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AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION

Monday, January 4, 2021

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 Kim Freeman and City Councilor Marlene Parsons

d. Introduction of New City Council Members – Mayor Cathy Clark

e. Oath of Office – Administered by City Attorney E. Shannon Johnson

- Laura Reid – Council Position #1
- Ross Day – Council Position #2
- Kyle Juran – Council Position #3
- Cathy Clark – Mayor

f. Election of 2021-2022 City Council President

5. **COMMITTEE REPORTS**

a. 2019-2020 Committee Boards, Commissions, Council Committees and Ad Hoc Task Forces Review and City Council Appointments

b. Volunteer Coordinating Committee Appointments

6. **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.

7. **PUBLIC HEARINGS**

8. **ADMINISTRATIVE ACTION**

- a. **RESOLUTION** – In the Matter of the Adoption of the Municipal Judge Evaluation Process; Repealing Resolution No. R2015-2572
- b. **ORDINANCE** – Declaring a Fourth Local State of Emergency In the City of Keizer as a Result of COVID-19 Pandemic; Declaring an Emergency

9. **CONSENT CALENDAR**

10. **COUNCIL LIAISON REPORTS**

11. **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.

12. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications.

13. **AGENDA INPUT**

January 11, 2021

6:00 p.m. – City Council Work Session

January 19, 2021 (Tuesday)

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

January 25, 2021

6:00 p.m. - City Council Work Session

February 1, 2020

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

14. **ADJOURNMENT**



OATH OF OFFICE

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

I, Laura Reid being first duly sworn, upon oath say:

That I will support the constitution and the laws of the United States and the State of Oregon and that I will faithfully perform the duties of COUNCILOR, for the City of Keizer, according to the best of my ability, for the term of my office.

DATED this 4th day of January, 2021.

Laura Reid
 Councilor – Position #1

Sworn to before me this 4th day of January, 2021.

E. Shannon Johnson
 Keizer City Attorney



OATH OF OFFICE

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

I, Ross Day being first duly sworn, upon oath say:

That I will support the constitution and the laws of the United States and the State of Oregon and that I will faithfully perform the duties of COUNCILOR, for the City of Keizer, according to the best of my ability, for the term of my office.

DATED this 4th day of January, 2021.

Ross Day
 Councilor – Position #2

Sworn to before me this 4th day of January, 2021.

E. Shannon Johnson
 Keizer City Attorney



OATH OF OFFICE

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

I, Kyle Juran being first duly sworn, upon oath say:

That I will support the constitution and the laws of the United States and the State of Oregon and that I will faithfully perform the duties of COUNCILOR, for the City of Keizer, according to the best of my ability, for the term of my office.

DATED this 4th day of January, 2021.

Kyle Juran
Councilor – Position #3

Sworn to before me this 4th day of January, 2021.

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 and the laws of the United States and the State of Oregon and that I will faithfully perform the duties of MAYOR, for the City of Keizer, according to the best of my ability, for the term of my office.

DATED this 4th day of January, 2021.

Cathy Clark
Mayor

Sworn to before me this 4th day of January, 2021.

E. Shannon Johnson
Keizer City Attorney

COUNCIL MEETING: January 4, 2021

TO: MAYOR CLARK AND CITY COUNCILOR MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

SUBJECT: ELECTION OF 2021-2022 COUNCIL PRESIDENT

BACKGROUND:

Section 4.2 of the Keizer City Council Rules of Procedure read as follows:

At the first meeting of the Council in each odd-numbered year, the Council will elect a Council President from its members by majority vote of those Council members present. The Councilor with the longest continuous tenure, who has not served as Council President previously, will be nominated. Others may be nominated from the Council, including the current Council President. In the event that no candidate receives a 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.

Whenever the Mayor is unable to perform the functions of the office, the Council President shall act as Mayor. The Council President will initiate a motion for all prepared resolutions and ordinances and the consent calendar unless another Councilor has requested to do so or initiate the action.

ISSUE:

A Council President for 2021-2022 should be elected by a majority vote of those Council members present. Below is a list of the current City Council members, including their length of service:

- Councilor Roland Herrera
 - Elected November 2014 – 4-year term – January 2015 to January 2019
 - Elected November 2018 – 4-year term – January 2019 to January 2023
- Councilor Laura Reid
 - Elected November 2016 – 4-year term – January 2017 to January 2021
 - Elected November 2020 – 4-year term – January 2021 to January 2025
- Councilor Elizabeth Smith
 - Elected November 2018 – 4-year term – January 2019 to January 2023

- Councilor Daniel R. Kohler
 - Elected November 2018 – 4-year term - January 2019 to January 2023
- Councilor Ross Day
 - Elected November 2020 – 4-year term - January 2021 to January 2025
- Councilor Kyle Juran
 - Elected November 2020 – 4-year term - January 2021 to January 2025

RECOMMENDATION:

It is hereby recommended the City Council make nominations and vote for a member of the City Council to serve as the 2021-2022 City Council President.

COUNCIL MEETING: January 4, 2021

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS C. EPPLEY
CITY MANAGER**

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

**SUBJECT: 2019-2020 CITY COMMITTEE, BOARDS, COMMISSIONS, COUNCIL COMMITTEES
AND AD HOC TASK FORCES REVIEW AND CITY COUNCIL APPOINTMENTS**

REVIEW:

The City Council Rules of Procedure – Section 17 – outlines the creation of City Committees, Boards, Commissions, Council Committees, and Ad Hoc Task Forces. This section of the procedures also requires a review of such Committees every two years, in odd numbered years, prior to the Council liaison appointment.

Since 2019 the City Council created one new City Committee; the Keizer Charter Review Committee. The Committee completed their work and was dissolved on June 16, 2020. The City Council also approved the creation of the City Council Rules of Procedure Work Group on November 16, 2020. This Work Group (Councilors Reid, Smith, and Kohler) will continue their work into 2021.

During the last two years, the City Council dissolved the Keizer Festivals Advisory Board (previously named the Keizer Festivals and Events Services Team) on December 16, 2019. The Keizer Little League Park Long Range Planning Task Force completed their assignment and was dissolved on August 20, 2019. The Buildable Land Supply/Housing Needs Analysis Project Advisory Committee completed their work on June 30, 2019 and the Keizer Economic Development Commission was dissolved by the City Council on January 7, 2019.

APPOINTMENTS:

City Council members serve in various roles on each of the Boards, Commissions, Committees and Task Forces. In most cases, the Mayor appoints Council members to serve. Appointments to the following 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 on this Committee

- Keizer Points of Interest Committee – 1 City Council member to serve as a non-voting liaison
- Keizer Parks and Recreation 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
- Stormwater Advisory Committee – 3 City Council members to serve as voting members
- Traffic Safety/Bikeways/Pedestrian Committee – 1 City Council member to serve as a non-voting liaison
- Volunteer Coordinating Committee – 1 City Council member to serve as a non-voting liaison

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:

- Career Technical Education Center Advisory Committee
- Claggett Creek Watershed Council
- Keizer Chamber of Commerce - Board of Directors
- Keizer Chamber of Commerce – KeizerFEST
- Keizer Neighborhood Associations (representative plus an alternate)
 - Greater Gubser Neighborhood Association
 - South East Keizer Neighborhood Association
 - West Keizer Neighborhood Association
- Keizer Heritage Foundation Board of Directors
- Keizer United
- Marion County Public Safety Coordinating Committee
- Mid-Willamette Valley Homeless Alliance
- Mid-Willamette Valley Council of Governments Executive Committee Board
- Mid-Willamette Area Commission on Transportation (MWACT) (Mayor Clark was appointed to a 2-year term on December 7, 2020)
- Salem Keizer Area Transportation Study (SKATS)
- Salem Waste Water Task Force
- Strategic Economic Development Corporation (SEDCOR) Board of Directors

RECOMMENDATION:

It is recommended Mayor Clark make all the necessary appointments as outlined above.

COUNCIL MEETING: January 4, 2021

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS C. EPPLEY
CITY MANAGER**

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

**SUBJECT: 2021-2022 COUNCIL APPOINTMENTS – VOLUNTEER
COORDINATING COMMITTEE**

BACKGROUND:

The Volunteer Coordinating Committee was originally 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.

The Volunteer Coordinating Committee consists of 7 members, each appointed by a member of the City Council. The two-year term begins at the first Council meeting in January of each odd numbered year, following the general election.

RECOMMENDATION:

It is recommended each member of the City Council announce their appointment to the Volunteer Coordinating Committee for 2021-2022.

Betty Hart
6955 9th Court NE
Keizer, OR 97303
Ph (503)390-1122

December 29, 2020

Madame Mayor and Members of the City Council

Congratulations on passing the Statement of Inclusion. I know that you all worked hard on this issue. Perhaps, like me, you learned a lot, too.

Of course, the hard work is still ahead, for the City Council and for the rest of us. As we consider issues that affect the community at large, we should ask ourselves how the decision might affect people who are different from us. Hopefully, because of this Statement a wider variety of people in the community will feel comfortable enough to come forward to share their thoughts.

Perhaps, more importantly, we should ask ourselves “How will this decision be perceived by others?” Again, that will be hard to know. It’s possible that some people are more likely to show up to share their distaste with what was done than to say, “Thank You.” We all have a lot to learn how to be more inclusive, some more than others.

The concept of treating people with Dignity and Respect is a good one. When someone complains about having to be so PC, simply remind them that it is a matter of treating someone with Dignity and Respect. Whenever disparaging remarks are made, even when the person/group the remarks are targeted at are not present, that is still losing sight of being respectful.

Thank you again for you continued work on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Betty Hart". The signature is fluid and cursive, with the first name "Betty" being more prominent than the last name "Hart".

Betty Hart,
Keizer, Oregon

CITY COUNCIL MEETING: January 4, 2021

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND COUNCIL MEMBERS
THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER
FROM: E. SHANNON JOHNSON, CITY ATTORNEY
SUBJECT: MUNICIPAL JUDGE EVALUATION PROCESS

The Mayor requested that the Resolution relating to the Municipal Judge Evaluation Process be revised to allow appointments of Councilors at the first meeting in January every odd numbered year instead of June each year. It was also determined that it would be appropriate to revise the reporting period for the Councilors. A draft Resolution is attached for your consideration.

RECOMMENDATION:

Consider the matter and if desired, adopt the attached Resolution. Following adoption of the Resolution, the Mayor should announce the appointments for the next two upcoming years.

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

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2021-_____

IN THE MATTER OF ADOPTION OF THE
MUNICIPAL JUDGE EVALUATION PROCESS;
REPEALING RESOLUTION NO. R2015-2572

WHEREAS, Resolution R2015-2572 adopted an evaluation process to be used in
evaluation of the performance of the municipal judge;

WHEREAS, the City Council wishes to adopt a new evaluation process;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the following
Municipal Judge Evaluation Process is hereby adopted:

At the first meeting in January every odd numbered year, the Mayor will
announce two Councilors to attend arraignments and/or hearings and check in with the
Judge for the upcoming year and two Councilors to attend arraignments and/or hearings
and check in with the Judge for the following year. The Councilors will report their
observations to the City Council at a regularly scheduled meeting no later than the
second meeting in October each year. If the City Council deems it necessary, a formal
evaluation between the City Council and the Municipal Court Judge shall be scheduled
and such evaluation shall be held in executive session pursuant to state law. Failure to
complete this process each year shall in no way effect the Municipal Judge’s position of
validity, effectiveness or jurisdiction of the municipal court or the Municipal Judge.

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2 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that
3 Resolution No. R2015-2572 is hereby repealed in its entirety.

4 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
5 upon the date of its passage.

6 PASSED this _____ day of _____, 2021.

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8 SIGNED this _____ day of _____, 2021.

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Mayor

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City Recorder

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CITY COUNCIL MEETING: January 4, 2021**AGENDA ITEM NUMBER: _____**

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: FOURTH DECLARATION OF LOCAL STATE OF EMERGENCY (COVID-19)

The Council passed a Third Local State of Emergency Declaration on November 2, 2020 which expires on January 5, 2021. We have prepared a Fourth Declaration of Local State of Emergency as set forth in the attached Ordinance. It is similar to the previous declarations, but there are a few changes. First, to maintain flexibility I have modified Section 3(c) regarding conducting Council meetings. The new language allows Council meetings to be held either virtually via Zoom or other electronic platform, or in person at the Council direction. Second, the same issue needs to be determined with regard to committee meetings in Section 3(d). For drafting purposes only, I have allowed the chair to make an initial determination, followed by ratification by the committee. Council procedures allow individual members to “call in” at their own discretion. If Council wishes, they could require the committees to meet virtually only.

I also allowed the same discretion to the peer court coordinator and the hearings officer with regard to in-person or virtual meetings. See Section 3(b). There is also a new provision (Section 5) indicating that the use of the community rooms will comply with all applicable state regulations. Currently, in Marion County use of the community rooms is prohibited under Oregon Health Authority (OHA) regulations.

RECOMMENDATION:

Staff recommends Council review the matter, modify as necessary and adopt the attached Ordinance. Following that motion, Council should determine by minute motion whether they wish to meet by Zoom or in-person and for what period; e.g. for next two meetings or until March 1, 2021, etc.

Please contact me if you have any questions. Thank you.

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A BILL

ORDINANCE NO.
2021-_____

FOR

AN ORDINANCE

DECLARING A FOURTH LOCAL STATE OF EMERGENCY IN
THE CITY OF KEIZER AS A RESULT OF COVID-19
PANDEMIC; DECLARING AN EMERGENCY

The City Council of the City of Keizer finds as follows:

WHEREAS, pursuant to Ordinance No. 2009-588, the City Council finds that the following factors have resulted in the need for a state of emergency declaration;

WHEREAS, COVID-19 (novel coronavirus) was declared a pandemic by the World Health Organization on March 11, 2020;

WHEREAS, Coronaviruses are a group of viruses that can cause respiratory disease, with the potential to cause serious illness or loss of life;

WHEREAS, COVID-19 requires a significant amount of resources at the local level to keep the public and community informed and as safe as possible;

WHEREAS, On March 8, 2020, Governor Kate Brown declared a state of emergency due to the COVID-19 outbreak in Oregon (Executive Order No. 20-03), finding that COVID-19 has created a threat to public health and safety, and constitutes a statewide emergency under ORS 401.025(1). Governor Brown also issued guidance regarding group gatherings and social distancing to minimize potential opportunities for

1 the COVID-19 to spread;

2 WHEREAS, the Governor has issued additional Executive Orders on this matter;

3 WHEREAS, the COVID-19 pandemic will create significant social, health,
4 financial and other impacts to the community of unknown duration;

5 WHEREAS, the City has been closely monitoring updated information for the
6 state through the Governor's office, the Oregon Health Authority (OHA), and the
7 Centers for Disease Control (CDC) for U.S. updates. The primary focus at the City is to
8 restrict the spread of COVID-19 and to maintain the health of our workforce and the
9 community so the City can continue to provide crucial City services.

10 WHEREAS, pursuant to ORS 401.309(1), the governing body of a City may
11 declare, by Ordinance or Resolution, that a state of emergency exists within the City;

12 WHEREAS, pursuant to Keizer Ordinance No. 2009-588 ("Emergency
13 Ordinance"), if the City Manager determines that a state of emergency exists, the City
14 Manager may declare a state of emergency. Section 2 of the Emergency Ordinance sets
15 out the actions the City can take, which include the ability to prohibit or limit the number
16 of people to public places, commit to mutual aid agreements, and other measures "for the
17 protection of life and/or property."

18 WHEREAS, the City Manager has declared a local state of emergency which has
19 been ratified by the City Council;

20 WHEREAS, the latest City Manager declaration expired on July 7, 2020;

1 WHEREAS, the City Council has declared a local state of emergency on July 6,
2 2020;

3 WHEREAS, the City Council declaration (Ordinance No. 2020-816) expired on
4 September 9, 2020;

5 WHEREAS, the City Council has declared a second local state of emergency on
6 September 8, 2020;

7 WHEREAS, the City Council second declaration (Ordinance No. 2020-823)
8 expired on November 3, 2020;

9 WHEREAS, the City Council has declared a third local state of emergency on
10 November 2, 2020;

11 WHEREAS, the City Council third declaration (Ordinance No. 2020-826) expires
12 on January 5, 2021;

13 The City Council of the City of Keizer ordains as follows:

14 Section 1. The findings noted above are hereby adopted.

15 Section 2. A Local State of Emergency is declared to exist and the area of
16 emergency is the entire City of Keizer. The Emergency Operations Center may be
17 opened if deemed necessary.

18 Section 3. To eliminate exposure to and spread of COVID-19, and in support
19 of state and federal guidelines for social distancing, the following measures are in effect:

20 a. All open houses on City property are cancelled unless specifically

- 1 authorized by the City Council.
- 2 b. Except as noted below, all public meetings will be in-person with state-
3 required mask protocols and social distancing requirements in place for
4 both participants and audience members. This includes, but is not limited
5 to Peer Court and Hearings Officer proceedings. At the discretion of the
6 Peer Court Coordinator or Hearings Officer, those proceedings may be
7 held virtually via electronic platform.
- 8 c. City Council meetings will be held either virtually via electronic platform,
9 or in-person at the direction of the City Council. For in-person meetings,
10 state-required mask protocols and social distancing requirements are
11 required for both participants and audience members.
- 12 d. All standing and ad hoc committee/board/commission meetings and
13 activities will be held either virtually via electronic platform, or in-person
14 at the initial direction of the chair with ratification of the
15 committee/board/commission. For in-person meetings, state-required
16 mask protocols and social distancing requirements are required for both
17 participants and audience members.
- 18 e. Masks or face coverings shall be used as required by applicable state
19 regulations.
- 20 f. The City will review the information from the federal Centers for Disease

1 Control and Marion County Health for updated decisions as appropriate.

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5 Section 4. Previously, utility shutoffs were suspended. However, grant
6 funding is now available for customers. Therefore, pursuant to the November 2, 2020
7 declaration, the City has begun sending shut-off notices or shut off water for non-
8 payment of unpaid water bills beginning with the October 2020 billing.

9 Section 5. Use of the Community Rooms will comply with applicable state
10 regulations.

11 Section 6. To respond to the COVID-19 Pandemic, the City may procure
12 needed goods and services in accordance with ORS 279B.080 and without compliance
13 with normal procurement procedures, redirect any necessary City funds for emergency
14 purposes, and take any other actions set forth in the Emergency Ordinance, including any
15 actions necessary for the protection of health and safety.

16 Section 7. The Keizer Municipal Court shall conduct business as ordered by the
17 Municipal Court Judge.

18 Section 8. As allowed by state law and/or collective bargaining contracts, the
19 City may change employees' shifts, hours of work and call out for overtime without
20 notice or regard to seniority.

1 Section 9. The City may take any other emergency acts as allowed by law,
2 including but not limited to committing to mutual aid agreements.

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6 Section 10. The City will take all necessary steps authorized by law to
7 coordinate the response and recovery of this emergency, including but not limited to,
8 requesting assistance from the federal government, the State of Oregon and Marion
9 County.

10 Section 11. The City will take all necessary steps necessary to comply with all
11 applicable state-required regulations, including but not limited to, the temporary COVID-
12 19 rules as adopted by the Occupational Safety and Health Administration (OSHA). If
13 applicable, such regulations may supersede some or all of the rules set forth herein.

14 Section 12. The City will temporarily suspend enforcement of temporary sign
15 regulations while this emergency is in place to allow businesses the ability to let
16 customers know they are open.

17 Section 13. This Ordinance being necessary for the immediate preservation of
18 the public health, safety, and welfare, an emergency is declared to exist and this
19 Ordinance shall take effect immediately upon its passage.

20 Section 14. This Ordinance is repealed on March 2, 2021.

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PASSED this _____ day of _____, 2021.
SIGNED this _____ day of _____, 2021.

Mayor

City Recorder