,042,985	118.53%
EXPENDITURE BY DEPARTMENT								
Community Development	$27,000	$3,809	$21,525	79.72%	$24,300	$2,973	$13,060	53.75%
Public Works	3,720,000	874,303	3,469,836	93.28%	3,478,200	812,973	2,993,802	86.07%
Public Works Special Projects	831,800	178,326	362,388	43.57%	1,222,400	368,645	921,033	75.35%
TOTAL OPERATING EXPENDITURES	$4,578,800	$1,056,437	$3,853,749	84.17%	$4,724,900	$1,184,591	$3,927,896	83.13%
Other Financing Uses / Transfers Out	$3,221,300	$311,584	$2,763,084	85.78%	$2,426,900	$829,200	$2,125,900	87.60%
Contingencies / Reserves	117,600	0	0	0.00%	120,100	0	0	0.00%
TOTAL EXPENDITURES	$7,917,700	$1,368,022	$6,616,833	83.57%	$7,271,900	$2,013,791	$6,053,796	83.25%
CURRENT REVENUES LESS TOTAL EXPENDITURES	($889,500)	$887,687	$611,828		($486,300)	$304,081	$1,989,190	



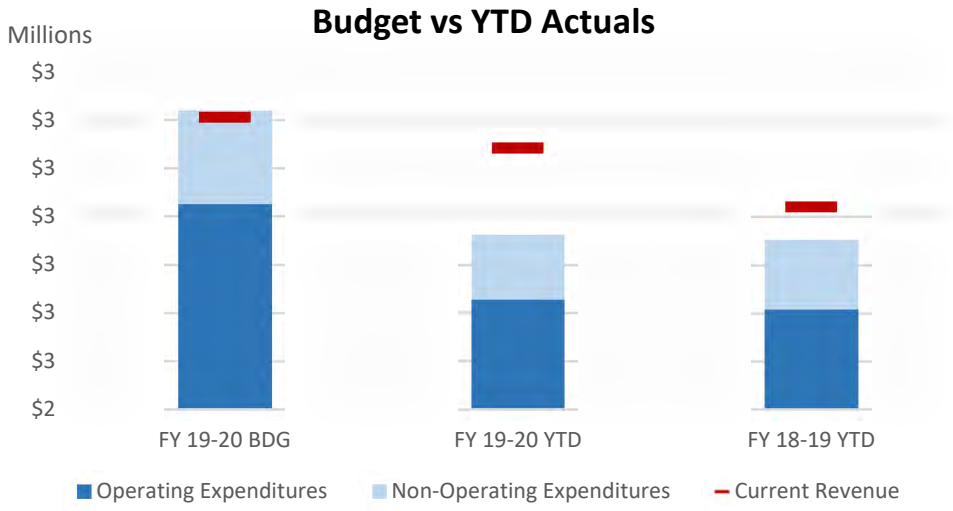
PARKS SYSTEM DEVELOPMENT CHARGE FUND

REVENUE	AMENDED BUDGET FY 19-20	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET FY 18-19	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$5,581,656							
System Development Charges	$928,000	$32,428	$187,023	20.15%	$1,023,700	$494,419	$2,661,118	259.95%
Miscellaneous	114,000	21,622	95,986	84.20%	72,000	59,429	165,039	229.22%
TOTAL CURRENT REVENUE	$1,042,000	$54,050	$283,009	27.16%	$1,095,700	$553,848	$2,826,157	257.93%
Other Financing Uses / Transfers Out	$6,809,200	$1,500,000	$3,520,000	51.69%	$4,569,800	$1,296,791	$1,474,791	32.27%
TOTAL EXPENDITURES	$6,809,200	$1,500,000	$3,520,000	51.69%	$4,569,800	$1,296,791	$1,474,791	32.27%
CURRENT REVENUES LESS TOTAL EXPENDITURES	($5,767,200)	($1,445,950)	($3,236,991)		($3,474,100)	($742,943)	$1,351,365	



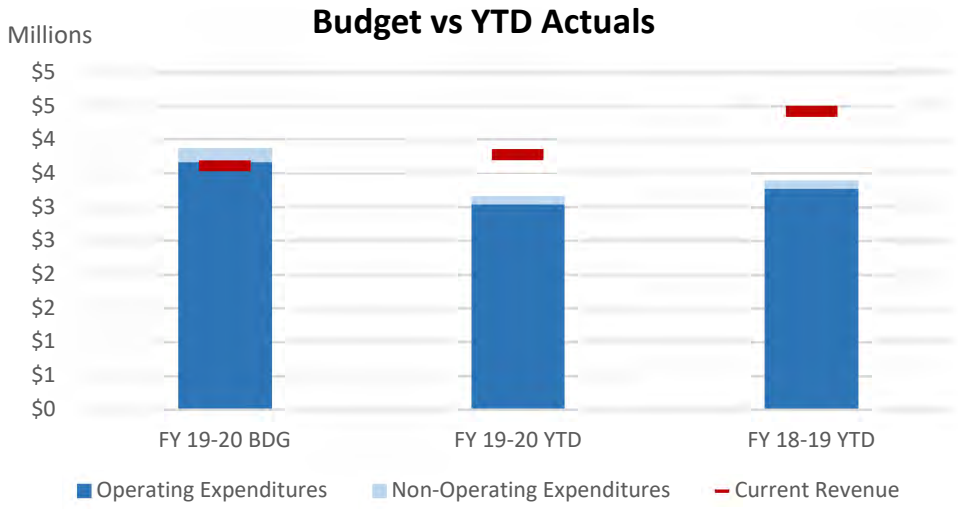
9-1-1 EMERGENCY FUND

REVENUE	AMENDED BUDGET FY 19-20	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET FY 18-19	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$885,713							
Charges for Service	$1,375,500	$343,833	$1,375,330	99.99%	$1,243,500	$310,820	$1,243,368	99.99%
Intergovernmental	1,611,800	565,906	1,551,778	96.28%	1,506,700	656,289	1,553,587	103.11%
Miscellaneous	18,100	5,081	15,708	86.79%	11,200	5,506	24,050	214.74%
TOTAL CURRENT REVENUE	$3,005,400	$914,819	$2,942,817	97.92%	$2,761,400	$972,615	$2,821,006	102.16%
EXPENDITURE BY DEPARTMENT								
Police	$2,734,300	$671,334	$2,594,782	94.90%	$2,544,900	$585,609	$2,497,440	98.14%
Police Special Projects	91,700	0	33,925	37.00%	114,800	13,159	110,676	96.41%
TOTAL OPERATING EXPENDITURES	$2,826,000	$671,334	$2,628,706	93.02%	$2,659,700	$598,768	$2,608,116	98.06%
Other Financing Uses / Transfers Out	$133,000	$28,200	$133,000	100.00%	$143,800	$29,700	$143,800	100.00%
Contingencies / Reserves	61,000	0	0	0.00%	55,200	0	0	0.00%
TOTAL EXPENDITURES	$3,020,000	$699,534	$2,761,706	91.45%	$2,858,700	$628,468	$2,751,916	96.26%
CURRENT REVENUES LESS TOTAL EXPENDITURES	($14,600)	$215,285	$181,110		($97,300)	$344,147	$69,090	



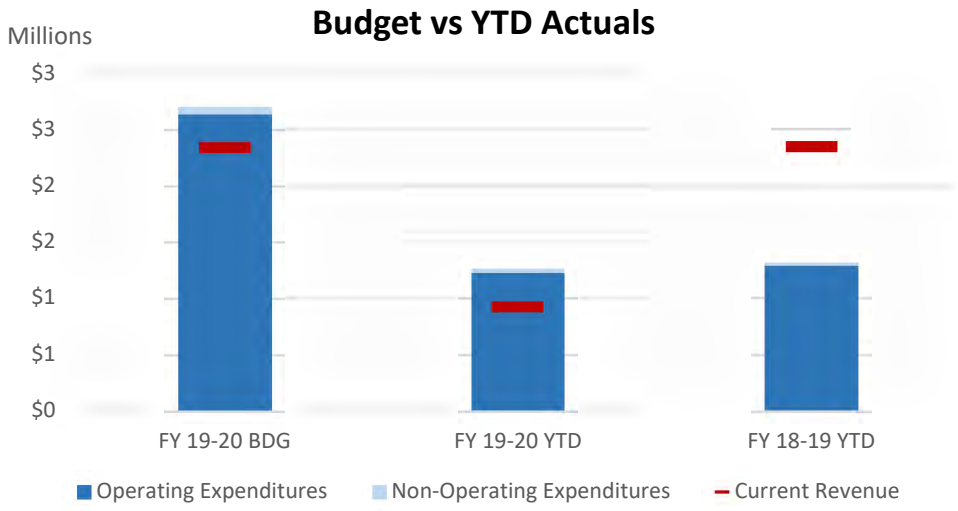
DEVELOPMENT SERVICES FUND

REVENUE	AMENDED BUDGET FY 19-20	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET FY 18-19	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$4,085,249							
Other Tax	$15,000	$663	$5,005	33.37%	$15,000	$8,173	$56,899	379.33%
License/Permits	1,312,000	334,434	1,096,255	83.56%	1,224,500	392,848	1,634,315	133.47%
Charges for Service	2,088,500	554,256	2,467,682	118.16%	1,951,200	430,497	2,503,278	128.29%
Fines/Forfeitures	2,500	208	208	8.33%	2,500	0	0	0.00%
Miscellaneous	74,100	25,240	80,683	108.88%	50,800	37,413	111,011	218.53%
Other Financing Sources/Transfers In	124,300	3,255	131,540	105.82%	125,100	0	125,100	100.00%
TOTAL CURRENT REVENUE	$3,616,400	$918,056	$3,781,373	104.56%	$3,369,100	$868,930	$4,430,604	131.51%
EXPENDITURE BY DEPARTMENT								
Community Development	$3,623,800	$789,217	$3,037,450	83.82%	$3,368,430	$712,180	$2,920,664	86.71%
Community Development Special Projects	46,500	0	0	0.00%	364,900	25,358	357,589	98.00%
TOTAL OPERATING EXPENDITURES	$3,670,300	$789,217	$3,037,450	82.76%	$3,733,330	$737,537	$3,278,253	87.81%
Other Financing Uses / Transfers Out	$117,800	$25,000	$117,800	100.00%	$112,200	$23,200	$112,200	100.00%
Contingencies / Reserves	72,300	0	0	0.00%	67,400	0	0	0.00%
TOTAL EXPENDITURES	$3,860,400	$814,217	$3,155,250	81.73%	$3,912,930	$760,737	$3,390,453	86.65%
CURRENT REVENUES LESS TOTAL EXPENDITURES	($244,000)	$103,839	$626,123		($543,830)	$108,193	$1,040,151	



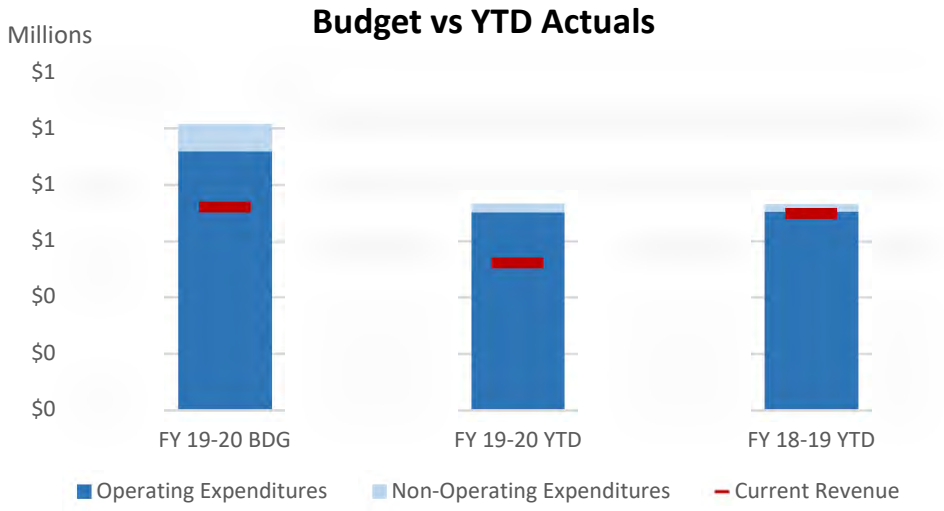
COMMUNITY DEVELOPMENT REVOLVING FUND

REVENUE	AMENDED BUDGET FY 19-20	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET FY 18-19	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$1,228,656							
Other Tax	$450,000	$13,723	$103,923	23.09%	$440,000	$166,853	$1,213,922	275.89%
License/Permits	220,900	2,343	231,925	104.99%	202,800	(70)	202,138	99.67%
Charges for Service	5,000	0	5,000	100.00%	5,000	0	5,000	100.00%
Intergovernmental	1,560,000	186,203	319,852	20.50%	1,790,400	343,181	725,898	40.54%
Fines/Forfeitures	15,000	(18,000)	5,977	39.85%	5,000	(762)	13,328	266.56%
Miscellaneous	94,300	29,350	260,422	276.16%	94,200	62,916	189,253	200.91%
TOTAL CURRENT REVENUE	$2,345,200	$213,619	$927,099	39.53%	$2,537,400	$572,118	$2,349,539	92.60%
EXPENDITURE BY DEPARTMENT								
Community Development	$2,639,200	$459,201	$1,227,454	46.51%	$2,306,480	$279,721	$1,277,142	55.37%
Community Development Special Projects	0	0	0	N/A	10,900	0	10,900	100.00%
TOTAL OPERATING EXPENDITURES	$2,639,200	$459,201	$1,227,454	46.51%	$2,317,380	$279,721	$1,288,042	55.58%
Other Financing Uses / Transfers Out	$30,400	$6,500	$30,400	100.00%	$21,200	$4,400	$21,200	100.00%
Contingencies / Reserves	32,200	0	0	0.00%	42,500	0	0	0.00%
TOTAL EXPENDITURES	$2,701,800	$465,701	$1,257,854	46.56%	$2,381,080	$284,121	$1,309,242	54.99%
CURRENT REVENUES LESS TOTAL EXPENDITURES	($356,600)	($252,082)	($330,755)		$156,320	$287,997	$1,040,297	



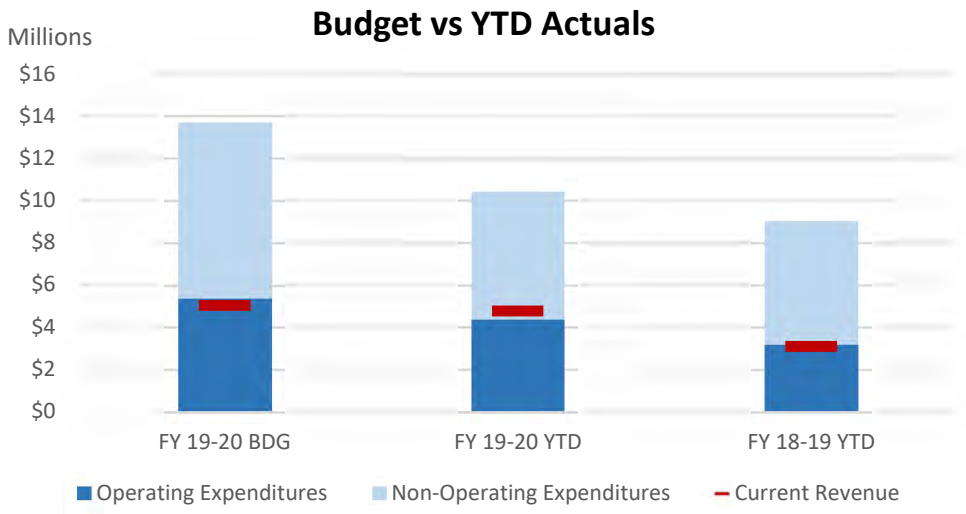
PARKING FUND

REVENUE	AMENDED BUDGET	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$836,234							
License/Permits	$35,000	$2,589	$31,432	89.81%	$35,000	$3,288	$32,090	91.69%
Charges for Service	226,900	10,092	174,046	76.71%	227,800	54,948	221,618	97.29%
Fines/Forfeitures	437,000	12,076	301,988	69.10%	437,000	111,527	416,689	95.35%
Miscellaneous	22,500	3,880	14,628	65.01%	13,900	8,086	27,305	196.44%
TOTAL CURRENT REVENUE	$721,400	$28,636	$522,093	72.37%	$713,700	$177,849	$697,702	97.76%
EXPENDITURE BY DEPARTMENT								
Community Development	$6,700	$1,063	$6,125	91.41%	$5,800	$1,152	$5,526	95.27%
Finance	214,900	49,099	210,732	98.06%	208,000	50,239	204,240	98.19%
Police	309,000	11,870	245,148	79.34%	321,000	55,181	271,981	84.73%
Public Works	240,000	46,265	203,303	84.71%	201,900	38,486	160,932	79.71%
Public Works Special Projects	150,000	16,960	38,421	25.61%	213,300	5,476	63,469	29.76%
TOTAL OPERATING EXPENDITURES	$920,600	$125,257	$703,730	76.44%	$950,000	$150,534	$706,147	74.33%
Other Financing Uses / Transfers Out	$81,100	$6,200	$29,100	35.88%	$76,400	$5,100	$24,400	31.94%
Contingencies / Reserves	14,500	0	0	0.00%	14,000	0	0	0.00%
TOTAL EXPENDITURES	$1,016,200	$131,457	$732,830	72.11%	$1,040,400	$155,634	$730,547	70.22%
CURRENT REVENUES LESS TOTAL EXPENDITURES	($294,800)	($102,821)	($210,736)		($326,700)	$22,215	($32,845)	



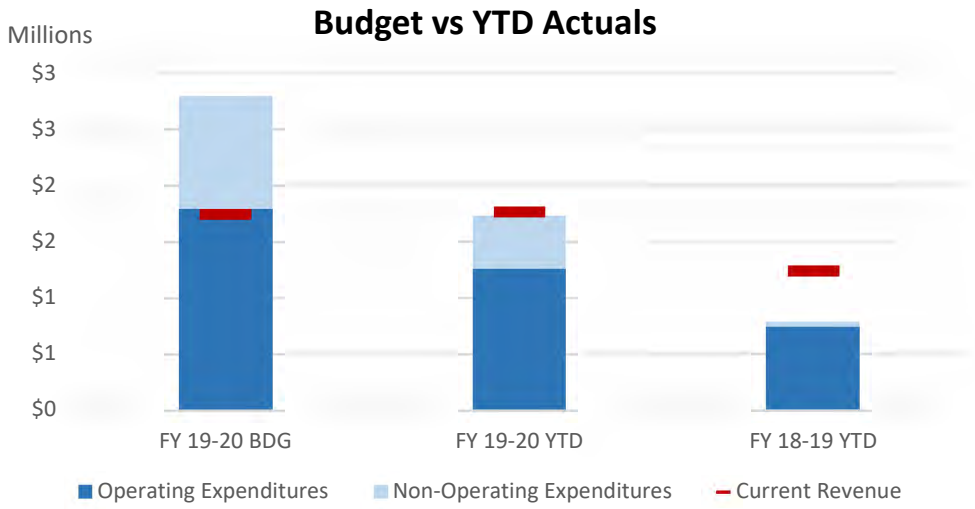
TRANSIT FUND

REVENUE	AMENDED BUDGET	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$828,959							
License/Permits	$1,029,200	$262,006	$1,054,542	102.46%	$910,800	$268,865	$977,716	107.35%
Charges for Service	245,000	(8,350)	231,656	94.55%	256,800	49,511	271,716	105.81%
Intergovernmental	3,518,800	988,343	3,202,075	91.00%	2,537,000	615,698	1,578,943	62.24%
Miscellaneous	257,700	3,567	288,587	111.99%	267,300	16,615	268,261	100.36%
TOTAL CURRENT REVENUE	$5,050,700	$1,245,566	$4,776,860	94.58%	$3,971,900	$950,868	$3,096,934	77.97%
EXPENDITURE BY DEPARTMENT								
Public Works	$4,370,700	$1,343,733	$3,926,451	89.84%	$3,228,900	$919,131	$3,108,610	96.27%
Public Works Special Projects	1,012,800	0	447,338	44.17%	97,700	50,948	81,710	83.63%
TOTAL OPERATING EXPENDITURES	$5,383,500	$1,343,733	$4,373,789	81.24%	$3,326,600	$970,079	$3,190,319	95.90%
Other Financing Uses / Transfers Out	$22,200	$4,800	$22,200	100.00%	$17,900	$3,700	$17,900	100.00%
Contingencies / Reserves	100,900	0	0	0.00%	79,400	0	0	0.00%
TOTAL EXPENDITURES	$5,506,600	$1,348,533	$4,395,989	79.83%	$3,423,900	$973,779	$3,208,219	93.70%
CURRENT REVENUES LESS TOTAL EXPENDITURES	($455,900)	($102,967)	$380,871		$548,000	($22,911)	($111,286)	



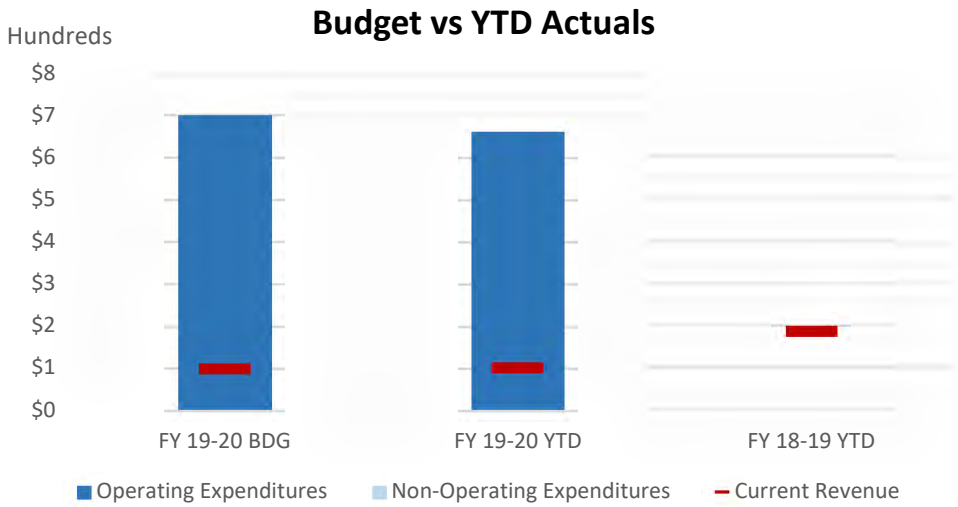
VEHICLE/EQUIPMENT RESERVE FUND

REVENUE	AMENDED BUDGET FY 19-20	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET FY 18-19	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$3,116,126							
Miscellaneous	$54,500	$10,313	$72,080	132.26%	$36,300	$22,362	$85,410	235.29%
Other Financing Sources/Transfers In	1,692,200	1,692,200	1,692,200	100.00%	1,156,900	1,156,900	1,156,900	100.00%
TOTAL CURRENT REVENUE	$1,746,700	$1,702,513	$1,764,280	101.01%	$1,193,200	$1,179,262	$1,242,310	104.12%
EXPENDITURE BY DEPARTMENT								
Fire Special Projects	$915,500	$302,446	$755,933	82.57%	$200,000	$28,017	$199,576	99.79%
IT Special Projects	595,900	82,419	255,527	42.88%	923,500	164,728	334,789	36.25%
Library Special Projects	0	0	0	N/A	28,000	28,000	28,000	100.00%
Parks and Recreation Special Projects	60,000	25,566	25,566	42.61%	123,000	0	94,900	77.15%
Police Special Projects	223,600	122,568	223,600	100.00%	82,100	23,238	82,100	100.00%
TOTAL OPERATING EXPENDITURES	$1,795,000	$532,998	$1,260,625	70.23%	$1,356,600	$243,983	$739,365	54.50%
Other Financing Uses / Transfers Out	$1,001,200	$59,200	$465,200	46.46%	$42,500	$42,500	$42,500	100.00%
TOTAL EXPENDITURES	$2,796,200	$592,198	$1,725,825	61.72%	$1,399,100	$286,483	$781,865	55.88%
CURRENT REVENUES LESS TOTAL EXPENDITURES	($1,049,500)	$1,110,315	$38,455		($205,900)	$892,779	$460,445	



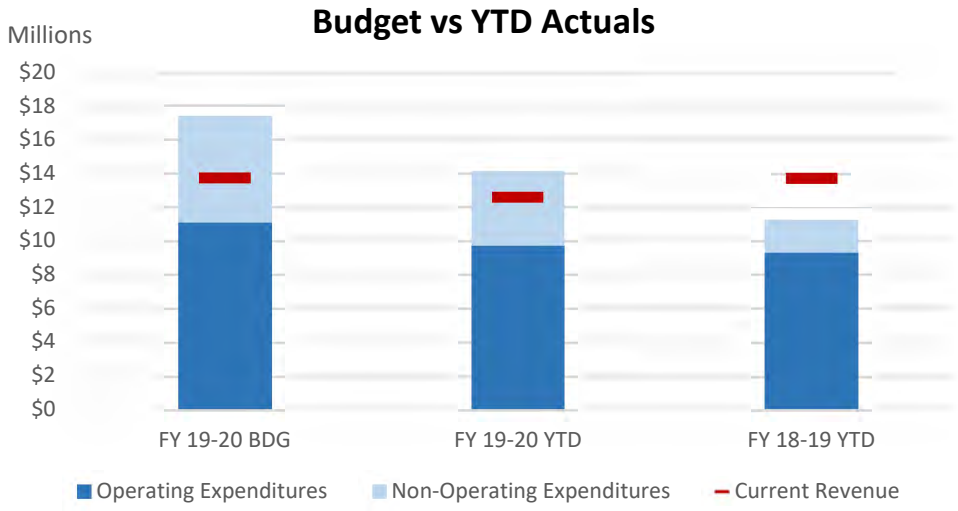
DAVIDSON FUND

REVENUE	AMENDED BUDGET	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$5,927							
Miscellaneous	$100	$30	$104	104.37%	$100	$57	$187	186.67%
TOTAL CURRENT REVENUE	$100	$30	$104	104.37%	$100	$57	$187	186.67%
EXPENDITURE BY DEPARTMENT								
Library Special Projects	$700	$0	$662	94.54%	$0	$0	$0	N/A
TOTAL OPERATING EXPENDITURES	$700	$0	$662	94.54%	$0	$0	$0	N/A
CURRENT REVENUES LESS TOTAL EXPENDITURES	($600)	$30	($557)		$100	$57	$187	



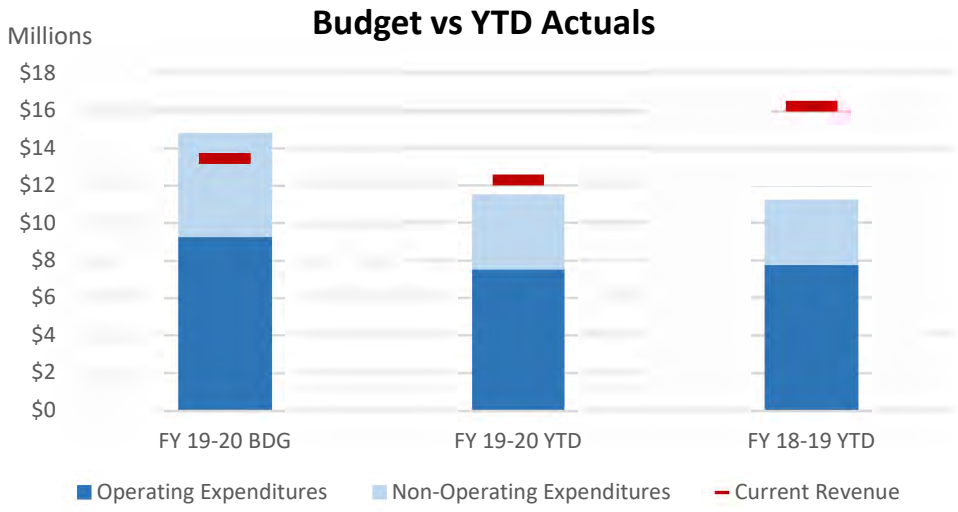
WATER FUND

REVENUE	AMENDED BUDGET FY 19-20	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET FY 18-19	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$20,683,117							
System Development Charges	$400,000	$70,715	$225,293	56.32%	$425,000	$543,470	$2,131,171	501.45%
Charges for Service	11,443,600	3,206,585	10,826,710	94.61%	11,018,200	3,032,135	10,921,563	99.12%
Intergovernmental	33,300	0	0	0.00%	6,000	3,311	3,311	55.18%
Fines/Forfeitures	0	0	0	N/A	0	0	2,223	N/A
Miscellaneous	1,866,100	156,701	1,541,447	82.60%	718,000	232,417	667,670	92.99%
TOTAL CURRENT REVENUE	$13,743,000	$3,442,255	$12,606,705	91.73%	$12,167,200	$3,811,333	$13,725,937	112.81%
EXPENDITURE BY DEPARTMENT								
Community Development	$62,400	($2,388)	$61,529	98.60%	$59,320	$12,698	$50,935	85.86%
Public Works	7,795,500	1,800,689	7,351,508	94.30%	7,645,900	1,843,498	7,312,405	95.64%
Public Works Special Projects	3,259,900	848,448	2,350,313	72.10%	2,642,900	955,571	1,970,964	74.58%
TOTAL OPERATING EXPENDITURES	$11,117,800	$2,646,748	$9,763,350	87.82%	$10,348,120	$2,811,767	$9,334,304	90.20%
Capital Projects	$5,701,800	$830,024	$4,047,615	70.99%	$7,692,400	$219,667	$1,663,027	21.62%
Other Financing Uses / Transfers Out	302,300	51,300	302,300	100.00%	238,000	47,100	238,000	100.00%
Contingencies / Reserves	258,900	0	0	0.00%	231,700	0	0	0.00%
TOTAL EXPENDITURES	$17,380,800	$3,528,072	$14,113,265	81.20%	$18,510,220	$3,078,534	$11,235,331	60.70%
CURRENT REVENUES LESS TOTAL EXPENDITURES	($3,637,800)	($85,817)	($1,506,561)		($6,343,020)	$732,799	$2,490,606	



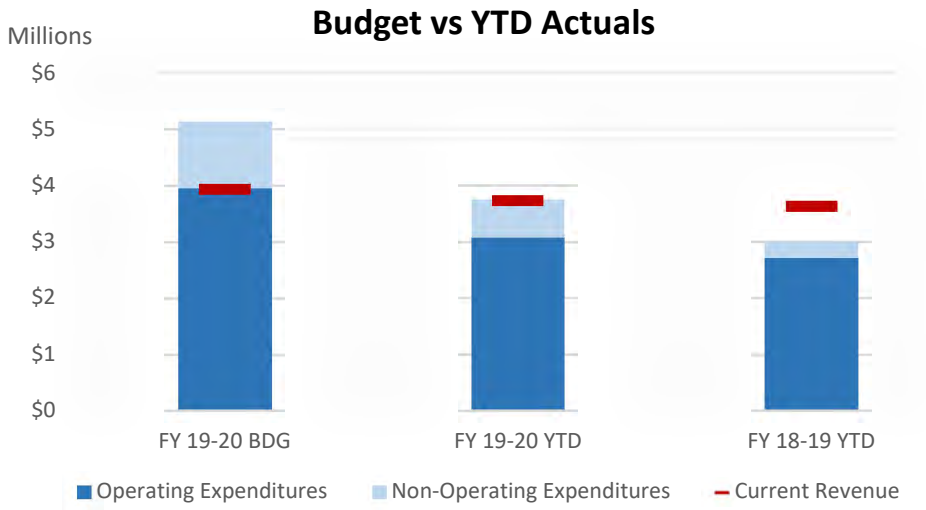
WASTEWATER FUND

REVENUE	AMENDED BUDGET FY 19-20	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET FY 18-19	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$26,928,071							
System Development Charges	$700,000	$99,533	$488,823	69.83%	$900,000	$837,455	$4,300,102	477.79%
Charges for Service	11,605,300	3,232,412	11,104,886	95.69%	11,214,800	3,143,303	11,217,972	100.03%
Miscellaneous	1,120,200	153,712	676,307	60.37%	354,000	245,054	750,623	212.04%
Other Financing Sources/Transfers In	0	0	12,305	N/A	0	0	0	N/A
TOTAL CURRENT REVENUE	$13,425,500	$3,485,657	$12,282,321	91.49%	$12,468,800	$4,225,812	$16,268,697	130.48%
EXPENDITURE BY DEPARTMENT								
Community Development	$62,000	($2,491)	$61,130	98.60%	$57,800	$12,521	$50,245	86.93%
Public Works	7,219,000	1,654,088	6,756,988	93.60%	7,073,700	1,753,185	6,555,183	92.67%
Public Works Special Projects	2,008,800	290,411	711,816	35.43%	1,444,500	421,653	1,157,048	80.10%
TOTAL OPERATING EXPENDITURES	$9,289,800	$1,942,008	$7,529,934	81.06%	$8,576,000	$2,187,359	$7,762,475	90.51%
Debt Service	$1,882,100	$649,600	$1,882,050	100.00%	$1,875,300	$656,525	$1,875,300	100.00%
Capital Projects	3,169,000	135,233	1,852,801	58.47%	3,598,700	57,501	1,355,371	37.66%
Other Financing Uses / Transfers Out	221,100	45,400	221,100	100.00%	213,800	42,800	213,800	100.00%
Contingencies / Reserves	223,900	0	0	0.00%	226,000	0	0	0.00%
TOTAL EXPENDITURES	$14,785,900	$2,772,241	$11,485,885	77.68%	$14,489,800	$2,944,185	$11,206,946	77.34%
CURRENT REVENUES LESS TOTAL EXPENDITURES	($1,360,400)	$713,416	$796,436		($2,021,000)	$1,281,627	$5,061,751	



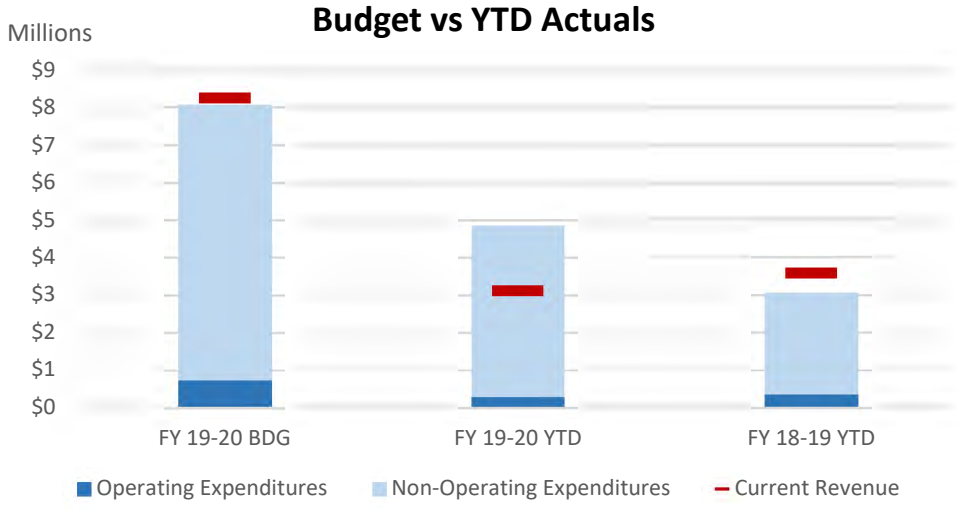
STORM WATER FUND

REVENUE	AMENDED BUDGET	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$2,960,912							
System Development Charges	$30,000	$6,035	$15,060	50.20%	$30,400	$11,522	$32,674	107.48%
Charges for Service	3,849,400	1,143,428	3,655,519	94.96%	3,207,300	1,103,948	3,526,625	109.96%
Miscellaneous	53,200	16,647	57,157	107.44%	33,300	27,936	86,850	260.81%
TOTAL CURRENT REVENUE	$3,932,600	$1,166,111	$3,727,737	94.79%	$3,271,000	$1,143,406	$3,646,149	111.47%
EXPENDITURE BY DEPARTMENT								
Community Development	$61,900	($2,764)	$60,126	97.13%	$58,920	$12,681	$50,580	85.84%
Public Works	2,301,800	526,145	2,145,633	93.22%	2,298,000	521,502	2,120,486	92.28%
Public Works Special Projects	1,598,000	770,672	875,711	54.80%	833,100	167,772	547,631	65.73%
TOTAL OPERATING EXPENDITURES	$3,961,700	$1,294,053	$3,081,471	77.78%	$3,190,020	$701,955	$2,718,697	85.23%
Capital Projects	$795,000	$18,621	$370,067	46.55%	$478,000	$35,847	$82,210	17.20%
Other Financing Uses / Transfers Out	293,800	18,700	293,800	100.00%	220,600	56,800	188,100	85.27%
Contingencies / Reserves	77,400	0	0	0.00%	64,700	0	0	0.00%
TOTAL EXPENDITURES	$5,127,900	$1,331,374	$3,745,337	73.04%	$3,953,320	$794,602	$2,989,007	75.61%
CURRENT REVENUES LESS TOTAL EXPENDITURES	($1,195,300)	($165,263)	($17,601)		($682,320)	$348,804	$657,142	



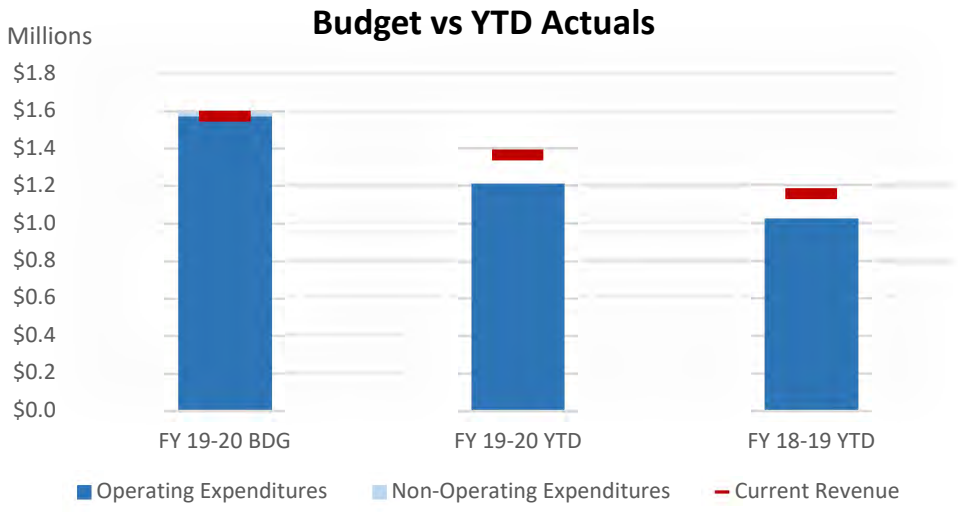
AIRPORT FUND

REVENUE	AMENDED BUDGET FY 19-20	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET FY 18-19	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$436,048							
License/Permits	$3,000	$654	$4,462	148.73%	$5,000	$652	$4,452	89.04%
Charges for Service	454,500	164,215	447,520	98.46%	468,500	157,683	446,552	95.32%
Intergovernmental	7,798,100	0	2,672,823	34.28%	7,380,000	3,141,812	3,141,812	42.57%
Miscellaneous	12,400	2,123	14,410	116.21%	7,900	6,837	3,608	45.67%
TOTAL CURRENT REVENUE	$8,268,000	$166,992	$3,139,215	37.97%	$7,861,400	$3,306,983	$3,596,424	45.75%
EXPENDITURE BY DEPARTMENT								
Public Works	$368,500	$55,761	$277,783	75.38%	$354,800	$67,577	$297,379	83.82%
Public Works Special Projects	381,000	16,579	20,969	5.50%	88,900	51,690	67,362	75.77%
TOTAL OPERATING EXPENDITURES	$749,500	$72,340	$298,752	39.86%	$443,700	$119,267	$364,741	82.20%
Capital Projects	$7,293,000	$28,218	$4,559,038	62.51%	$7,580,000	$2,406,426	$2,681,703	35.38%
Other Financing Uses / Transfers Out	7,000	1,500	7,000	100.00%	5,900	1,300	5,900	100.00%
Contingencies / Reserves	9,300	0	0	0.00%	0	0	0	N/A
TOTAL EXPENDITURES	$8,058,800	$102,058	$4,864,791	60.37%	$8,029,600	$2,526,993	$3,052,344	38.01%
CURRENT REVENUES LESS TOTAL EXPENDITURES	$209,200	$64,934	($1,725,576)		($168,200)	$779,991	$544,080	



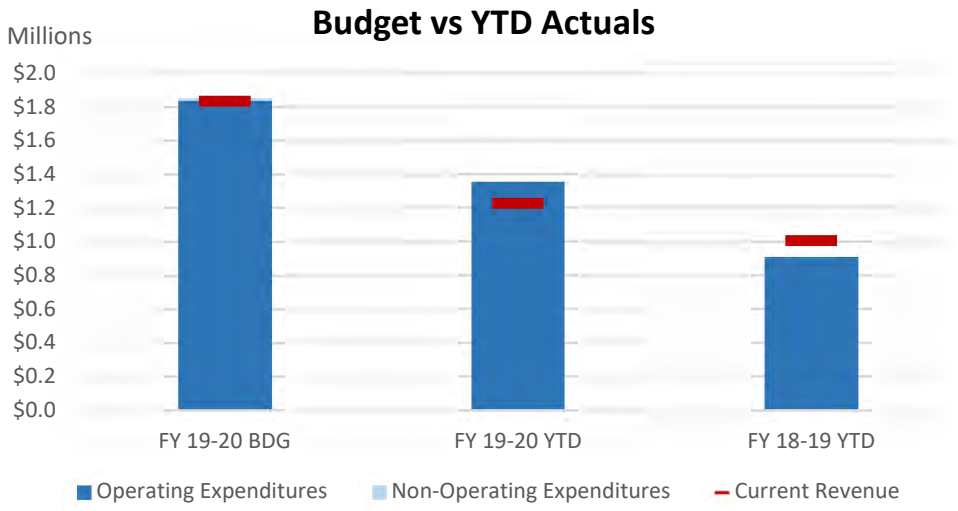
FLEET MAINTENANCE FUND

REVENUE	AMENDED BUDGET FY 19-20	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET FY 18-19	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$253,170							
Charges for Service	$1,570,900	$356,581	$1,322,504	84.19%	$1,170,600	$276,365	$1,141,046	97.48%
Miscellaneous	2,500	13,990	43,387	1735.48%	2,500	256	15,396	615.84%
TOTAL CURRENT REVENUE	$1,573,400	$370,570	$1,365,892	86.81%	$1,173,100	$276,621	$1,156,442	98.58%
EXPENDITURE BY DEPARTMENT								
Public Works	$1,555,200	$314,363	$1,189,506	76.49%	1,154,000	261,771	987,698	85.59%
Public Works Special Projects	20,000	9,628	19,060	95.30%	35,700	4,367	35,592	99.70%
TOTAL OPERATING EXPENDITURES	$1,575,200	$323,991	$1,208,566	76.72%	$1,189,700	$266,138	$1,023,290	86.01%
Contingencies / Reserves	$16,000	$0	$0	0.00%	16,000	0	0	0.00%
TOTAL EXPENDITURES	$1,591,200	$323,991	$1,208,566	75.95%	$1,205,700	$266,138	$1,023,290	84.87%
CURRENT REVENUES LESS TOTAL EXPENDITURES	($17,800)	$46,580	$157,325		($32,600)	$10,483	$133,153	



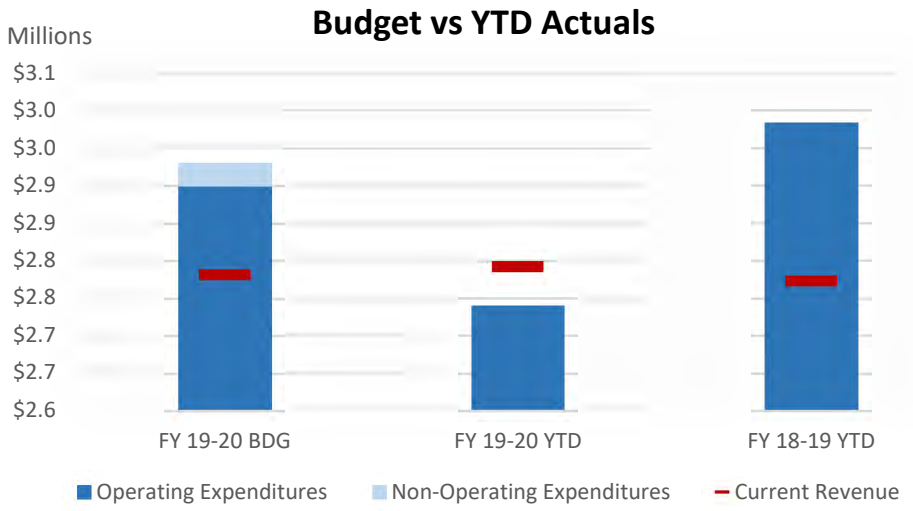
FACILITY MAINTENANCE FUND

REVENUE	AMENDED BUDGET FY 19-20	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET FY 18-19	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$245,684							
Charges for Service	$993,700	$253,950	$999,319	100.57%	956,300	239,000	956,300	100.00%
Miscellaneous	3,000	49	2,740	91.34%	3,100	(13,392)	5,317	171.51%
Other Financing Sources/Transfers In	835,200	224,200	224,200	26.84%	42,500	42,500	42,500	100.00%
TOTAL CURRENT REVENUE	$1,831,900	$478,200	$1,226,260	66.94%	$1,001,900	$268,108	$1,004,117	100.22%
EXPENDITURE BY DEPARTMENT								
Public Works	$948,100	$263,782	$916,332	96.65%	900,100	217,773	782,829	86.97%
Public Works Special Projects	890,200	330,863	435,293	48.90%	155,600	48,448	123,375	79.29%
TOTAL OPERATING EXPENDITURES	$1,838,300	$594,644	$1,351,625	73.53%	$1,055,700	$266,221	$906,204	85.84%
Contingencies / Reserves	$10,000	$0	$0	0.00%	10,000	0	0	0.00%
TOTAL EXPENDITURES	$1,848,300	$594,644	$1,351,625	73.13%	$1,065,700	$266,221	$906,204	85.03%
CURRENT REVENUES LESS TOTAL EXPENDITURES	($16,400)	($116,445)	($125,365)		($63,800)	$1,887	$97,913	



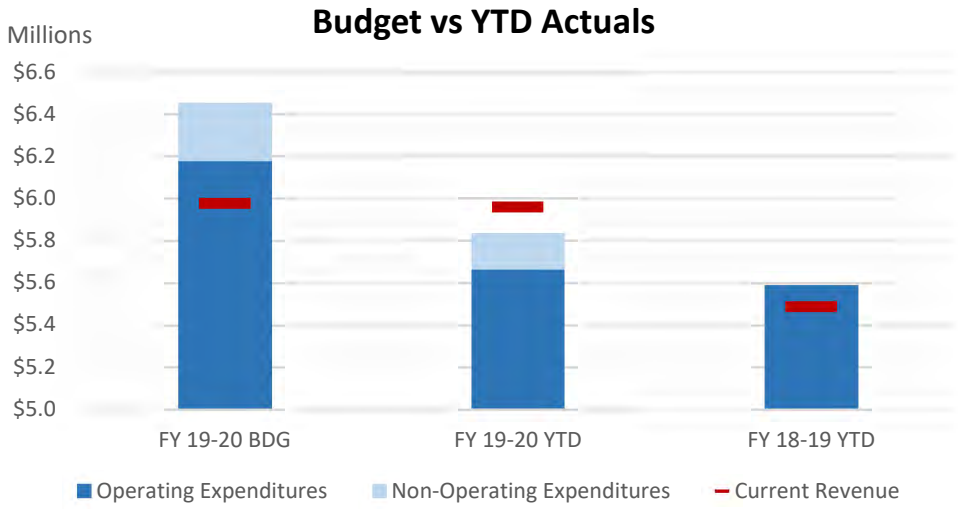
TECHNOLOGY AND COMMUNICATION FUND

REVENUE	AMENDED BUDGET	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$753,348							
Charges for Service	$2,779,900	$695,110	$2,780,150	100.01%	$2,771,100	$692,839	$2,771,442	100.01%
Miscellaneous	1,800	299	12,609	700.50%	1,900	0	1,840	96.84%
TOTAL CURRENT REVENUE	$2,781,700	$695,409	$2,792,759	100.40%	$2,773,000	$692,839	$2,773,282	100.01%
EXPENDITURE BY DEPARTMENT								
IT	$2,761,100	$761,990	$2,644,393	95.77%	$2,573,800	$714,954	$2,538,990	98.65%
IT Special Projects	139,100	44,639	95,238	68.47%	227,600	0	178,800	78.56%
Public Works	0	(7,386)	0	N/A	176,900	50,364	146,750	82.96%
Public Works Special Projects	0	0	0	N/A	221,300	117,521	118,971	53.76%
TOTAL OPERATING EXPENDITURES	$2,900,200	$799,243	$2,739,631	94.46%	$3,199,600	$882,839	$2,983,511	93.25%
Contingencies / Reserves	$30,000	$0	$0	0.00%	$30,000	$0	$0	0.00%
TOTAL EXPENDITURES	$2,930,200	$799,243	$2,739,631	93.50%	$3,229,600	$882,839	$2,983,511	92.38%
CURRENT REVENUES LESS TOTAL EXPENDITURES	($148,500)	($103,834)	$53,128		($456,600)	($189,999)	($210,229)	



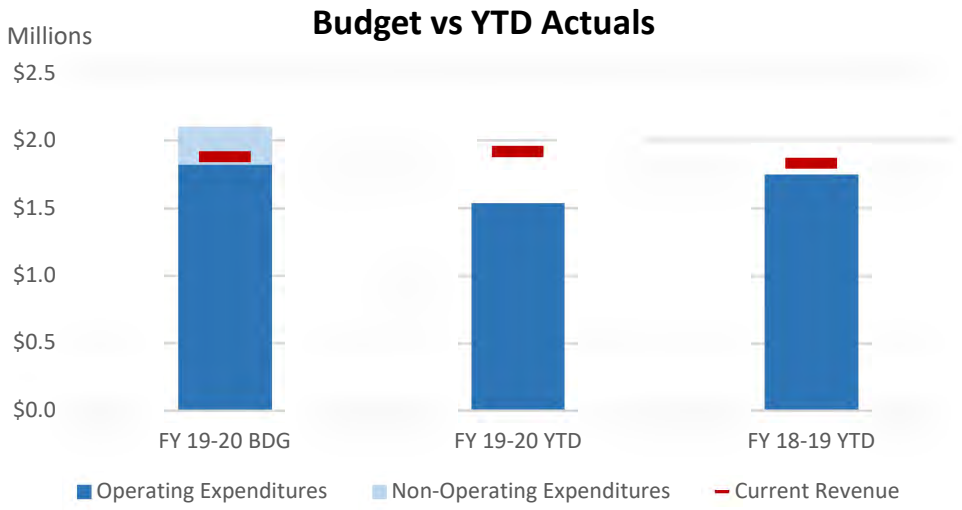
ADMINISTRATIVE SERVICES FUND

REVENUE	AMENDED BUDGET FY 19-20	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET FY 18-19	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$680,797							
License/Permits	$40,400	$8,268	$27,493	68.05%	$40,400	$7,257	$28,878	71.48%
Charges for Service	5,931,500	1,475,373	5,923,811	99.87%	5,495,200	1,368,058	5,452,833	99.23%
Miscellaneous	4,700	1,666	6,681	142.15%	4,700	2,385	5,886	125.23%
TOTAL CURRENT REVENUE	$5,976,600	$1,485,307	$5,957,985	99.69%	$5,540,300	$1,377,700	$5,487,596	99.05%
EXPENDITURE BY DEPARTMENT								
City Manager's Office	$1,145,100	$240,471	$1,065,297	93.03%	$1,018,500	$213,648	$983,939	96.61%
Finance	2,600,100	572,932	2,514,796	96.72%	2,503,600	607,109	2,468,998	98.62%
Finance Special Projects	0	0	0	N/A	200,500	2,260	200,335	99.92%
Human Resources	2,206,300	577,744	2,025,909	91.82%	2,155,800	599,658	1,937,055	89.85%
Human Resources Special Projects	225,000	14,940	58,913	26.18%	225,000	0	0	0.00%
TOTAL OPERATING EXPENDITURES	$6,176,500	$1,406,087	$5,664,916	91.72%	$6,103,400	$1,422,675	$5,590,327	91.59%
Other Financing Uses / Transfers Out	$245,000	$170,000	$170,000	69.39%	$0	$0	$0	N/A
Contingencies / Reserves	30,000	0	0	0.00%	30,000	0	0	0.00%
TOTAL EXPENDITURES	$6,451,500	$1,576,087	$5,834,916	90.44%	$6,133,400	$1,422,675	$5,590,327	91.15%
CURRENT REVENUES LESS TOTAL EXPENDITURES	($474,900)	($90,780)	$123,069		($593,100)	($44,974)	($102,731)	



RISK MANAGEMENT FUND

REVENUE	AMENDED BUDGET FY 19-20	4th QTR FY 19-20	UNAUDITED FY 19-20	% of Budget FY 19-20	AMENDED BUDGET FY 18-19	4th QTR FY 18-19	Y-T-D FY 18-19	% of Budget FY 18-19
Budgeted Fund Balance	$1,428,651							
Charges for Service	$1,774,100	$0	$1,774,100	100.00%	$1,670,500	$0	$1,651,000	98.83%
Miscellaneous	105,400	45,007	148,775	141.15%	91,700	90,426	184,561	201.27%
TOTAL CURRENT REVENUE	$1,879,500	$45,007	$1,922,875	102.31%	$1,762,200	$90,426	$1,835,561	104.16%
EXPENDITURE BY DEPARTMENT								
Finance	$1,087,700	$14,462	$973,234	89.48%	$1,104,200	$44,095	$992,775	89.91%
Finance Special Projects	0	0	0	N/A	32,000	0	32,000	100.00%
Human Resources	738,100	97,612	561,603	76.09%	763,600	221,873	721,018	94.42%
TOTAL OPERATING EXPENDITURES	$1,825,800	$112,075	$1,534,837	84.06%	$1,899,800	$265,968	$1,745,794	91.89%
Contingencies / Reserves	$275,000	$0	$0	0.00%	$0	$0	$0	N/A
TOTAL EXPENDITURES	$2,100,800	$112,075	$1,534,837	73.06%	$1,899,800	$265,968	$1,745,794	91.89%
CURRENT REVENUES LESS TOTAL EXPENDITURES	($221,300)	($67,067)	$388,038		($137,600)	($175,542)	$89,767	



TO: City Council for September 21, 2020 Council Meeting

FROM: Patrick W. Rollens, Public Information Officer PWR

DATE: September 14, 2020

THROUGH: Mark W. Shepard, P.E., City Manager MWS

SUBJECT: Strategic Operational Plan Monthly Update

STRATEGIC OPERATIONAL PLAN PRIORITY: N/A

Action Requested:

No action required. This is the monthly Strategic Operational Plan Highlight Summary and is provided for information only.

Discussion:

The Strategic Operational Plan (SOP) is a reflection of the City's priorities and guides the investment of the City's resources – finances, time, and political capital. In order to make meaningful progress on the important initiatives in the City's SOP, we all must remain focused on the SOP. This monthly highlight summary provides information on specific SOP items.

Just a few days before this report was compiled, the City once again stepped up to the plate to help the community with a joint activation of Benton County's Emergency Operation Center to support the wildfire response in neighboring counties. This activation comes just a few weeks after the COVID-19 EOC activation concluded. More information on this item is included under ***S-4*** in Steward & Sustain.

E-7B. Present OSU's annual monitoring, reporting and data regarding recommendations of impacts on and around OSU campus area.

The 2019 OSU Monitoring Report was presented to City Council earlier this summer. A recording of the presentation and a link to the OSU report was shared through the weekly Neighborhoods Update.

S-1B. Address deferred maintenance in parks and trails system

The Parks and Recreation Department addressed several projects in recent months, including a new roof and HVAC system at C3 – Corvallis Community Center, a new playground and gazebo at Central Park, completing the stage at Starker Arts Park, and a new restroom at Chintimini Park.

S-1I. Build out the comprehensive recreational trails network with a goal of 81 miles of trail upon completion.

The Parks and Recreation Department prepared a bid for a new trail at Chip Ross Natural Area.

S-4. The City promotes community resiliency by actively planning for disasters, including the effects of climate change.

The week after Labor Day, Benton County activated its Emergency Operation Center to provide support to neighboring counties as deadly wildfires swept through the mid-valley area. The City of Corvallis was ready to step up and help out. Fortunately, Benton County does not have any active wildfires (as of this writing). Our community had the unique opportunity to support firefighters, emergency workers, and evacuees from neighboring counties.

Here at the City, the activation involved approximately 10 staff, who quickly shifted from their regular jobs to fill specific roles in the EOC. A donation drop-off center was quickly opened in the Library's underground parking garage. Communications staff got to work sharing information about emergency shelters, air quality, and ways to donate. It was yet another example of the City's investment in emergency operations training paying huge dividends at a time when our community was counting on us.

L-2D. Partner with diverse populations to create a welcoming inclusive environment in parks and programs

The Parks and Recreation Department met with King Legacy Advisory Board to discuss the new funding for bias response. The Parks & Rec Department Advisory Committee also submitted their draft interpretive plan for Dr. Martin Luther King Jr. Park.

L-3H. Maintain Library circulation at 18 items per capita

While meeting the pre-COVID metrics for this objective are not feasible, Library staff are now making an average of 2,000 deliveries per week (households, not items). Walkup services are now available in all locations except the Philomath Library (coming later in September) and in Corvallis, approximately 150 patrons are served during the four hours of walk-up service provided each day. Library staff plan to continue expanding both delivery and walkup service hours. Computer lab services are also available in all locations.

C-1: The City cultivates the arts and artisans in the community.

The Parks and Recreation Department selected three artists to present a conceptual design for the interior wall at C3 – Corvallis Community Center as part of the City's "1% for art" policy.

P-5B. Prepare annual Land Development Information Report

The 2019 Land Development Information Report was presented to City Council, Planning Commission and community members in the summer of 2020. A recording of the presentation and a link to the document was shared through the weekly Neighborhood Update. More information can be found here: www.corvallisoregon.gov/cd/page/community-development-publications.

P-5L. Process LDC Amendment for Block Perimeter Standards

Staff produced a video encouraging community feedback on the LDC block perimeter standards, as part of the LDC Code Audit project. More information regarding the project can be found on the code updates page: www.corvallisoregon.gov/cd/page/code-audit-project

P-13F. Review and amend LDC sections on mixed use district

Following up on the work of the Mixed Use Zones departmental advisory committee, a video presentation and survey was published and distributed to community members and stakeholders in September, to gather additional community input on the project. More information on the project is available online at www.corvallisoregon.gov/cd/page/mixed-use-zones. The video presentation and survey were shared through the weekly Neighborhood Update and on City social media channels.

P-13G. Review and approve the master plan for Corvallis School District 509J

The Planning Commission and City Council considered possible amendments to the Comprehensive Plan in summer of 2020 to adopt the 509J School District Facilities Master Plan. While the City Council was unable to incorporate it into the Comprehensive Plan, it acknowledged the school's facilities plan and the considerable community input and effort that went into it.

P-13N. Process LDC Amendment for Middle Housing

Staff are working with the Oregon Department of Land Conservation and Development and our consultant, Angelo Planning Group, on a scope of work and intergovernmental agreement associated with the recently awarded grant for HB 2001 (Middle Housing) implementation.

Budget Impact:

There is no direct budget impact from this SOP review. However, the SOP, if given proper weight, will allow the City to accomplish more with the resources we have.

TO: City Council for September 21, 2020, Council Meeting

FROM: Mary Steckel, Public Works Director

DATE: September 14, 2020

THROUGH: Mark W. Shepard, P.E., City Manager

SUBJECT: 1% of Transportation Maintenance Fee (TMF) for Bicycle and Pedestrian Safety

STRATEGIC OPERATIONAL PLAN PRIORITY: P-17: The City provides safe and connected bicycle and pedestrian infrastructure.

Action Requested:

For information only, no action required.

Discussion:

In February 2020, the City Council amended Municipal Code Chapter 3.12, Transportation Maintenance Fee (TMF), to provide that "At least one percent on an average annual basis will be used for pedestrian and bicycle safety projects."

The first bicycle and pedestrian safety project to use TMF funding will be pedestrian crossing improvements on Crystal Lake Drive in conjunction with the Marys River-Crystal Lake Drive multi-use path, which is currently under construction. This project provides an alternative bicycle and pedestrian route on the east side of Highway 99 that gives the traveler the option to avoid that busy roadway between Crystal Lake Drive and the bike bridge over the Marys River (Attachment CC-A Path Alignment Graphic).

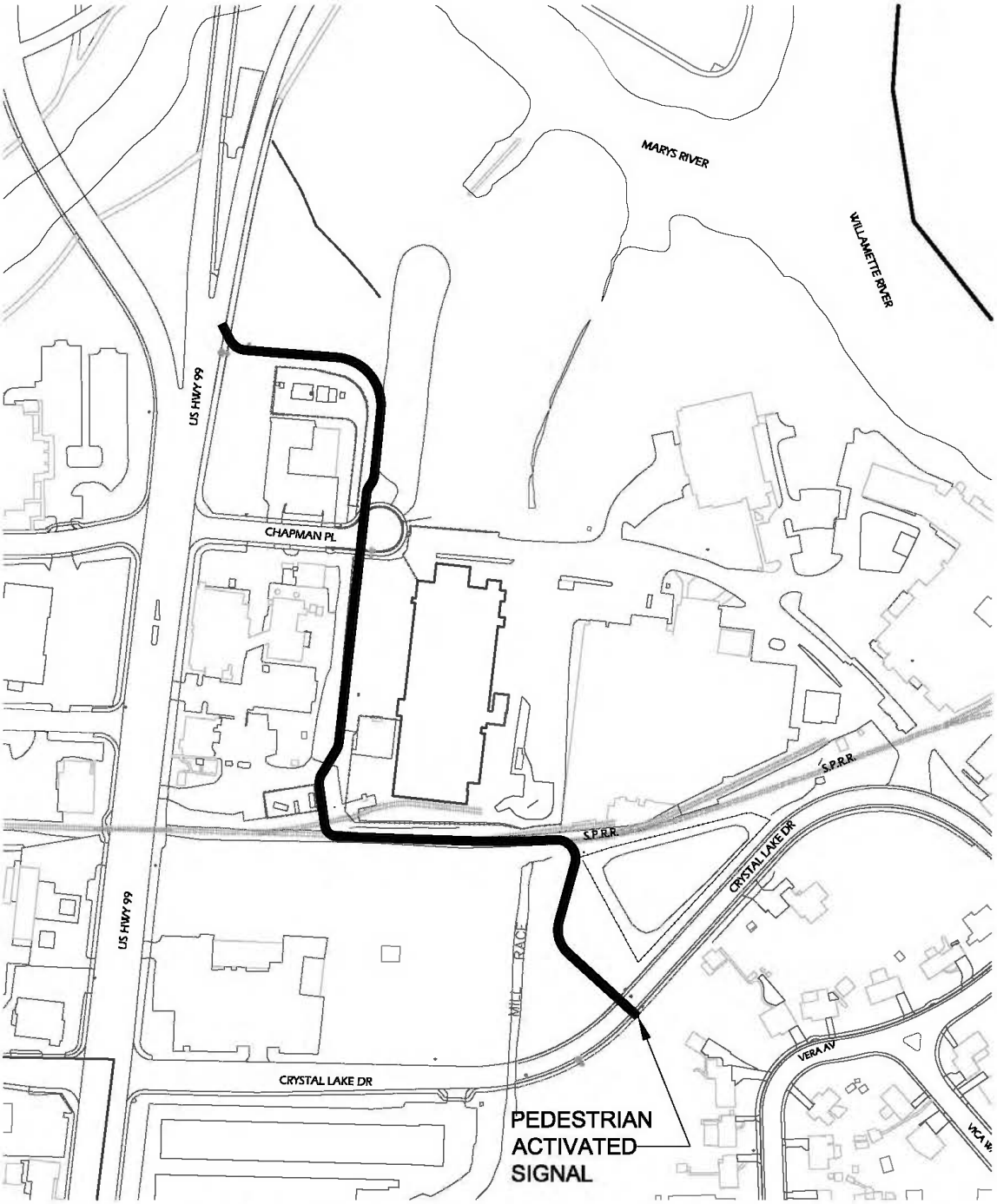
Along this segment of Crystal Lake Drive, there is a sidewalk on the south side of the street but not the north side. The original project plan was to install a marked pedestrian crossing to connect the north side to the south across Crystal Lake Drive. Expecting heavy use of the new path as an alternative to walking/biking along Highway 99 and considering that the path intersects Crystal Lake Drive mid-block prompted staff to change the crossing plan to incorporate a pedestrian-activated RRFB (rectangular rapid flashing beacons). The additional costs to install the RRFBs, estimated at $17,000, will be funded through the 1% TMF set-aside.

A more detailed strategy for the TMF bicycle and pedestrian safety dollars will be developed in the upcoming budget cycle. Future projects could be operational in nature, such as enhanced green lane markings, or capital investments, such as Neighborhood Bikeway facilities. These latter projects will require the 'banking' of the 1% allocation for a few years to accumulate a sufficient dollar amount to fund the larger work efforts.

Budget Impact:

There are no impacts to the budget. The TMF revenue and the project expenditure were included in the FY 20-21 budget.

Attachment:
CC-A Path Alignment Graphic



Marys River Crystal Lake Dr. Multi-Use Path

CITY OF CORVALLIS
COUNCIL BRIEFING FROM OREGON STATE UNIVERSITY
August 27, 2020

I. CALL TO ORDER

Via video conference, at 4:30 pm on August 27, 2020, Mayor Traber called to order an Oregon State University briefing to the City Council of the City of Corvallis, Oregon. The work session was available for the public to observe live via the internet.

PRESENT: Mayor Traber; Councilors Napack, Lytle, Bull, Ellis, Wyse, Shaffer, Junkins, Struthers, Maughan

II. BRIEFING FROM OREGON STATE UNIVERSITY (OSU) CONCERNING OSU'S REOPENING PLAN

Mayor Traber welcomed OSU Associate Vice-Provost and Dean of Students Kevin Dougherty, Vice President of University Relations and Marketing Steve Clark, and Vice President for Finance and Administration Mike Green. He also welcomed Benton County Commissioners Pat Malone and Annabelle Jaramillo, County Administrator Joe Kerby, County Attorney Vance Croney, Health Department Co-Directors Dannielle Brown and Charlie Fautin, as well as County Epidemiologist Peter Banwarth. City staff present included City Manager Mark Shepard, City Attorney Jim Brewer, Police Chief Nick Hurley, Fire Chief Ken McCarthy.

Mayor Traber encouraged informal discussion. He said the goal of the briefing was to gain an understanding of OSU's plans, provide participants with an opportunity to share feedback with OSU, and for OSU to express requests of the City and County.

Mr. Clark emphasized that OSU is open, although with a reduced number of people on campus. A link to OSU's Safety and Success Plan is available from the OSU website home page. The University has been following Governor Brown's guidelines and working with the Benton County Health Department and health agencies in all of the counties in which OSU is located. OSU will continue to abide by all public health guidelines established by the State and local health authorities. Mr. Clark noted the extensive public health campaign that begins in the first week of September. OSU estimates that only four percent of its students will need to be on campus for hands-on learning.

OSU launched COVID-19 trace testing in Corvallis. The project occurred over four weekends and they have been conducting wastewater surveillance to detect the prevalence of the virus in the communities of Corvallis, Newport, Bend, Hermiston, and Boardman. The TRACE OSU project, which is an augmentation of the TRACE-COVID-19 project, will begin in Corvallis, Newport, and Bend. It will involve weekly testing, both of individuals for diagnostic prevalence, as well as wastewater surveillance on campuses in Corvallis and Bend, and at the Hatfield Marine Science Center in Newport. Each week throughout the fall term, OSU will randomly sample 1,000 people, with the majority from Corvallis, and provide weekly reports to those who were tested. Positive tests will be reported to the Oregon Health Authority and the respective county as well. Weekly dashboard reports will also be provided to the community. Wastewater testing results can be obtained by location. On August 24, OSU announced to its students that it would extend a social gatherings policy, building on Governor Brown's guidelines. Limitations of ten people or fewer would apply to students anywhere in the state, both indoors and outdoors.

Mr. Green said fall enrollment numbers are still unknown, as registrations are continuing to come in. There has been a significant growth in e-campus participation. Dorm capacity is just over 5,000 and thus far, only 3,200 students have registered to live in residence halls. The Pac-12 has suspended fall sports, but there is a tentative plan to offer football in the spring. OSU staff continue to telework; cleaning and hygiene procedures are continuing as well.

Mr. Clark said the University recognizes that even with remote learning, some students will live in Corvallis. OSU is coordinating a meeting with property managers on September 2 to discuss public health and personal accountability measures. OSU wants to continue working with the City and County concerning accountability during a pandemic, which could include Special Response Notices (SRNs). OSU asked Governor Brown to extend her order to include gathering limitations to outdoors. OSU invited the City of Corvallis, Benton County, and the City of Philomath to do the same. The University is seeking a community commitment to follow this directive. They see the approach as similar to the smoking ordinance where police officers are not expected to enforce it. OSU wants everyone to work together to do the right thing for the entire community's health.

OSU representatives responded to Councilors' inquiries as follows:

Why did OSU recommended that students choose the living location that was best for them instead of emphasizing the message to stay home, stay safe? The recommendation was based on Governor Brown's order, which she altered in July to indicate that all seven Oregon universities were allowed to begin resumption of activities based on the health conditions in the respective counties in which they are located. OSU is explicitly following the Governor's order and her guidelines.

What will the consequences be for students who violate distancing and mask protocols? OSU is beefing up its communication to students about expectations. As part of being enrolled at the University, students are agreeing to abide by OSU's policies and procedures. They are told that if they are found to have violated them, the consequences could range from a written warning to expulsion. OSU also hopes to continue working with its community partners.

How will OSU educate new students about not gathering in groups of more than ten, wearing a mask, and distancing themselves appropriately? OSU has been engaging with prospective students to communicate those expectations. They are also involving student body leadership, student athletes, and property owners, and the University is launching a new public education campaign.

Who will be included in the OSU TRACE testing program? Anyone with an OSU email address .onid will be asked to participate in a weekly sampling. Outreach will include those who have state and federal buildings on campus.

How does OSU decide what level of discipline a student will receive for violating the Student Code of Conduct? University officials consider all of the factors involved in a violation and make decisions on a case-by-case basis, as each situation is unique.

What level of testing is OSU targeting for students living off campus, and what is the turn-around time on testing? New students arriving will receive rapid antigen testing, with results available in one hour. Surge surveillance testing will occur in specific northwest Corvallis neighborhoods, including fraternity and sorority areas, and throughout the community. OSU recognizes the Corvallis campus is much larger than OSU Cascades and Newport, so of 1,000 tested weekly, about 70 percent would be in Corvallis.

How will students living in dorms, many who have never been away from home, be expected not to congregate in halls? They will also be sharing bathrooms. What is to stop the spread of the virus if ten people meet and those ten people meet with other groups of people later? OSU's face covering policy provides restrictions for interior settings, including residence hallways. Housing and Dining is taking measures to educate students about appropriate hygiene practices. Residence hall capacity is 5,550. With an occupancy anticipated around 3,000, and approximately 75 units provided for isolation, the majority of those students could be in single rooms if they wished. When two students share a room, the University is still within the Centers for Disease Control and local guidelines. In addition, dining is take-out only and regular cleaning of high-touch areas has been be increased. This year, OSU has waived the requirement for freshmen to live on campus, so students may choose to live in a residence hall or off campus. Deposits will be fully refunded and no penalties will be assessed. Those who live in dorms initially and then decide to move off campus will only pay for the time they lived in their rooms.

Who will respond to the parties expected to occur this weekend? Anyone who wishes is welcome to call Mr. Clark, who will work with Mr. Dougherty to respond in an appropriate way. Law enforcement would respond to emergencies and reports of disorderly conduct.

Can OSU build upon its existing student conduct reporting mechanism to provide timely response over the weekends when it is needed most? OSU staff was amenable to the suggestion and will discuss it offline.

When will OSU respond to Senator Gelser's email expressing concerns about the Enforcement of OSU Social Gathering Violations? OSU Mr. Clark said President Alexander responded to Senator Gelser approximately two hours prior to the start of this briefing. He summarized that OSU believed response to COVID-19 was about community and personal accountability. Since last spring, OSU has been engaged in community health and wellness, especially in terms of testing. OSU is committed to listening, learning, and engaging. *Note: a copy of President Alexander's response to Senator Gelser is attached to these minutes, as well as the email exchange between Senator Gelser and Mr. Clark to provide more details about questions and concerns raised by Senator Gelser* (Attachment A).

What is OSU's procedure for contact tracing? Benton County Health Department Co-Deputy Director Fautin said the County Health Department and OSU have long collaborated on health issues. There are contact tracers in OSU Student Health Services and they attend daily case round up meetings with the Health Department. Case management, case reporting, and contact tracing are a public health responsibility, so all test results go to local health departments.

Councilor Bull noted that many off-campus students are returning to Corvallis due to rental agreement obligations they are not able to break. She would like to build upon existing proactive approaches, including working with property owners to have students certified in being good neighbors and Fire Department contacts with students to promote fire safety. Fire Chief McCarthy noted the program has worked well, but it is limited to what staff can enforce through the Fire Code, such as not locking exit doors. Other reasons are out of their scope. Councilor Bull hoped for something along the lines of a public health program.

Mr. Dougherty said OSU is preparing a COVID-19 guide to help students from both public health and academic perspectives. OSU wants its students to be successful. He described how University leaders would be meeting with fraternities and sororities to discuss expectations, including how the Student Code of Conduct extends beyond campus boundaries. Fraternities and sororities will be required to create a

workbook to describe the measures they are taking. The workbooks will be available on the University's website. Anyone who believes students are violating the Student Code of Conduct may report it through the Student Conduct and Community Standards Office. All of this year's fraternity and sorority recruitments will be virtual.

Councilor Ellis noted the positive results associated with the Special Response Notice (SRN). She was fine with having police continue to noise violations and underage drinking. However, she was not comfortable asking the Corvallis Police Department to enforce mask and social distancing violations by expanding the SRN. OSU agreed the police should not be responsible for enforcing public health. They wanted to ensure accountability as community members.

Commissioner Malone noted Benton County could institute requirements that are more stringent that those mandated by Governor Brown.

Commissioner Jaramillo shared the concerns expressed thus far and noted the Board of Commissioners is considering building upon its prior declaration. She said strategies to address COVID-19 would continue to change and she hoped the University, City, and County would continue to have conversations.

Mayor Traber noted the Council could consider actions at its September 8, 2020 meeting.

VI. ADJOURNMENT

Mayor Traber adjourned the briefing at 6:04 pm.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY RECORDER

From: Alexander, F. King <king.alexander@oregonstate.edu>
Sent: Thursday, August 27, 2020 4:05 PM
To: 'Sen Gelser'
Cc: Ellis, Charlyn; Traber, Biff; Hampton, Travis L; Bull, Barbara; Hall, Bennett; CAPPS Lindsey D * GOV; KORESKI Debbie * GOV; bschmidt@oregonian.com; MALONE, Patrick; FAUTIN, Charlie; Noss, Ryan; Sen Dembrow; Sen Wagner; Sen Courtney; Dolph Annaliese; Allen Patrick; SIDELINGER DEAN E; Larson, Dan; Feser, Edward; Fast, Katie; Hurley, Nick; Rep Rayfield; Clark, Steve; Colbert, Debbie; Green, Michael
Subject: RE: Enforcement of OSU Social Gathering Violations

Senator Gelser,

The university continues to discuss with the Governor's Office, the cities of Corvallis and Philomath, and Benton County opportunities to extend the Governor's guidelines restricting indoor social get-togethers to no more than 10 people to also include outdoor social get-togethers.

Such localized policies regarding social outdoor get-togethers would complement OSU's statewide policy for students that we announced on Monday, Aug. 24, 2020, that prohibits our students from attending or holding a social get-together of more than 10 people. In that announcement, we also recommended that our employees statewide follow this university policy.

The intent of the policy is to promote community health through the direct participation by all OSU students, faculty and staff. By doing so, we are empowering our university community to help advance the health and wellness of others, as well as ourselves individually. We will advance this policy through education, leadership and engagement. Meanwhile, accountability measures for violations of this policy by OSU students will follow OSU's Student Code of Conduct.

Public health should be not centered on law enforcement. Oregon State University will continue to consult with our local and state health authorities about the proven ways to change health behavior. And while collaborating with local law enforcement and other agencies as we do in Corvallis, we will focus our efforts on a standard of personal and community accountability, a standard of behavior that we all should follow regardless of age, occupation, location or whether someone is enrolled in a college or university.

Please also know that Oregon State University will continue to exhaustively work with local, regional and state leaders – and community members – to advance wellness during the pandemic, just as we have since last spring.

Sincerely,

F. King Alexander
President
Oregon State University

From: Sen Gelser <Sen.SaraGelser@oregonlegislature.gov>
Sent: Thursday, August 27, 2020 1:21 PM
To: Larson, Dan <dan.larson@oregonstate.edu>; Feser, Edward <ed.feser@oregonstate.edu>; Fast, Katie <Katie.Fast@oregonstate.edu>; President's Office <pres.office@oregonstate.edu>; Hurley, Nick <Nick.Hurley@corvallisoregon.gov>; Julia Brim-Edwards <Julia.Brim-Edwards@nike.com>; Rep Rayfield <Rep.DanRayfield@oregonlegislature.gov>
Cc: charlyn.ellis@corvallisoregon.gov; Biff Traber <Biff.Traber@corvallisoregon.gov>; Hampton, Travis L <thampto@osp.oregon.gov>; Bull, Barbara <barbara.bull@corvallisoregon.gov>; Bennett Hall <Bennett.Hall@lee.net>; CAPPS Lindsey D * GOV <Lindsey.D.CAPPS@oregon.gov>; KORESKI Debbie * GOV <Debbie.KORESKI@state.or.us>; bschmidt@oregonian.com; MALONE Patrick

ATTACHMENT A

<Pat.Malone@Co.Benton.OR.US>; Fautin, Charlie <charlie.fautin@co.benton.or.us>; Noss, Ryan <ryan.noss@corvallis.k12.or.us>; Sen Dembrow <Sen.MichaelDembrow@oregonlegislature.gov>; Sen Wagner <Sen.RobWagner@OregonLegislature.gov>; Sen Courtney <Sen.PeterCourtney@oregonlegislature.gov>; Dolph Annaliese <ANNALIESE.DOLPH@dhsoha.state.or.us>; Allen Patrick <Patrick.Allen@dhsoha.state.or.us>; SIDELINGER DEAN E <DEAN.E.SIDELINGER@state.or.us>
Subject: Re: Enforcement of OSU Social Gathering Violations
Importance: High

I have not yet received any response or acknowledgement from Oregon State University about these issues. It is difficult to understand how OSU will partner to keep the community safe when communication with Oregon State University about these issues continues to be so difficult to achieve. Other local elected officials, community members, faculty, staff and student organizations have reported similar challenges with communication and detailed responses from the University.

I request a reply from Oregon State University about these critical issues to community safety. Given that students have started returning, it is reasonable for the community to be informed of a concrete plan including who to call to intervene in a dangerous/noncompliant gathering while in progress in order to prevent transmission. Those events are happening now and the community needs to know who to call. Just this week, I asked OSU about who to contact regarding an ongoing non-compliant student gathering. I was told to urge the constituent to fill out an online form that would be reviewed the following business day. By that time, viral transmission will already have occurred and the opportunity to collect names and information for contact tracing will be eliminated. Completing an online student discipline form—particularly when the neighbors are unlikely to know the names of the students at the gathering—focuses only on discipline rather than on public health. The goal is not to punish students. It is to stop the transmission of COVID-19 into the community. This is not an appropriate role for law enforcement. This is the responsibility of the institution that is inviting thousands of new people into the community despite the lack of in person classes.

Finally, please note the continuing media coverage of these issues in other states. For instance, Tuscaloosa, TN has already had to implement new business closures as a result of off campus student behavior.
https://www.nbcnews.com/news/us-news/college-campuses-face-explosion-covid-19-cases-challenges-get-students-n1238053

College campuses face explosion of COVID-19 cases — and challenges to get students to follow safety protocols

www.nbcnews.com

They should know better, but college campus face explosion of Covid-19 cases because students don't get it and universities not sure how to enforce safety rules

Sincerely,
Sara

Senator Sara Gelser
Chair, Senate Human Services Committee
Sen.saragelser@oregonlegislature.gov

(503) 986-1708* 900 Court Street NE, Salem, OR 97301
Pronouns: She/Her/Hers
Please note: The office phone is only checked periodically due to telework during the COVID-19 pandemic
**Want to subscribe to my e-newsletter? Sign up here: https://mailchi.mp/gelserforsenate/legislativeonly **
Please note that this is not a private email. Staff have access to this account and all email to and from this address may be considered a public record.

From: Sen Gelser <Sen.SaraGelser@oregonlegislature.gov>
Date: Tuesday, August 25, 2020 at 12:15 PM
To: "dan.larson@oregonstate.edu" <dan.larson@oregonstate.edu>, "ed.faser@oregonstate.edu" <ed.faser@oregonstate.edu>, Katie Fast <katie.fast@oregonstate.edu>, "pres.office@oregonstate.edu" <pres.office@oregonstate.edu>, "Hurley, Nick" <Nick.Hurley@corvallisoregon.gov>, Julia Brim-Edwards <Julia.Brim-Edwards@nike.com>, Rep Rayfield <Rep.DanRayfield@oregonlegislature.gov>
Cc: "charlyn.ellis@corvallisoregon.gov" <charlyn.ellis@corvallisoregon.gov>, Biff Traber <Biff.Traber@corvallisoregon.gov>, "Hampton, Travis L" <thampto@osp.oregon.gov>, "Bull, Barbara" <barbara.bull@corvallisoregon.gov>, Bennett Hall <Bennett.Hall@lee.net>, CAPPS Lindsey D * GOV <Lindsey.D.CAPPS@oregon.gov>, Debbie Koreski <Debbie.KORESKI@state.or.us>, "bschmidt@oregonian.gov" <bschmidt@oregonian.gov>, MALONE Patrick <Pat.Malone@Co.Benton.OR.US>, Charlie Fautin <charlie.fautin@co.benton.or.us>, "Noss, Ryan" <ryan.noss@corvallis.k12.or.us>, Sen Dembrow <Sen.MichaelDembrow@oregonlegislature.gov>, Sen Wagner <Sen.RobWagner@OregonLegislature.gov>, Sen Courtney <Sen.PeterCourtney@oregonlegislature.gov>, Dolph Annaliese <ANNALIESE.DOLPH@dhsoha.state.or.us>, Allen Patrick <Patrick.Allen@dhsoha.state.or.us>, SIDELINGER DEAN E <DEAN.E.SIDELINGER@state.or.us>
Subject: Enforcement of OSU Social Gathering Violations

****Resending due to email address error****

Dear President Alexander, Vice Provost Larsen, Chief Hurley, Superintendent Hampton and other leaders,

Yesterday, I was pleased to learn that participation in any indoor or outdoor gatherings of more than 10 people any place within the state of Oregon will be prohibited for all Oregon State University students and discouraged for Oregon State University faculty and staff. Further, the policy stated this will be covered by and enforced through the student code of conduct. I very much appreciate this.

I am hoping that all of you can provide some concrete information about how this will work so that community members know how to appropriately respond. Here are the specific questions:

- When a community member observes a gathering of more than 10 students inside or outside, what number do they call to get an immediate response to the gathering? In other words, should they call OSU, 911, non- emergency dispatch or some other number?

- Is OSU is creating a Good Neighbor Unit that will respond to reports of gatherings and break them up 24 hours a day, or is OSU counting on local law enforcement to respond to each of the gatherings to break them up, document which students, faculty and staff are in attendance and submit that to the university for enforcement of the policy?

- Under what authority would law enforcement or another outside entity enforce the OSU Code of Conduct? For instance, does law enforcement have the authority to respond to and enforce violations of the 10 person rule ***outdoors***?

- Has Corvallis Police Department or the Oregon State Police committed to rigorous and immediate enforcement of the social gathering policy? Will this be accomplished through adding additional personnel and units, or will other public safety services to the community be reduced?

- Will law enforcement be writing misdemeanor citations for all who are present at a social gathering that is noncompliant with the OSU Code of Conduct or the Governor's Executive Order?

- If enforcement is left to law enforcement, what measures will be taken to ensure that students who may be here on visas or are DACA students are not inadvertently caught up in immigration issues because law enforcement is put in the position of enforcing social distancing policies?

- Is additional funding being allocated to the City of Corvallis by either the state of Oregon or Oregon State University to take on the role of student social gathering enforcement?

Finally, these noncompliant gatherings are taking place now. **Who should neighbors call this weekend in order to have immediate response to these gatherings, particularly given that these events take place outside of regular office hours?**

Thank you so much for your time and attention in addressing these questions. It is laudable that attending social gatherings of more than 10 individuals indoors or outdoors will be prohibited by the University and fall under the code of conduct. However, without clear identification and commitment of the entity responsible to respond to and break up these gatherings throughout the community each night, the policy will not work . That means the parties will continue unabated and the virus will spread, putting our local economy and public health at great risk. Neighbors must know who they can call to get an immediate response when these gatherings are observed if we are to mitigate the types of viral spread we've seen through campus communities all across the nation over the past few weeks.

Sincerely,
Sara

Senator Sara Gelser
Chair, Senate Human Services Committee
Sen.saragelser@oregonlegislature.gov
900 Court Street NE, Salem, OR 97301
Pronouns: She/Her/Hers
Please note: The office phone is only checked periodically due to telework during the COVID-19 pandemic

**Want to subscribe to my e-newsletter? Sign up here: https://mailchi.mp/gelserforsenate/legislativeonly **

Please note that this is not a private email. Staff have access to this account and all email to and from this address may be considered a public record.

Disclaimer: This e-mail message is a public record of the City of Corvallis. The contents may be subject to public disclosure under Oregon Public Records Law and subject to the State of Oregon Records Retention Schedules. (OAR:166.200.0200-405)

From: Traber, Biff <Biff.Traber@corvallisoregon.gov>
Sent: Monday, September 7, 2020 5:02 PM
To: Mayor and City Council <MayorAndCouncil@corvallisoregon.gov>; Shepard, Mark <Mark.Shepard@corvallisoregon.gov>
Subject: Fwd: OSU reopening, COVID, proposed policing and surveillance of students, and communication

Councilors
In line with sending you the initial email, here is a follow-on thread for your info.
Biff

Begin forwarded message:

From: Sen Gelser <Sen.SaraGelser@oregonlegislature.gov>
Subject: Re: OSU reopening, COVID, proposed policing and surveillance of students, and communication
Date: September 5, 2020 at 1:35:07 PM PDT
To: "Ellis, Charlyn" <Charlyn.Ellis@corvallisoregon.gov>, "Clark, Steve" <Steve.Clark@oregonstate.edu>
Cc: ASOSU President <ASOSU.Pres@oregonstate.edu>, "Feser, Edward" <ed.feser@oregonstate.edu>, "Alexander, F. King" <king.alexander@oregonstate.edu>, KORESKI Debbie * GOV <Debbie.KORESKI@state.or.us>, CAPPS Lindsey D * GOV <Lindsey.D.CAPPS@oregon.gov>, "Fast, Katie" <Katie.Fast@oregonstate.edu>, CANNON Ben <ben.cannon@hecc.oregon.gov>, "Carone, Rich - COB" <richc@korvis.com>, "Gose, Rebecca" <Rebecca.Gose@oregonstate.edu>, Knott D <Aaron.D.Knott@doj.state.or.us>, Sen Prozanski <Sen.FloydProzanski@oregonlegislature.gov>, Rep Bynum <Rep.JanelleBynum@oregonlegislature.gov>, Sen Manning <Sen.JamesManning@oregonlegislature.gov>, Rep Kotek <Rep.TinaKotek@oregonlegislature.gov>, Sen Courtney <Sen.PeterCourtney@oregonlegislature.gov>, Braun Anna <Anna.Braun@oregonlegislature.gov>, Sen Dembrow <Sen.MichaelDembrow@oregonlegislature.gov>, Rep Alonso Leon <Rep.TeresaAlonsoLeon@oregonlegislature.gov>, Sen Frederick <Sen.LewFrederick@oregonlegislature.gov>, Rep McLain <Rep.SusanMcLain@oregonlegislature.gov>, Sen Girod <Sen.FredGirod@oregonlegislature.gov>, Sen Wagner <Sen.RobWagner@OregonLegislature.gov>, "jcarson@aclu-or.org" <jcarson@aclu-or.org>, Rep Rayfield <Rep.DanRayfield@oregonlegislature.gov>, "Noss, Ryan" <ryan.noss@corvallis.k12.or.us>, "susan.halliday@philomath.k12.or.us" <susan.halliday@philomath.k12.or.us>, "Traber, Biff" <Biff.Traber@corvallisoregon.gov>, "MALONE, Patrick" <Pat.Malone@Co.Benton.OR.US>, "Bull, Barbara" <Barbara.Bull@corvallisoregon.gov>, BANWARTH Peter <Peter.Banwarth@Co.Benton.OR.US>

Steve,

Thank you. I have asked many of these questions multiple times over the past several months, but I agree they are complex. I have a medically fragile family member, so am unable to meet in person even with masks. I would be happy to meet by Zoom. I can adjust my calendar for anytime except between 9-10am and 3-4pm. Please let me know what time works best and if you would like for me to create the link or if you would like to send it. Who else should participate?

To be clear, I have been using the updated data based on what was presented to the Benton County Commissioners. While overall fatality rate is somewhat decreased from prior projections (I assume due to more nuanced understanding of the death rate in Oregon), the newer data does not substantially change the serious implications for the people and businesses of Benton County. Within weeks, grave choices will likely need to be made between protecting our businesses or protecting the lives of high risk neighbors. Because you have suggested that I am either sharing inaccurate data or misrepresenting data, I will use this email to use the data to further explain my concerns. I have no reason to mislead you or share “wrong” information. I have asked questions of many people and took the time to spend an hour in a private discussion with Mr. Banwarth of Benton County Public Health to better understand the projections and what types of public health interventions

are contemplated in his modeling. I have copied him here so that if I have misunderstood he can clarify. To be clear, I would never intentionally share information that was wrong or inaccurate. Whenever I become aware of an error in information I have shared, I go to great lengths to correct it.

The July 30th data you shared with Rich Carone this morning is based on the assumption that 15,000 people are integrated into the Benton County Community in late September (ie, students arrive from other places). To understand the magnitude of the impact of the influx of these individuals on the community, we must include information about what the infection, hospitalization and fatality rates would be if the population simply remained stable. The gap between those two sets of data is what demonstrates the impact of OSU bringing 14,000 new people to Corvallis in September. Closing the dorms to all but those with significant need could reduce that number by nearly a quarter!

Here is what Mr. Banwarth shared with me in June regarding infections in Benton County if there is an influx of new people vs. if there is not an influx of new people. I do not have newer copies of these and acknowledge that these might have shifted. However, the discussion with Mr. Banwarth of Benton County Public Health is what caused my significant concern so it is important to share this information for a frame of reference. Please note the difference in the X axis labels to better understand the issue of scale. Basically, if you compare November to November, the influx of students will triple the number of current active infections in Benton County—from just over 50 to just over 150.

The July 30 updated overall data does not substantially change the gravity of the decisions that the Governor, the County Commission and City Councilors will need to make as a result of the arrival of students. Based on this most updated modeling, it is just a matter of weeks before critical decisions will need to be made about whether to protect our economy or the health and lives of our neighbors. This will be a true Solomon's choice placed on the shoulders of our local government leaders and the Governor. These decisions would not have to be made if we substantially reduced the influx of people to Corvallis. In the body of this email is the most current "summary" table of the modeling.

The changes from the earlier modeling are as follows:
Baseline: Peak active infection number increased from 175 to 200; Deaths decreased from 100 to 35.

No Policies (Counterfactual): Peak active infection number increased from 400 to 1300; Deaths decreased from 160 to 120.

Public Health Champions: Peak active infection number decreased from 120 to 75; Deaths decreased from 50 to 22.

Summary from July 30, 2020

Scenario summaries

One year timeline: 06/01/2020 through 06/01/2021	Baseline scenario	No Policies/Interventions Scenario	Public Health Champions scenario
Peak active infections*	200 throughout Winter 2020	1,300 in March 2021	75 in November 2020
Cumulative infections*	9,000	32,000	3,700
Ave. new infections/week*	170 per week	700 per week	60 per week
Peak hospitalizations	2 from Nov 2020 to Apr 2021	12 in March 2021	1 throughout the year
Cumulative deaths	35	120	22
Interventions required to slow epidemic	Moderate intervention throughout winter	Scenario requires no use of intervention	Individual actions throughout winter

While I agree we should all strive to reach the "public health champions" level of compliance, this would require a number of extraordinary events and some very good luck. First, OSU's reopening experience would need to be different than the experience of nearly every other higher education institution in the country over the last few weeks. The behavior currently taking place in the neighborhoods around the University would also have to dramatically change. There would need to be ZERO indoor or outdoor gatherings of students, faculty, staff or general community members. Everyone in Benton County would need to agree not to date (or at least not have physical contact within 6 feet of distance or intimate contact of any kind) any person with whom they do not live. All students and every Benton County resident would need to start wearing face coverings in all indoor spaces outside their own homes. They would need to be wearing them on biking and hiking trails. They would need to stop playing basketball, soccer and other games with people that don't live in their household. Everyone would need to maintain quarantine and isolation when they are exposed to or infected with the virus. Everyone would need to cooperate with contact tracing, including providing the names and locations of all contacts.

It is very hard to imagine this level of compliance among the general population, much less among students. It is even harder to imagine as I sit here on Labor Day weekend knowing **there is no plan to manage dangerous social gatherings over the next three days, despite a huge push from the Governor about how critical this weekend is to determining the future course of the virus.**

It's also important to remember that thus far, our experience with COVID has taken place over the course of a remarkably beautiful spring and summer that has allowed Oregonians to find new ways to safely recreate and socialize outdoors. As the fall and winter rains arrive and people are less able to escape to the outdoors for recreation and socialization, the temptation to violate indoor social distancing rules, including visiting, will increase for people of all ages. As we've seen in Oregon, it is these smallish social gatherings among friends and family that have been a huge driver of viral spread.

Absent achieving the public health champion scenario, officials will be forced to make stark choices very soon. Closing local businesses, bars and restaurants will save lives and prevent physical suffering. However, it would devastate the local economy for a long time to come. Many of our local businesses are hanging on by a thread. Business owners have told me they cannot survive another round of closures. In addition, many individuals are coming to the end of their eligibility for unemployment benefits. The eviction and foreclosure moratoriums are coming to an end. There is currently no sign of additional federal money to help those who are

out of work. Closure of businesses, and the associated loss of jobs, would lead to substantial suffering in our community.

However, not implementing the restrictions would more than triple the infections in Benton County according to the July 30 modeling. The peak number of daily infections more than quadruple from 200 to 1300. In addition, high rates of infections would stretch out even longer, with that 1300 infection peak not hitting until March. That would most certainly preclude in person school for grades 4-12 in Benton County for the entire 20-21 school year. Approximately 85 additional community members would likely die. Though businesses are not closed in this scenario, they will certainly suffer through loss of workforce to illness, bereavement leave, quarantine and absent childcare/school, hesitancy of consumers to go out into public and liability fears.

It is important to note the extended period of high infection rates also furthers the burden on the most vulnerable in our community, particularly the elderly, disabled and chronically ill. High infection rates require strict hospital visitor policies, prohibitions on people with disabilities and elderly people in residential settings from visiting with family and friends, and it makes it dangerous for people over 65 and those with underlying health conditions to return to work or even do their own shopping for groceries and prescriptions. Though most people that get COVID will not die or be hospitalized, it is clear that middle aged and older patients with COVID are quite sick, and the illness lasts for quite some time. The long term consequences on the human body are not yet fully understood. This is not the common cold. This also impacts the workforce.

Again, all of these statements are based on the July 30 presentation and the materials you shared with Rich Carone earlier today. If you have more updated or different data I would love to see it. There is nothing I want more than to know that my understanding of this data is wrong. I would be very grateful to be led to a more hopeful outlook for our community this fall.

I look forward to talking on Tuesday.
Sara

Senator Sara Gelser
Chair, Senate Human Services Committee
Sen.saragelser@oregonlegislature.gov
(503) 986-1708* 900 Court Street NE, Salem, OR 97301
Pronouns: She/Her/Hers
Please note: The office phone is only checked periodically due to telework during the COVID-19 pandemic
**Want to subscribe to my e-newsletter? Sign up here: https://mailchi.mp/gelserforsenate/legislativeonly **
Please note that this is not a private email. Staff have access to this account and all email to and from this address may be considered a public record.

On 9/5/20, 12:02 PM, "Ellis, Charlyn" <Charlyn.Ellis@corvallisoregon.gov> wrote:

Mr Clark,

With all due respect, this does not answer the senator's question.... who do my neighbors contact this weekend when they see violations of the student code of conduct? According to the Gazette Times, this is a key weekend in preventing the spread of the virus. You mentioned, at the last meeting, that some people have your cell phone number. Would you be willing to share that for the weekend so that we have a point of contact?

Thank you,

Charlyn Ellis
Ward Five (north of campus) City Councilor

From: Clark, Steve <Steve.Clark@oregonstate.edu>
Sent: Saturday, September 5, 2020 11:23 AM
To: Sen Gelser
Cc: ASOSU President; Feser, Edward; Alexander, F. King; KORESKI Debbie * GOV; CAPPS Lindsey D * GOV; Fast, Katie; CANNON Ben; Carone, Rich - COB; Gose, Rebecca; Knott D; Sen Prozanski; Rep Bynum; Sen Manning; Rep Kotek; Sen Courtney; Braun Anna; Sen Dembrow; Rep Alonso Leon; Sen Frederick; Rep McLain; Sen Girod; Sen Wagner; jcarson@aclu-or.org; Rep Rayfield; Noss, Ryan; susan.halliday@philomath.k12.or.us; Traber, Biff; MALONE, Patrick; Ellis, Charlyn; Bull, Barbara
Subject: Re: OSU reopening, COVID, proposed policing and surveillance of students, and communication

Senator,
Thank you for sharing your further concerns.

Given the complexity of the social, public health, legal and other issues you raise, I suggest we meet Tuesday mid-day either by Zoom or in a socially and physically distant meeting with face coverings.

Meanwhile, later today, I will share Benton County's updated July modeling. I would ask all of us engaged in advancing public health in Oregon and in Benton County to use up-to-date modeling and share that modeling and the public health measures associated with that modeling accurately.

Later today, I also will share times on Tuesday that I will have time to meet.

Sincerely,

Steve

On Sep 5, 2020, at 10:21 AM, Sen Gelser <Sen.SaraGelser@oregonlegislature.gov> wrote:

[This email originated from outside of OSU. Use caution with links and attachments.]
Steve,

Thank you for your response. However, I still do not see an answer to the question about who at OSU my constituents should call about unsafe student gatherings over this critical Labor Day Weekend. I am looking for the telephone number that I can give to my constituents so that someone from OSU will go out and intervene/disperse gatherings that violate the student code of conduct. Local police and fire officials have been clear that this is not their responsibility and they do not wish to take it on. I have seen no additional resources or funding offered to the City of Corvallis or Benton County to take on this kind of responsibility.

More importantly, this simply is not an appropriate role for law enforcement. I am deeply concerned about increased policing of young people for non-criminal matters. These concerns apply to the safety of all involved--- students, community members and law enforcement officers. For Black students, Indigenous students and students of color, the impact of the University encouraging the community to call law enforcement is intimidating and will lead many to feel unsafe. It could lead to disproportionate financial, legal, educational and health impacts on these students. For international students, DACA students and immigrant students such a strategy to address the public health risk of social gatherings raises a very real threat of deportation or detention.

Although the public health risk of social gatherings is serious, it is not a criminal activity. No student should be jailed or incarcerated for attending a party or playing beer pong with a group of 12 people. Further, I know that Chief Hurley is working hard to build a culture within the Corvallis Police Department that is collaborative, just and open. He is working to build trust with the community. Policing student parties is counterproductive to those efforts and adds tension and conflict in an already difficult time.

I also continue to be concerned about the civil liberty, privacy and safety implications of encouraging the community to take photos and videos of students at off campus gatherings. As you know, the University is encouraging citizens to upload photos and videos of students at gatherings to the OSU website. It is my understanding that this is so that OSU can investigate student behavior on the next business day for purposes of enforcing the code of conduct. https://cm.maxient.com/reportingform.php?OregonStateUniv&layout_id=1

What privacy standards will be applied to this type of surveillance? Will these be public records? If accused of violating the policy, will students have access to the video and photographic materials? Will they be informed of the identity of the individuals that submitted the videos? What consideration will be given to the privacy of community members that raise concerns? How will the privacy of others in the photos/videos be protected? Are there any concerns about physical confrontations between students and community members either while video taping an event, or after a student or household is disciplined based on a video submitted by a neighbor?

I would again like to reiterate my concerns about this type of punitive approach to developmentally appropriate, but COVID risky, student behavior. The goal of addressing these off campus gatherings is not to punish students. It is to improve understanding of the risks such gatherings pose to the community and economy at large and to prevent viral transmission. Investigation of social gatherings that happened days or weeks prior focuses only on punishment. It does nothing to prevent behavior or to stop a public health hazard in progress. It also complicates efforts to do contact tracing as students are unlikely to reveal they were at a noncompliant gathering (or reveal the names of other in attendance) if they know that doing so could lead to their suspension or expulsion. I've spoken to one local restaurant owner who is concerned that instead, they will say they were gathered at a local bar or pub. This raises unfair liability concerns for these business owners.

Has the university considered whether there is a liability risk to the institution or the state from increased viral transmission in Corvallis if it leads to deaths or business closures? As Dan Larson indicated in writing earlier this year, just four students could spark an epidemic in the community. He also acknowledged that move in week will likely constitute a "super spreader event." Given that OSU will be conducting Trace testing (which is great) are there concerns about how very clear the scientific link will be between the return of University operations, the rate of transmission/asymptomatic infection on campus and increased infection and death rates in the community? As you know, Benton County Public Health produced modeling that suggests the arrival of thousands of OSU students that were not living in Corvallis this summer is expected to triple the infection rate in Benton County and increase the number of deaths of Benton County residents by up to 100 souls. This is when infection and death projections are compared to what would be expected if the Corvallis community simply maintained its current population, which of course includes the students that live in Corvallis year round. The issue is not actually the students themselves. The issue is thousands of new people being introduced into a relatively small community. That is why the issue at OSU are different than those at PSU or the University of Oregon. Of course, the risk posed by this influx of people is exacerbated by the developmentally appropriate social behaviors of this group and their greater likelihood of unknowingly being infected without symptoms.

Finally, are you working with the Oregon Health Authority to ensure that the increased magnitude of testing on campus does not complicate or invalidate the metrics that Philomath and Corvallis School Districts must meet in order to offer in person learning to their students? On the one hand, TRACE testing may reveal confirmed infections that we would not have previously known about which would increase the number of cases per 100,000. On the other hand, conducting up to 1,000 random tests per week (I do not recall what proportion of those would be done on the Corvallis campus) could drive down the test positivity rate for the county given that these are tests that would not ordinarily be administered and which should (hopefully!) have a high negative rate. Reliable data is essential to ensure that schools can make solid decisions to open as safely possible.

I am grateful for the measures OSU is taking related to TRACE and wastewater testing. I am pleased you are no longer requiring students to live in residence halls. I am delighted that you chose to eliminate most in person

learning this fall. However, I remain perplexed about why the university is encouraging thousands of students to flow into Corvallis when they will never step foot in a classroom. Given that very few first or second year students (or any students outside the sciences) will need to visit a lab or classroom, it continues to make little sense for dorms to be open to any students that don't have an exceptional need (international students, housing insecurity, etc.).

I do not raise these questions because I am an adversary of Beaver Nation. I love Oregon State University and am proud and grateful for its contributions to the community, state and nation. I love OSU students and the substantial contributions they make to this community. I am eager for it to be safe to have all of the students back in Corvallis.

I am raising these questions out of a deep sense of concern for the district and people I represent. These issues, if not appropriately addressed, could have widespread, grave and irreversible consequences for Benton County including:

* Serious illness of many of my constituents
* Death of dozens of my constituents
* Increased tensions between young people and law enforcement.
* Disproportionately adverse consequences for Black students, Indigenous students, students of color and immigrant students.
* Further business closures, leading to the permanent loss of countless local restaurants, bars and businesses
* Significant economic losses
* Further delay of the return to in person school for kindergarten-12th graders creating major workforce issues and expanding the opportunity gap for underserved students and families

Given the significance of these consequences, it would be irresponsible of me not to stop asking these questions. We must have clarity about how to avoid these outcomes for the people, community and businesses I represent. I have been disappointed that so many of these questions remain unanswered after months of trying to get clarity, and that so many seem dismissed as though the questions are not asked in good faith.

Finally, I remain hopeful that you will address the issues of communication that have emerged over the last several months. I continue to raise this issue. It is essential that it be addressed, both inside and outside of a global pandemic.

Thank you,
Sara

Cc:
President F. Alexander King, Oregon State University
Isabel Nunez Perez, President, ASOSU
Ed Feser, Oregon State University
Rebecca Lynch, General Counsel, Oregon State University
Katie Fast, Government Relations, Oregon State University
Mayor Biff Traber, City of Corvallis
Councilor Charlyn Ellis, City of Corvallis
Councilor Barbara Bull, City of Corvallis
Commissioner Pat Malone, Chair Benton County Board of Commissioners
Lindsay Capps, Office of Governor Kate Brown
Debbie Koreski, Office of Governor Kate Brown
Ben Cannon, Director Oregon Higher Education Coordinating Commission
Rich Carone, Korvis Automation

Aaron Knott, Oregon Department of Justice
Senate President Peter Courtney
House Speaker Tina Kotek
Anna Braun, Chief of Staff, Senate President Peter Courtney
Senator Rob Wagner, Senate Majority Leader
Senator Fred Girod, Senate Republican Leader
Senator Floyd Prozanski, Chair, Senate Judiciary Committee
Representative Janelle Bynum, Chair, House Judiciary Committee and Co-Chair of Transparent Policing and Use of Force Reform Committee
Senator James Manning, Co-Chair, Transparent Policing and Use of Force Committee
Senator Michael Dembrow, Chair, Senate Education Committee
Representative Teresa Alonso-Leon, Chair House Education Committee
Senator Lew Frederick, Co-Chair, Education Subcommittee of Ways and Means
Representative Susan McLain, Co-Chair Education Subcommittee of Ways and Means
Representative Dan Rayfield, Corvallis
Jann Carson, Interim Executive Director ACLU of Oregon
Ryan Noss, Superintendent, Corvallis School District
Susan Halliday, Superintendent, Philomath School District

Senator Sara Gelser
Chair, Senate Human Services Committee
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Pronouns: She/Her/Hers
Please note: The office phone is only checked periodically due to telework during the COVID-19 pandemic

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From: "Clark, Steve" <Steve.Clark@oregonstate.edu>
Date: Saturday, September 5, 2020 at 8:32 AM
To: Sen Gelser <Sen.SaraGelser@oregonlegislature.gov>
Cc: "Feser, Edward" <ed.feser@oregonstate.edu>, "Alexander, F. King" <king.alexander@oregonstate.edu>, Debbie Koreski <Debbie.KORESKI@state.or.us>, CAPPS Lindsey D * GOV <Lindsey.D.CAPPS@oregon.gov>, Katie Fast <Katie.Fast@oregonstate.edu>, CANNON Ben <ben.cannon@hecc.oregon.gov>, Julia Brim-Edwards <Julia.Brim-Edwards@nike.com>
Subject: RE: Significant concerns about OSU Communication

Senator Gelser,

I assure you that Oregon State University continues to diligently address the issues that you are concerned with. I also share that successful and mindful public health behavior by all Corvallis area residents, and not just students alone, is dependent on partnership between the university, students, community members, community leaders and the state. The pillar of our work is coordinated public health campaigns that OSU will launch with the city of Corvallis and Benton County on Tuesday, Sept. 8.

As you are aware, OSU has established a university policy requiring students to limit all social get-togethers to no more than 10 people – indoors and outdoors. This policy is linked to the Code of Student Conduct. We have requested adoption of an amendment to an existing county emergency declaration to extend the Governor's

guidance on social get togethers to include outdoor get togethers. We also have asked the city of Corvallis to expand its special response notice provisions to also include a limit on outdoor social indoor get togethers to no more than 10 people. Additionally, we have talked with state officials about the need to amend the social get-together guidance to no more than 10 people and to secure additional clarification about how existing public health guidance applies to social get-togethers in collegiate settings. These partnerships on public health policies would assist us in enforcing the university's new policy in connection with the Code of Student Conduct.

Sincerely,

Steve Clark

From: Sen Gelser <Sen.SaraGelser@oregonlegislature.gov>
Sent: Friday, September 4, 2020 9:32 AM
To: Clark, Steve <Steve.Clark@oregonstate.edu>
Cc: Feser, Edward <ed.feser@oregonstate.edu>; Alexander, F. King <king.alexander@oregonstate.edu>; KORESKI Debbie * GOV <Debbie.KORESKI@state.or.us>; CAPPS Lindsey D * GOV <Lindsey.D.CAPPS@oregon.gov>; Fast, Katie <Katie.Fast@oregonstate.edu>; CANNON Ben <ben.cannon@hecc.oregon.gov>; Julia Brim-Edwards <Julia.Brim-Edwards@nike.com>
Subject: Re: Significant concerns about OSU Communication

[This email originated from outside of OSU. Use caution with links and attachments.]
Steve,

I acknowledged the response from President Alexander in the email below. That reply did not address the specific questions in the email that I sent.

The City Council meeting did not answer those questions either. It seemed at the meeting that OSU is asking local government to tighten restrictions on all Benton County residents in order to accommodate OSU and further abdicating all off campus intervention to local law enforcement with no consideration for where the resources will come from or how university video/audio surveillance of students and legal intervention will impact students, particularly those with immigration risks.

The email I sent you, and others, continue to request improved and candid communication. How will the University be addressing these ongoing university issues? Also, it is Friday and Labor Day weekend. Who should my constituents call this weekend that will intervene in/break up dangerous gatherings off campus?

Thank you.
Sara
Sent from my iPhone

On Sep 4, 2020, at 8:55 AM, Clark, Steve <Steve.Clark@oregonstate.edu<mailto:Steve.Clark@oregonstate.edu>> wrote:
Senator,

As you may recall, President Alexander did respond to your e-mail. I apologize that I did not recognize that your e-mail of Aug. 27 included a question.

As you may recall we provided rather detailed information regarding reporting and enforcement measures to the joint afternoon Aug. 27 meeting of the Corvallis City Council and Benton Commission, a Zoom meeting you attended.

Steve

On Sep 4, 2020, at 8:41 AM, Sen Gelser <Sen.SaraGelser@oregonlegislature.gov<mailto:Sen.SaraGelser@oregonlegislature.gov>> wrote:

[This email originated from outside of OSU. Use caution with links and attachments.]
Dear Steve and Team,

It has been more than a week since I sent this letter. It has also been nearly two weeks since I sent a letter asking for specific information regarding enforcement (in real time) of non-compliant off campus gatherings and clear assignment of responsibility. Though I received a reply from Dr. Alexander about OSU's general values and hopes that the City and County will be responsible for enforcement, none of my questions have yet been answered. Further, the email below to Steve Clark has not been acknowledged. Earlier this year, I had to beg for a briefing about reopening. It took weeks to get it scheduled.

Meanwhile, I have been copied on an email thread from a local business leader and major donor to the University. I note that his letter led to a response within an hour, and an immediate meeting with your top exectuive team today at 10:30am.

The disparity between the treatment of a wealthy, male local business leader and your female elected official, neighbor and alum who has been trying to engage on these issues for months is quite troubling.

Sara

Senator Sara Gelser
Chair, Senate Human Services Committee
Sen.saragelser@oregonlegislature.gov<mailto:Sen.saragelser@oregonlegislature.gov>
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Pronouns: She/Her/Hers
Please note: The office phone is only checked periodically due to telework during the COVID-19 pandemic

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From: Sen Gelser <Sen.SaraGelser@oregonlegislature.gov<mailto:Sen.SaraGelser@oregonlegislature.gov>>
Date: Thursday, August 27, 2020 at 6:47 PM
To: "Clark, Steve" <Steve.Clark@oregonstate.edu<mailto:Steve.Clark@oregonstate.edu>>
Subject: Re: Elm Street

Steve,

Katie told me no one would go to address the party (I don't know where it was, it was to respond to a constituent). She told me the university has no plan at any point to intervene in parties, and that the only thing the university will do is review the forms submitted on the next business day. I clearly stated in the text (as you will see below) that my scenario was a hypothetical. Until you referenced this in the hearing, I was not aware you had gone out. Had anyone spoken with me, it could have saved you 40 minutes. I could have put you in touch with the person who knew where the party was. I could have known that you made an effort to

respond. Instead, I received no communication whatsoever which appeared to be just one more example of the university simply ignoring difficult questions.

I appreciate that President Alexander responded. However, he did not answer any of my specific questions and that letter came only after my second complaint to the governor's office and the HECC that the institution had not even acknowledged my letter. Further, no one has responded the very real issue with the online form—neighbors will have no way of knowing the names of the students at the party. They won't know who the landlord is. They may not know the address. Unless you are urging neighbors to go and confront inebriated students directly (which is unsafe in typical situations, and even more unsafe given the risk of COVID transmission), there is no way for OSU to enforce its policy until there is a confirmed outbreak where contract tracing works. At that point, you can discipline the students but it will be too late to avoid the negative public health consequences.

The key question is this: This weekend (and each weekend after this weekend) who is called in the moment to go and break up a party? CPD has been clear it is not them. These are your students. You have invited them into the community. It needs to be stopped immediately as it is a public health hazard—even if they are just quietly singing around a campfire. This is not the job of law enforcement. I spoke with Chief Hurley last night and their resources are thin. Officers should not be pulled from a missing child investigation to go to an off campus OSU party. In addition, this isn't about punishment—it's about public health and ensuring we contain the virus in a way that does not require future business closures and that allows us to eventually reopen K12 schools.

If you will simply give me the telephone number that I can tell constituents they can call when there is an event in their neighborhood to get an immediate response, I will be satisfied.

Finally, I remain deeply disappointed at the way that OSU has treated me both as a person and as an elected official throughout the last number of months. This shift to clear disrespect of me as a person and lack of communication began before COVID and came with no apparent trigger. I was particularly disappointed with the gendered insults that were part of the email that was forwarded to me earlier this year. This has still not been addressed in a meaningful way, nor has communication or responsiveness improved. To be clear, communication and responsiveness does not mean that you need to agree. But it does require transparency, timeliness, responsiveness and a general sense of taking concerns that are raised seriously. None of that has changed.

This problem with the communication is deeply disappointing after years of collaborative work with the institution. I am the Senator that represents you, my spouse is a distinguished member of your faculty, I am a neighbor that lives yards from campus and I am an alum. There is no reason there should not be a positive and collaborative relationship. This is a problem that must be resolved regardless of the virus.

Thank you.
Sara

Senator Sara Gelser
Chair, Senate Human Services Committee
Sen.saragelser@oregonlegislature.gov<mailto:Sen.saragelser@oregonlegislature.gov>
(503) 986-1708* 900 Court Street NE, Salem, OR 97301
Pronouns: She/Her/Hers
Please note: The office phone is only checked periodically due to telework during the COVID-19 pandemic

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From: "Clark, Steve" <Steve.Clark@oregonstate.edu<mailto:Steve.Clark@oregonstate.edu>>
Date: Thursday, August 27, 2020 at 6:26 PM
To: Sen Gelser <Sen.SaraGelser@oregonlegislature.gov<mailto:Sen.SaraGelser@oregonlegislature.gov>>
Subject: RE: Elm Street

Senator,
Thanks for clarifying this was a hypothetical reference. I apologize for misunderstanding. Suffice to say, the university and I are taking community and public health seriously as I spent 40 minutes in my car traveling throughout the community.
Steve

From: Sen Gelser <Sen.SaraGelser@oregonlegislature.gov<mailto:Sen.SaraGelser@oregonlegislature.gov>>
Sent: Thursday, August 27, 2020 5:29 PM
To: Clark, Steve <Steve.Clark@oregonstate.edu<mailto:Steve.Clark@oregonstate.edu>>
Subject: Elm Street

Steve,

I communicated with Katie Fast and the Governor's office on Tuesday night after Katie told me to tell a constituent to report a party to the Conduct webpage. I specifically stated that "Elm" was a made up street to illustrate the point.

Here is a snapshot of the text.
<image001.png>

Sara

Senator Sara Gelser
Chair, Senate Human Services Committee
Sen.saragelser@oregonlegislature.gov<mailto:Sen.saragelser@oregonlegislature.gov>
(503) 986-1708* 900 Court Street NE, Salem, OR 97301
Pronouns: She/Her/Hers
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CITY OF CORVALLIS
COUNCIL ACTION MINUTES
September 8, 2020

SUMMARY OF DISCUSSION

Agenda Item	Outcome
Executive Session 1. Under ORS 192.660(2) (h) (status of pending litigation or litigation likely to be filed) Page 3	• FIO
Presentations 1. Welcome Oregon Cascades West Council of Governments Director Ryan Vogt 2. Presentation: 2020 Census Update 3. Presentation: Annual Update and Report on Local Business Recovery Pages 3-4	• FIO • FIO • FIO
Community Comments 1. Microshelters (Weinsteiger) 2. Written comments concerning Van Buren Bridge, Microshelters and CARES funding, OSU Students and gatherings (multiple) Page 4	• FIO • FIO
Consent Agenda Pages 4-5	• Adopted Consent Agenda passed U
Unfinished Business 1. Oregon State University Resumption of Classes for Fall Term 2. Assistance program for low income housing projects 3. Low Income Assistance for City Services Billing Customers Pages 5-12	• RESOLUTION 2020-21 as amended passed U; Request Oregon State University to report to Council twice a month on their response to COVID-19 violations, especially those reported by community members using the tracking form provided by the university passed U; Request Oregon State University /Benton County health to provide twice-monthly updates on the wastewater testing and TRACE testing. These reports could be written, with a representative at the meeting for Council questions passed U; Request Oregon State University to expand the TRACE testing program to include the Corvallis community, not just the Oregon State University community passed U • ORDINANCE 2020-14 passed U • Utilize Parks and Recreation's income criteria with $25 monthly reduction, 35-cent surcharge to all utility customers passed 7 to 2

New Business 1. Resolution Naming Financial Transaction Signatories 2. Resolution forwarding 2021-2022 Council Candidates to the Voters 3. Municipal Judge Replacement Next Steps 4. Funding for microshelters Pages 12-13	• RESOLUTION 2020-22 passed U • RESOLUTION 2020-23 passed U • FIO • RESOLUTION 2020-24 passed U
Mayor's Reports 1. Happy birthday to Councilor Wyse ☺ Page14	• FIO
Councilor Reports Page 14	• FIO
City Manager Reports 1. Van Buren Bridge Update 2. Other: Bias Response Initiative; City Services Bill update; Fire Department assistance during local fire emergencies Pages 14-15	• FIO • FIO

Acronyms:
FIO For Information Only
U Unanimous

CITY OF CORVALLIS
COUNCIL ACTION MINUTES
September 8, 2020

EXECUTIVE SESSION

The Council met in executive session from 5:15 pm to 5:45 pm under ORS 192.660(2) (h) (status of pending litigation or litigation likely to be filed). Mayor Traber said representatives of the news media and designated staff and other designated persons were allowed to attend the executive session. All other members of the audience were asked to leave the room. Representatives of the news media were specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No final decision was made in the executive session. Mayor Traber reminded Councilors and staff that the confidences in the executive session belonged to the Council as a body, and not to the individual members. The confidences could only be disclosed if the Council as body approved such a disclosure. He invited Councilors and staff who did not believe that they could maintain the confidences to not participate in the executive session.

PRESENT VIA VIDEO CONFERENCE: Mayor Traber; Councilors Napack, Maughan, Lytle, Bull, Ellis, Shaffer, Junkins, Wyse, and Struthers

I. CALL TO ORDER

Via video conference, Mayor Traber called the regular meeting of the City Council of the City of Corvallis, Oregon to order at 6:00 pm on September 8, 2020. Per Governor Brown's Executive Order 20-16, the Council Chambers in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon was closed to the public. The meeting was available for the public to observe live via the internet. The public was encouraged to provide written comments on agenda items and ten community comment slots were available for those who registered in advance of the meeting.

II. ROLL CALL

PRESENT VIA VIDEO CONFERENCE: Mayor Traber; Councilors Napack, Maughan, Lytle, Bull, Ellis, Shaffer, Junkins, Wyse, and Struthers

III. PRESENTATIONS

Mayor Traber thanked Police Chief Hurley and the Corvallis Police Department for the safe return of missing child Ava Carey.

A. Welcome Oregon Cascades West Council of Governments Director Ryan Vogt

Mr. Vogt introduced himself and provided information about his professional background, which includes 22 years with the State of Oregon, mostly at the Department of Administrative Services working with child welfare. Councilors welcomed him and looked forward to working with him.

B. PRESENTATION: 2020 Census Update

Steph Nappa, Community Development Planner with the Census Complete Count Committee, provided a presentation about the 2020 Census (Attachment A). She noted the following in response to Councilors' inquiries: The small numbers in black on the map denote the Census

tract numbers and the percentages in red indicate the self-response rate as of August 27, 2020. There has been some inconsistent messaging about whether people should indicate where they were actually living on April 1 or where they would have been living. This inconsistency is especially concerning in college communities like Corvallis. The Census Bureau is expected to reconcile differences to the greatest extent possible.

C. PRESENTATION: Annual Update and Report on Local Business Recovery

Economic Development Manager Porsche described how the City's Economic Development Division is working to help local businesses during the pandemic. Issues of concern include funding, childcare, the impact of having fewer students in town, and changes to outdoor dining due to colder weather. In the coming fiscal year, Economic Development staff will work on the potential to annex the Airport Industrial Park, South Corvallis Urban Renewal, and economic roundtables. She will distribute the annual report to the Mayor and Council within the next week.

IV. COMMUNITY COMMENTS

Rebecka Weinsteiger spoke on behalf of DevNW in support of microshelter funding and grant a 12-month extension of permits granted to First United Methodist Church and the Corvallis Evangelical Church for microshelters.

Ken Himes registered to provide verbal testimony. He had technical issues with his microphone, so he provided written comments (Attachment B).

Staff received written community comments from Claudia Howells concerning the Van Buren Bridge; Jessica McDonald representing the League of Women Voters, Shawn Collins, Jennifer Butler, David Jackson, Cassandra Robertson, Jane Barth, and Andrea Myhre concerning microshelters and CARES funding; and Gabe Shepard and Steve Clark concerning OSU students and social gatherings (Attachment C).

VI. CONSENT AGENDA

Councilors Ellis and Wyse, respectively, moved and seconded to adopt the Consent Agenda as follows.

A. Reading of Minutes
1. City Council Meeting – August 17, 2020
2. City Council Work Session – August 20, 2020
3. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
   a. Historic Resources Commission – July 14 and August 11, 2020
   b. Planning Commission – June 17, 2020

B. Acceptance of Visit Corvallis Fourth Quarter Report, annual report, and marketing plan

C. Approval of liquor licenses for Common Fields, LLC; the Biere Library; and Block 15 Brewery and Tap Room

D. Announcement of Councilor Lytle's appointment to the Highway 99 Corridor study stakeholder group

E. Approval of Housing, Opportunity, Planning and Equity Advisory Board funding request for an equity consultant

F. Approval of microshelters following successful completion of a probationary period

The motion passed unanimously.

VII. ITEMS REMOVED FROM CONSENT AGENDA – None

VIII. UNFINISHED BUSINESS

A. Oregon State University (OSU) Resumption of Classes for Fall Term

In response to Mayor Traber's inquiry, Councilors supported first considering the proposed resolution. Councilor Struthers noted that while he is employed by OSU, the subject matter is applicable citywide and does not relate to the resumption of classes, so he would participate in the discussions.

City Manager Shepard said today, the Benton County Board of Commissions passed a Revised Emergency Order that encourages Benton County community members to closely follow Governor Brown's mandates, and urges community members to limit outdoor social get-togethers to ten people or less. In response to Councilor Wyse's inquiry, Mr. Shepard said the Order would not preclude the Council from passing an ordinance that is enforceable inside the city limits. He added that OSU is seeking affirmation from both Benton County and City elected officials. City Attorney Brewer added that when Benton County speaks, it is generally referring to the unincorporated areas of the county. If the Council is silent on the matter, the City's position is not clear to the public.

Councilor Wyse observed there has been dialog about the meaning of social gatherings and if it applied to restaurants and other large gatherings like fundraisers. Mr. Shepard acknowledged that the proposed special ordinance does not define social gatherings; however, it is not intended to apply to churches and restaurants. Mr. Brewer noted that a birthday party inside a restaurant would seem to be a social gathering. Mr. Shepard noted that staff does not recommend that Council adopt an ordinance.

Councilor Maughan supported the resolution. He hoped OSU would do a good job of educating students and the City would continue doing a good job of educating residents. He hoped there would not be a need to move to enforcement; however, an ordinance was not necessarily off the table for him if things did not work out.

Councilor Lytle requested clarification about events such as outdoor movie nights with family groups in vehicles. Mr. Brewer said Governor Brown's guidance is tied to physical distancing and wearing masks. The size of an outdoor gathering is not an issue if distances are maintained or masks are worn, or both.

Mr. Brewer read a resolution urging compliance with mandates and emergency orders required to address the continuing COVID-19 pandemic.

Councilors Maughan and Ellis, respectively, moved and seconded to approve the resolution.

Councilor Ellis wanted the City's message to parallel those of Benton County and the State, so she supported the resolution. She was not in favor of an ordinance because there did not appear

to be any ability to enforce it. She did not want Corvallis Police enforcing mask and distancing violations.

Councilor Bull agreed with Councilor Ellis. She was also concerned that the ordinance would create confusion about how it applied to specific events, noting there are differing interpretations about what constitutes safe behavior. She wanted the Council's expectations to be clear.

Councilor Napack observed that in Phase 2, Oregon Health Authority (OHA) criteria permit outdoor gatherings of more than ten people. She wondered if the City's proposal was overreach. Mr. Shepard said the proposed resolution is in response to OSU asking for further restrictions to match those they are implementing on campus. He acknowledged it was more strict that Governor Brown's order.

Councilor Wyse did not feel comfortable targeting OSU students. People who are following the guidelines will continue to follow them and those who do not continue to ignore them. She did not wish to punish those who are already complying. She supported OSU limiting guidance to the OSU campus, as attending college is a choice.

Councilor Shaffer reminded everyone that the proposed resolution was to urge and encourage, not require. He sees it more as a reminder to OSU students that there is a University policy about limiting outdoor gatherings to no more than ten people. He viewed the City's resolution in the spirit of supporting OSU and creating expectations and behaviors for OSU students.

Councilor Napack observed that Benton County's website indicates the virus' prevalence here is two percent. Of the 16 conditions that the County needs to maintain to stay in Phase 2, it is in the green for all but two measures. If students return and the County reverts to Phase 1, it would appear that OSU is deferring responsibility. She opined that any case increases in the community would more than likely be due OSU.

Councilor Bull was hearing concern from the community that the virus will spread with the return of OSU students. One way to manage it is to reduce activities. She will support the resolution in its current form. While it may overstate the need to restrict social gatherings, it is needed until the impact of returning students is understood.

Councilor Lytle agreed with many of the community's concerns. She also agreed with Councilor Wyse about urging and encouraging the entire community. She also thought it was important to be united with Benton County in messaging. She planned to support the resolution.

Councilor Ellis observed that not just OSU students need a reminder about safe behavior.

Councilor Junkins supported the resolution as written; however, he did not support an ordinance. He said urging and encouraging makes an important statement. He added that seasonal changes could contribute to an increase in cases, so a rise would not necessarily be attributed to just OSU students. He said it was advantageous to be overly cautious initially and the Council could always amend the resolution if needed.

Councilor Napack noted OSU's reopening guidance document. She said a ten-person limit is quite severe and not yet sanctioned by the State. She wondered why OSU would not require students to register when they have parties.

Councilor Struthers supported the resolution, but not an ordinance. He was concerned people in the community would still see the resolution as regulatory. He believed the resolution applied to the entire city, not just OSU.

Councilors Struthers and Napack, respectively, moved and seconded to amend the last clause of the resolution as follows: BE IT FURTHER RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CORVALLIS also urges and encourages residents, citizens, visitors and workers within the City of Corvallis to limit outdoor social gatherings **in size when possible** ~~to no more than 10 persons~~, even with appropriate face coverings, hand sanitizing and washing, and physical distancing.

Councilor Struthers said there are other types of social gatherings besides college parties. Some could view an outdoor church service or the Farmers Market where there are more than ten people as a social gathering. He offered the amendment to provide some flexibility.

Councilor Wyse opposed the amendment. She believed if the Council was hesitant to limiting to the number to ten th0en they should reject the entire resolution.

Councilor Maughan also opposed the amendment. He said the point of resolution is to ask the community to limit the size of gatherings.

Councilor Bull thanked Councilor Struthers for the amendment, as it is addressing her concern; however, she planned to oppose it. She noted the item on Council packet page 78 where the State Health Officer described how COVID-19 is spreading from seemingly harmless gatherings. Further, the number ten is consistent with guidance from Benton County and OSU. She requested the Council follow up with a definition of social gatherings to address ambiguity about whether it applied to events such as the Farmers Market.

Councilor Napack supported the amendment. She believed the number ten was not meaningful and there will always be people who refuse to follow the message of urging and encouraging.

Councilor Lytle appreciated the amendment, but she opposed it. She agreed that the City has done well to this point and limiting gatherings to no more than ten people was well stated. She wanted to be consistent with Benton County and OSU.

Councilor Junkins opposed the amendment. He wanted the City to be clear. He said a specific number will inform planning and the resolution affects the entire community. People will see the timing, conversation, and opening of OSU as everyone working together and the City reminding people about social gatherings being a source of virus spread. He supported the Council having a brief discussion about the meaning of social gatherings to provide clarity for the community. He said the City did not intend to be disruptive of events that are within the purview of the OHA and Governor Brown's direction.

The amendment failed 2 to 7 on the following roll call vote:

YEA	Councilors Struthers, Napack
NAY	Councilors Junkins, Maughan, Lytle, Bull, Ellis, Wyse, Shaffer

Councilor Bull thanked Councilor Junkins for reminding everyone that cases are predicted to increase, even with public health heroes. She observed that the resolution treats everyone equally. OSU is providing leadership by asking students to behave appropriately, with

consequences about social gatherings. The City is supporting that through the resolution and working together as a community.

Councilor Wyse said she would hesitantly support the resolution, as she did not want to be characterized as the one Councilor who opposed it. Benton County has already passed an order and OSU asked the City to be a team player. She wanted to support both; however, she noted that the Council came to OSU to ask them what they would do and their solution seemed to be putting it back on the City.

Councilor Shaffer supported the resolution. He did not view the Farmer's Market as a social gathering. Although people interact there, they have been behaving and he has not observed groups of ten or more.

Councilor Napack said she would begrudgingly support the resolution. She did not agree with the extent to which it is putting the onus on the community and not OSU. She has seen very few people not complying and that is why Corvallis is doing well.

Councilor Struthers agreed with Councilors Napack and Wyse concerning their hesitant support, and he agreed the Council should define social gatherings.

Mayor Traber noted that Governor Brown and the Oregon Health Authority use the phrase social gatherings.

Mr. Brewer said the Benton County Commissioners used the phrase social get together in part to differentiate between spontaneous events versus those that are planned. He said the Council might wish to consider changing the phrase in the resolution using the same logic.

Councilor Ellis noted that OSU is part of the community.

In response Councilor Lytle's inquiry, Mr. Brewer said the County did not define social get together in its order. They only discussed it among themselves.

Mayor Traber recessed the meeting from 8:00 pm to 8:10 pm.

Councilors Lytle and Bull, respectively, moved and seconded to amend the resolution as follows:

Change the sixth WHEREAS statement to read as follows: WHEREAS, the Benton County Board of Commissioners strongly urges and encourages citizens and residents of Benton County, including those living in the City of Corvallis, as well as visitors and workers, to adhere to the Governor's preventative measures. In addition, although Benton County is currently in Phase 2 of the State's reopening protocol, the Benton County Board of Commissioners have urged and encouraged the limitation of outdoor social **get togethers** ~~gatherings~~ to no more than 10 persons;

and the final Be It Further Resolved statement to read as follows: BE IT FURTHER RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CORVALLIS also urges and encourages residents, citizens, visitors and workers within the City of Corvallis to limit outdoor social **get togethers** ~~**gatherings**~~ to no more than 10 persons, even with appropriate face coverings, hand sanitizing and washing, and physical distancing.

The amendment passed unanimously.

RESOLUTION 2020-21 as amended passed unanimously.

In response to Mayor Traber's inquiry, Councilors said they did not wish to consider the proposed ordinance.

Councilors Ellis and Maughan, respectively, moved and seconded to request that Oregon State University report to Council twice a month on their response to COVID-19 violations, especially those reported by community members using the tracking form provided by the University.

Councilor Ellis said it would be helpful for the community to see what OSU is actually doing, especially how it is holding students accountable for Student Code of Conduct violations related to COVID-19.

Councilor Maughan appreciated the motion. In response to his inquiry, Councilor Ellis confirmed her intent was for OSU to report at every Council meeting. She was fine with talking to OSU about whether that would be too much for them. Mr. Shepard offered that staff could work out an agreeable arrangement.

Councilor Wyse said written reports were acceptable to her for some of the meetings instead of OSU representatives appearing twice per month.

Councilor Napack supported the motion; however, she was not certain what the Council would do with the information it receives.

Councilor Bull said the motion was a way for the community to see how OSU was being held accountable.

The motion passed unanimously.

Councilors Ellis and Bull, respectively, moved and seconded to request Oregon State University /Benton County health provide twice-monthly updates on the wastewater testing and TRACE testing. These reports could be written, with a representative at meetings for Council questions.

Councilor Ellis said the updates would be helpful, especially going into winter. They could be written, so not to take too much of OSU's time.

Councilor Shaffer supported the motion and scheduling the updates with both OSU and Benton County Health together during work sessions so they would be less formal.

The motion passed unanimously.

Councilors Ellis and Bull, respectively, moved and seconded to request that Oregon State University expand their TRACE testing to include the entire Corvallis community, not just the Oregon State University community.

Councilor Ellis said OSU and Corvallis are intertwined, so the whole city should be tested.

Councilor Bull supported the sentiment; however, she did not know about the status of the TRACE project and how it might include the rest of the community.

Councilor Junkins observed that when OSU started the TRACE study, it included community members. He wondered if the wording in the motion to test the *entire* community was what Councilor Ellis really intended, versus a representative sample of the community. He was more comfortable with encouraging OSU to include as many people in the community as possible.

Councilor Ellis said she intended it to be the same model OSU used in the spring where it conducted random testing of the entire community. Her understanding was that the TRACE program included random sampling.

Councilors Ellis and Bull accepted Councilor Shaffer's friendly amendment that the motion read: request Oregon State University to expand the TRACE testing program to include the Corvallis community, not just the Oregon State University community.

The motion, which includes the friendly amendment, passed unanimously.

Councilor Bull asked that staff such as Fire Emergency Planner Busby be included on the updates to help the Council interpret what OSU is doing and whether it is adequate.

B. Assistance Program for Low Income Housing Projects

Mr. Brewer read an ordinance relating to System Development Charge Low Income Housing Assistance Program, amending Municipal Code Section 2.08.65, "Assistance Program for Low Income Housing Projects," amending Municipal Code Section 2.08.065."

In response to Councilor Napack's inquiry, Mr. Shepard said the ordinance provides flexibility, as Construction Excise Tax (CET) funding fluctuates depending upon the economy. Some years, receipts are significant and they are lean in others. The money also funds other needs such as the Affordable Housing Planner and reserves. These elements would be balanced during the annual budget cycle.

Councilor Lytle wanted to ensure it was clear that CETs could be used for more than just SDCs.

In response to Councilor Bull's inquiry, Mr. Shepard said there are no guarantees that all low-income housing projects that meet the criteria would be excused from SDCs; however, it does give the Council the ability to respond to housing projects.

ORDINANCE 2020-14 passed unanimously.

C. Low Income Assistance for City Services Billing Customers

Finance Director Brewer's staff report asked the Council to provide direction on three items:

1. Should the low-income assistance program utilize Parks and Recreation's income criteria or a two-tiered reduction based on proven income levels at either 80% or 60% of median?

   Councilors Ellis and Lytle, respectively, moved and seconded to utilize Parks and Recreation's income criteria.

   Councilor Napack was concerned about people, such as low-income seniors, who may be left out of the program because they do not participate in programs such as free lunches. Ms. Brewer said if someone were on Medicaid, they would be on the Oregon Health Plan and would likely be on the Supplemental Nutrition Assistance Program (SNAP).

Councilor Struthers was comfortable with this criterion for the first year of the program so it can be established as quickly as possible.

In response to Councilor Bull's inquiry, Ms. Brewer said the City treats multi-family as more than one living unit with more than one lease to a single water meter. That could include a large apartment complex, such as the Sierra. It could include a formerly single family home that has been converted to several apartments with a single water meter. Ms. Brewer noted there are some new multi-unit structures that have one meter per living unit, so each tenant is responsible for its own utilities.

The motion passed 8 to 1, with Councilor Napack opposing.

2. If using the Parks and Recreation criteria, the amount of the monthly reduction to provide to customers who qualify

   Councilors Struthers and Ellis, respectively, moved and seconded that the amount offered for assistance is $25 per month.

   Councilor Junkins favored offering more support based on a percentage of median income; however, he was okay with $25 for now and hoped the Council could have further discussion in the future discussion. Ms. Brewer said if the Parks and Recreation's income criteria were used, the percentage of median income would not be feasible. The City does not receive income information to verify ratio compared to the federal standards. The approach would be a different concept from what the Council had previously discussed, which was $25 at 80 percent of median income and $50 at 60 percent of median income.

   Councilor Bull believed the $25 amount was a good place to start.

   Councilor Lytle agreed, and supported considering a higher amount later.

   Councilor Shaffer liked the approach. He said it was acceptable to start with a lower amount and wait for more information about demand.

   Councilor Napack preferred a sliding scale. She wanted to help people, but she believed the proposed approach was wrong.

   The motion passed 8 to 1, with Councilor Napack opposing.

3. The monthly surcharge rate which, combined with the monthly amount of relief, will define the maximum number of customers assisted each month.

   Councilor Bull moved 35 cents for the surcharge on single-family accounts only. The motion died for lack of a second.

   Councilors Lytle and Bull respectively, moved and seconded to assess a 35 cents surcharge from all customers.

   Councilor Lytle preferred a surcharge on all customers. That is how the Parks and Recreation program works and she wanted to model it. She also wanted to ensure equity. Councilor Bull agreed.

Councilor Napack did not support the motion. She said voters had not been asked if they would approve. If the City is imposing it on paying customers, it should not start with the maximum amount. She did not want to see constant increases either.

Councilor Shaffer opposed a surcharge on all customers. He observed it would be asking for money from people who would not be eligible for the program. His two issues were the amount and who is charged.

Councilor Wyse supported the motion. She said it was not that much money, all customers should be charged, and the Council could reexamine it in six months or a year.

Councilor Struthers had mixed feelings. He would like to see all customers charged; however, he preferred an amount closer to 20 cents. He did not favor 35 cents.

Councilor Ellis suggested dividing the motion into two parts and Mr. Brewer confirmed that procedurally, that was acceptable. Councilors were supportive of the approach.

The motion to assess 35 cents passed 6 to 3 on the following roll call vote:

YEA Councilors Junkins, Ellis, Maughan, Lytle, Bull, Wyse
NAY Councilors Struthers, Napack, Shaffer

Councilor Lytle noted the Parks and Recreation program assesses all customers and she did not wish to single out one type of customer.

In response to Councilor Struthers' inquiry, Mr. Shepard said the Parks and Recreation low-income assistance program is supported by a surcharge on rentals and other related items, so anyone who rents funds the program.

The motion to assess all customers passed 6 to 3 on the following roll call vote:

YEA Councilors Junkins, Napack, Maughan, Lytle, Bull, Wyse
NAY Councilors Struthers, Ellis, Shaffer

IX. NEW BUSINESS

A. Resolution Naming Financial Transaction Signatories

Mr. Brewer read a resolution authorizing financial institution signatories effective October 1, 2020.

Councilors Struthers and Lytle, respectively, moved and seconded to adopt the resolution.

RESOLUTION 2020-22 passed unanimously.

B. Resolution forwarding 2021-2022 Council Candidates to the Voters

Mr. Brewer read a resolution forwarding 2021-2022 City Council candidates to the voters at the November 3, 2020 general election and directing the City Recorder to publish notice of municipal election.

Councilors Lytle and Ellis, respectively, moved and seconded to adopt the resolution.

RESOLUTION 2020-23 passed unanimously.

C. Municipal Judge Replacement Next Steps

Councilor Wyse noted the report in the packet and said Council Leadership recommends that the Council meet with municipal judge candidate Larry J. Blake, Jr. Councilor Lytle added that she and Councilor Wyse had an initial meeting with the candidate. She recognized the Council has not had an opportunity to discuss the qualities they want in a municipal judge. She suggested if there was time at the end of the September 10 Council Work Session, the Council could address the matter then. Councilor Wyse hoped Councilors could prepare questions they wish to ask.

Councilor Ellis expressed interest in talking to the candidate; however, she preferred the Council have a conversation first. She also wanted to hear from staff who work with the judge.

Mr. Shepard noted the logistical challenges with hiring a new judge by January 1, 2021. He suggested that a short-term agreement may be the best approach to ensure the Council is satisfied with its choice.

Councilor Bull said knowing the candidate is already working for a nearby city is helpful.

Councilors agreed with discussing the matter at the September 10 Work Session if time permitted.

D. Funding for microshelters

Mr. Brewer read a resolution accepting and appropriating a grant for the purpose of funding microshelters for homeless people to replace beds lost at the Men's Cold Weather Shelter during the COVID-19 pandemic.

Councilors Lytle and Maughan, respectively, moved and seconded to adopt the resolution.

Councilors were very pleased to support using CARES funding for microshelters.

Mr. Shepard noted the Benton County Board of Commissioners voted today to provide $148,000 for shelter case management.

In response to Councilor Napack's inquiry, Community Development Director Bilotta clarified the award for 15 microshelters was not the entire grant.

Councilor Bull was supportive of the cooperative effort.

Councilor Lytle clarification that some of the microshelters will bring the Men's Cold Weather Shelter to its full capacity of 50.

RESOLUTION 2020-24 passed unanimously.

X. MAYOR, COUNCILOR, AND CITY MANAGER REPORTS

A. Mayor's Reports

Mayor Traber wished Councilor Wyse a happy birthday.

B. Councilor Reports

Councilor Junkins complimented Visit Corvallis (VC) Executive Director Rehklau on the Visit Corvallis Report, noting it was very clear about revenues. The good news is that it improved over summer, but unfortunately, VC staff expects it will drop over fall and winter. Councilor Junkins noted that although the Imagine Corvallis Action Network Advisory Board has not met during the pandemic, activities are ongoing, including a presentation to Leadership Corvallis.

Councilor Ellis recognized the Corvallis Library for sending outreach emails to all 509J Corvallis School District staff describing the resources it can provide. She noted Stone Soup served 3,301 meals in July and 3,581 in August.

Councilor Maughan said people were raising concerns on social media about Corvallis police officers not wearing masks. He observed several pictures showing officers in groups not wearing masks and interacting with the public without masks. Mr. Shepard said he would share the information with Chief Hurley to address.

Councilor Bull also noted the VC Report and complimented Executive Director Rehklau on a clear report. She highly recommended this year's League of Oregon Cities' keynote speaker Walidah Imarisha and encouraged Councilors to sign up. She thanked Mr. Shepard for submitting the proposal to take ownership of the Van Buren Bridge and said PreservationWORKS staff appreciated working with him.

Councilor Napack thanked Mr. Shepard, Community Development Director Bilotta, and Finance Director Brewer for their resolve and courage over last several months; she appreciated their work. She learned that a $9.3 million affordable housing development would be constructed in Ward 1 using state funding (Attachment D).

Councilor Lytle recognized Ms. Brewer and Public Works Director Steckel on 30 years with the City; both are retiring at end of this month. She will send the City Attorney evaluation instrument to Councilors and staff.

C. City Manager's Reports

1. Update on Van Buren Bridge

   Mr. Shepard said he has not heard back from the Oregon Department of Transportation (ODOT) about the City's application. He expected it will take several weeks, as multiple people are involved in the review process. He will let the Council know when he hears back. Since the Council directed staff to move forward with the proposal, there have been some challenges associated with well-intentioned messages. PreservationWORKS sent out a press release and contacted the Federal Highway Administration. Councilor Bull contacted Representative Rayfield, who contacted Mr. Shepard seeking clarification. Depending on schedules, the two might meet next week. Mr. Shepard is doing is best to manage the project to ensure consistent information is shared. Mr. Shepard said if ODOT accepts the City's proposal, he would ask the Council for more direction. Accepting means

the beginning of negotiations about how the bridge would be transferred to the City. Mr. Shepard said ODOT told staff they were contacted by an attorney representing someone in Corvallis regarding the bridge, he was concerned about the possibility of litigation.

Mayor Traber said there seemed to be some disconnect between PreservationWORKS' press release and question eight on the proposal application that indicates that as an owner, the City would take on all future legal and financial responsibilities after the bridge is moved. Mr. Shepard noted the City could still back out, but once it agreed to take ownership of the bridge, it would be taking on those responsibilities.

The item was for information only.

2. Other

Bias Response Initiative Update. Mr. Shepard met with representatives from OSU, including Vice President and Chief Diversity Officer Alexander, Director of Strategic Initiatives Vignos, and Assistant Director of Outreach Douglas to discuss the University's bias response program. OSU agreed to provide him with more information about its structure and they wanted to be as helpful as possible; however, they declined to take reports from the community on behalf of the City in the short term while staff develops the program. The City of Philomath has expressed some interest in participating and Mr. Shepard reached out to the City of Albany, so a regional approach may be possible. He will speak to the Council of Governments, as that could be a good place to start. He also met with Jonathan Stoll, Angel Harris and Jason Dorsette on September 4 and they were very excited about a regional approach. They will provide Mr. Shepard with a list of potential project managers. They will develop training proposals to use in the interim. The Mayor, Council, and Department Directors will be included. Councilor Lytle was pleased with the direction of the program.

City services Billing. Mr. Shepard said the City had not been shutting off water service for those who have not been paying their bills. Staff is starting to contact past due customers, asking them to enter into payment contracts with the City. If they are non-responsive, the City will initiate the shut off process. Contracts for non-payment involve customers paying their current monthly bill and an extra amount each month to catch up on the cost of bills in arrears. Staff tries to work with people and be reasonable. Councilor Bull asked staff to tell people about the low-income program when it starts. In response to her inquiry, Mr. Shepard said Community Services Consortium is focused on providing rent assistance. In response to Councilor Shaffer's inquiry, Mr. Shepard said the number of people behind in their utility bills is higher than usual; however, it is difficult to gauge how many are due to the economic circumstances versus those who are taking advantage of the fact they had not had to pay for a while. In July, there were 841 customers in arrears and in August, the number grew to 929. Some were behind before the pandemic.

Mr. Shepard said the Fire Department is carefully working with other agencies regarding the recent disastrous fires to the east. The City is doing its best to help, but must maintain some resources to respond to Corvallis emergencies. Mr. Shepard said the City/County Emergency Operations Center was partially reactivated to support neighboring cities and counties that are seeing significant direct impacts from fires.

D. City Attorney's Reports – None

XI. ADJOURNMENT

The meeting adjourned at 10:02 pm.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY RECORDER

Corvallis 2020 Census Response

Steph Nappa, Oregon Cascades West Council of Governments

09/08/2020

ATTACHMENT A

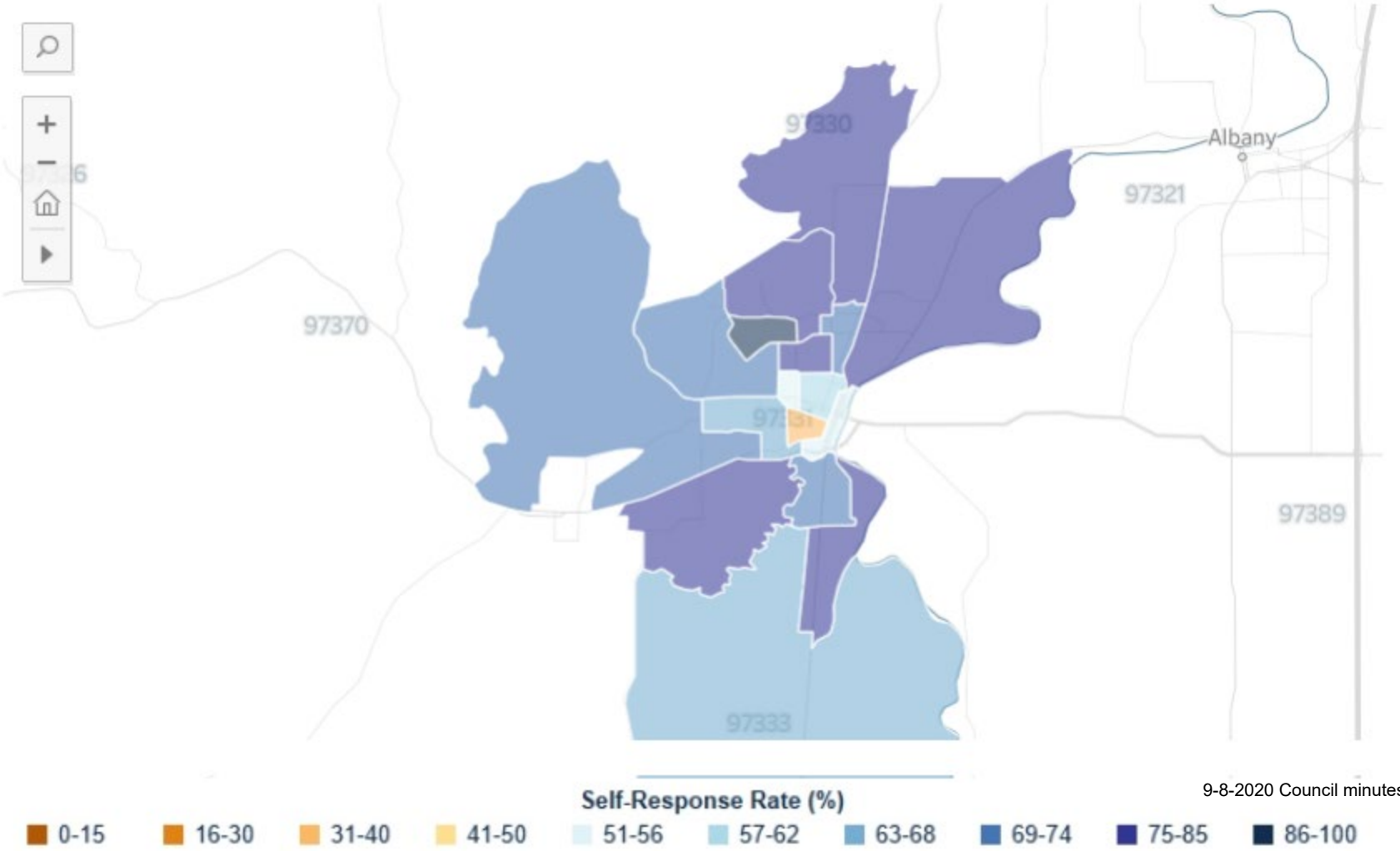
Census Overview

- Constitutionally mandated to take place every 10 years
  - Counts every person residing in the US, regardless of immigration status
- Determines number of political representatives, as well as federal funding allocations
  - Each response in Oregon results in roughly $3,200 per year to local jurisdictions
- Self Response Opened April 1, 2020
- **Current End Date September 31, 2020**

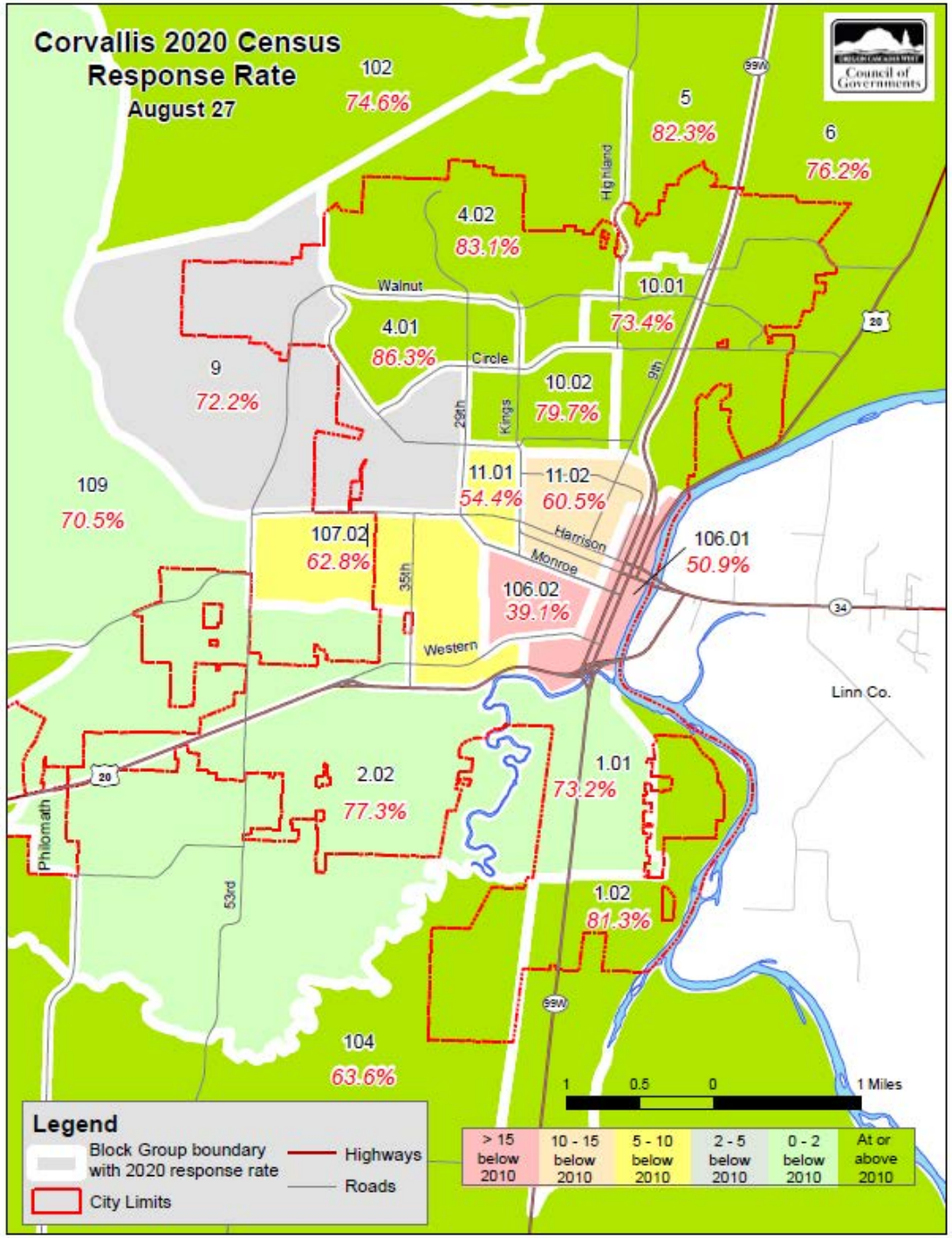
Regional Complete Count Committee

- Goal: Improve 2020 Self Response Rates over 2010
- Linn, Benton, and Lincoln Counties requested Oregon Cascades West Council of Governments form a Regional Complete Count Committee for the 2020 Census in summer 2019
- OCWCOG Role:
  - Organize Committee meetings
  - Facilitate information and idea sharing
  - Stay up to date on statewide efforts
  - Create report on what was done, lessons learned, and areas of improvement to inform 2030 efforts
- OCWCOG is not involved in the enumeration efforts, which is solely the responsibility of the U.S. Census Bureau

Corvallis Self Response Rates by Census Tract



Corvallis Self Response Rate 2020 vs 2010 Comparison by Census Tract



Region and State Response Rates*

- Corvallis Overall Self Response Rate: **70.1%** (2010, 73.3%)
- Benton County Self Response Rate: **71.9%** (2010, 73.1%)
- Lincoln County Self Response Rate: **45.4%** (2010, 43.2%)
- Linn County Self Response Rate: **70.4%** (2010, 68.3%)
- Oregon Self Response Rate: **68%** (2010, 66.9%)
- Oregon Overall Enumeration Rate: **92.1%** (5th in the US)

*Data from September 1, 2020

Notes and Takeaways

- Lower response rates around OSU campus likely due to college students leaving when COVID hit
  - *College students should be counted in the place they would have been living on April 1st if classes had been held in person*
- Online misinformation has been circulating, reports of misinformation preventing response
- P.O. boxes didn’t receive mailings right away, lowered response in rural areas
- COVID reduced outreach opportunities and has created challenges for Non-Response Follow Up efforts (in-person enumeration)

How Council Can Help

- Encourage constituents to respond
  - Social media
  - Neighborhood groups
  - Constituent communications
  - Support City staff in pushing out Census information
- Find Info:
  - We Count Oregon: wecountoregon.com, Facebook & Instagram
  - Oregon Counts: oregon2020census.gov
- Direct people who need assistance to the Corvallis Multicultural Literacy Center (local Census Assistance Center)
  - 541-243-8976

Questions?

https://wecountoregon.com/

Members of the council,

I apologize for my limited technical expertise that precluded me from making the comments I intended last evening. Here is a summary of what I hoped to say:

I have been a member of Corvallis for over 50 years. My wife and I met here, married here, and raised our family here. My wife graduated from CHS.

By the grace of God I have served him here for over 45 years as a pastor and as a pastoral counselor and community leader.

This evening I would like to make a few comments about a possible resolution or ordinance you may be considering about limiting outdoor gatherings to 10 people.

It is unclear to me whether you desire to consider an ordinance or to make a resolution. I would encourage you to consider a resolution. I also think that the terms such as "social gatherings" and " get-togethers" are vague and indistinguishable in common parlance. Would any outdoor church or church-related actions or activities be affected?. Further, does the council intend to put any numerical or other restrictions on outdoor church gatherings, events, services or the like? If any actions of that sort are involved they are sensitive and could invite constitutionally-based lawsuits.

I and many other Christians of this community meet every week for sincere prayer for you and other leaders, as the Bible teaches us. You shoulder a big responsibility and we want to stand supportively with you, as we have for many years.

I am happy to entertain any questions or comments. And you are welcome to join us for prayer on any Thursday at 11. I can give you any details you may need.

Ken Himes, BA. M.Div., D.Min.
3179 NW Greenbriar Pl.
Corvallis, OR 97330
541.207.6207

ATTACHMENT B

From: Claudia Howells <claudiahowells@msn.com>
Sent: Friday, September 4, 2020 3:32 PM
To: Holzworth, Carla <Carla.Holzworth@corvallisoregon.gov>
Subject: Comments on the future of Van Buren Bridge

Dear Ms. Holzworth,

The attached is a letter I sent to the Gazette-Times on August 10. I also thought I sent a copy to your mayor and council, but I now find no record of the message being sent. I would like to submit the letter and this email for the record and to the mayor and council. While I do not live in Corvallis, we own property in Corvallis and our son lives and works in Corvallis, so we are frequent visitors.

Thank you for your consideration.

Claudia L. Howells
1045 Cross St. SE
Salem, OR 97302
503 363-6587

Letter to the Editor

While I am a resident of Salem, I am a subscriber to the Gazette-Times, as well as a property owner and taxpayer in Corvallis and Benton County. We are also frequent visitors, so have been following with interest the plans for the Van Buran Bridge.

Understanding the stresses on local budgets, particularly now, I can also understand the cautious position of the newspaper's editorial staff regarding the future of the historic bridge. I suggest that this is an opportunity that won't come again, an investment that will reap enormous benefits.

Salem, a city with a more conservative reputation than forward-thinking Corvallis, purchased a railroad bridge of similar vintage to the Van Buran Bridge, just over ten years ago. At the time, many objected, particularly because the city paid the Union Pacific Railroad a considerable amount of money. The bridge needed extensive and expensive work, that should not be needed for the Van Buran Bridge. But proponents persevered.

Today, the Union Street bridge is immensely popular with bicyclists and pedestrians. It is a comfortable and safe for families with children on bikes or in strollers, and provides the only opportunity for people with mobility disabilities to cross the river in something other than a car. On a normal summer weekend, it is a vibrant and happy recreational destination. The bridge also serves the important function of providing alternative emergency access across the river when the highway bridges are blocked.

The planned replacement bridge in Corvallis is desperately needed for vehicles. I think that every time I cross it, but with a five percent grade, and the proximity of trucks and cars, it will never be comfortable for bikes and pedestrians, let alone for families or people with wheelchairs or walkers. It will certainly not be one of Corvallis' recreational opportunities.

ODOT, no doubt, has a line item for removing the bridge. Why not invest those funds toward the cost of moving the bridge, because saving this bridge is an investment that future Corvallis residents will be enormously grateful. Learn more about Salem's experience at https://www.cityofsalem.net/Pages/union-street-bridge.aspx.

LWV Corvallis
PO Box 1679, Corvallis, OR 97339-1679
541-207-5528 • www.lwv.corvallis.or.us

September 8, 2020

To: Corvallis City Council
From: Jessica McDonald, President, League of Women Voters of Corvallis
Re: Council Resolution on Grant for Micro-shelters

The League of Women Voters of the U.S has long supported affordable housing. In addition, the position of the League of Women Voters of Corvallis is that the City and County should aggressively support the development of low-income housing by, among other things, securing funds from state and federal sources and by working closely with community partners.

The coronavirus has forced the Men's Cold Weather Shelter to reduce by 20-25 the number of beds it provides in order to comply with social distancing guidelines. Past experience tells us that we need more opportunities to shelter our homeless population, not fewer.

The City Council now has the opportunity to accept a grant of $255,000 in CARES act monies in order to fund 15 micro shelters to help alleviate this shortage. Funds would be administered by the Unitarian Universalist Fellowship of Corvallis. Placement of the micro shelters will be determined at a future date as funds are allocated.

The League of Women Voters of Corvallis urges the City Council to accept the grant offered by the Oregon Department of Administrative Services and to use this funding to construct 15 micro shelter units.

From: notification.services@corvallisoregon.gov <notification.services@corvallisoregon.gov>
Sent: Monday, September 7, 2020 12:41 PM
To: Acevedo, Thomas <Tom.Acevedo@corvallisoregon.gov>; Holzworth, Carla <Carla.Holzworth@corvallisoregon.gov>; Shepard, Mark <Mark.Shepard@corvallisoregon.gov>; Rollens, Patrick Patrick.Rollens@corvallisoregon.gov
Subject: PUBLIC INPUT - Microshelter permits and CARES funding
RECEIVED: 9/7/2020 - 9/7/2020 12:40:58 PM
NAME/ADDRESS: Shawn Collins, 211 SE Chapman Pl,. Corvallis
CONTACT (if any): shawn.m.collins@outlook.com
TOPIC: Microshelter permits and CARES funding
MEETING DATE: 9/8/2020

My name is Shawn Collins, the Executive Director of Unity Shelter, an umbrella organization representing the Men's Shelter, Room at the Inn Women's Shelter, and SafePlace Transitional Housing. Unity Shelter is currently operating under the fiscal agency of the Unitarian Universalist Fellowship of Corvallis, until 501c3 status is confirmed by the IRS. I'm writing in support two items referenced in the meeting packet:

1) The extension of microshelter permits referenced on E-Packet page 70
2) Allocation of CARES funding to construct microshelters referenced on E-Packet page 128-129

The COVID-19 emergency has underscored the significance of housing stability to individual and community health. The ability to safely isolate in place and maintain good hygiene, which can be challenging even for those with safe and stable housing, is nearly impossible for those without. Providing temporary, safe, and secure housing options with regular access to hygiene resources for those currently experiencing homelessness supports their ability to follow recommended health guidelines, minimizes risk of infection for those at higher risk, and builds stronger connections to case management and key service providers that can help them on their path to more permanent housing.

Emergency shelters in Corvallis and across the nation have had to change operations to adapt to the realities of COVID-19, resulting in a significant loss of net shelter capacity in many cases. In Corvallis, part of the response to COVID-19 at the Men's Shelter has been a "downsizing" effort to achieve safe, socially distant shelter service beginning in November. While previous seasons at 211 SE Chapman Place have operated with a capacity of 50 beds, plans for November target no more than 20, and as few as 15 beds to be available. The loss of 30-35 shelter beds will place many at greater risk without rapidly developed alternative strategies.

The Unity Shelter SafePlace program is one of those strategies that has worked to create safe shelter for men and women at risk. SafePlace currently operates 12 microshelters in 3 locations, two within Corvallis city limits: First United Methodist Church on Monroe, and Corvallis Evangelical Church on Kings. With regular engagement from Unity Shelter staff, case management and critical services provided through partnerships with Corvallis Housing First, Samaritan Health, Benton County Health Department, Linn-Benton Food Share and others, these units not only provide safe and dry shelter, they form a critical step on a path toward more stable, permanent housing. Extending the permits for an additional year will keep this community investment in transitional housing working to support men and women experiencing homelessness.

The CARES funding proposed in the Council packet will support construction and deployment of 15 additional microshelters, which will be operated under the Unity Shelter SafePlace transitional housing program and

placed in permitted and managed sites across Corvallis. These new units, targeted to serve both men and women, will not completely fill the "bed gap" created by changes at the Men's Shelter, but they represent a significant effort to address the overall gap in available housing and services to this vulnerable population.

The Corvallis City Council, Benton County and the Emergency Operations Center have made great efforts to support the health and well-being of all in our community -- housed and unhoused -- at this challenging time, and your efforts are to be applauded. Unity Shelter appreciates the support you have provided to support the operations of Room at the Inn Women's Shelter, the Men's Shelter/Hygiene Center and many critical partners in the community. We respectfully request that you support efforts to expand the availability of safe transitional housing in our community by extending the permits of existing microshelters, and allocating CARES funding for the construction of additional microshelters.

Thank you,
Shawn Collins

From: Jennifer L. Butler <jen@corvallisucc.org>
Sent: Monday, September 7, 2020 1:51 PM
To: Holzworth, Carla <Carla.Holzworth@corvallisoregon.gov>
Subject: Written Testimony for City Council Meeting - September 8, 2020

My name is Rev. Jennifer Butler and I am the Senior Minister at First Congregational United Church of Christ, the site of Safe Camp, the first of the SafePlace locations. I'm writing in support of two items referenced in the meeting packet:

1) The extension of microshelter permits referenced on E-Packet page 70
2) Allocation of CARES funding to construct microshelters referenced on E-Packet page 128-129

The COVID-19 pandemic has underscored our communal understanding of the critical nature of good hygiene practice for both housed and unhoused individuals. We know that one of the most important methods for prevention of COVID-19 is regular hygiene practice. In "normal" circumstances, unhoused individuals struggle to find access to even the most basic of resources that support health and hygiene. The reality of pandemic has increased those challenges as our service partners have had to limit access to sheltering resources for reasons of health and safety.

As a community, we must look to creative solutions in order to provide temporary, safe, and secure housing options with regular access to hygiene resources for those currently experiencing homelessness. This will support an ability to follow recommended health guidelines, minimize risk of infection for those at higher risk, and build stronger connections to case management and key service providers.
Because our Emergency Shelters have had to significantly downsize capacity during the pandemic, we can only anticipate a maximum of 20 available beds in November. That is nearly half the shelter we have been able to provide men in previous seasons. The women's shelter, too, has adjusted practices due to COVID-19, meaning we simply do not have the amount of indoor sheltering options we once did. If we pay attention to national trends on homelessness, we know that as many as 250,000 individuals are anticipated to join this growing population over the course of the next year. This means we can only anticipate the number of those without houses in Corvallis to increase.

We must be proactive in developing alternative strategies to those we have traditionally employed in light of the pandemic and growing economic crisis.

One alternative that I have worked closely with over the last year is the Unity Shelter SafePlace program, which is a nimble and proactive strategy working to create safe shelter for individuals at risk. SafePlace currently operates 12 microshelters in 3 locations, two within Corvallis city limits: First United Methodist Church on Monroe, and Corvallis Evangelical Church on Kings. With regular engagement from Unity Shelter staff, case management and critical services provided through partnerships with Corvallis Housing First, Samaritan Health, Benton County Health Department, Linn-Benton Food Share and others, these units not only provide safe and dry shelter, they form a critical step on a path toward more stable, permanent housing. In fact, over the past year, more than 12 individuals have transitioned through the SafePlace program to more permanent housing ... an average of one person/month.

The CARES funding proposed in the Council packet will support construction and deployment of 15 additional microshelters, which will be operated under the Unity Shelter SafePlace transitional housing program and placed in permitted and managed sites across Corvallis. While these new units will not completely bridge our gap, they do represent a significant effort to address the need for available housing and services to this vulnerable population.

The Corvallis City Council, Benton County, and the Emergency Operations Center have worked hard to address the needs of our community during this time. In many ways, we have already begun to use new and creative resources to invest in the wellness of our entire community. On behalf of my congregation and SafePlace, I respectfully request that you support efforts to expand the availability of safe transitional housing in our community by extending the permits of existing microshelters, and allocating CARES funding for the construction of additional microshelters.

With thanks,
Rev. Jennifer L. Butler
Senior Minister, First Congregational United Church of Christ
4515 SW West Hills Rd, Corvallis, OR 97333
www.corvallisucc.org
{office} 541.757.8122 {cell} 541.760.8114

From: notification.services@corvallisoregon.gov <notification.services@corvallisoregon.gov>
Sent: Tuesday, September 8, 2020 1:51 AM
To: Acevedo, Thomas <Tom.Acevedo@corvallisoregon.gov>; Holzworth, Carla <Carla.Holzworth@corvallisoregon.gov>; Shepard, Mark <Mark.Shepard@corvallisoregon.gov>; Rollens, Patrick <Patrick.Rollens@corvallisoregon.gov>
Subject: PUBLIC INPUT - Microshelters
RECEIVED: 9/8/2020 - 9/8/2020 1:51:13 AM
NAME/ADDRESS: David Jackson, 2550 NW Fillmore Ave, Corvallis
CONTACT (if any): dljokc84@gmail.com
TOPIC: Microshelters
MEETING DATE: 9/8/2020

I wanted to take a minute and speak to the entire city Council about the micro shelter program that is currently underway in town. I've been involved with this since January of last year oh, and I know this is the right

direction for this City as a community. This is a positive way 2 impact the current homeless situation here in Corvallis. And it needs to continue. I really hope that you continue to support and that you will help fund more shelters so that people who have nowhere to go we'll have a roof over their head, even if it's temporary. Thanks for your time.

From: notification.services@corvallisoregon.gov <notification.services@corvallisoregon.gov>
Sent: Monday, September 7, 2020 4:39 PM
To: Acevedo, Thomas <Tom.Acevedo@corvallisoregon.gov>; Holzworth, Carla <Carla.Holzworth@corvallisoregon.gov>; Shepard, Mark <Mark.Shepard@corvallisoregon.gov>; Rollens, Patrick <Patrick.Rollens@corvallisoregon.gov>
Subject: PUBLIC INPUT - Microshelters
RECEIVED: 9/7/2020 - 9/7/2020 4:38:29 PM
NAME/ADDRESS: Cassandra Robertson, 7267 NW Grandview Dr, Corvallis
CONTACT (if any): cassandrarobertson22@gmail.com
TOPIC: Microshelters
MEETING DATE: 9/8/2020

My name is Cassandra Robertson and I am the interim Program Manager for SafePlace, a program of Unity Shelter that places and supports microshelters at faith organizations in Corvallis. Thank you for taking written testimony at this time. I am writing in full support of both items concerning microshelters on the Council's Aug 8, 2020.

) The extension of microshelter permits referenced on E-Packet page 70
2) Allocation of CARES funding to construct microshelters referenced on E-Packet page 128-129

The SafePlace team has built and placed 12 microshelters at three faith organizations in 2020. Local contractors have generously donated their labor for the construction of these units and community donations have paid for construction materials along with Case Management and Site Management staff. It has been a very encouraging process to see what can be accomplished in such a short time.

I am writing to encourage you to extend the permits at both the First United Methodist Church and the Corvallis Evangelical Church. These programs are just getting started and already multiple people have moved from houselessness into housing and received needed medical, mental health and basic hygiene services.

I am writing to also encourage you to support the construction of 15 additional microshelters with $255,000 from the CARES funds. This grant will not only increase the number of available beds in our community for many years to come, but will also support local contractors by providing compensation for their construction labor.

Thank you very much for your work to support innovate, new ways to help people experiencing homelessness. We are going to see an increase in people needing support in the near future and SafePlace and temporary housing in microshelters is one more way we can meet this growing need.

I appreciate your time and effort!
Cassandra Robertson
Interim Program Manager, SafePlace
Unityshelter.org

From: notification.services@corvallisoregon.gov <notification.services@corvallisoregon.gov>
Sent: Tuesday, September 8, 2020 11:53 AM
To: Acevedo, Thomas <Tom.Acevedo@corvallisoregon.gov>; Holzworth, Carla <Carla.Holzworth@corvallisoregon.gov>; Shepard, Mark <Mark.Shepard@corvallisoregon.gov>; Rollens, Patrick <Patrick.Rollens@corvallisoregon.gov>
Subject: PUBLIC INPUT - microshelter funding through CARES
RECEIVED: 9/8/2020 - 9/8/2020 11:52:46 AM
NAME/ADDRESS: Jane Barth, 3415 NW Hayes Ave, Corvallis
CONTACT (if any): jbbarth@comcast.net
TOPIC: microshelter funding through CARES
MEETING DATE: 9/8/2020

I support the use of CARES funds to construct, site, and set up electric hook-ups and interior basic amenities for 15 microshelters. These microshelters are an important tool to help replace beds lost at the Mens Shelter due to COVID-19 restrictions. They also provide a new form of transitional housing for our community that are appropriate for helping people move from basic shelter to more permanent-supported housing. Microshelters already at 3 locations in our City and County have proven to be successful in helping keep medically-vulnerable people safer during the ongoing pandemic and have been a short-term stopping point on the way to other housing for several individuals already. I also support the City approving the extension on the permits for the existing microshelters at FUMC and the Corvallis Evangelical Church. Thank you for your time and effort to address the challenging, complex issue of homelessness in our community.

From: notification.services@corvallisoregon.gov <notification.services@corvallisoregon.gov>
Sent: Tuesday, September 8, 2020 4:06 PM
To: Acevedo, Thomas <Tom.Acevedo@corvallisoregon.gov>; Holzworth, Carla <Carla.Holzworth@corvallisoregon.gov>; Shepard, Mark <Mark.Shepard@corvallisoregon.gov>; Rollens, Patrick <Patrick.Rollens@corvallisoregon.gov>
Subject: PUBLIC INPUT - microshelters
RECEIVED: 9/8/2020 - 9/8/2020 4:06:24 PM
NAME/ADDRESS: Andrea Myhre, 2415 NW 13th St.
CONTACT (if any): andrea.myhre@gmail.com
TOPIC: microshelters
MEETING DATE: 9/8/2020

My name is Andrea Myhre and I serve as the Executive Director of Corvallis Housing First. I am writing to express my support for both 1) The extension of microshelter permits referenced on E-Packet page 70 and 2) Allocation of CARES funding to construct microshelters referenced on E-Packet page 128-129. We have been working hard as service providers to help keep people who are experiencing homelessness safe and able to shelter in place during the COVID-19 pandemic. Given the critical shortage of afforable housing and support services for this population, it is extremelly helpful to have transitional housing options for our clients. Otherwise there are few options than for them to be on the street, especially if they have no income and/or no access to housing support. This model is the right fit for our community. The program is managed and supported by organizations knowledgable in assisting these folks, also much of the effort has happened because of donations and in-kind support across organizations and sectors of our community, including churches, the Corvallis Sustainability Coalition, social service organizations, builders and more. The shelters can be located at

scattered sites in the community so as to not concentrate this population in any one place - something that has been an unpopular option in the past. From our perspective as service providers, it is so much easier and successful to work with people toward stability and self-sufficiency if they have somewhere safe to be, even if it is a small space. We have already seen movement from people living on the street in tents, to microshelters, to housing, which is the goal. Please consider supporting these efforts in any way you can, but also realize that providing shelter is just one part, providing services and support are just as important.

Thank you for your support!

From: Gabe Shepherd <gabeforcorvallis@gmail.com>
Sent: Tuesday, September 8, 2020 11:59 AM
To: Mayor and City Council <MayorAndCouncil@corvallisoregon.gov>; Holzworth, Carla <Carla.Holzworth@corvallisoregon.gov>; Shepard, Mark <Mark.Shepard@corvallisoregon.gov>
Subject: Testimony for 9-8-2020 City Council Meeting - OSU Reopening

Mayor and Council

I want to begin by thanking you for taking up this topic at tonight's meeting. I also want to thank and acknowledge the work that Oregon State University has put into developing a plan to re-open in a safe manner.

I do, however, have serious concerns about the enforcement of the guidelines suggested by the City of Corvallis and Benton County. I attended Oregon State's COVID-19 briefing in August and felt that there were still some serious questions that were left half-answered or unanswered:

· It is still unclear to me who will be responsible for ensuring that students do not violate, either in dorms or off campus, the ten person meeting rule.
· It is still unclear to me what the consequences for a student who flagrantly violates health and safety guidelines will be.

I have serious concerns for the health, safety, and wellbeing of our vulnerable populations in Corvallis and want to be sure that no options or topics were left un-discussed or un-finalized before students move back to town.

Gabe Shepherd

Sept. 8, 2020

Mayor Biff Traber
Councilors
City of Corvallis

Testimony regarding limiting social get togethers within the City of Corvallis

Mayor and Councilors, my name is Steve Clark and I am vice president for university relations and marketing at Oregon State University.

I write tonight in support of a special city ordinance requiring compliance with mandates to wear face coverings, maintain social distance and limit the size of social get togethers indoors and outdoors in the city of Corvallis to no more than 10 people.

Tonight, you will consider this ordinance, as well as a resolution that urges and encourages community members to adhere to wearing face coverings, engaging in physical distancing and adhering to social get together guidelines.

As you know all too well, we are battling a fierce pandemic that has killed more than 189,000 people in America and more than 898,000 people worldwide.

Because we are better together, Oregon State University, the Benton County Health Department and the city of Corvallis have formed a coalition to carry out a public health education campaign for our community. The campaign features a variety of print, video and social media communications, as well as other actions designed to reinforce the importance of personal preventive health practices. The message that we have underscored is that each of us individually and collectively have an important role to play in creating a safer and healthier community.

As Mayor and City Councilors, you have an opportunity tonight to underscore your public health expectations for local residents and visitors to Corvallis. You can do so by making a clear and strong community statement regarding what is needed to help reduce the risk and spread of this horrible virus. In my view, urging and encouraging is not nearly enough. Instead, I ask the Council to lead with conviction -- just like Corvallis and other Oregon communities did two decades ago when they adopted prohibitions on smoking in public buildings, parks and places. Such laws were adopted at the time without the intention for local law enforcement to enforce such rules. They were adopted because we knew that such prohibitions were the right thing to do.

I ask that you join Gov. Kate Brown, who since early spring has set COVID-19 guidelines for Oregonians' behaviors knowing full well – and admitting publicly – that the guidelines were needed. In fact, the Governor has instructed that law enforcement not enforce her guidelines, including the state's current prohibition on social indoor get togethers of more than 10 people. Why? Because she had confidence that Oregonians would do the right thing by following her guidelines without fear of being cited by police.

Tonight, you likely will hear that law enforcement and our courts do not have the resources to enforce such measures. Or that social and racial matters in America are too tense to ask the police to enforce such a measure. I agree: resources are few and policing tensions are high.

Yet, we also know there have been too many deaths from COVID-19. And even more must be avoided. In response, I urge the Corvallis City Council to build upon Gov. Kate Brown's leadership by extending her current public health requirements on indoor social get togethers by limiting outdoor social get –togethers in Corvallis to no more than 10 people. OSU has already established such a prohibition for its students. Yet, we need your collaboration – because proper public health behavior is not just about students. But about each and every one of us.

I urge your support for an ordinance that articulates a strong public health statement.

Thank you.

From: Napack, Jan <jan.napack@corvallisoregon.gov>
Sent: Tuesday, September 8, 2020 9:48 PM
To: Mayor and City Council <MayorAndCouncil@corvallisoregon.gov>
Cc: Shepard, Mark <Mark.Shepard@corvallisoregon.gov>; Bilotta, Paul <Paul.Bilotta@corvallisoregon.gov>; Holzworth, Carla <Carla.Holzworth@corvallisoregon.gov>
Subject: OHCS Allocated LIFT funding for affordable housing in Corvallis

FOR IMMEDIATE RELEASE

September 8, 2020

CONTACT:
Kate Gonsalves
Communications and Public Relations Coordinator
Oregon Housing and Community Services
(503) 931-5087, Kate.Gonsalves@oregon.gov

Additional $50 Million in State Funding Awarded to Create Affordable Housing

441 additional new affordable homes were funded bring the 2020 total to 1,574 homes funded by the LIFT program.

SALEM, OR - Oregon Housing and Community Services (OHCS) is excited to announce an additional round of Local Innovation and Fast Track (LIFT) Housing Program funding awards.

The LIFT program was established with the goal of creating affordable homes for vulnerable families across Oregon. Since the launch in 2016, the LIFT program has helped thousands of underserved Oregonians attain keys in their pockets and a roof over their heads. The program focuses on rural communities, communities of color, and historically underserved Oregonians.

"Housing is a basic human need, and ensuring all Oregon families have a safe and affordable place to call home, particularly in our rural communities, is all the more crucial during this pandemic," said Governor Brown. "The LIFT program ensures more children and families throughout the state have safe and stable housing."

In July OHCS awarded $75,028,069 to build 1,262 new affordable homes across the state. During the August Special Session legislators allocated $50,000,000 in additional LIFT funding to address the mounting need for affordable housing, adding nearly 500 additional affordable rental homes in the development pipeline. OHCS provided these funds to developments that, due to insufficient resources, were unable to receive funding in July.

"This funding addresses the urgent housing needs across the state," said OHCS Executive Director Margaret Salazar. "We are grateful to Governor Kate Brown and the legislature for these resources to fund 441 more homes. This year's additional investments in this innovative

ATTACHMENT D

housing program come at a critical time to provide more than 1,500 Oregonians with a safe, dry, and affordable place to call home."

The four additional developments awarded funding by the Oregon Housing Stability Council are:

- 53rd Flats in Corvallis, $9,300,000 to develop 100 homes
- Colonia Paz II in Lebanon, $15,425,000 to develop 109 homes
- Shore Pines at Munsel Creek in Florence, $10,075,000 to develop 67 homes
- USA Powell in Portland, $15,200,000 to develop 165 homes

The awarded proposals explicitly addressed Oregon's Statewide Housing Plan priorities including: adding affordable rental options to the housing stock, ensuring development targets are met for communities of color and rural communities, and by addressing equity and diversity through contracting, sub-contracting and professional services with Minority-owned, Women-owned, and emerging small business (MWESB).

Awardees include Colonia Paz II, a 109-unit development that will provide affordable housing options to farmworkers in addition to the Lebanon workforce. "We are happy that OHCS has recognized the need to support organizations that are formed by communities of color to uplift underrepresented individuals and families," said Maria Guerra, Executive Director of Farmworker Housing Development Corporation. "The LIFT program is founded in equity, and was created to serve those most in need. Si Se Pudo!"

The developments that received the additional round of awards are available here.

Oregon Housing and Community Services
North Mall Office Building
725 Summer Street NE, Suite B, Salem, OR 97301-1266
www.oregon.gov/ohcs

Disclaimer: This e-mail message is a public record of the City of Corvallis. The contents may be subject to public disclosure under Oregon Public Records Law and subject to the State of Oregon Records Retention Schedules. (OAR:166.200.0200-405)

OREGON HOUSING and COMMUNITY SERVICES
725 SUMMER STREET NE, SUITE B | SALEM, OR 97301
503-986-2000 | www.oregon.gov/OHCS

SUMMARY			
Project Name:	53rd Flats		
City:	Corvallis	County:	Benton
Sponsor Name:	Commonwealth Development Corporation		
Urban/Rural :	Urban	Total Units	100
LIFT Request:	$9,300,000	Units by Size & Affordability:	5 2-BR at 30% AMI 5 3-BR at 30% AMI 18 2-BR at 50% AMI 18 3-BR at 50% AMI 37 2-BR at 60% AMI 17 3-BR at 60% AMI
4% LIHTC:	$742,236	# Rent Assisted Units:	none

PROJECT DETAILS	
Project Description:	53rd Flats will be the first large scale affordable housing project in Corvallis and the first new construction tax credit development since 2017. This project will feature a mix of 2 and 3-bedroom units to serve families; located in a high opportunity part of Corvallis and within walking distance of a major grocery store and served by high performing schools.
Partnerships to Serve Communities of Color:	The sponsors for 53rd Flats are partnering with Community Services Consortium (CSC) for resident services which are designed to keep tenants housed, grow their educational and economic prospects, and gain access to health care. CSC partners with many different agencies in the region including Casa Latinos Unidos de Benton County (CLUBC), LBCC Multicultural Center, Hispanic Advocacy Council of Linn and Benton Counties, and the NAACP of Linn and Benton Counties. CSC Case Managers working in Benton County have had excellent success reaching underserved communities. Developers have also conducted direct outreach to culturally specific efforts including the partnership between the school district and Casa Latinos Unidos, in the Corvallis School District Welcome Center; in addition to the Siletz Tribe and Milestones Recovery in Corvallis.
MWESB Target:	20% of construction contracts.
Alignment with Statewide Housing Plan:	• Equity and Racial Justice • Affordable Rental Housing
The LIFT program requires that all project sponsors sign a Diversity, Equity, and Inclusion (DEI) agreement and engage MWESB organizations.	

CITY OF CORVALLIS
COUNCIL WORK SESSION MINUTES
September 10, 2020

I. CALL TO ORDER

Via video conference, at 4:00 pm on September 10, 2020, Council President and Ward 3 Councilor Lytle called to order the work session of the City Council of the City of Corvallis, Oregon. The work session was available for the public to observe live via the internet.

PRESENT: Mayor Traber; Councilors Struthers, Junkins, Shaffer, Wyse, Ellis, Bull, Lytle, Maughan, Napack

Councilor Lytle said Mayor Traber would be joining the meeting shortly.

City Manager Shepard was in attendance, as well as Paul Bilotta, Community Development Director; Nancy Brewer, Finance Director; Mary Beth Altmann Hughes, Human Resources Director; Michael Livingston, Information Technology Director; Ashlee Chavez, Library Director; Karen Emery, Parks and Recreation Director; Nick Hurley, Police Chief; Staci Voight in for Ken McCarthy, Fire Chief; Mary Steckel, Public Works Director; Kate Porsche, Economic Development Manager; and Patrick Rollens, Public Information Officer.

II. ADVISORY BOARD RESTRUCTURING AD HOC COMMITTEE FINAL RECOMMENDATIONS

Councilor Struthers provided a PowerPoint presentation outlining the advisory board review work to date and the Committee's recommendations to the Council (Attachment A). Councilor Struthers said the Committee was comprised of himself, Councilor Lytle, Councilor Shaffer, Councilor Ellis, Mr. Bilotta, Ms. Chavez, Ms. Steckel, and Mr. Rollens.

Mr. Bilotta reviewed the International Association for Public Participation (IAP2) model, noting that advisory boards represent just one of 50 different public participation techniques.

Mayor Traber joined the meeting at this time.

Councilor Struthers said the Committee had in-depth discussions about policy advice and operational advice. Their discussion kept returning to the question of where a decision is ultimately made. Generally, policy-related decisions fall to the Council and operational decisions are the purview of staff. The Committee also discussed the role of Councilors on advisory boards and they supported Councilors being active members rather than liaisons.

The Committee drafted bodies within a framework based on the Council's previous discussions. Councilor Struthers reviewed each the possible types of bodies described in his PowerPoint as follows:

Agencies have independent authority. Currently, the City's only agency is the South Corvallis Urban Renewal Agency. The Committee did not recommend changes in this area.

Commissions are mandated, usually through State law and have decision-making authority. The City's current Commissions include Planning, Budget, Historic Resources, and Urban Renewal Budget.

Multi-jurisdictional groups are generally associated with intergovernmental agreements with other organizations. Examples include the 911 Service District; Economic Development; Home, Opportunity, Planning and Equity; Imagine Corvallis Action Network; Library Service District; and the Willamette Criminal Justice Council. The Committee did not recommend changes in this area.

Councilor Struthers shifted the discussion to possible new types of bodies.

Policy Advisory Boards (PABs) would report directly to the Council and would be long-term in nature. Meetings would be publicly noticed, held in a public setting, and minutes would be prepared. Suggested PABs include Fees Review, Climate Action, King Legacy, and Community Involvement and Diversity.

Policy Advisory Task Forces (PATFs) would also report to the Council; however, their work would be short-term, with a specific end date, and focused on a single project or topic. The Committee recommended forming a PATF for Equity, Diversity, Inclusion and Social Justice. This recommendation is in line with the Public Participation Task Force Report, which discussed whether the King Legacy Advisory Board and Community Involvement and Diversity Advisory Board should be combined, as well has how the City addresses equity, inclusion and social justice. Another potential PATF, which would require more Council consideration, relates to Vision Zero; it could be a PAB instead or it may fit better with Multimodal Transportation. The Committee also discussed a Council Governance PATF. Examples of past efforts that would fit here include the Charter Review ad hoc Committee and the Advisory Board Restructuring ad hoc Committee.

Operational Advisory Committees (OACs) would be part of the overall public participation advisory structure, but these committees would report to staff rather than Council. Meetings would be publicly noticed, held in a public setting, and minutes would be created. OACs would be long-term; however, they would meet on an as needed basis. Staff would appoint the members and a memorandum would be included in the Council packet to inform the Council and public. Examples include Housing; Multimodal Transportation; Parks, Recreation and Natural Areas; Police Review Board, whose members would continue to be appointed by the Mayor; Public Art and Culture; and Watershed.

Operational Advisory Workgroups (OAWs) would form as needed to focus on specific projects with an end date, similar to PATFs. Examples include major airport projects, major downtown projects, empowerment grants and city grants, and major infrastructure projects. These would not be public meetings; however, staff would inform the Council that the workgroups were meeting.

Councilor Struthers said the Committee also discussed the category of Community Groups and Organizations. The Committee wanted to avoid creating parallel systems and groups. Rather, they suggest having conversations with them when appropriate. They also wanted to foster these groups and recognize them as a facet of public participation.

Councilor Struthers noted the Associated Students of Oregon State University asked the City to consider seats dedicated to students from OSU, Linn-Benton Community College, or the local high schools.

Councilor Struthers said for today's work session, he hoped the Council would discuss the Committee's recommendations and reach consensus. A general timeline is presenting the information to the public and seeking their feedback through October; Council adoption of ordinances in November; and education and recruitment in December; with a new structure in place in January.

Councilor Junkins wanted to ensure the presentation was clear about what problems the advisory board changes would be addressing. He appreciated the Committee's work; however, he wanted the reason for the changes to be stated up front. He did not want the public to have to decode why the Council was amending the current structure. For example, if the Council is reducing the number of advisory boards, is that to address staff time or Council time? Is it an equity issue? In response to his request for staff to provide its perspective, Ms. Steckel said she appreciated Councilor Junkins' point; however, the Council and staff workshop process identified needs and the Committee sought to create a structure to address those needs.

Councilor Napack would like to see quantitative and qualitative measures established to track improvements to public participation, equity and staff efficiency. She also suggested adding a brief paragraph that includes an objective statement, actions, and goals, such as what the Council is seeking to improve. She complimented the Committee on its work.

Councilor Shaffer noted earlier Council discussions, including answering the question about what advice the Council wants from advisory boards and to whom are they giving advice, if any. The Committee took those issues into account, as well as efficiency. They also recognized that some boards may have outlived their original purpose.

Councilor Bull supported considering what the Council was trying to accomplish. She did not think the number of advisory bodies was important, but rather, what are they accomplishing. She believed the boards should reference how they relate to accomplishing the City's work, starting with the Vision. She observed that the Council's role in the Strategic Operational Plan (SOP) is policy-related; however, they did not have a place to do that work, so she was looking for that in the new structure. She wanted to ensure the new proposed bodies encompassed the policy work the Council believed needed to be completed. She noted the Committee's work focused on decision-making; however, she would like to see more conversations about how to engage the public.

Ms. Chavez observed that the framework tied together many of the comments made thus far. It allows flexibility and adaptability based on needs, as they will change over time.

Mr. Bilotta said the proposed structure adds a greater emphasis on short-term activities. Policies should be stable; constantly changing them is not productive. A more effective approach is to create work groups and task forces to accomplish short-term projects, and then move on.

Ms. Steckel said the task force structure also allows for a greater number of community members to participate and an improved understanding of how government works.

Ms. Emery has been a staff liaison to five different advisory boards and commissions during her tenure with the City and she is excited about the proposed structure. The City could reach out to a broader population who could participate at multiple levels, ultimately producing a better outcome. She believed the Arts and Culture Advisory Board (ACAB) and Public Art Selection Committee (PASC) should remain separate groups. PASC is a group of art professionals who only meet as needed, so a task force would fit. ACAB does not advise the Parks and Recreation Department. Rather, it is multijurisdictional with a broader county or regional viewpoint.

Councilor Ellis has participated in several task forces and she believed they were meaningful; however, advisory boards signal City and community values such as climate change, safety for road users, and equity.

In response to Councilor Bull's inquiry about engaging multijurisdictional groups relative to the Vision and SOP, Mayor Traber said those groups are based on contracts or intergovernmental agreements and each has a different level of staff and Councilor involvement. He added that if the Council wished to change the structure of one of those groups, it would be an SOP item to renegotiate the agreement. Councilor Struthers agreed with Mayor Traber's comments, adding that the Council was involved when the agreements were established.

Councilor Bull described how ACAB engaged the Downtown Advisory Board as part of a space study. The effort overlapped arts, economic development, and the downtown, and she wondered about the Council's role in that project and what type of group that should be. Mr. Bilotta said it was a perfect example of how the new structure would allow formation of a short-term group to address that specific need.

Mayor Traber summarized that Councilors did not seem to be requesting changes to the proposed structure; however, they wanted refinement of the public presentation to include a description of what the Council was trying to accomplish by changing the existing model.

Mr. Bilotta said the Vision sets the stage for SOP, which is where the Council identifies policy areas to spend time on. From there, the Council could choose the group that makes sense for the advice it is seeking.

Councilor Wyse said the discussion has been good and everyone has raised valuable points. She was supportive of the direction and she looked forward to implementation.

Councilor Napack agreed the approach was good. She would like to see a decision tree to visualize how the pieces would come together.

Councilor Shaffer said in the past, advisory boards were the primary means of public participation. Making the structure more efficient will provide opportunities to engage the public in other ways.

Mr. Shepard encouraged the Council not to let fear or unanswered questions prevent them from moving forward. He said adjustments will likely be necessary and unintended consequences, both positive and negative, are possible. Regardless, staff and the Council would work through them together.

Mayor Traber inquired what forms of engagement the Committee was considering to obtain public input over the next six weeks, such a providing a presentation in video form and/or a hearing at a Council meeting.

Councilor Ellis suggested the beginning of the presentation should include the essential question of what problem the Council was seeking to solve. She also advocated for the Council to set a date one year out to conduct a formal evaluation of the new system.

Councilor Junkins appreciated Mr. Shepard's comments. He was supportive of the proposed structure and moving forward. He said for the public outreach process, the Council must communicate clearly how reducing the number of advisory boards will increase public engagement. He liked the idea of creating a video for the public and asked the Committee to create a cheat sheet for Councilors that explains why the structure is changing to ensure Councilors are sharing a consistent message as they talk with constituents.

He agreed that metrics were necessary and that the Council should schedule a check-in evaluation in twelve months to see how the new structure is working.

Councilor Bull agreed with Councilor Junkins, adding that in addition to increased efficiency, the message needs to include that the Council is seeking better public engagement. She suggested that public outreach should include the eight themes described in Councilor Struthers' PowerPoint with an explanation of how each fits in the proposed structure.

Councilor Struthers will schedule an ad hoc Committee a meeting to refine the message.

III. COMMUNITY COMMENTS (WRITTEN ONLY) – None

IV. REVIEW OF THREE-MONTH SCHEDULE – None

V. OTHER COMMENTS

Municipal Judge Characteristics *(Not on originally published agenda; continued from September 8, 2020 Council Meeting)*

Councilor Wyse encouraged Councilors to share the qualities they want to see in a municipal judge. She listed the following qualities that staff provided to her: fair and balanced, consistent on rulings, support for staff, attention to detail, open to creative processes, good rapport with the public, holds prosecution and defense to equal standards and expectations, current on the City's civil code, open to ongoing training and educational requirements, understanding of radar equipment and calibration, knowledge of the local area and Corvallis specific issues such as Pioneer Park, failure to appear challenges, and the lack of jail space.

Councilor Bull suggested an exit interview with the current judge to hear his ideas. She was also interested in the program to collect fines from people who do not have money, and said having a good relationship with the City Attorney and Police Department were important qualities.

Councilor Ellis asked for staff's perspective about using community service to work off fines. Ms. Brewer said the program depends on third party non-profits to ensure community service work is completed. There have been some good successes; however, the judge constantly granting extensions when the defendant does not complete the assigned work on time creates a lot of work for Municipal Court staff. Police Chief Hurley agreed, adding that it is labor intensive to track participation and it can be challenging to find organizations that will participate due to criminal history concerns.

Councilors will come to the candidate meeting prepared questions so every Councilor has an opportunity participate. Leadership will schedule a Council work session with the candidate.

Other Councilor Comments

Today, Mr. Shepard issued a local emergency declaration concerning the wildfires and smoke (Attachment B). It parallels Benton County's declaration and was completed in consultation with Acting Fire Chief Fulsher and Fire Emergency Planning Manager Busby. The declaration will make the City eligible for reimbursement for expenditures related to support for other agencies.

Councilors expressed appreciation for those working at the Emergency Operations Center, those assisting evacuees at the Benton County Fairgrounds, and Library staff for opening the parking garage as a donation site.

VI. ADJOURNMENT

The meeting adjourned at 6:14 pm.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY RECORDER

Advisory Boards Restructuring Discussion

COUNCIL WORK SESSION – SEPTEMBER 10, 2020

Today's Agenda

- Meeting goal
- Review of the process to date
- Overview of IAP2
- Review Process of the Advisory Board Restructuring Ad-Hoc Committee (ABRAHC)
- Review of the ABRAHC Recommendations
- Next Steps

ATTACHMENT A

Meeting Goal

To review the recommendations of the Advisory Board Restructuring Ad-Hoc Committee and to provide direction for future ordinances to be brought to a future Council meeting.

Next Steps - Timeline

- Work Session September 10th
  - Review recommendations from Ad-Hoc Committee
  - Make any necessary changes to what is being recommended
  - Provide direction for formal proposal to be brought back
- Late September through November
  - Public Presentation/Input
  - Final Changes
  - Final Council Votes
- December 2020 – Education and Recruitment
- January 2021 – New Council and Boards

Review of how we got here

Council, along with Staff, have held several work sessions and workshops. As well formed an Ad-Hoc Committee..

- July 2019 – Work Session Topic
- August 2019 – Work Session Topic
- October 2019 – Work Session Topic
- December 2019 – Consensus Workshop
- June 2020 – Follow-up workshop
- July 2020 – Formation of Ad-Hoc Committee

Work that has been done

- Discussions with current advisory boards
- Review of various structures brought forward by Councilors and Staff
- Creation of themes
- Defining what advice means
- Determining what it means when advice is needed
- Defining what decision means
- Determining what decisions we are needing advice on
- Theme Wheel and Theme Guide
- Formation of Ad-Hoc Committee

The 8 Themes

- Active Engagement of All Community Members
- Bringing New Ideas
- Facilitating Policy Development and Review
- Long-Term Planning
- Providing Diverse Community Perspective
- Supplementing Staff/City Expertise
- Support and Advocacy of City Services
- Working Toward the 2040 Vision Goals

When you hear the word advice, what does it mean to you?

- Informed recommendation.
- guidance based on expertise
- shared wisdom
- Shared experience to another.
- Informed suggestion to aid decision making
- Knowledgeable recommendations on a course of action.
- Complete suggestions on directions or decisions.
- Words of wisdom...though depends on who is giving it!
- The sharing of past experience with another with the goal of helping them make a better choice.
- Getting input from someone else before I make a decision.
- recommendations; guidance on something.
- recommendation that one has discretion whether to adopt
- Advice is guidance or recommendation(s) on a specific question, subject or topic

When you hear the word advice, what does it mean to you?

shared wisdom

Shared experience to another.

Informed suggestion to aid decision making

guidance and help

Guidance from a knowledgeable source

Complete suggestions on directions or decisions.

Words of wisdom...though depends on who is giving it!

The sharing of past experience with another with the goal of helping them make a better choice.

Someone's opinion about a course of action someone else should take

recommendations; guidance on something.

recommendation that one has discretion whether to adopt

Advice is guidance or recommendation(s) on a specific question, subject or topic

A narrative that is derived from someones knowledge and expertise that is provided to influence a conversation.

When you hear that advice is needed, what does that mean to you?

Someone is looking for a recommendation, or help with a situation.

Help.

Looking for the persons perspective

That they have some level of trust in the person they are asking for advice. They may take the advice, or weigh it against other advice and/or their own thoughts.

Not all of the information or all of the parties is/are present

I want to be able to give the most informed guidance or recommendation. If I do not have the information, I will either seek it or refer them to someone or somewhere to get that advice.

they are asking for me to share experience or knowledge to guide them to a decision

They are struggling to make a decision or

They do not know what to do.

I do not feel I have enough understanding of an issue to be confident in my decision

Information is lacking

I need guidance from someone with more experience, or a broader/different perspective than me.

I am being included as a participant in

When you hear that advice is needed, what does that mean to you?

That they have some level of trust in the person they are asking for advice. They may take the advice, or weigh it against other advice and/or their own thoughts.

Listen carefully, measure various factors, and provide the answer.

Means that the person who is asking does not have all the information or intel needed to make an informed decision

they are asking for me to share experience or knowledge to guide them to a decision

They are struggling to make a decision or would like outside perspective before taking a course of action.

They are having trouble making a decision that they see as important.

I need guidance from someone with more experience, or a broader/different perspective than me.

I am being included as a participant in whatever decision or action is to be taken

I'm not sure what to do...

I want someone's opinion/recommendation, based on perceived knowledge and experience

Define for me what the word decision means to you?

course of action

Final answer.

Making a choice among options

A conclusion has been reached

A conclusion that has been reached after careful, informed consideration.

Take a course of action

A conclusion on a question

choosing between alternatives (can be yes or no)

I have more than one choice and I pick one and stick with it.

Simply means ones mind is made up...how it was arrived at may not matter...

A planned direction

a determination or conclusion

Choosing a course of action

This is what we are going to do. We are done talking.

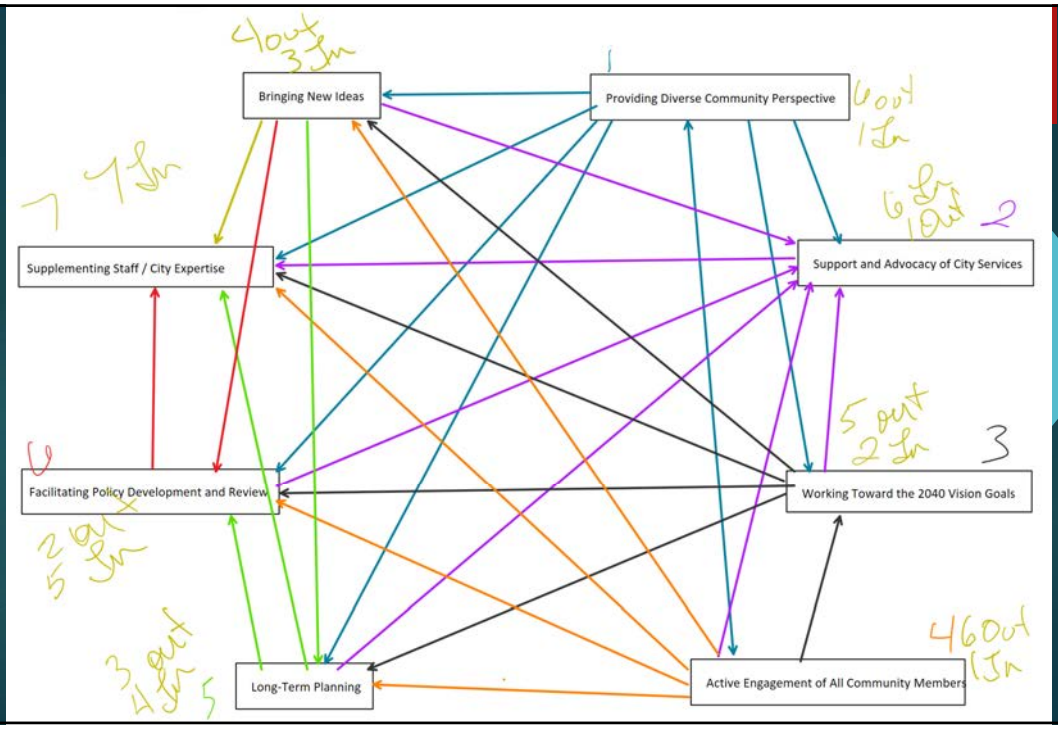
Choosing a direction

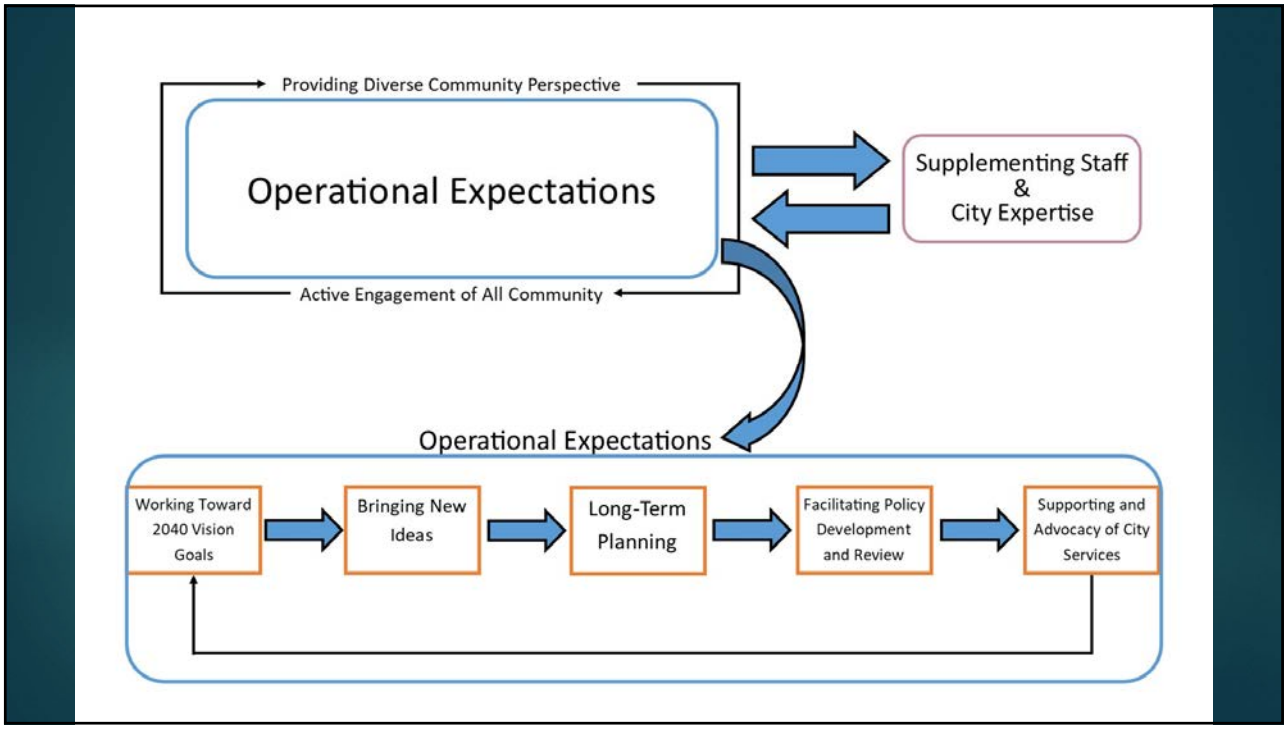
Making a choice. Choosing from available options.

A choice which has a greater impact.

Making a choice

What are the decisions that we are needing advice on?





International Association for Public Participation (IAP2)

- Brief discussions on how IAP2 could be incorporate into our work
- Standard since the 1990s for public participation for local, state and federal agencies across the globe
- There are 50 different techniques for public participation within IAP2 and advisory boards are just one example
- Framework of IAP2 can be found Attachment A

Notes to Consider

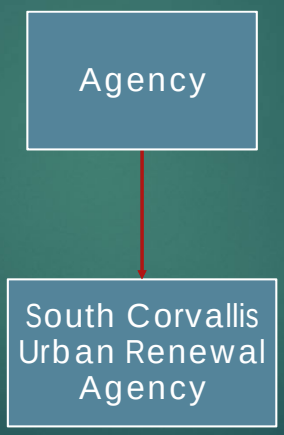
- Provided is a recommendation to move forward
- Nothing produced is going to be perfect – no one right answer
- We are all in agreement something needs to change
- We can always make changes in the future after implementation

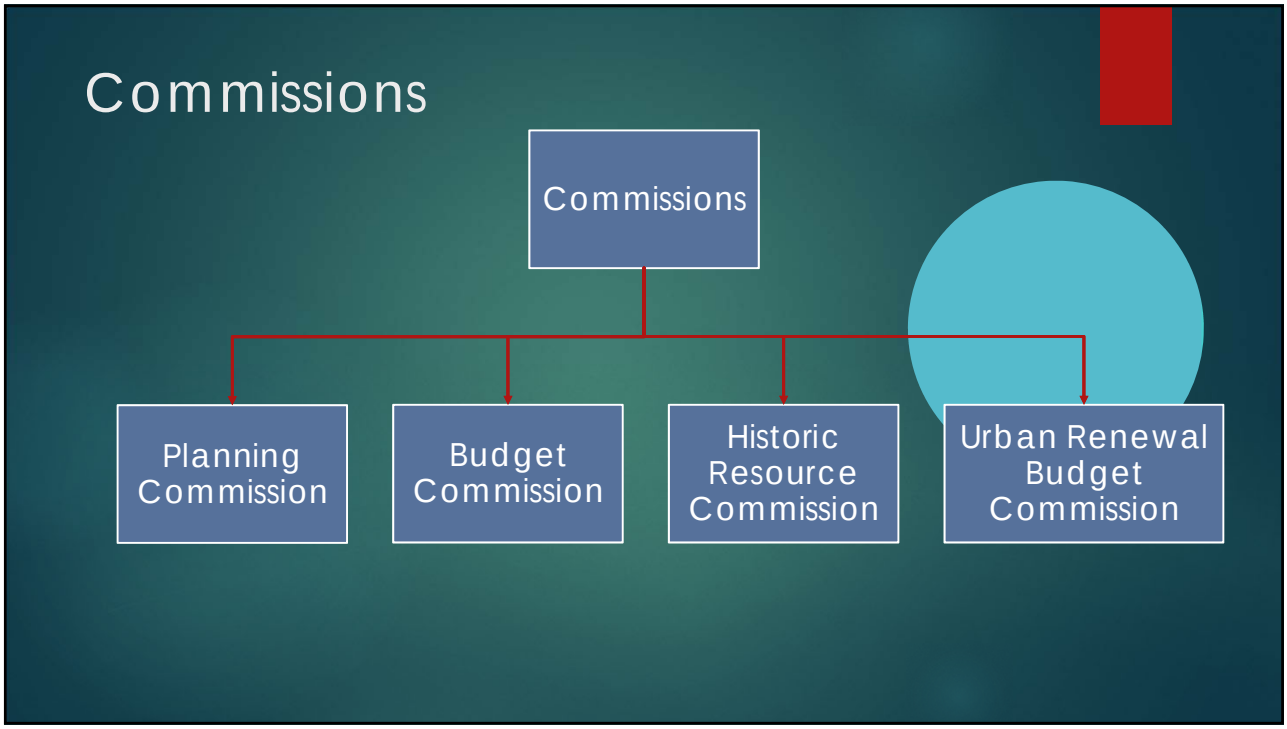
Work Process of ABRAHC

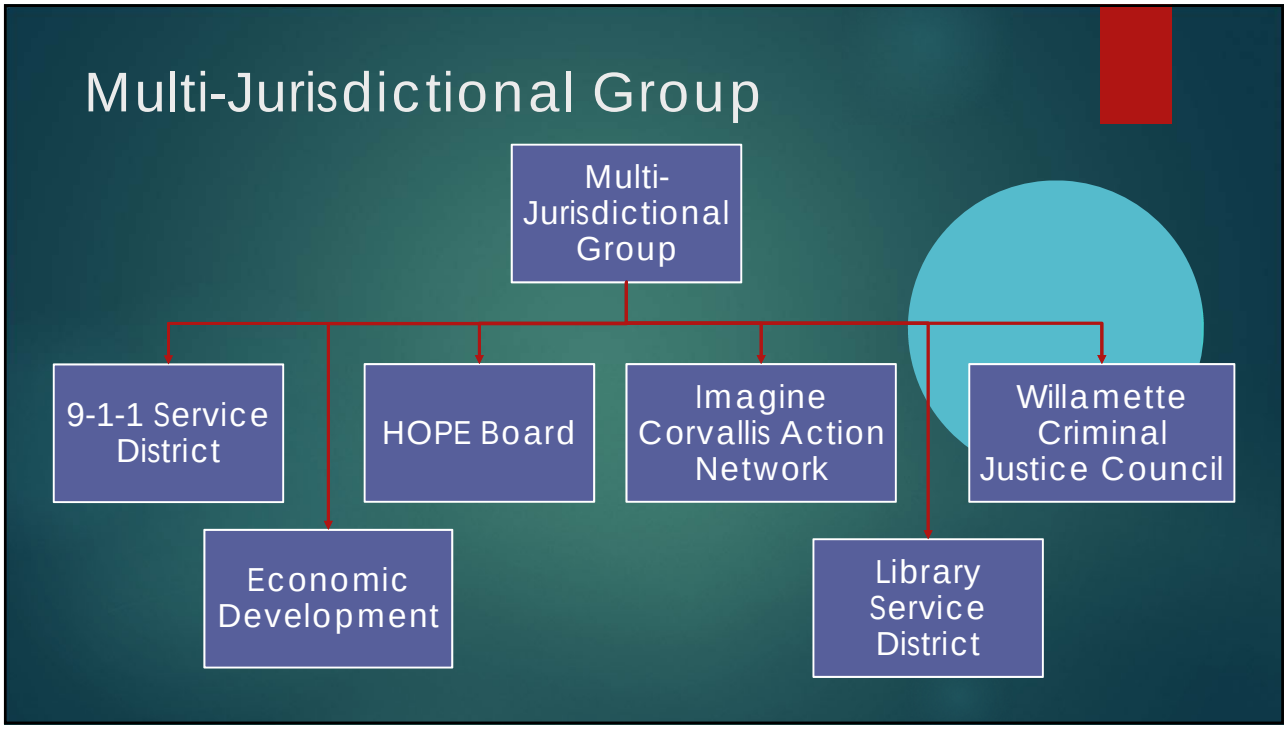
- Ad-Hoc Committee held seven (7) meetings via Video Conference
- Discussions on difference between Policy and Operational Advice
- Discussion about the role of Councilors (liaisons vs active members)
- Created groupings of the decision wanting advise on
  - 11 Specific areas of advice created from the groupings (Attachment B)
- Overlaid 2018 and 2019 against the groupings of decision making
- Created and defined an overall framework
- Using all previous work created bodies within the framework

The Framework

Agencies




Commissions
Commissions
Planning Commission
Budget Commission
Historic Resource Commission
Urban Renewal Budget Commission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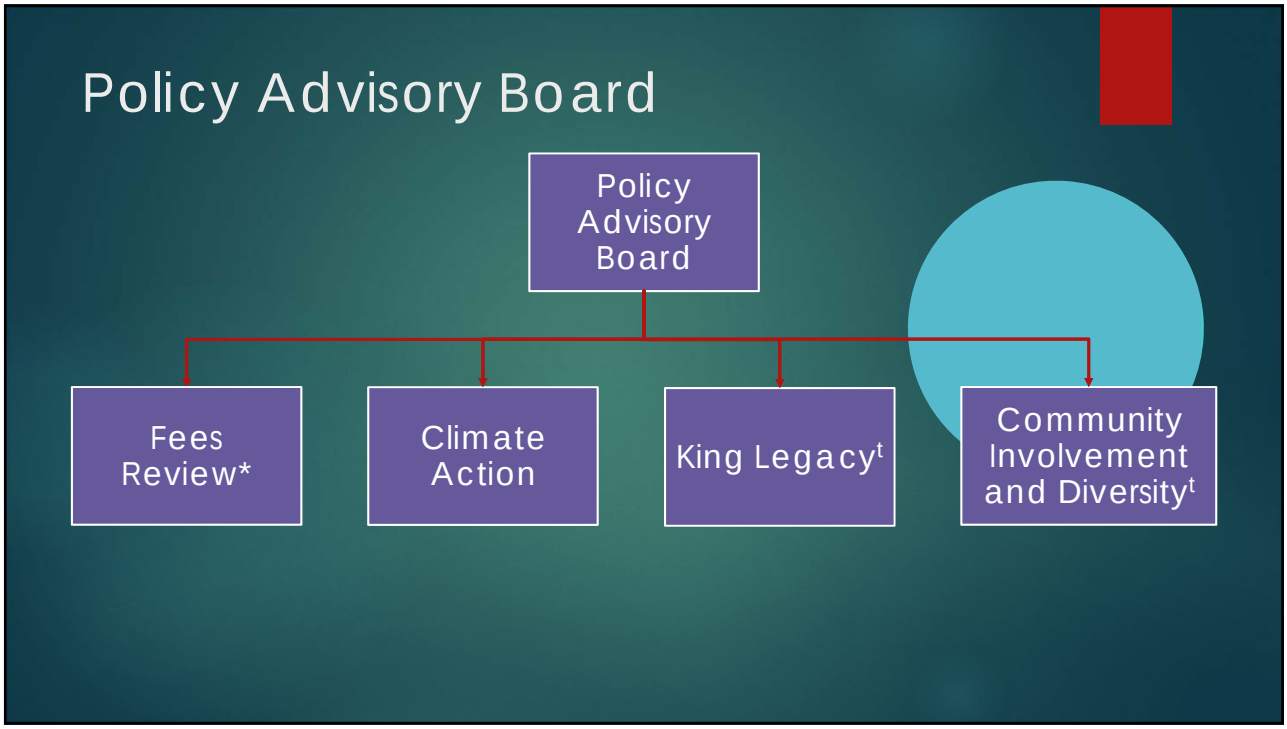
Multi-Jurisdictional Group
9-1-1 Service District
HOPE Board
Imagine Corvallis Action Network
Willamette Criminal Justice Council
Economic Development
Library Service District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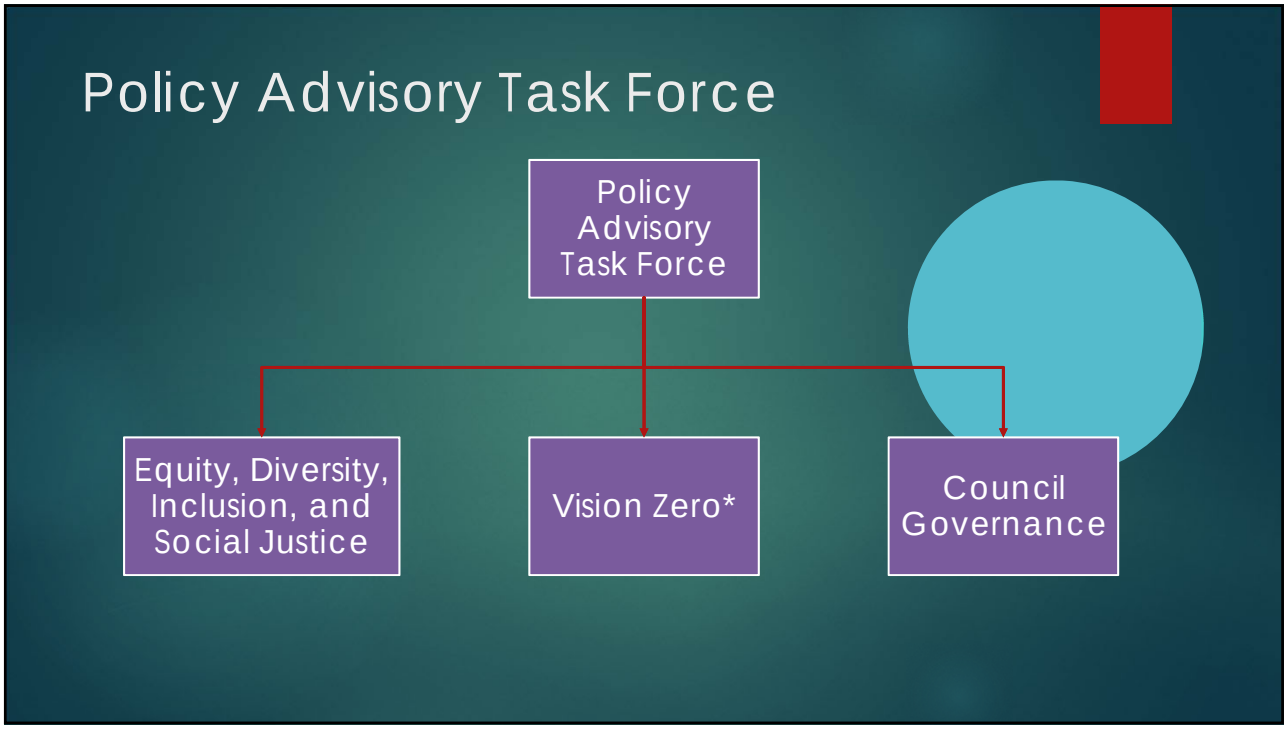
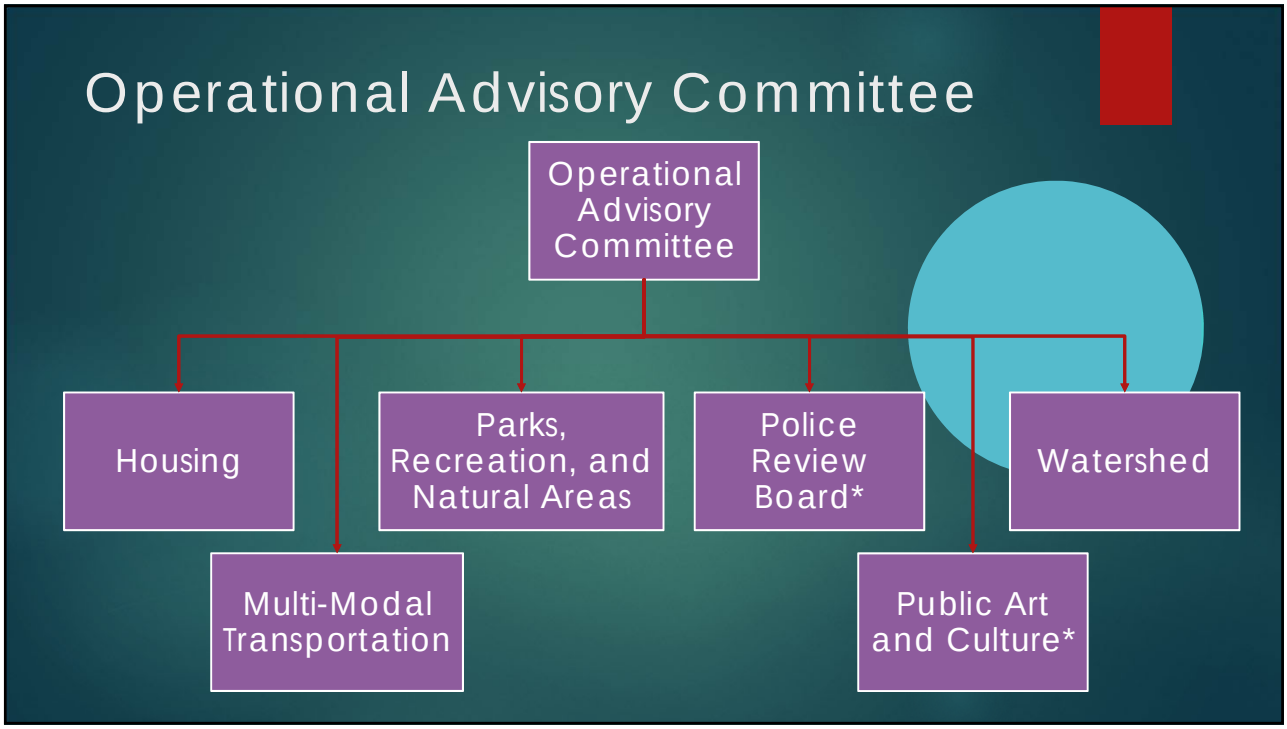
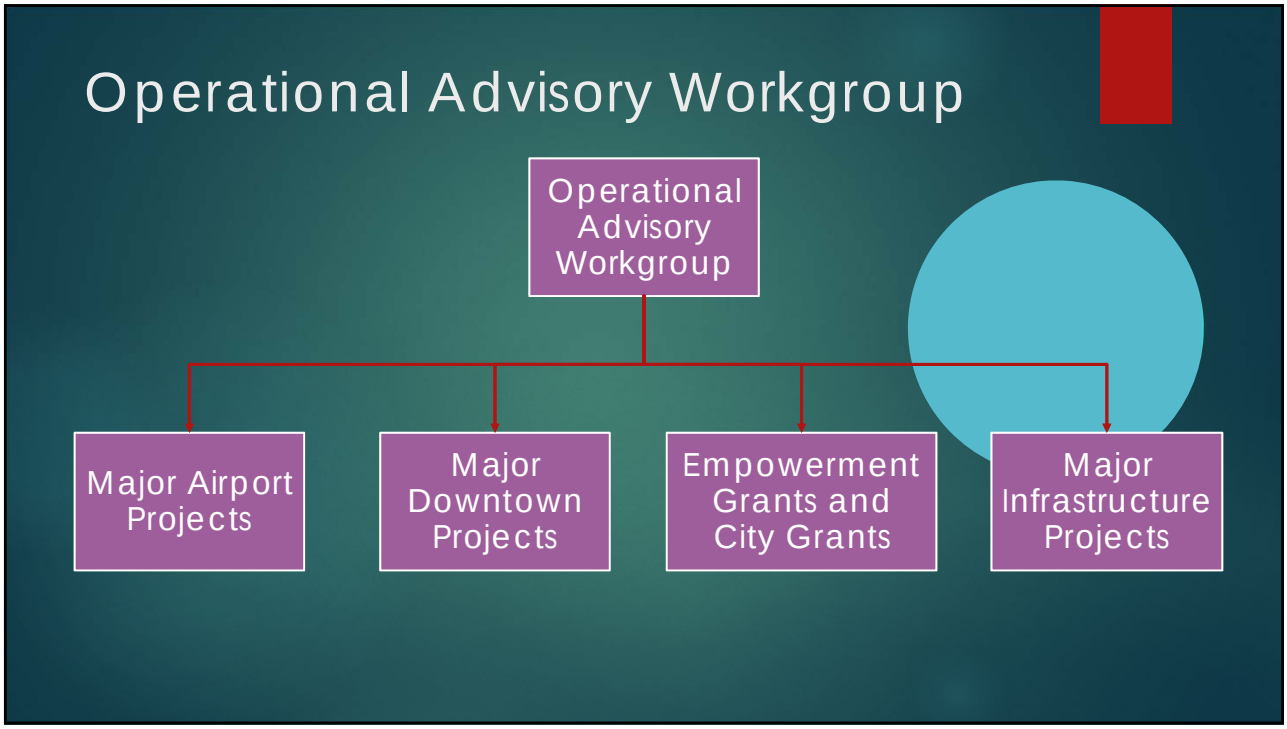
Policy Advisory Board
Fees Review*
Climate Action
King Legacy[t]
Community Involvement and Diversity[t]


Policy Advisory Task Force
Policy Advisory Task Force
Equity, Diversity, Inclusion, and Social Justice
Vision Zero*
Council Governance


Operational Advisory Committee
Operational Advisory Committee
Housing
Multi-Modal Transportation
Parks, Recreation, and Natural Areas
Police Review Board*
Public Art and Culture*
Watershed


Operational Advisory Workgroup
Operational Advisory Workgroup
Major Airport Projects
Major Downtown Projects
Empowerment Grants and City Grants
Major Infrastructure Projects

Community Groups and Organizations

- Corvallis is a very engaged community
- Groups and organizations with their own expertise
- Formal liaison roles setup with some groups and organizations
- Attempt is not to setup parallel city structure
- Continue to grow and foster

Advice Topic Area	Agency	Commission	Multi-Jurisdictional Group	Policy Advisory Board	Policy Advisory Task Force	Operational Advisory Committee	Operational Advisory Workgroup
Urban Renewal	X						
Budget Commission		X					
Historic Resources Commission		X					
Planning Commission		X					
Urban Renewal Budget Commission		X					
9-1-1 Service District			X				
Economic Development			X				
HOPE			X				
Imagine Corvallis Action Network (ICAN)			X				
Library Service District			X				
Willamette Criminal Justice Council			X				
Climate Action				X			
CIDAB				X			
Fees				X			
King Legacy				X			
Equity, Diversity, Inclusion and Social Justice					X		
Vision Zero					X		
Council Governance					X		
Housing/HCDAB/Affordable Housing						X	
Multi-Modal Transportation						X	
Parks and Natural Areas (Parks and Rec)						X	
Police Review Board						X	
Public Art and Culture						X	
Watershed						X	
Major Airport Projects							X
Major Downtown Projects							X
Empowerment Grants, City Grants							X
Major Infrastructure Projects							X

Note: There are many Community Groups that also cover some of the topic areas but are too numerous to list in this table.

Next Steps

- Discussion on the recommendations
  - What within the recommendations is working?
  - What within the recommendations needs to be changed?
  - What within the recommendations do you think is missing?
- Discussion on size and make-up of bodies
  - Does the Council want to continue this nine member default practice, have more flexibility in board sizes, or set a different default number of members?
  - Does the Council want boards to have seats reserved for particular group representation and how would it like to go about that process if it does?

Declaration of Local Emergency/Disaster

Pursuant to Corvallis Municipal Code chapter 7.09, effective at 4:30 PM, September 10, 2020, the City Manager of the City of Corvallis declares an emergency throughout the corporate limits of the City of Corvallis. The City Manager has determined that the Fire Chief of the Corvallis Fire Department or their designee is the appropriate official to carry out the emergency duties or functions of this declaration. The population is at risk from regional wildfires, smoke and ash fallout and hazardous air quality.

As of this same date, the Benton County Board of Commissioners has declared an emergency within Benton County for the same reasons, and on August 20, 2020, Governor Kate Brown issued executive order no. 20-35 declaring a state of emergency in Oregon due to the imminent threat of wildfires throughout the State.

The threat posed by wildfires throughout Benton County and neighboring counties and cities may require the assistance of the City of Corvallis and its resources to provide relief to the residents and communities in these neighboring areas.

This declaration of emergency shall last only as long as the threat of wildfires, smoke and ash fallout and hazardous air quality present a risk of loss of life, injury to person or property, human suffering or financial loss.

Pursuant to ORS 401 and CMC 7.09, appropriate actions have been taken under the laws of the City of Corvallis and the City Emergency Operations Plan has been activated. Further, it is determined that appropriate response to this emergency has exceeded the capability of local resources from the City of Corvallis and its Mutual Aid Agreements with neighboring jurisdictions. The Fire Chief or their designee is authorized to provide assistance, and to make resources available to neighboring counties and communities within those neighboring jurisdictions to provide relief from the effects and impacts of wildfires.

The City of Corvallis has determined that this emergency is of such severity that state assistance is required, and further that federal assistance may also be necessary.

Dated this 10th day of September 2020.

Mark Shepard, City Manager, City of Corvallis

ATTACHMENT B

CITY OF CORVALLIS
KING LEGACY ADVISORY BOARD DRAFT MINUTES
JULY 30, 2020

Present
Jose LaSalle
Stacey Torres
Lynette Gottlieb*
Frederick Edwards*, Co-Chair
Gabriel Merrell
Jaime Sarabia
Johanna Hamilton*, Co-Chair
Jonathon Stoll
Paul Shaffer, Council Liaison

*Board Members experienced technical difficulties limiting their involvement, but were able to provide input via email with Karen Emery or via conference call.

Staff
Mark Shepard, City Manager
Karen Emery, Parks and Recreation Director
William Wright, Recorder

Absent

Visitors

SUMMARY OF DISCUSSION

	Agenda	Recommendations
	Call to Order	5:31 p.m.
I.	Community Comments	N/A
II.	February 27, 2020 Minutes Review	Approved
III.	New Bias Response Program – Feedback on Short-Term and Long-Term Objectives	*Information Only*
IV.		
	Adjournment	7:33 p.m.
	Next Meeting	TBD

CONTENT OF DISCUSSION

I. **COMMUNITY COMMENTS –**
Emery reported that Gottlieb was unable to attend as a panelist, but was in attendance and would submit comments via email.

II. FEBRUARY 27, 2020 MINUTES REVIEW

February 27, 2020 minutes were approved. Gottlieb abstained.

NEW BIAS RESPONSE PROGRAM – FEEDBACK ON SHORT-TERM AND LONG-TERM OBJECTIVES

City Manager, Mark Shepard, introduced himself briefly. He has been City Manager for the City of Corvallis for the past five years, and been a community member for 28. Shepard then asked for introductions from the King Legacy Advisory Board (KLAB) members.

LaSalle has lived in Corvallis for three years and started on the board one or two summers ago. He works for a local engineering firm and runs his own business.

Torres grew up in Corvallis, attending Lincoln Elementary moved away and moved back approximately seven years ago. Trained as an educator, she has worked in middle school and elementary school classrooms.

Merrell has lived in Corvallis for ten years, moving here from the Midwest. He works at Oregon State University (OSU) in the Equal Opportunity Office as the Deputy Americans with Disabilities Act (ADA) Coordinator and runs the affirmative action hiring program for the university. He has served on KLAB for six or seven years.

Sarabia has served on the board since January 2019 as the Benton County liaison. He cofacilitates Benton County's internal equity committee as part of his duties within the County's Developmental Diversity / Developmental Disabilities Office.

Gottlieb is a school teacher in Corvallis and has lived here for 17 years.

Shepard reported he received a letter dated July 9, 2020 forwarded by Jonathon Stoll from Corvallis Action and asked if any KLAB members were aware of the contents. Other than Stoll, no board members were aware of that letter. Shepard will email it to the board.

Shepard provided some background regarding the Hate/Bias Response funding. The request was specifically for one full-time position at $75,000 as well as an additional $75,000 for program funds. The original conception was for funding to come equally from the City, Corvallis School District, and Benton County. The City opted to fund the full $150,000 request from 2020-21 contingency funds. As part of the approval, City Council directed Shepard to develop partnerships with Corvallis School District and Benton County. Shepard is also reaching out to OSU. These partnerships may be financial, staffing, or pooling different opportunities and resources. The Council approval did not direct for the hiring of a position, but left that open to the discretion of the City Manager.

Shepard noted these partnerships are necessary for sustaining a permanent Hate/Bias Response program. Shepard is already in discussion with the Corvallis School District and Benton County to establish the desired outcomes, existing resources available to each partner and how to best utilize those resources to meet the desired outcomes.

These discussions can take six to twelve months, and Shepard would prefer to get something up and running prior to that. Originally, he was looking at starting with Education/Outreach or contracted services, but didn't feel the City could quickly develop the systems for tracking and reporting. Some other ideas include providing funding to OSU or a municipality with an existing bias response program to expand their existing programs to include all Corvallis residents.

The letter from Corvallis Action included a request for staffing an interim position by September 1, 2020. The primary objectives of this position to include establishing an online bias reporting form, monthly reporting to the City and stakeholders, development of a permanent position description, collaboration with community stakeholders, development of a Memorandum Of Understanding with Benton County and the three school districts within the county, connecting with bias response staff in other municipalities and counties, and identifying those positions within City government who will be critical partners with the new position.

Shepard stated that the creation of this interim position may seem straightforward, however there are a number of hurdles to work through before the position could be filled or become effective. Shepard believes working with an existing program would provide quicker short-term results while a permanent program was being developed.

Additionally, the letter included a request for additional funding for training city staff regarding implicit bias, anti-blackness, and settler-colonialism.

LaSalle asked what the system would be for continual feedback and comments and coordinating discussion between various groups. Shepard noted he is planning to meet with the NAACP. He posited two options – one where the work was formally through KLAB with a parallel dialogue with NAACP. Another option was to create an informal working group with members from both KLAB and NAACP. Working through KLAB includes more overhead and is potentially less nimble.

LaSalle stated he supports a more informal, nimble group. Merrell concurred with this idea and suggested bringing liaisons from other organizations into that process, including OSU and Eugene's office.

Shepard noted he would like to include Benton County, Corvallis School District, and OSU. He suggested Eugene may be brought in more on an ad-hoc basis.

Torres stated she would prefer to defer to other voices with more lived experience with bias. She suggested that, within the Corvallis School District, the Delta Team might be a good resource. Marcianne Rivera Koetje would likely be a good contact.

Gottlieb suggested reaching out to cultural groups including the Ethiopian community and religious groups such as Beit Am Jewish Congregation. LaSalle offered to connect with the Martin Luther King, Jr. advisory committee which includes representation from the BIPOC community, OSU, NAACP, and the Native American community.

Torres inquired as to whether there was any BIPOC staff member at the City who might be able to act as a lead for this process. Shepard was open to the idea, although he was hesitant to add duties to someone unless they were interested in taking on that role.

LaSalle asked about systems for communicating and coordinating remotely. Shepard was open to ideas with the caveat that the City would have a legal requirement to archive communications. Merrell noted that OSU uses Box.com.

Torres asked if interpretation/translation services were available for this meeting. Shepard noted there are staff who are bilingual and there is the option of contracting out translation and interpretation services. Torres suggested reaching out to Casa Latinos Unidos for assistance accessing community voices in the Spanish-speaking population.

LaSalle asked if the requests noted in the letter seemed reasonable and/or feasible. Shepard noted his preference would not be to bring on an interim person, but rather tie into existing programs. There are logistical and administrative challenges associated with bringing on interim or contract staff which make it less than ideal.

Torres noted the letter was a form of input and wanted to respect that input in deciding what the next steps are, especially if the ultimate approach differs from that input. Shepard shared his experience developing a climate action program which culminated in a staffed position. Shepard also noted some of the limitations of bringing on an interim position, including a lack of engagement around the desired outcomes, as well as challenges to the developing the long-term sustainability of the program. Torres suggested it would be important to inquire into the motivations behind the specific requests already made and suggested a longer conversation with the authors of the letter would be beneficial.

Edwards indicated that it was important to ensure everyone was able to provide input, especially considering the possibilities of technical limitations.

LaSalle noted he felt the informal committee would help keep things moving and ensure that the input from a broad array of organizations and communities. Shepard asked that those interested in serving on the informal committee email Karen Emery to ensure that KLAB does not run afoul of public meeting requirements.

Edwards suggested Torres could serve on the informal committee, along with three other members. Shepard would prefer only two members serve on the committee to provide space for representation from other groups without making the committee too large. Shepard also noted there are limitations to how many KLAB members can meet without providing public notice. Torres nominated Stoll to serve on the committee, referencing his extensive knowledge and existing involvement on this issue.

Stoll expressed his discouragement that an interim position was not the initial approach Shepard was exploring. Stoll sees the interim position as being a dedicated position to drive the process to facilitate the conversation around the long-term sustainability of the program. LaSalle asked to have both the July 9, 2020 letter and Shepard's proposal be shared.

Torres noted that there has been quite a bit of work and research done by the community and that a new committee could be seen as dismissive of that work and of the experience and desires of the BIPOC community. Torres also noted there is a symbolic aspect to hiring an interim staff person which has a great deal of benefit.

Merrell noted there is potentially a need for clarification about the conversation with respect to the ways of setting up the work versus doing the work. Merrell suggested the interim or contract position could be focused on setting up the work. Shepard will look at that possibility, but noted there were several legal and logistical issues that would need to be worked through before bringing anyone on. Shepard noted that he sees setting up the work as a longer-term process and would like to tap into an existing system to be doing some of the work in the short-term. Stoll would still like to see an interim or contract position, as he sees a need for significant work and does not feel it is reasonable to expect those currently doing that work as volunteers to continue carrying that load when funding has been allocated specifically for that work.
Additionally, Stoll noted that the identified potential partners all have staff dedicated to diversity, equity, and inclusion work and that other similar situations had contracted positions.

Torres asked if the City was seeking to avoid eventually hiring someone through these partnerships, suggesting that the community request was focused on something that was dedicated to the City's needs. Shepard responded there was no intention of avoiding creating a position.

Stoll asked for the clarification regarding the partnerships being proposed as well as the conditions where an interim or contracted position is a possibility. Shepard indicated the partnerships would be focused on the long-term sustainability of the program. And interim or contracted position would be a possibility if there are no existing programs which Corvallis can tap into while the long-term work is being done.

Torres reiterated that she sees symbolic and relational importance in following the lead of the BIPOC voices who have been working on this issue for years. She requested that the plans that have been presented by the community be the first course of action rather than expecting the BIPOC community to trust the experiences of a white man. Shepard responded that his motivations are to create something that is sustainable, as well as useful, meaningful, and helpful for the community. Torres provided a personal experience to illustrate how good intentions are not always the most important.

Edwards noted that he sees the importance of having something in place in time for November's election. Edwards also reiterated that many of the community members who would be asked to serve on the informal committee have been doing this work for free for years and shouldn't be expected to continue providing that labor when there is money available. Edwards also noted that Shepard, as a white man, is unable to fully hold the perspectives of members of the BIPOC community and that those perspectives should be respected.

Stoll also shared his pessimism of being able to tap into an existing program, especially with regard to OSU. Stoll requested

Stoll indicated he sees urgency which he hasn't felt was reflected in the processes Shepard proposed tonight. Torres noted there were several approaches which may be successful, and reiterated her belief that following the lead of the BIPOC community would have significant benefits.

Stoll asked that a timeline be included in that proposal. Torres concurred with that request, including a narrative identify the rationales for diverging from the July 9, 2020 request.

Edwards suggested inviting a representative from Eugene to KLAB's next meeting.

Meeting adjourned at 7:33 p.m.