



AGENDA PHILOMATH CITY COUNCIL

July 13, 2020
Council Chambers; Philomath City Hall

Mission: To promote ethical and responsive municipal government which provides its citizenry with high quality municipal services in an efficient and cost effective manner.

REGULAR MEETING 7:00 P.M.

Meeting Access Information

This meeting is being held via video conference. Citizens should use the video link or phone number provided below to listen to the meeting. For residents that do not have a phone or access to the internet, a small number of chairs will be provided at City Hall to comply with public meetings laws and social distancing requirements.

Please use the following link or phone number to access the meeting:

Video: <https://zoom.us/j/2065507670?pwd=eTJqL3Nubk83ODJkTy9ldUQvYXg5Zz09>

Meeting ID: 206 550 7670 Password: Philomath

Phone Only: 312-626-6799 Participant ID 492443 Meeting ID 492443

Meeting Conduct

All non-city participant microphones and screens will be muted. Presenters and members of the public will only be unmuted if called on to speak. The chat function will be disabled during the meeting.

Opportunities to Comment

The following options are available for the public to provide comment:

- 1) Sign up to speak by contacting the City Recorder at ruth.post@philomathoregon.gov or by calling 541-929-6148 no later than 4:00 p.m. on the day of the meeting.
- 2) Submit written comments by email to the City Recorder at ruth.post@philomathoregon.gov no later than 12:00 p.m. the day of the meeting.
- 3) Submit written comments in the City Hall parking lot drop box no later than 12:00 p.m. the day of the meeting.
- 4) Mail written comments to PO Box 400, Philomath, OR 97370 3-4 days prior to the day of the meeting.

A. ROLL CALL

B. CONSENT AGENDA

The following items are considered to be routine and will be enacted in one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered under "Items Removed from Consent Agenda." If any item involves a potential conflict of interest, Council members should so note before adoption of the Consent Agenda.

1. City Council minutes of June 22, 2020

C. ITEMS REMOVED FROM CONSENT AGENDA

D. VISITORS COMMENTS

See the Opportunities to Comment section above to either submit written comments or sign up to speak.

E. NEW BUSINESS

1. Social Service Agency funding allocations

F. ORDINANCES & RESOLUTIONS

1. Resolution 20-10 Ballot Title for City Charter Amendments
2. Resolution 20-11 Inclusivity
3. Resolution 20-12 Declaring the intent to improve Landmark Drive by way of a Local Improvement District and scheduling a public hearing
4. Resolution 20-13 Assigning Skirvin Park to the City/School Rate for Water Consumption

G. COUNCIL REPORTS

H. STAFF REPORTS

1. City Manager
2. City Attorney
3. Finance Director
4. Police Chief
5. City Recorder
6. Public Works Director

I. INFORMATION & CORRESPONDENCE

1. Philomath Connection COVID-19 impact on ridership
2. Finance & Administration Committee minutes of June 16, 2020
3. Inclusivity Ad Hoc Committee minutes of June 25, 2020
4. Inclusivity Ad Hoc Committee minutes of July 1, 2020
5. Inclusivity Ad Hoc Committee minutes of July 7, 2020
6. Website Google Analytics Report for June 2020
7. Email from Giana Bernardini regarding Inclusivity Resolution
8. Letter from Mike Brawner regarding Inclusivity Resolution
9. Email from Jay Sexton & Toni Hoyman regarding Inclusivity Resolution
10. Email from Rose Bricker regarding Inclusivity Resolution
11. Letter from Amanda Littke-Kellam regarding Inclusivity Resolution
12. LUBA Decision on Lepman project – Johnson vs City of Philomath

J. ADJOURNMENT

CITY MEETING/EVENTS SCHEDULE

(As of 7/8/2020)

JULY 2020

July 9	5:00 PM	Park Advisory Board meeting
July 12	2:00-5:00 PM	Planning Commission booth at Farmers' Market for Downtown Safety & Streetscapes Project outreach
July 13	6:00-7:30 PM	Planning Commission open house at City Hall for Downtown Safety & Streetscapes Project outreach
July 13	7:00 PM	City Council meeting
July 14	3:00 PM	Police Committee meeting
July 15	7:00 PM	Comprehensive Plan Advisory Committee meeting
July 20	6:00 PM	Planning Commission meeting
July 27	7:00 PM	City Council meeting (if needed)

AUGUST 2020

August 6	3:00 PM	Public Works Committee (if needed)
August 10	7:00 PM	City Council meeting
August 13	5:00 PM	Park Advisory Board meeting
August 17	6:00 PM	Planning Commission (if needed)
August 24	7:00 PM	City Council meeting (if needed)

All meetings are held at City Hall Council Chambers, 980 Applegate Street, Philomath, unless otherwise indicated. Tentative meetings may be cancelled if there is no business to be conducted. Refer to the City Meetings & Events calendar on the City's website for confirmation of meetings.

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**PHILOMATH CITY COUNCIL
REGULAR MEETING
MINUTES
June 22, 2020**

A. ROLL CALL

The City Council of the City of Philomath was called to order by Mayor Eric Niemann on Monday, June 22, 2020 at 7:00 p.m. Due to the Oregon Governor's Executive Order 20-12 requiring social distancing due to the COVID-19 pandemic, the meeting was held via video conferencing technology with the public allowed to attend electronically and in limited capacity in the Philomath City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon. Instructions with opportunities for the public to comment were provided on the meeting agenda, City's website, and media notice.

Present:

Mayor Eric Niemann
Councilor Ruth Causey
Councilor Doug Edmonds
Councilor Chas Jones
Councilor Matt Lehman
Councilor David Low
Councilor Matthew Thomas

Absent:

Staff Present:

City Manager Chris Workman
City Attorney Jim Brewer
Chief of Police Ken Rueben
Finance Director Joan Swanson
City Recorder Ruth Post

Staff Absent:

Public Works Director Kevin Fear

B. CONSENT AGENDA

1. City Council minutes of June 8, 2020

MOTION: Councilor Edmonds moved, Councilor Jones second, to approve the consent agenda and meeting agenda for the June 22, 2020 meeting as presented. Motion APPROVED 7-0 (Yes: Causey, Edmonds, Jones, Lehman, Low, Thomas and Niemann; No: None).

C. ITEMS REMOVED FROM CONSENT AGENDA

None.

D. PUBLIC HEARING

1. Proposed City Charter Amendments – Mayor Niemann opened the public hearing at 7:01 p.m. Seeing no public comments, Mayor Niemann closed the public hearing at 7:02 p.m.

E. VISITORS COMMENTS

1. Anissa Teslow Cheek – Ms. Cheek made comments regarding the native population that originally inhabited the Philomath area. She spoke in support of the Black Lives Matter movement. She stated concerns about the lack of budgeted funds in support of moving initiatives forward and a lack of strategic planning in support of social initiatives and community outreach to build community. She stated that investing money in health and human services will benefit everyone. She insisted that funding be divested in support of these initiatives.

1 Mayor Niemann stated his support for Black community members. He read a recent
2 statement from the President of the Oregon Association of Chiefs of Police (Supplemental
3 Agenda Item #E.01A).

4 Councilor Jones thanked Ms. Cheek for her comments and read a statement of support into
5 the record (Supplemental Agenda Item #E.01B). He stated, as an elected City leader, he
6 was happy to push the conversation forward. He recommended that the City set aside
7 \$20,000-\$30,000 for training of City leadership in the 2020-2021 budget to participate in
8 justice, equity, diversion and inclusion training. Councilor Jones stated support for a
9 resolution denouncing police violence and brutality against people of color, affirming that
10 black lives matter, and reaffirming that Philomath is a welcoming community.

11 Mayor Niemann suggested the creation of an Ad Hoc Committee to address the City's
12 response.

13 Councilor Causey stated support for Black Lives Matter and also stated supporter for the
14 Philomath Police Department in performance of their jobs. She volunteered to serve on an
15 Ad Hoc Committee and to assist in crafting a resolution of response from the City.

16 **2. Rose Bricker** – Ms. Bricker stated disappointment in the City's lack of release of a
17 statement regarding Black Lives Matter. She stated to remain silent is to remain complacent.
18 She questioned where the Philomath leadership stood in regard to Black Lives Matter and in
19 support of Black families.

20 Mayor Niemann recommended convening the Ad Hoc Committee on Thursday, June 25,
21 consisting of Councilor Causey, Councilor Jones and himself.

22 **F. NEW BUSINESS**

23 **1. Cyber Security Policy discussion and possible adoption** – Councilor Low
24 summarized the implementation of a new Cyber Security Policy in conjunction with the City's
25 new IT provider, Feynman Group.

26
27 Ms. Swanson reviewed the work being performed by Feynman Group to strengthen and
28 improve the City's security systems. She recommended reviewing the policy in a year and,
29 by that time, all of the new systems should be in place. She noted the amendments and
30 corrections that were submitted by Councilor Edmonds and that Councilor Causey had also
31 submitted several earlier today. Mr. Workman suggested that most of the corrections
32 submitted by Councilor Causey were Scribner's corrections. Councilor Causey reviewed the
33 two substantive changes regarding addition of a reference to appointed and elected
34 officials and the IT Team.

35
36 Councilor Edmonds reviewed his recommendations that were highlighted in the draft
37 included in the revised agenda packet.

38
39 **MOTION:** Councilor Low moved, Councilor Edmonds second that the Philomath City
40 Council approve the Cyber Security Policy as amended during the meeting. Motion
41 APPROVED 7-0 (Yes: Causey, Edmonds, Jones, Lehman, Low, Thomas and Niemann; No:
42 None.)

43 44 **G. ORDINANCES & RESOLUTIONS**

45 **1. Resolutions to approve and allocate the FY 2020-2021 City Budget and to elect to**
46 **receive State Revenue sharing –**

- 1
- 2 a) Resolution 20-06 adopting the FY 2020-2021 Budget
- 3 b) Resolution 20-07 appropriating the FY 2020-2021 Budget
- 4 c) Resolution 20-08 imposing & categorizing taxes for the FY 2020-2021 Budget
- 5 d) Resolution 20-09 electing to receive state revenue sharing
- 6

7 Mayor Niemann reviewed the process the budget had been through up to this point. He
8 reviewed the resolutions. Councilor Jones proposed identifying \$30,000 to address training
9 for equity inclusion in this budget year. Councilor Causey suggested the budget has the
10 flexibility to address such a funding without necessarily making a specific allocation.

11
12 Ms. Swanson summarized that the budget does not have any discretionary line items. She
13 explained that there would either need to be identification of a new revenue source or
14 determination to cut another line item. She explained that contingency funds are there to
15 pay for unanticipated expenses and reminded the Council that the extenuating
16 circumstances from COVID are still yet to be fully known. There was discussion about the
17 process of using contingency funds. There was discussion about the existing contingency
18 funds remaining from 2019-2020 and the impact of using any of those funds on the cash
19 carry forward into 2020-2021. There was discussion that any funds allocated from the
20 current year would have to be spent by June 30, 2020.

21
22 Mr. Workman recommended having the Ad Hoc Committee meet to identify specific training
23 suggestions and determine a cost. Councilor Jones stated the importance of addressing the
24 issues in a timely basis. There was discussion about the Ad Hoc Committee coming back to
25 the Council with a plan to move forward. Ms. Swanson summarized the process of moving
26 funds from the 2020-2021 contingency fund and allocating it for use in a specific line item.

27
28 There was discussion about the State requirements to adopt the tax rate every year despite
29 it being a fixed permanent rate. Councilor Jones suggested it should be clarified that the tax
30 rate is a maximum and that a lower rate could be levied.

31
32 **MOTION:** Councilor Edmonds moved, Councilor Causey second, the City Council approve
33 Resolutions 20-06, 20-07, and 20-08 adopting the 2020-2021 budget, making appropriations
34 and imposing and categorizing taxes; and further moved the City Council approve
35 Resolution 20-09 declaring the City's election to receive state revenue. Motion APPROVED
36 7-0 (Yes: Causey, Edmonds, Jones, Lehman, Low, Thomas and Niemann; No: None.)

37 38 **H. COUNCIL REPORTS**

39 **Councilor Jones** – Councilor Jones noted the use of Flossie Overman Park that he'd
40 recently observed and the importance of the park in that neighborhood. Mayor Niemann
41 thanked Mr. Workman for the plants that had been obtained from the Master Gardeners and
42 the contribution of his family's time to plant them. He noted the offer of assistance from the
43 Rotary Club for the project. There was discussion about delaying the ribbon-cutting
44 ceremony until the playground area can be officially utilized. Mr. Workman thanked Mayor
45 Niemann for assisting with the plantings.

46
47 **Councilor Causey** – Councilor Causey reported on her attendance at the June 17
48 Willamette Criminal Justice Council meeting. She reported on the moving presentation made
49 by Angel Harris, who leads the NAACP office in Corvallis, regarding growing up as a person
50 of color in Oregon. She also reported on the presentation by District Attorney John

1 Haroldson regarding a comparison of Oregon policing to that in Minneapolis and the
2 discussion about positive Oregon policing policies and training.

3
4 Chief Rueben recommended the value of the DPSST trainings that the Council has the
5 opportunity to participate in. He described the consortium that the Philomath Police
6 Department participates in with Corvallis and Benton County to create coordinating policy
7 across the local area. He summarized the extensive process that the Police Department is
8 required to meet in order to maintain accreditation, including the value of having an outside
9 agency audit their performance. He described his participation on the Board of the Oregon
10 Accreditation Alliance and on the Policy Committee for the Oregon Chiefs of Police
11 Association.

12
13 Councilor Edmonds reviewed the rigorous details that the Police Committee has reviewed
14 regarding the accreditation process.

15
16 **Councilor Jones** – Councilor Jones reported that State Senator Sara Gelser had contacted
17 him regarding holding a virtual Town Hall. Mayor Niemann noted the timing of the upcoming
18 legislative special session and a Town Hall with Senator Gelser could be helpful post-
19 session. There was discussion about a Town Hall being scheduled too close to the election
20 season.

21
22 Mayor Niemann noted all Oregon police officers are trained at the State Academy and any
23 changes from the legislature would be translated in training through the DPSST.

24
25 **Councilor Lehman** – Councilor Lehman thanked Councilor Jones for his earlier comments
26 and stated agreement. He related positive feedback for the senior banners and the senior
27 parade.

28
29 **Mayor Niemann** – Mayor Niemann reported that Pacific Power has agreed to leave the
30 brackets on the poles for future use after the student banners are removed at the end of
31 June. He thanked Oregon State Credit Union for donating the brackets. He thanked Alyrica
32 for live-streaming the graduation ceremony and Republic Services for rescheduling the
33 citywide recycling event on July 18.

34
35 **I. STAFF REPORTS**

36 **1. City Manager** – Mr. Workman reported the Public Works Director was excused for the
37 evening. He provided an update on the planned shutdown of the water line in a portion of
38 town on July 25. Ms. Post provided additional clarity regarding the timing of notifications to
39 affected property owners. Mr. Workman reported that the preconstruction meeting was held
40 for Phase 2 of the Millpond Crossing Subdivision with all 44 homes in that phase already
41 being spoken for.

42
43 Mr. Workman reported on progress on the update of the Comprehensive Plan, including the
44 meetings of the Comprehensive Plan Advisory Committee.

45
46 Mr. Workman reported on the recent use of the Frolic & Rodeo Grounds for a senior
47 reception and that feedback suggests they may want to come back next year. He also
48 reported on use of the grounds by other area organizations and users. He noted that a
49 community-wide survey will be coming out within the next week.

50
51 **2. City Attorney** – Mr. Brewer reported there is still no decision issued on the Lepman
52 LUBA appeal. He reported that the Benton County Board of Commissioners are likely to be

1 considering a requirement to wear masks in public places with a request of each
2 incorporated city to put together a local ordinance regarding wearing masks in public places.
3 He noted that partnering with other regional agencies is one way for the City to maximize
4 budget funds related to addressing any new social initiatives and COVID-19 programs. He
5 encouraged the Ad Hoc Committee to consider addressing legislative initiatives and stated
6 the City Attorney's office is prepared to provide assistance.

7
8 **3. Finance Director – No report.**

9
10 **4. Police Chief – No report.**

11
12 **5. City Recorder – Ms. Post** reported she would be on vacation beginning June 24th
13 through July 5th.

14
15 **6. Public Works Director – Excused.**

16 **J. INFORMATION & CORRESPONDENCE**

17 **1. Philomath Community Services Annual Report Addendum** – Councilor Low
18 encouraged anyone with time to donate to contact the President of PCS regarding
19 volunteering.

20 **2. Chamber of Commerce Thank you letter** – No comment.

21 **3. ABC House Thank you note** – No comment.

22 **4. CAMPO Investment Letter of Support** – Mayor Niemann summarized the letter of
23 support that was submitted to Representative DeFazio regarding legislation being
24 considered.

25
26 **K. ADJOURNMENT**

27 Seeing no further business, meeting adjourned at 8:25 p.m. by Mayor Niemann.

28
29
30 _____
Eric Niemann, Mayor

Ruth Post, MMC, City Recorder

7/13/20

BLM Movement Helping Police
Jackie Shaw

Many people believe that the Black Lives Matter movement is in direct conflict with police officers. I will explain why this is not the case.

My cousin was a police officer. In attempting to make an arrest his partner was shot. To protect himself and his injured partner he shot and killed the person they were attempting to arrest. He struggled with taking a life. His captain informed him that he was to receive the Officer Metal of Valor from the President and would be flown to Washington DC. He was disturbed that he would receive a metal for taking a life.

This incident changed him. He ended up leaving the police force and starting a new career.

We are inundated with images of the violent acts perpetrated by police right now. There is no denying that there are some police officers that have lost all empathy for other human beings and are no longer making ethical decisions.

I believe the BLM Movement can help ethical officers take back their departments from the 'bad cops' and change engrained systems of bigotry and corruption. By putting a spotlight on the atrocities being committed by people that should not be police officers in our country we can make changes in police procedures and culture that will positively impact officers that joined the force to help others and keep the peace.

Too often the unhealthy culture of a police force will push otherwise ethical people into doing things that they do not agree with and that impact them psychologically. There is no room in the police force for people with personality traits included in the dark triad: narcissists, psychopaths and Machiavellians. I want us to protect our police force and our citizens of color from the scarring emotional impacts of being involved in violent and life threatening (or taking) events.

A positive step in this direction will be having transparency and accountability regarding police actions especially those that include use of force (tasers, guns, mace and hand-to-hand combat.) By creating a system in which citizens can access data about use of force we will begin to create an accountable culture that will allow the right people to succeed as police officers and purge our department of people that do not deserve to be police.

By ensuring we have a fair and impartial police force that does not take part in biased profiling and other abuses of power we will empower the best people in our police force to succeed and guarantee that public trust in our police force is maintained for all citizens especially citizens of color.

Dear Philomath City Council:

I would like to add my voice to the affirming and supporting the Inclusivity Proclamation statement created by fellow Philomath residents. I believe that as a small city we do not get a pass at not making a public statement as other larger cities such as Corvallis have done. Public statements are more than mere sentiments, but rather calls to remind ourselves what we stand for and what we do not. We must remind ourselves of the vision of equity and inclusivity for all. We must also take accountable steps towards change and looking at ways that policies or lack of policies affect citizens that have historically been marginalized because of the color of their skin. As public servants of this town, you lead the way in developing policy and helping guide our city into the future.

We cannot pretend that racism does not exist in our communities. Our work is not to argue if it's here, but to say, "What can we do about it?" I think a lot of the conversation when there is disagreement on racism are individuals saying that they are not individually racist and do not hate those of different races. The quote below names how racism is more than conscious action. Every person gets to decide how they act individually, but our local governments and leaders get to set forth policy and direction for our larger communities and lead the way.

"The problem is that white people see racism as conscious hate, when racism is bigger than that. Racism is a complex system of social and political levers and pulleys set up generations ago to continue working on the behalf of whites at other people's expense, whether whites know/like it or not. Racism is an insidious cultural disease. It is so insidious that it doesn't care if you are a white person who likes black people; it's still going to find a way to infect how you deal with people who don't look like you. Yes, racism looks like hate, but hate is just one manifestation. Privilege is another. Access is another. Ignorance is another. Apathy is another. And so on. So while I agree with people who say no one is born racist, it remains a powerful system that we're immediately born into. It's like being born into air: you take it in as soon as you breathe. " - Scott Woods, author and poet

Thank you for taking the time to read this letter and the Proclamation. Thank you too for working towards helping create a more just and equitable city, where work is done to examine policies and change them when they are found to be structurally unjust and for working towards making this a safer city for people of color.

Sincerely,

Katie Finley of Philomath

Anissa Teslow
1366 Cedar Street
Philomath, OR 97370

July 13, 2020

Mayor Niemann, Councilor Causey, Councilor Lehman, Councilor Edmonds, Councilor Jones, Councilor Low, and Councilor Thomas:

I want to publicly express gratitude for the creation of the Inclusivity Ad Hoc Committee and for the time and dedication the city leaders have put towards creating a city resolution. I want to acknowledge the community members who have attended and shared their education and insights on this matter.

With that said, I urge the mayor and city councilors to not pass this resolution tonight. This plea is not just because of some phrasing in the document but a greater concern I shared as a written comment on the first draft released, how will these resolutions be implemented?

Individuals make up institutions and to truly dismantle institutional racism, including in our city, we need to look inward and critically assess where racism lies within us. At the latest NAACP Corvallis/Albany branch meeting, which Mayor Niemann attended, a closing statement given by a Black member was to own where we are racist. After participating in these committee meetings, I strongly believe that our mayor and all our city councilors, city leaders, and police department need more time to uncover their own racism, discrimination, prejudices, and biases within themselves and as city leaders. To move forward with implementing the city resolution, which includes denouncing and condemning racism, they must all do it internally and begin or continue to consistently hold each other accountable.

It is my viewpoint that this city resolution would be putting the “cart before the horse.” What is currently written is a start but from what I have witnessed in the meetings there is no action plan to identify how the city will condemn and denounce not only racism but discrimination, prejudices, and biases towards all non-dominant/marginalized cultural identities. More time is needed to address the foundation and practices that will make the city resolution more than just a collection of statements. After this action plan is in place and city leaders have practice them personally and publicly, it will prove that the resolution once it is released is not merely just statements. The goal of the city resolution is for it to be a living document that is reviewed annually and with elected officials changing over time, it is necessary for their to also be an action plan of guiding principles.

I have felt this great sense of urgency and hastiness in the creation of the Inclusivity Ad Hoc Committee and its subsequent meetings. I have contributed to this sense of urgency. We have all commented on the meetings lacking diversity, equity, and inclusion and I cannot help but think that we are excluding community members for quick results. This type of work takes more time due to its complexity and we should honor that complexity and not feel pressured to create a resolution in just three meetings.

Philomath was founded in the 1880s and if I have been informed correctly, the city has never had an Inclusivity committee of any sort, even during the Civil Rights Movement during the 60s, and later cultural revolutions including Americans with Disabilities Act in 1991. To act with care and compassion will take time. We need that time so we can build relationships with our non-dominant/marginalized community members so they feel safe and can participate in the meetings openly and honestly without fear of defensiveness or judgement.

My mom raised my brother and me to respect everyone and to show compassion and kindness no matter their cultural identities. However, I did not start to learn the ways I contribute to racism until I my 20s. It was not until a month ago I learned more about the characteristics of White Supremacy that go unnoticed. It was not until the last meeting when I was reflecting that I realized I was engaging in one of those characteristics, a sense of urgency. This is an ongoing learning process and there is so much more to racism than just hate crimes and hate speech. I am more than willing to share with our city leaders and staff the books I am reading, videos and webinars I'm watching, and podcasts I've been listening to that are helping me learn and own where I am racist. We could read, watch, and/or listen to them as a group or individuals and hold discussions.

Please, do not pass the resolution tonight. Instead, make the Inclusivity Ad Hoc Committee a standing committee so there is time to address all my concerns. I will be there, right with you as much as I can to continue to uncover how I contribute to White Supremacy and how continue the lifelong work of ending it. We can work together on growing as individuals and as community members. We can begin to set the groundwork for our community.

Please, take more time to develop trust and relationships with our Black, Indigenous, and people of color community members. I can recommend a rural community organizer who has helped me at an individual level and can help at a city level. I can continue to offer recommendations on how to utilize social media to improve accessibility and community engagement, especially during these chaotic times due to the coronavirus. I will continue to put more energy into meeting my neighbors and finding out more about their needs and wants for Philomath. I will encourage and show them how to participate and attend City Council meetings.

When I originally voiced my anger and frustrations about Philomath not making a statement during this pivotal time in our country and around the world, I was not asking for a resolution. I wanted Philomath to join other rural towns, neighboring cities, our state, our country, and our world and end the silence. I was asking for Philomath to at least acknowledge what so many Black people needed to hear and see in writing, that they matter. Our mayor and city councilors took upon the task of creating a city resolution and for it to be authentic, genuine, and more than just a collection of statements, we need more time.

Anissa Teslow Cheek

Anissa Teslow Cheek – Verbal Statement – July 13, 2020

I want to publicly express gratitude for the creation of the Inclusivity Ad Hoc Committee and for the time and dedication the city leaders have put towards creating a city resolution. I want to acknowledge and appreciate the community members who have attended and shared their education, experiences, and insights on this matter.

With that said, I urge you to not pass the city resolution tonight. This plea is not just because of some phrasing in the document but a greater concern I shared on the first draft released as a written comment, how will these resolutions be implemented?

If this resolution is passed tonight it would be putting the “cart before the horse.” At least during the public Inclusivity Ad Hoc Committee meetings, there has been no action plan developed on how the city will actually condemn and denounce not only explicit or implicit racism but discrimination, prejudices, and biases towards our community members and visitors. An action plan needs to be developed to identify how to condemn and denounce these actions. City leaders and staff need to practice condemning and denouncing racism, discrimination, prejudices, and biases personally and publicly. It will show our community members and visitors that the resolution once it is released is not merely just statements. City leaders can and do influence the actions of their community members. Leading by example is not just a phrase but a practice. The example you set, not just during city council and subcommittee meetings, but when we see you and interact with you at the Farmers Market, at businesses on Main Street, at the Frolic, and other spaces, will set the standard for how we as a community of individuals and as a whole should act to continue to pursue a culture of safety and wellbeing in Philomath.

I have felt a great sense of urgency with the creation of the Inclusivity Ad Hoc Committee and its subsequent meetings. My actions have also contributed to this sense of urgency. Most participants have commented during the meetings about the lack of diversity of the participants. Without more time, we are excluding our Black, Indigenous, and people of color community members and potential allies to be actively participating at the meeting for quick results. Working towards diversity, equity, and inclusion takes a great deal of time due to its complexity. We should honor that complexity and not feel pressured to create a resolution in just three meetings.

Please, do not pass the resolution tonight. Instead, make the Inclusivity Ad Hoc Committee a standing committee so there is more time to create that action plan. I will be there, right with you as much as I can to continue to uncover how I contribute to White Supremacy and how to continue the lifelong work of ending it. We can work together on growing as individuals, as community members and as leaders. We can continue to set the example for our community members.

When I originally voiced my anger and frustrations with our mayor and city councilors for not making a statement during this pivotal time in our country and around the world, I was not asking for a resolution. I wanted Philomath to join other rural towns, neighboring cities, our state, and our country, by making a statement and ending the silence. I was asking for Philomath to at least acknowledge what so many Black people needed to hear and see in writing, that they matter. Our mayor and city councilors took

upon the task of creating a city resolution and for it to be authentic and more than just a collection of statements, we need more time.

Members of Philomath City Leadership,

Thank you for taking the time to create the Inclusivity Ad Hoc Committee and agreeing to listen to and engage with your constituents on the matter. I will begin by giving some context to my knowledge on the subject and why I think this discussion is very important. I am a White-passing Latinx woman. While I have additional struggles to overcome today due to being a product of past generations of racist and discriminatory policies directed towards my family, I do have the privilege that comes along with appearing White and therefore, have not experienced a racist diatribe or been physically attacked for racist reasons. I can try to imagine what that would be like, but I recognize that I will never come close to actually understanding the experience of walking through the world with more melanized skin. And that is why I know it is the morally and ethically correct to commit to learning how to actively combat discrimination and to conscientiously take those actions.

As a resident of Philomath who attended all three meetings, it was very heartening to hear committee members express a willingness to have “uncomfortable” conversations about race and ways to create a more inclusive community. Even when the atmosphere became tense when misunderstandings arose and knowledge gaps were revealed, I felt like there was a general understanding that each of us were all still learning and appreciated the space to make mistakes and learn from them. All that said, I have some major concerns regarding some of the conversations we had.

While the latest draft of the city proclamation is far better than previous drafts and I am happy that the committee agreed upon including “Black lives matter” in which the “B” is the only capitalized letter in those three words, I do not support this proclamation. Non-committee members, including myself, had to fight for those words to be included many times as the committee swung back and forth between “Black lives matter” and other sentiments akin to the statement, “all lives matter”, which dismisses the immediate danger of active and passive forms of racism presented to Black people. Furthermore, a caveat was added to the statement of “Black lives matter” which detracts from the city’s message of caring about Black lives. There was also an incident in which a city official almost referred to the BIPOC community using an outdated, racist phrase, but pulled back at the last second. And then there was another incident in a later meeting where that same official actually said that phrase in reference to Black people. There was an instance in which several non-committee members politely tried to let a city leader know that the city leader said something factually incorrect, but that person still did not understand as it appeared that he was closed off to the idea that he might be wrong or could not take time to think about it more in depth due to committee pressure to move on to the next discussion. There were more things in those meeting to be concerned about, but probably the most egregious one was that it appeared that only White and White-passing people were in attendance at these meetings and there was next to no input in our discussions from the Philomath BIPOC community, even anonymously. Passing a proclamation assuring our Black and other marginalized community members that the city cares about their safety and well-being without input from this very community is shameful and nothing more than an empty gesture. At the very least, we need more time to create a meaningful

proclamation with contributions from Philomath's BIPOC community and our city leadership needs to commit both to learning how to create a more welcoming community and to taking action accordingly.

This country, and especially the state of Oregon, was founded on racist ideals and thus racist policies and culture were built into the systems to disadvantage people of color and to perpetuate white supremacy. Tell me, how is it not racist that Indigenous people were murdered, tortured, and forcibly removed from their homelands so that White settlers could steal land especially rich in resources? Tell me, how is it not racist that White settlers forbade Black people from living in Oregon and then murdered, tortured, and drove them out of the state if they tried to live in Oregon? Tell me how these disgusting practices didn't lead to enormous generational wealth inequality between White people and the BIPOC community that is still felt today in Oregon? And finally, tell me how Philomath has it somehow all figured out and isn't like the rest of the country; how Philomath is free of racism, discrimination, and violence; and how our town is not a product of a racist history?

I would like to close with a list of tasks I hope the council will seriously consider implementing on a city level as well as on a personal level regarding my last recommendation:

- Allow for more time to be given towards creating this city proclamation and with input from Philomath's BIPOC community. This process was rushed and does little to nothing to hold officials accountable in creating a more inclusive community.
- Shift the Inclusivity Committee from "ad hoc" to a "standing" committee. As stated previously, my experience in these ad hoc meetings made it abundantly clear to me that more education regarding meaningful diversity and inclusivity is needed for all residents of Philomath and that this work cannot be done without the BIPOC community and people belonging to other marginalized identities.
- Create a social media liaison position for the city of Philomath who would also be responsible for renovating the existing city webpage so that other important information is easily accessible. Every Philomath resident I have spoken with about these Inclusivity meetings either had no idea they were happening or found out about them too late for them to participate in any way. Furthermore, multiple attempts by some friends and myself at posting this information on Philomath-based Facebook pages were removed due to various empty reasons.
- Actively seek out literature and media created by marginalized peoples with the intent of learning how to combat a world enveloped in white supremacy, colonialism, ableism, classism, heteronormativity, and other oppressive forces. Unlearning these dominant cultures as "default" is a long and difficult process as they are omnipresent in American society. We will make mistakes in this process, but owning up to those mistakes and working hard to continue learning and doing better next time is the least we can do to dismantle systems of oppression.

Thank you.

- Jessica Andrade, Philomath resident

Fw: Support for Inclusivity Resolution

Ruth Post

Mon 7/13/2020 11:19 AM

To: Eric Niemann <Eric.Niemann@philomathoregon.gov>; Ruth Causey <Ruth.Causey@philomathoregon.gov>; Doug Edmonds <Doug.Edmonds@philomathoregon.gov>; Chas Jones <Chas.Jones@philomathoregon.gov>; Matt Lehman <Matt.Lehman@philomathoregon.gov>; David Low <David.low@philomathoregon.gov>; Matthew Thomas <Matthew.Thomas@philomathoregon.gov>;

Please see the email below containing support for the Inclusivity Resolution.

Thanks,
Ruth

Ruth Post
City Recorder
City of Philomath
ruth.post@philomathoregon.gov
541-929-6148

From: Please Do Not Click Reply <support@govoffice.com>
Sent: Monday, July 13, 2020 11:15 AM
To: Ruth Post
Subject: Contact the City Recorder (form) has been filled out on your site.

Your Site has received new information through a form.
Form: Contact the City Recorder
Site URL: www.ci.philomath.or.us

First and Last Name: Paige Merritt
E-mail Address: spectacle_or_miracle@hotmail.com
Phone Number:
Address (if applicable):
Comment or Question: I support the Philomath Inclusivity Resolution for Black Lives Matter and I hope City Council will too!
Would you like to be contacted? Please provide your preferred form of contact (phone or e-mail): No

Do Not Click Reply - This e-mail has been generated from a super form.

July 7th, 2020

Philomath City Council

Dear Mayor Niemann and City Councilors:

It has come to my attention that the treatment and view police has become a matter of some contention here in Philomath. While I have lived in Philomath for 12 years, I have never felt the need to become particularly politically active.

However, my training and experience is in team and organizational management, and when I see the unfortunate tragedies in the news, I see the symptoms of numerous institutional problems. But one of the main troubles I see is far too many police officers who were put into extremely stressful situations without adequate training or support. Please don't misunderstand, I know police officers are highly trained and competent individuals. But since our society treats police officers as the *de facto* first responders for almost any situation, they are naturally put into many situations which fall outside of their core skill sets. This naturally leads to more stress, which will only compound over time if not adequately addressed. Compound underlying stress in *any* organization leads to problems like decreased situational awareness, impaired threat assessment, communication breakdown, and a more reactionary approach to problem-solving. In a normal business setting this will often lead to failed product launches or missing sales targets, however in fields such as healthcare, the military, nuclear power, and law enforcement where lives are on the line, such breakdowns can lead to otherwise preventable tragedies.

With this in mind, I have written a short set of policy changes which we could implement here in Philomath. I feel these policies would act to support our local law enforcement officers to help protect their physical and mental health so that they can continue doing their important job of protecting our community.

I hope that you will fully consider these policy changes at the upcoming city council meeting,

A handwritten signature in black ink, appearing to read 'Jason Cheek', with a stylized flourish at the end.

Jason Cheek

P.S. I apologize for how close to the council meeting this will reach you.

Protect Our Officers, Protect Our Community

Jason Cheek, Philomath

In the 12 years I have lived in Philomath I have never once had a single unpleasant experience with any Philomath police officer. In fact, I have had to rely on the Philomath Police Department several times and I am grateful for the calming presence and professionalism which they have displayed in my moments of need.

I contrast this with incidents in the news recently where police officers have not displayed such control and heartbreaking tragedies have resulted. It makes me thankful to live in a small, close, quiet community like Philomath.

But unfortunately, that is not the point. Because of these pervasive images, I have noticed a growing unease within me. I actually flinched at the sight of a police car a few weeks ago. Why? I have had no personal experience which would cause me to feel fear at the sight of a uniformed officer. But yet I felt unease even here in Philomath, and *that* is the point.

If I were in danger, would I hesitate to call the police out of fear of finding myself put into a position like we have all seen in the news?

I have not heard a public statement in response to any of these tragedies by the Philomath City Council or the Philomath Police Department. I have not heard your stance or your thoughts on the issue. And in the vacuum of silence, only the uneasy thought remains that perhaps your lack of public statement or action is tacit support of the events that led to these tragedies.

It is often said that these events are the result of just a few bad apples. I want to believe that that is true. I want to believe that 99% of police officers are fundamentally good people just fulfilling their duties and trying to do the best they can.

But, as the saying goes, a few bad apples spoils the bunch. John Stuart Mill once wrote,

“Bad men need nothing more to compass their ends, than that good men should look on and do nothing.”

There is a concept, a slogan if you will, popular in some circles, known as Rule 303. Because of its somewhat colorful origin story it is often misrepresented to mean "might makes right". But its actual meaning would be better represented as,

"When faced with an injustice, those with the ability to act have the moral imperative to do so."

Silence is not an absence of a statement and avoidance is not a neutral stance. Regardless of the issue, a lack of action and a lack of a public statement is itself an action and a public stance on the issue. Silence is closer to approval and agreement than to condemnation.

I have unfortunately spent a lot of time in hospitals. And I have found that 99% of all nurses that I have interacted with have been wonderful people. Truly kind, caring, wonderful people. But there have been a few, just a small handful, who I did not have such positive interactions with. I am sure their hearts were in the right place, but whether because of stress, being overworked, or just plain burnout, things went wrong. In some cases, catastrophically. My life was put in danger and 10 years later I still have a very hard time feeling safe just entering a hospital.

Our healthcare system is setup to ask too much of our nurses. To work too long. To be the first line of defense too often. To give too much of themselves for the sake of those they are working to help.

Looking back, I believe many of the negative events I experienced could have been prevented through a few simple managerial and policy changes. Policy changes such as:

- increase their vacation time
- less time on call
- improved partnership between nurses and other health services groups such as mental health services and social workers
- debriefing and access to counseling after notable or stressful events
- increased access to, and encouragement to use, mental health and counseling services themselves

I see a lot of parallels between our nurses and our police officers.

I believe our police officers would be the first to stand up and say that we ask them to fulfil too many roles. Our police force should not be our first line of defense for every crisis. They should be our last line of defense, and then only for violent crimes and matters of legal enforcement.

We need a more robust system including services like on call mental health counseling, drug rehabilitation, crisis management, and other social services. These are all huge systemic and societal problems which require their own specialized training and resources. If we simply dump these burdens on our police officers as the *de facto* responders, we will break our police officers.

If we, as citizens, dial 911, how often is a police officer the most appropriate first responder? If someone is having a crisis due to drugs or alcohol, a drug rehab counselor will have a better success rate in deescalating the situation and getting that person on the path to recovery. If a minor crime was committed during that event, chances are it can be dealt with after the situation has been deescalated. Having all parties in a calmer state of mind will only help the responding police officers conduct their duties in a safer and more efficient manner.

If there is a rape, a counselor specialized in that type of emotional and physical trauma should be the first responder. To place that emotional burden on a police officer with comparatively little training is a disservice to both the officer and the victim.

If your primary tool is enforcement, then enforcement will tend to be your primary response. If stress levels rise because you are put in a situation where you have inadequate training, support, or experience, then you will rely even more strongly on your primary trained response. Often, this is not the optimal, or even an adequate, response to a given situation.

Our police force plays a critical role in supporting and protecting our society and our way of life. The sheer prevalence of a civil police force throughout history and throughout the world speaks to their necessity in preventing a society's slow decay into lawlessness. But such responsibility demands a light touch.

We must remember that our police officers are people too. They have their own hopes and dreams, their own personal and professional stressors, and their own emotions. If we deny them that humanity, treating them like robots and expect them to simply perform their job without fail as we pile duty after responsibility after duty upon their shoulders, then we will break them. We must support those who support us.

With that, I would like to propose a few citywide policy changes in support of both our citizens and the officers who protect us.

1. We need a dedicated, funded, mental health crisis department with a leadership position within the Philomath city government on equal standing with our Chief of Police, Ken Rueben. This department would be the dedicated first responder for all drug, mental health, suicide, and rape cases. This department could be started as a trial program with as little as two part-time employees for a cost of approximately the cost of a single additional full-time police officer. This department would work in conjunction with our police force in order to reduce the crisis management burden placed upon our

police officers. It would also function with the support of our police department so that they can enter crisis situations knowing that they can call for police backup at any time should the situation warrant. (Initially since it would not be integrated into the 911 service, call to action would need to be routed through the police department dispatch.)

2. We need a PTSD mental health specialist available to our officers at all times to provide counseling and debriefing services after our officers have been through unusual, stressful, or traumatic events. PTSD comes on slowly and can sometimes take months or years to manifest. With appropriate early intervention we can protect our officers from the subtle but incapacitating mental degradation it brings. I can tell you from experience, PTSD is difficult to self-diagnose and causes situational awareness and threat assessment impairments on par with a level of intoxication well beyond the legal limits to drive. If we are going to ask our first responders to step into the line of danger to protect us, it is our moral duty to protect them when they return. Slogans like "Support the Troops" and "Never Forget" become hollow and meaningless if we don't put our money where our mouth is.

3. Trust is built upon transparency, and one of the best ways to keep our officers safe is to ensure that they are trusted by all members of the community so when they are asked to respond to an incident they calm the situation and don't spark violence against themselves. Therefore, it would be in the best interest of our officers to release a public statement regarding the events occurring in our country right now and to commit to provide complete transparency on all internal policies and procedures. If this information is already publicly available, then I admit that I do not know where it could be found, in which case, it need only be highlighted more publicly to make it more easily accessible for community members.

4. In support of the interest of transparency, we should form the legal and policy framework for an independent review board to examine any allegations of police misconduct. The formation of

this policy would be a large step in demonstrating a commitment to transparency and to protecting our police officers and their position of trust within the community. To that end, the committee must have the power to dismiss any officer found to have violated their moral or ethical duty to the community, while at the same time having the power to bring charges against anyone found to have filed false allegations of misconduct. This will have the net effect of dispelling any latent suspicion towards police officers by signaling to community members that our officers are confident in holding themselves to the high moral standard we expect of them, while providing officers protection from false allegations and providing a public avenue to clear their good name against any false allegations or rumors. Lastly, this will protect all officers in the event that a "bad apple" does eventually make it on to the police force by shielding the trust and reputation of the other officers from any unethical actions by a single individual.

But it cannot be stressed enough, this committee must be completely and wholly independent from law enforcements. This means no current or former law enforcement officers could sit on this committee. This is important because having current or former law enforcement personnel involved would erode trust in the committee's independent and non-bias evaluation of the situation.

5. We need a legal policy in place giving all police officers the moral and legal duty to report any and all misconduct by their peers or else become culpable themselves to any charges resulting from that misconduct. As stated above, silence is implicit agreement, so not reporting seems akin to aiding and abetting. To that end, there must be strong policies put in place to encourage and protect any reporters from potential retaliation. Anything one of our officers would feel ethically compelled to report is something we as a community would not want to occur in the first place. And while I am sure that no officer on our police force has or would ever engage in ethically or morally troubling behavior, the willingness to submit to scrutiny sends a very strong

public signal about the confidence one has in one's ethical and moral standing.

I believe each of these changes will bring strong, positive changes to the community as a whole and provide community-wide benefits far outweighing their cost. I believe these changes will be to the benefit of our police officers by providing them with increased safety and protection while also enhancing their position of honor and trust within the community.

Regarding cost, in my estimation:

1. (mental health counseling first responder) a trial program to test the efficacy of such a program could be started for a yearly budgetary cost on the order of \$50k if two counselors willing to work in the program for lower than market rate could be found. This would be a bare minimum, and while I understand we are a small community with limited budgetary flexibility, a larger budgetary commitment would signal a greater pledge to success of this trial program. This would also need to come with a firm commitment to fully fund the program at competitive market rate should the one-year review of the program results find that it is a net benefit to the community.

2. (PTSD prevention and mental health services and associated protocols for police officers) I do not have the information to provide an educated guess as to the cost of such a program, because I do not know the number of police officers in our department nor the frequency with which such events occur. However, I believe it to be unconscionable and unethical to send our police officers into harm's way without such a program in place. It is obvious that we would provide medical care and support for physical injuries suffered in the line of duty. It seems to me to be a self-evident conclusion that we as a community would have the moral imperative to do so for mental and psychological injuries as well.

3. (policy and protocol transparency) I expect this would cost less than \$5,000 to hire a technical writer to fully document the process. And less than \$10,000 to hire a graphics designer and web designer to make

this understandable and accessible to all members of the community. This would be a one-time cost which would remain relevant and provide benefit for the next 10 years or more.

4. (an independent review board) outside of the cost of developing the policy and legal framework, this should create little recurring yearly costs. Philomath is a small community, so such allegations and reviews should be necessary only occasionally. Furthermore, review board members could be compensated for their time in the same manner as jurors: pay a simple daily fee to compensate for lost wages. If we estimate a 5-person review board, with a 4-Day investigation time, a frequency of 2 allegations per year, and a \$100 per day compensation fee then the estimated cost of such a program would be on the order of \$4,000 per year. However, I expect all of those numbers are estimated high. I do not expect investigations would take so long nor happen is frequently, so that should probably be taken as a top end of cost with the true yearly cost coming in much lower.

5. (a legal and moral obligation to report) this should create no budgetary impact beyond that required to draft and enact the legal language and policy framework.

In addition, I would like to highlight that each of these proposed policies will work in conjunction with one another to enhance their benefits while reducing their costs. Number 5 (duty to report) and number 3 (greater published transparency) will both reduce the need for number 4 (independent review board) while number 4 will enhance and reduce the necessity of number 5 and number 3. While number 1 (dedicated mental health and crisis first responder) will reduce the burden we place upon our officers thereby reducing the need for number 2 (PTSD and mental health intervention) while number 2 will further reduce the stress and burden upon our officers improving their readiness for threat assessment during crisis response and intervention.

This move would be a net job creator, forming several new permanent positions right here in Philomath.

Consider this: In 2009 the world was still reeling from the greatest economic collapse since the Great Depression. Australians, like everyone else in the world, were concerned that if the banking system collapsed, they could lose all of their life's savings. Such concern can naturally cause people to immediately withdraw all of their money from the banks. However, such a panic would be disastrous and would quickly lead to a so-called *run on the bank* (i.e. when the bank runs out of cash on hand, further fueling the panic). In order to reassure its citizens and prevent this from occurring, the Australian Government formed a company in the United States in order to gain access to wealthy US investment firms. They did this in order to reassure all Australian citizens that no matter what happened the government would still have access to the funds required to be able to guarantee that their savings were safe.

To this day, this mechanism has never been used. Its very existence provided the reassurance necessary to prevent the very panic it was designed to alleviate. For the cost of some paperwork, the Australian government altered the situation so that the very existence of the solution made ensured that the problem never occurred.

In my opinion, this was an act of genius in its elegant simplicity. We have the opportunity to do the same here in Philomath. To create some simple, straightforward policy changes which would reassure the community and thereby make themselves unnecessary.

If policies like a duty to report and a legal framework for the formation of an independent allegation review board are never used, all the better. Because this means they are fulfilling their purpose in the best way possible, and all for the cost of some paperwork.

Philomath has the opportunity, today, to become a policy leader in our area and to set the standard by which all other Oregon municipalities measure

themselves. Let us courageously take that step and become the city that everyone else wants to be.

I urge you to publicly speak on this matter and be the voice of leadership to guide our community forward.



DAN RAYFIELD
STATE REPRESENTATIVE
DISTRICT 16

July 13th, 2020

VIA EMAIL ONLY
ruth.post@philomathoregon.gov

Mayor Eric Niemann
Philomath City Council
City Hall Council Chambers
980 Applegate Street
Philomath, OR 97370

RE: City Council Resolution Regarding Inclusivity and Affirming Black Lives Matter

Dear Mayor Niemann and Councilmembers,

I am writing to offer my support for the inclusivity resolution that will be presented to the Philomath City Council for a vote on Monday, July 13th. This resolution will help our community to better support all individuals who reside here. Support and inclusivity have always been paramount, but are especially so during this time of uncertainty and change.

As written, the resolution outlines Philomath's commitment to equality for all members of the community, as well as condemning racism. I believe that now is an excellent time to affirm these principles and I urge Mayor Niemann and the members of the Council to pass this resolution as soon as possible.

The principles outlined in the existing resolution are valuable and worthy of passage on their own. However, I would like to use this opportunity to express my support for the Black Lives Matter (BLM) movement as well, something that the resolution does not choose to include. The BLM movement has been a catalyst for much of the progress that our nation has made during the recent months. I strongly believe that the ongoing participation of the movement in conversations regarding systemic racism will result in more equitable outcomes for all members of our society.

Benton County and the City of Corvallis have both made the decision to express their support for the BLM movement. I hope that in the future, after the passage of the current resolution, the City of Philomath will consider a similar affirmation and expression of support. If you have any questions, please don't hesitate to reach out to our office at 503-986-1416.

Very truly yours,

Dan Rayfield



Philomath City Council Agenda Item Summary

Title/Topic: Social Service Funding Allocations

Meeting Date: July 13, 2020
Department: Finance

Subcommittee: Finance & Administration
Chair: Councilor David Low

ISSUE STATEMENT

How does the Philomath City Council wish to allocate 2020-21 Social Service Funding appropriations?

BACKGROUND

The City of Philomath has a policy to designate funding for local nonprofit organizations which follows three steps. The first step is for the Finance & Administration Committee to review the applications received and make a recommendation for allocating funds.

The second step is to have the Budget Committee appropriate the funding through the budget process. For fiscal year 2020-21, \$21,700 was appropriated for general social service funding, and \$10,000 was appropriated for funding through the Water and Sewer funds.

The third step is to take the Finance and Administration Committee recommendation to the City Council. The Council then makes the final decision as to which organizations should receive funds and how much to allocate to each organization.

Attachment A is provided for the 2020-21 fiscal year funding.

COUNCIL OPTIONS

1. Allocate Social Service Contributions based on the Finance/Administration Committee's recommendation.
2. Modify the Finance/Administration Committee's recommendation.

RECOMMENDED MOTION

I move the City Council approve Social Service contributions for fiscal year 2020-21 to the following agencies:

PYAC	_____
Philomath Community Services	_____
ABC House	_____
Meals on Wheels	_____
Strengthening Rural Families	_____
Maxtivity	_____
Total	<u><u>\$21,700</u></u>

Further, I move the City Council approve contributions from the Water and Sewer funds for fiscal year 2020-21 to the following agencies:

Vina Moses	_____
We Care	_____
Total	<u><u>\$</u></u>

SOCIAL SERVICE AGENCY FUNDING REQUESTS

Agency	Representative	2019-20 Donation	2020-21 Funding Requested	2020-21 F&A Committee	City Council Funding Recommended
PYAC	Ed Van Vlack	\$7,000	\$10,000	\$6,450	
Philomath Community Services	William Wright	\$6,100	\$10,000	\$9,500	
ABC House	Jennifer Gilmore-Robinson	\$3,000	\$3,000	\$2,500	
Meals on Wheels	Anita Lengacher	\$1,500	\$1,500	\$1,500	
Strengthening Rural Families	Paul Smith	\$1,200	\$2,000	\$1,500	
Maxtivity	Lori Paul		Varied	\$750	
	TOTAL	\$18,800		\$21,700	\$21,700

SUGGESTED MOTION: I move the City Council approve the following donations, (name of each agency and donation amount), for a total of \$21,700 in social service donations.

Agency	Representative	2019-2020 Donation	2020-21 Funding Requested	2020-21 F&A Committee	City Council Funding Recommended
Vina Moses	Ilene McClelland	\$3,000	\$3,000	\$3,000	
We Care	Bob Loewen	\$5,000	\$4,000-6,000	\$6,000	
	TOTAL	\$8,000		\$9,000	\$10,000

SUGGESTED MOTION: I move the City Council approve the following donations, (name of each agency and donation amount), for a total of \$10,000 from the water and sewer funds.

TO: Mayor and City Council
City Manager

FROM: Jim Brewer, City Attorney

DATE: June 16, 2020

RE: Proposed Ballot Title for Possible Charter Amendment Related to Staggered
Council Terms and Term Limits

ISSUE:

To place the proposed Charter Amendment on the Ballot, the City Council should review and approve the Ballot Title for the upcoming City Charter Amendment election.

DISCUSSION:

A proposed Ballot Title drafted by the City Attorney's Office is attached to this memorandum for the Council to review. Once a Ballot Title has been approved by the City Council, it is then forwarded to the City Recorder's office for the proper posting, with an anticipation that the matter would be voted on in the November election.

By state law the Ballot Title must contain:

[A] caption that does not exceed 10 words and that reasonably identifies the subject of the measure; a question that does not exceed 20 words and that plainly phrases the chief purpose of the measure, so that an affirmative response corresponds to a "yes" vote on the ballot; and finally, a summary of the measure that does not exceed 175 words and that is a concise and impartial summary of the measure and its major effects.

The attached draft contains a parenthetical maximum number of words and the number of words in the draft. Amendments need to remain impartial and comply with the word count maximums.

RECOMMENDATION:

The Council should review and adopt the attached Ballot Title.

Optional Motions:

1. I move to adopt Resolution 20-10, the proposed Ballot Title to place the Charter Amendments before the voters for the November 2020 general election.
2. I move to not place the proposed Charter Amendments before the voters at this time.

Attachments: Proposed text of Ballot Title related to staggered Council terms and term limits.
Proposed text of Charter Amendments.

RESOLUTION 20-10

BALLOT TITLE PLACING THE FOLLOWING MEASURE ON THE NOVEMBER 3, 2020 GENERAL ELECTION BALLOT AMENDING THE CHARTER OF THE CITY OF PHILOMATH REGARDING MAYOR AND CITY COUNCIL TERMS AND QUALIFICATIONS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PHILOMATH, that the following ballot title is to be submitted to the legal voters of Philomath, Oregon, for their approval or rejection at an election to be held November 3, 2020, between the hours of 7:00 AM and 8:00 PM. This election will be conducted by mail-in ballots, with ballot information being sent to voters two to three weeks prior to the election. Citizens may vote by mailing in ballots or dropping off their ballots in a drop zone any time prior to 8:00 PM on November 3, 2020.

The ballot title of this measure and the form in which it shall be printed on the official ballot is as follows:

CAPTION: CHARTER AMENDMENT: MAYOR AND COUNCIL TERMS AND QUALIFICATIONS

(8/10)

QUESTION: Shall the Charter be amended to limit Elected Officers to three four-year terms, staggered Council terms, and longer residency?

(20/20)

SUMMARY: If adopted by the voters, this Charter Amendment would do the following:

1. Replace current Section 3.4 of the Charter with language establishing staggered, 4-year Council terms. Three Councilors would be elected to 4-year terms in 2022; the other three would continue with two-year terms until 2024. After the 2024 election, all Councilors would serve 4-year terms.
2. Replace current Section 3.5 of the Charter with language establishing a four-year term for Mayor, beginning with the 2024 election.
3. Change current Section 3.8(3), extending the term limits for all Elected Officers (the Mayor and City Council) from the current total of ten years to no more than three four-year terms (with an exception for Council members appointed to fill a part of a Council term of less than two years).
4. Change current Section 3.8(1), extending the residency requirement for Elected Officers from 6 months to 12 months.
5. The complete text of the proposed charter amendment is on file with the City Recorder.

(163/175)

PASSED by the Council this ____ day of July 2020.

APPROVED by the Mayor this ____ day of July 2020.

SIGNED:

ATTEST:

Eric Niemann, Mayor

Ruth Post, MMC, City Recorder

Proposed text of Charter Amendments related to staggered Council terms and term limits:

1. Replace Section 3.4 and 3.5 in the following manner:

CURRENT CHARTER LANGUAGE:

~~Section 3.4 Councilors.~~

~~Councilors in office at the time this charter is adopted shall continue in office until the end of the terms for which they were elected. Councilors elected at the 1986 biennial general election shall serve a term of four years. At the first biennial general election after this charter becomes effective, three councilors shall be elected, each for a term of two years. At each subsequent biennial general election, six councilors shall be elected, each for a term of two years.~~

REPLACE WITH NEW SECTION:

Section 3.4 Councilors.

In order to have staggered 4-year terms going forward, six Councilors shall be elected at the 2022 biennial general election. Candidates for Councilor shall inform the City Election Official of the candidate's preference to serve a four-year term or a two-year term. If the 2022 election results in six successful candidates with three whose preference was to serve a four-year term and three whose preference was to serve a two-year term, that preference shall be the term served. If the 2022 election results are such that the candidate's preferences do not align with an even division of preferences, or if there is any other disagreement regarding who serves which length of terms, the three Councilors elected in 2022 with the highest number of votes shall each serve a term of four years, and the three Councilors with the lowest number of votes shall each serve a term of two years. At the 2024 biennial general election, three Councilors shall be elected, each for a term of four years.

At each subsequent biennial general election, three Councilors shall be elected, each for a term of four years.

CURRENT CHARTER LANGUAGE:

~~Section 3.5 Mayor.~~

~~At each biennial general election a mayor shall be elected for a term of two years.~~

REPLACE WITH NEW SECTION:

Section 3.5 Mayor.

Effective with the 2024 biennial general election, and then each subsequent four years, a mayor shall be elected for a term of four years.

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2. Amend Section 3.8 as follows:

AMEND SECTION 3.8(1) and (3) to read:

Section 3.8 Qualifications of officers.

(1) To be eligible for an elective city office, a person at the time of election must be a qualified elector within the meaning of the state constitution and have resided in the city during the ~~six~~ **twelve** months immediately preceding the election. For purposes of this subsection, “city” means all areas included in the corporate limits as of the date of the election.

(2) No appointive officer or employee may serve on the council.

(3) No person may be a candidate for the offices of mayor and council at the same election, nor shall any person serve a continuous period of the council, including service as mayor, of more than ~~ten years plus the portion of a partial term to which he or she may have been originally appointed.~~ **more than three four-year terms. For purposes of eligibility, a person appointed to fill a council position pursuant to Section 7.2 of this Charter shall be considered to have served a four-year term only if the person has served in the appointed council position for two years or more. A partial term of less than two years shall not be counted in considering the eligibility of a person.**

(4) Except as otherwise provided in this section, the council is the final judge of the qualifications and election of its own members.



CITY OF PHILOMATH RESOLUTION 20-11

A RESOLUTION PROCLAIMING INCLUSIVITY

WHEREAS, Philomath strives to be a city based on mutual respect and understanding, part of a community that welcomes and values all residents, treating everyone with human dignity and respect; and

WHEREAS, all people, regardless of race, color, ethnicity, national origin, religion, disability, sex, gender expression, gender identity, sexual orientation, marital status or age, live and work together within Philomath and bring pride to our community; and

WHEREAS, racism, intolerance, bigotry, and fear lead to discrimination and discord, which threatens the health, safety and resiliency of our community; and

WHEREAS, the City of Philomath welcomes all people who recognize the rights of individuals to live their lives with dignity, free of racism, discrimination, intolerance, bigotry, and hostility.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Philomath that this governing body:

1. Commits to the principles, assurances, philosophy, administration and implementation of Civil Rights compliance laid out through the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1991; and
2. Commits to ensuring that all public plans, policies, programs, services and activities be designed, implemented, evaluated and delivered in a manner that advances equity, improves quality of life, and reduces disparities; and
3. Condemns racism and those who display racism, discrimination, intolerance, bigotry, and hostility; and
4. Does not tolerate expressions or acts of hostility, intimidation, or harassment, and, instead, is committed to elimination of all forms of racism everywhere it exists; and
5. Denounces violence against people of color; and
6. Affirms that Black lives matter, with the understanding that the City does not necessarily endorse or support Black Lives Matter goals, policies or methods; and

RESOLUTION 2020-_____

A RESOLUTION SUPPORTING BLACK LIVES MATTER

Minutes of the July 6, 2020, Corvallis City Council meeting, continued.

A resolution submitted by Councilor Ellis.

WHEREAS, systemic racism silences vulnerable communities, overwhelmingly benefits the privileged, and enables those in power to abuse their power at the expense of the marginalized and vulnerable; and

WHEREAS, our history of systemic oppression disproportionately impacts Blacks and African Americans due to the forced migration and enslavement of African peoples hundreds of years ago; and

WHEREAS, we recognize the intersectionality of races, ethnicities and cultures and that people of color— Black/African American, Middle Eastern, Native American, Hispanic/Latinx and Asian/Pacific Islander— experience inequality, discrimination and prejudice as a daily occurrence; and

WHEREAS, this discrimination occurs in policing within communities of color; and

WHEREAS, it is also often exhibited through gerrymandering, voter suppression, redlining, and other societal structures; and

WHEREAS, to create meaningful change, we must acknowledge that the racist history of Oregon Benton County, and the City of Corvallis and its structural systems - including government—reinforces racism locally, statewide, and nationally; and

WHEREAS, the State of Oregon has begun a process of meaningful reform by recently passing several bills increasing police accountability and limiting the use of chokeholds and tear gas.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that we are dedicated to examining racism within the city of Corvallis and we are committed to listening to the needs of the communities that we serve. We have and will continue to have these conversations with our law enforcement partners and our elected legislators.

BE IT FURTHER RESOLVED that Today we stand in solidarity with our Black community. We affirm that Black lives matter today, yesterday and forever.

Councilor

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

BOARD OF COMMISSIONERS

205 NW Fifth Street

P.O. Box 3020

Corvallis, OR 97339-3020

(541) 766-6800

FAX (541) 766-6893



Statement from the Board

In the weeks since George Floyd lost his life, communities across the nation are coming together in protest to give voice to the centuries of inequality, exploitation and abuse suffered by Black and African American people in our country. The demands for change cannot go unanswered.

Our history of systemic oppression disproportionately impacts Black and African Americans due to the forced migration and enslavement of African peoples hundreds of years ago. We recognize the intersectionality of races, ethnicities and cultures and that people of color—Black/African American, Middle Eastern, Native American, Hispanic/Latinx and Asian/Pacific Islander—experience inequality, discrimination and prejudice as a daily occurrence.

To create meaningful change, we must understand the racist history that Oregon and Benton County have experienced and the structural systems - including government—that reinforce racism locally, statewide and nationally. We must commit to challenge and deconstruct these systems.

Systemic racism silences vulnerable communities, overwhelmingly benefits the privileged, and enables those in power to abuse their power at the expense of the marginalized and vulnerable. It exists beyond policing within communities of color. It is often exhibited through gerrymandering, voter suppression, redlining, and other societal structures. All systems that reinforce oppression and racism must be thoroughly examined, changed where needed and rebuilt in coordination with the people that have been historically disenfranchised. This work needs to happen at every level within our County, as well as in concert with our state and federal partners.

The Benton County Board of Commissioners is dedicated to examining racism within Benton County and we are committed to listening to the needs of the communities that we serve. We have and will continue to have these conversations with our law enforcement partners and our elected legislators. Today we stand in solidarity with our Black community. We affirm that Black lives matter today, yesterday and forever.

Sincerely,

Pat Malone

Xanthippe Augerot

Annabelle Jaramillo

7. Affirms that Philomath is a welcoming city to all, regardless of race, color, ethnicity, national origin, religion, disability, sex, gender expression, gender identity, sexual orientation, marital status or age; and
8. Affirms its commitment to ensure that all members of the community are free from acts that are rooted in racism, discrimination, intolerance, bigotry, and hostility. We will strive to inspire and continually pursue a culture of safety and wellbeing; and
9. Commits to examining racism within our city, city government, and city leadership. As community members, city staff and elected or appointed officials, we commit to seeking out training opportunities to assist in identifying and eliminating racism within our city; and

BE IT FURTHER RESOLVED that in recognition of the importance to make continuing efforts to achieve these commitments, the Philomath City Council shall annually review, update and reaffirm this resolution at the first meeting of the City Council in June, beginning in June of 2021.

PASSED by the Council this _____ day of July 2020.

APPROVED by the Mayor this _____ day of July 2020.

SIGNED:

Eric Niemann, Mayor

ATTEST:

Ruth Post, MMC, City Recorder



CITY OF PHILOMATH RESOLUTION 20-12

A RESOLUTION DECLARING THE INTENTION TO IMPROVE LANDMARK DRIVE TO CITY STANDARDS BY WAY OF A LOCAL IMPROVEMENT DISTRICT AS PRESENTED IN THE ENGINEER'S REPORT DATED JUNE 8, 2020

WHEREAS, the City of Philomath was approached by adjacent property owners to Landmark Drive, a private, unimproved road, with a request to form a local improvement district and bring the road up to city standards; and

WHEREAS, at its meeting on June 8, 2020, the Philomath City Council approved the Engineer's Report dated June 3, 2020 as complete, according to Philomath Municipal Code 14.10.010; and

WHEREAS, all adjacent property owners have been notified, provided access to the Engineer's Report, and invited to address the City Council about this topic; and

WHEREAS, Philomath Municipal Code 14.10.030 requires that prior to holding a public hearing on making the identified improvements and forming a local improvement district, the council must pass a resolution declaring its intention to make such improvement.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Philomath that the City Council declares its intention to make improvements to Landmark Drive and form a local improvement district as detailed in the Engineer's Report dated June 3, 2020. A public hearing is scheduled for August 10, 2020 and notice shall be provide in accordance with the requirements of the Municipal Code.

PASSED by the Council this _____ day of July 2020.

APPROVED by the Mayor this _____ day of July 2020.

SIGNED:

Eric Niemann, Mayor

ATTEST:

Ruth Post, MMC, City Recorder



CITY OF PHILOMATH RESOLUTION 20-13

A RESOLUTION ASSIGNING SKIRVIN PARK TO THE CITY/SCHOOL IRRIGATION RATE FOR WATER CONSUMPTION

WHEREAS, the City of Philomath owns the property at 502 S 13th Street, which it has named Skirvin Park, Home of the Philomath Frolic & Rodeo; and

WHEREAS, the Philomath Frolic & Rodeo has entered into an agreement with Philomath Youth Activities Club (PYAC) to allow that organization to build two new baseball diamonds in overflow parking field at no cost to PYAC other than the actual cost of building the fields; and

WHEREAS, PYAC has expressed concern about the cost of irrigating the new turf that will be planted, especially during the first few years to get it established, and to a lesser extent, the ongoing, but lesser amount of irrigation that will be needed each summer to keep the fields in safe playing condition; and

WHEREAS, the baseball diamonds will be used for youth baseball, softball, and other sports for the benefit of the community, and will still be available (other than the infields) to the Frolic & Rodeo during Frolic weekend and other special events held at Skirvin Park during the summer; and

WHEREAS, the City's utility fee schedule, most recently updated and approved in March 2020, has a "City/School Irrigation" fee for volume charge per unit of water consumed which is a discounted user fee to support the City and School District's efforts to maintain parks and fields throughout the city.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Philomath that the property at 502 S 13th Street, Skirvin Park, shall be assigned to the City/School Irrigation rate for volume charge per unit of water consumed, similar to other City-owned properties and the School District, effective upon passage of this resolution.

PASSED by the Council this _____ day of July 2020.

APPROVED by the Mayor this _____ day of July 2020.

SIGNED:

Eric Niemann, Mayor

ATTEST:

Ruth Post, MMC, City Recorder

MEMORANDUM OF UNDERSTANDING

Philomath Youth Activities Club and Philomath Frolic & Rodeo Association

PARTIES AND PURPOSE

This Memorandum of Understanding is made and entered into this 18 day of May, 2020 by and between Philomath Youth Activities Club, hereinafter referred to as "PYAC", and the Philomath Frolic & Rodeo Association, hereinafter referred to as "FROLIC".

PYAC has an interest in developing two baseball fields on a portion of the property leased and managed by Frolic as identified on Exhibit A to this agreement. It is in the best interest of all parties involved to establish the grounds for this development and set expectations of future use and maintenance of the ballfields.

RECITALS

The rodeo grounds in Philomath are owned by the City of Philomath and leased to FROLIC which uses the grounds for the annual Frolic & Rodeo celebration. FROLIC has authority within its lease agreement with the City of Philomath to develop the property as it sees fit and allow the public and other entities to utilize the property to park-related activities.

PYAC provides youth sports, including ^{junior} little league baseball, for the community and needs additional ballfields to hold practices and games. PYAC currently uses fields on school district property and at City Park and on school property.

FROLIC desires to maintain use of the ballfield area, less the infield areas, during large events for overflow parking.

FROLIC desires the rodeo grounds to be used by the community for complementary uses to the rodeo arena and parking areas.

The field area is within the floodplain and an application has already been submitted to the City for "development" of this area as sports fields.

As mutually agreed to and understood by all parties upon signing this document, PYAC shall:

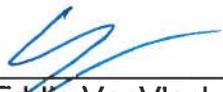
- a. Grade the fields so flood floodwater water flows in the current direction, from northwest to southeast, toward the stormwater ditch along 13th Street.
- b. Maintain the ball fields by reseeding, mowing, fertilizing, weeding, and watering as necessary.
- c. Install any needed ball field improvements such as backstops, fencing, baseline and infield dirt areas, bases, pitcher's mounts, etc.

- d. Provide FROLIC with annual proof of insurance naming the Philomath Frolic & Rodeo, Inc. and City of Philomath as additional insureds.
- e. Provide FROLIC with an annual schedule of use by PYAC each year.
- f. Provide the name and cell number for a single point of contact.
- g. Provide signage for spectator parking, seating areas, and off-limits areas as agreed to with FROLIC.
- h. Assist in maintaining the access road and parking areas.
- i. Provide at least one portable toilet for ball field uses during the months PYAC is using the area. Toilets shall be serviced regularly.
- j. Place trash bins near the ball fields and see that they are emptied on a regular basis.
- k. Provide litter patrol; ensure garbage is not placed outside of trash bins.
- l. Pay its proportionate share of the garbage and water fees each month.
- m. Pave the access road.

As mutually agreed to and understood by all parties upon signing this document, FROLIC shall

- a. Allow PYAC access to the ball fields during days and times provided on the annual schedule.
- b. Assist in maintaining the access road and parking areas.
- c. Invoice PYAC for garbage and water fees each month proportionate to its use.
- d. Protect infield from being used for parking or other uses that could damage the infield area.

IN WITNESS WHEREOF, PYAC and FROLIC have caused these presents to be executed by the officers of each who have been duly authorized to execute this Agreement.



Eddie VanVlack
Philomath Youth Activities Club

5/18/20

Date

Darrell Hinchberger
Philomath Frolic & Rodeo, Inc.

Date



7:00am Run Mon-Fri

	<u>Rides</u>	<u>Service Hours</u>	<u>Rides/Service Hour</u>
Jan 1- Jan 4, 2020	13	1.5	8.67
Jan 6- Jan 11, 2020	42	3.75	11.20
Jan 13- Jan 18, 2020	58	3.75	15.47
Jan 20- Jan 25, 2020	44	3.75	11.73
Jan 27 -Feb 1, 2020	42	3.75	11.20
Feb 3- Feb 8, 2020	48	3.75	12.80
Feb 10 - Feb 15, 2020	54	3.75	14.40
Feb 17- Feb 22, 2020	79	3.75	21.07
Feb 24- Feb 29, 2020	76	3.75	20.27
Mar 2- Mar 7, 2020	58	3.75	15.47
Mar 9- Mar 14, 2020	70	3.75	18.67
Mar 16- Mar 21, 2020	24	3.75	6.40
Mar 23 - Mar 28, 2020	18	3.75	4.80
Mar 30- Apr 4, 2020	20	3.75	5.33
Apr 6 - Apr 11, 2020	16	3.75	4.27
Apr 13 - Apr 18, 2020	16	3.75	4.27
Apr 20 - Apr 25, 2020	11	3.75	2.93
Apr 27- May 2, 2020	18	3.75	4.80
May 4- May 9, 2020	24	3.75	6.40
May 11- May 16, 2020	29	3.75	7.73
May 18- May 23, 2020	28	3.75	7.47
May 25- May 30, 2020	19	3	6.33
Jun 1- Jun 6, 2020	24	3.75	6.40
Jun 8- Jun 13, 2020	23	3.75	6.13
Jun 15- Jun 20, 2020	35	3.75	9.33
June 22 - June 27, 2020	21	3.75	5.6

8:00am Run Mon-Fri

	<u>Rides</u>	<u>Service Hours</u>	<u>Rides/Service Hour</u>
Jan 1- Jan 4, 2020	9	1.5	6.00
Jan 6- Jan 11, 2020	66	3.75	17.60
Jan 13- Jan 18, 2020	68	3.75	18.13
Jan 20- Jan 25, 2020	60	3.75	16.00
Jan 27 -Feb 1, 2020	60	3.75	16.00
Feb 3- Feb 8, 2020	56	3.75	14.93
Feb 10 - Feb 15, 2020	66	3.75	17.60
Feb 17- Feb 22, 2020	58	3.75	15.47
Feb 24- Feb 29, 2020	77	3.75	20.53
Mar 2- Mar 7, 2020	67	3.75	17.87
Mar 9- Mar 14, 2020	55	3.75	14.67
Mar 16- Mar 21, 2020	29	3.75	7.73
Mar 23 - Mar 28, 2020	15	3.75	4.00
Mar 30- Apr 4, 2020	15	3.75	4.00
Apr 6 - Apr 11, 2020	13	3.75	3.47
Apr 13 - Apr 18, 2020	14	3.75	3.73
Apr 20 - Apr 25, 2020	14	3.75	3.73
Apr 27- May 2, 2020	13	3.75	3.47
May 4- May 9, 2020	10	3.75	2.67
May 11- May 16, 2020	21	3.75	5.60
May 18- May 23, 2020	27	3.75	7.20
May 25- May 30, 2020	14	3	4.67
Jun 1- Jun 6, 2020	17	3.75	4.53
Jun 8- Jun 13, 2020	16	3.75	4.27
Jun 15- Jun 20, 2020	26	3.75	6.93
June 22 - June 27, 2020	24	3.75	6.40

8:00am Run Sat

	<u>Rides</u>	<u>Service Hours</u>	<u>Rides/Service Hour</u>
Jan 1- Jan 4, 2020	3	2.25	1.33
Jan 6- Jan 11, 2020	5	2.25	2.22
Jan 13- Jan 18, 2020	0	2.25	0.00
Jan 20- Jan 25, 2020	6	2.25	2.67
Jan 27 -Feb 1, 2020	4	2.25	1.78
Feb 3- Feb 8, 2020	12	2.25	5.33
Feb 10 - Feb 15, 2020	5	2.25	2.22
Feb 17- Feb 22, 2020	4	2.25	1.78
Feb 24- Feb 29, 2020	5	2.25	2.22
Mar 2- Mar 7, 2020	2	2.25	0.89
Mar 9- Mar 14, 2020	2	2.25	0.89
Mar 16- Mar 21, 2020	4	2.25	1.78
Mar 23 - Mar 28, 2020	1	2.25	0.44
Mar 30- Apr 4, 2020	1	2.25	0.44
Apr 6 - Apr 11, 2020	3	2.25	1.33

PHILOMATH CONNECTION
WEEKLY RIDERSHIP COMPARISON: JAN. 1 TO PRESENT

Agenda Item #1.01
Meeting Date: 7/13/2020

Apr 13 - Apr 18, 2020	4	2.25	1.78
Apr 20 - Apr 25, 2020	5	2.25	2.22
Apr 27- May 2, 2020	4	2.25	1.78
May 4- May 9, 2020	4	2.25	1.78
May 11- May 16, 2020	4	2.25	1.78
May 18- May 23, 2020	6	2.25	2.67
May 25- May 30, 2020	4	2.25	1.78
Jun 1- Jun 6, 2020	1	2.25	0.44
Jun 8- Jun 13, 2020	4	2.25	1.78
Jun 15- Jun 20, 2020	2	2.25	0.89
June 22 - June 27, 2020	1	2.25	0.44

10:00am Run Mon-Fri

	<u>Rides</u>	<u>Service Hours</u>	<u>Rides/Service Hour</u>
Jan 1- Jan 4, 2020	22	1.5	14.67
Jan 6- Jan 11, 2020	46	3.75	12.27
Jan 13- Jan 18, 2020	45	3.75	12.00
Jan 20- Jan 25, 2020	49	3.75	13.07
Jan 27 -Feb 1, 2020	70	3.75	18.67
Feb 3- Feb 8, 2020	55	3.75	14.67
Feb 10 - Feb 15, 2020	55	3.75	14.67
Feb 17- Feb 22, 2020	66	3.75	17.60
Feb 24- Feb 29, 2020	66	3.75	17.60
Mar 2- Mar 7, 2020	67	3.75	17.87
Mar 9- Mar 14, 2020	49	3.75	13.07
Mar 16- Mar 21, 2020	34	3.75	9.07
Mar 23 - Mar 28, 2020	12	3.75	3.20
Mar 30- Apr 4, 2020	26	3.75	6.93
Apr 6 - Apr 11, 2020	23	3.75	6.13
Apr 13 - Apr 18, 2020	16	3.75	4.27
Apr 20 - Apr 25, 2020	16	3.75	4.27
Apr 27- May 2, 2020	18	3.75	4.80
May 4- May 9, 2020	20	3.75	5.33
May 11- May 16, 2020	30	3.75	8.00
May 18- May 23, 2020	24	3.75	6.40
May 25- May 30, 2020	26	3	8.67
Jun 1- Jun 6, 2020	29	3.75	7.73
Jun 8- Jun 13, 2020	20	3.75	5.33
Jun 15- Jun 20, 2020	25	3.75	6.67
June 22 - June 27, 2020	27	3.75	7.2

12:00pm Run Mon-Fri

	<u>Rides</u>	<u>Service Hours</u>	<u>Rides/Service Hour</u>
Jan 1- Jan 4, 2020	14	1.5	9.33
Jan 6- Jan 11, 2020	57	3.75	15.20
Jan 13- Jan 18, 2020	72	3.75	19.20
Jan 20- Jan 25, 2020	44	3.75	11.73
Jan 27 -Feb 1, 2020	46	3.75	12.27
Feb 3- Feb 8, 2020	38	3.75	10.13
Feb 10 - Feb 15, 2020	53	3.75	14.13
Feb 17- Feb 22, 2020	56	3.75	14.93
Feb 24- Feb 29, 2020	56	3.75	14.93
Mar 2- Mar 7, 2020	32	3.75	8.53
Mar 9- Mar 14, 2020	48	3.75	12.80
Mar 16- Mar 21, 2020	35	3.75	9.33
Mar 23 - Mar 28, 2020	19	3.75	5.07
Mar 30- Apr 4, 2020	48	3.75	12.80
Apr 6 - Apr 11, 2020	39	3.75	10.40
Apr 13 - Apr 18, 2020	35	3.75	9.33
Apr 20 - Apr 25, 2020	29	3.75	7.73
Apr 27- May 2, 2020	29	3.75	7.73
May 4- May 9, 2020	24	3.75	6.40
May 11- May 16, 2020	28	3.75	7.47
May 18- May 23, 2020	34	3.75	9.07
May 25- May 30, 2020	33	3	11.00
Jun 1- Jun 6, 2020	46	3.75	12.27
Jun 8- Jun 13, 2020	37	3.75	9.87
Jun 15- Jun 20, 2020	22	3.75	5.87
June 22 - June 27, 2020	38	3.75	10.13

12:00pm Run Sat

	<u>Rides</u>	<u>Service Hours</u>	<u>Rides/Service Hour</u>
Jan 1- Jan 4, 2020	12	2.25	5.33
Jan 6- Jan 11, 2020	8	2.25	3.56
Jan 13- Jan 18, 2020	6	2.25	2.67
Jan 20- Jan 25, 2020	14	2.25	6.22
Jan 27 -Feb 1, 2020	7	2.25	3.11
Feb 3- Feb 8, 2020	11	2.25	4.89
Feb 10 - Feb 15, 2020	7	2.25	3.11
Feb 17- Feb 22, 2020	8	2.25	3.56
Feb 24- Feb 29, 2020	8	2.25	3.56
Mar 2- Mar 7, 2020	11	2.25	4.89
Mar 9- Mar 14, 2020	9	2.25	4.00
Mar 16- Mar 21, 2020	4	2.25	1.78
Mar 23 - Mar 28, 2020	4	2.25	1.78
Mar 30- Apr 4, 2020	2	2.25	0.89
Apr 6 - Apr 11, 2020	3	2.25	1.33

PHILOMATH CONNECTION
WEEKLY RIDERSHIP COMPARISON: JAN. 1 TO PRESENT

Agenda Item #1.01
Meeting Date: 7/13/2020

Apr 13 - Apr 18, 2020	3	2.25	1.33
Apr 20 - Apr 25, 2020	3	2.25	1.33
Apr 27- May 2, 2020	1	2.25	0.44
May 4- May 9, 2020	5	2.25	2.22
May 11- May 16, 2020	4	2.25	1.78
May 18- May 23, 2020	7	2.25	3.11
May 25- May 30, 2020	7	2.25	3.11
Jun 1- Jun 6, 2020	4	2.25	1.78
Jun 8- Jun 13, 2020	3	2.25	1.33
Jun 15- Jun 20, 2020	3	2.25	1.33
June 22 - June 27, 2020	3	2.25	1.33

1:00pm Run Mon-Fri

	<u>Rides</u>	<u>Service Hours</u>	<u>Rides/Service Hour</u>
Jan 1- Jan 4, 2020	12	1.5	8.00
Jan 6- Jan 11, 2020	28	3.75	7.47
Jan 13- Jan 18, 2020	33	3.75	8.80
Jan 20- Jan 25, 2020	34	3.75	9.07
Jan 27 -Feb 1, 2020	34	3.75	9.07
Feb 3- Feb 8, 2020	36	3.75	9.60
Feb 10 - Feb 15, 2020	40	3.75	10.67
Feb 17- Feb 22, 2020	23	3.75	6.13
Feb 24- Feb 29, 2020	49	3.75	13.07
Mar 2- Mar 7, 2020	50	3.75	13.33
Mar 9- Mar 14, 2020	29	3.75	7.73
Mar 16- Mar 21, 2020	31	3.75	8.27
Mar 23 - Mar 28, 2020	20	3.75	5.33
Mar 30- Apr 4, 2020	9	3.75	2.40
Apr 6 - Apr 11, 2020	17	3.75	4.53
Apr 13 - Apr 18, 2020	20	3.75	5.33
Apr 20 - Apr 25, 2020	11	3.75	2.93
Apr 27- May 2, 2020	15	3.75	4.00
May 4- May 9, 2020	19	3.75	5.07
May 11- May 16, 2020	16	3.75	4.27
May 18- May 23, 2020	21	3.75	5.60
May 25- May 30, 2020	17	3	5.67
Jun 1- Jun 6, 2020	18	3.75	4.80
Jun 8- Jun 13, 2020	26	3.75	6.93
Jun 15- Jun 20, 2020	30	3.75	8.00
June 22 - June 27, 2020	27	3.75	7.2

3:00pm Run Mon-Fri

	<u>Rides</u>	<u>Service Hours</u>	<u>Rides/Service Hour</u>
Jan 1- Jan 4, 2020	19	1.5	12.67
Jan 6- Jan 11, 2020	68	3.75	18.13
Jan 13- Jan 18, 2020	65	3.75	17.33
Jan 20- Jan 25, 2020	66	3.75	17.60
Jan 27 -Feb 1, 2020	68	3.75	18.13
Feb 3- Feb 8, 2020	71	3.75	18.93
Feb 10 - Feb 15, 2020	83	3.75	22.13
Feb 17- Feb 22, 2020	76	3.75	20.27
Feb 24- Feb 29, 2020	83	3.75	22.13
Mar 2- Mar 7, 2020	82	3.75	21.87
Mar 9- Mar 14, 2020	57	3.75	15.20
Mar 16- Mar 21, 2020	35	3.75	9.33
Mar 23 - Mar 28, 2020	26	3.75	6.93
Mar 30- Apr 4, 2020	29	3.75	7.73
Apr 6 - Apr 11, 2020	23	3.75	6.13
Apr 13 - Apr 18, 2020	36	3.75	9.60
Apr 20 - Apr 25, 2020	29	3.75	7.73
Apr 27- May 2, 2020	31	3.75	8.27
May 4- May 9, 2020	35	3.75	9.33
May 11- May 16, 2020	35	3.75	9.33
May 18- May 23, 2020	21	3.75	5.60
May 25- May 30, 2020	24	3	8.00
Jun 1- Jun 6, 2020	32	3.75	8.53
Jun 8- Jun 13, 2020	35	3.75	9.33
Jun 15- Jun 20, 2020	34	3.75	9.07
June 22 - June 27, 2020	20	3.75	5.33

5:00pm Run Mon-Fri

	<u>Rides</u>	<u>Service Hours</u>	<u>Rides/Service Hour</u>
Jan 1- Jan 4, 2020	11	1.5	7.33
Jan 6- Jan 11, 2020	57	3.75	15.20
Jan 13- Jan 18, 2020	48	3.75	12.80
Jan 20- Jan 25, 2020	37	3.75	9.87
Jan 27 -Feb 1, 2020	51	3.75	13.60
Feb 3- Feb 8, 2020	55	3.75	14.67
Feb 10 - Feb 15, 2020	59	3.75	15.73
Feb 17- Feb 22, 2020	67	3.75	17.87
Feb 24- Feb 29, 2020	51	3.75	13.60
Mar 2- Mar 7, 2020	50	3.75	13.33
Mar 9- Mar 14, 2020	71	3.75	18.93
Mar 16- Mar 21, 2020	38	3.75	10.13
Mar 23 - Mar 28, 2020	34	3.75	9.07
Mar 30- Apr 4, 2020	29	3.75	7.73
Apr 6 - Apr 11, 2020	48	3.75	12.80
Apr 13 - Apr 18, 2020	35	3.75	9.33
Apr 20 - Apr 25, 2020	19	3.75	5.07
Apr 27- May 2, 2020	21	3.75	5.60
May 4- May 9, 2020	18	3.75	4.80
May 11- May 16, 2020	22	3.75	5.87
May 18- May 23, 2020	21	3.75	5.60
May 25- May 30, 2020	16	3	5.33
Jun 1- Jun 6, 2020	24	3.75	6.40
Jun 8- Jun 13, 2020	26	3.75	6.93
Jun 15- Jun 20, 2020	31	3.75	8.27
June 22 - June 27, 2020	18	3.75	4.80

5:00pm Run Sat

	<u>Rides</u>	<u>Service Hours</u>	<u>Rides/Service Hour</u>
Jan 1- Jan 4, 2020	3	2.25	1.33
Jan 6- Jan 11, 2020	3	2.25	1.33
Jan 13- Jan 18, 2020	12	2.25	5.33
Jan 20- Jan 25, 2020	8	2.25	3.56
Jan 27 -Feb 1, 2020	10	2.25	4.44
Feb 3- Feb 8, 2020	8	2.25	3.56
Feb 10 - Feb 15, 2020	5	2.25	2.22
Feb 17- Feb 22, 2020	7	2.25	3.11
Feb 24- Feb 29, 2020	5	2.25	2.22
Mar 2- Mar 7, 2020	3	2.25	1.33
Mar 9- Mar 14, 2020	4	2.25	1.78
Mar 16- Mar 21, 2020	1	2.25	0.44
Mar 23 - Mar 28, 2020	3	2.25	1.33
Mar 30- Apr 4, 2020	0	2.25	0.00

PHILOMATH CONNECTION
WEEKLY RIDERSHIP COMPARISON: JAN. 1 TO PRESENT

Agenda Item #1.01
Meeting Date: 7/13/2020

Apr 6 - Apr 11, 2020	4	2.25	1.78
Apr 13 - Apr 18, 2020	2	2.25	0.89
Apr 20 - Apr 25, 2020	2	2.25	0.89
Apr 27- May 2, 2020	4	2.25	1.78
May 4- May 9, 2020	2	2.25	0.89
May 11- May 16, 2020	6	2.25	2.67
May 18- May 23, 2020	5	2.25	2.22
May 25- May 30, 2020	6	2.25	2.67
Jun 1- Jun 6, 2020	3	2.25	1.33
Jun 8- Jun 13, 2020	4	2.25	1.78
Jun 15- Jun 20, 2020	3	2.25	1.33
June 22 - June 27, 2020	8	2.25	3.56

6:00pm Run Mon-Fri

	<u>Rides</u>	<u>Service Hours</u>	<u>Rides/Service Hour</u>
Jan 1- Jan 4, 2020	11	1.5	7.33
Jan 6- Jan 11, 2020	23	3.75	6.13
Jan 13- Jan 18, 2020	27	3.75	7.20
Jan 20- Jan 25, 2020	25	3.75	6.67
Jan 27 -Feb 1, 2020	19	3.75	5.07
Feb 3- Feb 8, 2020	20	3.75	5.33
Feb 10 - Feb 15, 2020	25	3.75	6.67
Feb 17- Feb 22, 2020	41	3.75	10.93
Feb 24- Feb 29, 2020	42	3.75	11.20
Mar 2- Mar 7, 2020	40	3.75	10.67
Mar 9- Mar 14, 2020	26	3.75	6.93
Mar 16- Mar 21, 2020	24	3.75	6.40
Mar 23 - Mar 28, 2020	13	3.75	3.47
Mar 30- Apr 4, 2020	15	3.75	4.00
Apr 6 - Apr 11, 2020	19	3.75	5.07
Apr 13 - Apr 18, 2020	19	3.75	5.07
Apr 20 - Apr 25, 2020	6	3.75	1.60
Apr 27- May 2, 2020	13	3.75	3.47
May 4- May 9, 2020	19	3.75	5.07
May 11- May 16, 2020	10	3.75	2.67
May 18- May 23, 2020	12	3.75	3.20
May 25- May 30, 2020	11	3	3.67
Jun 1- Jun 6, 2020	10	3.75	2.67
Jun 8- Jun 13, 2020	16	3.75	4.27
Jun 15- Jun 20, 2020	24	3.75	6.40
June 22 - June 27, 2020	26	3.75	6.93

CITY OF PHILOMATH
Finance/Administration Committee
June 16, 2020

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5 Chair David Low called the meeting to order at 4:00 p.m. Due to the COVID-19 pandemic state
6 of emergency, members of the Committee and staff attended by videoconference. The public
7 was also provided with log-in instructions to listen and observe the meeting electronically.
8

9 **ROLL CALL:**

10 Committee: City Councilors Matt Lehman, Chas Jones and David Low.
11 Staff: City Manager Chris Workman, Finance Director Joan Swanson, and City Recorder Ruth
12 Post.
13

14 **2.1 APPROVAL OF MINUTES:**

15 Councilor Jones moved, Councilor Lehman second, to approve the minutes of May 19, 2020 as
16 presented. Motion APPROVED 3-0 (Yes: Jones, Low and Lehman; No: None).
17

18 **3. NEW BUSINESS:**

19 **3.1 Review of social service agency support applications** – Ms. Swanson summarized the
20 Council Policy to use a portion of State Revenue Sharing Funds to provide contributions to
21 social service agencies that provide services the City is unable to provide and the policy to
22 provide funding from the Water and Sewer Funds to agencies that provide water and sewer
23 assistance to customers in need.
24

25 Chair Low thanked staff for development of the application form to be used by the agencies. He
26 noted that requested funds in the applications exceeded the \$21,700 amount available.
27 Councilor Lehman declared that his wife is employed by Strengthening Rural Families (SRF).
28 There was discussion about the Committee's action to be a recommendation to the Council but
29 at the City Council meeting there would be a need to recuse himself from the discussion and
30 decision. Chair Low declared a family tie to Philomath Youth Activities Club (PYAC) and his
31 position as a member of the Board for Philomath Community Services (PCS). Mr. Workman
32 advised that Chair Low could participate at the Committee level but should recuse himself from
33 the City Council discussion.
34

35 The Committee reviewed each application, focusing on the types of services provided and
36 intended use of requested funding.
37

38 PYAC: The Committee discussed fundraising programs that have been cancelled and sports
39 programs that have been cancelled. There was discussion about the proposed uses of funds.
40

41 PCS: The Committee discussed the proposed use of funds to install the cooler that was donated
42 to PCS by a third party.
43

44 ABC House: There was discussion about the number of residents served and the organization's
45 budget.
46

47 Meals on Wheels: There was discussion about the residents served.
48

49 SRF: There was discussion about the services provided and number of residents served.
50

1 Maxtivity: There was discussion about the approach taken in the application. There was
2 discussion about the mural projects described in the application. There was discussion about
3 whether to designate funds to a specific project or not. There was discussion about the benefits
4 of supporting art from a mental health aspect and discussion about a mural being more of an
5 economic benefit as a local attraction. The Committee decided a \$750 contribution towards art
6 education was appropriate.

7
8 The Committee discussed each application and a proposed contribution amount.

9
10 **MOTION:** Councilor Jones moved, Councilor Lehman, second, the committee recommend to
11 the City Council the following donations: PYAC \$6,450; PCS \$9,500; ABC House \$2,500; Meals
12 on Wheels \$1,500; SRF \$1,500; and Maxtivity \$750, for a total of \$21,700 in social service
13 donations.

14
15 Mr. Workman recommended staff present the proposed allocations to the City Council based on
16 the consensus of the Committee and that a specific motion not be forwarded to the Council.
17 Motion withdrawn by Councilor Jones.

18
19 **MOTION:** Councilor Jones moved, Councilor Lehman second, the Committee recommend a
20 total of \$21,700 in social service contributions to the following agencies: PYAC, PCS, ABC
21 House, Meals on Wheels, SRF, and Maxtivity. Motion APPROVED 3-0 (Yes: Jones, Lehman,
22 and Low; No: None.)

23
24 The Committee requested the reference to FISH Emergency Services be changed to Vina
25 Moses to avoid confusion. There was discussion about the merits of providing support to the
26 two agencies compared to the City administering a utility bill assistance program in-house.
27 There was discussion about the current COVID-19 policy to not assess late fees or to shut off
28 customers and the different payment practices of customers. Ms. Swanson suggested that the
29 Council was going to need to review that policy in the near future and the need to start getting
30 some customers on track to payment towards their bills.

31
32 There was discussion about the services provided by the two agencies and the assistance they
33 would provide whether they received funds from the City or not. The Committee agreed that
34 staff should not be put in the position of reviewing financial status of customers. There was
35 discussion about whether the increased amount could be tied to COVID and justify potential
36 reimbursement from state or federal assistance programs. There was discussion about staff
37 updating the Council on the amount of customers that are in arrears. Ms. Swanson emphasized
38 the need to begin contacting customers who are not paying and identifying those who are
39 choosing not to pay their utility bill.

40
41 Councilor Jones stated concern about the funding coming from the water and sewer funds and
42 a preference for it to come from the City Council Departmental budget in the General Fund.
43 There was discussion about whether to make a recommendation to the Council or not. Mr.
44 Workman identified the negative consequences of not providing the funds and ultimately having
45 to write off the unpaid services. There was additional discussion about the importance of the
46 funds dedicated to the water and sewer funds compared to the providing of assistance out of
47 those funds to customers who can't pay.

48
49 There was discussion about the amounts requested from each agency.

1 **MOTION:** Councilor Lehman moved, Councilor Low second, the Committee recommend to the
2 City Council the following donations: Vina Moses \$3,000 and We Care \$6,000 for a total of
3 \$9,000 from the water and sewer funds. Motion APPROVED 3-0 (Yes: Jones, Lehman and Low;
4 No: None.)
5

6 **3.2 City policy on cybersecurity** – Ms. Swanson introduced the proposed policy with a
7 recommendation of adopting the best available policy now and automatically revisiting it within a
8 year. She proposed a timeline for review, referral to the Council and adoption in order to have a
9 policy in effect by July 1.
10

11 The proposed policy was reviewed by section. There was discussion about dual factor
12 authentication. There was discussion about writing passwords down. There was discussion
13 about authorization for downloading software. There was discussion about a minor change to
14 the Email Security Policy.
15

16 Under Social Engineering, Ms. Swanson noted an addition to address Awareness Training.
17 There was discussion about defining phishing.
18

19 **MOTION:** Councilor Low moved, Councilor Jones second, to move the Cyber Security Policy as
20 amended to the City Council for their deliberation. Motion APPROVED 3-0 (Yes: Jones, Lehman
21 and Low; No: None.)
22

23 **3.3 – RFP for audit services** – Ms. Swanson reviewed the most recent independent audit
24 services provider contract, personnel changes at that firm, and an increased fee request from
25 them. She explained that a request for proposals (RFP) for audit services will be issued in time
26 to secure a new auditor to complete the 2019-20 independent audit. There was discussion
27 about the cost level of the City's audit and the additional accounting documentation that Ms.
28 Swanson provides to the auditors to keep the City's cost lower. There was discussion about
29 identifying potential audit firms to solicit RFP's from. There was discussion about the process for
30 the Committee to review the proposals that are received.
31

32 **4. ADJOURNMENT**

33 **4.1** Meeting adjourned at 5:54 p.m.
34

35 Meeting recorded by Ruth Post, MMC, City Recorder

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**CITY OF PHILOMATH
Inclusivity Ad Hoc Committee
June 25, 2020**

Mayor Eric Niemann called the meeting to order at 3:02 p.m. Due to the COVID-19 pandemic state of emergency, members of the Committee and staff attended by videoconference. The public was also provided with log-in instructions to listen and observe the meeting electronically.

ROLL CALL:

City Councilor members Eric Niemann, Ruth Causey and Chas Jones.
Staff: City Manager Chris Workman, and City Attorney Jim Brewer.

NEW BUSINESS:

B. Review of Letters Received & Related Documents – Mayor Niemann reviewed letters in order and allowed each author to add to their original comments. There was discussion about the need for city leaders to make a statement to the community and appreciation for having this meeting. Additional discussion followed about the importance of the black lives matter movement.

C. Community Comments – Additional comments were received by Jackie Shaw, Giana Bernardini, Anissa Teslow Cheek, Maeve Dempsey, and others participating via video conference. Comments included support of a proclamation by the City Council. Mayor Niemann presented a draft version of a proclamation that he had prepared to help get the discussion going.

D. Next Steps – Mr. Workman recommended all meeting participants review the draft proclamation presented by Mayor Niemann and provide comments to him by Monday night, June 29th. He agreed to pull all the comments together and send them out prior to the start of the next meeting. At the recommendation of the group, a second meeting was scheduled for Wednesday, July 1, 2020 at 7:00 p.m. so attendance would be easier on people.

E. Adjournment

Meeting adjourned at 4:40 p.m.

Meeting recorded by Chris Workman, City Manager

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**CITY OF PHILOMATH
Inclusivity Ad Hoc Committee
July 1, 2020**

Mayor Eric Niemann called the meeting to order at 7:00 p.m. Due to the COVID-19 pandemic state of emergency, members of the Committee and staff attended by videoconference. The public was also provided with log-in instructions to listen and observe the meeting electronically.

A. WELCOME/INTRODUCTIONS

City Councilor members Eric Niemann, Ruth Causey and Chas Jones.
Staff: City Manager Chris Workman, and City Attorney Jim Brewer.

REVIEW OF DRAFT PROCLAMATION

Mayor Niemann reviewed a slide entitled, Anti-racism: Fixed to Growth Mindset. The Committee, with input from community members on the conference call, reviewed the draft proclamation line by line. City Manager Chris Workman led the discussion and made adjustments to the proclamation per consensus of the working group and committee members.

There was discussion about the list provide in the second recital and a recommendation to make it more inclusive. City Attorney Jim Brewer and Mr. Workman agreed to look for a more inclusive list.

There was discussion about recitals 5 and 6 that focus on the Philomath Police Department. Concerns raised included that although there was overall support for the Police Department, this proclamation was not the right place to show that support.

There was discussion about resolve #1 and if the two acts cited were sufficient and the most appropriate for this proclamation. Mr. Brewer agreed to research the issue and make a recommendation at the next meeting.

There was discussion about resolve #6 and the use of the phrase, black lives matter and whether it should be included in the proclamation or not. Concerns included the importance of using the phrase to show support for Black Lives Matter and Black members of the community; the message using the phrase would send to the police department when one of the Black Lives Matter initiatives is to defund the police; concerns about how Black members of the community feel about the movement; and the divisiveness of the phrase. It was suggested to use the phrase, "Affirms that black lives matter," but additional discussion about pros and cons continued and no consensus was reached.

There was additional discussion about resolve #5 and use of the term "brutality." Concerns included the inference to "police brutality" and the previously discussed desire to not include statements about the police in this proclamation. No consensus was reached.

Due to the hour at hand, it was decided to end the meeting and hold another meeting on July 7, 2020 at 7:00 p.m. Mr. Workman agreed to make the changes to the draft proclamation and send it to those in attendance prior to the start of the next meeting.

E. Adjournment

Meeting adjourned at 9:00 p.m.

Meeting recorded by Chris Workman, City Manager

**CITY OF PHILOMATH
Inclusivity Ad Hoc Committee
July 7, 2020**

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5 Mayor Eric Niemann called the meeting to order at 7:00 p.m. Due to the COVID-19 pandemic
6 state of emergency, members of the Committee and staff attended by videoconference. The
7 public was also provided with log-in instructions to listen and observe the meeting electronically.
8

9 **A. WELCOME/ROLL CALL**

10 City Councilor members Eric Niemann, Ruth Causey and Chas Jones.
11 Staff: City Manager Chris Workman and City Attorney Jim Brewer.
12

13 **B. APPROVAL OF PAST MINUTES**

14 Noted that the title of the minutes of June 25 should be corrected from “May 25’ to “June 25”.
15

16 Motion to approve minutes of June 25, 2020 and July 1, 2020 as amended by Councilor Jones,
17 second by Councilor Causey, approved 3-0 (yes, Causey, Jones, Niemann; no, none)
18

19 **C. REVIEW OF DRAFT PROCLAMATION**

20 Mayor Niemann summarized the effort put forth by the Committee and members of the public
21 over the past three weeks and spoke of the tragic deaths of four Black children that took place
22 over the weekend, namely Natalie Wallace, Davon McNeal, Secoriea Turner, and Royta
23 De'Marco Giles Jr. A moment of silence was observed in their memory.
24

25 Time was given to community members on the call to provide additional input or ask questions.
26 In response to a question, Mr. Workman clarified his statement that systemic racism did not
27 exist within the Philomath Police Department.
28

29 Mr. Workman led committee members through remainder of the proclamation.
30

31 Resolve #5: It was agreed to remove the term “brutality”
32

33 Resolve #6: There was discussion about use of the term “black lives matter”. It was agreed
34 that Black should be capitalized. There was discussion about what the term means to different
35 people and the importance of including or not including the phrase. There was a vote to retain
36 the phrase: Yes, Causey and Jones; No, Niemann.
37

38 Resolve #7: No concerns raised.
39

40 Resolve #8: Recommendation to rearrange the structure to make it easier to understand,
41 change “citizens” to “community members”, and strengthen the statement by replacing
42 “preventing” to “eliminating” racism within our city.
43

44 There was discussion about the final resolve and the effects of bringing the resolution back to
45 the Council annually. Mr. Brewer noted that resolutions stay in effect until they are changed.
46

47 There was additional discussion about the definition of Black lives matter and the message it
48 would or would not send to the community, including Black members and the police officers. It
49 was agreed to include clarifying language that the City Council affirmed the sentiment that Black
50 lives matter, but did not necessarily support the organization Black Lives Matter, its goals,
51 policies or methods.

1 There was a motion to move the resolution to the City Council by Councilor Causey, second by
2 councilor Jones, approved 3-0 (yes, Causey, Jones, Niemann; no, none).

3

4 There was additional discussion about community members being able to provide additional
5 testimony prior to or during the City Council meeting through the city recorder.

6

7 **E. Adjournment**

8 Meeting adjourned at 9:00 p.m.

9

10 Meeting recorded by Chris Workman, City Manager

Audience Overview

SAVE EXPORT SHARE INSIGHTS

All Users
100.00% Users

+ Add Segment

Jun 1, 2020 - Jun 30, 2020

Overview

Users vs. Select a metric

Hourly Day Week Month



Data from Google Analytics

From: [Giana Bernardini](#)
To: [Ruth Post](#)
Subject: submission for inclusion in city council packet
Date: Wednesday, July 8, 2020 12:42:57 PM

Dear Esteemed City Council Members,

I was sitting at my kitchen table, reading the news and feeling despondent over yet another report of racial violence, when a neighbor texted me that there were people protesting in front of the hardware store on Main Street. Surprised but curious, I scrawled a quick sign on a piece of cardboard and headed out. I had gone to a rally in Corvallis and felt disconnected and out of place. Chanting and marching isn't really my thing.

But to stand on the street in Philomath, to stand in my own community and give silent voice to my rage about the persistence of the violence (and blindness to the systemic racism that births these acts), felt right. This is my home, and I wanted to talk to my neighbors. What happened over the next few days that I stood on that street amazed me.

I expected the hostility, I was prepared for people to flip me off. And they did. They screamed "Fuck you!" out their windows or shook their heads in disgust. But what I wasn't prepared for were the people who cheered. I didn't expect so many folks to honk, to smile, to wave, to extend a fist in solidarity. It wasn't a few.... it was most of them. Day after day, the people driving in and out of Philomath saw a sign that said BLACK LIVES MATTER and indicated, "YES, I AGREE!" They were glad to see us there. And it was moving and heartening. There are a lot of us, many many more than I realized. (Certainly not everyone driving down Philomath Blvd was a resident, but it's reasonable to assume that a good number of them were.) It changed how I felt about my community, and made me rethink assumptions I had made. Our society's default setting is racism -- not because any of us want it to be, but because that is how it was set up to run generations ago, and we have failed to dismantle the system -- but I now believe that a groundswell of people are coming to realize it is time to make a change. Not to just say that racism is bad, but to take personal responsibility to eliminate it. In ourselves personally, and in our larger communities.

That is what this moment offers us, if we are willing to be brave and to take on that challenge. First, we can stop paying lip service to the idea of equality and actually do the hard work of educating ourselves. (Quick Quiz: which was the only state in the nation to write into its Constitution a prohibition against Black people being in the state?) As leaders in our community, we are asking you to take a stand. We are asking you to declare your willingness to fight for social justice for all. We're not asking anyone to be perfect; we're only asking that you try, to pledge to be better in the future than you are now. This is the work for each of us. To learn and grow and move forward individually, so we can all move forward together as a city.

(The answer to the above question is: **Oregon**. Not Mississippi, not Alabama. Oregon is the ONLY state that forbade Black people from entering or living here. The law wasn't repealed until 1929! And if you were surprised by this, ask yourself why you didn't know it before. Ask yourself *why we weren't taught this.*)

I offer my appreciation and gratitude for the city staff and council members who have worked so hard to bring this resolution to you. I hope you will continue what they have courageously begun.

Respectfully,
Giana Bernardini

Dear members of the Council, Mayor and other Philomath city leaders,

It has come to my attention that the Philomath City Council is engaged in an effort to draft a resolution in support of Black lives and the continued struggle of all Black, Indigenous and other Peoples of Color for a more just and equitable society. I first off want to thank you for your willingness to begin this necessary process and for following the leadership of other American towns and cities across this nation in saying, we hear you, we see you, you matter, and we are committed to affirming your safety and wellbeing. This, unfortunately, is not the easy task that it should be. The reckoning of self-reflection that is currently gripping America will not be easy to weather for White Americans. We will face hard truths about our society and about ourselves. We will be dismissed and vilified by some in the community who do not believe that Black lives... *lives*... matter as much as their comfort. For several generations White Americans have been taught that a colorblind society is a just society, that it is impolite, impolitic, and unjust to speak publicly about race and racism. We were misled. We have ignored race in the belief that "all men are created equal" while those in power have systematically worked to make sure that all men and women do not live equally. This deception, however, does not free us from blame. We are each of us responsible, complicit through our own ignorance and unwillingness to listen to the multitude of voices crying out "I can't breathe!" The knee of White supremacy has been thrust into the neck of Black Americans since they arrived in this country over 400 years ago, and we have yet to stand up!

This paradigm of silence is a form of preemptive violence. We must speak out! We must face the hard truths especially when they are painful and uncomfortable. By not doing so, we delude ourselves into upholding false narratives about our shared history. We must realize that All Lives Matter *only* when Black Lives Matter. You can't proclaim the former without first affirming the latter. We must normalize conversations about race in our society and call out racism for what it is, a system of oppression used to uplift White people while oppressing Black, Indigenous and other Peoples of Color in this country, not, as some would have you believe, individual acts of prejudice carried out by "a few bad apples". We must work to root out institutionalized racism from the ground up. It's not the apples that are bad, it's the leaves, the limbs, the trunk, the roots and soil in which the tree grows that bears the sour fruits of this unjust society.

In a sense, we need radical leadership. In an address to the National Women's Studies Association at Spelman College in 1987, Angela Davis said, "if we wish to be radical in our quest for change, then we must get to the root of our oppression. After all, radical simply means 'grasping things at the root.'" The Latin root for the word radical literally means "root", as in a plant root. In fact, the first growth to emerge from a seed is called a radicle, the embryonic root. I call on you, the city council, to view this proposed resolution as a radical beginning, an embryonic root that will take hold and anchor our community to a more just, equitable and inclusive future. This radical beginning requires strong and forceful language with the fortitude to break through the ground hardened from centuries of neglect, ignorance and many well-intended but harmful policy prescriptions. If successful, it will provide the space for other such seeds with radical solutions to take root and grow and proliferate in a bounty of color.

Will you be the radical leaders we need in this moment? Will you have the courage to stand up? To commit to a future free of institutionalized and unexamined racism that pervades *all* of American society, *especially* Oregon, and yes, even Philomath! Will you grasp at the wizened, bitter root of

racism, rip it out and replace it with the seeds of change as Black American leaders have been teaching us to do for centuries? Or will you continue to cast about bromides, preferring instead to stand on barren ground?

Thank you for your time,
Michael Brawner
232 N 7t St. Philomath, OR

From: hexagon@exchangenet.net
To: [Ruth Post](#)
Subject: Support for City Inclusivity Proclamation
Date: Wednesday, July 8, 2020 6:20:35 PM

Dear City Council Members and Mayor,

We urge the Philomath City Council to adopt the Inclusivity Proclamation to support the efforts to eliminate racism in our culture.

We have read the Final version 4 of the draft and feel that this is a good statement.

Follow up actions can help us do the work to make these statements have an effect in Philomath.

Thank you for your work on this important statement.

Jay Sexton & Toni Hoyman
232 N. 8th St.
Philomath, OR 97370

Chris Workman

From: Rose Bricker <rose.bricker808@gmail.com>
Sent: Thursday, July 09, 2020 7:30 AM
To: Eric Niemann
Cc: Chris Workman; Ruth Causey; Chas Jones
Subject: Re: Inclusivity Resolution

Good point. Maybe it read something along the lines of "...the Black Lives Matter Foundation and other similarly affiliated organizations in their goals, policies and methods"?

Just a thought. Thank you for including me in the conversation.

- Rose

On Thu, Jul 9, 2020, 7:24 AM Eric Niemann <Eric.Niemann@philomathoregon.gov> wrote:

Hi Rose - Thank you for your input. Good suggestion. We may also want to affirm that we do not endorse nor support Thousand Currents which is the actual registered 501C3 that provides financing and administrative support to the Black Lives Matter Foundation.

Thanks again for your input and participation in our work sessions.

Eric

From: Rose Bricker <rose.bricker808@gmail.com>
Sent: Wednesday, July 8, 2020 9:35 PM
To: Chris Workman
Cc: Eric Niemann; Ruth Causey; Chas Jones
Subject: Inclusivity Resolution

Hello,

Thank you for all of your efforts in the collaborative creation of the Inclusivity Resolution. I have been greatly inspired by the actions of our community leaders and I am excited to see the next steps that the City Council takes. I was shared a copy of the third (and final?) version of the resolution by Anissa and I had just one thought that I wanted to share. In Resolution #6, it currently reads:

“Affirms that Black lives matter, with the understanding that the City does not necessarily endorse or support Black Lives Matter goals, policies or methods...”

To me, if we are trying to go forth with the intention of being clear and using proper language, I feel it should read:

*“Affirms that Black lives matter, with the understanding that the City does not necessarily endorse or support **the “Black Lives Matter Foundation” and their** goals, policies or methods...”*

By using the specific Black Lives Matter Foundation’s official name (<https://blacklivesmatter.com/about/>), the resolution will be crystal clear about what the City Council is and is not (necessarily) supporting. I feel the current verbiage is too vague and is assuming that everyone knows what Black Lives Matter means. I think the meetings about the creation of this document show that this is a triggering and problematic assumption to make.

Thank you for taking the time to read through my email. I look forward to further conversations about the resolution and seeing what next steps the City Council takes.

Thank you,

Rose Bricker

Dear Mayor, members of City Council, other government officials, and community members in attendance,

Thank you for taking the time this evening to review the most recent draft of this timely and important Inclusivity Proclamation for the City of Philomath. I've been present at all of the ad hoc committee meetings and have been witness to the hours of uncomfortable, yet necessary, discussions that went into creating it.

The opportunity to further revise this proclamation before deciding upon its future is ground-breaking and of the utmost importance for our community's ongoing commitment to creating space for *"all people who recognize the rights of individuals to live their lives with dignity, free of racism, discrimination, intolerance, bigotry, and hostility,"* as the fourth paragraph of the drafted proclamation states.

In particular, I would like to direct your attention to two key sections within the proclamation that I believe require further revision. The first is subsection number six: *"Affirms that Black lives matter, with the understanding that the City does not necessarily endorse or support Black Lives Matter goals, policies or methods."* I am wondering why the addendum to this affirmation is necessary. It is worth noting that just a few days ago the City of Corvallis unanimously passed a statement in support of Black Lives Matter, without any addendum of this kind.

But at the end of the day, this proclamation isn't about Corvallis or about the Black Lives Matter movement. Including an addendum regarding The Black Lives Matter movement, as well as its goals, policies, or methods has no place in this proclamation. Its focus is the affirmation of Philomath residents. So I ask you, what is the City of Philomath affirming about Black lives that reside here? We should be proudly affirming that Black lives matter, unequivocally, without addendums or caveats.

The second section of the proclamation I would like to call into attention for revision is subsection number 9, *"Commits to examining racism within our city, city government, and city leadership. As community members, city staff and elected or appointed officials, we commit to seeking out training opportunities to assist in identifying and eliminating racism within our city"*

What, exactly, is the City of Philomath enacting to ensure that these commitments are met?

It is my understanding that an ad hoc committee, such as the one that was assembled for the creation of this proclamation, is not a usual occurrence within the City of Philomath government. However, the city's government took notice of the need within the community to have these discussions, as well as the necessity to continue this good work with future educational and training opportunities, outreach, and legislative action with the end goal of identifying and eliminating racism in Philomath. In the spirit of looking toward a future in which all Philomath community members can continue to grow and thrive, I would implore the council to consider transforming this ad-hoc committee into a standing committee (comprised of both city officials and individual community members) that would work in conjunction with external, contracted liaisons that are specifically trained in skills surrounding identity, community-building, and best practices for identifying and eliminating racism within rural communities. I would also strongly encourage that this standing committee be declared within this subsection of the proclamation as the first step in accountability toward the commitments made by the city within this proclamation.

Thank you again for the value and attention you have placed on these timely and important issues within our community. I look forward to continuing these discussions and continuing to build a stronger Philomath together.

Sincerely,
Amanda Littke-Kellam
Philomath resident

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON

3
4 LAWRENCE JOHNSON and JEFFREY LAMB,
5 *Petitioners,*

6
7 and

8
9 CATHERINE BISCOE,
10 *Intervenor-Petitioner,*

11
12 vs.

13
14 CITY OF PHILOMATH,
15 *Respondent,*

16
17 and

18
19 SCOTT LEPMAN COMPANY and
20 GLORIETTA BAY, LLC,
21 *Intervenors-Respondents.*

22
23 LUBA No. 2019-132

24
25 FINAL OPINION
26 AND ORDER

27
28 Appeal from City of Philomath.

29
30 Lawrence Johnson, Corvallis, and Jeffrey Lamb, Philomath, filed a joint
31 petition for review and a reply brief. Lawrence Johnson argued on behalf of
32 himself.

33
34 Catherine Biscoe, Philomath, filed a joint petition for review and a reply
35 brief, and argued on behalf of herself.

36
37 No appearance by City of Philomath.
38

1 Micheal M. Reeder, Eugene, filed a response brief and argued on behalf of
2 intervenors-respondents.

3
4 RYAN, Board Member; RUDD, Board Chair; ZAMUDIO, Board
5 Member, participated in the decision.

6
7 AFFIRMED 06/25/2020

8
9 You are entitled to judicial review of this Order. Judicial review is
10 governed by the provisions of ORS 197.850.

1 Opinion by Ryan.

2 **NATURE OF THE DECISION**

3 Petitioners appeal a city council decision approving a master plan for
4 development of property zoned Industrial Park and Heavy Industrial.

5 **MOTION TO DISMISS AND MOTION TO STRIKE**

6 On March 27, 2020, petitioners and intervenor-petitioner Catherine Biscoe
7 (together, petitioners) filed a petition for review. On April 27, 2020, the Board
8 received a motion to dismiss and motion to strike from intervenors-respondents
9 (intervenors).

10 **A. Motion to Dismiss**

11 Intervenors argue that the petition for review fails to comply with the
12 requirements in OAR 660-010-0030(4) that “in effect, no petition for review was
13 filed at all.” Intervenors’ Combined Motion to Dismiss and Motion to Strike 2.
14 In particular, intervenors argue that the petition for review lacks a summary of
15 material facts as required by OAR 661-010-0030(4)(b)(C); fails to identify a
16 standard of review as required by OAR 661-010-0030(4)(d); and fails to include
17 a copy of the challenged decision as required by OAR 661-010-0030(4)(e). In
18 their reply brief, petitioners respond that deficiencies in the petition for review

1 are “technical violations,” and cite an Oregon Rule of Civil Procedure that has
2 no applicability to a LUBA appeal.¹

3 LUBA has the discretion to refuse to consider a petition for review or
4 response brief that does not substantially conform to OAR 661-010-0030 or OAR
5 661-010-0035. *Cox v. Polk County*, 174 Or App 332, 337, 25 P3d 970 (2001). In
6 *Gallagher v. City of Myrtle Point*, 50 Or LUBA 303, 305-06 (2005), the petitioner
7 submitted a letter to LUBA that was apparently intended to be a petition for
8 review, but it was so noncompliant with the requirements for petitions for review
9 that we did not even recognize it as a petition for review. The city filed a response
10 brief attempting to respond to the letter and also filed a motion to dismiss or to
11 compel petitioner to comply with the requirements for a petition for review.
12 Petitioner submitted another letter purporting to respond to the motion to dismiss.
13 We dismissed the petitioner’s appeal because the letter was so grossly
14 noncompliant with the requirements for a petition for review that we had nothing
15 to review.²

¹ OAR 661-010-0005, which petitioners do not cite, provides in relevant part that “[t]echnical violations not affecting the substantial rights of parties shall not interfere with the review of a land use decision or limited land use decision.”

² We held:

“The letter includes no statement of facts establishing petitioner’s standing, no statement of the case, no description of the challenged decision or request for relief, no summary of arguments or material facts, no statement of jurisdiction, no assignments of error, and no

1 The problem with intervenors' argument is that the petition for review does
2 include a section that is a "Summary of the Facts." Intervenors' dispute is with
3 the completeness and relevance of the factual summary. Each assignment of error
4 in the petition for review also includes a section that is entitled "Standard of
5 Review." However, none of those sections identify a standard of review that
6 applies to LUBA's review of the parties' arguments, which is set out in ORS
7 197.835 and OAR 661-010-0071 and 661-010-0073.³ Intervenors are correct that
8 the petition for review fails to include a copy of the challenged decision.
9 However, that failure does not require that we dismiss the appeal.

10 Although it is a close call, we conclude that the petition for review is not
11 so grossly deficient that it fails to substantially conform to OAR 661-010-
12 0030(4).

copy of the challenged decision. For that matter, it also fails to
comply with almost all of the specifications for a petition for review
under OAR 661-010-0030(2)." 50 Or LUBA at 305-06 (footnote
omitted).

³ OAR 661-010-0030(4)(d) provides in relevant part that "[e]ach assignment
of error must state the applicable standard of review." LUBA's standard of
review of land use decisions is generally set out at ORS 197.835.

By way of example, under the first assignment of error heading, the petition
for review states: "Applicable Standard of Review: Question of Law, Question
of Due Process." Petition for Review 18. Under the second assignment of error
heading, the petition for review states: "Applicable Standard of Review: Question
of Law, Matter/Abuse of Discretion." Petition for Review 21.

1 **B. Motion to Strike**

2 The petition for review includes a single page “Declaration” at page 3.
3 Intervenors move to strike the declaration because it includes statements and facts
4 that are not part of the record and no motion to take evidence pursuant to OAR
5 661-010-0045 was submitted seeking for LUBA to consider it. Petitioners do not
6 respond to the motion to strike.

7 We agree with intervenors. Petitioners’ declaration at page 3 of the petition
8 for review is stricken and the Board will not consider it.

9 **FACTS**

10 On March 21, 2019, intervenors submitted six applications—for
11 Conceptual Planning Development (CPD) approval, Detailed Planned
12 Development (DPD) approval, two site design review applications, conditional
13 use review, and a variance—in connection with their proposal to develop a 10-
14 acre property zoned Industrial Park (IP) and Heavy Industrial (HI). Record 1143.
15 The subject property is the site of a former timber processing mill. Intervenors
16 propose to develop the property with the following uses: indoor self-storage
17 facility, outdoor recreational vehicle and boat storage facility, a recreational
18 vehicle park, and industrial flex-space buildings. Record 397.

19 The planning commission held hearings on the application, and at the
20 conclusion of the open record period, denied the applications for CPD and DPD
21 approval, but approved the conditional use and variance applications. Record
22 520-22. Intervenors, petitioners and Biscoe filed separate appeals of the planning

1 commission's decision. On October 15, 2019, the city council held a hearing on
2 both appeals. At the conclusion of the hearing, the city council left the record
3 open for seven days for additional written testimony, and for an additional seven
4 days for rebuttal of testimony submitted during the first open record period. At
5 its November 12, 2019 meeting, the city council voted to approve all six of the
6 applications. This appeal followed.

7 **FIRST AND SECOND ASSIGNMENTS OF ERROR**

8 Petitioners' first and second assignments of error are difficult to follow,
9 and, as noted, do not identify the standard of review that LUBA should apply to
10 the assignment of error, as required by OAR 661-010-0030(4)(d).⁴ In the first
11 assignment of error, we understand petitioners to argue that the city committed a
12 procedural error in processing and approving the applications because, according
13 to petitioners, the applications were incomplete when the city made its decision,
14 and ORS 227.178(1) prohibits the city from approving an incomplete

⁴ By way of example, under the first assignment of error heading, the petition for review states: "Applicable Standard of Review: Question of Law, Question of Due Process." Petition for Review 18. Under the second assignment of error heading, the petition for review states: "Applicable Standard of Review: Question of Law, Matter/Abuse of Discretion." Petition for Review 21.

1 application.⁵ ORS 197.835(9)(a)(B).⁶ We understand petitioners' second
2 assignment of error to argue that the city council's imposition of 25 conditions of
3 approval and the requirements included in those conditions of approval
4 demonstrate that the application was incomplete when the city made its decision.⁷
5 Petition for Review 21.

6 Intervenor's respond, initially, that the issues raised in the first and second
7 assignments of error were not raised prior to the close of the initial evidentiary
8 hearing, and accordingly may not be raised for the time on appeal to LUBA. ORS
9 197.763(1); ORS 197.835(3). ORS 197.763(1) and ORS 197.835(3) together
10 require that a party identify in the record where an issue was raised with sufficient
11 specificity to afford the local government the opportunity to respond. *Boldt v.*
12 *Clackamas County*, 107 Or App 619, 622-23, 813 P2d 1078 (1991). In addition,

⁵ Petitioners cite ORS 227.178(1), which provides:

“Except as provided in subsections (3), (5) and (11) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.”

⁶ ORS 197.835(9)(a)(B) provides that LUBA will remand a decision based on procedural error if the board finds that the local government “[f]ailed to follow the procedures applicable to the matter before it in a manner that prejudiced the substantial rights of the petitioner.” ORS 197.835(9)(a)(B).

⁷ We do not understand petitioners to challenge the adequacy of the conditions of approval.

1 where a party has the opportunity to object to a procedural error before the local
2 government, but fails to do so, that error cannot be assigned as grounds for
3 reversal or remand of the resulting decision. *Torgeson v. City of Canby*, 19 Or
4 LUBA 511, 519 (1990); *Dobaj v. Beaverton*, 1 Or LUBA 237, 240 (1980). This
5 obligation to object to procedural errors overlaps with, but exists independently
6 of ORS 197.763(1) and 197.835(3). *Confederated Tribes v. City of Coos Bay*, 42
7 Or LUBA 385, 393 (2002); *Simmons v. Marion County*, 22 Or LUBA 759, 774
8 n 8 (1992).

9 In the petition for review, petitioners cite Record pages 233-34, 617, 626,
10 and 706 as raising the issues raised in the first and second assignments of error.
11 Petition for Review 21, 24. We have reviewed the cited record pages. Record 233
12 is a written statement from Biscoe that argues “[t]he record still shows that the
13 application is incomplete and that the criteria has not been met * * *.” Record
14 233 (emphases in original). That argument is repeated on Record 234.⁸ However,
15 nothing in the record pages cited to us presents the issue raised in the first
16 assignment of error, or takes the position that ORS 227.178(1) prohibited the city
17 from approving the application. Accordingly, we agree with intervenors that the
18 issues that are raised in the first and second assignments of error were not raised

⁸ Record 234 is Biscoe’s written testimony that argues that “[a]s the City Council reviews this application * * * their conclusion should be that the application is incomplete and that ALL of the criteria have not been met.”

1 in any of the cited record pages, and petitioners are precluded from raising the
2 issues for the first time on appeal to LUBA.

3 The first and second assignments of error are denied.

4 **THIRD AND FIFTH ASSIGNMENTS OF ERROR**

5 These assignments of error relate to water capacity and water treatment.
6 They are difficult to follow. In their third assignment of error, we understand
7 petitioners to argue that the city’s findings that address water capacity are
8 inadequate because the findings do not account for what petitioners describe as
9 “[p]reviously approved developments.” Petition for Review 24-25. In their fifth
10 assignment of error, we understand petitioners to argue that the city council’s
11 decision that sufficient water exists for the development is not supported by
12 substantial evidence in the record and that the evidence in the record supports a
13 conclusion that the city does not have the capacity or infrastructure to provide
14 water to the development.⁹

⁹ Petitioners cite Philomath Comprehensive Plan (PCP) Policies 1 and 8 in the fifth assignment of error.

PCP Policy 1 provides:

“The City of Philomath’s primary water source shall be the Mary’s River. The secondary water sources shall be the City Wells.”
Petition for Review 28.

PCP Policy 8 provides:

1 Intervenors respond, initially, that petitioners failed to demonstrate that the
2 issues raised in the third and fifth assignments of error were raised with
3 specificity prior to the close of the initial evidentiary hearing and petitioners are
4 precluded from raising the issues for the first time at LUBA. However, we
5 disagree with intervenors. First, the city council’s findings regarding water
6 supply were adopted for the first time in the final decision. Petitioners were not
7 required to anticipate and raise an issue regarding those findings in order to be
8 able to challenge them. *Lucier v. City of Medford*, 26 Or LUBA 213, 216 (1993)
9 (generally, to preserve issues under ORS 197.763(1), a party must raise issues
10 regarding compliance with the applicable approval criterion, but is not required
11 to anticipate the actual findings or conditions a local government adopts to
12 demonstrate compliance with that criterion, or to question the adequacy of the
13 evidence accepted into the record to support findings of compliance).

14 Second, in their petition for review, petitioners cite the same record pages
15 cited in the first and second assignments of error, with the additional citations to
16 Record 189-190, 235-44, 627, 704 and 705. Petition for Review 26, 31. We have
17 reviewed the cited record pages, and we conclude that the issues raised in the
18 third and fifth assignments of error were raised with sufficient specificity on those

“The City shall take necessary steps to ensure that water supply sources are adequate for future community needs.” Petition for Review 29.

1 record pages to meet the requirement of ORS 197.763(1) and ORS 197.835(3),
2 and they are not waived.

3 However, intervenors also respond, and we agree, that the city’s findings
4 that were adopted in response to testimony from petitioners and others regarding
5 the sufficiency of water are adequate to explain the council’s conclusion that
6 sufficient water exists to serve the development and that the evidence in the
7 record supports that conclusion.¹⁰ Absent any acknowledgement of those

¹⁰ The city council found:

“1. Philomath has the available supply of water to service this development.

“Water Production Capacity	2.18 MGD
“Peak Day Demand	1.47 MGD
“Planned project projected	0.49 MGD
“Oak Springs Apts.	0.053 MGD
“Boulevard Apts.	0.162 MGD
“Mill Pond Crossing Sub	0.105 MGD
“Beelart Annexation	0.136 MGD
“Newton Creek Sub	0.034 MGD
“Reserve peak day water capacity	0.22 MGD
“Projected Peak Day Demand	0.0671 MGD
“RV Park	0.0640 MGD

1 findings, petitioners’ arguments provide no basis for reversal or remand of the
2 decision.

3 Finally, we agree with intervenors that petitioners’ undeveloped reference
4 to “numerous additional local developments that have already been approved” as
5 demonstrating that the water supply is not sufficient is undeveloped, and
6 accordingly, also fails to provide a basis for reversal or remand of the decision.
7 *Deschutes Development Co. v. Deschutes County*, 5 Or LUBA 218, 220 (1982)

“Self-Storage	0.0008 MGD
---------------	------------

“Flex Industrial Space	0.0023 MGD
------------------------	------------

“Based on the above analysis, upon full build-out of all approved and anticipated developments, the water system would have a reserve peak day capacity of 0.22 MGD. The proposed development of 175 RV spaces, self-storage facility and flex industrial space would require 0.0671 MGD. Therefore, the City’s current water system has adequate capacity to serve the proposed development.

“2. The two new 12-inch public water mainlines that cross through this development will complete the looping of the public waterline system as depicted in the City of Philomath Water Masterplan.

“3. Providing for the looping of the water line will improve the fire flows with the area.

“4. That the proposed Fire water supply is sufficient to supply all public fire hydrants, the onsite private fire hydrants and the proposed on site fire sprinkler systems.” Record 36.

1 (“It is not our function to supply petitioner with legal theories or to make
2 petitioner’s case for petitioner.”)

3 The third and fifth assignments of error are denied.

4 **FOURTH ASSIGNMENT OF ERROR**

5 Petitioners’ fourth assignment of error is:

6 “The current water infrastructure in the City of Philomath fails to
7 provide adequate fire redundancy measures. In the event of a
8 disastrous fire event, adequate water flows cannot be maintained to
9 all present neighborhoods in Philomath.” Petition for Review 26.

10 Intervenors respond that the issue raised in the fourth assignment of error was not
11 raised during the proceedings below. Petitioners cite Record 233-34 as raising
12 the issue. Petition for Review 27. We have reviewed the cited record pages, and
13 we agree with intervenors that the issue was not raised on those record pages.
14 Accordingly, it is waived. ORS 197.763(1); ORS 197.835(1).

15 The fourth assignment of error is denied.

16 **SIXTH ASSIGNMENT OF ERROR**

17 In their sixth assignment of error, petitioners argue that the two traffic
18 impact analyses (TIAs) submitted by intervenors are not substantial evidence that
19 PCP Policy 5 is met because the TIAs do not consider background traffic from
20 nine approved residential and commercial developments. ORS 197.835(9)(a)(C).
21 Petitioners cite Record 233-44 to establish that the issue was preserved. Petition
22 for Review 35.

1 Intervenors respond that the issue raised in the sixth assignment of error
2 was not raised with specificity at Record 233-34.¹¹ As noted, Record 233-34 is
3 written testimony submitted by Biscoe. The only mention of a traffic study is at
4 Record 233, which says:

5 “The record still shows that the application is incomplete and that
6 criteria has not been met on:

7 “* * * * *

8 “Complete traffic study that includes other area developments–
9 (Blvd, Oak Springs, Mill Pond, and Corvallis’ more than +1000
10 recently approved developments)[.]” Record 233 (emphasis in
11 original).

12 While it is a close call, we conclude that the issue raised in the sixth assignment
13 of error–whether the TIAs provide substantial evidence of compliance with PCP
14 Policy 5–was raised with enough specificity to give the local government notice
15 of the issue.

16 However, we agree with intervenors that petitioners have not established
17 that the city council’s decision is not supported by substantial evidence, or that
18 the conclusions in the TIAs are flawed merely because they do not include the
19 nine other developments identified in the petition for review. The city council
20 adopted findings concluding that the TIAs provided sufficient evidence that no
21 off-site mitigation was required. Record 34. Intervenors also point to evidence in

¹¹ We do not understand intervenors to argue that PCP Policy 5 is not an applicable approval criterion.

1 the record from intervenors’ traffic engineer that concludes that even if the TIAs
2 had counted all background traffic from other developments, the effected
3 intersections would continue to function at acceptable levels of service. Record
4 136-37. That evidence is evidence a reasonable decision maker would rely on in
5 concluding that the applicable approval criteria were satisfied and that no off-site
6 mitigation is required. *Dodd v. Hood River County*, 317 Or 172, 179, 855 P2d
7 608 (1993) (citing *Younger v. City of Portland*, 305 Or 346, 358-60, 752 P2d 262
8 (1988)) (“Substantial evidence exists to support a finding of fact when the record,
9 viewed as a whole, would permit a reasonable person to make that finding.”).

10 The sixth assignment of error is denied.

11 **SEVENTH, EIGHTH, AND ELEVENTH ASSIGNMENTS OF ERROR**

12 ORS 197.835(9)(a)(B) provides that LUBA shall reverse or remand a land
13 use decision if LUBA finds the local government “[f]ailed to follow the
14 procedures applicable to the matter before it in a manner that prejudiced the
15 substantial rights of the petitioner[.]” In these assignments of error, we
16 understand petitioners to argue that the city committed a variety of procedural
17 errors.

18 One of the requirements to establish a procedural error is that a petitioner
19 must identify the procedure allegedly violated. *Stoloff v. City of Portland*, 51 Or
20 LUBA 560, 563 (2006). A second requirement to establish a procedural error is
21 that a petitioner must establish that its substantial rights were prejudiced. *See*
22 *Deumling v. City of Salem*, 76 Or LUBA 99, 125 (2017) (petitioner fails to allege

1 a basis for reversal or remand when petitioner fails to allege the procedural error
2 prejudiced petitioner’s substantial rights). Finally, as noted, where a party has the
3 opportunity to object to a procedural error before the local government, but fails
4 to do so, that error cannot be assigned as grounds for reversal or remand of the
5 resulting decision. *Torgeson*, 19 Or LUBA at 519; *Dobaj*, 1 Or LUBA at 240
6 (1980).

7 In their seventh assignment of error, we understand petitioners to argue
8 that the city committed a procedural error in failing to hold a separate appeal
9 hearing for their appeal of the planning commission’s decision, and that the city
10 committed a procedural error when it limited petitioners’ testimony at the
11 October 15, 2019 appeal hearing to three minutes each (for a total of nine
12 minutes).¹² In their eighth assignment of error, we understand petitioners to argue
13 that the city committed a procedural error when the mayor closed the city council
14 hearing without providing additional opportunity for city councilors to question
15 intervenors and their experts.¹³ In their eleventh assignment of error, we
16 understand petitioners to argue that the city committed a procedural error in
17 making the staff report for the city council available only five days prior to the

¹² Petitioners’ statement of preservation of the issue is: “Preserved in the Record: Achieved through this timely LUBA appeal as record was closed.” Petition for Review 39.

¹³ Petitioners’ statement of preservation of the issue is: “Was Not Preserved in the Record: Through LUBA Record establishing Testimony of Chas Jones October 22, 2019, Pg 231 of Record).” Petition for Review 41.

1 city council hearing, rather than the seven days required by Philomath Municipal
2 Code 18.105.070(4).¹⁴

3 Intervenor respond, initially, that petitioners have failed to establish that
4 the issues raised in these assignments of error were preserved. We agree. For the
5 seventh assignment of error, petitioners argue that they were not required to
6 object to the procedural error because “the record was closed.” Petition for
7 Review 39. However, after the close of the hearing, the record was left open for
8 an additional two weeks for additional testimony, and petitioners do not explain
9 why they could not have raised their procedural objections during the open record
10 period.

11 For the eighth assignment of error, petitioners cite Record 231 to establish
12 that they objected to the procedural error alleged in the eighth assignment of
13 error. We have reviewed Record 231, and we do not see any issue raised that
14 argues that the city committed a procedural error in closing the public hearing
15 without allowing city councilors to question intervenors or their experts. For the
16 eleventh assignment of error, petitioners do not include a record citation to any
17 place where the objection was raised. Rather, petitioners argue that the staff
18 report itself establishes that the issue was raised. However, arguing that the staff

¹⁴ Petitioners’ statement of preservation of the issue is: “Established on the Record: Staff Report, Agenda and Packet were first publicly available on Thursday, October 10, 2019, only 5 days for the Lepman Master Plan Development Application Land Use Public Hearing scheduled on October 15, 2019.” Petition for Review 49.

1 report was available only five days prior to the hearing is not sufficient to raise
2 the issue raised in the eleventh assignment of error, which is that the city
3 committed a procedural error in providing the staff report five, rather than seven,
4 days prior to the hearing. Accordingly, we agree with intervenors that petitioners
5 have not established that the issues raised in the seventh, eighth, and eleventh
6 assignments of error may be raised for the first time at LUBA.

7 Even assuming the issues in these assignments of error were not waived,
8 petitioners have failed to develop any argument that any of the alleged procedural
9 errors violated their substantial rights. ORS 197.835(9)(a)(B). Accordingly,
10 absent any demonstration of prejudice to the substantial rights of petitioners,
11 these assignments of error provide no basis for reversal or remand of the decision.

12 The seventh, eighth, and eleventh assignments of error are denied.

13 **NINTH ASSIGNMENT OF ERROR**

14 In this assignment of error, petitioners cite PCP Housing policies 5 and 8
15 and argue that the city council's decision is "inconsistent with these * * *
16 policies." Petition for Review 42.

17 Intervenors respond that the issue raised in the ninth assignment of error
18 was not raised during the proceedings below. Petitioners cite Record 519, 626-
19 27, 704 and 706 as preserving the issue. Petition for Review 44. While we agree
20 with petitioners that those record pages include general statements about
21 affordable housing, nothing in the cited record pages references or cites PCP
22 Housing policies 5 and 8 or argues that the applications do not satisfy those

1 policies. Accordingly, we agree with intervenors that the issue presented in the
2 ninth assignment of error is waived.

3 Even if the issue was not waived, we also agree with intervenors that
4 petitioners have not established that the cited PCP housing policies are applicable
5 approval criteria for any of the applications. Absent any attempt by petitioners
6 to establish that those PCP policies are mandatory approval criteria or apply to
7 any of the six applications, petitioners' arguments provide no basis for reversal
8 or remand of the decision.

9 The ninth assignment of error is denied.

10 **TENTH ASSIGNMENT OF ERROR**

11 In their tenth assignment of error, petitioners argue that the city council's
12 decision is inconsistent with PCP Storm Drain Policy 1, and with PCP Air, Water,
13 and Land Quality Policy 4. Petitioners also argue that intervenors failed to
14 provide a storm drainage plan.

15 Intervenors respond that the city council's findings addressed the cited
16 PCP policies and concluded that "the project conforms to the City of Philomath
17 storm water drainage standards and with the Oregon DEQ and NOAA Fisheries
18 storm water drainage standards. * * * Policies 1 and 4 [have] been met." Record
19 37. Intervenors also respond that the record includes the stormwater management
20 plan prepared by intervenors' engineer at Record 1471-1573. Petitioners do not
21 acknowledge or address the city council's findings or otherwise explain why the

1 project, including the stormwater management plan, does not satisfy the cited
2 PCP Policies.

3 The tenth assignment of error is denied.

4 **TWELFTH ASSIGNMENT OF ERROR**

5 Petitioners' twelfth assignment of error relates to Statewide Planning Goal
6 1 (Citizen Involvement). Petitioners allege that "[t]he City has consistently failed
7 to acknowledge and obtain the recommendations of this Committee of Citizen
8 Involvement in this and other Land Use applications" in a manner that we
9 understand petitioners to argue is inconsistent with Goal 1. Petition for Review
10 50. Petitioners cite Record 276 and Record 626 as preserving the argument.

11 Intervenors respond that the issue was not preserved. We agree with
12 petitioners that the issue was raised at Record 276 and Record 626. However, we
13 also agree with intervenors that the assignment of error does not present a basis
14 for reversal or remand, because petitioners do not establish that Goal 1 applies to
15 any of the applications and do not otherwise develop their argument.

16 The twelfth assignment of error is denied.

17 The city's decision is affirmed.