

CITY OF KEIZER MISSION STATEMENT
**KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY
PROVIDING CITY SERVICES TO THE COMMUNITY IN A
COORDINATED, EFFICIENT AND LEAST COST FASHION**

A G E N D A
KEIZER CITY COUNCIL
Monday, October 18, 1993

7:30 p.m.
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

This time is provided for citizens to address the Council on matters not scheduled for public hearing.

4. COMMITTEE REPORTS

5. PUBLIC HEARINGS AND DELIBERATIONS

a. ADA Self Evaluation

6. ADMINISTRATIVE ACTIONS

a. RESOLUTION - Adopting Policy for ADA Grievance Procedure

b. ORDINANCE - Chronic Nuisance/Solid Waste Abatement

7. CONSENT CALENDAR

a. Approval of October 4, 1993 Regular Session Minutes

8. OTHER BUSINESS

This time is provided to allow Council members the opportunity to bring matters before the Council which are not on tonight's agenda.

- a. Keizer Little League Park Alternative Uses

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications and petitions.

10. AGENDA INPUT

October 21

7:00 p.m. Public Workshop on Service Delivery

November 1, 1993

7:30 p.m. City Council Meeting

Noise Ordinance

Conditional Use Appeal - Chandler - Case No. 91-9

Code Enforcement

Marion County Building Code Administration

Comprehensive Housing Affordability Strategy Presentation

Community Policing Report

Planning Commission Recommendation Concerning
Interdevelopmental Access

11. EXECUTIVE SESSION

Pursuant to ORS 192.660(1)(h) - Towing Litigation

12. ADJOURN

Upon request, auxiliary aids and/or special services will be provided to participants with disabilities. To request services, please contact us at 390-3700 at least two working days (48 hours) in advance.



City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

TO: Mayor Koho and Council Members

FROM: Lynn Owen, City Coordinator for the Americans with Disabilities Act *Lynn*

THROUGH: Dotty Tryk, City Manager *Dotty*

SUBJECT: Americans with Disabilities Act Self Evaluation

BACKGROUND:

One of the many requirements of Title II of the Americans with Disabilities Act (ADA) directs public entities to assess its level of compliance with ADA accessibility mandates through a self evaluation process. While the Americans with Disabilities Act does not prescribe a specific format for the evaluation process, it must include a thorough review of the policies, procedures, practices and facilities to identify any inconsistencies with the requirements of the Act. A copy of the City of Keizer's Self Evaluation is attached for your review.

The Act also requires public entities to accept comments on the evaluation. And, while a public hearing is not required to receive the public input, it was decided that a City Council meeting would provide an open forum for those interested to comment on the City's self evaluation process to do so.

A copy of the City's self evaluation was also mailed to interested individuals and organizations for their review and comment. Any comments or suggestions received from that effort and during this meeting will be included with the self evaluation which must be retained on file for three years.

CONCLUSION:

The City of Keizer's self evaluation did not reveal evidence of discrimination in its policies practices, customs, or inaccessibility to its facilities. However, the process served to heighten awareness of the many components of the Act and to identify and facilitate completion of other requirements, bringing the City to an acceptable level of compliance.



City of Keizer

MEMORANDUM

DATE: October 11, 1993
TO: All Interested Individuals and Organizations
FROM: Lynn Owen, City ADA Coordinator *Lynn Owen*
SUBJECT: City of Keizer Self-Evaluation

The City of Keizer is in the process of conducting a self-evaluation required of all public entities under Title II of the Americans with Disabilities Act. The ADA self-evaluation is a method used by public entities to assess its policies, practices and buildings and correct any inconsistencies with the requirements of the Americans with Disabilities Act.

The City of Keizer invites you and/or your organization to comment on the attached self-evaluation. As an individual or organization concerned with issues of the disabled, we appreciate your unique perspective and the valuable insight you may bring to the City of Keizer as we complete this important assessment.

Additionally, this document will be presented to the Keizer City Council at 7:30 pm during the October 18th regular council meeting. You can present your comments at that public hearing or send them to:

Keizer City Hall
Lynn Owen, ADA Coordinator
P.O. Box 21000
Keizer, OR 97307-1000

We appreciate your interest and look forward to hearing from you.

The City of Keizer provides equal access and reasonable accommodations for disabled individuals to fully participate in, and enjoy of the benefits of, service programs and/or activities which the City conducts.

Should you require assistance from the City of Keizer to participate, please contact us at least 48 hours in advance of the meeting time. You can reach us through the Oregon Telecommunications Relay Service (OTRS) at 1-800-735-2900, or by phoning us at 390-3700.

CITY OF KEIZER, OREGON

ADA SELF-EVALUATION

OVERVIEW

The Americans with Disabilities Act (ADA) guarantees individuals with disabilities access to employment, public accommodations, transportation, public service and telecommunications. The Act provides, for the first time, comprehensive federal civil rights protection for people with disabilities. The Act states in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination".

Most of the key definitions, terms, and concepts in the ADA come from Section 504 of the Federal Rehabilitation Act of 1973, which prohibits discrimination against individuals with disabilities by recipients of federal funds, and from the Civil Rights Act of 1964.

Individuals with Disabilities:

Under the ADA, this term refers to any person who: 1) has a physical or mental impairment that substantially limits one or more major life activities (i.e., caring for one's self, performing manual tasks, walking, seeing hearing, speaking, breathing, learning and working); 2) has a record of such an impairment (has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities); or 3) is regarded as having such an impairment.

Requirements of Public Entities:

Title II of the ADA prohibits state local governments from discriminating against individuals with disabilities in participating in their programs and services. As a municipal corporation, the City of Keizer is subject to the provisions of this Title and is required to assess its level of compliance with ADA accessibility mandates. Termed a "Self-Evaluation", the assessment must remain on file for public inspection for at least three years.

SELF-EVALUATION PROCESS

The Justice Department regulations do not prescribe a specific form for the self-evaluation. However, the process used should include a thorough review of policies, procedures, practices and facilities access to identify any inconsistencies, if any, with ADA requirements.

In gathering information for a self-evaluation, the City of Keizer used a questionnaire published by the Thompson Publishing Group to inventory its level of compliance. (Please see **Appendix A** for a copy of the questionnaire used.)

All City department directors were asked to respond to the questionnaire regarding their respective program's practices, procedures, activities, etc. relative to the accessibility mandates of the ADA. The responses were then compiled into the attached self-evaluation which has been organized to address all compliance issues and to provide a point of information and reference for the City.

Participation of Individuals with Disabilities in the Self-Evaluation Process:

A copy of the City of Keizer Self-Evaluation was mailed to individuals and organizations interested in issues of the disabled for review and comment. As comments are received, they will be incorporated into the self-evaluation. (Please see **Appendix B** for the list of individuals and organizations to whom the evaluation was mailed.)

Although not a requirement of the Self-Evaluation process, the City wants to provide a public forum for those interested in commenting on the evaluation directly to the City Council, have an opportunity to do so. A public hearing is scheduled for the October 18, 1993 Keizer City Council meeting for that purpose and to inform the Council members on ADA and the Self-Evaluation process. All comments received during the hearing will also be incorporated into the evaluation.

SELF-EVALUATION

Communications and Information Availability of General Accessibility Provisions:

Section 35 of the Americans with Disabilities Act states that a public entity must provide information to interested individuals regarding the provisions of the ADA and the applicability of those provisions to employment, services, programs, and activities and give notice of nondiscrimination policies.

To comply with this section, the City of Keizer has published the name, address and phone number of its appointed ADA coordinator and has made it practice to publish, whenever applicable, a statement of individuals' rights to participate and/or have access to programs and services under the Americans with Disabilities Act.

The City of Keizer attempts to communicate with disabled applicants, participants, and members of the public in a manner that is as effective as its communications with others. As an example, area television and radio stations receive notice of city activities and events and are requested to communicate the information through their audio and video mediums for individuals with sensory impairments.

Right to Participate in City Services, Programs and Activities:

The City of Keizer will continue to review ordinances, resolutions, policies, practices or customs which adversely affect the full participation of individuals with disabilities in programs, activities and services. To this date, the City appears to comply with ADA requirements.

The City of Keizer is prepared to provide readers for individuals with visual impairments; interpreters or other alternative communication measures, as appropriate, for individuals with hearing impairments; and amanuenses for individuals with manual impairments. A method for securing any equipment or services has been developed and is available from the ADA Coordinator.

The following notice of reasonable is published and communicated whenever applicable:

"Upon request, auxiliary aids and/or special services will be provided to participants with disabilities. To request services, please contact us at 390-3700 or TDD access at 1-800-735-2900 at least two working days (48 hours) in advance."

If the City of Keizer acquires equipment used as a part of a City program, activity or service is assessed for its use by individuals with disabilities, particularly individuals with hearing, visual and manual impairments. The City will also ensure the equipment is maintained in operable working order.

Physical Barriers to Participation:

The City has examined its current service facilities, including City Parks, to determine whether any physical barriers to access exist and all facilities appear to conform. Any new construction or alterations to existing City facilities will meet the standards designated under the ADA Title II regulations and the Uniform Federal Accessibility Standards.

Most City coordinated events and activities are generally held in City facilities. When alternate sites are used, ADA accessibility is specified.

Financial/Administrative Hardship:

The City of Keizer may determine that a specific accommodation or other compliance under Title II of the ADA imposes an undue financial and/or administrative hardship on the City. The City will justify such determinations in an expeditious manner.

Relationship of Procurement Contractors:

The City of Keizer has made it practice to not establish any contractual relationships with businesses or other public entities who discriminate against individuals with disabilities. The selection criteria used and the bid solicitations for procurement contractors specifically states that all individuals will be given equal opportunity and consideration.

Nondiscrimination Policies and Grievance Procedures:

The City has established the following policy statements and consistently publishes notices of these statements of nondiscrimination:

- Statement of Equal Access and Reasonable Accommodation;
- Statement of Nondiscrimination on the Basis of Disability;
- Statement of Equal Opportunity Employment.

For individuals alleging discrimination by the City based upon their disability, the City has adopted grievance procedures that incorporate due process standards and provide for a prompt and equitable resolution.

As part of the City of Keizer's employee training program, employees receive awareness training and information regarding the definition, characteristics, and consequences of discrimination and the failure to reasonably accommodate individuals with disabilities.

Additionally, the City of Keizer will review all written and audio-visual materials to ensure that individuals with disabilities are not portrayed in an offensive or demeaning manner.

Title I Provisions - Employment of Individuals with disabilities:

In the employment context of the Act, an individual is protected under the ADA if he or she is a qualified individual with a disability. Section 102(a) of Title I of the ADA sets out a general rule of nondiscrimination for employment related decisions concerning job application procedures, hiring or discharge of employees, employee compensation, advancement, job training, and other term conditions and privileges of employment. In other words, the full range of employment decisions.

The City of Keizer has taken aggressive steps to insure that no job opportunity or status of an applicant or employee is in any way segregated or classified based upon a qualified disability. The City bases all employment decisions on the qualifying facts of applicants and employees and does not presume what individuals with disabilities can or cannot do.

The City recently adopted new personnel rules emphasizing its equal employment and affirmative action beliefs and policy. The City extends equal employment opportunity to all persons in all aspects of the employer-employee relationship including: recruitment, hiring promotion, layoff, termination, demotion, transfer, training, rates of pay, fringe benefits, use of facilities and other terms, conditions, and privileges of employment.

The City defines the essential functions or the fundamental duties of its job classifications. In doing so, the City is able to determine if a disabled individual is qualified to do the job with or without reasonable accommodation.

CALENDAR OF ADA EFFECTIVE DATES

January 26, 1992:

- All local government programs must be accessible to disabled persons.
- 911 emergency system must be equipped for hearing and speech impaired persons.
- Public buildings and places of public accommodation must be accessible; if structural changes are required they must be identified by July 1 and incorporated into a transition plan.
- All public employers with more than 25 employees must follow Section 504 rules until July 1992, and then follow the EEOC rules.

July 26, 1992:

- Self-evaluation plan must be completed.
- Transition plan must be completed.

January 26, 1993:

- Telecommunication relay services must be in place, Title IV.

January 26, 1995:

- Public accommodations that require structural changes must be accessible, including curb cuts.

Completed by: Lynn Owen, ADA Coordinator for the City of Keizer

Date: September 24, 1993

APPENDIX A

Self-Evaluation

Self-Evaluation Checklist

Person Completing This Form: _____

Department: _____

Program, Activity or Service: _____

Was this program included in a self-evaluation conducted under Section 504 of the Rehabilitation Act?

(If yes the program need not be included in the ADA self-evaluation.)

A. Participation of Disabled Persons

List steps taken to ensure that disabled persons (or their representatives) participate in the completion of this self-evaluation.

B. Nature of Program

Describe, in general, the nature of the program, including its purpose, scope, general activities and participants.

C. Recruitment and Advertisement

1. Does the public entity engage in any of the following activities to recruit program participants, or otherwise inform persons of the program's existence? If **no**, proceed to Item D.

Describe briefly activities involved and materials used.

List steps to ensure accessibility and opportunities for full participation by disabled persons.

Describe approaches to ensure effective communications with persons with vision and hearing impairments (e.g., provision of auxiliary aids or presentation of materials in alternative formats).

List steps to ensure inclusion of a notice of the public entity's compliance with the ADA in all materials and advertisements.

Meetings or Oral
Presentations

Printed Recruitment
Materials

Advertisements

Other (specify)

2. Turn to section "G" (Outside Persons and Organizations) on Page 195. List there any "outside" persons and organizations involved in these recruitment, advertising or information efforts.

3. Turn to section "H" (Facilities Used) on Page 196. List there all facilities, and parts of facilities, used during recruitment and advertising efforts, including those not owned and/or operated by the public entity (e.g., leased or otherwise used). Are these facilities accessible? If not, is information available in an accessible location?

D. Program Eligibility Requirements and Admission

1. Are there any limitations on the number of qualified disabled persons who may participate in or be admitted to the program?

☐ No

☐ Yes

If no, proceed to "2" below.

If yes, list steps to be taken to eliminate the limitation(s).

2. Are any criteria or tests used in the admission process?

☐ No

☐ Yes

If no, proceed to "7" below.

If yes, list and describe briefly all criteria (e.g., good health, residency requirements, letters of recommendation) and all tests (including the skill, level of achievement, or other factors being tested, whether they are written or oral tests, the method of administration) used in the admissions process, and indicate how they relate to the program.

3. List all criteria and tests from "2" above that have (or could have) a disproportionate, adverse impact on disabled program applicants. Discuss briefly the (potential) negative impact for each.

State and Local Governments

4. For each criterion or test listed in "3" above that you design and administer, discuss briefly **alternative** criteria or tests that will be used to ensure non-discrimination. This would include, in limited instances, not using a criterion or test.
5. For each item listed in "3" above that is designed and/or administered by an "outside" person or organization, list steps to modify any criterion or test that has a (potential) disproportionate, adverse impact on disabled persons, or class(es) of disabled persons (including, in limited instances, not using a criterion or test).
6. List steps to be made potential program participants, including those with hearing and vision impairments and learning disabilities, aware of alternative testing and criteria.
7. Is an interview required before an applicant enters the program?
- ☐ No ☐ Yes
- If no, proceed to "8" below.
If yes, discuss briefly the interview process and list steps to be taken (including the provision of auxiliary aids, as required) to ensure non-discrimination in interviewing.

8. Are any forms required for admission in the program, testing or submission of other admissions criteria?

☐ No

☐ Yes

If no, proceed to "11" below.

If yes, what are the forms, and are any available in alternative formats (e.g., taped, braille, reader available)?

9. List steps to provide admission forms in alternative formats.

10. Do the forms listed in "8" above contain a notice of your organization's compliance with the ADA?

☐ No

☐ Yes

If yes, proceed to "11" below.

If no, list steps to ensure the inclusion of notices of your compliance with the ADA in all materials.

11. List steps to ensure that applicants are not asked pre-admission inquiries as to the nature and extent of a disability, and that no forms or other written materials make mandatory inquiries related to disability.

State and Local Governments

12. Turn to section "G" on Page 195. List there any "outside" persons and organizations involved in testing, collecting or evaluating admissions criteria.
13. Turn to section "H" on Page 196. List there all facilities, and parts of facilities, used for testing, collecting or submitting forms and admissions criteria, and other activities related to program eligibility requirements, including facilities not owned or operated by the public entity (e.g., leased or otherwise used).
14. Are these facilities accessible to people with disabilities, including people who use wheelchairs? If not, is an alternative, accessible location available?

E. Participation in the Program

1. Are post-admission inquiries made regarding disabled status to make accommodations for disabled persons?

☐ No

☐ Yes

If no, proceed to "2" below.

If yes, list steps to ensure that information is gathered voluntarily, not used to affect any disabled person adversely, and kept confidential.

2. Is there an orientation for new participants?

☐ No

☐ Yes

If no, proceed to "3" below.

If yes, describe briefly the orientation and materials used, and list steps to ensure effective communications and usable materials (in alternative formats) for all participants.

3. List below all written materials, tools, equipment or other aids or devices used for the program.
4. For each item in "3" above, list steps (e.g., the provision of auxiliary aids, equipment modification) to ensure that program materials and equipment are accessible and usable.

5. Would any steps pose an undue financial or administrative burden?

☐ No

☐ Yes

If yes, list alternative methods of providing accessibility that would not impose an undue financial or administrative burden.

6. What elements or activities are included in the program?

7. For each element in "6" above, which ones are, or have the potential to be, inaccessible to disabled participants. Describe steps to make them accessible and usable (e.g., the provision of auxiliary aids, use of alternative materials or formats).

8. Are any of the following services or benefits provided to program participants? (If none is provided, proceed to "9.")

_____ Transportation Services	_____ Counseling Services
_____ Health Services and Insurance/Benefits	_____ Employment Services
_____ Housing	_____ Food Services
_____ Financial Aid	_____ Social, Recreational or Athletic Activities

List steps to ensure that:

- Service/benefit is equally effective for and usable by disabled persons;
- Administration of service/benefit will be free from discrimination based on disability;
- Communications will reach all persons (including those with hearing and sight impairments); and
- Effective application procedures to receive the services exist for disabled persons (including those with hearing and vision impairments).

9. List steps to ensure that information concerning program schedules and activities are effectively communicated to all program participants, including those with impaired vision and hearing.

10. Are there boards, councils or similar bodies on which program participants sit?

☐ No

☐ Yes

If no, proceed to "11" below.

If yes, list steps to ensure equal opportunities for selection to, and participation in, such boards by disabled persons.

11. Turn to section "G" on Page 195. List there any "outside" persons or organizations involved in any aspect of the program.

12. Turn to section "H" on Page 196. List there all facilities, and parts of facilities, used during the program, including those not owned and/or operated by the recipient (e.g., leased or otherwise used).

13. Are these facilities accessible to people with disabilities, including people who use wheelchairs? If not, is the program, "when viewed in its entirety," accessible?

☐ No

☐ Yes

If no, what steps will be taken to make it accessible? (If structural changes are necessary for buildings the public entity owns or operates, see transition plan at ¶872.)

F. Staff Information

List steps to ensure that all staff involved in this program (e.g., recruitment, admission, testing, the conduct of the program, the provision of any services or benefits) will be informed periodically of, and understand fully, your policy of non-discrimination on the basis of disability.

G. "Outside" Persons and Organizations

1. List below all "outside" persons and organizations that are involved in the provision of any aid, benefit or service for the program (as discussed in sections "C" through "E" above).

2. List steps to inform those listed in "1" above of your organization's commitment to non-discrimination on the basis of disability. Remember that the non-discrimination mandate extends to the awarding of procurement contracts.

3. List those persons and organizations from "1" above that receive "significant assistance" from your organization in the provision of aids, benefits or services to your program participants. (For example, list organizations which rent or otherwise use your facilities; that depend on your organization for informing its participants of the aid, benefit or service; that have employees of your organization spending time to assist in or coordinate the provision of the aid, benefit or service; and so forth.)

4. List steps to ensure that persons or organizations listed in "3" above do not discriminate on the basis of disability in the provision of any aid, benefit or service to your program participants. (Such steps may include changes in the program, facility alterations, and/or changes in or discontinuation of the relationship.)

H. Facilities Used

(NOTE: The definition of "facility" under the ADA includes all or any portion of buildings, structures, equipment, roads, walks, parking lots or other real or personal property or interest in such property, owned, operated or leased.)

1. List below all facilities, or portions of facilities, used for the activities covered in sections “C” through “6” above, designating for each the activity for which it is used. (NOTE: Facilities leased or otherwise used from another person or organization should be included.)
2. Using the ADA Accessibility Guidelines or Uniform Federal Accessibility Standards,* list below for each facility (or portion thereof) inaccessible features that limit program accessibility.

* Located in Appendix IV.

State and Local Governments

3. List steps to ensure that all future construction and renovation work (after Jan. 26, 1992) will comply with the architectural accessibility standards.

4. List steps to ensure periodic communications with (potential) disabled program participants concerning accessible and inaccessible facilities.

5. Using information from "1" above:
List non-structural measures that will be taken to ensure accessibility when the program is "viewed in its entirety," including:
 - (a) relocating the activity to accessible space;
 - (b) being able to relocate the activity to accessible space, upon notice of the needs of a qualified disabled person;
 - (c) revising the structure or format of the activity so the space is not needed;
 - (d) modifying or redesigning equipment;
 - (e) making home visits or other alternative delivery services; or
 - (f) otherwise achieving program accessibility.

If non-structural changes cannot achieve program accessibility, place the feature on your transition plan (see ¶872) for necessary structural changes.

6. Is the facility in question considered "historic" (e.g., is it either on National Register of Historic Places or on a state or local list of historic places)?

☐ No

☐ Yes

If yes, list steps to ensure program accessibility, including any structural changes. If structural changes would compromise the historic value, list alternative methods to ensure program accessibility. (Note: if the program held at a historic facility is not a "historic preservation" program, it must be relocated if structural accessibility is not possible — see §836.)

Employment Assessment Tool

The following guidelines have been prepared to assist public entities in their compliance with the employment provisions of the ADA and/or section 504. They may be used during the initial self-evaluation process and ongoing future efforts to ensure non-discrimination in employment on the basis of disability.*

The "Employment Assessment Tool" is based on requirements contained in both the ADA title I requirements and the government-wide regulations issued under section 504.

DATE: _____

PERSON COMPLETING THIS FORM:

(name)

(title)

(address)

(telephone)

- (1) Discuss safeguards to ensure that all employment decisions are made without discrimination on the basis of disability, and that such decisions do not limit, segregate or classify applicants or employees based on disability in a way that adversely affects their opportunities or status.

- (2) Describe procedures to ensure that formal relationships regarding employment (e.g., those with labor unions, employment agencies, etc.) do not have the effect of discriminating against qualified disabled persons.

* Depending on staff size, a public entity must follow the standards of employment set under section 504 or the ADA. See §820.

- (3) Analyze the following aspects of employment to make certain that no discrimination based on disability exists (including discrimination which occurs due to an inaccessible facility):
 - recruiting, advertising and processing applications for employment;
 - hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
 - rates of pay or any other form of compensation and changes in compensation;
 - job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
 - leaves of absence, sick leave or any other leave;
 - fringe benefits available by virtue of employment, whether or not administered by the recipient;
 - selection and financial support for training, including apprenticeship, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;
 - employer-sponsored activities, including social and recreational programs; and
 - any other term, condition or privilege of employment.

- (4) Discuss in general terms the concept of "reasonable accommodation" as it applies to your employees and applicants for employment. Give some examples of accommodations (including facility renovation work as appropriate) that will be made to the known physical and mental limitations of otherwise qualified disabled persons. (Consult ¶311, "Position Description Form," Figure 311-A.)

- (5) What employment tests or criteria are used for judging potential employees? Describe procedures to ensure that these criteria or tests do not discriminate against disabled persons, unless they are shown to be consistent with job necessity.

- (6) Describe methods to identify the job-related characteristics of tests and criteria used in employment decisions, since job-related tests are permitted even if they screen out disabled persons.

- (7) Describe steps to ensure that no pre-employment inquiries are made as to whether an applicant is a disabled person or as to the nature or severity of a disability. (Inquiries related to one's ability to perform a job effectively and safely are permitted.)

- (8) Does your organization conduct or require any medical exams prior to making offers of employment?

☐ No

☐ Yes

If **yes**, describe procedures to ensure that (a) all entering employees are subject to medical exams, (b) all offers of employment are conditional based on the results of the exams, (c) the medical results gathered are not used in a discriminatory manner, and (d) all information gathered is kept confidential.

- (9) Review job application forms and interview questions to ensure that applicants are not asked about the existence of (or nature of severity of) a disability. You are allowed to inquire about the candidate's ability to perform job functions.

Ensure that applicants are not asked about their relationship or association with a disabled individual.

- (10) Review existing job description forms or complete a "Position Description Form" (see §311, Figure 311-A) for each job position in your organization for use in determining "qualified" applicants and what job accommodations can be made when necessary for an applicant or employee.

- (11) Using the form in Figure 311-B (§311), determine the essential and marginal functions of job positions in your organization.

Communications Accessibility Checklist

Under Title II of the ADA, public entities must provide communication accessibility to people with hearing, visual and speech impairments (see ¶850 for a full discussion). This form, *which should be used in conjunction with the general self-evaluation*, highlights the requirements of the title II rule. It is also intended to help public entities identify areas to be made accessible and outline steps to comply with the ADA.

1. Provision of Auxiliary Aids

List auxiliary aids that are available (or sources where they can be obtained) for individuals with speech, vision or hearing impairments. This can include qualified readers and interpreters, taped, brailled or large-print materials, or closed-captioned video programs.

2. Are auxiliary aids provided to individuals with hearing, speech or vision impairments when needed to ensure effective participation in a program or activity? If no, list steps to ensure that auxiliary aids are provided to overcome communication barriers.

3. Telecommunication Devices for the Deaf

Does the public entity provide services or information to the general public over the telephone?

If yes, is a telecommunication device for the deaf (TDD) or other equally effective system available so that public entities can communicate with hearing- and speech-impaired individuals?

If no, list steps to ensure effective communications with hearing- and speech-impaired individuals. This can include providing a TDD or relying on a third-party relay service. Note: the Justice Department encourages entities that have extensive phone contact with the public to have TDDs to assure more immediate access.

4. "911" Emergency Services

Are all "911" emergency response service equipped with a telecommunication device for the deaf (TDD) or other equally effective technology to make the service accessible to hearing- and speech-impaired individuals? Note: separate, seven-digit phone numbers and/or reliance on a third-party relay service is *not* an acceptable alternative for making 911 services accessible.

5. Information and Signage

Is information provided concerning the following?

- Signage at inaccessible entrances directing people to an accessible entrance or a location with information about an accessible entrance.
- Signage concerning the availability and location of TDD-equipped pay phones or portable TDDs.

APPENDIX B

AARP
722 HAWTHORNE AVE NE
SALEM, OR 97301

**COALITION IN OREGON FOR
PARENT EDUCATION**
999 Locust St NE, Box B
Salem, OR 97303

DISABLED AMERICAN VETERANS
Bob Poole
1220 SW 3rd Ave
Portland, OR 97204

**EPILEPSY ASSOCIATION
OF OREGON**
Eleanor Whissen
718 W Burnside, Room 204
Portland, OR 97209

**GOODWILL INDUSTRIES OF THE
COLUMBIA-WILLAMETTE**
1831 SE 6th
Portland, OR 97214

**NATIONAL FEDERATION OF
THE BLIND**
David Hyde
3645 Portland Road NE
Salem, OR 97303

**OREGON ALLIANCE OF ADV
FOR MENTALLY ILL**
Belinda Walker
3000 Market Street NE
Salem, OR 97301

**OREGON DEVELOPMENTAL
DISABILITY COUNCIL**
540 24th Place NE
Salem, OR 97301

POLK ENTERPRISES
Karen Ross
P.O. Box 188
Independence, OR 97351

**SALEM ATHLETIC ASSOC
OF THE DEAF**
999 Locust Street NE
Salem, OR 97303

ACCESS OREGON
Patty Arndt
2600 SE Belmont, Suite A
Portland, OR 97214

**CORVALLIS BETTER HEARIN
GROUP**
Good Samaritan Hospital
P.O. Box 1068
Corvallis, OR 97339

**DISABLED OREGONIANS FOR
EFFECTUVE SERVICES**
3166 River Rd S
Salem, OR 97302

THE FRAGILE X ASSOCIATION
Jill Adams
3732 Joshua Avenue NE
Salem, OR 97305

MENTAL HEALTH ASSOCIATION
Sandra J. Millius
364 12th Street NE
Salem, OR 97303

NORTHWEST HUMAN SERVICES
Donna Schuyler
681 Center Street NE
Salem, OR 97301

**OREGON ASSOCIATION OF
THE DEAF**
Jack Cassell
999 Locust Street
Salem, OR 97303

**OREGON HEAD INJURY
FOUNDATION**
P.O. Box 11295
Eugene, OR 97401

**SALEM AREA SELF HELP FOR
THE HARD OF HEARING**
Roger Moles
609 Whittier Street NE
Silverton, OR 97381

SHANGRI-LA CORP.
Janice Kral
355 Pine Street NE
Salem, OR 97303

**ASSOCIATION OF RETARDED
CITIZENS**
Janna Starr, Director
1745 State Street
Salem, OR 97301

DISABILITY ADVISORY COALITION
Rob Kowalewski
P.O. Box 10866
Eugene, OR 97440

EASTER SEAL SOCIETY
Carol NewVile
5757 SW Macadam
Portland, OR 97201

GARTEN FOUNDATION
3334 Industrial Way NE
P.O. Box 17485
Salem, OR 97305

**MULTIPLE SCLEROSIS
SOCIETY**
5901 SW Macadam Ave #100
Portland, OR 97201

OREGON ADVOCACY CENTER
625 Board of Trade Bldg
310 SW 4th Avenue
Portland, OR 97204

**OREGON COUNCIL OF
THE BLIND**
Carol Whitney
8033 SE Holgate Blvd
Portland, OR 97206

**OREGON SOCIETY FOR
DEAF CHILDREN**
999 Locust Street NE
Salem, OR 97303

SALEM AREA SENIORS
P.O. Box 7174
Salem, OR 97303



City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

TO: Mayor Koho and Council Members

FROM: Lynn Owen, City Coordinator for the Americans with Disabilities Act *Lynn*

THROUGH: Dotty Tryk, City Manager *Dotty*

SUBJECT: Resolution Adopting ADA Grievance Procedures

BACKGROUND:

Title II of the Americans with Disabilities Act requires public entities to adopt and publish a grievance policy and procedures providing for prompt and equitable resolution of complaints alleging any discriminatory action prohibited by Title II.

The grievance policy and procedures before you tonight offer those who file complaints of discrimination against the City of Keizer full due process including an appeal process to the City Council. As the appellate body, the Council may hear the appeal as it hears other public hearings.

All complaints alleging discrimination prohibited by the Act which are filed with the City of Keizer will follow this process. However, ADA complaints alleging employment discrimination must continue to be filed only with the Equal Employment Opportunity Commission (EEOC), since the City of Keizer is also subject to Title I of the ADA.

Utilizing this grievance process does not preclude the complainant from filing a simultaneous complaint with the U.S. Department of Justice or a lawsuit in a federal district court. In those instances, the City must continue to investigate and work toward resolving the complaint.

CONCLUSION:

City legal counsel has reviewed the attached policy and procedures and believes it complies with the requirements under the Americans with Disabilities Act. Adoption of this policy and process will be a significant step toward complying with the Act.

RECOMMENDATION:

Adopt the attached Resolution adopting the City's ADA grievance policy and procedures.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R93-_____

ADOPTING GRIEVANCE PROCEDURES IN COMPLIANCE WITH THE
AMERICANS WITH DISABILITIES ACT (ADA)

WHEREAS, the City of Keizer recognizes that discrimination is illegal and unacceptable and does not discriminate on the basis of disability in the provision of public services; in the treatment of disabled individuals; or in admission or access to its programs, activities or facilities; and

WHEREAS, the City of Keizer provides and encourages equal access and opportunity for all individuals to fully participate in and benefit from City service programs and/or activities; and

WHEREAS, the City of Keizer provides reasonable accommodations, upon request, for disabled individuals; and

WHEREAS, the City of Keizer believes that any complaint of alleged prohibited action against employees, agents, and representatives of the City of Keizer, as established by the Americans with Disabilities Act, is important and should be given a process by which prompt and equitable resolutions are facilitated. NOW THEREFORE;

BE IT RESOLVED by the City Council of the City of Keizer to adopt the attached grievance procedure policy as required by the Americans with Disabilities Act.

PASSED this _____ day of _____, 1993

SIGNED this _____ day of _____, 1993.

Mayor

City Recorder

**EFFECTIVE:****REVISED:****APPROVED:****Dorothy Tryk, City Manager**

- Subject:** ADA Grievance Procedures
- Applicability:** City Employees, Agents and Representatives of the City of Keizer
- Responsibility:** The City Manager, Mayor and City Council are responsible for oversight and compliance with ADA Requirements.
- Authority:** The Americans with Disabilities Act of 1990; ORS Chapter 240 and 243; Rehabilitation Act of 1973.
- Purpose:** To adopt, publish and provide grievance procedures which facilitate a prompt and equitable resolution of complaints alleging any action by the City of Keizer which is prohibited by Title II of the Americans with Disabilities Act of 1990.

POLICY STATEMENT

The **City of Keizer** provides and encourages equal access and opportunity for all individuals to participate in and benefit from City service programs and/or activities.

Further, the **City of Keizer** recognizes the importance of resolving complaints from individuals alleging prohibited action, as established by the Americans with Disabilities Act. The following grievance procedure has been adopted by the City to ensure all complaints are resolved promptly and equitably.

1. Complaints should be addressed to: **Dorothy Tryk, City Manager**
P.O. Box 21000
Keizer, OR 97307-1000
TDD Access: 1-800-735-2900
Voice Access: 1-503-390-3700
2. A complaint should be filed in writing or verbally; contain the name and address of the person filing it; and briefly describe the alleged violation of the regulations.
3. A complaint should be filed within 15 days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis.)

4. An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation shall be conducted by the City Manager, or designee. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
5. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the City Manager and a copy forwarded to the complainant no later than 30 days after its filing.
6. The ADA coordinator shall maintain the files and records of the City of Keizer relating to the complaints filed.
7. The complainant can request a reconsideration in writing or verbally of the case by the City Council in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 30 days to the City Recorder.
8. The City Council will consider the case as a public hearing during their regularly scheduled meeting, no later than 30 days after the request for reconsideration is received by the City Recorder. The complainant and their representatives, if any, will have an opportunity to submit evidence relevant to the case. The City Council will make its determination within 32 days of the public hearing.
9. The right of a person to a prompt and equitable resolution of the complaint filed under this process, shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Nor is the use of this grievance procedure a prerequisite to the pursuit of other remedies through the U. S. Department of Justice.
10. It should be further understood that private individuals have a right to sue state and local governments for alleged discrimination on the basis of disability in public services. Individuals need not exhaust administrative remedies before bringing their cases to federal court.
11. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that the City of Keizer complies with the ADA and implementing regulations.



City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

CITY COUNCIL MEETING: Oct. 18, 1993

AGENDA ITEM NUMBER: 6b

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK, *Dotty*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CHRONIC NUISANCE ORDINANCE

DISCUSSION:

The Staff and Council have been working on housing issues for almost one year. On November 16, 1992, the Council held a special work session focusing on housing issues. Since then several Council meetings have included work on housing strategies and direction.

Staff is proceeding on several fronts. Staff is working on a draft Comprehensive Housing Affordability Strategy (CHAS) which is scheduled to be before the Council in December for consideration. Several of the specific program areas that have been discussed by the Council will be revisited after the CHAS has been adopted, including licensing of multi-family housing.

Part of the program includes implementing a "chronic nuisance" ordinance. An important part of the overall housing issue is the existence of properties that are "chronic nuisances" to the community. The North Willamette Valley Housing Coalition, of which Keizer is a member, studied housing issues and found there is a direct relationship between housing conditions and illegal activities on the properties. An effective tool for helping to assure that housing is maintained in a safe and sanitary manner is to monitor illegal activity on the property. If a pattern of such activity over time is found, the property can be declared a

"chronic nuisance." The City can then take action to physically abate the problem or, in extreme cases, to close the property for a period of time. This "hammer" has been effectively used in other Cities, including Beaverton and Gresham, to help keep housing in reasonably good condition. In fact, its existence helps in working with property owners and there is seldom a need to actually invoke the ordinance.

This tool has been developed into a draft ordinance called the Chronic Nuisance Ordinance. A copy of the ordinance is attached.

It should be pointed out that the ordinance reaches beyond housing issues. While it is anticipated the ordinance will be used most often to eliminate solid waste violations in residential areas, it will also apply to commercial properties, and covers a broad variety of illegal activities.

The ordinance has these highlights:

- It states that a chronic nuisance exists if three citations are issued for certain illegal activities within a six month period.
- The ordinance primarily focuses on public intervention to abate or remove a problem. For instance, the City could cause a property to be "cleaned-up" and lien the property for the cost. In the most extreme cases, a property can be closed for up to one year.
- Authority to invoke the ordinance rests with the City Manager, with right of appeal to the City Council. In the most extreme cases, which would include those involving closure of a property, a Court Order would generally be sought.

It is anticipated this ordinance will have negligible financial impact on the City. Today a great deal of staff time goes into negotiating settlements with violators and in pursuing multiple violations on single properties. For example, solid waste violations are prosecuted in Municipal Court under the City's Infraction Ordinance. The only remedy the Infraction Ordinance offers is fining the guilty offender. This does not clean up the property. There have been several instances in the recent past where fines have been levied and remain unpaid, with the violations still taking place and requiring continuing staff time to pursue. With this additional "tool" available, the City can intervene to see that the problem is solved.

RECOMMENDATION:

It is recommended Council pass the ordinance.

1 BILL NO. _____

A BILL

ORDINANCE NO.

2

93- _____

3

FOR

4

AN ORDINANCE

5

PROVIDING FOR ABATEMENT OF A CHRONIC PUBLIC

6

NUISANCE FOR UNLAWFUL ACTIVITIES

7

Section 1. PURPOSE. The purpose of this Ordinance is to

8

promote the community value of livable and secure neighborhoods and

9

commercial areas by eliminating ongoing and persistent public

10

nuisances.

11

Section 2. PUBLIC NUISANCE. It is a public nuisance for any

12

person in charge of property to permit, or any person to cause to

13

exist, any place or business where patrons, employees, residents, or

14

occupants engage in a pattern of unlawful behavior in the

15

neighborhood.

16

Section 3. PATTERN OF BEHAVIOR. For purposes of this

17

Ordinance, "pattern of unlawful behavior in the neighborhood" means

18

one or more patrons, employees, residents, or occupants of the place

19

or business have been arrested or issued a citation for three or more

20

violations at the place or business, or within 300 feet thereof,

21

within a six month period for any one or a combination of the

22

following laws or their successors:

23

(a) Solid waste violations, KORD 90-120.

24

(b) State, county or city health code violations.

25

(c) Prostitution, ORS 167.007.

26

(d) Promoting prostitution ORS 167.012.

27

(e) Noise, KORD 90-190.

- (f) Assault, ORS 163.160, or ORS 163.165 to 166.185.
- (g) Sexual abuse, ORS 163.415 to 163.427.
- (h) Public indecency, ORS 163.465.
- (i) Criminal mischief, ORS 164.345 to 164.365.
- (j) Criminal trespass, ORS 164.245.
- (k) Disorderly conduct, ORS 166.025.
- (l) Harassment or intimidation, ORS 166.065, ORS 166.155 to 166.165.
- (m) Minor in possession of alcohol, ORS 471.430.
- (n) Unlawful manufacture, delivery, or possession of a controlled substance, ORS 475.992.
- (o) Keizer Zoning Code, KORD 87-078.
- (p) Keizer Subdivision and Partitioning, KORD 87-079.
- (q) Discharging a firearm, KORD 88-127.

Section 4. ABATEMENT. If any place or business is found to be a public nuisance or to be used as such, it shall be abated by appropriate remedies, including but not limited to authorizing a civil complaint in a court of competent jurisdiction which may include seeking fines and/or closure of the property.

Section 5. PROCEDURES FOR ABATEMENT. Where there is no imminent danger to human life or property, the following public nuisance abatement procedures shall apply:

- (a) Notice shall be posted on the premises where the condition, substance, act, or nuisance exists, directing the owner or person in charge of the property to abate the situation.
- (b) At the time of posting, the City Manager, or designee,

1 shall send a copy of the notice by certified mail to:

2 1. the owner at the last known address as listed with the
3 County Tax Assessor's Office; and,

4 2. the person in charge of the property, if different
5 from the owner.

6 (c) If prior notice of abatement was sent to the owner or
7 person in charge of the property within the preceding 12 months,
8 and ownership or control of the property has not changed, and
9 the prior notice was returned as undeliverable or if delivery
10 was refused, then notice can be provided by publication as set
11 forth in subsection (5).

12 (d) The notice to abate shall contain:

13 1. a description of the real property, by street address
14 or otherwise, on which the condition, substance, act or
15 nuisance exists;

16 2. a description of the condition, substance, act or
17 nuisance which must be abated;

18 3. a direction to abate the condition, substance, act or
19 nuisance within 10 days from the date of notice;

20 4. a statement that unless the condition, substance, act
21 or nuisance is removed, the City may abate the situation
22 and cost of abatement may be assessed to and become a lien
23 on the property;

24 5. a statement that the owner or person in charge of the
25 property may protest the abatement by giving written notice
26 to the manager within 10 days from the date of notice;

1 6. a statement that if the cost of abatement is not paid
2 by the owner or person in charge of the property, the cost
3 of abatement may be assessed to and become a lien on the
4 property.

5 (e) If the notice of delivery is returned as undeliverable or
6 delivery is refused, notice of the nuisance shall be published
7 in a newspaper of general circulation at least 10 days before
8 abatement action is taken.

9 (f) Upon completion of the posting and mailing, the person
10 posting and mailing the notice shall file a certificate with the
11 manager stating the date and place of the mailing and posting.

12 (g) An error in the name or address of the owner or person in
13 charge of the property or the use of a name other than that of
14 the owner or person in charge of the property shall not make the
15 notice void, and in such case the posted notice shall be
16 sufficient.

17 (h) Within 10 days after the posting and mailing of the notice,
18 the owner or person in charge of the property shall remove the
19 situation, show that the situation does not exist or begin
20 proceedings to the satisfaction of the City to correct the
21 situation in a specified time.

22 (i) A person protesting that the situation does not exist,
23 shall file with the manager a written statement within 10 days
24 after the posting and mailing of notice, which shall specify the
25 basis for protesting.

26 (j) The statement of protest shall be referred to the City

1 Council for hearing.

2 (k) If the Council determines the situation does exist, the
3 owner or person in charge of the property shall abate the
4 situation within 10 days after the Council determination or
5 begin proceedings to the satisfaction of the City to correct the
6 situation in a specified time.

7 (l) If the situation has not been abated within the time
8 allowed, the City Manager may cause the situation to be abated,
9 including authorizing a civil complaint in a court of competent
10 jurisdiction which may include seeking fines and/or closure of
11 the property.

12 (m) The person charged with the abatement of the situation
13 shall have the right at reasonable times to enter upon the
14 property to investigate or cause the removal of the situation.

15 Section 6. ASSESSMENT OF COSTS. Assessment of costs shall
16 comply with the following:

17 (a) The manager shall keep an accurate record of the expense
18 incurred by the City for public nuisance abatements. The record
19 shall include the costs of personal services, materials, and an
20 additional charge of 20 percent for administrative overhead.

21 (b) After abatement by the City has been completed, the manager
22 shall send by certified mail to the owner or person in charge
23 of the property, a statement of:

24 1. the total cost of abatement, including all collection
25 expenses and the administrative overhead;

26 2. the cost that will be assessed to and become a lien

1 against the property unless paid within 30 days from the
2 date of the notice;

3 3. notification that if the owner or person in charge of
4 the property objects to the cost of abatement as indicated,
5 a written objection may be filed with the manager within
6 10 days from the date of notice.

7 (c) A person objecting to the cost of abatement shall file with
8 the manager a written statement within 10 days from the date of
9 the notice of the costs. If the objection is timely, the matter
10 shall be referred to the City Council for hearing.

11 Section 7. HEARING BEFORE COUNCIL.

12 (a) If a written statement of protest or objection to the cost
13 of abatement is timely filed, the matter shall be referred to
14 the City Council as part of the regular agenda at the next
15 meeting.

16 (b) The hearing before the City Council shall be conducted in
17 accordance with Chapter 5 and Chapter 6 of Keizer City Ordinance
18 90-184; UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS.

19 Section 8. ENFORCEMENT OF COST ASSESSMENT

20 (a) If the costs of the abatement are not paid within 30 days
21 from:

- 22 1. the date of the notice of costs; or
- 23 2. if a protest was timely filed, from the date of City
24 Council determination of the costs,
25 an assessment of the costs shall be made by resolution and shall
26 be entered in the docket of city liens and recorded with the

1 Marion County Recorder. When the entry is recorded in the City
2 lien docket, the assessment shall constitute a lien upon the
3 property subject to the abatement.

4 (b) The lien shall be enforced in the same manner as liens for
5 assessment for local improvement districts are enforced and
6 shall bear interest at a rate determined by resolution of the
7 City Council. The interest shall commence running on the date
8 of the entry of the lien in the city lien docket.

9 (c) An error in the name of the owner or person in charge of
10 the property shall not void the assessment, nor shall a failure
11 to receive the notice of the proposed assessment render the
12 assessment void, but it shall remain a valid lien against the
13 property.

14 PASSED this _____ day of _____, 1993.

15 SIGNED this _____ day of _____, 1993.

16 _____
17 Mayor

18 _____
19 City Recorder

MINUTES

KEIZER CITY COUNCIL

Monday, October 4, 1993

Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:30 p.m.
Roll call was taken as follows:

Present

Dennis Koho, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Chet Patterson, Councilor
Jerry Watson, Councilor
Marlene Wellin, Councilor

Absent

Al Miller, Councilor

Staff

Dotty Tryk, City Manager
John Morgan, Community Development Director
Wally Mull, Director of Public Works
Bruce Jenness, Police Lieutenant
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Alan Vogel, 474 Sandy Drive N, Keizer inquired of the progress of the wall at the end of Sandy Drivenear McNary High School. He voiced his concern for the students loitering in the area near his home. City Manager Tryk advised the Council she had received a proposal from the school district. The school district feels it is necessary to retain pedestrian access from the east. They also consented to the McArthur Drive roadway which would connect the northwest corner of the school parking lot to Lockhaven Drive. Access to the backyards of adjacent neighbors would be permitted on a limited basis.

The Council discussed alternatives for the east pedestrian access and concerns for possible traffic snarls on Sandy Drive due to the pedestrian access. Mayor Koho suggested moving forward with this step and continue to pursue other pedestrian access options.

Councilor McGee asked staff to create a timeline for completion of these projects. Councilor Keller asked staff to discuss options with the school district to control the loitering students in the neighborhoods.

The Council agreed by consensus to move forward with the proposal from the school district but not to cease finding alternative solutions to the pedestrian access on Sandy Drive.

COMMITTEE REPORTS

Volunteer of the Month Award

Lieutenant Bruce Jenness of the Keizer Police Department introduced Audrey Gordon as the Volunteer of the Month for October. Ms. Gordon was responsible for the development of The Meadows Neighborhood Watch Group in 1991. Mayor Koho presented Ms. Gordon with a volunteer clock in recognition of her volunteer service.

Report from Mayors Task Force on Library Services

Tamarah Swick and Sandi Smick, co-chairs of the Mayors Task Force on Library Services presented their report. They noted the process the Task Force used was to get as much information as they could, seek community input and then make the best possible recommendation for the City of Keizer.

The recommendations of the committee were as follows:

Long Term: Creation of a local library service district based on the Urban Growth Area or some type of geographical area. Costs would be equalized over the unincorporated areas to open branches.

The other long-term option would be to contract with the City of Salem to establish a branch of the Salem Library in Keizer.

Short Term: Negotiate with CCRLS to provide City residents with local computer access and courier service for the residents who presently have library cards.

The other short-term option should be discussed during the upcoming budget process to set aside \$50,000 to provide the Keizer residents a Salem library card. They noted this option would greatly benefit the children of Keizer.

Councilor McGee stated it would not only benefit the children of Keizer but also the senior citizens. Councilor Watson thanked the committee for the effort in researching these options. He inquired of the costs associated with the long-term option to create a local library district through CCRLS. Councilor Patterson inquired if the Task Force considered a location for a library service in Keizer. Sandi Smick stated the only location they looked at was placing a library service in a school. However there are safety issues and limited access during the evening hours as potential problems.

Councilor McGee voiced his concern regarding the feasibility of creating a library service district. He will carry forward through the budget process the recommendation of contracting with Salem to pay for a library card for the residents of Keizer. Councilor Keller concurred in supporting this short-term recommendation. He also does not feel there is the support to create a library district at this time.

Mayor Koho suggested we move forward with the short-term options by negotiating with CCRLS for a computer service and with the City of Salem to provide a voucher system for Keizer residents. The voucher system option could be discussed during the upcoming budget sessions. The creation of a library district may be discussed during long range planning goals in the coming year.

The Council agreed by consensus to have the City Manager discuss the short-term options with CCRLS and the City of Salem.

Mayor Koho thanked the Task Force members for their hard work and dedication to this project.

**PUBLIC HEARING
AND
DELIBERATION**

**Willamette
Lutheran Homes
Liquor License
Application, Inc.**

Mayor Koho opened the public hearing.

City Manager Tryk advised the Council a Liquor License application had been reviewed by the Keizer Police Department and the Keizer Planning Department. She recommended approval of the health care facility liquor license application.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Patterson moved for approval of the Willamette Lutheran Home, Inc. Health Care Facility Liquor License Application. Councilor Wellin seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Patterson, Watson and Wellin (6)

NAYS: None (0)

ABSTENTIONS: None

ABSENT: Miller (1)

**ADMINISTRATIVE
ACTION**

**RESOLUTION -
Recognition of
Clear Lake
Neighborhood
Association**

John Morgan, Community Development Director advised the Council a petition had been received from the Clear Lake Neighborhood Association for recognition as a Neighborhood Association under Keizer Ordinance 93-257. Upon analyzing the by-laws, it was determined they met the standards as outlined in the Ordinance. The boundary of the association follows the attendance boundary of Clear Lake Elementary School. However with the completion of the new school in the area, this boundary will be changed one year from now. Mr. Morgan suggested the Association discuss this matter during their annual report to the Council. One of the goals contained in the by-laws demonstrates the associations determination to improve the quality of life within the neighborhood. This includes the communication between the City and Association.

City Attorney Shannon Johnson suggested the Association include the recording of minutes and the anti-discrimination language in the by-laws. Mr. Morgan suggested these additions could be examined at the annual review.

Councilor Watson suggested the City develop a standard form of by-laws for future associations to follow. Mr. Watson cited other concerns with the by-laws; non-resident parents and guardians being members of the association and inclusion of business representation. Councilor McGee concurred with the standard form of by-laws however liked the individuality included for each association. He also cited concerns voting would be determined by attendance requirements.

Speaking on behalf of the Association was Cindi Schaffer, Secretary/Treasurer.

Ms. Schaffer supported the use of individual by-laws for neighborhood associations to encourage individuality and diversity.

Councilor Patterson moved for a Resolution in the matter of the recognition of the Clear Lake Neighborhood Association. Councilor Keller seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Patterson, Watson and Wellin
(6)

NAYS: None (0)

ABSTENTIONS: None

ABSENT: Miller (1)

A representative from the Clear Lake Neighborhood Association thanked John Morgan for his guidance and support.

RESOLUTION - Authorizing the Filing of a Grant Application

Lieutenant Bruce Jenness of the Keizer Police Department reported when President Clinton recently signed a crime bill for more police officers in which a \$150 million was allocated for grants. The grant was designed to fund police officers for community policing efforts. The grant would fund 75% of the

salary and benefits for each officer for a period of three years. Lt. Jenness requested applying for the grant in order to fund four police officers. The grant application needs to be submitted by October 15, 1993.

City Manager Tryk apologized for the short timeline but feels it is an effective way to leverage local dollars with federal dollars. Presently the Keizer Police Department has an average of .93 officers per 1000 of population and other local area departments average 1.25 officers per 1000 of population. The addition of these officers will assist the Police Department in the implementation of Community Policing.

Lieutenant Jenness stated the decision will be based on the department needs, concept of community policing and additional resource commitments.

Councilor Patterson stated he would like to see the government grant application packet. He hopes council review of the packet will be included in the City procedure being developed for grant applications.

Councilor Keller voiced his concern for applying for the funding of four officers when the needs of the Police Department have not been assessed. City Manager Tryk stated it was an opportunity we should not pass up even though the timing was not the best.

Councilor Watson inquired of the costs associated with applying for the grant and if we are chosen for the grant if we may decline. City Manager Tryk advised the costs were minimal and believes we would be able to decline if we are unwilling to follow the guidelines of the grant.

Councilor McGee feels the pressure would be overwhelming to decline the grant. He believes the citizens of Keizer would not support a 30% increase of officers on the street.

Mayor Koho hoped we would not close the door on an opportunity at this time. Councilor Watson concurred and stated that adding four officers could be offset by the increase in population over the next four years.

Councilor Watson moved for a Resolution authorizing the City Manager to File for a Grant Application. Councilor Patterson seconded the Motion.

Councilor McGee stated the public will support an increase but not an increase of this size.

Councilor McGee moved to amend the motion to replace the word four on line 15 of the Resolution with the word two. Councilor Keller seconded the amendment.

Councilor Patterson stated the Police Department has come along way and does not think we have reached where it should be. The problems within the community have grown significantly over the last 12 years and feels the City needs to take whatever measures we can.

Councilor Keller hoped the Police Department would reconsider their philosophy to respond to all the calls for service. Once the analysis was done, the number of officers could be adjusted to meet the priorities.

The amendment to the Motion failed with the following votes:

AYES: Keller and McGee (2)

NAYS: Koho, Patterson, Watson and Wellin (4)

ABSTENTIONS: None

ABSENT: Miller (1)

The Main Motion passed with the following votes:

AYES: Koho, Patterson, Watson and Wellin (4)

NAYS: Keller and McGee (2)

ABSTENTIONS: None

ABSENT: Miller (1)

CONSENT CALENDAR

The Consent Calendar consisted of the following:

- a. RESOLUTION - Certification of the City as a Franchising Authority

b. RESOLUTION - Purchase of Public Works Vehicle

c. Approval of September 20, 1993 Regular Session Minutes

Councilor Wellin moved for approval of the consent calendar.
Councilor Watson seconded this Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Patterson, Watson and Wellin
(6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

OTHER BUSINESS

Wally Mull, Director of Public Works briefed the Council on the FEMA Flood Insurance report recently received by the City. In 1988 the City started studying revisions to the Keizer Dike Ordinance and asked the Corp of Engineer to restudy the Dike. The study was completed in June of 1993. In September, representatives of FEMA and the Corp of Engineers met with City staff to review information included in the report. The City noted discrepancies in the map and findings. The City has 18 months to submit information prior to the adoption of the final rate. Mr. Mull suggested scheduling a Council worksession after the meeting with FEMA and the Corp of Engineer.

Councilor McGee suggested the City keep the residents informed on this issue and invite them to the worksession for input.

Mayor Koho stated this would be scheduled for a worksession after the meeting with FEMA and the Corp of Engineers.

Councilor Keller inquired if the money had been returned to the gas station located at Sandy/River Road. City Manager Tryk advised she would follow through with this.

Councilor Keller asked about the pedestrian way along Lockhaven Drive. Public Works Director Mull stated this area will be noted for widening and a turn lane in the next budget process.

Councilor Keller cited his concerns for the debris at the intersection of McLeod and Lockhaven. Public Works Director Mull stated the City has had a difficult time getting bids. A bid was received today and work could start as early as next week.

Also voicing his concern for this area was E.J. Wright, 2149 Aldine Court NE, Keizer. He successfully found interested contractors to clean the area within 1 day. Mayor Koho advised Mr. Wright it will be taken care of in the immediate future.

Councilor Patterson asked to bring back the Keizer Little League Park alternative uses at the next Council meeting. He feels the situation at the park is working fine at this time and we should not interfere with this successful program. Councilor Watson questioned the City's responsibility to look at this situation. Mayor Koho asked this matter be scheduled for the October 20th Council meeting.

WRITTEN COMMUNICATION

There was no written communication to come before the Council.

EXECUTIVE SESSION

The Council meeting recessed at 9:28 p.m. to enter an Executive Session pursuant to ORS 192.660(1)(d) - Labor Negotiations.

The Executive Session adjourned at 9:37 p.m.

AGENDA INPUT

Mayor Koho noted the agenda input items listed on the Agenda and reminded the Council of the Service Delivery Sessions.

ADJOURNMENT

The meeting was adjourned at 9:37 p.m.

TRACY L. DAVIS
City Recorder

APPROVED:

MAYOR:

(Al Miller absent)

KEIZER LITTLE LEAGUE FIELDS COMMITTEE

Charge To Committee

To explore the possibility of allowing the use of the Keizer Little League Park fields by youth sports teams which are not affiliated with Little League, between February 1st and August 31st each year, and which use would not detrimentally affect the Keizer Little League program.

Conditions

The committee shall make any recommendations it may have to the Parks Advisory Board within 90 days from October 18, 1993. The Parks Advisory Board shall review the committee's recommendations and pass them on with comment to the City Council no later than March 1, 1994.

