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AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION

Tuesday, January 3, 2023

7:00 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon

1. CALL TO ORDER

2. ROLL CALL

3. FLAG SALUTE

4. SPECIAL ORDERS OF BUSINESS

- a. Welcome and Introductions – Mayor Cathy Clark
- b. Recognition of Outgoing City Council Members – Mayor Cathy Clark
- c. Comments from Outgoing City Council Members – City Council President Elizabeth Smith and City Councilor Roland Herrera
- d. Introduction of New City Council Members – Mayor Cathy Clark
- e. Oath of Office – Administered by City Attorney E. Shannon Johnson
 - Soraida Cross – Council Position #4
 - Robert Husseman – Council Position #5
 - Daniel Kohler – Council Position #6
 - Cathy Clark – Mayor
- f. Election of 2023-2024 City Council President

5. COMMITTEE REPORTS

- a. 2023-2024 Boards, Commissions, Council Committees Appointments
- b. Volunteer Coordinating Committee Appointments

6. PUBLIC COMMENTS

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

7. PUBLIC HEARINGS

8. ADMINISTRATIVE ACTION

- a. ORDINANCE – Adopting Rules of Conduct for City Property; Declaring an Emergency

9. CONSENT CALENDAR

10. OTHER BUSINESS

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

11. STAFF UPDATES

12. COUNCIL MEMBER REPORTS

13. AGENDA INPUT

January 9, 2023

6:00 p.m. – City Council Work Session

- City Council Orientation

January 17, 2023 (Tuesday)

7:00 p.m. - City Council Regular Session

February 6, 2023

7:00 p.m. – City Council Regular Session

February 13, 2023

6:00 p.m. – City Council Work Session

14. ADJOURNMENT

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



OATH OF OFFICE

State of Oregon)
 County of Marion) ss.
 City of Keizer)

I, Soraida Cross being first duly sworn, upon oath say:

That I will support the Constitution of the United States, the Consitution of the State of Oregon, and the Charter, Ordinances and Regulations of the City of Keizer and that I will faithfully perform the duties of the office to which I have been elected, to the best of my ability, for the term of my office.

DATED this 3rd day of January, 2023.

Councilor Soraida Cross

Sworn to before me this 3rd day of January, 2023.

E. Shannon Johnson
Keizer City Attorney



OATH OF OFFICE

State of Oregon)
 County of Marion) ss.
 City of Keizer)

I, Robert Husseman being first duly sworn, upon oath say:

That I will support the Constitution of the United States, the Consitution of the State of Oregon, and the Charter, Ordinances and Regulations of the City of Keizer and that I will faithfully perform the duties of the office to which I have been elected, to the best of my ability, for the term of my office.

DATED this 3rd day of January, 2023.

Councilor Robert Husseman

Sworn to before me this 3rd day of January, 2023.

E. Shannon Johnson
Keizer City Attorney



OATH OF OFFICE

State of Oregon)
 County of Marion) ss.
 City of Keizer)

I, Daniel Kohler being first duly sworn, upon oath say:

That I will support the Constitution of the United States, the Consitution of the State of Oregon, and the Charter, Ordinances and Regulations of the City of Keizer and that I will faithfully perform the duties of the office to which I have been elected, to the best of my ability, for the term of my office.

DATED this 3rd day of January, 2023.

Councilor Daniel Kohler

Sworn to before me this 3rd day of January, 2023.

E. Shannon Johnson
 Keizer City Attorney



OATH OF OFFICE

State of Oregon)
 County of Marion) ss.
 City of Keizer)

I, Cathy Clark being first duly sworn, upon oath say:

That I will support the Constitution of the United States, the Consitution of the State of Oregon, and the Charter, Ordinances and Regulations of the City of Keizer and that I will faithfully perform the duties of the office to which I have been elected, to the best of my ability, for the term of my office.

DATED this 3rd day of January, 2023.

Mayor Cathy Clark

Sworn to before me this 3rd day of January, 2023.

E. Shannon Johnson
 Keizer City Attorney



CITY COUNCIL MEETING: JANUARY 3, 2023

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: Tracy L. Davis, City Recorder

SUBJECT: **Election of 2023-2024 City Council President**

PROPOSED MOTION:

I move to elect _____ as the Keizer City Council President for 2023-2024.

I. SUMMARY:

The Charter of the City of Keizer and the Keizer City Council Rules of Procedure outline the requirement and process for electing a City Council President. The election occurs at the first meeting of the Council in odd-numbered years. Any Councilor may be nominated. The Council President shall be elected by a vote of not less than four Council members. In the Mayor's absence from a Council meeting, the Council President shall preside. Whenever the Mayor is unable to perform the functions of the office, the Council President shall act as Mayor.

II. BACKGROUND:

- A. The City of Keizer Charter – Section 3.3 reads “At its first meeting of each odd-numbered year, the Council members shall elect a president from its membership. The Council President shall be elected by a vote of not less than four (4) council members.”
- B. The City Council Rules of Procedure – Section 4.2 reads “The Council shall elect a Council President from its members by a vote of not less than four (4) Council members. This shall occur at the first meeting of the Council in each odd numbered year or before the position has been vacant for sixty (60) days. Any Councilor may be nominated, including the current Council President.”
- C. The voting process, as outlined in the City Council Rules of Procedure, states the following process: The Council president shall be elected by a vote of not less than four (4) Council members. In the event that no candidate receives the necessary

majority vote, a second vote will be conducted. The first-place candidates shall be nominated. If there is only one first place candidate, such candidate and all second-place candidates shall be nominated. If no candidate receives a majority vote, the candidates in the second vote will draw lots to determine the Council President.

- D. The Mayor may assign other duties to the Council President. If the Council President wishes to do so, they may initiate a motion for all prepared resolutions, orders, and ordinances and the consent calendar unless another Councilor has requested to do so or initiates the action. The Council President shall retain all rights and privileges of a member of the Council when acting in this capacity.

III. CURRENT SITUATION:

- A. The City Council members shall nominate and elect a Council President for the 2023-2024 term.

IV. ANALYSIS:

- A. **Strategic Impact** – There is no strategic impact.
- B. **Financial** – No financial impact will occur.
- C. **Timing** – The election is required to occur at the first meeting of the Council in each odd-numbered year.
- D. **Policy/legal** – Guidelines for this election are outlined in the City Council Rules of Procedure.

ALTERNATIVES:

- A. The Council should nominate and elect a Council President.
- B. There are no other alternatives to consider.

RECOMMENDATION:

Staff recommends the City Council nominate and elect a member of the City Council to serve as Council President for the 2023-2024 term.

ATTACHMENTS:

None



CITY COUNCIL MEETING: JANUARY 3, 2023

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: Tracy L. Davis, City Recorder

SUBJECT: **2023-2024 CITY COMMITTEE, BOARDS, COMMISSION, COUNCIL COMMITTEE APPOINTMENTS**

PROPOSED MOTION:

No Motion is necessary. Mayor Clark will announce the recommended appointments.

I. SUMMARY:

The City Council Rules of Procedure – Section 18.2 states the Mayor shall make the Council member appointments for all Committees, Task Forces, Boards, Outside Committees or any other groups at the first meeting in January every odd numbered year or when necessary.

City Council members serve in various roles on each of the Boards, Commissions, Committees and Task Forces. The following appointments should be announced by the Mayor.

- Keizer Public Arts Commission – 1 City Council member to serve as a voting member
- Keizer Audit Committee – 3 City Council members to serve as voting members
- Keizer Budget Committee – All members of the City Council will serve as voting members on this Committee
- Keizer Community Diversity Engagement Committee – 2 City Council members to serve as voting members
- Keizer Parks and Recreation Advisory Board – 1 City Council member to serve as a non-voting liaison
- Keizer Personnel Policy Committee – 3 City Council members to serve as voting members
- Keizer Planning Commission – 1 City Council member to serve as a non-voting liaison
- Keizer Long Range Planning Task Force – All members of the City Council will serve as voting members on this Committee
- Keizer Stormwater Advisory Committee – 3 City Council members to serve as voting members
- Keizer Traffic Safety/Bikeways/Pedestrian Committee – 1 City Council member to serve as a non-voting liaison

2023-2024 City Council Member Appointments

January 3, 2023

- Keizer Volunteer Coordinating Committee – 1 City Council member to serve as a non-voting liaison
- Keizer Municipal Court Judge Evaluation – 2 City Council members for 2023 and 2 City Council members for 2024

City Council members also serves as City representative on various outside committees or groups. The Mayor should also announce the appointments to the following groups:

- Keizer Neighborhood Associations (1 Council representative plus an alternate to serve as non-voting members)
 - Greater Gubser Neighborhood Association
 - South East Keizer Neighborhood Association
 - West Keizer Neighborhood Association
 - North West Keizer Neighborhood Association
 - Greater North East Keizer Neighborhood Association
- Community, Business, Education Leaders (CBEL) Task Force – 1 City Council member to serve as voting member
- Claggett Creek Watershed Council – 1 City Council member to serve as non-voting member
- Keizer Chamber of Commerce Board of Directors - 1 City Council member to serve as non-voting member
- Keizer Heritage Foundation Board of Directors - 1 City Council member to serve as voting member
- Keizer United - 1 City Council member to serve as non-voting member
- Mid-Willamette Valley Council of Governments Board of Directors - 1 City Council member to serve as voting member
- Mid-Willamette Valley Homeless Alliance Board and ORS 190 Entity Board - 1 City Council member to serve as voting member
- Mid-Willamette Area Commission on Transportation (MWACT) (Mayor Clark was appointed to a 2-year term on December 19, 2022 as a voting member)
- Salem Keizer Area Transportation Study (SKATS) - 1 City Council member to serve as a voting member
- Salem Waste Water Task Force - 1 City Council member to serve as a voting member
- Strategic Economic Development Corporation (SEDCOR) Board of Directors - 1 City Council member to serve as voting member

The Mayor also may acknowledge any other appointments of City Council members serving with outside government entities.

II. **BACKGROUND:**

- A. The City Council Rules of Procedure outline this process.

III. CURRENT SITUATION:

- A. Appointments are necessary for the 2023-2024 biennium.

IV. ANALYSIS:

- A. **Strategic Impact** – There is no strategic impact for this action.
- B. **Financial** – No financial impact will occur.
- C. **Timing** – Appointments should be announced at the first regular City Council meeting of the 2023 year.
- D. **Policy/legal** – Appointment process and voting rights are included in the City Council Rules of Procedure and various Committee Resolutions.

ALTERNATIVES:

- A. The Mayor should announce the recommended appointments.
- B. If an appointment is not made at this meeting, it should be announced at an upcoming City Council meeting.

RECOMMENDATION:

Staff recommends the Mayor announce the recommended Council member appointments.

ATTACHMENTS:

None



CITY COUNCIL MEETING: JANUARY 3, 2023

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: Tracy L. Davis, City Recorder

SUBJECT: **2023-2024 Volunteer Coordinating Committee Appointments**

PROPOSED MOTION:

No Motion is necessary. Each member of the City Council will announce their appointment to the Volunteer Coordinating Committee for the 2023-2024 term.

I. SUMMARY:

The City Council Rules of Procedure – Section 18.2 states each Council member will make a one-member appointment to the Volunteer Coordinating Committee for a two-year term.

II. BACKGROUND:

- A. The City Council Rules of Procedure outline this process.
- B. The Volunteer Coordinating Committee was established in the early 1990's with the following purpose:
 - Identify functions and activities where volunteers can help the City;
 - Solicit volunteers for all City Boards, Committees and Commissions;
 - Solicit and match volunteer needs for special projects and activities within the City;
 - Recruitment, interviewing, and recommendations of Board, Committee, and Commission appointments to the City Council;
 - Responsibility to assist in training of volunteers and public relation items pertaining to the individual Board, Committee, and Commissions;
 - Recognition of volunteers for the City.

III. CURRENT SITUATION:

- A. Appointments are necessary for the 2023-2024 biennium.

IV. ANALYSIS:

- A. **Strategic Impact** – There is no strategic impact.
- B. **Financial** – No financial impact will occur.
- C. **Timing** – Appointments should be announced at the first regular City Council meeting of the 2023 year.
- D. **Policy/legal** – Appointments are outlined in the City Council Rules of Procedure.

ALTERNATIVES:

- A. Each member of the City Council should announce an appointment to the Volunteer Coordinating Committee.
- B. If an appointment is not made at this meeting, it could be announced at an upcoming City Council meeting.

RECOMMENDATION:

Staff recommends each member of the City Council announce their appointment to the Volunteer Coordinating Committee for the 2023-2024 term.

ATTACHMENTS:

None



CITY COUNCIL MEETING: January 3, 2023

To: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: Adam J. Brown, City Manager

FROM: E. Shannon Johnson, City Attorney

SUBJECT: **ORDINANCE FOR RULES OF CONDUCT FOR CITY PROPERTY**

PROPOSED MOTION:

I move the City Council adopt Ordinance No. 2023- ____ Adopting Rules of Conduct for City Property; Declaring an Emergency.

I. SUMMARY:

This issue is before the City Council to consider the attached ordinance adopting Rules for Conduct for City Property. This ordinance would also provide for the ejectment and/or exclusion of persons who violate rules or laws or are disruptive.

II. BACKGROUND:

- A. On occasion, some people violate laws or regulations while on City Property, such as parks, the Civic Center or other city-owned property.
- B. On private property, an owner can bar persons for any non-discriminatory reason and if the person does not leave, can ask the police to arrest the person for trespass.
- C. As the property owner, the City has similar rights, but as a governmental entity must provide additional detail and constitutional safeguards to the alleged offender.

III. CURRENT SITUATION:

- A. There is a current resolution that authorizes the City Manager to exclude persons in certain situations.
- B. The resolution does not provide detail as to the process to be used. In addition, it does not provide for an appeal process.
- C. In some respects, the resolution process is inconsistent with certain provisions of the park regulations.

- D. Adopting a comprehensive ordinance would be an appropriate measure considering the above issues.
- E. Note that the ordinance does not adopt a process for removal of persons from council meetings. That issue has different protections under the state and federal law and will be addressed by a separate process.

IV. ANALYSIS:

- A. **Strategic Impact** – This issue does not affect any Council goals.
- B. **Financial** – There are no direct financial impacts
- C. **Timing** – Adopting a comprehensive ordinance in the near term will provide better tools to address potential problems.
- D. **Policy/legal** – Providing an appeal process may reduce possible legal challenges.

ALTERNATIVES:

- A. Adopt the attached ordinance.
- B. Review and propose changes to the ordinance.
- C. Not adopt any rules of conduct or exclusion regulations.

RECOMMENDATION:

Staff recommends that Council consider the matter and if there are no questions or concerns, adopt the attached ordinance. Please contact me if you have any questions. Thank you.

ATTACHMENTS:

- Ordinance Adopting Rules of Conduct for City Property; Declaring an Emergency.

A BILL

ORDINANCE NO.
2023-_____

FOR

AN ORDINANCE

**ADOPTING RULES OF CONDUCT FOR CITY PROPERTY;
DECLARING AN EMERGENCY**

WHEREAS, it is appropriate and necessary to maintain an environment that promotes orderly administrative and business operations, and to take reasonable and prudent actions to protect the health, welfare and safety of all persons on City Property;

WHEREAS, the City Council finds that the following Rules of Conduct appropriately balance the rights of the citizens with the right and obligation of City to provide a safe and orderly environment;

NOW, THEREFORE;

The City of Keizer ordains as follows:

Section 1. DESIGNATION OF PERSONS-IN-CHARGE.

A. For purposes of ordering persons to leave City Property, the following are Persons-in-Charge:

1. Any police officer of the Keizer Police Department.
2. Any person providing security services on any City Property pursuant to any contract with the City, or with any person, firm or corporation managing a City Property on the City's behalf.
3. City Manager or designee.

1 4. Department Directors or designee.

2 5. Any person with exclusion authority under this Ordinance.

3 6. Code Enforcement or Code Compliance Officer.

4 B. Delegation to a designee shall be made in writing. Any person so
5 designated shall be a Person-in-Charge as that term is defined in ORS 164.205(5) until
6 the delegation is terminated or the designated person ceases to be an employee or officer
7 of the City of Keizer. Copies of delegation will be provided to the City Attorney's
8 Office and to the City Manager and Department Directors.

9 C. Upon request, the City shall provide a copy of the Person-in-Charge
10 designation or delegation list to the Marion County District Attorney's office.

11 D. For purposes of this Section, City Property shall include any real property
12 either owned by the City or in which the City has any type of property interest or
13 property management responsibility, including, but not limited to easements, parks, civic
14 center (including community rooms) and other City facilities. However, this Ordinance
15 shall not apply to ejection or exclusion from City Council meetings or other meetings of
16 a City governing body.

17 E. The authority granted to a Person-in-Charge by this Ordinance are in
18 addition to, and not in lieu of, any other authority granted under this Ordinance.

1 Section 2. RULES OF CONDUCT AT CITY PROPERTY.

2 A. The Rules of Conduct in this Section apply and are enforced at all City
3 Property except where specific rules of conduct or prohibitions have been adopted for
4 designated real property the City owns or has a property interest or property
5 management responsibilities.

6 B. The Rules of Conduct for City Property are as follows:

7 1. No person shall engage in any activity that would constitute a
8 violation of federal, state or local law or regulation.

9 2. No person may deface, damage or destroy City Property or City-
10 owned personal property.

11 3. No person shall enter, attempt to enter or remain in any areas of
12 City Property designated as secured or restricted, or closed to public
13 access, including, but not limited to parks, unless open pursuant to the
14 Park Regulations or authorized permit.

15 4. No person shall engage in activity or conduct that disrupts or
16 interferes with the normal operation or administration of City business at
17 City Property, the lawful use by City employees and authorized users at
18 City Property, or City permitted activities. Authorized users are those
19 persons who use or engage in allowed activities on City Property during
20 allowed hours.

1 5. No person shall refuse or fail to obey any reasonable direction of a
2 Person-in-Charge of a City Property. A direction of a Person-in-Charge is
3 reasonable if it: a) Directs a person to obey or to cease a violation of any
4 law or regulation or, b) is otherwise reasonably related to the protection of
5 the health, welfare or safety of the person or any other person at the City
6 Property, or to the prevention of damage to property or; c) is reasonably
7 necessary to preserve the peace or to prevent the disruption of City
8 operations or permitted activities, including dangerous or threatening
9 behavior as defined in this Ordinance or any other City adopted
10 Ordinances or regulations.

11 6. No person shall possess any object specifically designed for and
12 presently capable of causing, or carried with the intent to threaten or
13 cause, bodily harm to another. The prohibitions of this section do not
14 apply to handguns lawfully carried by persons exempt from local
15 regulation under ORS 166.173. The prohibitions of this section do not
16 apply to any thing possessed or used to carry out actions authorized by
17 any contract or permit at the City Property. In addition, the prohibitions do
18 not apply to peace officers as defined by Oregon law.

19 7. Unless allowed by written permit or in specifically designated
20 areas, no person shall smoke or carry any lighted smoking instrument at

1 City Property. Without limited the foregoing, smoking instrument
2 additionally includes inhalant delivery system that delivers nicotine,
3 marijuana, or other substances in the form of vapor or aerosol, and
4 electronic cigarette, personal vaporizer, or electronic delivery system.
5 Smoking additionally includes inhaling or exhaling from a smoking
6 instrument.

7 8. No person shall make use of facility materials, equipment,
8 furniture, or fixtures of a City property in a manner inconsistent with their
9 customary or designated uses, or in a manner likely to cause property
10 damage or personal injury.

11 9. No person shall interfere or obstruct free passage of City
12 employees or authorized visitors in or on City Property, including, but not
13 limited to placing objects that impede free passage.

14 10. No person shall use City Property for unauthorized storage of
15 personal property or leave personal property unattended.

16 11. No person shall make or continue a noise disturbance as defined
17 under the Noise Ordinance or operate a sound producing device or sound
18 producing equipment except as permitted by authorized City personnel.
19 Bullhorns and megaphones are not permitted on or in any City Property
20 unless specifically allowed by authorized written permit.

12. No person shall sell, distribute, possess, or deliver any alcoholic beverage on City Property, except as allowed by written permit.

13. No person shall sell, distribute, possess, or deliver any controlled substances on City Property. This does not prohibit a person from possessing or providing caretaking functions or assisting another in taking legally prescribed medication. Controlled substance shall have the meaning provided in Chapter 475 of the Oregon Revised Statutes.

14. No person may bring animals onto City Property, except as specifically permitted. If allowed, no person shall leave an animal unattended. This does not preclude entry by service animals defined under the Americans with Disabilities Act while performing services or tasks the animals are trained to do, animals employed in official performance of police or rescue activities, or animals authorized for entry by written permit.

15. No person shall solicit for or conduct business on City Property except as authorized by the City.

16. No person shall use any wheeled devices, including, but not limited to unicycles, bicycles, skateboards, roller skates, motorized or non-motorized scooters, within the Civic Center or on the adjacent sidewalks.

All persons must dismount at the Civic Center boundary. No bicycles and

motorized wheel devices are allowed in the interior of any building on City property. The prohibition in this section does not apply to persons with mobility devices for mobility disability or medical purposes, child strollers or baby carriages.

17. No person shall use City property for housing or camping, except where specifically allowed by applicable rule or written permit.

18. No person shall enter, attempt to enter or remain on City Property for purposes other than to conduct legitimate business with City offices located at City property or to enjoy city parks when they are open to the public. The City Manager or Department Directors may adopt space use policy to manage conditions for property use including, but not limited to establishing a reservation protocol, priority regarding uses and users, as well as hours of use.

C. The City Manager, Department Directors, or designee are authorized to adopt additional rules of conduct for any specified City Property managed by the City. The proposed additional rules of conduct shall be posted at the City Property where such proposed rules would apply and shall be deemed part of the Rules of Conduct for the City Property. The proposed rules shall be final and effective no sooner than seven days after posting. Upon approval of the City Manager, a Department Director may adopt interim additional rules of conduct without prior notice upon a finding that failure to act

promptly will result in prejudice to the City's interest. Interim additional rules of conduct are final and effective upon posting at the City Property affected for a period not longer than 30 days. The City Manager, Department Directors or designee shall submit final rules to the City Recorder for filing within two (2) business days after the rules become effective.

Section 3. CITY PROPERTY EXCLUSIONS.

A. The exclusion procedures in this section shall be used for City Property subject to the Rules of Conduct in Section 2 and any additional rules adopted in the future. If a person violates any Rule of Conduct at City Property while in or upon City Property, any Person-in-Charge may eject and direct the person to leave the City Property for a period of 24 hours. In addition, the Person-in-Charge may issue an exclusion for any period of time up to one (1) year from City Property. If a person who has been ejected and/or excluded fails to voluntarily leave the City Property, such person is subject to arrest for trespass under ORS 164.245.

B. Nothing in this Section shall be construed to authorize the ejection or exclusion of a person for lawfully exercising free speech rights or other rights protected by the Oregon or United States Constitution or state or federal law. However, a person lawfully exercising these protected rights but who commits an act that is not protected can be subject to ejection or exclusion as provided herein.

C. In determining the appropriate length of exclusion under this section, the person issuing the exclusion shall consider the following:

1. The seriousness of the conduct that led to the exclusion;
2. Prior instances of violations of the Rules of Conduct at City Property by the person to be excluded;
3. The availability of alternative means for the person to conduct business with City officials and offices; and
4. Any other facts or circumstances that the person issuing the exclusion deems relevant.

D. The notice of ejection by a Person-in-Charge may be verbal or in writing. The notice of exclusion shall be in writing, given to the person excluded and signed by a Person-in-Charge. It shall specify the dates and places of exclusion and may be limited in scope if appropriate in the discretion of the Person-in-Charge. It shall contain a warning of consequences for failure to comply with the notice of exclusion and information concerning the right to appeal the exclusion.

E. A person receiving a notice of exclusion may appeal, in writing, to the City Recorder. The appeal shall be filed within seven (7) days of issuance of the notice of exclusion, unless extended by the Hearings Officer for good cause shown. The appeal hearing shall be held before the Hearings Officer within ten (10) calendar days after receipt of the appeal. The sworn statement of the Person-in-Charge who issued the

1 notice of exclusion shall be used as evidence on appeal, unless the appellant requests, in
2 writing, the presence of the Person-in-Charge at the appeal hearing.

3 F. The Hearings Officer shall issue a written Order within ten (10) days
4 following the conclusion of the hearing. The Hearings Officer shall grant or deny the
5 appeal, or modify the exclusion Order if appropriate including, but not limited to,
6 reducing the exclusion period. Appeal of such Order shall be by writ of review to
7 Circuit Court under ORS 34.

8 G. A person receiving a notice of exclusion may request a limited
9 modification from the Person-in-Charge issuing the exclusion for the purpose of
10 attending a City Council or other public meeting or conducting specific business with a
11 City official or office located at a City Property identified in the exclusion notice. The
12 request must be in writing and must identify good cause for the desired modification.
13 The Person-in-Charge may deny the request if the business with the City official or
14 office may be conducted through alternate means or deferred until the exclusion period
15 ends or may deny the request on any reasonable basis. If modification is allowed, the
16 Person-in-Charge may impose reasonable conditions for the limited entry and may
17 include a requirement that the person arrange with the Person-in-Charge to be escorted
18 into and out of the location where the meeting is to be held or the business is to be
19 conducted.

20

1 Section 4. SEVERABILITY. If any section, subsection, sentence, clause,
 2 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, or
 3 is denied acknowledgment by any court or board of competent jurisdiction, then such
 4 portion shall be deemed a separate, distinct, and independent provision and such holding
 5 shall not affect the validity of the remaining portions hereof.

6 Section 5. EFFECTIVE DATE. This Ordinance being necessary for the
 7 immediate preservation of the public health, safety and welfare, an emergency is
 8 declared to exist and this Ordinance shall take effect immediately upon its passage.

9 PASSED this _____ day of _____, 2023.

10 SIGNED this _____ day of _____, 2023.

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Mayor

City Recorder