

CITY COUNCIL AGENDA PACKET

**MONDAY,
August 2, 2004**

**7:00 P.M. CITY COUNCIL
REGULAR SESSION**

***Please contact Chris Eppley, City Manager,
if you have any questions or need additional
information regarding any of the staff
reports or issues contained on the agenda.
Thanks!!!***

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
REGULAR SESSION
Monday, August 2, 2004
7:00 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. FLAG SALUTE

4. PUBLIC TESTIMONY

**This time is provided for citizens to address the Council on any matters
other than those on the agenda scheduled for public hearing.**

5. PUBLIC HEARINGS

a. RESOLUTION – Renaming Pleasantview Park

**b. RESOLUTION – Forming Hunter Addition Street Lighting Local
Improvement District**

**ORDINANCE – Spreading Assessments to Hunter Addition Street
Lighting Local Improvement District**

6. COMMITTEE REPORTS

**a. Recognition of Crisel Perez, Youth Councilor and welcome to Delilah
Calhoun**

b. Swearing in of Police Officer Ben Humphrey

c. Community Oriented Policing

7. OTHER BUSINESS

This time is provided to allow the Mayor, Council members or staff an opportunity to bring new or old matters before the Council that are not on tonight's agenda.

- New Business
- Old Business
Keizer Peer Court

8. ADMINISTRATIVE ACTION

- a. ORDINANCE - Noise Variance Amendment

9. CONSENT CALENDAR

- a. **RESOLUTION** – Authorization for City Manager to Sign Contract with Obsidian Phone System
- b. **RESOLUTION** – Amending City of Keizer Personnel Policies Regarding 100.100 – Safety and Health and Adopting Policy 100.200 – Inclement Weather and Emergency Closure
- c. Approving July 6, 2004 Regular Session Minutes
- d. Approving July 12, 2004 Work Session Minutes
- e. Approving July 19, 2004 Regular Session Minutes

10. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

11. AGENDA INPUT

August 16, 2004

7:00 p.m. City Council Regular Session

- Public Hearing - Speed Reduction on River Road
- Public Hearing – Street Lighting District Assessments
- Public Hearing – Water Rates/COSA
- Towing RFP
- Civic Center Recommendation Update
- ORDINANCE – Disposition of Supplemental Property

August 30, 2004

5:30 p.m. City Council Work Session

- Parks Tour

12. ADJOURN

Upon request, auxiliary aids and/or special services will be provided. To request services; please contact us at 503-390-3700 or through Oregon Relay 1-800-735-2900 at least two working days (48 hours) in advance.



August 2, 2004

AGENDA ITEM 5a

**RESOLUTION – Establishing the Name of
“Ben Miller Park” for Pleasantview Park**

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: ROB KISSLER
DIRECTOR OF PUBLIC WORKS**

SUBJECT: RENAMING OF PLEASANTVIEW PARK

DATE: JULY 29, 2004

BACKGROUND:

At the June 8, 2004 Parks and Recreation Advisory Board meeting, a motion was passed recommending City Council hold a Public Hearing to change the name of Pleasantview Park to Ben Miller Park. Mr. Miller's donation of equipment and labor was instrumental in developing the Park as you see it today.

I have attached a copy of the current Pleasantview Park map and the Parks and Recreation Board minutes from June 8, 2004.

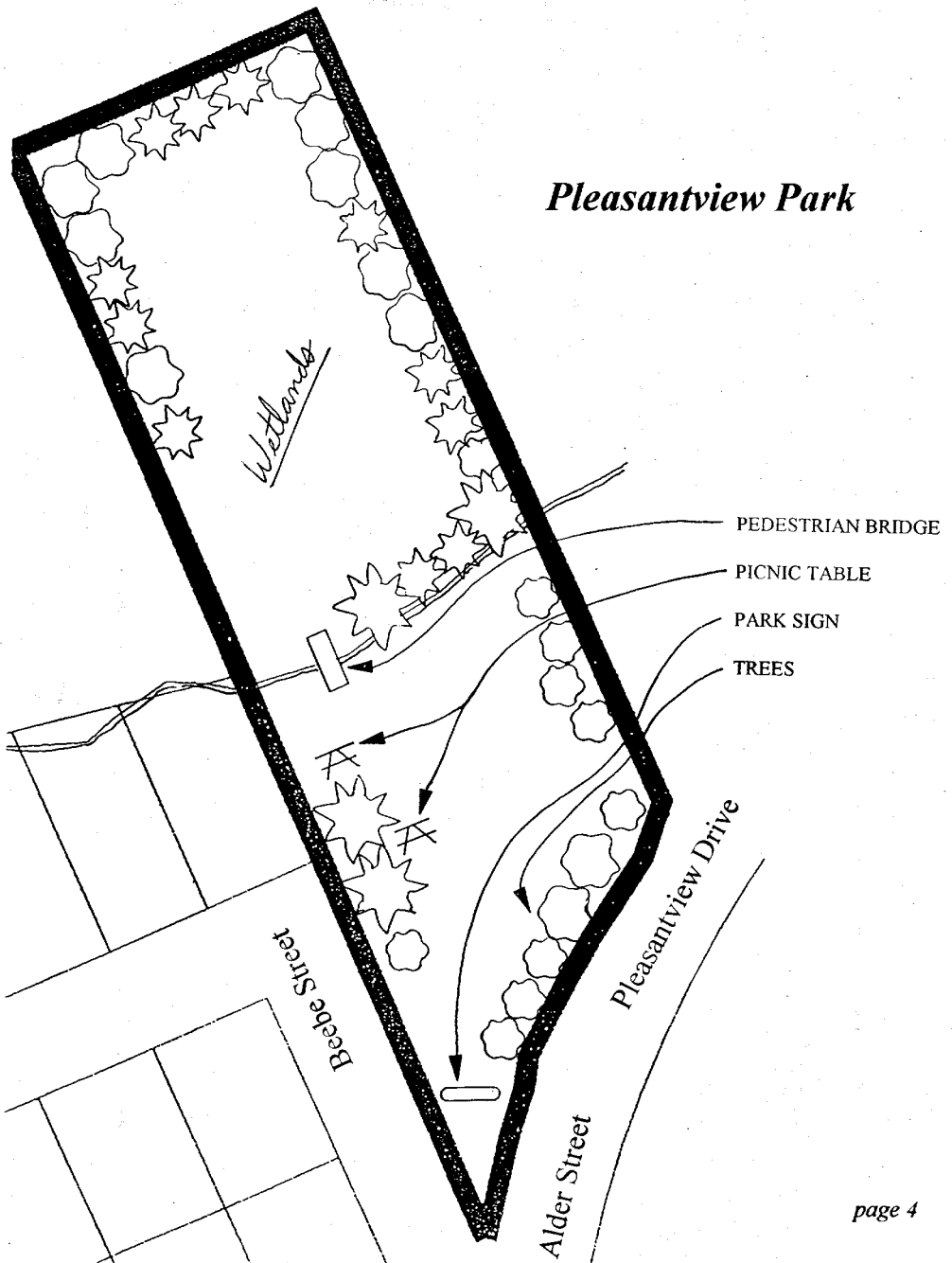
FISCAL IMPACT:

Funds are available in the Park Fund to change the signage to Ben Miller Park.

RECOMMENDATION:

Staff recommends City Council open the Public Hearing, receive testimony, close the Public Hearing and deliberate this issue. Please contact me if you have questions.

Pleasantview Park



the most important sites in the Pacific Northwest and would be a premier site to locate and interpret to the public first because it represents the Astoria Company which there is very little information about and second, because if artifacts are found at the site, they could very well be older than anything ever found in the valley. After continued discussion, Dr. Brauner suggested that the brush should be cleared in the area so that a magnetometer could be used for the initial exploration. He added that he would be at Fort Yamhill with the field school which will be finished on July 30 and at that time he would have a lot of highly trained, enthusiastic people who might be willing to spend some time researching this project. If artifacts were found, the next step would be to stop all excavation and develop a plan which included applying for grants. After excavation, identification of structures and recovery of artifacts, maps and photographs would be used to document the site, then the site would be covered to prevent vandalism and interpretive structures and signage would be developed.

Jacque Moir cautioned the Board that a Master Plan has not been done on the park, and that this information and plan should be presented to Council so that they could support it and grants could be solicited.

6. **RENAMING OF PLEASANTVIEW TO BEN MILLER PARK** ~ Garry Whalen reviewed the history of the park and noted that he had talked to Ken Gierloff regarding the renaming of the park to honor Ben Miller and his family. The family pointed out that they were approached after the death of Ben Miller regarding naming the park after him, but that because it was so soon after his death and he would not have wanted the recognition, they respected his wishes. However, they added that they would not object to changing the name now. Discussion followed as to the procedure to follow for renaming the park. Mr. Whalen agreed to represent the Parks Board at the City Council meeting on June 21 and update Council on this issue when he presents the monthly report.

Richard Ford moved that a representative of the Parks Advisory Board presenting the monthly report at the next Council meeting request that a Public Hearing be scheduled at the earliest opportunity to Rename Pleasantview Park in honor of Ben Miller. Shayne Hollandsworth seconded.

The motion passed unanimously as follows:

AYES: Williams, Ford, Kelly, Whalen, Clark, Hollandsworth and Hilgemann (7)

NAYS: None (0)

ABSENT: None (0)

ABSTENTIONS: None (0)

7. **RIVERR Task Force/Willamette River 85-Acre Park Update**
 - **Request for Naming of Keizer Rapids Park** ~ Nate Brown presented a brief history of the project, explained why the Task Force preferred to name the project "Keizer Rapids" and fielded questions from the Board.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2004-_____

3 ESTABLISHING THE NAME OF "BEN MILLER PARK"
4 FOR PLEASANTVIEW PARK

5 WHEREAS, the City Council by Resolution R95-874 named park property
6 located at 1595 Alder Street Northeast, Keizer, as "Pleasantview Park";

7 WHEREAS, subsequent to such naming, the City Council adopted Resolution
8 R96-894 (Establishing a Process for Naming a City Park);

9 WHEREAS, the process set forth in Resolution R96-894 has been complied with
10 and public input has been sought on the renaming of Pleasantview Park;

11 WHEREAS, the Parks and Recreation Advisory Board has recommended
12 renaming Pleasantview Park as "Ben Miller Park";

13 NOW, THEREFORE,

14 BE IT RESOLVED by the City Council of the City of Keizer that Pleasantview
15 Park is hereby renamed "Ben Miller Park" and City staff is directed to make appropriate
16 signage changes in connection with this renaming.

17 PASSED this _____ day of _____, 2004.
18 SIGNED this _____ day of _____, 2004.

19 _____
20 Mayor

21 _____
22 City Recorder

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 RESOLUTION NO. R95-874

3 NAMING PARK PROPERTY LOCATED AT 1595 ALDER STREET NE, KEIZER,
4 OREGON AS PLEASANTVIEW PARK
5

6 WHEREAS, in July, 1995 the City of Keizer purchased a parcel of property
7 located at 1595 Alder Street NE, Keizer, Oregon;

8 WHEREAS, this parcel was purchased with the intent to create a park for
9 the residents of the southeast Keizer area;

10 WHEREAS, the Keizer Parks Advisory Board conducted a survey requesting
11 suggestions for the development and names for the park;

12 WHEREAS, the Keizer Parks Advisory Board unanimously voted to
13 recommend the park be named "Pleasantview Park; NOW, THEREFORE,

14 BE IT RESOLVED, by the City Council of the City of Keizer the park
15 property located at 1595 Alder Street NE, Keizer, Oregon shall be named
16 PLEASANTVIEW PARK.

17 PASSED this 4th day of December, 1995.

18 SIGNED this 4th day of December, 1995.

19 Dennis Kelly
20 Mayor
21 Gracyl Durb
22 City Recorder
23

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

RESOLUTION NO. R96- 894

ESTABLISHING A PROCESS FOR NAMING OF CITY PARKS

WHEREAS, The City of Keizer desires a formal policy for naming park properties , and

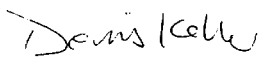
WHEREAS, , and a policy was reviewed and recommended by the Parks and Recreation Advisory Board. **NOW THEREFORE** ,

BE IT RESOLVED that the Council adopt the following process for naming park properties:

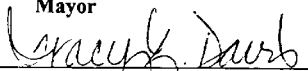
1. **Criteria**: Park properties should be named for their location, or in memory of a deceased individual who has positively impacted the City of Keizer in his/her lifetime.
2. **Public input**: In the case of a Neighborhood park, include a question on a park survey that is distributed to the neighbors of the park, asking their ideas for a name. If the park is larger and would be considered a Community park, ideas for a park name could be asked in the local paper, City Newsletter or water bill.
3. **Parks and Recreation Advisory Board review**: All ideas will be reviewed by the Board and a recommendation forwarded to the City Council.
4. **City Council Decision**: The City Council will receive from the Parks Board a review of the possible park names along with the Board's recommendation.

PASSED this 15 day of April, 1996.

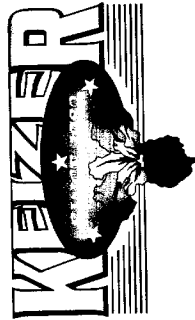
SIGNED this 15 day of April, 1996



Mayor



City Recorder



August 2, 2004

AGENDA ITEM 5b

**Hunter Addition Street Lighting Local
Improvement District**

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: TRACY L. DAVIS, CMC
CITY RECORDER**

**SUBJECT: PUBLIC HEARING – FORMING AND SPREADING ASSESSMENTS TO
HUNTER ADDITION STREET LIGHTING LOCAL IMPROVEMENT
DISTRICT**

ISSUE:

On January 12, 2004 the developer of Hunter Addition subdivision filed a petition to form a street lighting local improvement district. In response to this petition, the City Council adopted Resolution R2004-1477 on April 5, 2004 to initiate formation of a street lighting local improvement district and direct the City Engineer to make a survey and file a report. On July 19, 2004 the City Council approved the City Engineer's report and set a public hearing to consider remonstrances to the project and objections to the proposed assessments. Notice of public hearing stating the intention to form the district and to assess for the lighting improvements, was distributed as required under City of Keizer Ordinance 94-278.

FISCAL IMPACT:

The City initially pays the street lighting expense to the utility company as it is billed throughout the year. The operating cost of the lights is then billed to the property owners on an annual basis, thereby recovering the City's costs for bills paid throughout the year. In addition, the bills include the cost of the City Engineer's Report in the first year, and an administrative charge in the first and subsequent years to recover the City's cost for administering the lighting districts. All funds are budgeted through the Utility Fund.

RECOMMENDATION:

Open the public hearing to **first consider oral objections and written remonstrances** to formation of Hunter Addition Street Lighting Local Improvement District. If valid remonstrances of the owners of two-thirds of the land to be specially assessed for the lighting district are presented to the Council at the public hearing, close the hearing and suspend formation of the district for six months. If remonstrances are not received, close the public hearing and consider adoption of the Resolution forming the lighting district. If Council forms the district, consider adoption of the proposed assessment ordinance.

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1 **BILL NO. _____**

ORDINANCE NO. 2004- _____

2
3 **A BILL FOR**

4
5 **AN ORDINANCE SPREADING ASSESSMENTS TO**
6 **HUNTER ADDITION STREET LIGHTING LOCAL**
7 **IMPROVEMENT DISTRICT**
8

9
10 Section 1. FINDINGS. The City Council of the City of Keizer makes the
11 following findings:

- 12 a. The City Council did heretofore declare its intention to install street lights to
13 serve an area known as Hunter Addition Street Lighting Local Improvement
14 District which is described as follows:

15 Hunter Addition - identified on the assessors
16 map 06 3W 23DC - tax lot 400 in the City of
17 Keizer, County of Marion, State of Oregon;

18 which includes the installation of two (2) - 100-watt high pressure sodium
19 flat lens luminaries mounted on six-foot long mast arms and attached to 30
20 foot gray fiberglass poles located within the subject local improvement
21 district, all in accordance with the City Engineer's Report for Hunter Addition
22 Street Lighting Local Improvement District.
23

- 24 b. The total initial estimated cost of Hunter Addition Street Lighting Local
25 Improvement District is \$452.98.

- 26 c. The per space/lot assessment formula was used for this district.

- 27 d. The improvements in the district have been or will be constructed as
28 provided in the Engineer's Report.

- 29 e. Notice was duly mailed to the benefited property owners on July 20, 2004.

1 f. A meeting of the City Council was held at the time and place fixed by public
2 notice for the purpose of considering any such written objections to the
3 proposed assessments.

4 g. No written objections to the proposed assessments were filed.

5 h. The Council has considered the matter and determined that construction of
6 said improvements was and is of material benefit to the City, and all the
7 property to be assessed therefore will be specially benefited by the
8 improvements in the amounts shown on the assessment roll.

9 NOW, THEREFORE, the City Council of the City of Keizer ordains as follows:

10 Section 2. ASSESSMENTS.

11 a. First Annual Assessment. It is hereby determined that the share of the cost
12 of the improvements for Hunter Addition Street Lighting Local Improvement
13 District for each parcel and property benefited thereby for the first annual
14 assessment is the amount set opposite the description of each piece or
15 parcel of land as described in Hunter Addition Street Lighting District
16 Assessment Roll as set forth in Exhibit "A" attached, and that each piece or
17 parcel of land benefited by the improvements, to the full extent of the
18 amount so set opposite such piece or parcel and that the respective
19 amounts represent the proportionate benefits of said improvements to said
20 respective parcels of property, and the Council does hereby declare that
21 each of the parcels of property described in Hunter Addition Street Lighting
22 District Roll as set forth in Exhibit "A" attached is hereby assessed the first
23 annual assessment amount set opposite each respective description.

- i. Summary of first annual assessment costs for formation of the lighting district to serve the area known as "Hunter Addition Street Lighting Local Improvement District":

2 – Pole and 100 Watt Luminaries	\$348.48
Engineering Costs	\$70.00
Administrative Fee	<u>\$34.50</u>
Total Estimated Assessments	\$452.98

- ii. The Recorder of the City of Keizer is hereby directed to send a notice of first annual assessment to each owner of assessed property by mail within ten (10) days after this Ordinance levying the first annual installments is passed. The notice shall include information that an application to make installment payments may be filed with the City if the assessment is collected directly from the property owner and not pursuant to ORS 223.866.

- b. Second and Subsequent Annual Assessments. After a municipal lighting district has been formed in accordance with City of Keizer Ordinance 94-278, the second and subsequent annual assessments shall be spread by Resolution which may include changes in the mode of collecting the assessment. The method of assessment and notification for subsequent annual assessments shall be determined in accordance with City of Keizer Ordinance 94-278.

- c. Mode of Collecting Assessments. Assessments for Hunter Addition Street Lighting Local Improvement District shall be collected pursuant to ORS 223.866.

d. Lien on Property. The assessment shall be entered as a lien against the benefited property in the City Lien Docket.

PASSED this _____ day of _____, 2004.

SIGNED this _____ day of _____, 2004.

Mayor

City Recorder

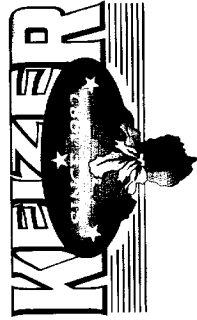
PRELIMINARY ASSESSMENT ROLL

HUNTER ADDITION SUBDIVISION
STREET LIGHTING DISTRICT

*Assessors Map 06 3W 23DC

<u>Tax Lot #:</u>	<u>Owners Name and Address</u>	<u>Cost per Lot</u>	<u>Lots</u>	<u>Assessment</u>
400	STOMBAUGH, DAVE PO BOX 13122 SALEM, OR 97309	\$90.60	5	\$452.98

TOTAL ASSESSMENT: \$452.98



August 2, 2004

AGENDA ITEM 6a

**Recognition of Crisel Perez, Youth Councilor and
Welcome to Delilah Calhoun**

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR AND CITY COUNCIL

**FROM: CHRISTOPHER C. EPPLEY
CITY MANAGER**

SUBJECT: STUDENT COUNCILOR

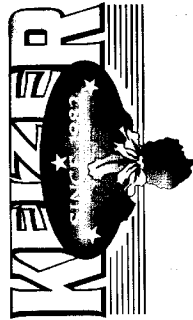
BACKGROUND

Crisel Perez has been the City's student Councilor for nearly a year now. In this time, she has attended Council Meetings and has participated on external committees and/or task forces. She has been active and has participated on a number of occasions, adding valuable insight into policy discussions from a youth perspective.

As the Youth Councilor position is one-year in term, this will be the last meeting that Crisel will be with us.

RECOMMENDATION

Staff recommends that the Council thank Crisel for her participation with the City of Keizer as the Youth Council for the last year.



August 2, 2004

AGENDA ITEM 6b

Swearing in of Police Officer Ben Humphrey

COUNCIL MEETING: August 2, 2004

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: CHIEF H. MARC ADAMS
KEIZER POLICE DEPARTMENT**

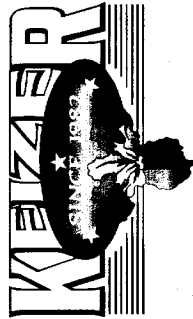
SUBJECT: SWEARING IN OF POLICE OFFICER

ISSUE:

Shannon Johnson, City Attorney will be present to issue the oath of office to Keizer Police Officer Ben Humphrey.

Officer Humphrey attended Colton High School, graduating in 1999. He then attended Western Oregon University from 2000 to 2003 and received a Bachelor's Degree. Officer Humphrey started at the Police Academy on July 19, 2005.

Please help us congratulate and welcome Officer Ben Humphrey to the Keizer Police Department.



August 2, 2004

AGENDA ITEM 6c

Community Oriented Policing Committee

COUNCIL MEETING: August 2, 2004

AGENDA ITEM NUMBER: _____

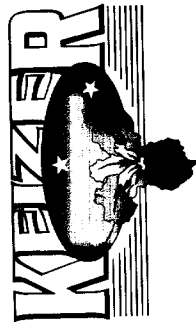
TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**FROM:  DEBBIE LOCKHART, RECORDING SECRETARY
CITY RECORDER PRO TEM**

SUBJECT: COMMUNITY ORIENTED POLICING COMMITTEE

ISSUE:

Pursuant to the request of Mayor Christopher, this item is being placed on the agenda for discussion.



August 2, 2004

AGENDA ITEM 7

Old Business – Keizer Peer Court



KEIZER YOUTH PEER COURT

930 Chemawa Road
Keizer, Oregon 97303
(503)390-3700



What Are Our Objectives?

1. Build personal accountability and develop responsible behavior among Middle and High School youth.
2. Provide an alternative response to juvenile justice system for first-time, nonviolent, juvenile offenders who commit misdemeanors.
3. Educate Youth and the Community through orientation and training in the law, judicial processes, civic responsibility and career opportunities.
4. Engage youth offenders and their peers by redirecting and problem solving behavior within a "legal system environment."
5. Work to effectively discourage repeat offenses by encouraging community attachment and ensuring appropriate and timely response to juvenile offenders.
6. Use a restorative justice model to export and impose creative, constructive and effective sanctions that meet the needs of youth offender, families and the community.
7. Require juvenile offenders to experience "both sides of the fence," through jury participation as a part of their sanctions.

When/Where:

- Weekly Intake Sessions
- Monthly Court Sessions
- City of Keizer Council Chambers
930 Chemawa Road, Keizer

Created in Partnership and in Cooperation with:

- City of Keizer
- Keizer Police Department
- Marion County Juvenile Department
- Marion County Sheriff Office
- Salem Police Department
- Community Action Drug Prevention Network
- Salem-Keizer School District
- Keizer United

Our Purpose:

The Keizer Youth Peer Court is, and continues to build, a cohesive community-based program of prevention and intervention for first time youth offenders. Youth, family and community members work together to promote personal community commitment, accountability and responsibility.

Offender Requirements:

The Keizer Youth Peer Court is a diversion program for juveniles from the Keizer City area, who have been cited by law enforcement authorities and who meet the following eligibility criteria:

- Ages 12 – 17
- Residence within the boundary of the Keizer City limits
- Referral by the Juvenile Department and local law enforcement

What Kind of Cases Are Referred?

- MIP Tobacco
- MIP Alcohol by Consumption or Possession
- Possession of Less than 1 oz Marijuana
- Unlawful Possession of Inhalants
- Helmet Law/Ordinance Infractions
- Curfew
- Criminal Trespass 1 & 2
- Criminal Mischief 2 & 3
- Harassment, Telephonic Harassment
- Disorderly Conduct
- False Information to a Police Officer
- Theft 2 & 3
- Traffic Offenses (15 yrs. of age and younger)
- Misrepresentation of Age
- Initiating a False Report
- Unlawful Entry into a Motor Vehicle
- Other offenses not listed may be referred by the Juvenile Department with agreement by Peer Court

How Peer Court Works!

A youth between 12-17 years old receives a citation from Law Enforcement Officer.

Juvenile Department:

1. Receives Citation Report.
2. Report is screened for qualification of one of the qualifying areas of referral by Intake Office at Marion County.
3. A Referral is made to Keizer Youth Peer Court.

Peer Court:

1. Interview with Peer Court Coordinator in Keizer. Offender must appear with parents or guardian at this intake.
2. Offender and parent/guardian sign a contract admitting guilt and acceptance into Keizer Peer Court, or takes option of returning to Marion County Juvenile Court.
3. If Offender signs contract for Keizer Peer Court, he/she is scheduled on Court Docket.
4. A Presentation is made to Peer Jury regarding the offence.
5. Disposition is determined by Peer Jury after all presentations are made.

Offender Compliance:

1. Offender has completed Sentence when:
 - Peer Sanctions are completed
 - Offender has participated on Peer Jury
 - Record Dismissal
 - Record Expunged
2. Fail to complete Sentence:
 - Case is referred back to Marion County Juvenile Court
 - Peer Court sentence included with case
 - Additional Sanctions may be required by Marion County Juvenile Department

Lockhart, Debbie

From: Judy Smith [councilorsmith@comcast.net]
Sent: Tuesday, July 27, 2004 1:46 PM
To: Lockhart, Debbie
Subject: Aug. 2 Meeting

Good Afternoon Debbie,

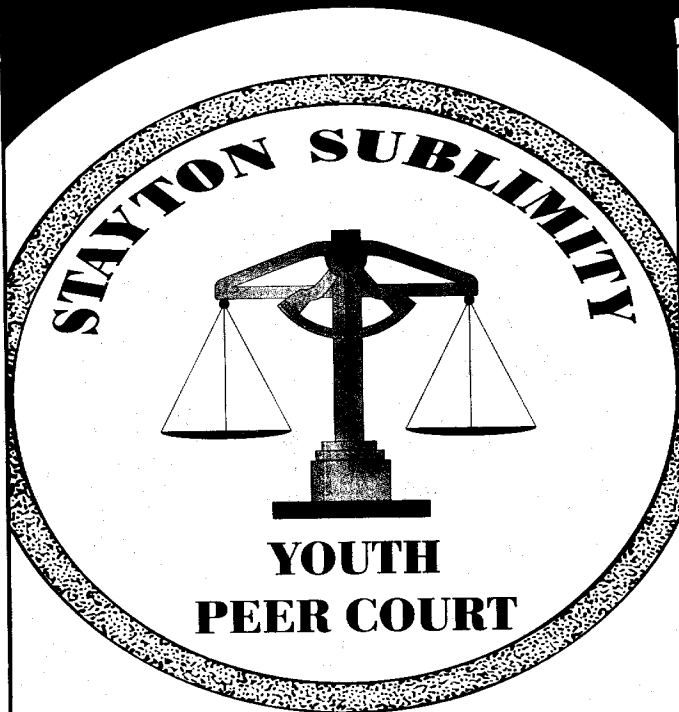
Attached is information that is to be inserted into the packets for Monday's meeting. I will also be bringing a manual to you tomorrow morning that needs to be copied and given to council. I guess I am assuming that Capt. Kuhns already talked to you about Peer Court being placed on the agenda, but in case he hasn't, please call me at 503-390-9297 and I can explain everything or at least answer questions.

The printing of the manual can be done at lazerquick or wherever you need to send it, if you cannot do it there. It is to be billed to the City and will come out of grant monies Capt. Kuhns has received for Peer Court.

Thank you for all your help, sorry it will be so much (The manual is quite a few pages.)
Judy Smith

FREE Emoticons for your email! [Click Here!](#)





*"Youth Empowerment
for Justice"*

Stayton Sublimity Youth Peer Court

(503) 769-5749
(503) 769-6408 Fax

STAYTON SUBLIMITY YOUTH PEER COURT

*Program Overview
and
Procedure Manual*

Prepared for SSYPC and Friends of the Family of North Santiam, Inc.
by Jennifer Strutz

Filename: A:\policy manual.ssydc.wpd

PURPOSE STATEMENT

The Stayton Sublimity Youth Peer Court is,
and continues, to build a cohesive community-based program
of prevention and intervention for first time youth offenders.
Youth, family and community members work together
to promote personal and community commitment,
accountability and responsibility.

ACKNOWLEDGMENTS

HISTORY

and

OBJECTIVES

Stayton Sublimity Youth Peer Court

I. ACKNOWLEDGMENTS

The Stayton Sublimity Youth Peer Court Program was created in partnership and in cooperation with the following:

Friends of the Family of North Santiam, Inc.

Stayton Police Department

City of Stayton

City of Sublimity

North Santiam School District

Regis High School

St. Mary School

Marion County Juvenile Department

Marion County Sheriff Department

Santiam Memorial Hospital

We want to express our deep gratitude for the support and encouragement given to the Stayton Sublimity Youth Peer Court in its early beginnings.

A special acknowledgment and thank you to the Oregon Youth Court Association, Beaverton Youth Peer Court, Sisters Teen Court, Yamhill County Peer Court and Linn County Teen Court for sharing their individual program expertise, forms and mentorship in the shaping of Stayton Sublimity Youth Peer Court.

Stayton Sublimity Youth Peer Court

II. HISTORY and PHILOSOPHY

The Stayton Sublimity Youth Peer Court is the result of partnerships between *Friends of the Family of North Santiam, Inc.*, a community progress team, facilitating and convening ideas to make the program happen; the communities of *Stayton, Sublimity, Lyons and Mehama's* concern for the welfare of their youth; *Marion County Children and Families Commission* believing in and providing the start-up funding for an innovative concept in Marion County; *Marion County Juvenile Department's* cooperation in working with a community-based diversion program for first-time offenders and the *North Santiam School District* along with our private schools, *Regis and St. Mary* in creating an opportunity for educating students in judicial matters.

The novel concept and belief in using "peer pressure" in a positive manner help to bring this program to fruition. The partnerships within the Peer Court concept saw a need to build personal accountability and develop responsible behavior among middle and high school youth. The Stayton Sublimity Youth Peer Court provides an alternative response to the traditional juvenile justice system, a non-traditional approach to a court system of accountability by peers for peers. The Peer Court's ability to serve suitable deterrents, within the community's resources, to encourage our youth to make better choices that will not only affect the community, but will positively affect their own life path as well.

Stayton Sublimity Youth Peer Court uses the restorative justice model to explore and impose creative, constructive and effective sanctions to meet the needs of youthful offenders, families and the community. The Youth Peer Court helps to lower the number of cases dealt within the Juvenile Department, which in turn saves money and allows efficient case load handling of more serious crimes committed by our youth.

Stayton Sublimity Youth Peer Court

I. ACKNOWLEDGMENTS

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Friends of the Family of North Santiam, Inc.

Stayton Police Department

City of Stayton

City of Sublimity

North Santiam School District

Regis High School

St. Mary School

Marion County Juvenile Department

Marion County Sheriff Department

Santiam Memorial Hospital

We want to express our deep gratitude for the support and encouragement given to the Stayton Sublimity Youth Peer Court in its early beginnings.

A special acknowledgment and thank you to the Oregon Youth Court Association, Beaverton Youth Peer Court, Sisters Teen Court, Yamhill County Peer Court and Linn County Teen Court for sharing their individual program expertise, forms and mentorship in the shaping of Stayton Sublimity Youth Peer Court.

Stayton Sublimity Youth Peer Court

II. HISTORY

The Stayton Sublimity Youth Peer Court is the result of partnerships between *Friends of the Family of North Santiam, Inc.*, a community progress team, facilitating and convening ideas to make the program happen; the communities of *Stayton, Sublimity, Lyons and Mehama's* concern for the welfare of their youth; *Marion County Children and Families Commission* believing in and funding an innovative concept for Marion County; *Marion County Juvenile Departments* need of a diversion program for first-time offenders and the *North Santiam School District* along with our private schools, *Regis and St. Mary* creating an opportunity for educating students in judicial matters.

The novel concept and belief in using "peer pressure" in a positive manner help to bring this program to fruition. The partnerships within the Peer Court concept saw a need to build personal accountability and develop responsible behavior among middle and high school youth. The Stayton Sublimity Youth Peer Court provides an alternative response to the traditional juvenile justice system, a non-traditional approach to a court system of accountability by peers for peers.

Peer Courts use the restorative justice model to explore and impose creative, constructive and effective sanctions to meet the needs of youthful offenders, families and the community. The Youth Peer Court helps to lower the number of cases tried in Juvenile Court, which in turn saves money and allows efficient prosecution of more serious crimes. In many other communities around the state of Oregon and nationally, it has been found that Youth .

FOCUS
AND
PROCEDURE

FOCUS AND PROCEDURES

Youth Peer Court Case Presenter, Bailiff and Juror

- ✓ Volunteers are 12-17 years of age
- ✓ Volunteers participate in instruction in courtroom procedures and legal concepts
- ✓ Volunteers are to treat fellow jurors, court officers, advisors and judge with respect in:
 - appropriate dress
 - arrive on time for court trials and training
 - be prepared

Youth Peer Court Offenders

- ✓ Offenders are responsible for:
 - attending court trial
 - completing Homework Packet
 - attending instruction training
 - serving as a juror in future trial
- ✓ Offenders are to treat jurors, court offices, advisors and judge with respect in every way:
 - appropriate dress
 - arrive on time for court trial and training
 - complete sanctions handed down by jury

FOCUS AND PROCEDURES

POSITIONS AND RESPONSIBILITIES

Youth Peer Court Coordinator

- ☛ First contact point for public
- ☛ Coordinate Advisory meetings
- ☛ Coordinate correspondence, mailings, databases, posting notices, cable, etc.
- ☛ Grant writing and sourcing
- ☛ Staff support for grant and other required reporting
- ☛ Maintaining calendar of trials and training
- ☛ Assign cases to Case Presenter, Bailiff and Jurors
- ☛ Maintain Best Practices and research files
- ☛ Liaison with community groups and organizations as required
- ☛ Recruits youth and adult volunteers

Youth Peer Court Judge

- ▶ The Judge Pro Tem is an adult volunteer who works in the legal field within our focus area.
- ▶ The Judge Pro Tem is an adult volunteer working with a supervising attorney from local State and Universities of Law.
- ▶ The judge rules on questions of law in an administrative manner.

FOCUS AND PROCEDURES

Program Focus

The Stayton Sublimity Youth Peer Court is a diversion program for juveniles from the Stayton, Sublimity, Lyons and Mehama who have been Peer Court and similar programs have been helpful in reducing second-time offending cited by local law enforcement authorities and who meet the following eligibility criteria:

Ages 12-17

Residence within the boundaries of North Santiam School District

Dates, Times, and Location of Trials

When: Trials are scheduled on Tuesdays at 3:30pm

Where: East Marion County Justice Court House - Stayton
111 W. Locust Street

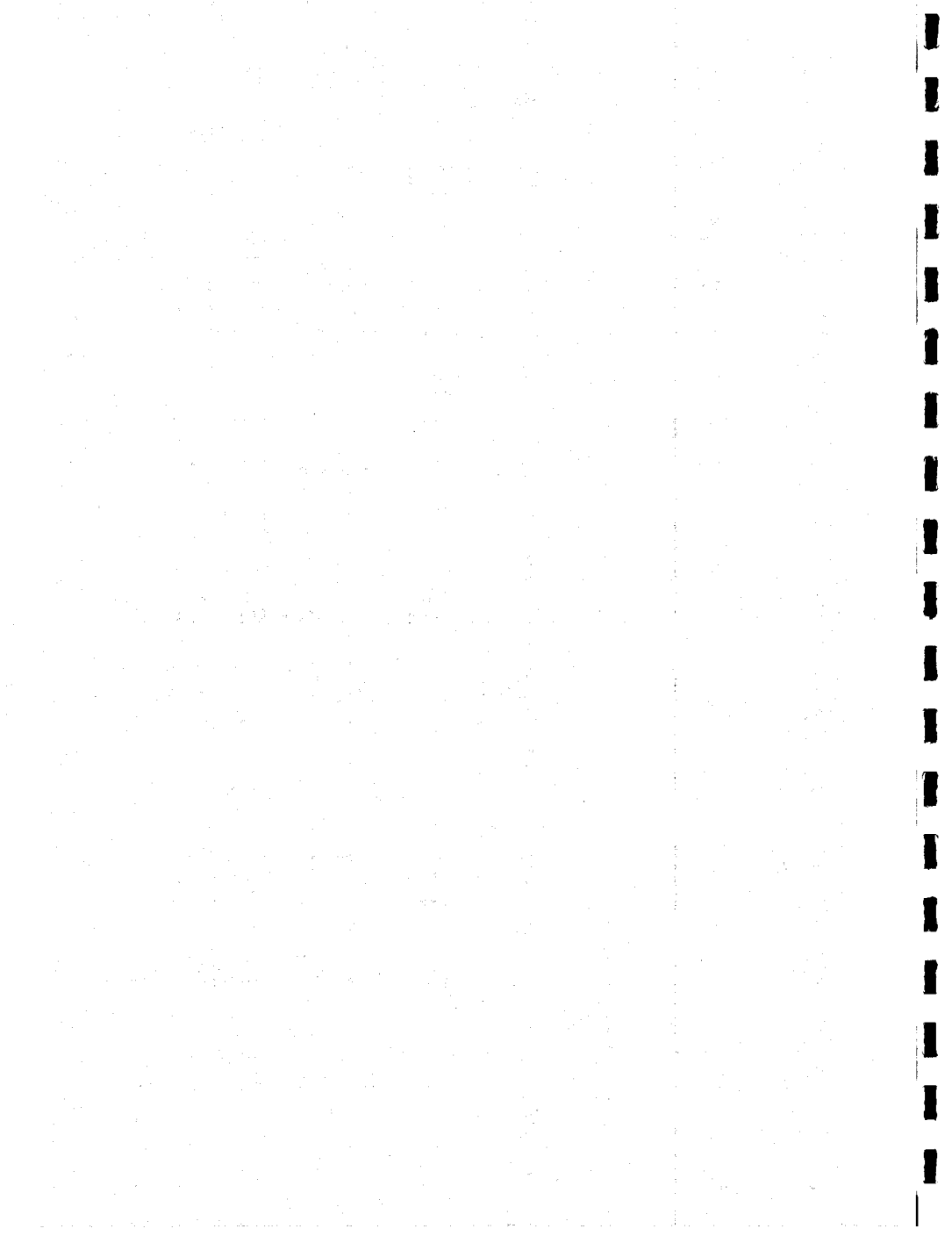
Note: Dates and times of trials are subject to change due to the caseload. Contact Coordinator for trial schedule.

Dates, Times, and Location of Training

When: Training for courtroom instruction is held in the Spring and Fall of each year. Additional training in courtroom enhancement provided as requested or needed.

Where: East Marion County Justice Court House - Stayton
and the Stayton Community Center

Note: Dates, times, and locations of courtroom instruction and additional training are subject to changes. Contact Coordinator for scheduling.



FLOW CHART

And

BROCHURE

FLOW CHART

◆ *Citation issued through local law enforcement*

◆ **Marion County Juvenile Department**

- *Receives citation report*
- *Report screened by Intake Officer*
- *Referral to Youth Peer Court*

◆ **Youth Peer Court**

- *Intake with Peer Court Coordinator*
Offender appears with parent or guardian
- *Offender and Parent sign contract*
- *Offender scheduled on Court docket*
- *Presentation to Peer Jury*
- *Disposition by Peer Jury*

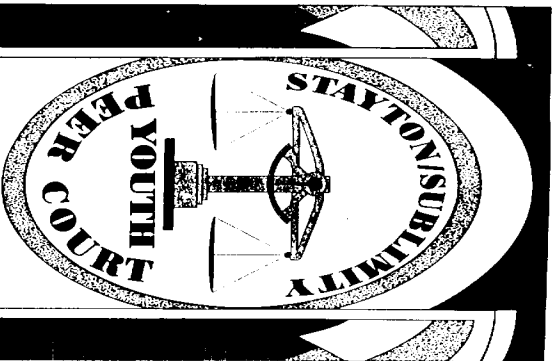
◆ **Compliance**

1. **Completion of Sentence**

- *Sanctions Completed*
- *Jury Participation*
- *Record Dismissal*
- *Record Expunction*

2. **Failure to Complete Sanction**

- *Refer to Juvenile Court*
- *Sanction by Peer Court*
- *Additional Sanctions*
- *Record Stands*



*"Youth Empowerment
for Justice"*

**Stayton/Sublimity
Youth Peer Court**

362 N. Third Avenue
Stayton, OR 97383

(503) 769-5749
(503) 769-6408 Fax

What are our Objectives?

1. Build personal accountability and develop responsible behavior among Middle and High School youth.
2. Provide an alternative response to juvenile justice system for first-time, nonviolent, juvenile offenders who commit misdemeanors.
3. Educate Youth and the Community through orientation and training in the law, judicial processes, civic responsibility and career opportunities.
4. Engage youth offenders and their peers by redirecting and problem solving behavior within a "legal system environment."
5. Work to effectively discourage repeat offenses by encouraging community attachment and ensuring appropriate and timely response to juvenile offenders.
6. Use a restorative justice model to explore and impose creative, constructive and effective sanctions that meet the needs of youth offender, families and the community.
7. Require juvenile offenders to experience "both sides of the fence," through jury participation as a part of their sanctions.

When/Where:

Tuesdays 3:30 to 5:00 PM.
East Marion County Justice Courtroom
Stayton

**STAYTON/SUBLIMITY
YOUTH PEER COURT**

*Created in Partnership
and in*

Cooperation with:

- Friends of the Family of North Santiam, Inc.
- Stayton Police Department
- City of Stayton
- City of Sublimity
- North Santiam School District
- Regis High School
- St. Mary School
- Marion County Sheriff Dept.
- Marion County Juvenile Dept.
- Santiam Memorial Hospital

Our Purpose:

The Stayton/Sublimity

Youth Peer Court is, and continues to build,

a cohesive community-based program of

prevention and intervention for

first time youth offenders.

Youth, family and community members

work together to promote personal

and community commitment,

accountability and responsibility.

APPLICATION:

Name _____

Address _____ Phone _____

School _____

Juror/Court Officer _____

Adult Monitor _____

MAIL TO: Coordinator
Stayton/Sublimity Youth Peer Court
362 N. Third Avenue
Stayton, OR 97383

**FAX (503) 769-6408
(503) 769-5749**

HOW WE WORK!

Citations from Law Enforcement

Juvenile Department:

1. Receives citation report.
2. Report screened by Intake Officer.
3. Referral to Youth Peer Court.

Peer Court:

1. Intake with Peer Court Coordinator. Offender appears with parent or guardian
2. Offender/Parent sign contract.
3. Offender scheduled on Court docket.
4. Presentation to Peer Jury.
5. Disposition by Peer Jury.

Compliance:

1. Completion of Sentence
 - Sanctions Completed
 - Jury Participation
 - Record Dismissal
 - Record Expunged
2. Fail to complete sentence
 - Refer to Juvenile Court
 - Sentence by Peer Court
 - Additional Sanctions

Requirements:

The Stayton/Sublimity Youth Peer Court is a division program for juveniles from the Stayton, Sublimity, Lyons and Melama who have been cited by local law enforcement authorities and who meet the following eligibility criteria:

ages 12-17

Residence within boundaries of North Santiam School District.
Completion of Peer Court Training

What Kinds of Cases Do We Hear?

- MIP Tobacco
- Curfew
- Criminal Trespass 1 & 2
- Criminal Mischief 2 & 3
- Telephonic Harassment
- Disorderly Conduct
- False Information to a Police Officer
- Theft 2 & 3
- Traffic Offenses
(15 yrs. of age and younger)
- Offensive Littering
- Misrepresentation of Age
- Initiating a False Report
- Unlawful Entry into a Motor Vehicle

TRAINING
FOR
COURT OFFICERS
AND
JURORS

STAYTON SUBLIMITY YOUTH PEER COURT

"Youth Empowerment for Justice"

WELCOME

PEER COURT is exactly what its name indicates, a courtroom where young offenders are questioned, judged and sanctioned by their peers. The program is a unique opportunity for everyone involved.

Our purpose for PEER COURT is to provide an alternative method of dealing with first-time juvenile offenders in the areas of:

Misdemeanors, violations, and status offenses.

The offender must plead guilty to the offense, voluntarily agree to participate in the PEER COURT, be held accountable for his/her own actions, be responsible for appearing in court, explain their actions, complete consequences assigned and serve as a juror.

We want to use peer pressure as a positive force instead of a negative influence. Those who work with youth know just how instrumental peer pressure can be in the decision making process of youthful minds, even with "good kids."

PEER COURT is based upon the premise that young people want to do what is right when making decisions!

PEER COURT is better way to impress upon a youthful offender judgement of peers than by adults. Peer pressure in the court setting will have a more immediate and meaningful effect upon the youth than the more traditional approach. The message given by a peer jury will long be remembered by those seeking to be accepted in their community.

PEER COURT makes a concerted effort to involve and educate as many student volunteers as possible in areas dealing with rights and responsibilities, decision-making and our system of justice.

PEER COURT will be among the most rewarding of your middle or high school years. Again, welcome to the program and remember...

"Alone we can do so little; together we can do so much."

Helen Keller

1. What is a Peer Court?

2. Expectations

3. Court Participants:

Case Presenter: Ability to: Read Police Report
Pull out critical information from report
Give concise report
Verbally give present information to Court

Jurors: Ability to:

- To actively listen
- To ask open end questions
- Be Respectful of offender/parents
- Be Respectful of opinion
- Be a Team player

Overview of the Law

(Attorney or Law Enforcement Officer Present)

Explanation of Youth Offender vs. Adult Offender process)

1. Types of Courts:

Circuit - Criminal (felony), Civil (over \$10,000)

District - Criminal (misdemeanor), Civil (under \$10,000)

Municipal - City laws and ordinances

Justice -

2. Types of Crimes:

Status offenses, i.e.; curfew, run away

Violations, i.e.; MIP Tobacco, MIP Alcohol

Misdemeanors, i.e.; Theft 3, Trespass 2, Criminal Mischief 2

Felony, i.e.; Theft 1, Assault 2, Burglary 1

Refer to Offender Homework Packet Definitions.

3. Maximum Sentences:

Class C Misdemeanor - 30 days, \$1,000.00

Class B Misdemeanor - 6 months, \$2,000.00

Class A Misdemeanor - 1 year, \$5,000.00

Class C Felony - 5 years, \$100,000

Class B Felony - 10 years, \$200,000

Class A Felony - 20 years, \$300,000

Peer Court Process

Judge	An attorney or Municipal Court Judge Calls Court session to order Swears in Courtroom Visitors and Jury Calls Case Presenter to present case Calls Witnesses Keeps order and protocol in courtroom Instructs Jury Makes final comments and adjourns the hearing
Case Presenter	Presents facts of case Questions witnesses
Bailiff	Reads ORS Calls case Swears in offender Directs Jury
Jury	Questions offender and parent/guardian Selects Foreperson Deliberates Foreperson delivers jury verdict

Court Process, cont.

Do's and Don't's

- Do be courteous and respectful of all others
- Do be on time
- Do dress appropriately
- Do speak loudly enough for all to hear
- Do address Judge as "Your Honor"
- Do ask questions
- Do refrain from unnecessary talking, interrupting
- Do maintain appropriate posture/attitude
- Do turn in all paper work
- Do encourage friends to become Peer Court Volunteers
- Don't ask questions that do not relate to the case
- Don't put anyone down
- Don't appear to be a "smart aleck" or superior
- Don't chew gum, bring food or drink to courtroom
- Don't display anger or lose your temper
- Don't use profane or obscene language
- Don't sexually harass any Participant, Offender, Juror, or Presenter
- Don't play around while in Courtroom
- Don't discuss information from the proceedings outside of the Courtroom

Confidentiality

Oath of Confidentiality

Absolutely must keep all information to oneself

Sharing information from cases in Peer Court is grounds for removal from the Youth Peer Court and/or warning with appearance as offender in a courtroom process.

Treatment of Youth and Parent/Guardian

Must treat both with respect and courtesy

When questioning parents, remember that it may be hard for them to accept questions from the youth

Be sensitive to the awkward position they are in

Don't point fingers or make accusations (you are there to question and gain helpful information in order to make a good, constructive sanction)

Questions for Offender and Parents

Use questions provided by Bailiff to help you get started

Ask open-ended questions

Ask pertinent questions that can be related to:

incident

family

school

other, that is related to the circumstance

Don't go on a "fishing" expedition

You are gathering information to help you make a good decision

Be focused

Ask enough questions

Sanctions

Restitution

Essay

Homework Assignment Packets (mandatory)

Letter(s) of Apology

Verbal Apology

Court Apology (if victim is in attendance)

Community Payback Service (mandatory 3hrs)

Property Offender Classes

Assault/Anger Class

Tobacco Class

Traffic Class

Jury Duty (mandatory 1time)

Detention Tour (mandatory)

Adult Arraignment/County Jail Tour

Home Curfew

GPA

School Attendance

Extra-curricular Activity

Be Creative

Attitudes vs. Crimes

Same crime - different attitude (offender)

What do you do?

Forms

Sign in every time you serve as court officer or juror

Docket, Bailiff and Case Presenter forms

Jury Verdict Form/Dispositional Contract

Evaluations

What is a Crime?

To know whether an offender has been accurately charged, you need to know what a crime is and what the elements of a crime are.

One of the purposes of Stayton Sublimity Youth Peer Court is to provide an opportunity for people accused of a crime to be judged by their peers. A crime is something that one does or fails to do that is in violation of a law. A criminal has many faces. She/he may be a teenager stealing make-up from a store or a career criminal planning a kidnaping. She/he may be the youth who steals a car for a joyride or the car theft ring that takes the car to sell later. When a person commits a crime, she/he does something that is a threat or danger to the community.

A. CATEGORIES OF CRIMES

Crimes are divided into categories and are defined under Oregon law as follows:

1. Felony:

A crime for which a sentence of imprisonment for a term of more than one year is authorized. The exact limit for jail time and fine depends on the level of the felony and how many felonies the offender has committed.

- (a) Felonies are usually the more serious crimes. Examples of felonies include first and second degree theft, murder, first and second degree burglary, first and second degree robbery, and possession of drugs at school.
- (b) Felonies are separated from most serious to least serious as murder, unclassified felonies, unclassified sexual offenses, Class A, Class B, and Class C felonies.

2. Misdemeanor:

Any crime for which a sentence of imprisonment of a year or less may be imposed and a fine of up to \$1,000.

- (a) Examples of misdemeanors include criminal trespass, gambling, cruelty to animals, disorderly conduct, and theft in the third degree.
- (b) Misdemeanors are also separated from most to least serious as Class A and Class B misdemeanors.

3. Violations:

A minor infraction which cannot be punished by imprisonment. This type of offense is normally punished by a fine of up to \$100.

- (a) Most curfew violations, no bike helmet, and possession of tobacco by a person under the age of 18 fall into this category.

4. Status Offense:

A minor whose behavior does not conform to community expectations.

- (a) Most status offenses fall under run away, truant from school, beyond the control of his/her parents or otherwise involved in behavior that is not acceptable to the community.

WHAT ARE THE ELEMENTS OF A CRIME?

Every crime is made up of certain elements. A crime cannot be committed unless all of its elements are fulfilled. Three elements may be found in any crime. They include:

- (1) conduct;
- (2) state of mind; and
- (3) violation of a statute.

A. Every Crime Contains Three Elements

1. Conduct:

Means either an "act" or the "failure to act when there is a duty to act." If you shoplift, you have committed the act of going into the store and taking something without paying for it.

Conduct is an element required in every crime. There is no law against just thinking criminal thoughts.

2. State of Mind:

This defines what the offender was thinking at the time he/she committed the conduct. There are four kinds of states of mind:

- (a) Intent means wanting something to happen. If A swings at B, and wants to hit him, we say A INTENDED to hit B.
- (b) Knowledge means knowing something will happen as a result of what one is doing. For example, if A throws a rock at a window, A KNOWS that the rock will break the window if it hits it.

- (c) Recklessness means consciously doing something which involves a great risk to oneself or to others. For example, A has a new gun. A wants to test the gun so A points the gun across the street and shoots at trees in the park. A is being RECKLESS because he is doing something he knows involves a high risk of danger to others who may pass by or are using the park.
- (d) Negligence is not as serious as recklessness. An example of negligence would be a person who dropped a banana peel on the sidewalk without thinking.

3. Violation:

Often a statute calls for a bad result or a violation, which occurs as the consequence of the offender's conduct. For example: if the statute defines murder as "causing the death of another person" the bad result or violation would be the death of someone.

READY FACT SHEET

STATES OF MIND

Intentional conduct normally implies specific intent. A person acts intentionally when his/her conscious objective is to cause a result specified by law.

Knowing conduct involves an awareness of the nature of the actor's conduct. A person is aware that his/her conduct is of the nature defined in the offense. For example, a person can "knowingly" maintain a crack-house by letting others use his/her property for drug related activity without actually participating in or seeing crack sales carried out.

Reckless conduct occurs when a person is aware of and consciously disregards a substantial and unjustifiable risk that a particular result will occur or that dangerous circumstances exist. The risk must be of such a nature and degree that a reasonable person would not normally disregard it. For example, a person who drives or handles a weapon while drunk acts recklessly.

Criminally **negligent** conduct involves the failure of a person to perceive a substantial and unjustifiable risk that a particular result will occur. The risk may be the same as that involved in reckless conduct, but here the actor fails to appreciate the risk, rather than disregard it.

Guideline for Deliberation Process

1. Deliberation should allow for a variety of input.
2. Should base decisions on facts/information presented.

Steps for Deliberation Process

While in the jury room, jurors should:

1. Choose a Jury Fore Person
2. Review rules of the deliberation process.
3. Debrief on what they saw/initial reactions.
4. Go over facts and circumstances of case (aggravating and mitigating)
5. Explanation of harm. Who, what?
6. Outline needs of offender, victim and community. What needs to be done to repair the harm?
 - a. What has already been done?
 - b. What sanctioning options are available/remedies at our disposal to repair the harm?
7. Create the sanction:
 - a. Ask can it be carried out?
 - b. Is it appropriate?
 - c. Provide a written rationale to defendant for the sanction on the jury form.
8. Verify consensus with all the jurors.

Stayton Sublimity Youth Peer Court
Jury Panel Reference Sheet

Questions for the Offender

Why did you (state the offense: smoke, ride without a bicycle helmet, steal)?

Do you know what you did was wrong? **WHY?**

Will you ever do it again? **WHY OR WHY NOT?**

How did you feel when you were caught?

How did you feel when your parents found out you got caught?

Have you ever done this before? Did you get caught? By whom? What happened?

What would you tell a friend or sibling who was considering doing the same thing?

What are your responsibilities at home?

Have you been punished for the offense by your parents? What happened?

How has this event affected your life?

Are you sorry for what you did? **WHY? OR WHY NOT?**

What would you do differently if faced with this situation in the future?

How do you think your friends influenced you to commit this crime?

How will you respond next time your friends pressure you to do something that is wrong?

How did you feel when you received the citation?

How are your grades in school?

Do you like school?

What is your attendance record like?

Do you have any extra curricular activities you are involved in? **WHAT ARE THEY?**

Have you ever been a victim of a crime? **What, when, how did you feel?**

Specific crime questions:

Smoking:

What started you to smoke?

How do you feel when you smoke?

How do you think it has affected your body? **EXPLAIN**

How do you afford a package or carton of cigarettes?

Stealing:

Why did you steal this item?

How much did it cost?

Did you have any money with you at the time? (If yes, **WHY** didn't you pay for the item?)

Did you return the merchandise?

Did you have to pay a civil fine? **HOW MUCH? TO WHOM?**

HOW DID YOU GET THE MONEY TO PAY THE FINE?

Do you get an allowance?

Do you have a job?

Did you ask your parents to buy this item for you? **Why or why not?**

Did you need the item? If yes, **WHY?**

What did you think would happen if you were caught?

Was anyone with you at the time?

Did they steal or try to steal anything?

Bicycle Helmet:

Are you aware of the consequences of not wearing a helmet? **WHAT ARE THEY?**

Do you own a helmet?

Why didn't you have your helmet on when riding your bike?

Did you know it was against the law not to wear a helmet?

QUESTIONS FOR PARENTS/GUARDIANS

What did you think when you found out about this incident?

Specific to crime:

Did you know your child smoked? **If yes, what have you done about it?**

Did you know it was illegal for your child not to wear a bicycle helmet?

Has your child stolen before? **If yes, What did you do?**

Has your child ever intentionally damaged another's property before?

Did you discuss this incident with your child? **WHAT WAS SAID?**

What was your child's reaction to the discussion?

Was there any punishment at home? **WHAT? HOW LONG?**

Has he/she told the truth here today? **If no, ask to please explain.**

Do you still trust your child? **If no, ask what would help to regain the trust level?**

Do you think that he/she will ever do this again?

Do you spend time with your child? **Doing what? When or how often?**

Do you encourage your child to engage in youth activities? **What kind? Or Why not?**

SANCTIONS INFORMATION

Letters of Apology

It is recommended that you require the offender to write a letter of an apology to his/her victim. This is an appropriate requirement because it requires the offender to communicate to the people hurt by his/her actions. Letters of an apology can be written to Security Officers, Managers, Business Owners, Teachers, Administrators, Family Members, Friends, Peers, etc. The request to write a letter of an apology must be accompanied by the required number of words per apology to void the offender writing only five words. Maximum number of words in letters of apology are 400 words. **Remember**, if the offender is 14 and under years of age word count should not be beyond their learning capacity. Content and intent is what is important not quantity.

Essays

Essays are an excellent way to have the offender think through his actions and create more acceptable ways to solve problems and behave responsibly. Topics that have been used in the past have been extremely thoughtful and sensitive in terms of the mitigating circumstances presented at the Peer Court Trial. Some examples: (maximum word count 1000)

- Ten people I can call when I am faced with a crisis instead of shoplifting
- The costs to the public in terms of shoplifting and how I can better spend my time
- The costs to the community in terms of graffiti and why I should not tag
- How graffiti does damage to public property and community
- Effects of aerosols on the environment
- Better ways to spend my time besides tagging
- The consequences of peer pressure
- The cause and effect of stealing
- Lessons learned from stealing
- Ways to earn money to prevent stealing

- How to think before you act
- Using better judgement
- Crime among youth in USA
- Who provides a positive role model in your life?
- What is a positive role model?
- Biography on a positive role model
- The importance of school
- Traffic laws and reasons why they exist
- Why use bicycle helmets
- Why smoking is bad for your health
- Peer Pressure and smoking
- What does the word "responsible" mean to you?

Remember, an essay should be related to the age of the offender and his/her talents. Content is more important than quantity!

Creative Sanctions:

- If the offender expresses a talent for art(drawing, painting, pottery, etc.) instead of an essay replace with a portfolio of drawings, etc. relating to the crime, offender and/or victim, i.e. :
 - *traffic safety: bicycles, bicycle helmets, seat belts, pedestrian
 - * process of stealing and consequence
 - * how smoking affects of the body
 - * peer pressure: sequences of types of

Instead of an essay:

- write a poem regarding the crime and events
- write a poem about self
- write a biography of offenders' life
- create a comic book regarding the crime, offender and victim
- read a book, a classic, and relate in book report form how the book affected the offender
- find a group that has an activity the offender has an interest and write 50 to 100 words about the experience of attending
 - art club
 - YATF
 - poetry club
 - sports club
 - youth group
 - anything that has interaction with others

COURT OFFICER

AND

JUROR

DESCRIPTION

STAYTON SUBLIMITY YOUTH PEER COURT CASE PRESENTER GUIDE

DUTIES: Your tasks are to present the facts of the case and other pertinent information to the Jury and to question the Offender, obtaining admission of responsibility and relevant background information.

PROFESSIONALISM: As the primary spokesperson in Youth Court, it is essential that you present a professional image to all participants and observers. Your example will set the tone for all others. Please dress strictly according to court guidelines. Address the Judge as "Your Honor" or "Judge _____." Treat the offender with respect at all times, as well as all other participants. You may, and sometimes must, disqualify yourself from any individual case in which you may have a conflict. Do not abuse your position by spreading information about people at school or elsewhere; it will lessen respect for the court and you.

SPEAKING STYLE: Your voice should be loud enough to be heard throughout the courtroom, but calm in tone. Speak clearly and deliberately. Direct your presentation toward the Jury, your questions toward the Offender, and pertinent statements to the Judge. Make eye contact. Your language doesn't have to be fancy, usually simpler is better, but don't talk in a slangy or casual manner not suitable for a courtroom.

PREPARATION: Obviously, you need to have a case well prepared before court begins. You will begin with two sources of information: The Police Report or *Citation* and the Peer Court Case Report. The Police Report will be the basis for your opening presentation. The Case report is based on statements made by the Offender in the intake interview with the Coordinator. You will use this to prepare your questions for the Offender.

PRESENTING THE CASE

OPENING PRESENTATION: Summarize for the Jury the information in the Police Report. Identify the officers involved. Be sure to hit all the basics:

- date and time of the incident
- location of the incident
- identity of the Offender
- what happened and what offense the Offender is charged with.

Include any other information that will help the Jury understand the offense or determine an appropriate sentence (Examples: *response of the Offender at the scene, or value of property stolen or damaged*). This hearing is for the Offender only, so it is best not to name other names. Say, "Offender and three friends," or, "the driver." See the Coordinator for advice on what details may be important to include in a particular case.

QUESTIONING: In questioning the Offender, you have several goals:

1. Get the Offender's story in his or her words.
2. Get the Offender to acknowledge the actions that broke the law.
3. Bring out important background information, ie: time, circumstances.
4. Give the offender an opportunity to express his/her feelings about the offense.

The Offender deserves your respect and your tone of address should reflect that. Because this is a sanctioning hearing for an Offender who has admitted guilt, you are allowed to ask questions that you could not ask in a legal trial. You may ask "leading" questions, and certain questions that do not pertain strictly to the offense, but all questions must be relevant to the Jury's task. Offenders may be embarrassed about admitting what they have done, but the Case Presenter should not make a point of humiliating any Offender. The Case Presenter should never insult, badger or yell at an Offender. It is inappropriate to try and trip up the Offender with a "trick" question." Do not call the Offender a liar. If you feel an Offender is being untruthful, ask questions which make the situation clear to the Jury and let the Jury evaluate the answers. Do not ask an Offender to "name names" of accomplices.

If the Judge declares a question to be inappropriate, do not get into an argument with the Judge. Simply withdraw the question and move on. If you feel strongly that your question has an appropriate purpose, ask to approach the bench, and explain quietly to the Judge why you think the question is relevant. If the Judge doesn't agree, let it go politely and go on to your next question. If you are interested in the Judge's legal or personal reasoning, talk to him or her in private after court.

Okay, enough of the things not to do. Let's go back to the four things you want to do with your questions.

1. GET THE OFFENDER'S STORY

The police report is often just the "end of the story." How did the Offender get into the position of being arrested or cited? This can provide important lessons for everyone in court. It can also make clearer the extent of Offender's level of responsibility. You can get the story by asking either "open-ended" or "closed" questions.

An **Open-ended question** lets the Offender use his or her own words. Example: "Please tell the Jury what happened that day?" Sometimes such a question is too broad, and the person will simply answer, "I got busted for shoplifting." It's better to tell the Offender where to start: "please tell us what happened, starting with you and your friends talking in the parking lot."

A **Closed question** calls for shorter answers, sometimes just yes or no. It gives you more control over where the story is going, but lessens the impact somewhat. "Your friend told you he would watch out for the store manager, correct?" or, "who came up to you as you were leaving the store?"

There may also be some mitigating circumstances that partially explain how the Offender got into this situation or that lessens his/her responsibility. The Offender gets an opportunity to tell these to the Jury later, but sometimes it makes more sense to have it told as part of the whole story, and you can help the Offender get these matters out.

What kind of question you will use will depend a lot on the Offender. Open-ended questions provide the best opportunity for the Offender to express him or herself, but sometimes the witnesses need help, and sometimes you need to narrow things down to bring important information out. Other an Offender might ramble on and on. At those times, make the questions more closed in nature.

2. GET THE OFFENDER TO ACKNOWLEDGE THE ACTIONS THAT BROKE THE LAW.

This should be part of the Offender telling the story, and usually comes out on its own. However, on occasions an Offender will need some help with the hard parts and you may have to ask a pointed question such as, "What did you do after you came to the lipstick display?" or "Did you pay for the items you took from the store?" OR even an open series of, "And then what did you do?" A good question can be, "Did you know _____ was against the law?" It is much better for the person to say "I did this," rather than accepting a sentence based on someone else's "He did that." Taking responsibility is key to Peer Court and will help the individual in the long run.

3. BRING OUT IMPORTANT BACKGROUND INFORMATION.

(Note: You may elect to do this first, before asking for the Offender's account of the story.) You may find things in the Case Report that are important for the Jury to know in determining the best sentence for this individual. Use your judgement to select the facts from the report that are most relevant to the case and ask questions which bring information before the Jury.

Some things to look for:

- ☛ Does the Offender have a clean record, or has he or she committed similar offenses before?
- ☛ Does the Offender have a good background of responsibility?
- ☛ Has the Offender been cutting school? Have grades dropped? This might be important to consider if, for example, the offense involves use of drugs or alcohol.
- ☛ Have there been hardships that bear on this case?

These are just a few examples, and what is important will obviously vary a lot among Offenders. Don't delve into excessively personal areas unless Offender really wants to go there for a good reason.

4. GIVE THE OFFENDER A CHANCE TO EXPRESS FEELINGS ABOUT THE CASE OR LESSONS LEARNED.

Although the Offender has a chance to make a statement when you are finished with your questions, many are too nervous and pass this opportunity up. Yet it may be important for the person to say certain things out loud, and you can make this happen with the right question. The Case Report will sometimes contain statements from the Offender that you can get before the court with the right questions.

Some good ones:

- ✓ How did you feel about what you did?
- ✓ What have you learned from this experience?
- ✓ Will you do this again?

CONCLUDING/ANSWERING QUESTIONS: You've done a lot of work? When you are finished, say, "Thank you," to the Witness and, "no further questions, Your Honor" to the Judge.

- ⇒ **CAUTION:** Remember to leave questions for the Jury to ask. Get them started. If you still have questions the Jury hasn't asked, the Judge will offer you another opportunity to finish questioning.

STAYTON SUBLIMITY YOUTH PEER COURT BAILIFF DUTIES

BEFORE HEARINGS:

Greet incoming people and direct them to their proper places before court: Jurors to Jury Room, Offender and family to the designated waiting area (outside courtroom). Obtain the Jury lists from the Coordinator; sign in and give Jury oath.

AT THE START OF COURT:

Check with Judge if he is ready to begin. Bring in the Offender and Parent/Guardian. Bring Jury into the courtroom to be seated. Close the courtroom door and put out the "Court in Session" sign.

DURING COURT:

Perform duties as outline in the Courtroom Protocol Procedures in Bailiff manual.
Assist the Judge to replace any Juror with an alternate if necessary.
Lead Jury to Jury Deliberation Room
Give Jury Verdict Form to Jury
Bring Jury back to Court
Bring Jury Verdict form to the Judge for approval and return to the Foreperson
After sanctioning obtain signatures for Jury Verdict Form; Court Representative forms; Bailiff forms
Carry out any other tasks assigned by Judge

AFTER THE HEARING:

Direct the Offender and family to the Coordinator to receive the sanction documents.
Open the courtroom door and remove "Court in Session" sign

STAYTON SUBLIMITY YOUTH PEER COURT

Guidelines for Jurors

As a juror, you realize that the offender has admitted guilt in order to be diverted to Peer Court. Your role is to determine the sanction based on the evidence. Every effort should be made to make the sanction fit the offense.

The case presenter will present all the facts of the case during his/her presentation based on the police report. The offender must agree that the police report is accurate and these facts cannot be disputed. If they are disputed, the offender's diversion to Peer Court is curtailed immediately.

Your role as a juror is to determine the attitude and believability of the offender, the reliability of evidence that directly affects the case, factual information and mitigating circumstances.

Your ultimate duty as a juror is to discuss the case between your fellow jurors in order to reach a unanimous decision. You should decide the case for yourself after considering the views of these jurors. You should not be influenced by the majority of jurors if you strongly believe otherwise.

**COURTROOM
PROTOCOL**

STAYTON SUBLIMITY YOUTH PEER COURT COURTROOM PROCEDURES

INTRODUCTION:

BAILIFF: *(When the Judge is ready and Case Representative w/offender and family is seated then begin court. Bring the jury in and seat them.)*

All rise. The STAYTON SUBLIMITY YOUTH PEER COURT is now in session.

The Honorable (Judge's name) presiding.

JUDGE: Please be seated. Good afternoon. As you are all aware, the business of Youth Peer Court is very serious. The offenders who appear before this Court have violated a law of the State of Oregon and have voluntarily chosen to come here to have a jury of their peers impose sanctions for these violations.

Each case deserves your utmost attention and respect. We remind you that all proceedings are private and the names of the parties must remain confidential. Please rise, raise your right hand and repeat after me:

I solemnly swear/promise or affirm that I will not divulge any information which comes to my knowledge in the course of a youth peer court case and that I will keep secret all said proceedings.

Will the Representative please state his/her name?

Will the Offender please state his/her name?

BAILIFF: We call the case of STAYTON SUBLIMITY YOUTH PEER COURT vs. Offender's name. Case # .

JUDGE: Please rise. You have admitted your guilt to the charge of , are you ready to be sentenced by a jury of your peers? *(Establish at this point the identity of the accompanying guardian.)* You may be seated in the witness chair.

Members of the Jury, are there any of you who feel you must excuse yourself from this case for reasons of fairness or conflict of interest? (*Ask further questions if you feel it is necessary. If any Juror needs to be replaced, dismiss that Juror with thanks and, with the assistance of the Bailiff or Coordinator, call one of the alternate Jurors to service.*)

Offender's name, is there anyone you would like removed from this Jury for any reason? (*Make replacements if needed.*) Do you accept this Jury?

The Jury will rise and be sworn in.

Do you solemnly swear to listen carefully to all the evidence and statements which are presented in this case, to fulfill your duty to determine the most appropriate and fair sentence, and to maintain the confidentiality of all information heard in this courtroom? If so, say "I do."

You may now be seated.

JUDGE: Will the Bailiff please read the charges.

BAILIFF: (Reads the charges: ORS # _____ Type _____)

JUDGE: Would the representative please submit the citation into evidence at this time.

(Representative hands citation to judge)

What are the facts in this case?

REPRESENTATIVE:
Reads the Facts of the case.

JUDGE:
The Bailiff will now swear in the Offender.

BAILIFF: Please stand and raise your right hand. Do you solemnly swear, promise or affirm that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth?

You may be seated.

JUDGE: Offender's name, you now have an opportunity to present to the Jury any testimony of mitigation, or make a statement. Is there anything you wish to say to the Jury?

Representative do you have any questions for _____
Members of the Jury, do you have any questions for the Offender regarding the information in the Police Report? *(The Judge may also ask questions.)*

JUDGE: I will now instruct the Jury.

Members of the Jury, at this time it is your responsibility to deliberate and determine the appropriate consequences for this case. During your deliberations you should be moved solely by the weight of evidence heard in this courtroom. I instruct you to find a sentence that is fair and beneficial for the Offender, fair to the community, appropriate to the offense and of significance to act as a deterrent for others in a similar situation. *(Read here the minimum and maximum Community Service, Juvenile Detention Tour and Jury Duty sentence components, as well as any other mandated components.) (If applicable):* You may find that the offender should make restitution, that is, pay the victim an amount of money for damages suffered, including damage to property, loss of property, or time spent on the offender's case. However, the amount may not exceed \$50.00.

You may also find that the defendant not suffer any further punishment if you believe that it is appropriate after consideration of all the facts and evidence presented to you.

If you find a sanction is appropriate you must impose the following mandatory sanctions:

- a) 3 hours Community Payback Service
- b) Serve as a juror on a future case
- c) mandatory tour of Juvenile Detention or Adult Arraignment at the County Jail.

Upon retiring to the Jury Room, you will first choose a Foreperson to lead the discussion and begin your deliberations.. Your final decision on sanctioning must be unanimous - everyone must agree to it. When you have reached a unanimous verdict, the jury foreperson will fill-out and sign the verdict form. Also, write an explanatory statement regarding the reason for the sentence.

The Jury Foreperson should then inform the bailiff, who will be standing outside the jury deliberations room, that the jury is ready to recommend a sentence to the court.

When you reach your decision, please wait in the Jury Room for the Bailiff to come for you. The Jury is now excused. Please go with the Bailiff to the Jury Room..

The Court will now take a short recess.

BAILIFF: *(Takes the Jury Verdict form and leads the Jury to the Jury Room.)*

BAILIFF: *(When Jury is ready to return to courtroom advise the Judge and bring Jury back in.) All Rise*

JUDGE: Will the Jury Foreperson please rise? Has the Jury reached a decision in this matter?

Please give your verdict to the Bailiff.

BAILIFF: *Gives Jury Verdict Form to Judge for approval. If the sentence is outside the guidelines or otherwise is unreasonable, impossible or unenforceable, the JUDGE will express his/her concerns to the Jury and instruct its members to deliberate again. Otherwise the Judge signs the form, and*

Bailiff returns it to the Jury Foreperson. After the sentence is read, the Bailiff delivers the Verdict Form to the Coordinator.

JUDGE: Will the Offender please stand for sanctioning.
(To Foreperson) Please read the verdict.
(After a verdict) I thank the Jury for its service. The Foreperson may be seated.

Offender's name, you now have the choice to either accept or reject the sentence. I must tell you that if you reject the sentence, your case will be forwarded from the Peer Court to the Marion County Juvenile Department. Do you accept this sentence?

(If the Offender accepts, the Judge may ask him/her to be seated. Here the Judge may offer advice, encouragement, warnings, wisdom and closing comments.)

OPTIONAL: (Judge may address the offender):

1. Juxtapose facts and public policy (e.g. costs of shoplifting are passed on to all of us through higher costs to pay for stolen merchandise and higher security costs), or
2. State that if the defendant were an adult and had committed this offense, the sentence would be up to 30 days/months in jail and/or a fine up to \$1,000.

3. VIOLATIONS:

MIP Tobacco: Punishable by a fine of not more than \$100.

Bicycle Helmet: Punishable by a fine of not more than \$25.

CLASS C MISDEMEANORS:

Littering:
Criminal Trespass II:
Theft II and III:
Minor Graffiti:

All punishable by a fine of not more than \$500 and/or a maximum of 30 days in jail.

JUDGE: I would like to thank the case representative, bailiff, and jurors for their efforts here today.

Please remember as you leave here this evening that it is everyone's duty to uphold the Oath of Confidentiality.
You are all excused.

GLOSSARY

GLOSSARY

A

ACCUSED The offender who is thought to have committed an act.

ACT: (1) Something done voluntarily that may have legal consequence

(2) a written law that has been passed by Congress

ADJOURNMENT: To end a particular session of court.

ADVOCATE: A person who speaks for the cause of another or on behalf of someone or something.

AGGRAVATING FACTORS: Factors that might increase the seriousness of an offense. The presence of these factors may be considered by the judges when sentencing.

ALLEGATION: An accusation that has not been proven.

AMENDMENT: One of the provisions of the U.S. Constitution enacted since the original Constitution became law.

APPEAL: Taking a case to a higher court for a rehearing on a question of law, not fact.

ARRAIGNMENT: A court session at which the offender is charged and enters a plea.

ARREST: Taking a person suspected of committing a crime into custody.

B

BAILIFF: Bailiff swears-in witness, assists in setting up the courtroom and assists the Judge in maintaining order and decorum in the courtroom. Keeps all records of SSYPC proceedings during court.

BAR ASSOCIATION: An organization of lawyers.

BEYOND A REASONABLE DOUBT: The level of proof required to convict a person of a crime. It does not mean "convinced 100 percent," but does mean there are no reasonable doubts as to guilt.

BURDEN OF PROOF: The duty of proving in a case by showing that the weight of the evidence is on one's side.

C

CAUSATION: The reason for an event to occur; that which produces an effect.

CIRCUMSTANTIAL EVIDENCE: Evidence that only points to a conclusion of whether the offender is guilty or not.

CHARGE: The formal accusation of a crime.

CIVIL LAW: An action which violates state law is divided into either a misdemeanor or a felony. There are 2 levels, or classes, of misdemeanor; A and B. Class A is more serious than B. There are several levels of felonies, but AYC only accepts felonies in classes B and C. Class B is more serious than C.

CLOSED COURT: Court proceedings which are open only to the offender, his/her parents/guardian and court officials.

COMMUNITY PAYBACK SERVICE: Usually a part of the offender's sanction, which requires the offender to be present at an assigned place for a specified number of hours, as determined by the jury during sanctions, for the purpose of giving work back to the community at no cost. Work sites include community based clubs, organizations, government and agencies.

COMPLAINT: A sworn statement regarding the offender's actions that constitute the crime charged.

CONDUCT: One of the three elements of a crime which a prosecutor must prove beyond a reasonable doubt. It is the act or failure to act, when there is a duty to act.

CONFESSION: A voluntary admission by an accused person of wrongdoing for which he/she is charged.

CONFIDENTIALITY: Treated as private.

CONSPIRACY: An agreement or plan between two or more persons to commit a crime.

CONSTITUTION: The U.S. sets the framework for our system of government and establish our basic rights and freedoms.

CONTEMPT OF COURT: Any act to embarrass, hinder, or obstruct the court in the administration of justice.

CONVICT: To find a person guilty of a crime or wrongdoing.

COUNSEL: A lawyer; attorney.

COUNT: Each separate charge included in the charging document, which constitutes an accusation against the defendant.

CRIMINAL LAW: Law that allows the State to go to court to protect society from harm caused by an offender. In adult court, the offender may pay a fine or go to jail. At SSYPC, community service, education classes, restitution, apologies, jury duty, and essays are used as consequences.

CROSS-EXAMINATION: The questioning during a hearing or trial of witness for the opposing side.

D

DEFENSE: Evidence offered by the accused to defeat a criminal charge. The offender has the burden of proving his/her defense. In SSYPC the offender does not set forth a defense as he/she pleads guilty to the charge.

DEFENSE ATTORNEY: The attorney who represents the offender and who tries to show that there is not enough proof to find the offender guilty. The defense attorney advises the offender how to plead to a charge.

DEGREE: A method to separate similar crimes into more or less serious classes. For example, theft in the second degree is more serious than theft in the third degree. Similarly, theft in the fourth degree is less serious than theft in the third degree.

DELINQUENT: A child who has committed an act that, if committed by an adult, would be a crime under federal, state or local law.

DEMEANOR: Behavior of a witness on the witness stand and which may be considered for purposes of the witness' credibility or believability.

DEMONSTRATIVE EVIDENCE: Evidence which is not the real item itself, but a model for the item.

DETERRENCE: A reason for punishment based on the belief that the punishment will discourage the offender from committing another crime in the future and will serve as an example to keep other people from committing crimes.

DIRECT EVIDENCE: That which points directly to the offender's guilt or innocence.

DIRECT EXAMINATION: The questioning of a witness by the side calling the witness to the stand.

DUE PROCESS: The idea state in the Fifth and Fourteenth Amendments of the U.S. Constitution, that every person involved in a legal dispute is entitled to a fair hearing or trial.

E

ELEMENTS: The conditions that make an act a crime. There are generally three elements to a crime, all of which must be proven beyond a reasonable doubt by the prosecutor. The three elements include (1) conduct; (2) state of mind; and (3) violation of a statute.

EVIDENCE: testimony given or physical objects introduced into court to help prove an offender's innocence.

EX PARTE: Contact with a judge or juror without the opposing attorney being present.

F

FELONY: A serious criminal offense punishable by a prison sentence of more than one year.

FIFTH AMENDMENT: An amendment to the U.S. Constitution which guarantees every person the right to refuse to incriminate him or herself (to say anything that might be used to prove one's self guilty.)

FINE: A monetary penalty imposed upon someone convicted of an offense.

G

GUILTY: Admitted to the court or found to have committed a criminal act.

H

HEARING: A proceeding in court at which both sides are present arguing their positions.

HEARSAY: An out of court statement made by someone other than the witness and used by the witness to prove the truth of the matter asserted. ("Sam told me...")

I

INTENT: One of the four states of mind; means that the offender wanted something to happen.

IRRELEVANT: Material brought out in court which has no relation to the case.

J

JUDGE: A person appointed to preside in court and administer justice. Or about a case without the opposing attorney being present.

JUDICIAL BRANCH: The division of government that interprets laws and decides questions of law.

JURY: A group of men and women selected to examine the facts at trial, determine truth, and decide the offender's guilt or innocence.

JUVENILE: A person not yet considered an adult for the purposes of determining criminal liability; a minor.

K

KNOWLEDGE: One of the four states of mind which means knowing something will happen as a result of what one is doing.

L

LAW: Rules established in the interests of society by elected official

LAWYER: A practitioner of law; an attorney.

LEADING QUESTION: a QUESTION WHICH TELLS THE WITNESS HOW TO ANSWER. Usually it requires a yes or no answer. Leading questions should not be used on direct examination, except as necessary to develop the witness' testimony. Leading questions are permitted on cross examination.

LEGAL ADVISOR: Adult attorney who answers question about the law.

LEGISLATIVE BRANCH: The division of government that passes laws. Includes the House of Representative and the Senate.

M

MINOR: A child; a person under the legal age of adulthood, usually 18 or 21. (See Juvenile)

MISDEMEANOR: A criminal offense, less serious than a felony, punishable by a prison sentences of one year or less.

MISTAKE OF FACT: An affirmative defense available to the offender which would establish that the offender did not have the state of mind necessary to commit a criminal act. If an offender makes a mistake of fact, it negates (wipes out) the required state of mind and she/he will be found innocent.

MITIGATING FACTORS: Factors that may lessen the seriousness of an offense. The presence of these factors may be considered by the judge when deciding a sanction for an offender.

N

NEGLIGENCE: The least serious of the four states of mind; something an ordinarily careful person would not do.

NO CONTEST: An offender's pleas to criminal charges that does not admit guilt but also does not contest the charges. It is equivalent to a guilty plea, but it cannot be used as evidence in a later civil trial for damages based on the same evidence.

NOT GUILTY: An offenders plea to criminal charges that does not admit guilt and contests the charges.

O

OATH: A pledge, such as a pledge to tell the truth while testifying.

OBJECTION: The verbal statement of an attorney as a means of bringing to the court's attention that the matter or proceeding objected to is improper or illegal.

OFFENSE: Conduct which is a breach of criminal law and generally implies a felony or misdemeanor, and may be punishable under criminal law.

OVERRULE: Judge's denial of an objection.

P

PERJURY: Giving false testimony (lying) while under oath.

PLEAS: The offender's response to a criminal charge.

PRESIDE: Directing court proceedings by a judge.

PRIMA FACIE: Evidence which is sufficient to support the prosecution's criminal charge(s) against the offender.

PRIOR RECORD: A record of crimes an offender has committed in the past.

PRIVILEGE AGAINST SELF-INCRIMINATION: The law that suspect has a right to remain silent and cannot be forced to testify or answer questions against him or herself about a crime.

PROBABLE CAUSE: A reasonable belief, known personally or through reliable sources, that a person has committed a crime.

PROBATION: A system of supervised freedom, usually under a probation officer, for persons convicted of a criminal offense. Typically, the probationer must agree to certain conditions such as getting a job, avoiding drugs, and not traveling outside a limited area.

PROSECUTION: (1) The process of bringing a person to trial on criminal charges; (2) The side bringing a case against an offender.

PROSECUTOR: The government's attorney in a criminal case.

R

RECKLESSNESS: One of the four states of mind which means consciously doing something which involves a great risk to oneself or to others.

REFUTE: To show or prove to be wrong, false or incorrect; to disprove.

REHABILITATION: The act of attempting to change or reform a convicted person so that she/he will not commit another criminal act.

RESTITUTION: A part of an offender's sanction requiring him/her to repay money to the victim for lost, stolen or property damaged because of the criminal actions of the offender, or work without pay for the community.

S

SELF-INCRIMINATION: Giving evidence and answering questions

SENTENCE: The punishment formally announced by the jury or judge upon the offender after his/her conviction in a criminal prosecution.

SHOPLIFTING: A form of theft in which items are taken from a store without payment or the intention to pay.

SIXTH AMENDMENT: The amendment to the U.S. Constitution which guarantees an offender the right to the assistance of an attorney.

STATE OF MIND: One of the three elements of a crime which a prosecutor must prove beyond a reasonable doubt. It defines what the offender must have been thinking at the time he/she committed the conduct. There are four states of mind: (1) intentionally; (2) knowingly; (3) recklessly; and (4) negligently.

STATUTE: A law written by the legislature.

STIPULATION: A voluntary agreement between both sides of a case concerning settlement of some issue eliminating the need for proof on that issue.

SUBPOENA: A court order for a witness to appear in court on a specified date and time.

SUSTAIN: To allow or grant, as when a judge sustains an objection to testimony or evidence. The judge agrees with the objection and does not allow the evidence or testimony to be presented.

T

TESTIMONIAL EVIDENCE: Statements made by a witness at trial.

TRESPASS: The unexcused intrusion on, or improper use of, property belonging to another person.

TRIAL: Presentation of evidence in a court of law before a jury or judge, which determines if the accused person is guilty or innocent of a criminal act.

TRUANT: A student who stays away from school without permission.

V

VERDICT: A jury's decision (or judge panel) in a trial.

VIOLATION: Offenses other than traffic infractions for which a sentence.

VOLUNTARY ACT: Means an act performed "knowingly" and freely.

W

WAIVE: To give up some right, privilege, or benefit voluntarily.

WITNESS: A person who gives a statement under oath and whose statement is received as evidence.

FORMS

USED

IN

COURT

State of Oregon, City of Stayton/Sublimity
Youth Peer Court

YOUTH PEER COURT

vs.

) Bailiff's Record
of
) Trial

Defendant

Defendant Date of Birth: -----

Case # -----

Date of Trial: -----

OATH OF CONFIDENTIALITY

I solemnly swear or affirm that I will not divulge, either by words or signs, any information which comes to my knowledge in the course of a Stayton/Sublimity Youth Peer Court case presentation, and that I will keep secret all said proceedings which may be held in my presence so help me God.

Jury Members

Print Named:

Sign After Oath:

No Show

1)

2)

3)

4)

5)

6)

Alternate

Alternate

THE ABOVE SIGNATURES WERE MADE IN MY PRESENCE: -----
Bailiff

Trial Clerk/Representative -----

Parent(s)/Guardians(s) -----

Exit Interviewer -----

**State of Oregon, City of Stayton / Sublimity
Youth Peer Court**

Youth Peer Court)
Vs.)

Jury Verdict Record

Offender's Name)

Case # _____

Offender Date of Birth _____

Date of Trial _____

We, the Youth Peer Court Jury, recommend that the offender receive the following constructive sanction:

- () No Punishment
- () Community Payback Service (mandatory 3 hours/maximum 25 hours)
- () _____ Jury Duty (mandatory 1/maximum 3)
- () \$_____ Restitution (pay victim for damages. Cannot exceed \$50.00)
- () Write a _____ Word essay concerning the offense (1000 word maximum)
Entitled: _____
- () Write a _____ Word apology (400 word maximum)
- () Verbal apology to victim. (Coordinate with Peer Court Coordinator)
- () Diversion Workshops: _____ Juvenile Aggression _____ Bicycle
_____ Juvenile Theft _____ Tobacco
- () Tour of Juvenile Detention Center
- () Marion County Court Arraignment
- () Other: Circle Curfew Home Detention GPA Attendance
Journal Budget extra-curricular activity open court apology

State reason why above sanction was given: _____

Complete Sanctions by: _____

Judge

Date

Jury Foreperson

Stayton Sublimity Youth Peer Court Jury Verdict

The parent/guardian agree to do the following:

- Supervise the conduct of the youth and be aware of the whereabouts of the youth at all times
- Make reasonable efforts to assure that the youth completes this contract
- Assure through reasonable efforts that the youth attends all required activities
- Participate with the youth in all activities where parent/guardian participation is required
- Take reasonable and appropriate disciplinary actions whenever the youth violates a standard of conduct within the family.
- Other: _____

Parent/Guardian

Offender

Judge

Youth Court Coordinator

Date

State of Oregon, County of Marion,
Cities of Stayton Sublimity
Youth Peer Court

Youth Peer Court)

Case Presenter
Record of Trial

VS.)

Case # _____

Offender

Offender Date of Birth _____

Date of Trial _____

Present in Court:
Parent/Guardian

Case Presenter:

Offense Committed:

Sanction Recommended by Jury:

Case Presenter

OREGON UNIFORM CITATION AND COMPLAINT

RECOMMENDED USE FOR WILDLIFE, FISHING, WEIGHTS & MEASURES, PARK, AERONAUTICS AND CITATION IN LIEU OF CUSTODY

☐ CRIMINAL/OTHER (SEE A ON BACK) OR ☐ INFRACTION(S) (SEE B ON BACK) ☐ TRAFFIC ☐ NON-TRAFFIC

STATE OF OREGON

CITY OF **MARION**

COUNTY OF _____

DOCKET NO. _____

COURT: ☐ DISTRICT ☐ MUNICIPAL
☐ JUSTICE ☐ JUVENILE ☐ CIRCUIT

1574 COMPLAINT

RESERVED FOR
COURT USE

RESERVED FOR
COURT USE

THE UNDERSIGNED CERTIFIES AND SAYS THAT:									
DRIVER LICENSE NO. / ID NO.					STATE TELEPHONE NO.				
NAME: LAST			FIRST			INITIAL			
ADDRESS									
CITY					STATE			ZIP CODE	
SEX	RACE	DATE OF BIRTH		HEIGHT	WEIGHT	HAIR	EYES		

AT THE FOLLOWING TIME AND PLACE IN THE ABOVE MENTIONED STATE AND COUNTY:									
OFFENSE DATE		MONTH	DAY	YEAR	TIME				
AT LOCATION:									

DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):									
1. VIOLATED (CITE ORS/ ORD./RULE)		DESCRIPTION							
		1. SCHEDULED BAIL \$							
2. VIOLATED (CITE ORS/ ORD./RULE)		DESCRIPTION							
		2. SCHEDULED BAIL \$							
3. VIOLATED (CITE ORS/ ORD./RULE)		DESCRIPTION							
		3. SCHEDULED BAIL \$							

I CERTIFY UNDER LAWS (ORS 153.990 - 153.999, 162.071, 163.099) THAT I HAVE SUFFICIENT GROUNDS TO AND DO BELIEVE THAT THE ABOVE MENTIONED PERSON COMMITTED THE ABOVE OFFENSE(S) AND I HAVE SERVED THE PERSON WITH THIS COMPLAINT.

DATE ISSUED		OFFICER'S SIGNATURE		(I) NO	
PRINT OFFICER'S NAME			COMPLAINT OR INFORMATION FILED AT TIME OF CITATION ☐ NO ☐ YES		
SIGNATURE OF ARRESTING PERSON (IF NOT OFFICER)			PRINT NAME		
BOOKING DATE			CUSTODY AT		

YOUR COURT APPEARANCE DATE, TIME AND LOCATION ARE:						
MO	DAY	YEAR	TIME	☐ AM ☐ PM	LOCATION	

OFFENDER

COURT

EXIT

INTERVIEW

STAYTON SUBLIMITY YOUTH PEER COURT

"Youth Empowerment for Justice"

DIVERSION CONTRACT

DATED _____

_____, has agreed to participate in the
STAYTON SUBLIMITY YOUTH PEER COURT (SSYPC). SSYPC is a program whereby
juveniles are diverted from Marion County Juvenile Department in lieu of prosecution
within said Department, the goal resulting in no juvenile police record.

While in the program, _____, agrees to _____

It is expected that the above sanctions will be accomplished by _____.
Case will remain open until the goals are accomplished or termination occurs. Failure to
complete the above sanctions in stated time frame, new law violations, or lack of
attendance to meetings set by Disposition Contract will be considered grounds for
termination. If the Youth Court Coordinator finds that _____ has
failed to fulfill the terms of this contract, the Coordinator may terminate the youth
from the program.

When a youth is terminated, the Marion County Juvenile Department will be
notified and the matter will be handled in the Marion County Juvenile Court with the
referral charge to remain on the youth's record.

Youth who complete their Dispositional Contract, but who are referred to Juvenile
Department on a new, substantiated law violation occurring within six months following
contract completion will have this initial referral charge remain of record.

I understand and agree to the above and further, in consideration for my ability to
participate in the program, I agreed not to sue, and further agree to hold harmless Youth
Peer Court Coordinator, the cities of Stayton and Sublimity, its officers, employees and
agents for any and all liability arising from or caused by my willing participation in the
program.

Offender

Parent/Guardian

Youth Peer Court Coordinator

Date

STAYTON SUBLIMITY YOUTH PEER COURT

"Youth Empowerment for Justice"

Consent for Release of Confidential Information

I, _____ Authorize _____
Name of Offender Name of program making disclosure

to disclose to _____
Person or program to which disclosure is to be made

the following information _____

for the purpose of _____

I understand that my records are protected under the Federal or State Confidentiality Regulations and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that I may revoke this consent at any time except to the extent that the action has been taken in reliance on it (i.e., granted parole/probation/etc., contingent on this consent) and that in any event, this consent expires automatically as described below.

Specification of the date, event or condition upon which this consent expires:

Executed this _____ day of _____, 19____.

Offender

Parent/Guardian

Youth Court Coordinator/Witness

MISCELLANEOUS
FORMS

STAYTON SUBLIMITY YOUTH PEER COURT

"Youth Empowerment for Justice"

JURISDICTIONAL AGREEMENT

This agreement is entered into between

(1) _____ (Juvenile) referred by
Marion County Juvenile Department, Citation # _____
Dated _____, for _____
(2) _____ (Parent/Guardian) and (3) the
Stayton Sublimity Youth Peer Court (a diversion program for qualifying juveniles and
hereafter referred to in this agreement as Peer Court.)

BASIC AGREEMENT

All the parties referenced above understand and agree that:

1. The juvenile is not contesting the charges contained in the citation noted above.
2. As an alternative to referral to the Marion County Juvenile Department the juvenile has the opportunity to have the disposition of this citation determined by the Peer Court.
3. It is not the purpose of the Peer Court to determine guilt or innocence. Its main purpose is to recommend an appropriate, fair, effective Dispositional contract designed to be responsive to offender, victim, and community needs.
4. The utilization of the Peer Court and any Dispositional contract resulting there from is voluntary and may be revoked at any time with written notice by the Stayton Sublimity Youth Peer Court Coordinator.
5. The juvenile agrees to have student peers serve in various Peer Court roles assigned by the Peer Court Coordinator on behalf of the juvenile. The right to utilize an outside counsel or professionally licensed attorney in Peer Court is waived.
6. The juvenile and his/her parent/guardian, as listed below, waive (give up) their right to sue the City of Stayton, volunteer students and attorneys or any other individuals acting in roles associated with the Peer Court on account of any claim for damages arising out of the juvenile's participation in this program. We, the juvenile and parent/guardian, as listed below, do also agree to hold harmless the agencies and individuals listed. This release is based on a willing participation in this program as an alternative to the regular juvenile process.

7. It is understood by the juvenile and his/her parent/guardian that his/her signature is an admission of guilt (subject to conditional dismissal as set forth by the Dispositional contract) and a waiver of the following rights and defenses:

- a. Right to the presumption of innocence;
- b. Right to require the prosecution to prove the commission of the offense beyond reasonable doubt;
- c. Right to trial by court or jury;
- d. Right to confront and cross-examine accusers;
- e. Right against self-incrimination;
- f. Right to Subpoena witnesses to testify;
- g. Right to counsel;
- h. Any other defenses to the charge.

YOUTH PEER COURT IMPOSES A FEE OF \$25.00 FOR PROGRAM COSTS, OFFENDER ACKNOWLEDGES THAT THE PUNISHMENT IMPOSED MAY BE MORE SEVERE THAN HE OR SHE WOULD RECEIVE IN JUVENILE COURT AND THAT HE OR SHE MAY HAVE TO PAY DIVERSION PROGRAM COSTS.

A PARENT OR GUARDIAN MUST BE PRESENT IN COURT.

PLEASE TAKE NOTICE THAT YOUR PEER COURT APPEARANCE is scheduled for the _____ Day of _____ 2000 at the hour of _____ location: East Marion County Justice Court Room, 111 W. Locust St., Stayton.

DATED this _____ day of _____, 2000.

Offender

Date

Parent/Guardian

Date

Peer Court Coordinator

Date

STAYTON SUBLIMITY YOUTH PEER COURT (SSVPC)

362 N. Third Avenue

Stayton, OR 97383

503.769.5749

OFFICER STATUS REPORT

CASE # _____

OFFICER _____

OFFENDER _____

CHARGE _____

COURT DATE _____

SANCTION COMPLETION DATE _____

The above youth who was given a citation by you was seen by the SSVPC
and given the following sanctions

- () No Punishment
- () Community Payback Service Hours _____
- () Restitution \$ _____ To: _____
- () Essay Topic _____
Word Count _____
- () Apology Written Word Count _____
 Verbal Date w/Coordinator _____
- () Diversion Workshop _____
- () Jury Duty _____
- () Juvenile Detention Center Tour
- () Adult Arraignment County Courthouse
- () Curfew Hours _____
- () Other GPA Attendance Extra-Curricular Activity
 Home Detention Open Court Apology
- _____

STAYTON SUBLIMITY YOUTH PEER COURT (SSYPC)

362 N. Third Avenue

Stayton, OR 97383

503.769.5749

VICTIM STATUS REPORT

OFFENDER _____

CHARGE _____

COURT DATE _____

SANCTION COMPLETION DATE _____

The above youth was seen by the SSYPC and given the following sanctions:

- () No Punishment
- () Community Payback Service Hours _____
- () Restitution \$ _____ To: _____
- () Essay Topic _____
Word Count _____
- () Apology Written Word Count _____
Verbal Date w/Coordinator _____
- () Diversion Workshop _____
- () Jury Duty _____
- () Juvenile Detention Center Tour
- () Adult Arraignment County Courthouse/Jail Tour
- () Curfew Hours _____
- () Other GPA Attendance Extra-Curricular Activity
Home Detention Open Court Apology

STAYTON SUBLIMITY YOUTH PEER COURT

"Youth Empowerment for Justice"

YOUTH PEER COURT OFFENDER INFORMATION NOTEBOOK

Please read the following statement and sign below.

I have given \$5.00 to the Stayton Sublimity Youth Peer Court program, as a security deposit for the note book I have received from Youth Court which contains all of the pertinent information for the successful completion of my Youth Court sentence. I understand that this notebook is due back to the Youth Court Program (Drop: 362 N. Third Avenue, Stayton) no later than 4:30pm on the date of my Jury Verdict/Dispositional Agreement deadline; and that if I do not return this notebook or return it in poor condition, my \$5.00 security deposit will be kept by the Youth Court program and a receipt will be mailed to me. I also understand that if I return the notebook in proper condition and on time; my \$5.00 security deposit will be mailed back to me.

Offender's Signature

Date

Case # _____

Parent/Guardian's Signature

Date

Coordinator's Signature

Date

Stayton Sublimity Youth Peer Court (SSYPC)

Information

All offenders are required to serve at least one jury duty, maximum three, in SSYPC (herein Youth Peer Court) and there are several rules which must be observed while the offender serves as a juror. They are as follows:

1. Offenders are prohibited from wearing jeans which are ripped, gang-like or shorts of any kind (including shorts) while serving on a jury. Neat jeans or pants (or shirts/dresses if appropriate) and a nice shirt are suggested. No shirts with foul/offensive writing or pictures.
2. Offenders must arrive in the courtroom by 3:15pm to serve their jury duties. Anyone arriving later than 3:30pm will be sent home and will be warned and given one more opportunity to serve as juror. If another tardy, the offender's file will be closed and sent back to MCJD for non-compliance.
3. Parents/Guardians are permitted to drop off their children but are REQUIRED to pick up the child by 5:00pm. Failure to comply with this rule will result in one of the two actions, either the parent will be required to stay with the child in the outer waiting room during court duration or the child will be removed from the program.
4. No hats or chewing gum are allowed in court and no smoking will be permitted. Anyone caught smoking before, during, or after court can and will be removed from the program immediately and cited if under age. NO BEEPERS, CELLULAR PHONES, CAMERAS OR PURSES WILL BE ALLOWED IN COURT. THE ONLY THING OFFENDERS NEED FOR COURT IS THEIR PEER COURT NOTEBOOK AND ANYTHING THEY HAVE TO TURN IN.
5. No beepers, cellular phones or purses may be brought to any of our community service sites.
6. All offenders will follow the Coordinator's instructions on the day of court. Anyone who fails to do so will receive Community Service Payback Hours and/or can be removed from the program.

Youth Court Juvenile Detention Tour Youth Court Adult Arraignment and Jail Tour

Information and Rules

Your peers have sanctioned you to take a group tour of the Marion County Juvenile Detention Center or the Marion County Adult Arraignment and Jail to see how criminals are treated by the State of Oregon/County of Marion. During this tour you will see where the inmates live during their jail sentences and you will hear about the regimented schedule they follow.

The following rules apply to all Youth Court offenders who are sanctioned to take the tour:

- ☞ There will be no talking on the tour unless you are asked a question by one of the correctional officers.
- ☞ There will be no drinking, eating or gum chewing on detention or jail property.
- ☞ You will not be allowed to bring beepers, personal stereos, weapons of any kind (including pocket knives) or purses on to detention or jail property.
- ☞ While on the tour, you will abide by all of the rules outlined by the jail personnel. Failure to comply with their rules will result in your removal from the Youth Peer Court.
- ☞ No parents will be allowed to accompany Youth Court Offenders on the Detention/Jail tour. The tour will take approximately 30 minutes and parents will be **REQUIRED** to wait in the lobby (or in your car if week-end visit) of the Detention/Jail Center. (Parents, please feel free to bring a magazine, book, etc. You will be required to wait the entire time until the offenders return from the tour). **Parent/Guardian/Juvenile will be subject to search.**

Tour Information

WHERE: Marion County Juvenile Detention Center
3030 Center St. NE
Salem, OR 97301

Phone: 503-585-4960 / Debbie

WHEN:

Note: Offenders who arrive after designated hour will not be permitted to take the tour and will, therefore, be in violation of the Youth Peer Court contract and subject to dismissal from the program.

**Stayton Sublimity Youth Peer Court
Detention/Court/Jail Tour Report**

Peer Court Case # _____ **Facility** _____ **Age** _____ **M/F** _____

Complete the following questions, using correct spelling and grammatically correct sentences. You must answer each question, in its entirety, to receive credit for this assignment.

1. Why do you think you were sanctioned to take a tour of the Juvenile Detention Center/Adult Arraignment/County Jail? _____

2. What did you learn on the tour? _____

3. What was the most surprising thing you learned (or saw) on the tour? _____

4. What would be the worst part about living in jail for you? _____

Instructions for Writing Letters of Apology

1. All letters of apology should be typed or printed neatly in black or blue ink.
2. In the top right corner of the page should be the following information:
Your Full Name (first and last)
Date (the date the letter is due)
Your Peer Court Case #_____
3. Your letter of apology should be clearly addressed (should have the name or title of the person you are writing to; i.e. mom and dad; the manager of specific store; or John Doe)
4. The body of your letter of apology should conform to the margins of the paper (if you typing you letter of apology, your margins should be 1" top and bottom and 1.25" left and right).
5. All letters of apology should be single-spaced, unless directed otherwise.
6. All hand-written letters of apology should only be printed on the front side of the paper.
7. A **STAMPED ADDRESSED** envelope should be attached with your letter of apology. (**DO NOT FOLD LETTER OR SEAL ENVELOPE**).
8. Your apology letter is **due one (1) week** after your court date.
9. Mail your apology letter with attached stamped addressed envelope to:
SSYPC Coordinator
362 N. Third Avenue
Stayton, OR 97383

If you have any questions please contact the Peer Court Coordinator at 769-5749.

**Stayton Sublimity Youth Peer Court
Instructions for Writing
Essays**

1. All essays should be typed or printed neatly in black or blue ink.
2. In the top right corner of the page should be the following information:
Date (the date your essay is due)
Your Peer Court Case # _____
3. Your essay should have a title (the title should include the topic you were assigned to write about)
4. The body of your essay should conform to the margins of the paper (if you are typing your essay, your margins should be 1" top and bottom and 1.25" left and right).
5. Unless directed otherwise, your essay should be doubled spaced.
6. All hand-written essays should only be printed on the front side of the paper.
7. Do not turn your essay in, in a folder, notebook, or any other type of page protecting device (this includes extra pieces of paper).
8. Your essay is due on date assigned at Court.
9. Mail your essay to:
SSYPC Coordinator
362 N. Third Avenue
Stayton, OR 97383

If you have any questions please contact the Peer Court Coordinator at 769-5749.

COMMUNITY PAYBACK SERVICE

1. Community Service Explanation
 - hours to serve
 - options to serve
 - directions to complete
2. Community Service Log Sheet
 - information of business/agency
 - log of hours and work performed
 - information for provider
 - evaluation of work
3. Letter for provider of community service work.
 - explanation of peer court and community service
 - information for provider
4. Completion Date: _____
5. Return forms to: SSYPC Coordinator
362 N. Third Ave.
Stayton, OR 97383
6. Please contact Coordinator if you have any questions: 769-5749

**VOLUNTEER
AND
OFFENDER
EVALUATION**

Stayton-Sublimity Youth Peer Court Participant Survey (Volunteers)

INSTRUCTIONS:

The following questions will take just a few minutes to complete. It is *important* that you answer every question. It is *very* important that you answer each question truthfully.

Your answers will be confidential. They will be combined with answers from other people and used to evaluate and improve the peer court program. No one will be able to identify you or your answers in any reports about this survey.

PART 1: PEER COURT LEARNINGS	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
1. Compared with before I was involved with the peer court, I have a better understanding of how the legal system works.	☐ (5)	☐ (4)	☐ (3)	☐ (2)	☐ (1)
2. Peer court has helped me realize that I can influence what happens in my community.	☐ (5)	☐ (4)	☐ (3)	☐ (2)	☐ (1)
3. Because of peer court, I have a better idea of how my actions impact other people.	☐ (5)	☐ (4)	☐ (3)	☐ (2)	☐ (1)
4. After being involved in peer court, I have a clearer idea of what I want out of life.	☐ (5)	☐ (4)	☐ (3)	☐ (2)	☐ (1)

PART 2: OVERALL SATISFACTION	Excellent	Good	Fair	Poor
5. On a scale of 1 to 4, I would rate my Peer Court experience as ...	☐ (4)	☐ (3)	☐ (2)	☐ (1)
LIST SUGGESTIONS FOR PEER COURT OR ADDITIONAL COMMENTS HERE:				

PART 3: ABOUT YOU

1. Are you a ☐ Boy ☐ Girl

2. What is your grade in school?

☐ Sixth ☐ Seventh ☐ Eighth ☐ Ninth ☐ Tenth ☐ Eleventh ☐ Twelfth

3. What is your age in years? _____ years

4. What race do you identify with?

☐ African American ☐ Latino/Latina, Hispanic ☐ White/Cauc.
☐ Asian or Pacific Islander ☐ American Indian/Native American ☐ Bi-racial

5. Where you are living now, what adults live with you? (Check all that are true.)

☐ Your Mother ☐ Your Father ☐ Your Stepmother ☐ Your Stepfather
☐ Other Adults ☐ Other Adult Relatives such as grandmother or aunt

6. How many brothers and sisters do you have? ☐

7. How many children live with you at your home? ☐

Stayton-Sublimity Youth Peer Court Participant Survey (Offender)

INSTRUCTIONS:

The following questions will take just a few minutes to complete. It is *important* that you answer **EVERY** question. It is *very* important that you answer each question truthfully.

Your answers will be confidential. They will be combined with answers from other people and used to evaluate and improve the peer court program. No one will be able to identify you or your answers in any reports about this survey.

YOUR BELIEFS ABOUT LIFE'S CHOICES:	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
1. Compared with how I felt before my involvement in peer court, I now have a better idea of what I want out of life.	☐ (5)	☐ (4)	☐ (3)	☐ (2)	☐ (1)
2. Since my involvement with peer court, when things do not go well for me I know how to find a way to make things better.	☐ (5)	☐ (4)	☐ (3)	☐ (2)	☐ (1)
3. Peer court has helped me at school to try harder to do my best work.	☐ (5)	☐ (4)	☐ (3)	☐ (2)	☐ (1)
4. Compared with how I felt before my peer court experience, it now bothers me more when someone else gets blamed for what I do.	☐ (5)	☐ (4)	☐ (3)	☐ (2)	☐ (1)
5. Peer court has helped me enjoy being with people who are of a different ethnic culture ("heritage") than mine.	☐ (5)	☐ (4)	☐ (3)	☐ (2)	☐ (1)
6. Peer court has helped me feel that I have influence over what this community is like.	☐ (5)	☐ (4)	☐ (3)	☐ (2)	☐ (1)
7. Since my peer court involvement, in my town I feel more like I matter to people.	☐ (5)	☐ (4)	☐ (3)	☐ (2)	☐ (1)
8. Compared with before I was involved with peer court, it bothers me more if my friends want me to lie for them.	☐ (5)	☐ (4)	☐ (3)	☐ (2)	☐ (1)

YOUR BELIEFS ABOUT LIFE'S CHOICES:	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
9. Peer court has made it so that I am given more chances to help make my town a better place to live.	☐ (5)	☐ (4)	☐ (3)	☐ (2)	☐ (1)
10. Peer court has helped me feel that in my neighborhood there are more people who care about me.	☐ (5)	☐ (4)	☐ (3)	☐ (2)	☐ (1)
11. I would like to feel more sure of myself.	☐ (5)	☐ (4)	☐ (3)	☐ (2)	☐ (1)
12. I am happy to be the person I am.	☐ (5)	☐ (4)	☐ (3)	☐ (2)	☐ (1)
13. When I am an adult, I am sure I will have a good life.	☐ (5)	☐ (4)	☐ (3)	☐ (2)	☐ (1)
14. I take a positive view toward myself.	☐ (5)	☐ (4)	☐ (3)	☐ (2)	☐ (1)

PART 2: ABOUT YOU

1. Are you a ☐ Boy ☐ Girl

2. What is your grade in school?

[] Sixth	[] Seventh	[] Eighth	[] Ninth	[] Tenth	[] Eleventh	[] Twelfth
-----------	-------------	------------	-----------	-----------	--------------	-------------

3. What is your age in years?

4. What race do you identify with?

☐	African American	☐	Latino/Latina, Hispanic	☐	White/Cauc.
☐	Asian or Pacific Islander	☐	American Indian/Native American	☐	Bi-racial

5. Where you are living now, what adults live with you? (Check all that are true.)

[]	J	Your Mother	[]	1	Your Father	[]	1	Your Stepmother	[]	1	Your Stepfather
[]	J	Other Adults	[]	1	Other Adults	[]	1	Other Adults	[]	1	Other Adults

6. How many brothers and sisters do you have?

7. How many children live with you at your home?

AGREEMENTS

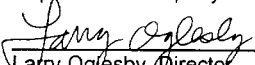
MEMORANDUM OF UNDERSTANDING
MARION COUNTY JUVENILE DEPARTMENT
Stayton/Sublimity Youth Peer Court
June 30, 2000

The Marion County Juvenile Department supports the philosophy and procedures of the Stayton/Sublimity Youth Peer Court, and recognizes the purposes of the Peer Court to divert youth residing in the Stayton School District region of Marion County and to provide alternative community sanctions and services. The Peer Court program includes standards for effective diversion:

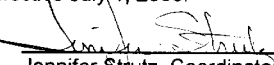
- 1) Participation by local law enforcement agencies
- 2) Voluntary participation of the youth referred
- 3) Recruitment and training of adult and youth participants
- 4) Broad community support

The Marion County Juvenile Department and the Stayton/Sublimity Youth Peer Court agree to follow the protocol attached.

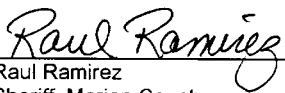
The Marion County Juvenile Department and the Stayton/Sublimity Youth Peer Court agree to review this memorandum of agreement as well as the attached protocol upon request of either party. This agreement is effective July 1, 2000.



Larry Oglesby, Director
Marion County Juvenile Department



Jennifer Strutz, Coordinator
Stayton/Sublimity Youth Peer Court



Raul Ramirez
Sheriff, Marion County



Don Eubank
Chief, Stayton Police Department

STAYTON /SUBLIMITY YOUTH PEER COURT MARION COUNTY JUVENILE DEPARTMENT

362 N. 3rd Ave
Stayton, OR 97383
769-5749

Protocol for referral

The Marion County Juvenile Department wishes to cooperate with the Stayton/Sublimity Youth Peer Court to offer a juvenile justice diversion to youth from the Stayton/Sublimity communities who meet agreed upon criteria. The following is a protocol on how this will occur.

- 1) Youth will be cited to Juvenile Court by Law Enforcement per current policy.
- 2) The Juvenile Department Intake Unit will review referrals received and when appropriate will refer cases to the Stayton/Sublimity Youth Peer Court. Appropriate referrals will meet the following criteria:
 - A) Offenders will be between the ages of 12 - 17
 - B) Offenders will reside within the boundaries of the Stayton and Sublimity School Districts.
 - C) First time offenders
 - D) Offenses to be referred will be those listed on appendix A
 - E) The Offense appears to have legal merit
 - F) In cases involving restitution, co-defendants who reside in Marion County will be referred to Peer Court even if they do not meet criteria B above .
- 3) Appropriate referrals will be routed to the Peer Court Coordinator. The Juvenile Department will build a file and indicate the disposition as "peer court".
- 4) If the referral is successful, the peer court will close their file and provide the youth and family with information on expunction. Requests for expunction will be forwarded by the Peer Court Coordinator to the Juvenile Department Intake Unit. The Court will order expunction when notified of successful completion of the peer court process.
- 5) A referral may be unsuccessful for the following reasons:
 - A) The youth and family either do not admit to the offense or do not agree to go through the peer court process.
 - B) The youth fails to follow through with the sanctions imposed by the peer court.
- 6) Unsuccessful referrals will be sent back to the Juvenile Department for further action.

Revised 3/98

The peer court will return the original police report with a summary letter indicating why the referral is being sent back. The letter should detail the sanctions imposed, sanctions not completed, other pertinent case information, and a recommendation from the peer court regarding what further action would be appropriate.

- 7) If a youth receives a new referral while involved with peer court, the Juvenile Department Intake probation officer will contact the Peer Court Coordinator to discuss the case. Possible actions would be:
 - A) Peer court may be appropriate to handle the new referral if it is relatively minor (curfew, MIP tobacco, Criminal Trespass 3, minor traffics, etc).
 - B) Peer court may continue to handle the original referral and the new referral may be assigned to a Juvenile Department probation officer
 - C) Peer court may decide to send the original referral back to the Juvenile Department to be dealt with along with the new referral.

APPENDIX A

Appropriate Peer Court Referrals:

- ▶ **MIP Tobacco**
- ▶ **Curfew (including Daytime Curfew)**
- ▶ **Criminal Trespass 1 and 2**
- ▶ **Criminal Mischief 2 and 3**
- ▶ **Harassment**
- ▶ **Telephonic Harassment**
- ▶ **Disorderly Conduct**
- ▶ **False Information to a Police Officer**
- ▶ **Theft 2 and 3**
- ▶ **Traffic Offenses as referred by Municipal Courts - 15 years of age and younger**
- ▶ **Offensive Littering**
- ▶ **Misrepresentation of Age**
- ▶ **Initiating a False Report**
- ▶ **Unlawful Entry into a Motor Vehicle**
- ▶ **Carrying Concealed Weapon (discretion of Juvenile Department)**
- ▶ **Fraudulent Use of a Credit Card (less than \$750)**
- ▶ **Forgery 2 (discretion of Juvenile Department)**
- ▶ **Other offenses not listed may be referred to the Peer Court by the Juvenile Department with the agreement of the Peer Court**



August 2, 2004

AGENDA ITEM 8a

**ORDINANCE – Prohibiting Noise and Providing for
Variance; Repealing Ordinance 90-190; Repealing
Ordinance 93-269 and 95-323**

CITY COUNCIL MEETING: August 2, 2004

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *AMENDED NOISE ORDINANCE*

The City Manager has requested that we prepare a draft amended noise ordinance. The amendment is the second amendment of the noise ordinance and proposes to delete sections dealing with the Variance process. Therefore, it is suggested that the ordinance be in the form of a new ordinance so that it will be easier to track than an original ordinance plus two amendments.

The concern has been the question and staff time involved in the variance procedure. Earlier this year, there was also concern regarding variances for residential parties. The annual noise variance process for the Iris Festival and a limited number of other events uses the resources of the Chamber of Commerce as well as City staff and, if properly regulated, would not be necessary under the proposed ordinance.

I have also attached a copy of the existing ordinance and first amendment. The new ordinance deletes the sections concerning Variances (Section 7 through 12). The new ordinance adds a new Exemption at Section 5(J) which allows for certain festivals or celebrations. The 80 dBA level inserted in the subsection is the decibel level allowed for the Iris Festival under the variance process. The proposed ordinance would not allow for the variance process in the residential party situation or any other situation.

RECOMMENDATION:

Review the attached ordinance and take appropriate action.

Please let me know if you have any questions in this regard. Thank you.

ESJ/tmh
attachment

1 BILL NO. ____

A BILL

ORDINANCE NO.

2

2004-____

3

FOR

4

AN ORDINANCE

5

PROHIBITING NOISE AND PROVIDING FOR
VARIANCE; REPEALING ORDINANCE 90-190;
12 REPEALING ORDINANCE 93-269 AND 95-323

6

7

8 The City of Keizer ordains as follows:

9 Section 1. PURPOSE. It is hereby found and declared that:

10 A) The making and creation of excessive, unnecessary or unusually loud noises
11 within the limits of the City of Keizer is a condition which has existed for some time and
12 the extent in volume of such noises is increasing;

13 B) The making, creation, or maintenance of such excessive, unnecessary,
14 unnatural, or unusually loud noises which are prolonged, unusual and unnatural in their
15 time, place and use affect and are a detriment to public health, comfort, convenience,
16 safety, welfare, and prosperity of the residents of the City of Keizer, and

17 C) The necessity in the public interest for provisions and prohibitions hereinafter
18 contained in this Ordinance, is declared as a matter of legislative determination and
19 public policy, and it is further declared that the provisions and prohibitions hereinafter
20 contained are in pursuance of and for the purpose of securing and promoting the public
21 health, comfort, convenience, safety, welfare, and prosperity and the peace and quiet of
22 the City of Keizer and its inhabitants.

1 Section 2. DEFINITIONS. As used in this Ordinance:

2 A) "A-scale (dBA)" means the sound levels in decibels measured using the A-
3 weighted network as specified in American National Standard Specification for Sound
4 Level Meters (ANSI S 1.4-1971).

5 B) "Commercial" means any use of an office, service establishment, hotel, motel,
6 retail store, park, amusement or recreation facility, or other use of the same general type,
7 and rights-of-way appurtenant thereto, whether publicly or privately owned.

8 C) "Decibel (dB)" means a unit for measuring the volume of a sound, equal to
9 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured
10 to the reference pressure. The reference pressure is 20 micropascals (20 micronewtons
11 per square meter).

12 D) "Domestic power equipment" means power tools or equipment used for home
13 or building repair, maintenance, alteration or other home manual arts projects, including
14 but not limited to powered hand tools, lawn mowers, garden equipment and snow
15 removal equipment.

16 E) "Frequency" means the time of repetition of a periodic phenomenon, measured
17 in Hertz (Hz).

18 F) "Impulse sound" means a single pressure peak or single burst (multiple
19 pressure peaks) for a duration of less than one second as measured on a peak unweighted
20 sound level meter.

1 G) "Industrial" means any use of a warehouse, factory, mine, wholesale trade
2 establishment, or other use of the same general type, and rights-of-way appurtenant
3 thereto, whether publicly or privately owned.

4 H) "Motor vehicle" means any land vehicle which is designed to be self-
5 propelled.

6 I) "Noise sensitive" means any use of a church, temple, synagogue, day care
7 center, hospital, rest home, retirement home, group care home, school, dwelling unit
8 (single family dwelling, duplex, triplex, multifamily dwelling, or mobile home), or other
9 use of the same general type, and rights-of- way appurtenant thereto, whether publicly
10 or privately owned.

11 J) "Octave band" means an interval in Hertz between two frequencies having a
12 ratio of two to one. For purposes of this Ordinance, octave band sound pressure levels
13 may be measured at any of the following center frequencies: 31.5, 63, 125, 250, 500,
14 1000, 2000, 4000 and 8000 Hz.

15 K) "Plainly audible" means unambiguously communicated to the listener. Plainly
16 audible sounds include, but are not limited to understandable musical rhythms,
17 understandable spoken words, and vocal sounds other than speech which are
18 distinguishable as raised or normal.

19 L) "Sound level" in dBA means the weighted sound pressure level, measured by
20 the use of an A-weighted sound level meter set at a fast meter response.

1 M) "Sound level meter" means a sound level measuring device, either Type 1 or
2 Type 2, as defined by American National Standard Specification for Sound Level Meters
3 (ANSI S1.4-1971).

4 N) "Sound pressure level" in dB is 20 times the logarithm to the base 10 of the
5 ratio of the root-mean square of the pressure of a given sound to the reference pressure.
6 The reference pressure is 20 micropascals (20 micronewtons per square meter).

7 Section 3. NOISE DISTURBANCE PROHIBITED. A) Generally. In addition
8 to the specific prohibitions in subsection B) of this section and Section 4, it shall be
9 unlawful for any person to knowingly create, assist in creating, permit, continue, or
10 permit the continuance of any noise disturbance. A noise disturbance is any sound,
11 including sound produced by animals, which annoys, disturbs, injures, or endangers the
12 comfort, repose, health, peace, or safety of others, within the limits of the City.

13 B) Specific prohibitions. Unless exempted by Section 5, following acts are
14 declared to be noise disturbances within meaning of § 3 A) provided, however, that this
15 enumeration shall not be deemed to be exclusive:

16 1) Dynamic braking devices. Using any dynamic braking device on any motor
17 vehicle, except to avoid imminent danger to persons or property. A dynamic braking
18 device is one used primarily on trucks and busses to convert a motor from an internal
19 combustion engine to an air compressor for the purpose of vehicle braking without the
20 use of wheel brakes.

2) Idling engines on motor vehicles. Operating for more than 15 consecutive minutes any idling engine in such a manner as to be plainly audible within any dwelling unit between 10:00 p.m. and 7:00 a.m.

3) Motor vehicle repair and testing. Repairing or testing any motor vehicle in such a manner as to be plainly audible within any dwelling unit between 10:00 p.m. and 7:00 a.m.

4) Lawn mowing equipment. operating lawn mowing equipment with a combustion engine between 10:00 p.m. and 7:00 a.m.

Section 4. MAXIMUM PERMISSIBLE SOUND LEVELS. A) Except as specifically provided elsewhere in this Ordinance, no person shall cause or permit sound to be received on property used as specified herein if the sound exceeds the limits set forth in subsections B) and C). For purposes of this section, "day" hours are between 7:00 a.m. and 10:00 p.m., and "night" hours are between 10:00 p.m. and 7:00 a.m.

B) Table of Maximum Permissible Sound Levels (in dBA).

Type of Source by Use	Type of Receiver by Use					
	Noise Sensitive		Commercial		Industrial	
	Day	Night	Day	Night	Day	Night
Noise Sensitive	55	45	60	55	65	60
Commercial	55	50	70	65	70	65
Industrial	55	50	70	65	Not Applic.	

1) No sound received on a property shall exceed the established maximum permissible sound levels in the Table of Maximum Permissible Sound Levels by 10 dBA.

1 2) No sound received on a property shall exceed the established maximum
2 permissible sound levels in the Table of Maximum Permissible Sound Levels by 5 dBA
3 for a cumulative total of greater than one minute, but less than five minutes in any ten
4 minute period.

5 3) No sound received on a property shall exceed the established maximum
6 permissible sound levels in the Table of Maximum Permissible Sound Levels for a
7 cumulative total of five minutes or more in any ten minute period.

8 C) Exceptions to the Table of Maximum Permissible Sound Levels.

9 1) Impulse sound. Notwithstanding any other sound levels in this section, no
10 person shall operate or permit the operation of a noise source which emits an impulse
11 sound which has a peak sound pressure level in excess of 100 dB in the day or 80 dB in
12 the night.

13 2) Sound producing, amplifying, or reproducing equipment. During night hours,
14 no person shall cause or permit sound produced by a musical instrument, radio,
15 television, phonograph, loudspeaker, or other similar equipment to be plainly audible
16 within any dwelling unit other than the source. This standard replaces the table in
17 subsection B) of this section for night sounds only; day sounds shall be governed by that
18 table.

19 3) Domestic power equipment. The day sound levels in the table in subsection
20 B) of this section do not apply to sounds produced by domestic power equipment.

1 During night hours, no person shall operate domestic power equipment in such
2 a manner as to be plainly audible within any dwelling unit other than the source.

3 4) Commercial construction. The day sound levels in the table in subsection B)
4 of this section do not apply to sounds produced in commercial construction activity.

5 5) Off-highway vehicles. No person shall operate any self-propelling motor
6 vehicle designed for or capable of travel on or over natural terrain, including but not
7 limited to motorcycles, minibikes, motor scooters, dune buggies, and jeeps, off a public
8 right-of-way in such a manner that the sound level generated thereby exceeds 60 dBA
9 in the day or 55 dBA in the night as measured at or within the boundary of a noise
10 sensitive receiver property.

11 6) Auxiliary equipment on motor vehicles. No person shall cause, allow, permit,
12 or fail to control the operation of any auxiliary equipment on a motor vehicle for more
13 than 30 minutes when the sound level generated thereby exceeds 55 dBA in the day or
14 50 dBA in the night as measured at or within the boundary of noise sensitive property.
15 Auxiliary equipment means a mechanical device which is built in or attached to a motor
16 vehicle, including, but not limited to, refrigeration units, compressors, compactors,
17 chippers, power lifts, mixers, pumps, and blowers.

18 D) Measurement of sound levels under this section shall be made at one of the
19 following points, whichever is farther from the sound source:

20 1) 25 feet from that point on a receiver building nearest the sound source, or

1 2) That point on the receiver property line nearest the sound source.

2 Section 5. EXEMPTIONS. The following sounds are exempted from the
3 provisions of this Ordinance:

4 A) Sounds made by work necessary to restore property to a safe condition
5 following a public calamity, or work required to protect persons or property from
6 imminent exposure to danger.

7 B) Sounds made by warning devices to protect persons or property from
8 imminent exposure to danger, provided however that burglar or fire alarms shall not
9 operate continuously for more than 15 minutes. Sounds made by the Keizer Fire District
10 and Marion County Fire District sirens during use and testing.

11 C) Sounds made by an emergency vehicle, as defined in ORS 801.260, when
12 responding to or from an emergency or when in pursuit of an actual or suspected violator
13 of the law.

14 D) Sounds made by current employment of land and buildings on a farm for the
15 purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the
16 feeding, breeding, management, and sale of livestock, poultry, fur-bearing animals or
17 honeybees, or the produce thereof, or for dairying and the sale of dairy products or any
18 other agricultural or horticultural operations or any combination thereof including the
19 preparation and storage of the products raised for man's use and animal use and disposal
20 by marketing or otherwise by a farmer on such farm.

1 E) Sounds made by activities by or on direction of the City of Keizer in
2 maintenance, construction, or repair of public improvements in public rights-of-way or
3 easements.

4 F) Sounds produced pursuant to a specific variance granted by the Oregon
5 Environmental Quality Commission.

6 G) Sounds produced by the audience, participants and sound amplifying
7 equipment at athletic events on public property and sponsored or sanctioned or otherwise
8 approved by the City or the Salem-Keizer School District 24J.

9 H) Sounds made by motor vehicle exhaust systems that comply with the
10 provisions of ORS 815.250, but this exemption does not apply to violation of Section
11 3(B)(2) of this Ordinance.

12 I) Sounds produced by lawn mowing activities on a private or public golf course
13 during the hours of 6:00 a.m. to 10:00 p.m. on weekdays, and 5:30 a.m. to 10:00 p.m. on
14 Saturday, Sunday and legal holidays as defined in ORS 187.010 and 187.020. This does
15 not exempt sounds produced by lawn mowing activities from the provisions of Section
16 4 of this Ordinance.

17 J) Festivals or celebrations open to the general public on commercial or industrial
18 properties. Such festivals or celebrations shall not exceed five (5) days on any single lot
19 or parcel in a single calendar year. The noise level shall not exceed 80 dBA and shall
20 be measured as set forth in Section 4.

1 Section 6. ENFORCEMENT RESPONSIBILITY AND AUTHORITY. This
2 Ordinance shall be jointly enforced by the police department and the City Manager's
3 designee. Enforcement of this Ordinance may include seizure of the sound producing
4 instrument.

5 Section 7. VIOLATIONS. Violation of any provision of this Ordinance is an
6 infraction.

7 Section 8. REPEAL. Ordinance No. 93-269 (Prohibiting Noise and Providing
8 for Variance) and Ordinance No. 95-323 (In the Matter of the Amendment of the Keizer
9 Noise Ordinance) are hereby repealed.

10 Section 9. EFFECTIVE DATE. This Ordinance shall be effective thirty (30)
11 days after its passage.

12 PASSED this _____ day of _____, 2004.

13 SIGNED this _____ day of _____, 2004.

14

15

Mayor

16

17

City Recorder

1 BILL NO. 251

2 A BILL

ORDINANCE NO.
93-269

3 FOR

4 AN ORDINANCE

5 PROHIBITING NOISE AND PROVIDING FOR
6 VARIANCE; REPEALING ORDINANCE 90-190
7

8 The City of Keizer ordains as follows:

9 Section 1. PURPOSE. It is hereby found and declared
10 that:

11 A) The making and creation of excessive, unnecessary or
12 unusually loud noises within the limits of the City of Keizer
13 is a condition which has existed for some time and the extent
14 in volume of such noises is increasing;

15 B) The making, creation, or maintenance of such
16 excessive, unnecessary, unnatural, or unusually loud noises
17 which are prolonged, unusual and unnatural in their time, place
18 and use affect and are a detriment to public health, comfort,
19 convenience, safety, welfare, and prosperity of the residents
20 of the City of Keizer, and

21 C) The necessity in the public interest for provisions
22 and prohibitions hereinafter contained in This Ordinance, is
23 declared as a matter of legislative determination and public
24 policy, and it is further declared that the provisions and
25 prohibitions hereinafter contained are in pursuance of and for
26 the purpose of securing and promoting the public health,
27 comfort, convenience, safety, welfare, and prosperity and the
28 peace and quiet of the City of Keizer and its inhabitants.

29 ///

1 - ORDINANCE NO. 93-269

LIEN, HOBSON & JOHNSON

Attorneys at Law
4855 River Rd. N.
Keizer, Oregon 97303
(503) 396-1635

Section 2. DEFINITIONS. As used in this Ordinance:

A) "A-scale (dBA)" means the sound levels in decibels measured using the A-weighted network as specified in American National Standard Specification for Sound Level Meters (ANSI S 1.4-1971).

B) "Commercial" means any use of an office, service establishment, hotel, motel, retail store, park, amusement or recreation facility, or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

C) "Decibel (dB)" means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure is 20 micropascals (20 micronewtons per square meter).

D) "Domestic power equipment" means power tools or equipment used for home or building repair, maintenance, alteration or other home manual arts projects, including but not limited to powered hand tools, lawn mowers, garden equipment and snow removal equipment.

E) "Frequency" means the time of repetition of a periodic phenomenon, measured in Hertz (H_z).

F) "Impulse sound" means a single pressure peak or single burst (multiple pressure peaks) for a duration of less than one second as measured on a peak unweighted sound level meter.

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1 G) "Industrial" means any use of a warehouse, factory,
2 mine, wholesale trade establishment, or other use of the same
3 general type, and rights-of-way appurtenant thereto, whether
4 publicly or privately owned.

5 H) "Motor vehicle" means any land vehicle which is
6 designed to be self-propelled.

7 I) "Noise sensitive" means any use of a church, temple,
8 synagogue, day care center, hospital, rest home, retirement
9 home, group care home, school, dwelling unit (single family
10 dwelling, duplex, triplex, multifamily dwelling, or mobile
11 home), or other use of the same general type, and rights-of-
12 way appurtenant thereto, whether publicly or privately owned.

13 J) "Octave band" means an interval in Hertz between two
14 frequencies having a ratio of two to one. For purposes of This
15 Ordinance, octave band sound pressure levels may be measured at
16 any of the following center frequencies: 31.5, 63, 125, 250,
17 500, 1000, 2000, 4000 and 8000 Hz.

18 K) "Plainly audible" means unambiguously communicated to
19 the listener. Plainly audible sounds include, but are not
20 limited to understandable musical rhythms, understandable spoken
21 words, and vocal sounds other than speech which are
22 distinguishable as raised or normal.

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1 L) "Sound level" in dBA means the weighted sound pressure
2 level, measured by the use of an A-weighted sound level meter
3 set at a fast meter response.

4 M) "Sound level meter" means a sound level measuring
5 device, either Type 1 or Type 2, as defined by American National
6 Standard Specification for Sound Level Meters (ANSI S1.4-1971).

7 N) "Sound pressure level" in dB is 20 times the logarithm
8 to the base 10 of the ratio of the root-mean square of the
9 pressure of a given sound to the reference pressure. The
10 reference pressure is 20 micropascals (20 micronewtons per
11 square meter).

12 Section 3. NOISE DISTURBANCE PROHIBITED. A) Generally.
13 In addition to the specific prohibitions in subsection B) of
14 this section and Section 4, it shall be unlawful for any person
15 to knowingly create, assist in creating, permit, continue, or
16 permit the continuance of any noise disturbance. A noise
17 disturbance is any sound, including sound produced by animals,
18 which annoys, disturbs, injures, or endangers the comfort,
19 repose, health, peace, or safety of others, within the limits
20 of the City.

21 B) Specific prohibitions. Unless exempted by Section 5,
22 the following acts are declared to be noise disturbances within
23 the meaning of § 3 A) provided, however, that this enumeration
24 shall not be deemed to be exclusive:

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1 1) Dynamic braking devices. Using any dynamic braking
2 device on any motor vehicle, except to avoid imminent danger to
3 persons or property. A dynamic braking device is one used
4 primarily on trucks and busses to convert a motor from an
5 internal combustion engine to an air compressor for the purpose
6 of vehicle braking without the use of wheel brakes.

7 2) Idling engines on motor vehicles. Operating for more
8 than 15 consecutive minutes any idling engine in such a manner
9 as to be plainly audible within any dwelling unit between 10:00
10 p.m. and 7:00 a.m.

11 3) Motor vehicle repair and testing. Repairing or
12 testing any motor vehicle in such a manner as to be plainly
13 audible within any dwelling unit between 10:00 p.m. and
14 7:00 a.m.

15 4) Lawn mowing equipment. Operating lawn mowing
16 equipment with a combustion engine between 10:00 p.m. and
17 7:00 a.m.

18 Section 4. MAXIMUM PERMISSIBLE SOUND LEVELS. A) Except
19 as specifically provided elsewhere in This Ordinance, no person
20 shall cause or permit sound to be received on property used as
21 specified herein if the sound exceeds the limits set forth in
22 subsections B) and C). For purposes of this section, "day"
23 hours are between 7:00 a.m. and 10:00 p.m., and "night" hours
24 are between 10:00 p.m. and 7:00 a.m.

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B) Table of Maximum Permissible Sound Levels (in dBA).

Type of Source by Use	Type of Receiver by Use					
	Noise Sensitive		Commercial		Industrial	
	Day	Night	Day	Night	Day	Night
Noise Sensitive	55	45	60	55	65	60
Commercial	55	50	70	65	70	65
Industrial	55	50	70	65	Not Applicable.	

1) No sound received on a property shall exceed the established maximum permissible sound levels in the Table of Maximum Permissible Sound Levels by 10 dBA.

2) No sound received on a property shall exceed the established maximum permissible sound levels in the Table of Maximum Permissible Sound Levels by 5 dBA for a cumulative total of greater than one minute, but less than five minutes in any ten minute period.

3) No sound received on a property shall exceed the established maximum permissible sound levels in the Table of Maximum Permissible Sound Levels for a cumulative total of five minutes or more in any ten minute period.

C) Exceptions to the Table of Maximum Permissible Sound Levels.

1) Impulse sound. Notwithstanding any other sound levels in this section, no person shall operate or permit the operation of a noise source which emits an impulse sound which has a peak sound pressure level in excess of 100 dB in the day or 80 dB in the night.

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2) Sound producing, amplifying, or reproducing equipment. During night hours, no person shall cause or permit sound produced by a musical instrument, radio, television, phonograph, loudspeaker, or other similar equipment to be plainly audible within any dwelling unit other than the source. This standard replaces the table in subsection B) of this section for night sounds only; day sounds shall be governed by that table.

3) Domestic power equipment. The day sound levels in the table in subsection B) of this section do not apply to sounds produced by domestic power equipment.

During night hours, no person shall operate domestic power equipment in such a manner as to be plainly audible within any dwelling unit other than the source.

4) Commercial construction. The day sound levels in the table in subsection B) of this section do not apply to sounds produced in commercial construction activity.

5) Off-highway vehicles. No person shall operate any self-propelling motor vehicle designed for or capable of travel on or over natural terrain, including but not limited to motorcycles, minibikes, motor scooters, dune buggies, and jeeps, off a public right-of-way in such a manner that the sound level generated thereby exceeds 60 dBA in the day or 55 dBA in the night as measured at or within the boundary of a noise sensitive receiver property.

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6) Auxiliary equipment on motor vehicles. No person shall cause, allow, permit, or fail to control the operation of any auxiliary equipment on a motor vehicle for more than 30 minutes when the sound level generated thereby exceeds 55 dBA in the day or 50 dBA in the night as measured at or within the boundary of noise sensitive property. Auxiliary equipment means a mechanical device which is built in or attached to a motor vehicle, including, but not limited to, refrigeration units, compressors, compactors, chippers, power lifts, mixers, pumps, and blowers.

D) Measurement of sound levels under this section shall be made at one of the following points, whichever is farther from the sound source:

1) 25 feet from that point on a receiver building nearest the sound source, or

2) That point on the receiver property line nearest the sound source.

Section 5. EXEMPTIONS. The following sounds are exempted from the provisions of this Ordinance:

A) Sounds made by work necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger.

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1 B) Sounds made by warning devices to protect persons or
2 property from imminent exposure to danger, provided however that
3 burglar or fire alarms shall not operate continuously for more
4 than 15 minutes. Sounds made by the Keizer Fire District and
5 Marion County Fire District sirens during use and testing.

6 C) Sounds made by an emergency vehicle, as defined in
7 ORS 801.260, when responding to or from an emergency or when in
8 pursuit of an actual or suspected violator of the law.

9 D) Sounds made by current employment of land and
10 buildings on a farm for the purpose of obtaining a profit in
11 money by raising, harvesting, and selling crops or by the
12 feeding, breeding, management, and sale of livestock, poultry,
13 fur-bearing animals or honeybees, or the produce thereof, or
14 for dairying and the sale of dairy products or any other
15 agricultural or horticultural operations or any combination
16 thereof including the preparation and storage of the products
17 raised for man's use and animal use and disposal by marketing
18 or otherwise by a farmer on such farm.

19 E) Sounds made by activities by or on direction of the
20 City of Keizer in maintenance, construction, or repair of public
21 improvements in public rights-of-way or easements.

22 F) Sounds produced pursuant to a specific variance
23 granted by the Oregon Environmental Quality Commission, or under
24 Section 7 of this Ordinance.

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26 ///

1 G) Sounds produced by the audience, participants and
2 sound amplifying equipment at athletic events on public property
3 and sponsored or sanctioned or otherwise approved by the City
4 or the Salem-Keizer School District 24J.

5 H) Sounds made by motor vehicle exhaust systems that
6 comply with the provisions of ORS 815.250, but this exemption
7 does not apply to violation of Section 3(B)(2) of this
8 Ordinance.

9 Section 6. ENFORCEMENT RESPONSIBILITY AND AUTHORITY.

10 This Ordinance shall be jointly enforced by the police
11 department and the City Manager's designee. Enforcement of this
12 Ordinance may include seizure of the sound producing instrument.

13 Section 7. VARIANCES. A) Generally. Any person who
14 owns, controls, or operates any sound source which does not
15 comply with a provision of this Ordinance may apply for:

16 1) A Class A Variance for an event or activity which does
17 not exceed 72 hours in duration; or

18 2) A Class B Variance for an event or activity or series
19 of related events, or activities which are 72 hours or more in
20 duration.

21 B) The City Manager or the City Manager's designee may
22 file application for a Class C variance for a community event
23 or activity of any duration which does not comply with a
24 provision of this Ordinance.

25 Section 8. VARIANCE APPLICATION. A) An applicant for
26 a variance shall submit in writing:

1 1) A reference to the provision from which the variance
2 is sought;

3 2) The reason or reasons why the variance is necessary;

4 3) The physical characteristics of the involved sound;

5 4) The times when the involved sound will be emitted and
6 the anticipated duration of the sound;

7 5) Where the sound will not be generated by a mobile
8 source which moves beyond the boundaries of one block, a site
9 plan sketch which shows the area of sound generation and
10 designates whether the uses in the area within 400 feet of the
11 source of the involved sound are commercial, industrial, or
12 noise sensitive as defined in Section 2, or a combination
13 thereof;

14 6) Any other supporting information which the City
15 Manager or Council may reasonably require to allow consideration
16 of the conditions set forth in Section 10.

17 B) The applicant for a Class A Variance shall submit the
18 application to the City Manager's designee. The applicant for
19 a Class B or Class C Variance shall submit the application to
20 the City Recorder, who shall place the matter on the agenda for
21 the forthcoming Council meeting.

22 Section 9. PUBLIC NOTIFICATION FOR CLASS B OR C VARIANCE.
23 The applicant for a Class B Variance or the City for a Class C
24 Variance shall post notice along the nearest public road at the
25 boundaries of the property containing the sound source so that
26 the notice is visible from the public road, and publish notice

1 in a newspaper of general circulation in the city. Notice shall
2 be posted on the property at least seven (7) days before the
3 public hearing, and notice shall be published at least four (4)
4 days before the public hearing. Notice under this section shall
5 state the date the Council will consider the application, the
6 nature and substance of the variance to be considered, and that
7 recipients of the notification may file written comments on the
8 application with the City Recorder before the Council meeting
9 at which the application will be considered.

10 Section 10. VARIANCE REVIEW. The City Manager or the City
11 Manager's designee or Council may grant a variance, after
12 considering the written application for variance and any written
13 comments submitted by persons specified in Section 9, when it
14 appears that the following conditions exist:

15 1) There are unnecessary or unreasonable hardships or
16 practical difficulties which can be most effectively relieved
17 by granting the variance; and

18 2) That granting the application will not be unreasonably
19 detrimental to the public welfare.

20 Section 11. VARIANCE DECISION. A) The City Manager or
21 the City Manager's designee shall grant or deny a Class A
22 Variance within 3 days of receipt of a complete variance
23 application, excluding Saturdays, Sundays, and holidays.

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1 B) The Council shall grant or deny a Class B or Class C
2 Variance within 30 days of receipt of the application, and may,
3 on its own motion, hold a public hearing on the application
4 before deciding to grant or deny the variance.

5 C) The City Manager or Council may impose such
6 limitations, conditions, and safeguards as deemed appropriate,
7 so that the spirit of This Ordinance will be observed, and the
8 public safety and welfare secured. A violation of any such
9 condition or limitation shall constitute a violation of this
10 Ordinance.

11 D) A decision to grant or deny a variance shall be in
12 writing and shall state the reasons for such decision. The
13 Council or City Manager shall notify the applicant of the
14 decision and shall make it available to any person who has
15 submitted written comments on the application.

16 Section 12. REVIEW. The decision of the Council to grant
17 or deny a variance is final. The City Manager shall file his
18 or her written decision with the City Recorder, who shall place
19 the matter on the agenda for the forthcoming Council meeting.
20 The decision of the City Manager is final on the date of that
21 Council meeting unless the Council, on its own motion, decides
22 to reverse or modify the decision of the City Manager or to
23 schedule a public hearing on the application. If a public
24 hearing is held, the Council shall grant or deny the variance
25 within 30 days after the hearing, and may impose conditions on
26 the granting of the variances as set forth in Section 11.

BILL NO. 305

A BILL

ORDINANCE NO.
95-323

FOR

AN ORDINANCE

IN THE MATTER OF THE AMENDMENT OF THE
KEIZER NOISE ORDINANCE (ORDINANCE 93-269)

The City of Keizer ordains as follows:

Section 1. AMENDMENT. Ordinance Prohibiting Noise and Providing
for a Variance (Ordinance No. 93-269) is hereby amended at Section 5 by the
addition of subparagraph I. Section 5 shall read as follows:

Section 5. EXEMPTIONS. The following sounds are exempted
from the provisions of this Ordinance:

A) Sounds made by work necessary to restore property to a
safe condition following a public calamity, or work required to protect
persons or property from imminent exposure to danger.

B) Sounds made by warning devices to protect persons or
property from imminent exposure to danger, provided however that
burglar or fire alarms shall not operate continuously for more than 15
minutes. Sounds made by the Keizer Fire District and Marion County
Fire District sirens during use and testing.

C) Sounds made by an emergency vehicle, as defined in
ORS 801.260, when responding to or from an emergency or when in
pursuit of an actual or suspected violator of the law.

D) Sounds made by current employment of land and
buildings on a farm for the purpose of obtaining a profit in money by
raising, harvesting, and selling crops or by the feeding, breeding,
management, and sale of livestock, poultry, fur-bearing animals or
honeybees, or the produce thereof, or for dairying and the sale of dairy
products or any other agricultural or horticultural operations or any
combination thereof including the preparation and storage of the
products raised for man's use and animal use and disposal by
marketing or otherwise by a farmer on such farm.

E) Sounds made by activities by or on direction of the City
of Keizer in maintenance, construction, or repair of public
improvements in public rights-of-way or easements.

1 F) Sounds produced pursuant to a specific variance granted
2 by the Oregon Environmental Quality Commission, or under Section 7
3 of this Ordinance.

4 G) Sounds produced by the audience, participants and sound
5 amplifying equipment at athletic events on public property and
6 sponsored or sanctioned or otherwise approved by the City or the
7 Salem-Keizer School District 24J.

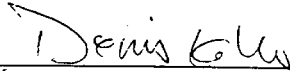
8 H) Sounds made by motor vehicle exhaust systems that
9 comply with the provisions of ORS 815.250, but this exemption does
10 not apply to violation of Section 3(B)(2) of this Ordinance.

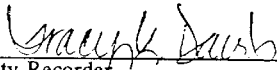
11 I) Sounds produced by lawn mowing activities on a private
12 or public golf course during the hours of 6:00 a.m. to 10:00 p.m. on
13 weekdays, and 5:30 a.m. to 10:00 p.m. on Saturday, Sunday and legal
14 holidays as defined in ORS 187.010 and 187.020. This does not
15 exempt sounds produced by lawn mowing activities from the provisions
16 of Section 4 of this Ordinance.

17 Section 2. EFFECTIVE DATE. This ordinance shall be effective thirty
18 days after its passage.

19 PASSED this 17 day of April, 1995.

20 SIGNED this 17 day of April, 1995.

21 
22 _____
Mayor

23 
24 _____
City Recorder

25 824COK2.058



August 2, 2004

AGENDA ITEM 9a

**RESOLUTION – Authorizing the City Manager to
Enter into an Agreement with Obsidian Technologies,
Inc. for Telephony and Network Equipment**

CITY COUNCIL MEETING: August 02, 2004

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THRU: CHRIS EPPLEY, CITY MANAGER

FROM: DIANNE HUNT, HUMAN RESOURCES DIRECTOR

SUBJECT: Authorizing the City Manager to Enter into an Agreement with Obsidian Technologies, Inc. for Telephony and Network Equipment

BACKGROUND

The Human Resources Department budgeted \$110,000 in Fiscal Year 04/05 for replacement of the City's telephone system. A committee comprised of staff from all departments met on four different occasions. Their goal was to recommend a new telephone system. They identified Citywide and department telephone needs and reviewed various telephone systems. The committee unanimously recommended a VoIP (Voice over Internet Protocol) system, which allows for integrated (with email) voice messaging, and further recommended Obsidian Technologies, Inc.

Obsidian Technologies is a leading provider of VoIP equipment and services in Oregon. Headquartered in Eugene, Oregon, they have serviced several Oregon cities such as City of Wilsonville, City of Redmond and City of Bend. Obsidian Technologies uses an infrastructure that runs a phone system over current data network. This offers savings by reducing monthly telephone costs and maintenance fees.

The City of Wilsonville prepared and completed a Request for Proposal process which included an "Intergovernmental Co-Op Purchasing Clause", allowing other public agencies to purchase off their RFP. The successful bidder for the City of Wilsonville was Obsidian Technologies, Inc.

Utilizing the "Intergovernmental Co-Op Purchasing Clause", staff has been working with Obsidian for the purpose of implementing a new VoIP Telephony System within the City of Keizer. Obsidian conducted a Design Report in June to determine infrastructure requirements and costs. The cost for equipment and service is \$107,623.50.

FISCAL IMPACT

Funds are available in the 04/05 budget under Capital Outlay, allocated throughout the various funds. The quoted price of \$107,623.50 is below the budgeted amount.

RECOMMENDATION:

Staff recommends City Council adopt the attached Resolution authorizing the City Manager to enter into an agreement with Obsidian Technologies, Inc. for a new telephone system in the amount of \$107,623.50.

If you have any questions please contact Dianne Hunt, 503.390.3700 – hunt@keizer.org

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2004- _____

3 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH
4 OBSIDIAN TECHNOLOGIES, INC. FOR TELEPHONY AND NETWORK EQUIPMENT

5
6 WHEREAS, the City of Keizer has identified the need for a new telephone
7 system;

8 WHEREAS, the City Council approved the Budget Committee's allocation of
9 \$110,000 for a new telephone system;

10 WHEREAS, the City of Wilsonville prepared and completed a Requests for
11 Proposal process which included an "Intergovernmental Co-Op Purchasing Clause"
12 allowing other public agencies to purchase off their RFP. The successful bidder for
13 the City of Wilsonville was Obsidian Technologies, Inc.

14 WHEREAS, City Council has accepted this "Intergovernmental Co-Op
15 Purchasing Clause".

16 WHEREAS, staff has been working with Obsidian Technologies, Inc. for the
17 purpose of implementing a new Internet Provider Telephony System within the City
18 of Keizer;

19 WHEREAS, Obsidian Technologies, Inc. has conducted and submitted an IP
20 Telephone Design Report and quote in the amount of \$107,623.50.

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City Recorder



Obsidian Technologies
1599 Oak Street, Eugene, OR 97401
Voice: 541.242.1000 FAX: 541.484.0135

EXHIBIT 'A'

SALES AGREEMENT

This sales agreement is made between Obsidian Technologies, Inc. with its principal office at 1599 Oak St., Eugene, OR 97401 ("Obsidian"), and
City of Keizer, 930 Chemawa Rd. NE, Keizer, OR 97307 ("Customer").

In consideration of the mutual agreements herein contained, Obsidian agrees to sell to Customer and Customer agrees to purchase from Obsidian telephony and network equipment in accordance with the following terms and conditions:

1. Obsidian shall provide the equipment and services set forth herein or in the following documents: 1) IPTEL Design Report, including Appendices (collectively "Proposal") and/or other document attached hereto and made a part hereof (the "Equipment").

Quantity	Description
	See Attached IPTEL Design Report

2. Obsidian shall install the Equipment at: (See attached IPTEL Design Report)
Street Address City County State Zip Code
3. Obsidian shall furnish all the hardware, software, labor and other items for the installation of the Equipment, unless otherwise noted in the Proposal. Obsidian shall perform the installation in workmanlike manner. Notwithstanding the foregoing, Obsidian shall not be responsible for damages to the premises or equipment not resulting from Obsidian's negligence.
4. Customer shall assume risk of loss to the Equipment upon delivery of Equipment to Customer.
5. AMENDMENTS: CHANGES: If it becomes desirable or necessary at any time subsequent to the date of this agreement and prior to completion of performance hereunder to make any change in the terms of this agreement or to any of the Schedules attached hereto and made a part hereof, any such change may be agreed upon only in writing signed by an authorized representative of Customer and an authorized officer of Obsidian, and in such event the price, work schedules and other terms and conditions as appropriate may be changed by the parties in a written amendment hereto.
6. THE TERMS AND CONDITIONS SET FORTH ON THE FACE AND REVERSE SIDE OF THIS AGREEMENT ARE AS MUCH A PART HEREOF AS IF WRITTEN ABOVE THE SIGNATURE OF THE PARTIES.
7. CUSTOMER, HAVING CAREFULLY READ ALL PROVISIONS OF THIS AGREEMENT, ACKNOWLEDGES RECEIPT OF A COPY OF THIS AGREEMENT AND THE SCHEDULES MADE A PART HEREOF WHICH ARE THE FINAL EXPRESSION OF THE AGREEMENT OF THE PARTIES AND THE COMPLETE AND EXCLUSIVE STATEMENT OF THE TERMS AGREED UPON ALL PRIOR AGREEMENTS AND UNDERSTANDING BEING MERGED HEREIN, AND THAT THERE ARE NO REPRESENTATIONS, WARRANTIES OR STIPULATIONS, EITHER ORAL OR WRITTEN, NOT HEREIN CONTAINED, UNTIL ACCEPTED AND SIGNED BY AN OFFICER OF OBSIDIAN AT ITS PRINCIPAL OFFICE, THIS AGREEMENT SHALL NOT BECOME EFFECTIVE AND SHALL NOT CONSTITUTE A BINDING CONTRACT.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be properly executed intending that it shall be legally binding upon them and their respective heirs, estates, successors and assigns.

CITY OF KEIZER

OBSIDIAN TECHNOLOGIES

Authorized Signature

Authorized Signature

PRINT NAME

TITLE

DATE

PRINT NAME

TITLE

DATE



Obsidian Technologies
1599 Oak Street, Eugene, OR 97401
Voice: 541.242.1000 FAX: 541.484.0135

SALES AGREEMENT CONTINUED

ADDITIONAL TERMS AND CONDITIONS

8. Customer shall purchase the Equipment for a Purchase Price of \$ (see attached IPTeL Design Report).
- (a) PURCHASE – Customer shall purchase the Equipment from Obsidian and shall pay to Obsidian for the Equipment the purchase price stated above, (the "Purchase Price"). The Purchase Price includes any sales, use, excise, property, or other taxes applicable to this agreement. The Purchase Price shall be paid as follows:
- (i) 33 % of the Equipment Purchase Price upon execution of this agreement.
 - (ii) 33 % of the Equipment Purchase Price upon delivery and acceptance of equipment at customer premises, and
 - (iii) 33 % of the Equipment Purchase Price due within 10 days after Installation Completion Date (as defined in Paragraph 9.(c)), and
 - (iv) Progress payments for Labor Services, with a 20% of total Labor Services remainder due within 10 days after Installation Completion Date as defined in Paragraph 9.(c).
 - (v) 100 % of Post Implementation Services due upon Installation Completion Date as defined in 9.(c).
9. TIME OF PERFORMANCE:
- a. The estimated Installation Completion Date will be no later than 09/30/2004.
 - b. Obsidian shall not be required to commence the installation of the Equipment until Customer's credit has been approved by an officer of Obsidian at its principal office and a site review of Customer's premises has been made by Obsidian technical personnel and Obsidian shall have the right to terminate this agreement, in its sole discretion, based upon its credit review or its site review (no later than 30 days after "Sales Agreement" is signed). In the event of agreement termination after credit review or site review by Obsidian, Obsidian shall refund any Customer payments less services performed and/or equipment paid for in full.
 - c. Obsidian shall complete the installation adhering to Obsidian standard installation practices. Obsidian shall perform its standard acceptance testing on the installed Equipment. Upon successful completion thereof, Obsidian and customer shall agree that Equipment has been installed and operates in accordance with applicable test and performance specifications. The date of such notice shall be the Installation Completion Date.
 - d. The Installation Completion Date and any other performance by Obsidian hereunder shall be subject to delays caused by an Act of God, war, riot, fire, explosion, accident, flood, sabotage, inability to obtain fuel or power, government laws, regulations or strike, lockout or injunction (whether or not such labor event is within the reasonable control of Obsidian). In the event of any delay, the dates set forth herein and the times for performance of any other obligations hereunder will be extended accordingly for additional periods of time to cover such periods of delay.
 - e. Obsidian shall use its best efforts to make timely delivery and installation of equipment. However, all stated delivery or installation dates are approximate and Obsidian SHALL UNDER NO CIRCUMSTANCES BE LIABLE FOR damages, special, consequential, or otherwise, for delays in delivery or installation.
10. NO WARRANTY:
- a. THE EQUIPMENT SOLD HEREUNDER IS "AS IS" AND "WITH ALL FAULTS." OBSIDIAN MAKES NO WARRANTY OF ANY KIND WITH RESPECT TO THE EQUIPMENT, WHETHER EXPRESS, IMPLIED, OR OTHERWISE INCLUDING, WITHOUT LIMITATION ANY WARRANTY OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE. OBSIDIAN SHALL NOT BE LIABLE TO CUSTOMER OR ANY THIRD PERSON FOR LOST PROFITS, INJURIES, OR DAMAGES TO PERSONS OR PROPERTY WHETHER IN CONTRACT, NEGLIGENCE, OR TORT OR FROM ANY OTHER CAUSE, OR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES, OR OTHER ECONOMIC LOSS ARISING EITHER DIRECTLY OR INDIRECTLY FROM ANY DEFECT OR SALE OR USE OF EQUIPMENT DESCRIBED HEREIN.

SOME STATES DO NOT ALLOW THE EXCLUSION OR LIMITATION OF INCIDENTAL OR CONSEQUENTIAL DAMAGES, SO THE ABOVE LIMITATION OR EXCLUSION MAY NOT APPLY TO YOU.

THIS AGREEMENT IN NO WAY AFFECTS ANY RIGHTS A CUSTOMER MAY HAVE AGAINST THE MANUFACTURER OF THE EQUIPMENT IF THE EQUIPMENT IS COVERED BY A MANUFACTURER'S WARRANTY.

11. CUSTOMER SERVICES:

The Customer shall at its expense, on the date of the delivery of the Equipment to Customer's premises, and at all times thereafter during the period of installation services hereunder:

- a. Allow employees or agents of Obsidian free access to premises and facilities where the Equipment is to be installed at all hours consistent with the requirements of the installation.
- b. Assure that the premises will meet all temperature, humidity controlled, air-conditioned and other environmental requirements set forth in the applicable Equipment specifications, and will be dry and free from dust and in such condition as not to be injurious to the employee or agents of Obsidian or the Equipment to be installed.
- c. Provide all supplemental equipment necessary for the installation, such as racks, patch panels installed computer workstations or required cabling/patch cables (except as specified in the Proposal).
- d. Provide electrical current when not supplying with Cisco switch.
- e. Provide grounds as required.
- f. Provide suitable and easily accessible floor space and lighting at the Equipment location.



Obsidian Technologies
1599 Oak Street, Eugene, OR 97401
Voice: 541.242.1000 FAX: 541.484.0135

SALES AGREEMENT CONTINUED

ADDITIONAL TERMS AND CONDITIONS

12. ASSIGNMENT-SUBCONTRACTING:

This agreement may not be assigned by Obsidian in whole. Obsidian may freely subcontract part of the work hereunder. Customer may not assign the Agreement, in whole or in part, without obtaining the prior written consent of Obsidian, which consent may be withheld in Obsidian's sole discretion. No assignment or transfer by Customer of any of its rights or obligations under Agreement in violation of this section shall be binding upon Obsidian.

13. DEFAULT:

If any of the Customer's obligations to Obsidian shall not be paid promptly when due, or if Customer breaches any other provision hereof after failing to cure the nonpayment or breach within ten days of a written notice thereof, Customer shall be in default hereunder and all unpaid accounts shall, at Obsidian's option, become immediately due and payable.

14. SEVERABILITY:

In the event that any provision hereof is held to be illegal, invalid or unenforceable, such provision shall be deemed to be separate from all the other provisions hereof and all of such other provisions shall remain in full force and effect as if such illegal, invalid or unenforceable provision were not a part hereof.

15. Customer agrees that all amounts not paid when due, including all amounts in default, shall bear interest at the rate of twelve percent (12%) per annum until paid.

17. INTERCONNECTION WITH UTILITY FACILITIES (IF APPLICABLE):

Obsidian's services shall be limited to the installation of the Equipment on the subscriber side of the interface equipment connecting the Equipment to the telephone system operated by the local telephone utility. Obsidian shall not be responsible in the event the utility fails to timely make available interconnect services nor shall Obsidian be obligated to pay the interconnect tariff or other charges of the utility with respect to such services.

18. WAIVER:

The failure of either party to enforce any provision of these terms and conditions shall not be construed as a waiver of such provision or the right thereafter to enforce each and every provision. No waiver by either party, express or implied, of any breach of these terms and conditions shall be construed as a waiver of any other breach of such term or condition.

19. NOTICE:

All notices and other communications under this Agreement must be in writing and shall be deemed to have been given if delivered personally, mailed by certified mail, or delivered by an overnight delivery service (with confirmation) to parties at the addresses indicated on the first page hereof. Any notice or other communication shall be deemed to be given (a) on the date of personal delivery, (b) at the expiration of the second day after the date of depositing in the United States mail, or (c) on the date of confirmed delivery by overnight delivery service.

20. BINDING EFFECT:

This Agreement shall be binding upon and inure to the benefit of the heirs legal representatives, successors, and any permitted assigns of the parties hereto.

21. AUTHORITY:

By execution, hereof the parties represent and warrant that they are authorized to enter into this Agreement and that this Agreement represents such party's valid and binding obligation, enforceable according to its terms.

22. GOVERNING LAW AND VENUE:

The laws of the state Oregon shall govern this Agreement. The parties agree that all disputes relating to this Agreement shall be tried before the courts of Oregon to the exclusion of all other courts which might have jurisdiction apart from this provision. Venue in any litigation arising hereunder shall be in the Circuit Court of the state of Oregon for Clackamas County, or the United States District Court for the District of Oregon, Portland Division, as may be appropriate.

23. ATTORNEYS' FEES:

If litigation is commenced by either party to enforce any contract including these terms and conditions, the prevailing party shall be entitled to recover reasonable costs and attorneys' fees, both at trial and on appeal.



IP Telephony Design Report For City of Keizer

Version 1.2

June 14, 2004



Solution Summary

Equipment Total	\$82,200.50
Services Total	\$32,090.00
Trade In	(\$4,667.00)
Post Implementation Discount	(\$2,000.00)
Solution Total	<u>\$107,623.50</u>

CALLMANAGER: Integrated IP Telephony Solution

Product	Description	Qty	List Price	Disc. %	Your Price	Your Total Price
CON-SMT-PKG3	Smartnet BxxKABD - Router/Gateway	1	\$185.00	0.0%	\$185.00	\$185.00
CON-SMT-PKG4	Catalyst 3560 (24) Smartnet BxxKABD	1	\$275.00	0.0%	\$275.00	\$275.00
	Subtotal					\$6,040.25
IP Phones						
CP-7970G	Cisco 7970 Phones (speaker, display, 6 lines, w/10/100 switch)	1	\$945.00	35.0%	\$614.25	\$614.25
CP-7960G	Cisco 7960 Phones (speaker, display, 6 lines, w/10/100 switch)	19	\$565.00	35.0%	\$365.50	\$7,514.50
CP-7940G	Cisco 7940 Phones (speaker, display, 2 lines, w/10/100 switch)	56	\$465.00	35.0%	\$302.25	\$16,926.00
CP-7902G	Cisco IP Phone 7902G, w/user license (speaker, monitor only, no mtc)	2	\$170.00	35.0%	\$110.50	\$221.00
CP-7914=	Operator Console 7914 Expansion Module, Foot Stand	4	\$395.00	35.0%	\$256.75	\$1,027.00
CP-DOUBLFOOTSTAND=	Double module footstand	2	\$98.00	35.0%	\$63.70	\$127.40
CP-PWR-CUBE	IP Phone power transformer for 7900 series phone	2	\$45.00	35.0%	\$29.25	\$58.50
CP-PWR-CORD-NA	7900 Series Transformer Power Cord	2	\$10.00	35.0%	\$6.50	\$13.00
Std Headset	Cisco-Approved Plantronics Corded Headset (H91N-M12)	1	\$189.00	10.0%	\$170.10	\$170.10
Cordless Headset	Cisco-Approved Plantronics Cordless Headset w/Auto Lift	1	\$425.00	10.0%	\$382.50	\$382.50
	Inline Recorders	7	\$110.00	10.0%	\$99.00	\$693.00
	Phone Subtotals					\$26,976.25
Application, Equipment & IP Phone Totals						
	CallManager & Unity (w/Smartnet)					\$30,215.25
	Network Hardware Infrastructure (w/Smartnet)					\$25,009.00
	IP Phones					\$26,976.25
Total						\$82,201



City of Keizer Service Schedule

COMPONENT	UNITS	PER UNIT	TOTAL COST
Design, Engineering, Project Management and Training			
WAN/MAN Evaluation	10	\$150.00	\$1,500.00
Telco Coordination	8	\$100.00	\$800.00
Training	8	\$125.00	\$1,000.00
Engineering Design, Installation & Configuration Services	0	\$150.00	\$0.00
Application Services			
CM Single or Dual Install (Entry Level Server, 175 users or less)	1	\$7,000.00	\$7,000.00
Unity UM or VM Install (Entry Level Server, 200 users or less)	1	\$5,000.00	\$5,000.00
IP CC Express (ACD) Install (10 agents)	0	\$8,500.00	\$0.00
Hardware Services			
Edge Switch Install	3	\$900.00	\$2,700.00
Core Switch Install	0	\$1,500.00	\$0.00
Analog Gateway Install	2	\$750.00	\$1,500.00
Digital Gateway Install	1	\$1,200.00	\$1,200.00
ATA186 Install	0	\$37.50	\$0.00
Phone Install (includes all 79xx, plus headsets)	77	\$70.00	\$5,390.00
Core Router Install	0	\$2,000.00	\$0.00
Edge Router Install	0	\$1,500.00	\$0.00
Firewall Install (1-6 FE Interfaces)	0	\$2,400.00	\$0.00
Wireless Bridge Configuration (Installation Spec'd per Bridge)	0	\$1,200.00	\$0.00
Wireless Access Point Install	0	\$1,200.00	\$0.00
Wiring Closet Services			
Basic Closet Retrofit (UPS-Patch existing devices)	0	\$140.00	\$0.00
Post Implementation Support Services			
Post Implementation up to 100 phones	1	\$7,500.00	\$7,500.00
Subtotal w/out Post-Implementation Support			\$26,090.00
Post-Implementation Support			\$7,500.00
Total (reflects \$1500 credit for design study)			\$32,090.00



IP Telephony Design Report

Table of Contents

Executive Overview	3
Select Reference Accounts	4-7
Scope of Work	8-14
City of Keizer Solution Details	15
Deployment Plan & Integration/Migration Strategy	16-17
Training Strategy	18-19
Support Strategy	20
System Pricing	20
Expense Reduction/Annual Savings Worksheet	20
Roles & Responsibilities	21
Acceptance Testing	21
Assumptions	21



IP Telephony Design Report

Executive Overview

Introduction

City of Keizer ("the City"), in a continuing effort to improve communications to its constituency while saving taxpayer money, is considering the implementation of a converged network infrastructure built on open standards, state-of-the-art routing and switching capabilities, and industry leading IP Telephony technology. Obsidian Technologies was engaged to conduct the Design Phase of the IP Telephony deployment.

Background

City of Keizer – for Bill to provide

Design Study

The IP Telephony Design Phase Findings Report articulates the proposed solution and provides a detailed plan, which is necessary for the successful deployment of the IP Telephony solution. Obsidian Technologies, in conjunction with the City, has constructed a design that provides the following:

1. A complete IP Telephony Solution for the City's core (City Hall) and remote sites.
 - a. A fully featured, cost-effective IP-based communications system that meets/exceeds the City's present voice/data requirements and organization goals, while providing a non-proprietary pathway to future technologies and solutions.
 - b. Industry-standard network infrastructure, software, and clients to give the City greater flexibility and control while reducing administration, maintenance, end-user support and training costs.
 - c. Lower TCO (Total Cost of Ownership) over a three-to-five-year window vs. a traditional PBX solution.
2. Complete documentation of the proposed design, including:
 - a. Obsidian Technologies Public & Commercial Reference List
 - b. Detailed Scope of Work
 - c. Migration/Integration Strategy
 - d. Deployment Plan
 - e. Training Strategy
 - f. Support Strategy
 - g. Detailed Hardware, Application & Service Specification and Pricing
 - h. Roles & Responsibilities
 - i. Assumptions
 - j. Acceptance Testing



IP Telephony Design Report

Select Obsidian Technologies Public & Commercial Accounts - Reference List

CITY OF BEND – August 2000

710 NW Wall Street

Bend, OR 97709

Robert Bussabarger, Network Administrator; ph: 541.322.6390

IP Telephony & Voice Messaging Solution over converged, intelligent network infrastructure.

Designed, configured, implemented, tested, and supported Cisco's CallManager IP Telephony and Unity Voice Messaging Solution, including overhead paging & on-net faxing. Dual Cisco CallManager IP Call Control and Processing Servers provides telephony services for over 275 IP Phone users citywide - including City Hall, Police/Public Safety, Wastewater and 5 Fire Stations. A converged voice/data network over a fiber backbone utilizes the Cisco Catalyst Switch series (with inline power), and Cisco 2610 WAN Routers provide a T1 point-to-point link for VOIP (voice over IP) and data service for one remote site. Four-digit dial is available for all users on the system. Additionally, for all off-net calls, a Cisco Gateway provides full T1 voice service to the Public Switched Telephone Network (PSTN). SRST software provides locations-based phone services in the event of fiber or call-processing server failure. Voice Mail services are provided to IP Phone users via Cisco Unity Voice Messaging.

CITY OF LONGVIEW, WA - May 2002

1525 Broadway St

Longview, WA 98632

Neal Johnson, Network Manager; ph: 360.442.5066

IP Telephony & Voice Messaging Solution over converged, intelligent network infrastructure.

Designed, configured, implemented, and tested Cisco's CallManager IP Telephony and Unity Unified Messaging Solution, including overhead paging & on-net faxing. Cisco CallManager IP Call Control and Processing provides telephony services for over 250 IP Phone users at 25 sites across the city's MAN (metropolitan area network). A converged voice/data network over a fiber backbone utilizes the Cisco Catalyst Switch series (redundant Cat6509s; Cat3524; all with inline power; and Cat295x), and Cisco 2620 WAN Routers provide a T1 point-to-point link for VOIP (voice over IP) and data service for one remote site. Four-digit dial is available for all users on the system. Additionally, for all off-net calls, a Cisco Gateway provides full T1 voice service to the Public Switched Telephone Network (PSTN); and a Cisco VG200 with a 4-port E&M interface allows users to access the WA state SCAN system. SRST software provides locations-based phone services in the event of fiber or call-processing server failure. Voice Mail services are provided to IP Phone users via Cisco Unity Voice Messaging, which provides unified messaging services for all CallManager phone users.



IP Telephony Design Report

CLACKAMAS COUNTY FIRE DISTRICT #1 - October 2000

16170 SE 130th Ave
Clackamas, OR 97015

Ron McKim, Network Manager; ph: 503.655.8890

IP Telephony & Voice Messaging Solution over converged, intelligent network infrastructure. Designed, configured, implemented, and tested Cisco's CallManager IP Telephony and Unity Unified Messaging Solution, including overhead paging & on-net faxing. CallManager IP Call Control and Processing installed at County Fire Logistics provides telephony services – via Frame Relay - for over 175 users at 14 sites. A converged voice/data network is serviced by the Cisco Catalyst 3524 Powered Switches; Cisco 26xx WAN Routers provide a Frame Relay connection for VoIP (voice over IP) and data service for remote sites. Additionally, for all off-net calls a Cisco Gateway provides two full T1 PRI voice circuits to the Public Switched Telephone Network (PSTN). Voice Mail services are provided to IP Phone users via Cisco's Unity Unified Messaging, which is integrated with the Clackamas Exchange Server. SRST software provides locations-based phone services in the event of WAN or call-processing server failure. IP Phone & Voice Mail Features included: Call Forward, Call Hold, Call Park, DID, Distinctive Ring, Distribution Lists, Full Duplex Speakerphone (7940 & 7960), Mailbox voice message storage, Message Waiting Indication, Multi-party Conference Call (Ad Hoc & Meet-me), Message Forwarding, Multiple Personal Greetings, Recent Dial List, Speed Dial, Station Volume Control.

Jerry's Home Improvement Center- December 2002

2525 Olympic
Springfield, OR 97477

Michael Eldridge, IS Director; phone: available upon request

IP Telephony, IP ICD, & Voice Messaging Solution over converged, intelligent network infrastructure. Designed, configured, implemented, and tested Cisco's CallManager IP Telephony, IP CC Express (IP Contact Center), and Unity Voice Messaging Solution, including wireless IP Phones, overhead paging & on-net faxing. Cisco CallManager IP Call Control and Processing provides telephony services for over 100 IP Phone users (including 50 wireless IP Phones) at JHIC's new Springfield store. The redundant CallManager Servers (located at the Eugene, Highway 99 location) are integrated with JHIC's existing Definity PBX via a T1 interface. A converged voice/data network over a fiber backbone utilizes the Cisco Catalyst Switch series (Cat2948xx; Cat3524 with inline power), and Cisco 2651 WAN Routers provide a multiple T1 point-to-point link for VOIP (voice over IP) and data service between both sites. Cisco's Customer Response System 3.0 IP CC Express handles all incoming calls through an operator queue that feeds 9 departmental queues, processing 500-1500 calls daily. Four-digit dial is available for all users on the system. Additionally, for all off-net calls, a Cisco Gateway provides full T1 voice service to the Public Switched Telephone Network (PSTN). Voice Mail services are provided to IP Phone users via Cisco Unity Voice Messaging, which provides voice-messaging services for all CallManager (100+) phone users.



IP Telephony Design Report

City of Redmond - November 2002

716 SW Evergreen

Redmond, OR 97756

Joe Sadony, CIS Director; ph: 541.388.6532

IP Telephony & Voice Messaging Solution over converged, intelligent network infrastructure.

Designed, configured, implemented, and tested Cisco's CallManager IP Telephony and Unity Voice Messaging Solution, with Voice Menu Auto Attendant. CallManager IP Call Control and Processing provides telephony services for users at the Airport and Fire Station. A converged voice/data network is serviced by the Cisco Catalyst Switch series (with inline power) and Aironet 350 Wireless Bridges provides high-quality QOS for voice and data users at the Airport Maintenance Facilities. To process the high volume of calls (350 to over 1000 daily) to the airport for basic information, an Auto Attendant with Voice Tree options was implemented. Additionally, all off-net calls utilize Cisco's T1 Digital Voice Gateway services to the Public Switched Telephone Network (PSTN). Voice Mail services are provided to IP Phone users via Cisco's Unity Voice Messaging Solution. The final phase of deployment for extending IP Communications citywide (City Hall, Police, Public Works and Wastewater) is underway and will be completed Q1 2004.

WASHINGTON SCHOOL FOR THE DEAF- July 2003

611 Grand Blvd.

Vancouver, WA 98661

Lorana Myers, Purchasing Manager; ph: 360.418.0413

IP Telephony, TTY/Text, and Voice Messaging Solution over converged, intelligent network infrastructure.

This solution enables seamless and unassisted communication (including phone conversation; voicemail; TTY conversation; TTY and/or Text Messaging; Message Retrieval) for all members of the WSD community and the public. We implemented Cisco's CallManager IP Telephony and Unity Voice Messaging Solution and integrated it with NXi's NTS TTY/Text Communication and Messaging System. Cisco CallManager IP Call Control and Processing provides telephony services for over 125 IP Phone users on WSD's 12-building campus. A converged voice/data network over a fiber backbone utilizes the Cisco Catalyst Switch series (Cat3550-12G; Cat3550-PWR - all with inline power), and Cisco's Access Server 5350 provides gateway services to the PSTN via a T1 PRI, to the NXi NTS system through a T1 PRI and to remote dial-up users via DIDs over the PSTN T1 PRI. Four-digit dial is available for all users on the system. Additionally, a Cisco VG200 with a 4-port E&M interface allows users to access the WA state SCAN system. SRST software provides locations-based phone services in the event of fiber or call-processing server failure. Voice Mail services are provided to IP Phone users via Cisco Unity Voice Messaging, which provides voice-messaging services for all CallManager phone users.



IP Telephony Design Report

Additional Select References with contact information available upon request including, but not limited to,:

Columbia River Bank (February 2002)

CallManager, IP Contact Center Express, Unity, 215+ IP Phones deployed at three Bend sites and 8 remote sites over Frame Relay.

Bank of the Cascades (October 2002)

CallManager, IP Contact Center Express, Unity, 200+ IP Phones deployed at Bend (5-site fiber campus) and 4 remote sites over Frame Relay

City of Monmouth (March 2002)

CallManager, Unity, 100+ IP Phones deployed at 4 sites on citywide fiber network.

Deschutes Public Library (November 2002)

CallManager, Unity, 125 IP Phones deployed at 6 sites on fiber network/WAN.

Neah-Kah-Nie School District (August 2003)

CallManager, Unity, 120 IP Phones deployed at 4 sites over WAN.

Winston-Dillard School (Brockway Elementary) (January 2003)

CallManager, Unity, 50 IP Phones deployed at one site.

West Coast Bank (February 2001)

CallManager, Unity, Dual Integration w/NEC2400 deployed at 24 of 48 Oregon and Washington locations over complex converged WAN infrastructure (ATM, voice and data) supporting over 400 data/voice users.

Hood River County (December 2003)

CallManager, Unity, 168 IP Phones at 6 sites over fiber MAN.

Wasco County

CallManager, Unity, 171 IP Phones at 6 sites over fiber MAN, including a point-to-point 802.11a Wireless Bridge.



IP Telephony Design Report

Scope of Work - IPTEL & Converged Network Overview

IPTEL Scope of Work

Obsidian Technologies, in conjunction with City staff, will:

- Configure and Implement the IP Telephony communications system consisting of the following components:
 - Call Manager Server for primary Call Processing.
 - Call Manager Backup Server for redundancy and fail-over.
 - Unity Voice Mail Server integrated with Call Manager.
- Configure and implement the converged network infrastructure consisting of the following components:
 - Cisco 1760V Core Router/Voice Gateway at Core.
 - Cisco 1760V Router/Voice Gateways with SRST at remote site.
 - Cisco Catalyst 3560 Powered Switches at all locations.
- Configure and implement T1/PRI (or CO/FXO) voice gateway access to the PSTN at Core.
- Configure and implement CO/FXO voice gateway access to the PSTN at Remote Site.
- Implement a Unified Dial Plan for the City's Voice Network to enable extension dialing between all sites.
- Implement Call Handling Procedures for the City:
 - Handsets required
 - Voice Mail
 - Hunt Groups
 - Call Park
 - Call Pickup
 - Auto Attendant
 - Attendant Console
 - Conferencing
- Configure and install an Analog Voice Gateway to support four on-net analog devices at the Core.
- Configure and install up to four Analog line(s) for failover and 911 Service at the Core.
- Configure and install analog port for failover and 911 Service at remote site (i.e., Public Works).
- Provide a backup solution for the Call Manager and Unity Servers.

See below for detailed description of scope of work.

Network Description

The network has been designed to provide integrated voice/data capabilities for all sites. The switching infrastructure provided by Catalyst 3560 series Switches with inline power (and Power Over Ethernet (POE)) support multiple VLANs and 802.1Q trunking to ensure the highest voice quality for LAN communications, as well as addressing the network requirements of other critical applications on the network.

A centralized call-processing model, with fail over is recommended using both a primary and a fail over CallManager server. In addition to call-processing redundancy, Survivable Remote Site Telephony (SRST) software will be installed on the remote router/voice gateway to provide basic call processing functionality in the event of a fiber circuit failure.



IP Telephony Design Report

City of Keizer's Requirement Considerations

The Requirement Consideration section provides solution details that articulate how the City's requirements are addressed by the proposed solution.

Network Availability

A critical link in the proposed IP Telephony solution is the MAN (Metropolitan Area Network) provided via the fiber backbone, as it provides connectivity for the Police and Public Works users of mission critical voice and data applications. Availability could be increased by implementing redundant fiber connections and provisioning redundant network switching infrastructure at all locations. However, as the redundant fiber would likely run in the same conduit/paths, such redundancy provides no protection against a cut in the conduit/fiber. Additionally, provisioning additional hardware would prohibitively increase the cost of the solution (over \$5,000/site for the three sites, for an additional \$15,000, not including fiber and labor). The current design provides the most value for the best price – enabling high-bandwidth capacity cost effectively.

Growth Expectations

The modular architecture of the infrastructure & application design allows for moderate growth, without paying extra for unanticipated and unnecessary scaling capacity. The CallManager architecture will support up to 1,000 users. The Unity Voice Mail architecture can support over 16 ports and 399 users (note: number of users per port is specific to user environment). The only requirements to add voice and data communications users are: 1) a switch port (preferably with inline power), 2) an IP Phone, and a user license for the respective application (e.g., Unity VM user license).

Telephony Feature Expectations

The following telephony features, which Obsidian has identified and the City has indicated a need for, are included in the proposed IPTEL solution:

- **Basic User Features:** Call Forward, Call Hold/Retrieve, Call Park/Pickup, Direct Inward Dial (DID), Message Waiting Indication (MWI), Multiple Line Appearances per Phone, Music-on Hold, Mute capability from speakerphone and handset, Speakerphone (2-way on 7960 & 7940 IP Phone models), Station Volume Controls (audio & ringer) and Transfer.
- **Advanced User Features:** Caller ID (number) available if T1 PRI Circuit is provisioned, Call Forward - busy, Call Forward - no answer, Distinctive Ring (per phone/line appearance), Fast Dial, Multiparty (up to 6 participants total) Conference (Ad hoc & Meet-me), On-net Faxing (up to 2 FAX machines per site) and Speed Dial (dependent upon phone line appearance requirements).
- **Administrative Features:** Call Detail Records (CDR) in accessible SQL tables; Centralized, browser-based configuration and management of all applications; and "Zero Cost" automated phone moves/adds.



IP Telephony Design Report

Analogue Device Requirements (See attached "IPTEL Design - Phone/Analog Device Specification" for more detail)

City Hall - FAX - Analog Phone	2 on-net none	DIDs on PRI n/a	4 FXS - Core Gateway n/a
Police - FAX - Analog Phone	2 on-net 2 on-net	DIDs on PRI DIDs on PRI	2 FXS - Remote Gateway 2 FXS - Remote Gateway
<i>* This design assumes that all calls will be routed over a centralized T1 PRI circuit.</i>			

The on-net analog requirements summarized in the above table will interface to the IPTEL solution via voice gateway cards in the appropriate gateway [or analog telephone adapter (ATA)]. Modems will connect via dedicated analog lines, and will not be on-net. In the event of a network and power failure, 911 Service will be available through local analog lines (see "911 Service" heading below for more information).

The modular components of the IP Telephony solution allow for easy and cost-effective expansion of any future analog requirements. That is, additional analog devices can be added by provisioning the required number of ATA devices or by increasing the number of gateways or the port count in existing gateways. Of course, with a converged network infrastructure and the continuing trend of IP-based applications, the demand for analog connectivity is likely to lessen over time.

Voice Applications

A centralized, redundant CallManager call-processing model (one located in the main server room at the City Hall/Core and one at Police) is recommended to provide comprehensive phone service for all locations. A unified dial plan will be achieved to allow 4-digit dialing between all locations. Survivable Remote Site Telephony (SRST) software running at the remote router at Public Works will provide PSTN access for call routing in the event that a fiber link/equipment failure prevents a connection to the CallManager servers at the Core.

Unity Voice Messaging will support voice mail requirements for users at all locations. The proposed platform will support 16 simultaneous ports and 120 users, with expansion capabilities of over 16 additional ports and 300 users (approximately).

Data Applications

User IP Telephony requirements will not involve or require additional data application implementation.



IP Telephony Design Report

Enterprise Solution Information

Enterprise IP Addressing Scheme

Data Network

The City of Keizer's current IP Addressing Scheme is: TBD.

IP Address	Site/Purpose
	City Hall
	Police
	Public Works

To ensure that the IP Telephony VLAN is separate and distinct for manageability and voice quality, the IP Telephony IP Addressing Scheme will mirror the third octet of the IP Data Address Scheme with a 10.x.X.0 address scheme. The following VLANs will be configured.

IP Address	Purpose	VLAN Name
x.x.X.x	Network – Native	999
x.x.X.x	Network – Management	998
x.x.X.x	Network – Data	2
x.x.X.x	IP Phone – Voice	3
x.x.X.x	IP Phone – Voice Server	10

Enterprise Backup Strategy Protection

Obsidian Technologies would like to incorporate the Unity Server into the City's current (e.g., Veritas) or (future) backup process. The CallManager Server database will be dumped to a drive location that is part of the enterprise backup procedure.

Enterprise DNS

IP Telephony is not a component of the DNS strategy.

Enterprise Domain /s

All CallManager and Unity Servers will be placed into a distinct workgroup.



IP Telephony Design Report

The City of Keizer's Equipment Upgrades and Modifications

Provided below are details regarding the recommended new equipment, configuration modifications, or upgrades for all Locations.

Call Processing Hardware

Type MCS / ICS / SRS	Location	Model	Specifications	Clustering Information
MCS	City Hall	7825	Up to 1,000 users	N/A (primary)
MCS	Police	7825	Up to 1,000 users	N/A (fail over)
SRST	Public Works	SRST (IOS)	Runs on 1760V platform	N/A

IP Phones, VM & Analog Devices (See attached "IPTEL Design - Phone/VM Specification" for more detail)

	7970	7960	7940	7902 (no switch)	7914 Expansion Module
TOTALS	1	19	56	2	4
VM Only					
TOTALS	32				
	Speakers	Zones**	Vol Control***	Access	Concurrent Access
TOTALS	20	1	0	Dial Plan Code	1
Note: *Specific Handsets & VM counts are an estimate, actual counts to be confirmed by City of Keizer. ** Multi-zone Paging available as additional option. *** Volume Control per speaker is available as additional option.					



IP Telephony Design Phase Findings Report

Router Upgrades and Modifications

New or Existing	Device Name	IP Address	Model	Router/Gateways Upgrades and Modifications	
				Current Location and Function Site (Closst)	Proposed Location and Function Site
New	Core_Router/Gateway_1	TBD	Cisco 1760V		City Hall (T1 Voice; 2 FAX, 2 POTS lines)
New	Police_Gateway_1	TBD	Cisco 1760V		Police (2 FAX, 2 existing Analog Door Ph, 1 Port for Paging)
New	PW_Gateway	TBD	Cisco 1760V		Public Works (1 FAX, 1 POTS line for 911)
					16Flash, 64RAM; IP Plus
					16Flash, 64RAM; IP Plus
					16Flash, 64RAM; IP Plus, SRST

Switch Upgrades and Modifications

New or Existing	Device Name	IP Address	Model	Switch Upgrades and Modifications	
				Current Location and Function Site (Closst)	Proposed Location and Function Site
New	Core_Switch	TBD	Cisco3560 w/pwr (48 port)		City Hall
New	Police_Switch	TBD	Cisco3560 w/pwr (48 port)		Police
New	PW_Switch (#1-2)	TBD	Cisco3560 w/pwr (24 port)		Public Works
					GBICs (1 SX to Police, 1 LX to Public Works)
					GBICs (1 SX to City Hall)
					GBICs (1 LX to City Hall)

The Cisco3560 switches with inline power (and Power over Ethernet) will be connected via Fiber GBICs, and will trunk via 802.1q trunking to the router/gateways at each site.



IP Telephony Design Phase Findings Report

City of Keizer Circuit Upgrades, Modifications and New Equipment

New, Existing, or Disconnect Circuit	ATM, Frame Relay, P4-to-Pt	Current Port Speed / CIR	Current PVC(s) & Terminating Location	Current Protocols	WAN Circuit Modifications			Proposed Protocols	Modification Explanation
					Current Port Speed / CIR	Proposed Port Speed / CIR	Locations		
None	None				None	None		IP	

New, Existing, or Disconnect Circuit	Types of Voice Traffic: LD / Local / Both / TIE (If tie to what site?)	Service Provider	Service Provider Circuit ID	Voice T1/PRI Modifications			Modification Explanation
				Interface: (PRI or CAS)	Framing: ESF / SF		
New	Local, LD	Qwest/TBD		PRI	ESF /b8zs	23, 2-way trunks	

New, Existing, or Disconnect Circuit	Billing Telephone Number	Number	Hunt Group Member	Loop Start Ground Start E&M	Analog Trunking Modifications		Modification Explanation
					Purpose		
(1) 1FB (Analog lines)	TBD	TBD	No	LS	911 Back up	To be ordered/installed at City Hall (could use an existing analog line); Will provide 911 for City Hall & Police)	
(1) 1FB	TBD	TBD	No	LS	911 Back up	Public Works (need to order new service)	



IP Telephony Design Phase Findings Report

PBX Upgrades and Modifications

Necessary Upgrade or Modification

**Upgrade / Modification
Responsibility**

None

Voicemail / Unified Messaging Upgrades and Modifications

Necessary Upgrade or Modification

**Upgrade / Modification
Responsibility**

None

DID/Extension Ranges Additions

Obsidian Technologies will work with the City of Keizer on incorporating new DIDs and current extensions (with necessary modifications) into a comprehensive and consistent dial plan. The goal of the dial plan would be to enable minimal disruption/inconvenience for City constituents, logical consistency for City staff and constituents/vendors, and ease/efficiency of administration for the IT Department.

911 Solution

"911" dialing will be available from every IP Phone, and will be directed to the 911 Center over the local 1FB line connected to the local site gateway. In the event of a voice network failure, backup 911 services will be provided via analog lines and a dedicated (City of Keizer provided) analog phone per location.

All 911 calls will be routed via a voice dial peer (a configurable command) on the Voice Gateway card in the Cisco Router/Gateway through a 1FB (standard analog phone line). In other words, 911 calls from IP Phones will be routed like all other PSTN (Public Switched Telephone Network) calls and will "carry" location information for the location that is associated with the 1FB (not the centralized T1 PRI). For Public Works, calls would be routed via a voice dial peer on the Voice Gateway card in the Public Works Router/Gateway through a 1FB (standard analog phone line) located at Public Works. City Hall and Police will share a single 1FB.

City of Keizer's Solution Details

(See Attached for Hardware, Application and Service Specification & Pricing Worksheets)



IP Telephony Design Phase Findings Report

Deployment Plan & Integration/Migration Strategy

Project Approach/Methodology

The project will be approached as a Consultative Install – the goal of which is to enable the City of Keizer's technical staff to administer and maintain the IPTEL solution as comprehensively as possible. The Obsidian technical staff will provide all technical leadership and system engineering functions. In addition, the Obsidian team will work with the City of Keizer's technical staff and provide hands-on training during the implementation of the system. In this way, the City of Keizer's technical staff will become familiar with all technologies in the network and be ready to support the day-to-day operation of the network once the project is complete.

Solution Deployment

As Obsidian approaches the implementation of the system, we will utilize our "best practices" design to implement a network providing the following:

1. Redundancy - to protect against failed components.
2. Quality of Service - to provide the highest possible voice quality.
3. Ease of use – to ensure that the end users can learn the use of the Phones and the Voice Mail easily.

To accomplish this, Obsidian will rely on its' 5-plus years experience in the design and implementation of Voice/Data Networks using Cisco's Router, Voice Gateway, VoIP, Catalyst Switch, Call Manager and Voice Mail products. We will work in conjunction with the City of Keizer in the implementation of a converged network supporting both traditional data and high quality voice transport. This will be accomplished by using Cisco's latest QoS methodologies on the Catalyst switches as well as the trunking required to carry voice and data across distinct VLANs on the network. In this way, the resulting network will provide the highest quality voice available.

The following is a general discussion of our deployment plan for the project (specific timeline TBD). To begin, Obsidian has worked with the City of Keizer's Staff in the preliminary design of the IP Network. Obsidian would work on the configuration and implementation of Cisco 1760 router/gateways, beginning with the Core/City Hall location and following up with Police and Public Works. Likewise, we would configure the Cisco Catalyst 3560 switches, with the necessary voice configuration requirements per location. Obsidian would stage the CallManager and Unity Servers in our offices. After that, Obsidian would install this system and a group of phones at the Core/City Hall and bring up the T1 PRI circuit.

A Pilot System Implementation would be used as a hands-on introduction to the equipment for the City of Keizer's Staff and as an environment to confirm the initial design for the network. Once the initial network & system lab test design is confirmed, we would integrate the Pilot solution into the City of Keizer's LAN/MAN infrastructure. Additionally, we would complete the configuration of the system, which will include gateway provisioning, phone configuration and reception console configuration.



IP Telephony Design Phase Findings Report

Solution Deployment Strategy

Site Name	Simultaneous or Separate Voice and Data Implementations?	Data Implementation Scheduling (business hours, after hours, or weekend cutover)	ETA for Data Deployment	Voice Implementation Scheduling (business hours, after hours, or weekend cutover)	ETA for Voice Deployment
All Sites	Data Network Build			TBD	TBD
Off-net (Obsidian)	Voice Servers & Gateway Configs			Offsite	TBD
City Hall - Core	T1/PRI Circuit Install			Business Hours	TBD
City Hall - Core	On-site Pilot			TBD	TBD
Police & Public Wks	Voice Circuit Cut			TBD	TBD
All sites	Production Cut			TBD	TBD

Phone Deployment / Placement Strategy

Site	Total Number of Sets to be Placed	Flash or Phased Cutover	Phased Deployment Plan (Deployed by Division, Floor, User, other)	Timeframe to Complete Phased Deployment
Core/City Hall - On-site Pilot	5-10		On-site Pilot	TBD
Production Cut	70+		Production Cut	TBD

Migration/Integration Strategy

The migration/integration strategy consists of three phases: network infrastructure build, application and voice services implementation, and voice services production cut. The goal is minimize interruption of network data/voice service to users. This will be accomplished by configuring the LAN/MAN infrastructure. Similarly, the voice servers (CallManager & Unity) will be staged at Obsidian Technologies' offices and then integrated into the City of Keizer's network. Configuration and installation of the T1/PRI circuit at the Core/City Hall will have to be coordinated/scheduled with the Public Works analog circuits coordination/scheduling TBD. (Note: typical lead-time for circuit provisioning from carrier - e.g., Qwest - is 30 days from order date.)



IP Telephony Design Phase Findings Report

Training Strategy

Resource Training Plan

Bill Hopkins provides support for the data network for the City of Keizer- including switching, routing, and the support of Microsoft Windows. However, specific IP Telephony training will be necessary to continue to support the network. Obsidian Technologies will provide IPTEL Systems and Administrator training. This training, coupled with post-implementation support, has proven to be more than sufficient for most of our IPTEL customers.

Additionally, we have detailed a comprehensive plan if further training is desired in a specific area. Our recommendation would be that no additional training occurs until the staff has had real-time exposure supporting the IPTEL solution, to determine if and **what type** of training would be beneficial. Also, please bear in mind that Obsidian Technologies will be available for post-implementation support, which will be equivalent to on-the-job training support.

Senior Network Administrator				
	Required Technical Skill Set:	HIGH		
	Responsibility Definition:	Must have advanced knowledge of the network. Responsibilities may include troubleshooting, reconfiguration, upgrades, and new installations.		
	Recommended Course / Certification Title	Type of Course	Location of Course	Intent of Course
General Network	Cisco Certified Network Associate (CCNA) Basics Or Microsoft Certified Systems Engineer (MCSE)	IL/VL MC	IL/VL/CC MC	If advanced networking knowledge (theory, design, and management) is desired. Microsoft or MS Partner provided training for networking fundamentals.
	Microsoft Windows 2000 and Exchange 2000 Skills	IL/MC	IL/MC	Network OS & Exchange skills.
Solution Specific Courses	Cisco IP Telephony (CIPT) vx.x	IL/VL	IL/VL	Cisco IP Telephony x.x is focused on Cisco CallManager 3.x/4.x and is designed to ensure the student will be able to install, support and maintain a CIPT Solution
	Cisco Unity System Administration (CUSA) V3.0/4.0	IL	IL	Course will cover all of the topics necessary for administering a Cisco Unity system in either a stand-alone voice mail or unified messaging environment. CUSA provides best practice information for system setup, subscriber administration, and system customization. Students completing the course will have a good understanding of the standard features of a Cisco Unity system and how to use them effectively.
	Deploying QOS for Enterprise Networks (DQOS) v2	IL/VL	IL/VL	OPTIONAL - Not Recommended. Course provides system engineers and network engineers the knowledge and skills required to deploy, manage, configure and troubleshoot Quality of Service (QoS) features available through Cisco IOS Release 12.3(x)T. Focus will be upon tuning the enterprise network through use of QoS tools that enable high profile, mission-critical traffic to perform at an optimal level.
	Cisco Voice Over Frame Relay, ATM, and IP v3.x/4.x (CVOICE)	IL/VL	IL/VL	OPTIONAL - Not Recommended. Course will provide fundamentals for configuring Voice over Frame Relay, ATM, or IP using the latest release of Cisco IOSO software.



IP Telephony Design Phase Findings Report

Reference Materials	IP Telephony Troubleshooting (IPTT) v2	IL	IL	Course will provide troubleshooting methods and techniques for IP Telephony solutions including CallManagers, Unity, gateways, and switches.
	Telephony Application Course	IL	IL	The purpose of the course is to educate the resource on the installation, support, and management of Cisco Applications including IPIVR, Auto Attendant, ICDs, and Personal Assistant.
	Partner / Client Knowledge Transfer	IL	Client Site	This partner provided knowledge transfer will help to educate the resource as to the caveats and configuration of the network.
	IP Telephony Solution Guide	RM	WEB	The solution guide is to be used as a reference to help better understand and support the new converged infrastructure.
	Survivable Remote Site Telephony Solution Guide	RM	WEB	The design guide is to be used as a reference to help better understand the Survivable Remote Site Telephony (SRS Telephony) in an effort to better support the environment.
Legend				
IL = Instructor Led Course = http://www.cisco.com/pcgi-bin/front/x/wwtraining/CEL/C/index.cgi?action=IncSearchForm				
VL = Virtual Learning - Knowledgegenet = http://www.knowledgenet.com/ourcourses/index.jsp				
VOD = Video on Demand or Audio on Demand				
RM = Reference Materials				
WEB = Refer to course outline for location of material.				
PEC = Partner E-Learning Connection = http://www.cisco.com/warp/public/10/wwtraining/pec/peclogin.html				
CC = Cisco Certification - http://www.cisco.com/warp/public/10/wwtraining/certprog/				
MC = Microsoft Certification - http://www.microsoft.com/trainingandservices/default.asp?PageID=mcp&PageCall=certifications&SubSite=cert				

User Training Plan

As detailed in the project description, the project will be approached as a Consulting Install with the goal of providing the City of Keizer technical and other staff as much knowledge and hands-on training with the system as desired. Administrative training for the CallManager & Unity applications will be provided to ensure a level of comfort and familiarity with general system support requirements.

System Administrator Training will include:

- CallManager Administration
- CallManager System Features
- CallManager Level 1 Troubleshooting Tools & Procedures
- Unity Administration
- Unity Level 1 Troubleshooting Tools & Procedures

End User Training will consist of two separate components. First, an approximately one-hour training session on system use and features of the IP Phone and Voice Mail system will be provided for all users (approximately 12-14 training sessions for no less than 8 and up to 15 people/session). During this training, handouts will be provided that detail basic phone system & voice mail usage. Second, one (or possibly two) group training sessions will focus on users with specialized needs (typically reception).



IP Telephony Design Phase Findings Report

Support Strategy

Day 1 Support

Obsidian Technologies staff will be onsite and present to assist on the "go-live" day to assist with any issues or concerns that arise. However, as Obsidian follows a phased deployment model our expectation is that the cutover will be without any significant incidents. That is, all functional areas of the IPTEL solution, having gone through several model/test/revise cycles, will be production ready prior to cutover. The main support tasks for day 1 will likely be related to end user support. The full participation of the City of Keizer's IS and "phone project" staff will be essential to successfully address these issues.

Day 2 (Ongoing) Support

The optimal performance of the proposed IP Telephony system, in addition to the complete satisfaction of the City of Keizer, are Obsidian Technologies' primary goals. To ensure that these goals are accomplished we recommend the following 8/5/2-4 post implementation support strategy.

Obsidian Technologies would provide Level 2 support for any of the City of Keizer's IP Telephony system needs (from system level issues to individual user voice mail questions, etc.). Post implementation service and support will be rendered on an as-needed basis at the request of the City of Keizer. The City of Keizer will receive a 10% discount off the standard service rates (\$150/hour) in addition to several important benefits including: 8x5 on-call coverage for critical system failures; priority queuing for all service requests; response time within two hours from report of critical system failure, with four-hour onsite response if necessary; and 4 hours of monthly remote VPN (customer supplied) and telephone support of the City of Keizer's IPTEL system to ensure continued high-quality performance.

Additionally, Obsidian Technologies has included - as the second line of support - Cisco's Smartnet Service with 24/7/4 coverage (24 hour/day by 7 days/week with 4-hour response guaranteed hardware replacement parts) for critical systems components and 8x5xNBD for all primary hardware and software components. This service also includes access to Cisco's Technical Assistance Center for 24-hour support for all hardware and software issues, and software upgrades as required at no additional charge. Smartnet Service coverage is for a period of one year, renewable annually (multi-year contracts are available).

Hardware & Application Pricing

See Attached for Hardware and Application Specification & Pricing Worksheets)

Configuration, Implementation & Support Service Pricing

(See Attached for IPTEL Services Quote)

Cost Comparison of Old vs. New System

(See Attached for IPTEL Design Expense Reduction worksheet)



IP Telephony Design Phase Findings Report

Solution Deployment: Roles and Responsibilities

Roles & Responsibilities

Name & Project Title	Project Team	Contact
Bill Hopkins - CPM	City of Keizer	541.390.3700 x160
David Markey - LPE	Obsidian	541.242.1000
Rich Wright - PE	Obsidian	541.242.1000
Dana Shedd - PE	Obsidian	541.242.1000
Tony Foy - PM	Obsidian	541.242.1000
Jennifer Harwood - PA	Obsidian	541.242.1000

CPM = Client Project Manager: Primary client contact for overall project.

LPE = Lead Project Engineer: Responsible for the solution implementation.

PE = Project Engineer: Participates in solution implementation.

PM = Project Manager: Primary Contact for client to direct all communications.

PA = Project Administrator: Responsible for order placement and tracking for IPTEL solution.

Solution Acceptance Testing

(See Attached Acceptance Testing Worksheet.)

Solution Deployment Assumptions

Assumptions

- All Cisco equipment and software is available when required (Non-Obsidian Technologies' sourced equipment could pose greater risk for late/incorrect component ordering/delivery and RMA support).
- Obsidian Technologies service pricing based upon Obsidian Technologies providing the City of Keizer a turnkey IPTEL solution (i.e., the City of Keizer to purchase all required hardware and software from Obsidian Technologies).
- On-site configuration and staging of servers and hardware will increase labor charges for system implementation.
- Appropriate cabling will be provided for all devices; including Network-attached Fax Machines, Analog Telephones. Analog devices that call for "on-net" access will require cabling homeruns from the Cisco Gateway to the analog device.
- The City of Keizer to provide racks, power supplies and cabling infrastructure (cable, patch panels, etc.), unless noted otherwise.
- The City of Keizer to provide suitable work environment, and appropriate environmentally controlled space and power for equipment.
- The City of Keizer to provide access to buildings and to passwords or have staff available to enable access as necessary to review and/or modify any software versions and configurations.



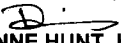
August 2, 2004

AGENDA ITEM 9b

**RESOLUTION – Amending City of Keizer Personnel Policies
Regarding 100.100 – Safety and Health and Adopting Policy
100.200 – Inclement Weather and Emergency Closure**

CITY COUNCIL MEETING: August 02, 2004

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS
THRU: CHRIS EPPLEY, CITY MANAGER
FROM:  DIANNE HUNT, HUMAN RESOURCES DIRECTOR
SUBJECT: PERSONNEL POLICIES

BACKGROUND:

The Personnel Policies Committee members have been meeting to review personnel policies. The following policies were reviewed by the Committee, management staff and labor attorney, Bruce Zagar. The Committee unanimously agreed to the revised policies and the new Inclement Weather policy.

On June 23, the Personnel Policies Committee reviewed suggested language changes made at the June 21 City Council meeting. The Committee unanimously agreed to incorporate the appropriate changes into the Safety and Health policy.

100.100 - Safety and Health (Exhibit A with revision to Section V.B.(3)(b))

This policy replaces Article 7 - Safety, Sections

- 7.1 - Safety and Accidents;
- 7.2 - Unsafe Conditions;
- 7.3 - Accident Reporting; and
- 7.4 - Employee Injury Report

100.200 - Inclement Weather and Emergency Closure (Exhibit B)

This policy is new.

The current policies are included for your review.

These policies apply to all City of Keizer staff, except where a bargaining unit agreement exists. Where policies are absent in the agreement, City personnel policies prevail.

FISCAL IMPACT:

There is no fiscal impact to implementing these personnel policies.

RECOMMENDATION:

Staff recommends Council accept the attached Resolution amending certain sections of Resolution R98-1049, and adopting the Inclement Weather and Emergency Closure policy as recommended by the Personnel Policies Committee, with an effective date of September 01, 2004.

If you have any questions please contact me at 390-3700, ext. 110, or email me at huntd@keizer.org

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R 04-_____

3
4 AMENDING CITY OF KEIZER PERSONNEL POLICIES REGARDING
5 100.100 – SAFETY AND HEALTH; (*DELETING SECTIONS 7.1, 7.2, 7.3, AND 7.4 OF*
6 *PERSONNEL POLICIES ADOPTED BY R98-1051, July 6, 1998*) AND
7 ADOPTING POLICY 100.200 – INCLEMENT WEATHER AND EMERGENCY CLOSURE
8

9 WHEREAS, it is the policy of the City of Keizer to provide personnel policies
10 that are consistent and fair for represented and non-represented employees (within
11 the constraints of ratified union contracts) and is a wise use of public funds;

12 WHEREAS, the City Council wishes to revise certain personnel policies;

13 WHEREAS, Sections 7.1, 7.2, 7.3, and 7.4 of the Personnel Policies adopted by
14 R98-1051, July 6, 1998 provide for Safety and Accidents; Unsafe Conditions;
15 Accident Reporting; and Employee Injury Report.

16 WHEREAS, the City Council wishes to adopt new personnel policies
17 regarding:

- 18 • Safety and Health; and
19 • Inclement Weather and Emergency Closure;

20 NOW, THEREFORE,

21 BE IT RESOLVED that the City Council of the City of Keizer hereby adopt the
22 following Personnel Policies:

- 23 • 100.100 – Safety and Health; and
24 • 100.200 – Inclement Weather and Emergency Closure

1 which are attached hereto and by this reference is made a part hereof; and

2 BE IT FURTHER RESOLVED that Sections 7.1, 7.2, 7.3, and 7.4, of Resolution
3 R98-1051, adopted by the City Council on July 6, 1998 are deleted.

4 This Resolution is effective September 01, 2004.

5
6 PASSED this ____ day of _____, 2004.

7
8 SIGNED this ____ day of _____, 2004.

9
10
11 _____
12 Mayor

13
14 _____
15 City Recorder
16
17

SECTION:	Employee Safety and Health	
TOPIC:	Safety and Health	Effective Date:

I. Policy

It is the policy of the City of Keizer to comply with federal or state statute regarding a safe working environment.

II. Purpose

The purpose of this section is to define the City's policy and establish responsibility for the administration and coordination of an effective safety program.

III. Scope

Safety is every employee's responsibility. All employees are expected to do everything reasonable and necessary to make the City a safe place to work.

IV. Administration

The administrator of this policy is the Human Resources Director who serves as the Safety Compliance Officer.

V. 437-001-0760 OR-OSHA Rules for all Workplaces. The complete OR-OSHA Rules and Regulations are available to employees at the Human Resources Department.

(A) Employers' Responsibilities.

- (1) The employer shall see that workers are properly instructed and supervised in the safe operation of any machinery, tools, equipment, process, or practice which they are authorized to use or apply. This rule shall not be construed to require a supervisor on every part of an operation nor to prohibit workers from working alone.
- (2) The employer shall take all reasonable means to require employees:
 - (a) To work and act in a safe and healthful manner;
 - (b) To conduct their work in compliance with all applicable safety and health rules;
 - (c) To use all means and methods, including but not limited to, ladders, scaffolds, guardrails, machine guards, safety belts and lifelines, that are necessary to safely accomplish all work where employees are exposed to a hazard; and
 - (d) Not to remove, displace, damage, destroy or carry off any safety device, guard, notice or warning provided for use in any employment or place of employment while such use is required by applicable safety and health rules.
- (3) Every employer shall be responsible for providing the health hazard control measures necessary to protect the employees' health from harmful or hazardous conditions and for maintaining such control measures in good working order and in use.
- (4) Every employer shall inform the employees regarding the known health hazards to which they are exposed, the measures which have been taken for the prevention and control of such hazards, and the proper methods for utilizing such control measures.

(B) Employees' Responsibilities.

- (1) Employees shall conduct their work in compliance with the safety rules contained in this code.
- (2) All injuries shall be reported immediately to the person in charge or other responsible representative of the employer.
- (3) It is the duty of all workers to make full use of safeguards provided for their protection. It shall be a workers responsibility to abide by and perform the following requirements:
 - (a) A worker shall not operate a machine unless guard or method of guarding is in good condition, working order, in place, and operative.
 - (b) A worker shall stop the machine or moving parts and properly tag-out or lock-out all energy sources including electric, hydraulic, pneumatic and kinetic. The same worker shall pretest locked out equipment to insure a zero energy state.
 - (c) A worker shall not remove guards or render methods of guarding inoperative except for the purpose of adjustment, oiling, repair, or the setting up a new job.
 - (d) Workers shall report to their supervisor any guard or method of guarding that is not properly adjusted or not accomplishing its intended function.
 - (e) Workers shall not use their hands or any portion of their bodies to reach between moving parts or to remove jams, hangups, etc. (Use hook, stick, tong, jig or other accessory.)
 - (f) Workers shall not work under objects being supported that could accidentally fall (such as loads supported by jacks, the raised body of a dump truck, etc.) until such objects are properly blocked or shored.
 - (g) Workers shall not use defective tools or equipment. No tool or piece of equipment should be used for any purpose for which it is not suited, and none should be abused by straining beyond its safe working load.
- (4) Workers shall not remove, deface, or destroy any warning, danger sign, or barricade, or interfere with any other form of accident prevention device or practice provided which they are using, or which is being used by any other worker.
- (5) Workers must not work underneath or over others exposed to a hazard thereby without first notifying them and seeing that proper safeguards or precautions have been taken.
- (6) Workers shall not work in unprotected, exposed, hazardous areas under floor openings.
- (7) Long or unwieldy articles shall not be carried or moved unless adequate means of guarding or guiding are provided to prevent injury.
- (8) Hazardous conditions or practices observed at any time shall be reported as soon as practicable to the person in charge or some other responsible representative of the employer.
- (9) Workers observed working in a manner which might cause immediate injury to either themselves or other workers shall be warned of the danger.
- (10) Before leaving a job, workers shall correct, or arrange to give warning of, any condition which might result in injury to others unfamiliar with existing conditions.

SECTION:	Employee Safety and Health	
TOPIC:	Inclement Weather & Emergency Closure	Effective Date:

- I. Policy**
It is the policy of the City of Keizer to provide a safe work environment.
- II. Scope**
This policy applies to all City employees, except for emergency responders.
- III. Purpose**
To provide direction to staff for inclement weather and other emergency closures that disrupt employee work schedules.
- IV. Procedures**
 - A. Closure of City Operations Due to Inclement Weather or other emergency situations:**
All departments and offices of the City will be open for regularly scheduled business during all weather conditions, unless closed by the City Manager or designee within federal and state statutes. In the event weather conditions disrupt work schedules, the following applies:
 - a) Employees are expected to report to work during their regularly scheduled shift.
 - b) An employee who decides they cannot report for work, reports to work late, or leaves early due to weather conditions, shall use vacation time, compensatory time, personal leave or leave without pay for time lost. Sick leave may not be used for lost time under these circumstances.
 - c) In the event the City Manager or designee directs the employees not to report to their duty stations before the opening hours of operation or during the hours of operation, and when it is no fault of the employee(s), the City shall pay for the hours of the entire shift. The employee must report to their supervisor each day until the City reopens.
 - d) In the event the City offices are closed and employees are not at City offices, employees are considered to be on-call and available to perform work at home, and must be available to report back to their duty station within one hour.
 - B. Emergency Situation Procedures**
 - 1. During emergency situations, employees may be called back to work even if the employee has completed his or her shift.
 - 2. Employees will be required to report back to their duty stations and carry out such duties as assigned by a City of Keizer supervisor.
 - 3. When an incident of catastrophic dimension occurs, the City realizes that employees have a duty first to secure their families prior to reporting back to the City.

CURRENT POLICIES

7.1 – SAFETY AND ACCIDENTS

7.2 – UNSAFE CONDITIONS

7.3 – ACCIDENT REPORTING

7.4 – EMPLOYEE INJURY REPORT

CURRENT POLICY

ARTICLE 7 - SAFETY

SECTION 7.1. SAFETY AND ACCIDENTS.

- 7.1.1. Safety policy statement: Nothing is of greater concern to the City than the safety of its employees and the public. For the employee's protection, job-related injuries or illnesses must be reported immediately in accordance with the City safety and accident policy. Employees are expected to use common sense and good judgment in work habits, to follow safe work practices, and to bring any unsafe condition to the attention of a supervisor.

For example, employees shall:

- A. Use the safety equipment which has been provided for use;
- B. Not operate equipment while medication, drugs or alcohol are present in the body without a doctor's written approval;
- C. Operate only the equipment on which they have received training;
- D. Warn co-workers and management of unsafe conditions or practices. Accept with appreciation the warning of a co-worker or supervisors as an expression of concern for their own well being;
- E. Report dangerous or unsafe conditions observed at work; and
- F. Refrain from horseplay at all times.

SECTION 7.2. UNSAFE CONDITIONS.

7.2.1. Employee Responsibility: Every employee is responsible for safety as a specific job assignment. To achieve the City goal of providing a safe work place, everyone must be aware of safety at all times. Employees shall report immediately any unsafe or hazardous condition directly to a supervisor, if it cannot be corrected safely and independently. Every effort will be made to remedy safety problems as quickly as possible.

7.2.2 Management responsibility: Each department supervisor shall frequently review the need for implementing safety practices, policy or procedures warranted by hazards. Each accident and "near miss" is cause for review. A copy of such policies shall be delivered to all department employees. Department heads will periodically involve employees in the process. The need for periodic training shall be considered, and arranged as determined by the department head.

7.2.3 Managing unsafe conditions. It is every employee's responsibility to observe and identify conditions which could pose a hazard to employees or to the general public.

After identifying the problem, employees at the scene are expected to:

- A. Safely eliminate the hazard, and obtain necessary assistance;
- B. Safely control the hazard by enclosure or guard;
- C. Employ avoidance procedures; and
- D. Use personal protective equipment as appropriate.

SECTION 7.3. ACCIDENT REPORTING.

Accidents involving the City must be reported in detail as soon after the occurrence as possible. All accident reports should be submitted to the City Manager.

7.3.1Vehicular accidents: Accidents involving other City owned vehicles or personal vehicles being operated on City business must also be reported to a police agency for investigation. Any accident resulting in personal injuries or death must be reported immediately to the City office.

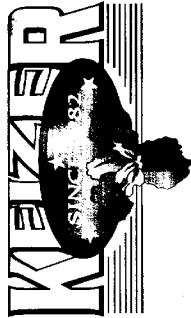
7.3.2Other accidents: Accidents involving damage to equipment or property, or personal injury, must also be reported to City Manager. The City Manager will determine the need for further investigation.

SECTION 7.4. EMPLOYEE INJURY REPORT.

In case of an accident involving personal injury to an employee, regardless of how serious, a supervisor and the City Manager report accidents can result in a violation of conditions of insurance coverage and State laws, leading to difficulties in processing insurance and benefit claims. Injured workers must fill out a Worker's Compensation Report form and submit it as soon as possible to the Safety Officer. All injuries must be reported in a timely manner to avoid risk of claim denial. The City Manager will provide advice and assistance to any person filling out a Workers' Compensation Report.

If an injury results in the death of an employee, then the supervisor shall immediately notify the department head who, in turn, shall immediately notify the State Workers' Compensation Department and the City's insurance carrier by phone. The City Manager and/or Recorder will then proceed to process a claim report form.

The appropriate entries shall be made in the OSHA 200 Report log.



August 2, 2004

AGENDA ITEM 9c

Approval of July 6, 2004 Regular Session Minutes



**MINUTES
KEIZER CITY COUNCIL**

Tuesday, July 6, 2004

Keizer City Hall

Robert L. Simon Council Chambers

Keizer, Oregon

CALL TO ORDER Mayor Christopher called the regular meeting to order at 7:03 pm.
Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Jacque Moir, Council President
Richard Walsh, Councilor
Chuck Lee, Councilor
Michel Gaynor, Councilor
Jim Taylor, Councilor
Crisel Perez, Youth Councilor

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Rob Kissler, Public Works
Nate Brown, Community Development Director
Chief Marc Adams, Police Department
Tracy Davis, City Recorder

Absent:

Judy K. Smith, Councilor

FLAG SALUTE

Councilor Lee commended Chris Eppley for his performance as City Manager of the City of Keizer and asked him to lead the flag salute.

**PUBLIC
TESTIMONY**

None

PUBLIC HEARINGS

a. Text

**Amendment –
Case No. 10-08 –
Industrial
Business Park
(IBP) Zone**

Community Development Director, Nate Brown, explained that the amendment to the IBP Zone would remove the word "contiguous" on the limitation of the allowable retail space. Staff recommends removal of the word "contiguous", and addition of "within the Keizer Station", and "In no case shall each contiguously zoned IBP district within the Keizer Station exceed 32,000 square feet of flexible use space as set forth in subsections 1.a through d." This recommendation was approved by the Planning Commission. Additionally Northwest

National has indicated no objection to the change.

Mr. Brown fielded questions from Council members.

Mayor Christopher opened the Public Hearing.

Eric Scott, 7905 Slabb Creek Road, Neskowin, representing Chemawa LLC, reported that he felt the recommended limitation is fair and equitable.

Mayor Christopher closed the Public Hearing.

Councilor Moir moved to direct staff to prepare an Ordinance for Council approval, modifying the text of the Keizer Development Code, Section 2.113 Industrial Business Park Zone, as set forth in the Staff Recommendation. Councilor Lee seconded.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Taylor, Walsh, Moir, and Lee (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

**b. Liquor License
Application -
Expressions**

City Manager Chris Eppley reported that an application was submitted for a Full Off-Premises Sales Liquor License for Expressions, 3632 River Road North, Keizer, Oregon. A public hearing was scheduled, notice published, necessary notification given, a background check was done on the applicant, and Keizer Planning Department finds the location of the establishment to be properly zoned and has no comment on the application. Staff recommends that following a public hearing Council approve the application.

Mayor Christopher opened the Public Hearing.

Cathryn Thiesen, 3632 North River Road, Keizer – appeared to respond to Council questions. She explained that Expressions is a gift shop located on River Road across from Burger King and added that she is planning on becoming part of the “Responsible Vendor” program.

Mayor Christopher closed the Public Hearing.

Councilor Moir moved to approve the application for an Off-Premises Liquor License for Expressions under the guidelines as established by ORS 471.178 and the ordinances of the City of Keizer and that the

recommendation be forwarded to the Oregon Liquor Control Division. Councilor Taylor seconded.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Taylor, Walsh, Moir, and Lee (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

**c. Liquor License
Application –
Radiance Salon
& Spa**

City Manager Chris Eppley reported that an application was submitted for a Limited On-Premises Sales Liquor License for Radiance Salon & Spa, 3632 River Road North, Keizer, Oregon. A public hearing was scheduled, notice published, necessary notification given, a background check was done on the applicant, and Keizer Planning Department finds the location of the establishment to be properly zoned and has no comment on the application. Staff recommends that following a public hearing Council approve the application.

Mayor Christopher opened the Public Hearing.

Cathryn Thiesen, 3632 North River Road, Keizer – appeared to respond to Council questions. She explained that Radiance is a Spa located on River Road across from Burger King and that sample glasses of wine will be offered with some of the services. This is the first spa in the state to go before the OLCC with this request.

Mayor Christopher closed the Public Hearing.

Councilor Moir moved to approve the application for a Limited On-Premises Liquor License for Radiance Salon and Spa under the guidelines as established by ORS 471.178 and the ordinances of the City of Keizer and that the recommendation be forwarded to the Oregon Liquor Control Division. Councilor Taylor seconded.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Taylor, Walsh, Moir, and Lee (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

**d. RESOLUTION –
Forming
Everwood
Meadows Street**

City Manager, Chris Eppley, provided a history of the formation of a Street Lighting Local Improvement District and noted that the Public Hearing was to consider remonstrances to the project and objections to proposed assessments. He explained the billing process for the Lighting District and recommended the City Council open a Public

Lighting District

Hearing to consider oral objections and written remonstrances to the formation of Everwood Meadows Subdivision Street Lighting Local Improvement District and, if there are no objections, close the public hearing and consider adoption of the resolution forming the district and the proposed assessment ordinance.

Mayor Christopher opened the Public Hearing.
Hearing no testimony, Mayor Christopher closed the Public Hearing.

Councilor Moir moved to adopt Resolution R2004 forming Everwood Meadows Street Lighting District Local Improvement District. Councilor Lee seconded.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Taylor, Walsh, Moir, and Lee (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

ORDINANCE – Spreading Assessments to Everwood Meadows Street Local Improvement District

Councilor Moir moved to adopt a Bill for an Ordinance Spreading Assessments to Everwood Meadows Street Lighting Local Improvement District. Councilor Gaynor seconded.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Taylor, Walsh, Moir, and Lee (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

COMMITTEE REPORTS

a. Salem Area Transit District Presentation – High Priority Transit District

City Manager, Chris Eppley, explained that River Road had been designated by the Transit District as a “high priority transit corridor” which means improvements have been planned to facilitate better traffic flow in relation to public transit and its relationship with the automobile. He then introduced Mr. Glen Hadley from the Salem Area Transit District to update Council on the status of the project.

Mr. Hadley gave a Power Point presentation explaining that the North River Road/Broadway corridor is a high ridership corridor that has difficulty staying on schedule. He reviewed several different options which are being investigated to alleviate this issue.

The total cost of this project is estimated at 5.6 million dollars, of which 2 million dollars now exists. The project consists of 5 different pieces which would be implemented in 2005-2006 through 2015.

Responding to questions, Rob Kissler explained that the currently planned improvements for Chemawa Road would not be affected by

the Transit District Plans, but property would most likely have to be purchased for right-of-way. He added that options such as relocation of sidewalks, internal sidewalks, easements, etc. could be considered before loss of parking was considered. Mr. Hadley added that many questions would be answered after the preliminary engineering and design. He concluded that the concept is a mix of traffic and transit improvements to promote transit use while preserving the stable flow of traffic.

Councilor Taylor questioned the safety of the bus turnouts and suggested taking the buses off River Road. Mr. Hadley responded that the turnout issue is being investigated, but studies have shown that they are not necessarily effective and that taking the bus off the River Road was not a reasonable alternative because the neighborhoods would not want the buses on their streets and ridership would drop because transit time would increase. He encouraged everyone to view buses as an aid to reducing traffic congestion because there are fewer cars on the road, rather than a detriment to traffic.

Responding to school buses vs. city buses Mr. Handley noted that usage of city buses by the high school youths would occur during peak ridership times of the city system, so there is limited capacity for the riders. Some buses have been scheduled specifically to assist the children in commuting to and from school. Councilor Taylor encouraged the system to consider increasing vehicles so that the school buses would not be necessary for high school students. This would also encourage the students to use the buses for personal use. Mr. Hadley responded that the school district has investigated the option of using city buses for high school student transport, but determined that it was more economical to use their in-house system.

Mr. Hadley explained the radio pulse system which operates with given buses staying in a particular area and one "corridor bus" connecting the buses to downtown allowing buses to run more frequently and make transfers within their specific neighborhood. This system is called 3C's: Circulators, Corridors and Centers and it is being considered for Keizer, South Salem and East Salem.

City Manager Chris Eppley pointed out that the Keizer route is one of the busiest routes in the entire transit district system so it is important to support the efforts of the district by showing support for the portions of the project within the Keizer city limits by a formal recommendation.

Discussion continued on the transportation system and possible concepts and plans.

OTHER BUSINESS

- New Business
- Old Business

Councilor Walsh reported:

- **Salem-Keizer Area Transportation Study (SKATS)** ~ The city's application for a multi-use path grant is in the number one position with this committee. Additionally, some of the money promised to the City for the Chemawa Road bridge project will be used to cover shortfalls because it has not been spent. Mr. Kissler added that Richard Schmidt, who is in charge of State Transportation Improvement Project money through Council of Governments, has assured him that Chemawa Bridge is the number one priority when the federal budget year begins October 1. Mr. Walsh explained that there has been additional discussion on the Willamette bridge and an environmental impact study.
- **Marion Polk County Regional Tourism Promotion Summit** was attended by several people. It was a very good summit. The promotion slogan was "Naturally Inspired" yet their basic statement had nothing about promoting natural resources so that was added.
- **RIVERR (Regional Intergovernmental Visions Enhancing River Resources)** ~ has met with Marion County Commissioners and the project is now the only one being considered for the projected grant funds from the sale of Detroit Lake timber property. This grant should be \$350,000 to \$450,000. The project has received attention from other organizations. Elise Holland who is the Western Water programmer from San Francisco will be flying in for a meeting in July. Additionally the project has received a \$2,500 grant for public relations from Willamette River Navigator. A float on the Willamette will be taking place on Saturday from Independence to Salem. Interested parties should call 503-223-6418. Finally, on June 28 a grant application was put in with the National Park Service Rivers and Trails Conservation Assistance Program. The Salem, Independence and Keizer Region will be formulating a plan of amenities for the Keizer section of the river. This would be a pilot project.

Councilor Taylor reported that the Points of Interest Committee meeting has been postponed for a month.

Councilor Moir pointed out that all Councilors had received copies of the Emergency Operations Plan. Additionally, Parks Board is anticipating a Parks Tour with Council. Mayor Christopher interjected that the date needed to be changed. Members agreed to have it on August 30 at 5:30pm.

Councilor Lee reported:

- **Keizer Education Committee** met on June 28 and established a calendar for the year outlining plans such as the honoring of a

Business Student of the Month at the Keizer Chamber luncheons and honoring of an area School of the Month. The main focus will again be on mentoring. He encouraged anyone interested to contact him or Christine Deiker at the Chamber.

- o **Meth, Not in Our Neighborhood Task Force** continues to be busy. The group is in the process of trying to find an organization to hook up with so that funds could be acquired and staff hired. September will focus on neighborhood activism and he encouraged vendors and patrons to support checking of identification to build the community and prevent I.D. theft.
- o **Today's Choices Tomorrows Communities** has had two meetings to establish a budget for the next year. It has been in a crisis situation because funding received from Marion County in the past was not granted in this budget. This group is also interested in supporting the Meth, Not in Our Neighborhood project.

Community Development Director, Nate Brown reported that Area D of Keizer Station has been submitted.

Chief Adams reminded everyone that August 3 is National Night Out. Questions should be directed to Lance Inman at 503-390-3713.

ADMINISTRATIVE ACTION

a. ORDER—

**Approving
Master
Plan/Subdivision,
Major Variance
and Sign
Variance for
Keizer Station
Area A – Village
Center**

City Attorney Shannon Johnson presented an order approving the Master Plan for Area A - Village Center which was prepared pursuant to direction of Council. He explained his recommended corrections:

Page 4 In the top paragraph, following the sentence beginning with "In addition, Tepper Lane...." Should be removed and replaced with the following two sentences: "In addition, Tepper Lane shall have facilities to safely accommodate eastbound and westbound bicycle and pedestrian traffic. The sidewalk on the south side of Tepper Lane shall be separated from vehicular traffic."

Page 4, Item 18: Change station to stadium.

Page 4, Item 22: Remove the word "new" in the second to the last sentence.

Page 5, Item 26: Shall read as follows: "Facility phasing plans shall be approved by the Keizer Department of Public Works. Arrangements for reimbursing developers for providing additional capacity to serve future developments shall be approved by the Keizer Department of Public Works and the City Council."

Page 6, Item 34: Last sentence, change "should" to "shall".

Page 7, Item 47: Sixth bullet – replace “such as” with “including, but not limited to”.

Shannon Johnson added that the section of conditions from the staff report need to be added into Exhibit “E” and numbered progressively to add onto the end of the condition section. Under Number 3, Public Facility Improvements insert the word “all applicable systems development charges” after “including” and delete the words “for sewer, water, parks and other facilities”.

Councilor Moir questioned the Lowery issue, regarding the fact that the Lowerys still own part of the property being addressed in the Master Plan and Subdivision. Attorney Johnson stated that the issue is addressed because the Master Plan and Subdivision and Partitioning are all combined. On Page 6 of the “Evidence” Mayor Christopher suggested that “Mr. Day alleged” precede the words “The Lowerys still own.....” Councilor Lee voiced concern over the replacement of Radiant, the intentions of the lease and the ingress/egress from the stadium. City Manager Chris Eppley responded that this issue has not yet been finalized, but the Walkers will be working closely with City staff and the transportation engineer towards a design which is agreeable to all parties. Regarding lessee responsibilities for the parking lot, City Attorney Johnson noted that the lease did not require the City to make any changes that might be necessary from reconfiguration of the parking lot. Chris Eppley suggested that no action be taken until a final plan for the parking lot is established.

Councilor Moir moved to adopt an Order in the Matter of the Application of Northwest National LLC for Approval of the Keizer Station Master Plan/Subdivision (Area A - Village Center), Major Variance and Sign Variance. Councilor Taylor seconded.

Councilors Walsh and Moir commended Mr. Eppley, Mr. Brown and Mr. Johnson on their efforts in this matter. Mr. Eppley replied that Mr. Brown and Mr. Johnson made a Herculean effort to accomplish this task in a timely manner and expressed appreciation of their dedication.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Taylor, Walsh, Moir, and Lee (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

**b. River Road
North Speed
Reduction
(Lockhaven to
Northern City
Limits)**

Public Works Director, Rob Kissler, reported that Public Works Department requested a speed investigation along River Road North to the northernmost city limits. Upon conclusion of the speed investigation, the reduction request was denied. However the department contested the results and ODOT granted and recommends the speed zone change. Staff recommends Council deliberate the issue and direct staff accordingly.

Councilor Walsh reviewed the sequence of events culminating in the reduced speed. Mr. Eppley added that the information ODOT used in its preliminary decision was not current and after reviewing more current data, they acquiesced. Mr. Kissler explained that ODOT would accept whatever direction Council directs. Chief Adams stated that he didn't think a lower speed limit would change traffic patterns and that there were not a lot of speed related accidents on this stretch of River Road. Councilor Moir noted that the lower speed limit was requested by several residents concerned about the school children and also recommended by the Traffic Safety Commission. Mr. Kissler added that KURB wished to lower the speed limit as well.

Councilor Moir moved to direct staff to impose a 5 mph speed reduction as granted by ODOT on River Road north of Lockhaven to the northern city limits. Councilor Lee seconded.

Councilors Gaynor, Taylor and Walsh voiced concern about traffic congestion and stated that this would impede traffic, especially because there did not seem to be a safety issue related to the speed.

Motion failed as follows:

AYES: Christopher and Moir (2)

NAYS: Lee, Taylor, Gaynor and Walsh (4)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

**CONSENT
CALENDAR**

A. RESOLUTION – Authorizing Mayor to Sign City Manager Contract Amendment

B. RESOLUTION – Appointing City Recorder Pro Tem

C. RESOLUTION – Authorizing the City Manager to Enter Agreement for Annual Street Resurfacing Project

D. RESOLUTION – Approving Engineer's Report for Megan Lee Properties Street Lighting District

Councilor Moir moved to approve the Consent Calendar. Councilor Gaynor seconded.

Councilor Moir withdrew her motion and moved to approve Consent Calendar Items B, C and D. Councilor Gaynor withdrew his previous second and seconded this motion.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Taylor, Walsh, Moir, and Lee (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

Councilor Moir moved to adopt Resolution R2004 Authorizing the Mayor and Council President to enter into the City Manager Contract Amendment and change the review date to December or January of each year and adding a \$250,000 life insurance benefit that was agreed to last year and never implemented. Councilor Gaynor seconded.

AYES: Christopher, Gaynor, Taylor, Walsh, Moir, and Lee (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

WRITTEN COMMUNICATIONS

Mayor Christopher read:

- o A card from the Chamber of Commerce thanking Council and city staff for the leadership and assistance in the Keizer Iris Festival.
- o An invitation for July 8 or 9 to tour a portion of 90,000 acres destroyed by fire in 2003 and on July 13 and 15 tour lower Columbia River and Northern Oregon Coast focusing on forest landscapes viewed by the Lewis & Clark Expedition. For additional information, contact Chris Eppley.

AGENDA INPUT

July 12, 2004

12:00 p.m. City Council Work Session

➤ Water Rates/COSA

July 19, 2004

7:00 p.m. City Council Regular Session

➤ Review of City Noise Ordinance – Variance Process

August 2, 2004

7:00 p.m. City Council Regular Session

ADJOURNMENT Mayor Christopher adjourned the meeting at 9:45 p.m.

APPROVED:

MAYOR:

Debbie Lockhart, Recording Secretary

Lore Christopher

COUNCIL MEMBERS

~ Absent ~

Councilor #1 – Judy K. Smith

Councilor #4 – Jacque Moir

Councilor #2 – Michel Gaynor

Councilor #5 – Richard Walsh

Councilor #3 – Charles E. Lee

Councilor #6 – James Taylor

Minutes approved:



August 2, 2004

AGENDA ITEM 9d

Approval of July 12, 2004 Work Session Minutes



**MINUTES
KEIZER CITY COUNCIL
WORK SESSION**

Monday, July 12, 2004

**Robert L. Simon Council Chambers
Keizer City Hall, Keizer, Oregon**

CALL TO ORDER Mayor Christopher called the work session to order at 12:08 pm. Roll call was taken as follows:

Present:

Jacque Moir, Council President
Judy Smith, Councilor
Richard Walsh, Councilor
James Taylor, Councilor
Michel Gaynor, Councilor (12:09)

Absent:

Charles Lee, Councilor

Staff Present:

Susan Gahlsdorf, Finance Director
Rob Kissler, Public Works Director
Bill Lawyer, Public Works
Bill Peterson, City Engineer
Chris Eppley, City Manager
Tracy Davis, City Recorder

Also Present:

Karyn Johnson

DISCUSSION:

**a. City of Keizer
Water
Rates/COSA**

Karyn Johnson, Senior Project Manager who worked with the City to develop the Cost of Service Analysis, attended the meeting in order to review the policy making discussion which brought about the decisions made two years ago and also to research alternatives to the COSA method. She explained that the previous rate study addressed (1) revenue adequacy to ensure on-going, operating and capital costs and adequate reserves to sustain the utility and (2) maintaining equity between the customers and promoting water conservation. Additional considerations were industry standards, availability of information for Keizer's particular system and simplicity.

Karyn explained that she planned on reviewing from simplest to complex, rate structures and what some of the equity issues might be. Prior to 2002 the City had a single volume charge that applied to all customers. In order to conserve water, more costs needed to be recovered from the volume charge, so the fixed charge went down and the volume charge went up. Additionally an 18% overall rate increase was implemented. The simplest structure is keeping the same rate for all customers. It is considered equitable if the customer base uses water in the same manner. Karyn explained that the charge is different between the multi-family units

and the single family units because usage patterns of the different customer classes are diverse. She pointed out that the peak usage months were July and September; double the average annual basis, therefore facilities must be built to accommodate the peak.

Ms. Johnson explained the components in the rate structure: Fixed Charges (which include the [1] customer related costs; [2] meters and services related costs; and [3] Fire protection Costs); and Volume Charge (which is strictly the water usage). She pointed out that if single-family and multi-family charges were combined, the result would be a slight decrease in charge to the single family residential and a material increase to multi-family residential accounts because the multi-family users make up a small percentage of the total.

Ms. Johnson reviewed three alternatives:

Alternative 1: Combined Single-Family/Multi-Family uniform volume charge. This plan would

- establish a single volume charge based on combined SFR and MFR class average customer statistics
- apply the same rate per unit of water to all customers

Alternative 2: SFR 3-tiered volume rate.

- This plan is based on class average customer statistics
- Unit cost of water increases as water usage increases above defined thresholds.
- Multi-family is charged a uniform volume charge based on class average

Alternative 3

- Same as Alternative 2 but Single-Family and Multi-Family are charged the same.
- MFR uniform volume charge is based on the combined SFR & MFR class average customer statistics.

Karyn reviewed the alternatives, their implications and their equitability.

Councilor Walsh stated that he was concerned over the graduated 3-tier alternative because of the effect it would have on families. He concluded that he would support Alternative 1 where all residential accounts are treated one way and commercial accounts differently.

Councilor Taylor stated that he understood the current rating process and felt it is equitable. However, he cannot support the current plan because the citizens are against it. Therefore, Councilor Taylor supported Alternative Number 3 but would also support Alternative Number 1.

Councilor Moir stated that she felt Alternative Number 3 was the most fair alternative because it is based on usage.

Councilor Gaynor stated noted that he felt Alternative Number 3 is the best option but it should be modified to include a flat rate with a penalty for excessive use. He concluded that he did not support any of the alternatives as presented.

Councilor Smith and Mayor Christopher supported Alternative Number 1.

Councilor Gaynor noted that he was agreeable to Alternative Number 1 but thought some sort of penalty factor should be considered.

City Manager noted that the opinions stated indicated that staff should work up Alternative 1 to present to Council in a resolution.

Adjournment

Meeting adjourned at 1:13 pm.

APPROVED:
MAYOR:

Debbie Lockhart, Recording Secretary

Lore Christopher

COUNCIL MEMBERS

Councilor #1 – Judy K. Smith

Councilor #4 – Jacque Moir

Councilor #2 – Michel Gaynor

Councilor #5 – Richard Walsh

~ Absent ~

Councilor #3 – Charles E. Lee

Councilor #6 – James Taylor

Minutes approved:



August 2, 2004

AGENDA ITEM 9e

Approval of July 19, 2004 Regular Session Minutes



**MINUTES
KEIZER CITY COUNCIL**

Monday, July 19, 2004

Keizer City Hall

**Robert L. Simon Council Chambers
Keizer, Oregon**

CALL TO ORDER Mayor Christopher called the regular meeting to order at 7:03 pm.
Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Jacque Moir, Council President
Richard Walsh, Councilor
Chuck Lee, Councilor
Michel Gaynor, Councilor
Jim Taylor, Councilor
Judy K. Smith, Councilor
Crisel Perez, Youth Councilor

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Bill Lawyer, Public Works
Nate Brown, Community Development Director
Chief Marc Adams, Police Department
Tracy Davis, City Recorder

FLAG SALUTE

Councilor Lee introduced Councilor James Taylor, a public servant with a lifetime of service and commitment to the Keizer community, who led the flag salute.

**PUBLIC
TESTIMONY**

Jerry McGee, 1030 Ridgepoint Street NE, Keizer spoke regarding two issues.

- 1) He expressed the hope that, if the Council ever gets another opportunity to reduce the speed limit on River Road North from Lockhaven northward, they would do so. He voiced the belief that speed limit reduction on Wheatland would not be possible without prior reduction on River Road. He thanked Rob Kissler for his efforts on this issue.
- 2) He stated that although he was a loyal supporter of City Manager, Chris Eppley, he was against the \$4,200 per year car allowance which was being offered as an amendment to the City Manager

Contract. He explained that this amount, if taken at the Federal reimbursement rate would come to 950 miles per month which seems an unlikely amount. He added that he would not be against reimbursement at a higher rate per mile, but in order to keep accountability, maintenance of a log and reimbursement based on the log was the appropriate way to handle this expense.

Art Bobrowitz, 7315 Wheatland Road North, Keizer, offered comments on the speed limit on River Road. He encouraged City Council to revisit the issue. He noted that economically Keizer and River Road are being noticed, and the River Road Renaissance is having a positive effect on the area. He encouraged Council to schedule a Public Hearing and obtain input from the public regarding the speed limit on River Road.

Councilor Gaynor thanked Mr. Bobrowitz for coming in and sharing his thoughts adding that he did not feel that slowing down the traffic on River Road would alleviate the congestion or better serve the community. Mr. Bobrowitz responded that he didn't know what the appropriate speed was for River Road but felt the decision should be made only after review of data and information. He continued that there are places on River Road where a driver must make many decisions and if the driver is moving at a rapid pace, there is not a lot of time in which to process the information and make the decisions.

Councilor Taylor echoed Councilor Gaynor adding that after questioning several traffic officers he learned that speed is not a problem on River Road and added that, when the River Road Renaissance is complete, that will be a time to readdress the speed limit question. He concluded that Wheatland Road needed to be addressed separately.

Shayne Hollandsworth, 1191 Mandarin Street NE, Keizer representing the Parks Advisory Board reported to the Council the events of the July 13 Parks Advisory Board meeting. He noted there were 17 citizens in attendance. Thirteen of these citizens were concerned about the future of River's Edge Park. They were concerned that it was going to be developed and excavated to determine the location of the Wallace House and they were opposed to this. They also expressed resentment at the lack of notification. Mr. Hollandsworth reported that Bill Lawyer did an excellent job of assuring the citizens that no decisions have been made, nor are they planned without approval of the City Council. The remaining four citizens attending were there regarding a 10-acre piece of property known as the Ericson property. The Parks Advisory Board is investigating the interest of the owner in selling the property and the possible value. These citizens were

against the acquisition of this property for park purposes and wanted to know what efforts the City has made to acquire the property. They were assured that no action had been taken.

Mr. Hollandsworth continued his report explaining that he had met with Dr. David Brauner with OSU Archeological Department at River's Edge Park to determine the most likely location for the Wallace house. Dr. Brauner proposes to bring the field school out to the site to conduct magnetometer readings. If something is found Parks Advisory Board would request approval from City Council before authorizing further action. Additional activity continues in other city parks: Rotary structure is in at Country Glen, tables will be installed as well; doggy pot stations, barbeques and replacement spring riders have been installed at various parks. The skate park parking lot has been paved and striped including a handicap parking space. A handicap parking space has been painted and signed at South Claggett parking lot near the restroom as well as a water line and faucets installed at the Claggett Park shelter. Regarding the RIVERR Task Force there are grant opportunities available that appear promising. Summer Slam Dunk event is taking place with the last one on the 21st. A skate park event has been scheduled for August 21st from 11 to 5 pm. Parks Tour is scheduled for 5:30 on August 30.

Councilor Moir corrected the time for the skate park event to end at 7 pm. It will be called "The Fifth Year Grind".

PUBLIC HEARINGS

a. Liquor License Application – US Market #125

City Manager Chris Eppley reported that an application was submitted for an Off-Premises Sales Liquor License for US Market 125, located at 3815 Cherry Avenue NE, Keizer, Oregon. A public hearing was scheduled, notice published, necessary notification given, a background check was done on the applicants, and Keizer Planning Department finds the location of the establishment to be properly zoned and has no comment on the application. Staff recommends that, following a public hearing, Council approve the application.

Mayor Christopher opened the Public Hearing.

Hearing no testimony, Mayor Christopher closed the Public Hearing.

Councilor Moir moved to approve the application for an Off-Premises Liquor License for U.S. Market No. 125 under the Guidelines Established by ORS 471.178 and the Ordinances of the City of Keizer and Forward this Recommendation to the Oregon Liquor Control Commission. Councilor Smith seconded.

Councilor Lee encouraged the owner to participate in the "Responsible

Vendor" Program.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Taylor, Walsh, Smith, Moir, and Lee (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None(0)

**b. RESOLUTION –
Forming Megan
Lee Properties
Street Lighting
District**

City Manager, Chris Eppley, provided a history of the formation of a Street Lighting Local Improvement District and noted that the Public Hearing was to consider remonstrances to the project and objections to proposed assessments. He explained the billing process for the Lighting District and recommended the City Council open a Public Hearing to consider oral objections and written remonstrances to the formation of Megan Lee Properties Street Lighting Local Improvement District and if there are no objections, close the public hearing, consider adoption of the resolution forming the district and the proposed assessment ordinance.

Mayor Christopher opened the Public Hearing.

Hearing no testimony, Mayor Christopher closed the Public Hearing.

Councilor Moir moved to adopt Resolution R2004 Forming Megan Lee Properties Street Lighting Local Improvement District. Councilor Taylor seconded.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Taylor, Walsh, Smith, Moir, and Lee (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None(0)

**ORDINANCE –
Spreading
Assessments to
Megan Lee
Properties Street
Lighting District**

Councilor Moir moved to adopt a Bill for an Ordinance Spreading Assessments to Megan Lee Properties Street Lighting Local Improvement District. Councilor Taylor seconded.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Taylor, Walsh, Smith, Moir, and Lee (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None(0)

COMMITTEE REPORTS

a. Swearing In of Keizer Police Officer Grant Saitz

Chief Marc Adams introduced Officer Grant Zaitz, reviewing his history and qualifications. He noted that he was one of the original members of the Keizer Police Department Explorer Post as a Cadet. He graduated in January 2000 and immediately joined the U.S. Marine Corp. Returning to Keizer after his tour of duty, he applied and was accepted for a position with the Police force and attended the academy where he had the highest GPA of any student in his class. City Attorney, Shannon Johnson, issued the Oath of Office.

b. Library Task Force Report

City Manager Chris Eppley reviewed the establishment of the Library Task Force stating that it was directed to develop a library package what would be acceptable to the city and the Chemeketa Cooperative Regional Library Service (CCRLS) and secure admittance into the CCRLS with full member rights and privileges. The task force developed a Mission Statement, Vision Statement, Service Goals and a Recommendation and requests the City Council to adopt them and allow the Task Force to present the documents to the CCRLS for their consideration.

Councilor Walsh explained the concept of the Library being proposed: Instead of forming a library that was identical to the Salem Library but inferior, better use of tax payer money would be to create a "nitch-type" library that would supplement and enhance resources available to the community. This would be done by focusing on the most heavily used library services, including books, computer services, etc. Because the CCRLS rejected this idea, the Task Force was directed to develop something acceptable to the CCRLS. Mr. Walsh reviewed the different library standards.

Lore Christopher summarized the task force decisions: The task force moved away from a 5-year levy to look towards a Keizer Library District, but felt it would be prudent to see how the Salem Library District fares in the November election before taking action. This means the Keizer Library District vote would be offered to voters in the general election of 2006. Additionally, all citizens who wrote letters to the editors in the Keizer Times and Statesman Journal were contacted personally and their concerns were discussed. Mayor Christopher added that Nancy Woodward, the Librarian at McNary, has been an invaluable asset to the Task Force.

Councilor Lee pointed out that putting this issue on the 2004 Ballot was a goal of City Council and questioned why it was being postponed. Mayor Christopher responded that the Task Force felt that having the Salem Library District on the same ballot could cause voter confusion. When the goal was originally set, the Salem District was not an issue. Councilor Walsh echoed Mayor Christopher adding that the

Task Force did not know that the CCRLS board would be on vacation when the school was on vacation: the Advisory Board meets only on August 13. After that meeting they will report to the CCRLS Board, but they won't be available until after the school year starts so the ballot measure could not be finalized before the end of August. The task force will continue to meet and take the time to get everything done right.

Councilor Moir moved to accept the recommendation of the Library Task Force and adopt the Mission Statement, Vision Statement, Service Goals and Recommendation as outlined and that the Keizer City Council give the Task Force the authority to present these documents on behalf of the City at the Chemeketa Cooperative Regional Library Service meeting on August 13, 2004. Councilor Taylor seconded.

Mayor Christopher suggested that in the "Service Goals" where the State of Oregon Standards are referred to, additional reference be made to the Statute (two places). Councilor Lee thanked Councilor Walsh for his dedicated work. Mayor Christopher agreed and pointed out that a lot of progress has been made and the Task Force would continue to meet monthly.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Taylor, Walsh, Smith, Moir, and Lee (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None(0)

Councilor Walsh questioned if the "Council Goals" should be amended at this time since the Library Goal was being postponed. Mayor Christopher suggested revisiting the issue at the Goal Setting. Consensus of Council was to move forward with the Library issue, placing it on the ballot at the primary or general election of 2006.

OTHER BUSINESS

- **New Business**
- **Old Business**

Regarding the report from Shayne Hollandsworth, Mayor Christopher asked that Council direct staff to contact Mr. Ericson to see if there is a willingness to sell the property. If there is, she would like a determination of acreage and potential of getting an appraisal if Mr. Ericson is in favor of the idea.

Councilor Smith opposed this idea because it had been addressed in the past. It was determined then that there would be no access to sewer or water. Councilor Walsh pointed out that this parcel goes all the way to the river so it might blend with the RIVERR project. Councilor Taylor pointed out that Clark Williams has a conflict of

interest on this issue, so he should not be allowed to contact Mr. Ericson in this regard. City Manager, Chris Eppley reminded Council that the last time this issue was considered, not only were the surrounding property owners against it, but 1000 Friends of Oregon had threatened to appeal to LUBA.

Councilor Moir volunteered to bring this issue back to Parks Board.

Councilor Gaynor encouraged all to attend the Wednesday concerts at the gazebo in Chalmers-Jones Park from 8 to 9 pm featuring the Keizer Community Jazz Band. The final concert will be August 4 and feature the 234th Oregon Army National Guard Band from Portland. City Manager Chris Eppley added that the concert will start at 5:00 with the Army National Guard Rock Band followed by the Oregon Army National Guard Band from 6:30 to 8:00.

Councilor Walsh reported that the Willamette River float went well. Last year there were 60 people, this year there were over 150 so they did two separate floats: one in the Corvallis area and one from Independence to downtown Salem.

Councilor Smith noted that she was concerned over the River Road speed limit issue adding that a public hearing should have been held on traffic issues to receive input from the citizens.

Councilor Smith moved for Reconsideration of the Issue of Reducing the Speed Limit on River Road from 45 to 40 miles per hour. Councilor Moir seconded.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Taylor, Walsh, Smith, Moir, and Lee (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None(0)

Councilor Smith moved to hold a Public Hearing on August 16 Regarding Reducing the Speed Limit on River Road from 45 to 40 miles per hour. Councilor Moir seconded.

Councilor Walsh noted he would vote against this issue because he did not feel it was necessary to lower the speed limit and also because he did not think it would appear appropriate to flip-flop on the decision with ODOT. He suggested waiting until the River Road Renaissance makes a recommendation. Councilor Smith responded that the motion was not to change the recommendation to ODOT, but to allow public

input on the issue. Councilor Gaynor added that he was in favor of a public hearing but not until the River Road Renaissance project was complete. Councilor Moir argued that another school year is around the corner and it is fair to allow the citizen input.

Motion passed as follows:

AYES: Christopher, Smith, Moir, and Lee (4)

NAYS: Gaynor, Walsh and Taylor (3)

ABSTENTIONS: None (0)

ABSENT: None(0)

Chief Adams reported that another police officer position has been filled by Ben Humphrey, a Western Oregon University graduate with a degree in Criminal Justice from Colton, Oregon. He reminded Council of National Night Out on August 3 and encouraged the public to contact Captain Kuhns at 503-390-3713 for block party packets. Mayor Christopher and all Councilors indicated they wanted to ride with an officer on that night. Chief Adams concluded noting that the department is continuing to work on the first, and hopefully only, homicide of the year.

Community Development Director, Nate Brown, reported that this past week informal discussions began with representatives from Lowe's to begin review of their building design at Keizer Station. Initial review has taken place on Chemawa Station. River Road Renaissance marketing plan was discussed at the Chamber luncheon. Mr. Brown suggested that recognition be given to a partnership with the Chamber on the marketing aspect of the River Road Renaissance. He will discuss the concept with the Chamber and come back to Council with suggestions.

Councilor Moir commended Mr. Brown and his staff for their hard work on a variety of issues. Councilor Walsh echoed Councilor Moir.

Mayor Christopher reminded Councilors that the August 2nd Council meeting would be Youth Councilor Perez's last evening and after the meeting there might be some "Goodbye Cake".

City Attorney, Shannon Johnson, reported that this matter was before Council at last meeting and that following a public hearing Council directed staff to prepare an appropriate ordinance amending the Keizer Development Code and Keizer Station Plan with regard to flex space in the IBP districts. He concluded that the ordinance was before Council members and he was available for questions.

Councilor Smith reported that she had watched the tape of the Council meeting addressing this issue and would therefore be voting.

**ADMINISTRATIVE
ACTION**

a. ORDINANCE –

Text Amendment

– Case No. 04-08

– Industrial

Business Park

(IBP)

Councilor Moir moved to adopt a bill for an Ordinance in the Matter of Amending the Industrial Business Park (IBP) Zone Text (KDC Section 2.113); and Declaring an Emergency; (Amending Ordinance No. 98-389). Councilor Lee seconded.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Taylor, Walsh, Smith, Moir, and Lee (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None(0)

**b. RESOLUTION –
Authorizing City
Manager to
Enter Agreement
to Purchase
Property at 1505
Rockledge Drive,
NE, Keizer**

City Attorney, Shannon Johnson, reported that the City Engineer and Rob Kissler had been working with the property owners regarding the purchase of their residence on Rockledge Drive. The proposal is to purchase the residence and construct a walkway extending a bridge over Labish Ditch to connect to Country Glen/Hidden Creek neighborhoods and, when that is constructed to resell the residence. He noted a change in the agreement allowing the sellers to retain ownership of their flower bulbs.

Mr. Johnson noted that although the construction of the walkway might diminish the value of this property, it is hoped that the City will recoup their cost of \$170,000 upon completion of the work. Additionally, the City will be paying taxes on the property for this fiscal year. City Manager Chris Eppley noted that the City intends to hold public forums to receive input from the neighbors on this project with work beginning in 30 to 60 days.

Mayor Christopher commended Bill Peterson and Rob Kissler for thinking outside the box and coming up with this idea. Councilor Walsh echoed Mayor Christopher.

Councilor Smith voiced her opinion that the City should not be in the business of buying and selling real estate, this parcel is located a great distance from the original bridge which was washed away. She concluded a bridge should be rebuilt at the location of the original one because the city already has this easement and it is in a better location.

Councilor Taylor replied that replacement of that bridge would be cost prohibitive and noted that this expenditure was using taxpayer money in the least expensive way to help the community. He voiced his support of the project. Councilor Walsh echoed Councilor Taylor.

Councilor Moir moved to adopt Resolution R2004 Authorizing the City Manager to Enter Into an Agreement to Purchase Property Located at

1505 Rockledge Drive NE, Keizer, Marion County, Oregon (Bret and Tina Goss) as amended. Councilor Taylor seconded.

Motion passed as follows:

AYES: Christopher, Gaynor, Taylor, Walsh, Moir, and Lee (6)

NAYS: Smith (1)

ABSTENTIONS: None (0)

ABSENT: None(0)

**c. RESOLUTION –
Authorizing the
City of Keizer to
Apply for Local
Government
Grant for
Acquisition of
Property in the
Vicinity of Keizer
Rapids for
Community Park
Purposes**

City Attorney Shannon Johnson reported that he, Nate Brown and Rob Kissler met with Trust for Public Lands representatives and Mark Brown of Willamette Navigator last week. The State application process requires that the City formally adopt a resolution authorizing moving forward with an application for a grant and certification that there are funds available. With park SDC money and Marion County funds, the matching funds are available. The matter is before Council for review and decision. City Manager Chris Eppley noted that the maximum amount of SDC funds available is \$300,000.

Councilor Walsh added that this project has been placed in the first slot for the Marion County sale of the timberland at Detroit. The estimated amount is \$350,000 to \$450,000. Those grants would be used for the match of the State Parks grant that might be up to \$500,000. There could be grant acquisitions of over \$1,000,000.

Councilor Moir moved to adopt Resolution R2004 Authorizing the City of Keizer to Apply for Local Government Grant for Acquisition of Property in the Vicinity of Keizer Rapids for Community Park Purposes and Delegating Authority to the City Manager to Sign the Grant Application. Councilor Walsh seconded.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Taylor, Walsh, Smith, Moir, and Lee (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None(0)

**CONSENT
CALENDAR**

- A. RESOLUTION – Authorizing the City Manager to Enter Agreement for Development of a Transportation Capital Improvement Plan and System Development Charge**
- B. RESOLUTION – Approving Engineer's Report for Hunter Addition Street Lighting District**
- C. RESOLUTION – Authorizing Mayor to Sign Amendment to City Manager Contract**
- D. RESOLUTION – Authorizing City Manager to Enter**

**Intergovernmental Agreement with City of Salem for Police
Records Management**

- E. RESOLUTION – Authorizing City Manager to Enter Agreement
with GEO Tec Services for Monitoring Well Construction**
- F. Approving June 7, 2004 Regular Session Minutes**
- G. Approving June 21, 2004 Work Session Minutes**
- H. Approving June 21, 2004 Regular Session Minutes**

Councilor Moir noted that Item C was pulled by Councilor Smith and
Items G and H were pulled by Councilor Taylor

Councilor Moir moved to approve Consent Calendar items A, B, D, E
and F. Councilor Taylor seconded.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Taylor, Walsh, Smith, Moir, and Lee (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None(0)

Item C: Councilor Smith questioned the vehicle allowance of \$350 per month on the Amendment to the City Manager Contract. She noted that using this figure and state standards this would indicate that the City Manager drives 934 miles a month on City business. She added that she was not questioning if he actually drove that amount, but preferred having some method of accountability.

Mayor Christopher responded that this matter was approved at the last meeting, but that Shannon Johnson had felt language needed to be added that more clearly defined the intent that Mr. Eppley be put on a salary matrix and be within the same policy as other city employees that acceptable performance would mean a one-step (3%) increase. Regarding the car allowance: The City Manager negotiated this item and the Council felt that, based on comparable cities, it was appropriate. Last time a survey was done on the City Manager's salary, it came within the 98% range of comparable cities. However, without the car allowance it dropped our City Manager down to 94% which would trigger a step increase or some type of compensation which in turn would increase his benefits because they are based on percentage of salary, so this method is the most cost effective. She concluded that City Manager negotiated this item, it has been voted on and Council felt it was reasonable and appropriate based on comparable cities.

Councilor Walsh echoed Mayor Christopher adding that keeping a log was time consuming and not an effective use of time, and relieving the City Manager of that task would be beneficial for all. He concluded that this was a fiscally responsible way to retain our City Manager.

Councilor Smith voiced the concern that this did not go through the Budget Committee and it did not come to Council but was done after the Budget session. Secondly, she felt precedence was being set for future City Managers and current employees. Mayor Christopher pointed out that the City Manager was a unique employee for the City of Keizer because he is the only contracted employee.

Councilor Lee added when the City Manager gets a car allowance, that is taxable. Because of this there is no personal gain for the City Manager it is more of a convenience for him.

Councilor Moir moved adopt Resolution R2004 authorizing the Mayor to Sign Amendment to the City Manager Contract. Councilor Lee seconded.

Motion passed as follows:

AYES: Christopher, Gaynor, Taylor, Walsh, Moir, and Lee (6)

NAYS: Smith (1)

ABSTENTIONS: None (0)

ABSENT: None(0)

Items G & H: Councilor Taylor noted that he was on vacation during these meetings so would abstain from voting.

Councilor Moir moved for approval of Consent Calendar Items G and H which are Work Session Minutes for June 21, 2004, and Regular Session Minutes for June 21, 2004. Councilor Gaynor seconded.

Motion passed unanimously as follows:

AYES: Christopher, Gaynor, Walsh, Smith, Moir, and Lee (6)

NAYS: None (0)

ABSTENTIONS: Taylor (1)

ABSENT: None(0)

None

**WRITTEN
COMMUNICATIONS**

AGENDA INPUT

August 2, 2004

7:00 p.m. City Council Regular Session

August 3, 2004

National Night Out

August 16, 2004

7:00 p.m. City Council Regular Session

August 30, 2004

5:30 p.m. City Council Work Session

➤ Parks Tour

ADJOURNMENT

Mayor Christopher adjourned the meeting at 9:12 p.m.

APPROVED:

MAYOR:

Debbie Lockhart, Recording Secretary

Lore Christopher

COUNCIL MEMBERS

Councilor #1 – Judy K. Smith

Councilor #4 – Jacque Moir

Councilor #2 – Michel Gaynor

Councilor #5 – Richard Walsh

Councilor #3 – Charles E. Lee

Councilor #6 – James Taylor

Minutes approved:

Jacobs Vehicle Systems
22 East Dudley Town Rd.
Bloomfield, Connecticut 06002

Phone: 860-243-1441
FAX: 860-243-7200

Engine retarding for enhanced vehicle control.

The Jacobs Engine Brake® is a device that mounts engine exhaust valves, turning the engine into a giant engine RPM (always stay within engine manufacture commercial vehicles ("big rig" trucks and buses) enal from flatlands to steep downhill descents. The result is: (faster downhill control speeds), and reduced maintain braking system).

The principle behind the Jacobs Engine Brake engine i converts a power-producing diesel engine into a power-exhaust valves near the top dead center (TDC) of the c while in operation, but is barely noticeable if OEM-quality

DISTRIBUTED TO
Council BY
David McKane

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FAQ9:

I'm bothered by the noise of big trucks using their Engine

ANSWER:

The federal government has required all vehicles manufact delivered to the customer. Today, trucks are required to em than 80 dBA of noise when they drive by, as measured at 50 feet. So trucks have been required to meet noise requirements when they leave the dealership as new vehicles for quite some time. The real problem here is modified or defective exhaust systems. There is a good chance that the trucks that are causing the disturbance are running with straight stacks or gutted mufflers. Some are poorly maintained vehicles; some drivers simply enjoy making noise. In any case the use of the engine brake is not the problem.

Here are some steps that you can take to help quiet down your neighborhood:

Citizens:

Most states already have a law on the books that prohibits operating a motor vehicle on a public highway without a serviceable muffler. The real noise offenders, those with straight stacks or gutted mufflers, are operating in violation of this law. Encourage your local police to stop noisy vehicles and check them for muffler integrity. Cite those that are not in compliance. This is a fairly easy step that should produce a noticeable improvement in the quality of life of your community. And remember, when you do come in to contact with truckers who are operating properly equipped quiet vehicles, be sure to thank them for operating responsibly.

Truckers:

If you know someone who is operating a vehicle with an excessively loud exhaust system, encourage him or her to fix it. Loud obnoxious behavior makes us all look bad, and worse yet, drives cities and towns to pass laws that make truck operation difficult, even for those who do operate responsibly.

FAQ9A:

Our town is discussing erecting signs that prohibit engine brakes. Is this a good way to stop the noise?

ANSWER:

We would say no. However, signs that prohibit unmuffled engine brake use (except in an emergency) would be an effective sign. This is what the state of Oregon has done statewide, due to the number of unmuffled trucks in operation in that state. This is most effective, as it prohibits those out of compliance, while allowing properly muffled vehicle drivers to operate with their engine brake when they want to use it.

Before heading to the town council meeting, be prepared with the facts. As you probably know from reading on the Jacobs web site (and other sources), the root cause of the objectionably loud trucks you hear is due to a lack of a proper muffler system. Whether there is an engine brake installed or not is irrelevant. The reason the sounds are so loud is because there is no muffler (or one that is deteriorated beyond its useful life).

Also, your state most likely already has a law on the books that states that you cannot operate any vehicle without a proper muffling device. Your police department can easily enforce that law, as it is pretty easy to determine the presence of a proper muffler on a truck.

Oregon Revised Statutes - 2003 Edition

811.492 Engine braking; penalty; exception. (1) A person commits the offense of engine braking if the person is operating a motor vehicle on a highway and uses an unmuffled engine brake.

(2) The offense described in this section, engine braking, is a Class A traffic violation.

(3) A person is not in violation of this section if the person uses an unmuffled engine brake in an emergency situation to avoid imminent danger to a person or to property. [1993 c.314 §7]



Maine Local Roads Center

TRAFFIC ISSUES "Jake Brakes"

What are the benefits of using a "jake brake"?

A "jake brake" can provide:

- Faster, steadier, more efficient braking performance.
- Reduced wear on engine, tires, and service brakes.
- Lower vehicle maintenance costs.
- Less vehicle downtime.
- Enhanced driver confidence.

5. What is the real problem?

The federal government has required all vehicles manufactured since 1978 to meet noise requirements when delivered to the customer. Today, trucks are required to emit less than 80 dBA of noise when they drive by, as measured at 50 feet. So trucks have been required to meet noise requirements when they leave the dealership as new vehicles for quite some time. In many "noisy truck" areas, the real problem is modified or defective exhaust systems. There is a good chance that the noisy trucks are running with straight stacks or gutted mufflers. Some are poorly maintained vehicles, while others have drivers who simply enjoy making noise. In any case, the use of the engine brake may not be the problem. The real problem in this noise issue is the illegal exhaust systems in many trucks. At other times, it may be the engine braking system, which is being used by the driver who has not tried to slow down in advance of a hill or traffic signal.

The regulations on vehicle noise relating to engine/muffler systems need to be enforced. Otherwise, a town would be fining for using engine brakes (sometimes being used justifiably) and not fining for the illegal muffler system.

6. What can a town do?

Most states, including Maine, already have a law on the books that prohibits operating a motor vehicle on a public highway without a serviceable muffler (MRSA 29-A § 1912). The real noise offenders, those with straight stacks or gutted mufflers, are operating in violation of this law. Have your local police stop noisy vehicles and check them for muffler integrity. Cite those that are not in compliance. This is a fairly easy step that should produce a noticeable improvement in the quality of life of your community.



PUBLIC HEARING SIGN UP SHEET

Place: Robert L. Simon Council Chambers

[illegible]



Agenda Item: 5a
Renaming Pleasantview Park

Place: Robert L. Simon Council Chambers

Please Print

[illegible]

August 2, 2004

Keizer City Council

Re: Pleasantview Park

Good Evening,

We would like to strongly recommend that Pleasantview Park be changed to Ben Miller Family Park.

Benny Miller, his wife Donna and their children, lived on Pleasantview Drive for many years. They owned Ben's Rentals on Cherry Ave. They were excellent neighbors and would go out of their way to help others.

A permanent flag pole is in the existing park, honoring my father, Colonel Dick Paynter, and I know he would be pleased if the park was re-named after his friend, Ben Miller.

Thank you for your consideration,

**The Dick Paynter Family
Georjan Paynter-Bridger
Mary Pauline Paynter**

Delilah Calhoun
7453 Kayla Shae Cir.
Keizer, OR 97307
Home Phone (503) 393-0260

*August 2003-
Now*

WORK HISTORY

Crew, Cold Stone Creamery

Responsibilities include serving customers, making ice cream, waffle bowls/cones, cleaning, working cash registers, helping with fundraisers.

VOLUNTEER WORK

-2004 ShowBiz
-Retirement homes
-Babysitting

2001-present

EDUCATION

McNary (graduating class 2005)

SUMMARY

Most valuable attributes are being a hard worker, outgoing, friendly, helpful, considerate. Strengths are having many goals for the future and working hard to succeeding in all of them.

Bio-

I was born in Redwood City, California on July 30, 1987. My family moved to Keizer in 1989 and we've stayed here since. I'm the youngest of two sisters, Nicole and Noelle. I live with my father, Charles, my step-mother, Brenda, and two pets. I enjoy reading, spending time with friends and family, listening to music and watching movies and sports. I'm currently employed at Cold Stone Creamery in Keizer. This year I will be entering my senior year of high school at McNary. I plan on working hard to maintain good grades and getting ready for college where I will further my studies in the field of psychology. I plan on having a career as a psychologist where I'll be working with kids and teens and their families. I have big dreams and I'm working hard towards making them come true.



For Immediate Release
July 20, 2004

KEIZER – The Keizer City Council will hold a public forum to gather input on the renaming of Pleasantview Park. The Keizer Parks Advisory Board has recommended the name be changed to Ben Miller Family Park. The park is located at the intersection of Alder Drive and Pleasantview Drive NE, in the City of Keizer. This public forum will take place at the Keizer City Council meeting on **Monday, August 2, 2004 at 7:00 p.m.** The meeting will be held in the Robert L. Simon Council Chambers, Keizer City Hall, 930 Chemawa Road NE, Keizer, Oregon.

Anyone wishing to make comment or provide input may appear at the meeting or submit a written statement to the City Recorder by 7:00 p.m. on **Monday, August 2, 2004**. Testimony may be delivered to Keizer City Hall or mailed to P.O. Box 21000, Keizer, Oregon 97307.

If there is a need for any special accommodations in order to participate in the forum, please contact the City Recorder at (503) 390-3700, extension 108 at least 48 hours prior to the time of the meeting.

Questions regarding this matter may be directed to Chris Eppley, City Manager at (503) 390-3700, extension 102.

"We're Building a Better Community - Together"

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

RESOLUTION NO. R96- 894

ESTABLISHING A PROCESS FOR NAMING OF CITY PARKS

WHEREAS, The City of Keizer desires a formal policy for naming park properties , and

WHEREAS, , and a policy was reviewed and recommended by the Parks and Recreation

Advisory Board. **NOW THEREFORE** ,

BE IT RESOLVED that the Council adopt the following process for naming park properties:

1. **Criteria:** Park properties should be named for their location, or in memory of a deceased individual who has positively impacted the City of Keizer in his/her lifetime.
2. **Public input:** In the case of a Neighborhood park, include a question on a park survey that is distributed to the neighbors of the park, asking their ideas for a name. If the park is larger and would be considered a Community park, ideas for a park name could be asked in the local paper, City Newsletter or water bill.
3. **Parks and Recreation Advisory Board review:** All ideas will be reviewed by the Board and a recommendation forwarded to the City Council.
4. **City Council Decision:** The City Council will receive from the Parks Board a review of the possible park names along with the Board's recommendation.

PASSED this 15 day of April , 1996.

SIGNED this 15 day of April , 1996

FMAGIC

Devin Kell
Mayor

Gracy L. Davis
City Recorder

Davis, Tracy

From: Davis, Tracy
Sent: Wednesday, July 07, 2004 9:42 AM
To: Russell, Dina
Subject: Labels

Dina - I need more labels! Could you order labels for me for property owners living within 250 feet of Pleasantview Park. The Park is located near Pleasantview and Alder Streets. I don't know that the park has a specific address. These labels are to notify residents of a public hearing to consider renaming the park to Ben Miller Park.

Also, we need to post the park property of the public hearing. Do you have any more of those large sheets for public hearings?

Thanks so much for your help!

Tracy L. Davis, CMC
Keizer City Recorder



RECEIVED

Attn: Sue Blohm
Fax No. 503-588-6369
City of Keizer Notification Request
Dina Russell
(503)390-3700 ext. 184

Date of Request	July 8, 2004	No. of Sets <u>1</u>
Address		
Tax Map Number(s)	073W11AA	
Tax Parcel Number(s)	01900	
Land Use Case Type	Public Hearing Notice - Pleasantview Park	
Notification Area	250 feet	
Comments:	THANKS!	
	Please bill the "Administrative" account	
Data Center ID No.	KZ 04065	
Time & Date of completion	9 July 04	

LS 2 CL=1 BL=5 FC=2

LEOGLIN

FE TYPES

BOUNDARY OLD PROPERTY LINE

RT-OF-WAY VACATED RIGHT-OF-WAY

RAILROAD RIGHT-OF-WAY

LAKES ETC. SPECIAL LAKES ETC.

NON-BOUNDARY PARTITION PLAT ETC.

E. BOUNDARY EASEMENT

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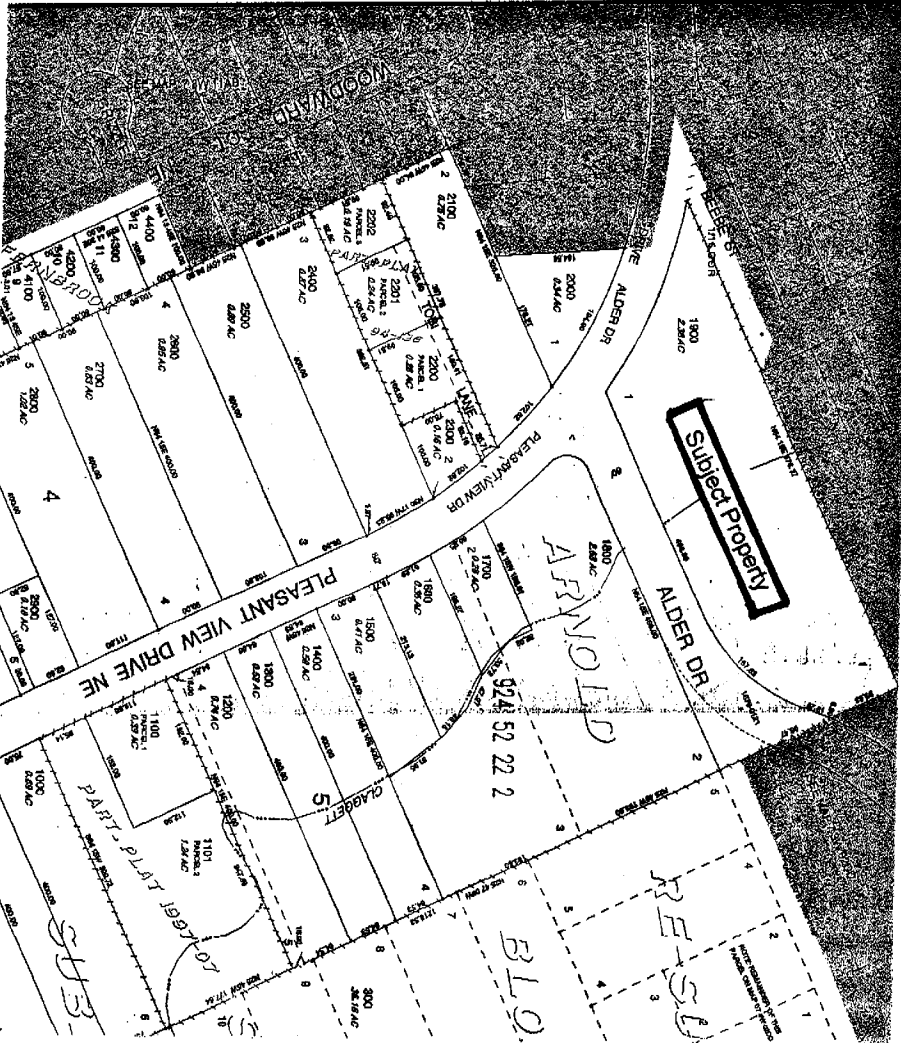
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Interest Accounts
appear if exist



FOR OFFICE USE ONLY
Product of GIS Div./Salem IT

Request No.: KA04065
Date: July 09, 2004
Buffer Distance: 250 feet

Request No.: 04065

Client: KA

Product Date: 09-JUL-2004

Product of: GIS Div./Salem IT

073W11AA00300

SALEM-KEIZER SCHOOL DIST 24J

PO BOX 12024

SALEM

OR 97309

073W02DD02900

ALVAREZ, EDGARDO A & MARIA EVELYN

441 MARTIN WAY S

MONMOUTH

OR 97361

073W02DD03000

GIDENKO, STANISLAV &

GIDENKO, VERA

4026 ARNOLD ST NE

SALEM

OR 97303

073W02DD03100

RALONDE, EUGENE A & ERMENIA E

4010 ARNOLD ST NE

KEIZER

OR 97303

073W02DD03200

ZAVALA, JOSE & LORETTA L

4006 ARNOLD ST NE

KEIZER

OR 97303

073W02DC03300

GIERLOFF, KENNETH W

4035 ARNOLD ST NE

KEIZER

OR 97303

073W02DC03900

BRUNDIDGE, LESLIE D & SOPHIA H

904 FIR CONE DR

KEIZER

OR 97303

073W02DC03400
GLENN, DONALD R & DONNA C
4025 ARNOLD ST NE
KEIZER OR 97303

073W02DC03800
HONYAK, IMRE & SOPHIA
% ROSAS, JAVIER & VALDEZ, JUANA
4020 GARY ST NE
SALEM OR 97303

073W02DC07300
LAUDAH, B N ET AL
PO BOX 3123
SALEM OR 97302

073W02DC03700
LOZANO, JAVIER &
LOZANO, JUANA
4020 GARY ST NE
KEIZER OR 97303

073W02DC03500
STATE OF OREGON-DVA
1581 BEEBE ST NE
KEIZER OR 97303

073W02DC07400
HONYAK, IMRE & SOPHIA
4015 GARY ST NE
KEIZER OR 97303

073W02DC03600
LINARES, ISABEL &
LINARES, CARLOS
821 CHEMAWA RD NE
KEIZER OR 97303

073W02DC07500
TOQUERO, DAVID LEO &
TOQUERO, CHRISTINA M
4005 GARY ST NE
KEIZER OR 97303

073W11AB00100
MARY P PAYNTER LIVING TRUST &
PAYNTER, MARY P TRUSTEE
1505 ALDER DR NE
KEIZER OR 97303

073W11AB11700
MANNING, NICHOLAS P & JANET M
1568 ALDER ST NE
KEIZER OR 97303

073W11AB11600
HERRING, DONALD G & DORIS JEAN S
1532 ALDER DRIVE NE
KEIZER OR 97303

073W11AB11800
MONETTE, ROGER E & RUTH ANN-TRUST
PO BOX 7142
SALEM OR 97303

073W11AB11500
PORTER, CAROLYN J H
1510 ALDER DR NE
KEIZER OR 97303

073W11AB11900
BROOKS, LARRY
1590 ALDER ST NE
KEIZER OR 97303

073W11AB07900
WEBER, EDWARD E & MARY L-TRUST
3886 WOODWARD CT NE
KEIZER OR 97303

073W11AB07800
REINOSO, TERESA
3876 WOODWARD CT NE
KEIZER OR 97303

073W11AA01900
CITY OF KEIZER
PO BOX 21000
KEIZER OR 97307

073W11AA02000
SHORT, TOM A & HEIDI
1598 ALDER DR NE
KEIZER OR 97303

073W11AA02100
PERKINS, WARREN D & PAULINE-TRUST
3995 PLEASANT VIEW DR NE
KEIZER OR 97303

073W11AA02200
NIELSEN, DAVID D & TOBI L
2925 ERIC CT NW
SALEM OR 97304

073W11AA02300
NIELSEN, DAVID D & TOBI S
2925 ERIC CT NW
SALEM OR 97304

073W11AA02400
MCEVOY, JOHN F & JULIE
3975 PLEASANT VIEW DR NE
KEIZER OR 97303

073W11AA02201
NIELSEN, DAVID D & TOBI L
2925 ERIC CT NW
SALEM OR 97304

073W11AA01800
KARM LLC
4383 SHORELINE DR
KEIZER OR 97303

073W11AA01700
LIEUALLEN, AMY COLLEEN &
LIEUALLEN, ALMYN TROY
3984 PLEASANT VIEW DR NE
KEIZER OR 97303