



**TALENT CITY COUNCIL REGULAR
COUNCIL MEETING AGENDA TOWN
HALL
February 1, 2017 – 6:45 P.M.**

Study Session, Regular Council & TURA meetings are being digitally recorded and will be available on the City website

The City Council of the City of Talent will meet in Regular Session at 6:45 PM Wednesday, February 1, 2017 in the Town Hall, 206 E. Main Street. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, ext. 1012.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

REGULAR COUNCIL MEETING- 6:45 PM

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the "Citizens Heard on Non-agenda Items" section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.

- 1. Call to Order/Roll Call**
- 2. Pledge of Allegiance**
- 3. Community Announcements**

4. Public Hearings

Public hearings are conducted under a prescribed procedure depending on the topic. The presiding officer will conduct the hearing in accordance with those procedures which will allow for public input at the announced time.

- 4.1 None**

5. Citizens Heard on Non-Agenda Items

Limited to 5 minutes or less per Mayoral discretion

6. Public Presentations

Items that do not require immediate Council action, such as presentations, discussion of potential future action items. Time limited to 15 minutes per presentation unless prior arrangements have been made.

- 6.1 None**

7. Consent Agenda

The consent agenda consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.

- 7.1 Approval of Regular Council Meeting Minutes for January 18, 2017..... Page 3-22**
- 7.2 Acknowledge receipt of financials.....Page 23**

8. Regular Agenda

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.

- 8.1 Memorial rock at Wagner Creek.....Page 24
- 8.2 Resolution 17-955-R, a Resolution to affirm the including and welcoming nature of the City of Talent.....Page 25-78
- 8.3 Resolution 17-956-R, a Resolution adopting the supplemental budget and making appropriations for the 2016-17 Fiscal Year.....Page 79-80
- 8.4 Resolution 17-957-R, a Resolution adopting a motor vehicle diesel tax.....Page 81-95

9. Information Items

- 9.3 Council Rules & Procedure.....Page 96-107
- 9.4 Council Goals

10. City Manager & Other Department Reports

Items for discussion by the City Manager and Department Heads as needed.

11. Other Business

11.1

12. Mayor and Councilor - Committee Reports and Councilor Comments

- Rogue Valley Area Commission on Transportation – Mayor Stricker (alternate)
- Together for Talent Committee – Councilor Collins
- Metropolitan Planning Organization – Mayor Stricker
- Planning Commission – Councilor Wise & Mayor Stricker (alternate)
- Public Art Advisory Committee
- Parks Commission – Mayor Stricker
- Traffic Safety & Transportation Commission – Councilor Harrison
- Rogue Valley Council of Governments – Mayor Stricker
- Talent Historical Society
- Harvest Festival Committee – Councilor Collins
- Economic Development - Councilor Pederson
- Chamber – Councilor Pederson

13. Adjournment

The City of Talent is an Equal Opportunity Provider

Note: This agenda and the entire agenda packet, including staff reports, referenced documents, resolutions and ordinances are posted on the City of Talent website (www.cityoftalent.org) in advance of each meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.



**TALENT CITY COUNCIL REGULAR
COUNCIL MEETING AGENDA TOWN
HALL DRAFT MINUTES
January 18, 2016 – 6:45 P.M.**

Study Session, Regular Council & TURA meetings are being digitally recorded and will be available on the City website

The City Council of the City of Talent will meet in Regular Session at 6:45 PM Wednesday, January 18th in the Town Hall, 206 E. Main Street. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, ext. 1012.

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REGULAR COUNCIL MEETING- 6:45 PM

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1. Call to Order/Roll Call

Members Present

Mayor Stricker

Councilor Baker

Councilor Harrison

Councilor Berlant

Councilor Pederson

Councilor Wise

Councilor Collins

Members Absent

2. Pledge of Allegiance

3. Community Announcements

- Mayor Stricker apologized to Councilor Wise regarding the Appointment Process at the last Council Meeting.
- Council Rules will be added to tonight's agenda as item 9.3.

4. Public Hearings

Public hearings are conducted under a prescribed procedure depending on the topic. The presiding officer will conduct the hearing in accordance with those procedures which will allow for public input at the announced time.

4.1 None

5. Citizens Heard on Non-Agenda Items

Limited to 5 minutes or less per Mayoral discretion

5.1 None

6. Public Presentations

Items that do not require immediate Council action, such as presentations, discussion of potential future action items. Time limited to 15 minutes per presentation unless prior arrangements have been made.

6.1 Councilor Training Video – Kristin Wick, Hart Insurance

Kristin Wick of Hart Insurance presented a short video to the Council regarding Elected Officials (*see link below*):

<https://vimeo.com/103736299>

Ms. Wick spoke of upcoming trainings. It was suggested to send any requests to attend the trainings to City Recorder, Melissa Huhtala.

7. Consent Agenda

The consent agenda consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.

7.1 Approval of Regular Council Meeting Minutes for January 10, 2016

Councilor Berlant corrected the spelling for Rianna Kopple.

Mayor Stricker spoke amending the reasoning for the Mayor making Commission/Committee appointments if the Commission/Committee were unable to do it in a timely manner.

Councilor Wise moved to approve the minutes for the January 10, 2017 as amended. Councilor Pederson seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

- 7.2 Acknowledge Receipt of the Parks Commission Minutes for December 7, 2016
- 7.3 Acknowledge Receipt of the Together for Talent Minutes for December 6, 2016
- 7.4 Acknowledge Receipt of Payables

Councilor Pederson moved to approve items 7.2, 7.3 & 7.4. Councilor Collins seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

7.5 Appoint Stephanie Dolan to the Planning Commission

Mayor Striker spoke that she met with Ms. Dolan and recommended appointment. Councilor Wise spoke that she is a good candidate.

Councilor Wise moved to approve the appointment of Stephanie Dolan to the Planning Commission. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

7.6 Appoint Jesse Lunzman to the Parks and Recreation Commission

Mayor Stricker spoke she met with Mr. Lunzman and recommends appointment. She also spoke that he had unanimous vote from the Parks Commission to recommend appointment.

Councilor Wise moved to appoint Jesse Lunzman to the Parks Commission. Councilor Pederson seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

7.7 Appoint Aaron Cruz Garcia to the Talent Public Arts Committee

Mayor Stricker spoke that she met with Mr. Cruz and recommends appointment.

Councilor Wise moved to appoint Mr. Cruz to the Talent Public Arts Committee. Councilor Collins seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

8. Regular Agenda

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.

8.1 Second Reading of Ordinance 17-926-O, an Ordinance defining general penalties and procedures for adopting fines for violations of the Talent Municipal Code

Community Development Director, Zac Moody gave a brief Staff report.

Councilor Collins moved to approve the second reading Ordinance 17-926-O, an Ordinance defining general penalties and procedures for adopting fines for violations of the Talent Municipal Code. Councilor Harrison seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

8.2 Second Reading of Ordinance 17-927-O, an Ordinance defining nuisance complaint and investigation process establishing notice of violation procedures. Repealing Ordinances 429, 295, and 66

Mr. Moody gave a brief Staff report.

Councilor Baker questioned section 8. Mr. Moody spoke that he will look into this item.

Councilor Pederson spoke regarding section 3E- allowing dogs in parks by council per a Resolution. He spoke that there was more language added than discussed at the last meeting. Council suggested language changes. Mayor Stricker explained that this would be a matter for the Parks and Recreation Commission.

Councilor Baker spoke that Section 19 was not reading properly.

Councilor Berlant spoke regarding Section 3A. She suggested for it to read “The dog should be confined within 6 feet away of the public right of way but not in their yard”. Mr. Corrigan suggested it to say 6 feet on public property. Council gave consensus for it to read “The leash lead should not be greater than 6 feet on public property”

Councilor Baker spoke that Section 21 C was not reading properly.

Councilor Wise moved to approve the Second Reading of Ordinance 17-927-O, an Ordinance defining nuisance complaint and investigation process establishing notice of violation procedures. Repealing Ordinances 429, 295, and 66 as amended. Councilor Pederson seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

8.3 Second Reading Ordinance 17-928-O, an Ordinance defining a process for the abatement of violations of the Talent Municipal Code

Mr. Moody gave a brief Staff report.

Councilor Pederson moved to approve Second Reading Ordinance 17-928-O, an Ordinance defining a process the abatement of violations of the Talent Municipal Code. Councilor Wise seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

9. Information Items

9.1 Diesel Tax

Mr. Corrigan gave a Staff report. He explained that this was previously brought to Council and wanted to get direction to peruse this. If Council would like to proceed it would be on the Primary Election in May.

Council discussed options.

Councilor Pederson suggested to bring this back to Council with estimated impacts.

Council discussed if it would be a 2 cent or 3 cent tax.

Council gave consensus to direct Staff to bring back a Draft Ordinance.

9.2 Parks and Recreation program with the YMCA

Council tabled this item due to lack of information from the Parks Commission.

9.3 Council Rules and Procedure

Mayor Stricker spoke that misconduct needs to be defined in the Council Rules. She spoke that she would also like to define how non-partisan is described in our governing.

Mayor Stricker went over the current Council Rules and Procedure (*see attached*).

10. City Manager & Other Department Reports

Items for discussion by the City Manager and Department Heads as needed.

City Manager, Tom Corrigan gave City and Department Reports:

- Staff received information back from the Department of Revenue regarding the collection of funds for recreational marijuana.
- The Wagner Creek Restoration project is being worked on.
- Staff is looking into re-doing the Water Master Plan.
- Staff is looking to survey City property and split it with the County. The survey will cost about \$2000.
- Budget amendments will be brought to Council in February. The need for a snow blower and snow plow was discussed. A plow would be an estimated \$3,000-\$4,000 and a snow blower is an estimated \$1,200.
- The lawsuit regarding the tasing incident was dismissed by the court.
- Staff suggested that Council have all questions regarding the Council Packet to Staff the Monday before the Council Meeting. Staff will also be getting Council Packets out sooner to allow more time for Council to review.
- Lieutenant Snook gave the 2016 end of year Police Report. (*See attached*). Council asked to have Chief Whipple address the Council regarding Police Training.

11. Other Business

11.1 Mayor Stricker went over her proposed appointments for Council Liaisons:

Councilor Pederson – SOREDI and Talent Chamber

Councilor Berlant – Talent Public Arts Committee

Councilor Baker – To be determined

Mayor Stricker– RVCOG, RVACT and MPO

Councilor Harrison – Talent Historical Society and Traffic Safety and Transportation Commission.

Councilor Collins – Harvest Festival and Parks Commission

Councilor Wise – Planning Commission

Councilor Pederson requested that DOT prune trees near the exchange.

Mayor Stricker spoke that the State of the City will be presented in March.

Mayor Stricker announced that the Volunteer Celebration will tentatively be February 9th.

12. Mayor and Councilor - Committee Reports and Councilor Comments

Rogue Valley Area Commission on Transportation – Mayor Stricker (alternate)

Together for Talent Committee – Councilor Collins
Metropolitan Planning Organization – Mayor Stricker
Planning Commission – Councilor Wise & Mayor Stricker (alternate)
Public Art Advisory Committee
Parks Commission – Mayor Stricker
Traffic Safety & Transportation Commission – Councilor Harrison
Rogue Valley Council of Governments – Mayor Stricker
Talent Historical Society
Harvest Festival Committee – Councilor Collins
Economic Development - Councilor Pederson
Chamber – Councilor Pederson

Councilor Wise moved to extend the Council Meeting 5 more minutes. Councilor Berlant seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

Councilor Wise spoke that the Planning Commission had a special Study Session on the Housing Needs Analysis and gave a brief update. He spoke that the Planning Commission will have a Public Hearing on Thursday, January 26th at 6:30 PM in the Town Hall.

13. Adjournment

The Council Meeting was adjourned at 9:40 PM

Respectfully submitted by:

City Recorder, Melissa Huhtala

Attest:

City Manager, Tom Corrigan

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RESOLUTION NO. 12-878-R

A RESOLUTION ESTABLISHING COUNCIL RULES OF PROCEDURE GOVERNING THE PROCESS TO BE FOLLOWED IN THE CONDUCT OF CITY BUSINESS; AND RESCINDING RESOLUTION 05-714-R.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TALENT, OREGON.

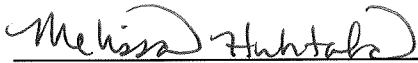
WHEREAS, ORS 192.610-192.710 establishes the framework for the conduct of any public meeting held by a city council in the State of Oregon;

WHEREAS, the City Council of the City of Talent desires to define in more detail how the council conducts its business and the procedures to follow in that process;

NOWHEREFORE, BE IT RESOLVED that the Common Council of the City of Talent hereby adopts the attached Council Rules of Procedures to be followed in the conduct of City business at all duly noticed meetings of the council.

Duly enacted by the City Council in open session on April 18, 2012 by the following vote:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1



Melissa Huhtala, City Recorder and Custodian of City records

COUNCIL RULES OF PROCEDURE

Section 1, Meeting of Council.

A. Compliance. All meetings of the City Council shall comply with the Oregon State Public Meetings Law ORS 192.610-192.690, which is hereby incorporated by reference into these rules.

B. Meeting Schedule. The City Council will meet in regular session of the first and third Wednesday of each month unless the Council cancels or reschedules the meeting. If either of these Wednesdays are a legal holiday, the council shall meet on Tuesday of that week.

C. Time of Meeting. Regular sessions will convene at 6:30 p.m. All regular sessions will be adjourned not later than 9:30 p.m. unless extended by a vote of the members present at the meeting.

D. Special Meetings. The Mayor or three or more councilors may call a special meeting. Twenty-four (24) hour notice shall be given to the remaining councilors, the City manager and the public. Public notice shall be given by posting said notice on the bulletin board outside City Hall. The notice shall specify the meeting time and place and a description of the business to be transacted at the meeting. If a special meeting is called to deal with an emergency involving danger to life or property, notice is not required. No general legislation may be considered at a special meeting except for which the meeting is called.

E. Executive Sessions. An executive session (a meeting closed to the public) may be held in accordance with the Public Meetings Law. The mayor may call any regular, special or emergency meeting into executive session by citing the specific provision of ORS 192.660, which authorizes the session. Representatives of the news media shall be allowed to attend executive sessions. The Mayor shall instruct any media representatives present not to disclose the substance of any discussion during executive session. No final decision shall be made in executive session. To make a final decision, the presiding officer shall either call the meeting into open session or place the decision on the agenda of a future open session. Executive Sessions will generally be scheduled at the end of a Council meeting to encourage public participation on other agenda items.

F. Study Session. Study sessions of the council shall be held in accordance with Oregon Public Meetings Laws, and shall be called by either the Mayor, City Manager or three councilors whenever circumstances require such a session. No votes, or binding decisions can be made at these study sessions. The presiding officer shall determine whether the public will be allowed to participate in discussions at these study sessions. **Study Sessions will be held as needed on the 5th Wednesday of the month or before Regular Council Meeting times may vary depending on the topic.**

G. Attendance. Councilors shall inform the City Manager, **City Recorder** or Mayor if they are unable to attend any meeting. Additionally, the Mayor shall inform the Council President, as well as the City Manager, regarding any absence by the Mayor.

Section 2. Agenda.

The City Manager shall prepare an agenda of the business to be presented at a regular council meeting. The items on the agenda should follow the formal order of business prescribed elsewhere in these rules. The City Manager, Mayor, council members or the public may request that a matter be placed on the agenda. The City Manager shall have the discretion of placing an item on the agenda for the upcoming meeting or a subsequent meeting because of time constraints or time needed for compilation of materials. Requests for placement of an item on the agenda must be received by the City Manager by 5:00 p.m. on the Wednesday prior to a regularly scheduled meeting.

The City Manager, the Mayor, or any council member, subject to approval by a majority of the council present at the meeting, may add an item to the agenda at the beginning of any meeting.

Section 3. Minutes

A. Written minutes of all open regular and special meetings shall be prepared by a person designated by the City Manager, and shall be approved by the Council at the next meeting and made available for public inspection once approved. The City Recorder and the person taking the minutes shall sign the minutes after they have been approved by the City Council. All meetings shall be tape-recorded and the tapes shall be kept for a period of two years.

B. Written minutes shall include the names of all councilors present, all motions, Resolutions, orders, ordinances and measures proposed and their disposition, the results of all votes, recording by name of each Council voting in the negative unless the vote is unanimous, the substance of the discussion of any matter and references to any documents discussed.

Section 4. Order of Business.

A. Regular meetings shall be conducted in the following order of business, subject to the right of the Mayor, with Council consent, to alter the order of business:

1. Call to Order/Roll Call
2. Public Hearings. All public hearings will be subject to notice requirements as listed in other City ordinances and state law, unless there are none, and then a Notice of Public Hearing shall be placed in a local newspaper a minimum of one time within the 7 days prior to the meeting. A copy of this Notice of Public Hearing shall also be posted at City Hall, Bulletin Board and Tark's during that time.

The purpose of public hearings is to: 1) provide input to the Council in the form of information and opinions from affected parties and citizens of; and 2) provide an opportunity for citizens to be involved in municipal affairs. Public hearings may be continued to another meeting if necessary or desirable.

3. Citizens Heard on Non-Agenda Items. Citizens wishing to speak on non-agenda items. The purpose of this item is to allow citizens to address the Council on matters related to city government and properly the object of Council consideration. A time limit of five minutes per citizen shall apply, unless the Mayor, prior to the Citizen Input period, decides to allocate less time. Citizen comment shall not exceed the time limitation unless the Council votes to suspend the rules. The council shall not act on issues raised during this portion of the agenda. Such items can be added to a future agenda if the Council so chooses allowing staff the opportunity to research the issue raised and provide comment.
4. Consent Calendar. The consent calendar includes all those routine or non-controversial items, which are indicated on the agenda. The items are considered as a single item without debate or discussion, except for simple clarification. Any member of the Council may remove an item from the consent agenda prior to the vote to approve it. Any items removed are taken up individually in the order they appear on the Council agenda.
5. New Business – Items requiring a vote of the Council including resolutions, discussion of proposed policy changes or proposed projects, or other business appropriate to Council discussion.
6. Information Items - Items not intended for discussion of the Council but rather departmental monthly reports or other items that may be of interest to the full council on either local or regional issues.
7. **City Manager & Other Department Reports – Items for discussion by the City Manager and Department heads as needed.**
8. Committee Reports – Reports by council members of the activities of committees (either regional or local) for which the council member has been designated as the Council delegate or liaison.
9. Other Business. Items from the Mayor or Council.
10. Adjournment.

Section 5. Discussion of business.

A. The right to discuss the business before the Council is reserved exclusively for the mayor, councilors, the City Manager and the City Attorney, with the following exceptions:

1. Public hearings; and
2. Citizens wishing to speak on non-agenda items.

B. The presiding officer shall recognize any city staff member or member of the audience for discussion of any matter before the council.

C. No person shall be permitted to speak or present evidence until recognized by the presiding officer and given permission to speak or present evidence. All comments, evidence or questions from the floor will be addressed to the presiding officer. In the case of questions, the presiding officer will request input from the appropriate sources (staff, council or presenters).

Section 6. Conduct of Business.

A. Presiding Officer. The Mayor shall preside at all meetings of the council. In the absence of the mayor, the Council President shall preside. The council president shall be elected at the first meeting of each odd-numbered year.

B. Absence of Presiding Officer. In the absence of the mayor and the council president, the council shall elect a councilor to serve as presiding officer as its first order of business. Any councilor may call a meeting to order for the purpose of electing a presiding officer.

C. Substitution of Presiding Officer. The presiding officer may appoint a temporary presiding officer to cover his or her temporary absence from the meeting by handing the gavel to the council president or, if the council president is absent or serving as presiding officer, to any other councilor.

D. Motion Procedure. When a motion is moved and seconded, it shall be stated by the presiding officer for debate. The mover, without the consent of the councilor seconding it, may not withdraw a motion once made. No councilor shall be allowed to speak more than once on a particular question until every other councilor has had an opportunity to do so.

E. Motion to Postpone or Table. A motion to postpone may be debated and amended and may specify a time when the question will be considered. A motion to table precludes all amendments or debate and if the motion prevails, consideration of the question may be resumed only upon the motion of a member voting with the majority.

F. Point of Order. Any member may raise a point of order at any time and the presiding officer shall determine all points of order, subject to the right of any councilor to appeal the decision to the full council.

G. Quorum. A majority of the Council constitutes a quorum for its business.

Section 7. Conduct of Hearings.

A. Scope of Rules. The rules contained in this section shall govern the conduct of administrative and quasi-judicial hearings held by the council including, but not limited to, those held pursuant to land use matters of the City. The City Council has assigned land use appeals to a hearings officer. The council may take quasi-judicial actions on various City Ordinance that specify an appeal to council

B. Nature and General Conduct of Hearing.

1. The Council, when conducting any such hearing, shall afford persons entitled under the ordinances of the City, such as the nuisance ordinance, to notice of hearing, an opportunity to be heard, to present and rebut evidence to an impartial tribunal, and to have a decision based on substantial evidence.

2. No person in attendance shall be disorderly, abusive or disruptive of the orderly conduct of the hearing and any person may be removed from the hearing for such conduct.

3. No person offering testimony shall speak more than once without obtaining permission from the presiding officer. Each person speaking shall be limited to 5 minutes.

4. No person shall testify without first standing, receiving recognition from the presiding officer and stating his or her name and residence or business address.

5. No person shall present irrelevant, immaterial or unduly repetitious testimony or evidence; provided, however, that reports and documents prepared by City personnel shall be deemed relevant, material and the weight or competency thereof shall be determined by the council.

6. There shall be no audience demonstrations, such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

7. The presiding officer, councilors, City Manager, City Attorney and with the approval of the presiding officer, any other employee of the City may question and cross-examine any person who testifies.

C. Challenging Participation by a Councilor.

1. Any proponent, opponent of, or other party interested in a matter to be heard by the council may challenge the qualification of any councilor to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a councilor's bias, prejudgment, personal interest, or other facts from which

the party has concluded that the councilor will not participate and make a decision in an impartial matter.

a. Such challenge must be made prior to the commencement of the public hearing and shall be incorporated into the record of the hearing.

2. No councilor shall participate in discussion or vote on the matter when for any reason the councilor determines he or she cannot participate in the hearing and decision in an impartial manner.

3. No employee of the City who has a financial or other private interest shall participate in discussion with, or give an official opinion to, the council or the matter without first declaring for the record the nature and extent of such interest.

4. The general public has a right to have councilors free from pre-hearing or ex parte contacts on matters heard by them. It is also recognized that a countervailing public right is free access to public officials on any matter. Therefore, councilors shall reveal any significant pre-hearing or ex parte contacts with regard to any matter as early as possible under the circumstances in the hearing or the matter. If such contacts have impaired the councilors' impartiality or ability to vote on the matter, the councilor shall so state and shall abstain there from.

5. Notwithstanding any provision of this or any other rule:

a. An abstaining or disqualified councilor may be counted for purposes of forming a quorum; and

b. A councilor may represent himself or herself, a client or any other member of the public at a hearing; provided, that said councilor abstains from the vote on the matter, removes himself or herself from the council area and joins the audience, and makes full disclosure of his/her status and position at the time of addressing the council.

D. Order of Procedure. The presiding officer, in the conduct of the hearing, shall comply with the appropriate City ordinance and/or state law for specific types of hearings so regulated. For administrative hearings not subject to other City ordinances or state law, the hearing will be conducted in the following manner:

1. Commence the Hearing. Announce the nature and purpose of the hearing and summarize the rules for the conduct of the business.

2. Call for Abstentions. Any councilor announcing a decision to abstain shall identify the reasons for abstaining and shall not participate in discussion of the matter or vote on the matter.

3. Staff Report. The City Manager, or designee shall summarize the nature of the matter, explain any graphic or pictorial displays, which are a part of the record, and provide such other information as may be requested.

4. Written Communications. ~~Written~~ communications addressing any matter before the council shall be received by the City by 5:00 p.m. on the Wednesday immediately preceding a regularly scheduled council meeting unless for good cause the council waives the time period therefore.

1. Mail

a. Letters addressed to Mayor and/or City Council – All letters addressed to the Mayor and/or entire City Council requiring a response from staff are copied to all Council members with a note as to which staff person will be preparing a response for the Mayor’s signature. A copy of the response mailed, along with the original letter will be provided to each Council member. Letters addressed to the Mayor and/or entire City Council that do not require a response, but provide information on Council agenda items or like matters are copied to the full Council. Cards and other mail addressed to the Mayor marked “personal” and/or “confidential” will not be opened.

b. Letters addressed to Individual Council Members – All letters addressed to individual Council members will not be opened. The envelopes will be delivered/mailed to the individual Council member’s home address. If a Council member is requesting a response to be prepared by staff, the letter is copied to all members of the Council with a note as to which staff person will be preparing a response for the addressee’s signature. A copy of the response mailed, along with the original letter will be provided to each Council member.

2. Council Correspondence – All Council member correspondence written with City resources (letterhead, typing, staff support, postage, etc.) will reflect the position of the full Council, not individual Council member’s positions. All Council member correspondence using City resources will be copied to the full Council. For example, if a citizen writes a letter to an individual Council member, the response to the letter along with a copy of the citizen’s letter will be copied to the full Council.

3. Clerical Support – The City Manager’s Office will coordinate the typing of correspondence requested by individual Council members. All correspondence typed for Council members will be on City letterhead and will reflect the position of the full Council, not individual Council members, and will be copied to the full Council.

From time to time, citizens write to the Mayor to voice concern, request assistance, or to request information on an issue/item. When such letters are addressed to the Mayor, the City Manager will prepare a response letter for the Mayor’s review and signature. The response, along with a copy of the citizen’s letter, will be copied to the full Council.

5. Audience Participation. Those present wishing to speak in favor of the proposed action will be allowed to speak, followed by those opposed to the proposed action.

6. Close of Hearing and Deliberation by Council. The presiding officer shall conclude the hearing and the council shall deliberate the matter. The council shall either make its decision or continue its deliberations to a subsequent meeting, the time and place of which must then be announced. The subsequent meeting shall be for the purpose of continued deliberation, and the presiding officer shall not allow additional submission of testimony, except upon approval by the council.

Section 8. Voting

A. Requirement. The concurrence of a majority of those present and voting at a meeting, provided that a quorum is present, is required to determine any matter before the council. Each councilor present must vote on all questions before the council unless the member has a conflict of interest, which would disqualify the member from voting. If a member abstains, the reasons for the abstention shall be entered in the record.

B. Roll Call Vote. At the request of any councilor, or as a requirement of any ordinance, any question shall be voted on by roll call.

C. Tie Vote. In the case of a tie vote the Mayor must vote.

G. Motion to Reconsider. To provide usefulness and protection against abuse, the motion to reconsider has to be made by a member who voted with the prevailing side. (Only one who voted aye if the motion involved was adopted can move Reconsideration, or *no* if the motion was lost.) Any member regardless of the individual's previous vote on the subject can second the motion to reconsider. The purpose of reconsideration is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a change situation that has developed since the taking of the vote.

H. Record of Votes. Unless the vote is unanimous, the ayes and nays of each councilor shall be entered in the minutes.

I. Vote Required. The express concurrence of a majority of the council members present and constituting a quorum is necessary to decide affirmatively a question before the Council.

Section 9. Ethics Code

A. Councilors shall review and be bound by the requirements of the State Ethics Law dealing with use of public office for private financial gain. Councilors shall give public notice of any potential conflict of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, councilors shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the council. This general obligation includes the duty to refrain from:

1. Disclosing confidential information or making use of special knowledge or information before it is made available to the general public.
2. Making decisions involving business associates, customers, clients and competitors;
3. Violation of council rules in fact or intent;
4. Appointing relatives, clients or employees to boards and commissions;
5. Requesting preferential treatment for themselves, relatives, associates, clients, coworkers or friends;
6. Seeking employment of relatives with the City.
7. Actions benefiting special interest groups at the expense of the City as a whole;
8. Expressing an opinion which is contrary to the official position of the Council without so stating.

B. Councilors shall conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring nondiscriminatory performance of public services, being informed concerning the matters of council consideration and abiding by all decisions of the council, whether or not the member voted on the prevailing side.

Section 10. Legal Advice.

Requests to the City Attorney for advice requiring legal research shall not be made by a member of the council. Requests for legal advice should be made of the City Attorney through the City Manager. Exceptions to this are issues related to the performance of the City Manager and the Mayor should make those inquiries. The City Attorney shall in either case provide any written responses to the full council and the City Manager.

Section 11. Communication with Staff.

Council members shall respect the separation between policy making and administration by limiting individual contacts with City employees so as not to influence staff decisions or recommendations, interfere with their work performance, undermine the authority of supervisors or to prevent the full council from having benefit of any information received.

Council members shall address all inquiries and requests for information from staff to the City Manager and allow sufficient time for a response. All written information given by the City Manager, or designee, to one council member shall be distributed to all council members.

Council members shall respect the roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages. Staff shall have the same respect for the roles and responsibilities of council members.

Section 12: Use of Electronic Devices

192.670 Meetings by means of telephonic or electronic communication. (1) Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS 192.610 to 192.690.

(2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the governing body of the public body shall make available to the public at least one place where the public can listen to the communication at the time it occurs by means of speakers or other devices. The place provided may be a place where no member of the governing body of the public body is present. [1973 c.172 §7; 1979 c.361 §1]

A. It is the policy of the Council, in keeping with the intent of the state's open meetings law, that the use of electronic communications devices during Council meetings be limited and shall otherwise comply with rules and laws applicable to proceedings before the Council.

Any electronic communication regarding a quasi-judicial matter to be considered by the Council is an ex parte contact, and shall be disclosed, as required by law.

This rule does not prohibit the use of the City provided interactive computers on the dais for viewing the Council meeting agenda and agenda packet. This rule does not limit the use of electronic communications devices outside of public meetings. However, all electronic communications sent and received by Councilors must comply with the rules and laws applicable to public records.

B. Definitions

1. As used in this section, "electronic communications devices" means laptop computers, smart phones, cell phones, or other similar devices capable of transmitting or receiving messages electronically.

2. As used in this section, "electronic communications" means e-mail, text messages, or other forms of communications transmitted or received by technological means.

3. All phones shall be kept in the silent or vibrate mode.

Section 13. Confidentiality.

Councilor Members shall keep all written materials provided to them on matters of confidentiality under law in complete confidence to ensure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other councilors, the City Manager or City Attorney.

If the council, in executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiation, whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A council member will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.

Although Oregon state law requires that the media be allowed to attend executive session, no council member should engage in discussion with the media outside the executive session on the topic. The media is no longer bound by the requirements of confidentiality should discussion continue once the executive session is adjourned.

Council members are bound by the confidentiality of executive session even after they no longer serve on the City Council.

The council, by resolution, may censure a member who discloses a confidential matter.

Section 14. Suspension of the Rules

By a majority vote, the Council may suspend any section of these Council Rules of Procedure, except for those sections regulated by City Charter, City Ordinance or State law.

Adopted by City Council on April 18, 2012- effective immediately



CITY OF TALENT POLICE DEPARTMENT

PO Box 445
604 Talent Avenue,
Talent, Oregon 97540
541-535-1253
FAX 541-535-8259

Curtis Whipple
Chief of Police

TO: City Manager Corrigan
FROM: Chief Curtis Whipple
DATE: January 5, 2017
RE: Talent Police Department Statistics for Year End 2016

City Manager Corrigan,

In calendar year 2016, the Talent Police Department investigated 4,051 cases.

Many of the crime statistics are up. Although this is contrary to what one would think, I consider some of the reported crime which is up to be a good thing. Upon a closer examination of the data, the City of Talent is up 300% in the felon in possession of a weapon charge, 36.8% in drug offenses, 11.1% in fugitive arrests and 81.5% in DUII arrests. The reason I consider these numbers to be positive is that it shows Talent Police Officers are contacting people, conducting investigations and subsequently making arrests. By being proactive, we prevent future crimes from occurring within the City.

Shown below are some of the Category I and Category II crimes, those crimes which are the most serious. As noted above, each of these categories were up in comparison to last year with the exception of Burglaries which were down 17.9%, Thefts which were down 28.4%, and Unauthorized use of a Vehicle, which was down 36.4%. These reductions are significant as they increase the livability standards for the City of Talent.

Rape	3	Unauthorized Use of Vehicle	7
Robbery	1	Disorderly Conduct	55
Assault	80	Unauthorized Entry to Vehicle	10
Burglary	23	Felon in Possession Weapon	8
Theft	83	Driving Under the Influence	49
Fugitives	120	Drug Offenses	52
Trespass	38	Mental Holds	24

Within the cases above, several significant investigations occurred in 2016 – these significant investigations included:

- The investigation of a late night shooting into a residence led to the arrest of a suspect for attempted murder charges.
- The investigation of a shooting and a subject struck by a vehicle which led to the arrest of a suspect for Assault I.
- A subject was arrested for Assault II after he drove intoxicated, eluded police and subsequently wrecked his vehicle causing significant injury to a passenger.
- A rape/sexual abuse case was investigated which ended with a suspect being interviewed and giving a confession.
- A Search Warrant was conducted at a residence which led to 83 grams of methamphetamine and 32 grams of heroin being seized along with a suspect being taken into custody.
- A subject broke into City Hall and caused damage to the fire alarm system. He was located later in the night and arrested.
- A significant Burglary of a residence was investigated. This investigation led the identification of a previously unknown suspect and a warrant being issued for his arrest
- A traffic stop was conducted in which 13 grams of methamphetamine were seized and one subject arrested.
- An assist to the Phoenix PD ended with officers searching the area of the Greenway. Once there they found a subject not involved in the original case peering thru a hole in a fence at two young children. This subject was found to be a registered sex offender who was recently released from prison. He was taken to jail for a parole violation and subsequently sent back to prison. This is crime prevention at its best!

Adding to the above statistics, 1329 traffic citations were issued from January 1, 2016 to December 31, 2016 with an additional, 106 warning citations written.

In addition, Officers of the Talent Police Department participated in numerous Community Service events and other endeavors to enhance the livability of Talent. The list below is not comprehensive, but is a snapshot of what occurred.

- Officers met with and discussed community issues with the workers of the production facility of the Shakespearian Theater
- Operation Talent SCOUT #1 - a survey of the neighborhood near Talent Elementary School was conducted.
- The first Coffee with a Cop was conducted.
- Officers participated in the Talent Elementary School Flag Ceremony

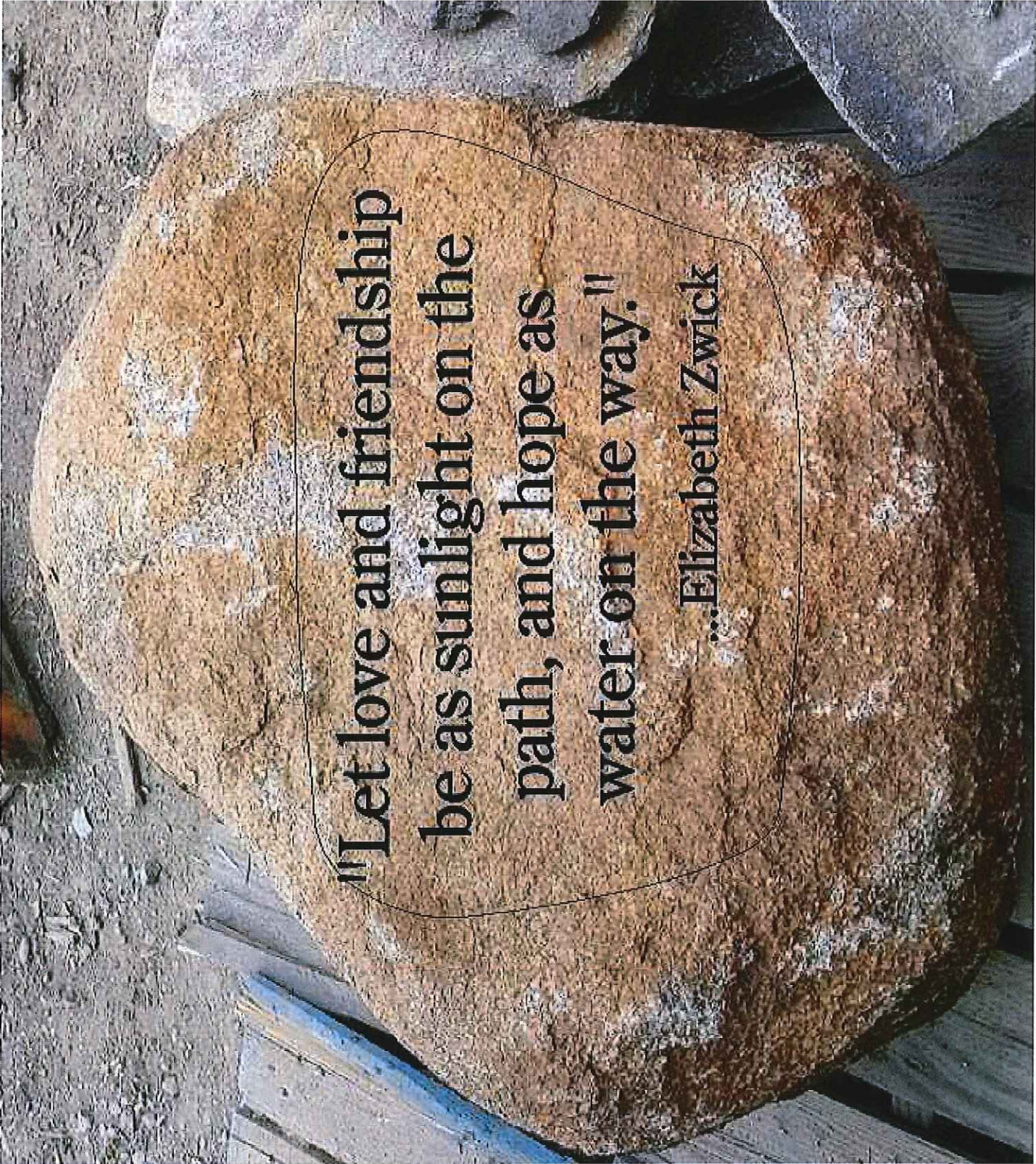
- Drug Takeback events have been conducted resulting in outdated and unwanted prescription drugs being destroyed.
- An operation was planned and conducted in conjunction with several Jackson County agencies to clean up the Bear Creek Greenway.
- Officers assisted with a Maslow Project car show at Brammo.
- An EOC exercise was conducted with Fire District 5, Phoenix and other members of the City of Talent. This event was focused on a Cascadia event, but also developed into a general discussion of other types of emergencies which might occur in and around the City.
- A Mental Health worker has been assigned to the South County area and has been working with the Talent Police Department.
- Officers had breakfast at the Talent Middle School which was hosted by leadership students.

Talent Police Officers also received training on numerous topics this year to maintain and increase their knowledge, this training included:

- Training for the implementation of Naloxone
- Firearms
- Defensive Tactics and Use of Force
- Ethics and Biased Based Policing
- Death Investigations
- Leadership
- First Aid / CPR
- Conducted Energy Weapons (Taser)
- Liability
- Emergency Vehicle Operations
- Child Abuse Investigation Training
- MILO
- LEXIPOL Daily Training Bulletins
- Policy and Procedures
- Blood borne Pathogens
- Legal Updates

City of Talent
Statement of Revenues and Expenditures - City Wide
As of December 31, 2016 (50% of year)

Resource Summary	MTD Actuals December 2016	YTD Actuals (6 Months)	Budget FY 2017	Percent Collected/ Expended	Balance
Revenues					
Taxes	\$ 29,945	\$ 957,408	\$ 1,041,770	91.90%	\$ 84,362
Franchise Fees	18,886	187,044	420,000	44.53%	232,956
Licenses, Permits & Fees	31,664	120,203	278,000	43.24%	157,797
Intergovernmental	49,536	288,451	542,200	53.20%	253,749
Charges for Services	116,920	1,121,801	2,138,900	52.45%	1,017,099
Assessments	-	4,784	9,570	49.99%	4,786
Fines & Forfeits	7,768	37,057	70,000	52.94%	32,943
Interest	3,359	14,891	9,250	160.98%	(5,641)
Debt Service Payments	7,912	149,158	649,000	22.98%	499,842
Interfund Loans	-	-	49,125	0.00%	49,125
Transfers In	-	317,500	317,500	100.00%	-
Total Revenues	265,992	3,198,297	5,525,315	57.88%	2,327,018
Requirements by Classification					
Personal Services	213,243	1,242,570	2,546,400	48.80%	1,303,830
Materials and Services	77,017	1,271,981	2,074,300	61.32%	802,319
Reserved for Future Improvements	-	10,265	1,495,150	0.69%	1,484,885
Debt Service	71,621	326,850	470,270	69.50%	143,420
Capital Outlay	127,883	666,821	1,913,295	34.85%	1,246,474
Interfund Loans	-	-	-	N/A	-
Transfers Out	-	317,500	317,500	100.00%	-
Contingencies	-	-	912,850	0.00%	912,850
Total Expenditures	489,765	3,835,987	9,729,765	39.43%	5,893,778
Excess (Deficiency) of Resources					
Over Requirements	\$ (223,773)	\$ (637,690)	\$ (4,204,450)		
Beginning Fund Balance (Jul 1, 2016)					
		4,760,967			
Ending Fund Balance (Nov 30, 2016)					
		4,123,277			
Unappropriated Ending Fund Balance					
		\$ 4,123,277			

A large, smooth, reddish-brown rock is the central focus of the image. It has a natural, slightly irregular shape and is set against a background of other rocks and a wooden structure. The rock's surface is textured with some lighter patches, possibly lichen or mineral deposits. A thin black line is drawn around the rock, framing the text. The text is written in a classic, black, serif font. The quote is: "Let love and friendship be as sunlight on the path, and hope as water on the way." followed by the attribution "...Elizabeth Zwick".

**"Let love and friendship
be as sunlight on the
path, and hope as
water on the way."
...Elizabeth Zwick**

RESOLUTION NO. 17-955-R

A Resolution to affirm the inclusive and welcoming nature of the City of Talent

WHEREAS, our nation and our Talent community thrive when we live up to the constitutionally protected values of freedom of religion, liberty, and justice for all, while welcoming diversity and inclusion, and still maintaining separation of church and state; and

WHEREAS, these values are threatened by increasing rhetoric of fear and hate targeting particular groups, including historically marginalized religious groups, immigrants, and people of color, and have resulted in increased acts of hate and violence against Muslim women, children, and men across the nation and here in the Rogue Valley; and

WHEREAS, there is an established place of worship for Muslims in the City of Talent; and

WHEREAS, our Muslim neighbors, both native born and immigrant, are an important part of American diversity and of our local community; and

WHEREAS, the City of Talent strives to be a place where individuals, regardless of gender, ethnicity, place of origin, religion, or sexual orientation, are treated with respect and dignity, and are recognized for their contributions to building a strong and vibrant community; and

WHEREAS, we, as elected representatives of the people, have a special responsibility not to stay silent in the face of hate, discrimination, and violence against any of our constituents;

NOW, THEREFORE, BE IT RESOLVED, that the City of Talent will not tolerate discrimination, hate speech, or violent acts committed against any individual, religion, or community, including but not limited to those who are Muslim, immigrants, or people of color; and

BE IT FURTHER RESOLVED, that the City of Talent reaffirms its commitment to protect all places of worship, homes, businesses, schools, and community centers; and

BE IT FURTHER RESOLVED, that we encourage Talent residents to celebrate diversity and unity; support the principles of fairness, dignity, and acceptance; promote peaceful discourse; and join in efforts to ensure the safety of everyone in our community.

Duly enacted by the City Council in open session on February 1, 2017 by the following vote:

AYES: 0 NAYS: 0 ABSTAIN: 0 ABSENT: 0

City Recorder and Custodian of City records

Ad Hoc Committee on Civil Rights

In February 2016, concerned by the angry rhetoric against law-abiding Muslims during the presidential campaign, some Talent citizens met with the board of the Talent Muslim place of worship, asking them if their members were under duress, and if so, how we might be of help to them. Those citizens proposed a range of activities, from participating in a diversity festival to a resolution of support along the lines of those passed in Portland and Beaverton. They agreed that a resolution of support would be much appreciated.

A suggested resolution was presented to the Talent City Council on August 17, 2016. After hearing from these and other citizens, both favoring and opposing such a resolution, the Council authorized the formation of an ad hoc committee to study the issue and draft a resolution. Five members and one alternate were appointed to the Ad Hoc Committee on Civil Rights by the Mayor, in consultation with Councilor Wise, through the city's standard appointment process. The mayor was careful to include individuals with differing perspectives in her selection process. The alternate could not vote, except in the absence of a regular member. (More details on the committee members can be found in the FAQ section of this document.) Councilor Daniel Wise was appointed to be Council Liaison to the committee.

The ad hoc committee met from October 2016 through January 2017. Each meeting was publicly noticed, open to community members, and recorded. Community members did attend a few of the meetings. Notes were taken and provided to the city recorder. Due to scheduling challenges which were unknown at the time of appointment, one of the members was unable to attend the first two meetings. The committee did adjust the meeting schedule to accommodate that member; however, he chose to resign after one meeting. At the first meeting, the committee agreed on a statement of purpose and goals:

Purpose--

A resolution has been proposed by community residents, as a result of increasing rhetoric of hate and acts of violence targeting particular under-represented groups, including Muslim-Americans, immigrants, and people of color. The Talent City Council created the Talent Ad Hoc Committee on Civil Rights to study and refine that resolution for the Council. The committee's intent is to forward a resolution to City Council declaring that the City of Talent strives to be a place where individuals and families from

all backgrounds feel safe, are treated with respect and dignity, and are recognized for their contributions to building a strong and vibrant community.

Goals--

The committee will revise the resolution in light of the discussion at the August 17 Council meeting, so that it makes clear that 1) this declaration, while specifically addressing increasing Islamophobia, both nationally and locally, is rooted in the community's values that apply to all religious groups, 2) the City of Talent does not endorse any religion and respects the doctrine of separation of church and state, 3) the City of Talent will do everything in its power to protect the mosque and Muslim and immigrant residents as it does all groups in our community and 4) the City of Talent does not tolerate discrimination, hate speech, or violent acts committed against any individual or group.

Of concern, particularly at the first several meetings, was deciding how broad or specific the final resolution should be, and whether or not it should name specific groups or populations. The committee studied national and local statistics, as well as anecdotal information. After careful review of these materials, as well as considering the historical and political context, it was unanimously decided by the members present that it was important to specifically call out Muslim and immigrant populations as needing the protection which the resolution is intended to provide.

The resolution itself was compiled by reviewing the original proposal brought to Council, several additional drafts submitted by Talent residents, and adopted resolutions from the cities of Portland, Beaverton, and Philadelphia. (Copies of those resolutions are attached as Appendix A.) The Portland resolution is based on that city's Civil Rights provision in its city charter (Title 23), and the Beaverton resolution is based on recommendations from an established diversity committee.

Each "Whereas" and "Be it resolved" clause of the proposed resolution was carefully reviewed by the entire committee and, with one exception, received unanimous consent from the committee before being included. There was one dissenting vote on one clause. Input from the public was encouraged, and the committee received over twenty-five letters and emails, all but two of which strongly encouraged passage a resolution "in support of our Muslim neighbors," (see Appendix B). The board of the local mosque was also asked if they supported, or even wished to have such a resolution submitted and were shown the draft resolution. They responded affirmatively.

Given the current national and local climate toward Muslim and foreign born people, we are presenting this resolution as a proactive action to help prevent such escalation in our community. We ask that you, the City Council, move to adopt this resolution and declare that the residents of the City of Talent are proud of our community and welcome our neighbors from all backgrounds, faiths, and creeds.

The ad hoc committee further recommends that Council consider empowering this or another committee to craft a Civil Rights Ordinance for our town, as other cities in Oregon have already done. Our work has made it all the more clear that there are many vulnerable and underrepresented populations in our area who would benefit from such an ordinance, which would ensure the safety and liberty of every individual who works or lives in Talent.

Additional information regarding the committee's process and can be found on the following pages.

A resolution to affirm the inclusive and welcoming nature of the City of Talent

WHEREAS, our nation and our Talent community thrive when we live up to the constitutionally protected values of freedom of religion, liberty, and justice for all, while welcoming diversity and inclusion, and still maintaining separation of church and state; and

WHEREAS, these values are threatened by increasing rhetoric of fear and hate targeting particular groups, including historically marginalized religious groups, immigrants, and people of color, and have resulted in increased acts of hate and violence against Muslim women, children, and men across the nation and here in the Rogue Valley; and

WHEREAS, there is an established place of worship for Muslims in the City of Talent; and

WHEREAS, our Muslim neighbors, both native born and immigrant, are an important part of American diversity and of our local community; and

WHEREAS, the City of Talent strives to be a place where individuals, regardless of gender, ethnicity, place of origin, religion, or sexual orientation, are treated with respect and dignity, and are recognized for their contributions to building a strong and vibrant community; and

WHEREAS, we, as elected representatives of the people, have a special responsibility not to stay silent in the face of hate, discrimination, and violence against any of our constituents;

NOW, THEREFORE, BE IT RESOLVED, that the City of Talent will not tolerate discrimination, hate speech, or violent acts committed against any individual, religion, or community, including but not limited to those who are Muslim, immigrants, or people of color; and

BE IT FURTHER RESOLVED, that the City of Talent reaffirms its commitment to protect all places of worship, homes, businesses, schools, and community centers; and

BE IT FURTHER RESOLVED, that we encourage Talent residents to celebrate diversity and unity; support the principles of fairness, dignity, and acceptance; promote peaceful discourse; and join in efforts to ensure the safety of everyone in our community.

Why We Need This Resolution

The weeks, months and years, following the terrorist attacks of September 11, 2001, saw a significant increase of anti-Muslim rhetoric as well as hate crimes. Vitriol of the recent election cycle has reignited that kind of ugliness to the point that we are seeing a resurgence of hate speech in our own Rogue Valley (see FAQ).

Muslims are often portrayed as a monolithic group, whose culture is incompatible with human rights and democracy. This misinformation is broadcast and fueled through various media channels across the nation.

Here in the Rogue Valley, there have been numerous documented cases of harassment--including anti-Muslim signs and offensive T-shirt insignia, a woman's hijab being forcefully removed, and a non-Muslim woman being verbally assaulted for wearing a headscarf, among others. Between June and December 2016, local community and educational organizations in the Rogue Valley received more than 120 reports of incidents of bias, ranging from verbal attacks, physical assaults, racialized road rage, and threats.

Our concern is based on historical circumstances experienced, both in our region and nationally, of spiraling rhetoric and hate speech. In the past, such sentiment has resulted in violence, murder, and concentration camps, whether of Jews in Europe, or, in our own country, of Native-Americans, African-Americans, Japanese-Americans or people of Irish, Chinese, Italian, Jewish or Hispanic descent. We are in a new historical moment where our voices can make a difference, and we feel it is important, at this time and in this place, for our voices to be heard in support of Muslims in our midst.

Constitutionally protected religious freedom for all is challenged when *any* group is singled out and demonized. While we categorically condemn hate speech and acts directed at any group, the rising levels directed specifically at Muslims requires a specific response, especially because Talent is home to a Muslim place of worship.

As members of the Talent community, we must not tolerate hateful bigotry or xenophobic rhetoric. We feel strongly that we should not wait for tragedy to take a clear stand as a city, and that a proactive resolution could indeed

set a tone in our city that could help to prevent such escalation in our community.

Here are some examples of anti-Muslim posters found in our neighboring communities:



Frequently Asked Questions

How was the committee formed and what were the qualifications for membership?

The committee, and open application process, was announced at the August 17, 2016 Talent City Council meeting and then was publicized in an article in the *Mail Tribune* and posted on poster boards around town. The application process was open through September, with committee nominations publicly announced at the October 5, 2016, Council meeting.

All applications were reviewed by Mayor Stricker and Council Member Wise, and appointed members applications were included in the October 5 Council packet and approved by the full council. The goals of Mayor Stricker and Councilor Wise were to have a well-rounded committee composed of people who had experience with these types of processes and to give residents who have not been as involved in the past the opportunity to serve the City of Talent.

What was the committee assigned to do?

The committee was formed to refine a resolution that had first been brought to the council by some Talent citizens in June 2016 affirming the council's support for the local mosque and the Muslim community. See the purpose and goals statement above in this document.

What was the process of the committee?

The committee met seven times between October 2016 and January 2017. Committee meetings were publicly noticed, open to community members, and recorded for transparency. Community members did attend at least two of the meetings. The committee was made up of five members and one alternate member.

Who is on the committee?

Dorian Hastings

Dorian lives and works in Talent as a freelance editor, having retired after a number of years in community development, in both city government and the nonprofit sector.

Rachel Parks (Chair)

Rachel has lived in Talent for more than five years. She works in the costume department at the Oregon Shakespeare Festival, and is involved in departmental and organization-wide Equity, Diversity and Inclusion training and initiatives.

Gerlinde G. Smith

Gerlinde was born in Austria and has been a resident of the U.S. since 1984. She has lived, studied and worked in diverse communities on four continents. Her interests include the environment, ecology and social justice.

Michelle Glass (notes taker)

Michelle has lived in Talent for seven years. She is a graduate of Southern Oregon University, a mother of three, and is committed to community building and civic engagement.

Lynda Weinhold

Lynda has lived in the Rogue Valley since 1944 and in Talent for 27 years. She is a retired Commercial/Industrial Real Estate Broker. She continues to volunteer in various capacities when not cooking, writing, studying, or gardening--in that order.

Darian Slywka

(resigned from committee January 2, 2017)

Daniel Wise (Council Liaison)

Daniel has been involved in Talent government since 2009, first on the Planning Commission and now on City Council. He is passionate about empowering individuals, protecting the environment and helping create consensus in an increasingly polarized world.

Are incidents of hate or bias occurring in Jackson County and in Talent?

The FBI's definition of a hate crime is very specific: "...a traditional offense like murder, arson, or vandalism with an added element of bias." As such, most incidents of bias and harassment do not rise to the level of this definition. Fortunately, the Talent Police states that there have been no recent reports of incidents occurring in Talent that meet the definition of a hate crime.

There is evidence that hate crimes, like many other types of crimes, are severely underreported. According to a 2006 government report by the Bureau of Justice Statistics, the real number of hate crimes in the United States is more than 15 times higher than FBI statistics reflect. As noted above, there *have* been incidents of bias and intimidation in our neighboring communities.¹

There have been numerous reported incidents of *bias* threatening the civil rights of the local Muslim community and individuals. For example, between June and December 2016, local community and educational organizations in the Rogue Valley received more than 120 reports of incidents of bias, ranging from verbal attacks, physical assaults, racialized road rage, and threats. Such acts range from a woman's hijab being snatched from her head, to ugly remarks uttered in a supermarket, to requests that a non-Muslim be sent to repair a home appliance instead of the Muslim man who showed up at the door. While these acts are not strictly criminal offenses, they form patterns of intimidation that create unnecessary stress for innocent people, and on a predictable basis of discrimination that is constitutionally unacceptable. In addition, posters with anti-Muslim messages and in one case violent imagery have been put up in public spaces and on the doors and windows of organizations who have taken public stands against Islamophobia.

Definition of bias - prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair.

Definition of Civil Rights - the rights of citizens to political and social freedom and equality.

What has been the reaction of the Talent community?

Since the formation of the committee, 25 letters and emails were forwarded to Councilor Wise and/or the committee. Of those letters, 23 were in support of a welcoming resolution specific to the Muslim community, 1 was partially supportive but wanted more inclusive language, and 1 was in opposition. Two Rogue Valley churches also weighed in in support of a

¹ The report was based on an analysis of three and a half years of detailed survey data from the biannual National Crime Victimization Survey (NCVS). The NCVS raw data comes from interviews with almost 80,000 statistically representative people and is the most accurate crime survey extant.

resolution. The full text of these letters, as well as letters from committee members Darian Slwyka, who resigned from the committee after attending one meeting, and Lynda Weinhold, who is not able to attend the public hearing, is included as Appendix B.

Does the local mosque support this resolution?

Representatives of the mosque community were notified ahead of time and were at the August City Council meeting where the resolution was originally discussed. The committee has been in touch with the governing board of the mosque throughout our process, sending drafts and receiving input.

Appendix A: Other City Resolutions

PORTLAND RESOLUTION

RESOLUTION No.

Declare support for the city's Muslim community and reaffirm Portland's welcoming nature for all immigrants and refugees (Resolution)

WHEREAS, Portlanders pride themselves on their warm and welcoming nature; and

WHEREAS, our city has greatly benefitted from the addition of the many immigrants and refugees, from all religious backgrounds, who moved here in the past decades and have become valued and contributing citizens significantly benefitting our community; and

WHEREAS, the Muslim population in the Portland Metro area is estimated to be around 20,000; and

WHEREAS, our Muslim community is an important part of Portland's diversity, and of our growing multicultural identity; and

WHEREAS, the City of Portland continues to work toward a more inclusive society and welcomes cultural, ethnic and religious diversity; and

WHEREAS, there has been an increase in anti-Muslim and anti-immigration rhetoric in the national media, with the intended outcome of increasing patriotism and loyalty through inciting fear and hatred; and

WHEREAS, this country was founded on principles of freedom of religion and freedom from religious persecution; and

WHEREAS, recent demands seeking a ban on Muslims entering this country are unconscionable, and if carried forward would constitute violations of the 1st and 14th Amendments to the U.S. Constitution, as well as violating Article 1, Sections 2 and 3 of the Oregon Constitution, and is tragically reminiscent of prior historic profiling of race and religion;

WHEREAS, the City of Portland's values of nondiscrimination, as evidenced by the City's Title 23, call for this Council to take a public stand; and

WHEREAS, as a community, Portland is a city that does not tolerate hate speech;

NOW, THEREFORE BE IT RESOLVED, Portland and its Council members stand in support of our Muslim community and call for an end to the continued use of anti-Muslim and anti-immigration hate speech; and

BE IT FURTHER RESOLVED, Portland will continue to be a welcoming city to immigrants and refugees from all parts of the world, including the many Muslims fleeing from their violent and unstable countries.

Adopted by the Council:

Mayor Charlie Hales

Prepared by: Rachael Wiggins

Date Prepared: December 12, 2015

Mary Hull Caballero

Auditor of the City of Portland

By

Deputy

RESOLUTION NO. 4367

A RESOLUTION TO DECLARE SUPPORT FOR THE MUSLIM COMMUNITY AND REAFFIRM BEAVERTON AS A WELCOMING CITY

- WHEREAS,** actively fostering a welcoming and inclusive environment for all people, regardless of race, ethnicity, place of origin or religion, is a core value and priority of the City of Beaverton; and
- WHEREAS,** Beaverton officially declared itself a Welcoming City for immigrants and refugees in April 2015, joining other local jurisdictions across the country in leading the national welcoming movement; and
- WHEREAS,** anti-Muslim rhetoric has increased in the national discourses and rates of hate violence targeting Muslim families and children are at record highs across our nation, which is detrimental to all people who cherish freedom and liberty; and
- WHEREAS,** Muslims, both native born and immigrant, represent an increasingly important thread in the tapestry of American society and that of our local community; and
- WHEREAS,** one in four residents of Beaverton were born outside of the United States and a significant percentage of these immigrants and refugees are Muslim and have come to Beaverton seeking a safe place to work, study or raise a family; and
- WHEREAS,** Beaverton strives to be a place where individuals and families from all backgrounds feel safe, are treated with respect and dignity, and are recognized for their contributions to building a strong and vibrant community;
- WHEREAS,** the city's Diversity Advisory Board, which has been tasked with advising the city on equity and inclusion strategies that strengthen connections between diverse communities and city government, prepared this resolution;

NOW, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:

That the City of Beaverton does not tolerate discrimination, hate speech or violent acts committed against any individual or community, including those who are Muslim or perceived as being Muslim, their places of worship, businesses, schools, and community centers. We encourage our residents to recognize and celebrate the diversity that is represented in our city and to make extra efforts to ensure the safety of our Muslim, immigrant and refugee neighbors.

Adopted by Council this _____ day of _____, 2016.

Approved by the Mayor this _____ day of _____, 2016.

Ayes: _____

Nays: _____

ATTEST:

APPROVED:

CATHERINE JANSEN, City Recorder

DENNY DOYLE, Mayor



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

RESOLUTION NO. 161119

Introduced December 8, 2016

Councilmembers Gym, Jones, Blackwell, Quiñones Sánchez and Green

RESOLUTION

Upholding the City of Philadelphia's support for and protection of Muslim communities, condemning violence and hate speech targeted towards Muslims, affirming the religious pluralism of the United States, and urging Philadelphia residents to stand in solidarity with our American Muslim communities - and all other communities - for peace and justice.

WHEREAS, American Muslims are a central part of the history of our City and nation, whose faith and dedication to American ideals have contributed to the social, economic, cultural and political success of the United States and the City of Philadelphia; and

WHEREAS, Our nation's founding documents emphasize the freedom of religion and establish a society that embraces religious pluralism; Philadelphia, as the birthplace of our nation and the City within which these founding beliefs were conceived, has a unique responsibility to uphold those beliefs as a model for the entire nation; and

WHEREAS, The Muslim community of Philadelphia, both native born and immigrant, has grown substantially and is among the American metropolitan areas with the highest proportion of Muslim residents, estimated to be in the range of 200,000; and

WHEREAS, The history of Islam in the United States began even before the country's founding, when African Muslims were enslaved and brought to the Americas; in the years since they have helped in numerous ways to build this country, including sacrificing their lives in every major war from the Revolutionary War onwards; and

WHEREAS, Despite these manifold contributions, American Muslims have long faced exclusion and suspicion, and following 9/11 have been subjected to a severe backlash in the form of hate crimes and employment discrimination toward Arab and American Muslims and those perceived as Muslims; and

City of Philadelphia

RESOLUTION NO. 161119 continued

WHEREAS, Government-sanctioned surveillance practices by law enforcement have frequently targeted Muslims, Arabs, and those perceived to be Muslim in places of worship, neighborhoods, restaurants, and even schools, despite this repeatedly having been found by courts to be discriminatory and abusive; and

WHEREAS, We are saddened and outraged at the recent escalation of hateful rhetoric against Muslims, those perceived to be Muslims, immigrants, and all people of color; we are particularly concerned to see a number of political figures and elected government officials leading this escalation and using it in order to gain power, including by proposing a registry for Muslim immigrants and American Muslims, and we condemn these actions; and

WHEREAS, In the midst of this incendiary climate of fear and distrust, physical assaults, intimidation crimes, and murders in 2015 against Muslims and those perceived as Muslim have risen 67% from the previous year, reaching similar levels to after the 9/11 tragedy; following the recent presidential election there have been a disproportionate amount of anti-Muslim incidents of hateful harassment and intimidation, many of which have been directly and explicitly tied to the election result, as documented by the Southern Poverty Law Center; and

WHEREAS, Here in Philadelphia, we have faced anti-Muslim advertisements posted in public buses, an attempt to intimidate a mosque community, and Islamophobic imagery directed at the City's mayor; in Harrisburg a local Islamic Society recently received a hate-filled letter praising President-Elect Trump and threatening the use of Nazi-era policies against Muslims; and

WHEREAS, In the face of extreme bigotry and violence, American Muslim communities and their leaders are using the language and teachings of Islam to promote peace and justice and service, and continuing to make innumerable contributions to the cultural and economic fabric and well-being of American society; and

WHEREAS, The City of Philadelphia finds anti-Muslim, Islamophobic rhetoric and hate-driven violence to be against American principles of religious freedom and fairness and contrary to the vision we hold as a nation that welcomes all people; and

WHEREAS, The City of Philadelphia's Fair Practices Ordinance clearly establishes wide-ranging legal protections against discrimination based on race, national origin, religion, as well as a host of other classifications in order to ensure the equal treatment of all Philadelphia residents, workers, and visitors; and

WHEREAS, The City of Philadelphia recognizes that hate crimes and acts of intimidation have also been directed towards Jewish people, LGBT people, African-

City of Philadelphia

RESOLUTION NO. 161119 continued

American people, immigrants, women, and disabled people and are occurring at higher rates following the recent election, making it all the more crucial that we stand united in denunciation of hate and discrimination; and

WHEREAS, The City of Philadelphia continues to work toward a more inclusive society and welcomes cultural, ethnic and religious diversity, and therefore believes that there is no better time than now to show support for the Muslim and Arab people of our nation and to condemn all forms of hateful rhetoric and actions directed against them or any other group; and

WHEREAS, The City of Philadelphia wishes to extend the traditional Islamic greeting of *As Salam Alaikum* (peace be upon you) to all of its Muslim residents and visitors; and

WHEREAS We, as elected representatives of the people, have a special responsibility not to stay silent in the face of hate, discrimination, and violence against any of our constituents or countrymen; now, therefore, be it

RESOLVED, THAT THE CITY COUNCIL OF PHILADELPHIA, Hereby:

- (1) Condemns violence and hate speech, affirms the religious pluralism of the United States, and expresses solidarity with Muslims and all those targeted for their ethnicity, race or religion;
- (2) Categorically rejects political tactics that use fear to manipulate voters or to gain power or influence;
- (3) Commits to pursuing a policy agenda that affirms civil and human rights, and ensures that those targeted on the basis of race, religion or immigration status can turn to government without fear of recrimination; and
- (4) Reaffirms the value of a pluralistic society, the beauty of a culture composed of multiple cultures, and the inalienable right of every person to live and practice their faith without fear.

Appendix B: Citizen Letters

From: [LESLIE PRIMUS](#)
To: [Mayor Stricker](#); [Councilor Wise](#); [Councilor Collins](#); [Councilor Pederson](#); [Councilor Harrison](#); [Councilor McManus](#); [Councilor Abshire](#)
Subject: Talent Mosque
Date: Monday, November 14, 2016 10:08:59 AM

City of Talent Officials,

It is important to us and our community that the city of Talent adopts a resolution that not only states that the mosque is welcome here but will do everything possible to create a safe environment for its followers. Please act expediently as this resolution is timely and more important than ever.

Sincerely,
Leslie & Stevan Primus

From: [gpdouglas](#) [REDACTED]
To: [Mayor Stricker](#); [Councilor Wise](#); [Councilor Collins](#); [Councilor Pederson](#); [Councilor Harrison](#); [Councilor McManus](#); [Councilor Abshire](#)
Subject: Talent Mosque
Date: Sunday, November 13, 2016 4:10:39 PM

We encourage the Talent City Council to promptly adopt a resolution making clear the city's support of the Talent mosque and that our community will do everything we can to ensure the safety of its members.

Grail and Phyllis Douglas
2775 Quail Run Rod

From: [Erika Giesen](#)
To: [Mayor Stricker](#); [Councilor Wise](#); [Councilor Collins](#); [Councilor Pederson](#); [Councilor Harrison](#); [Councilor McManus](#); [Councilor Abshire](#)
Subject: Resolution on Mosque/cultural diversity
Date: Thursday, September 08, 2016 1:40:14 PM

Dear Mayor Stricker and members of the Talent City Council:

First we want to say how pleased we are about the direction the City of Talent is headed and we want to thank you for all of your work to take us there. We love your focus on sustainability, local business, being a Maker City and walkability.

Secondly, we want to let you know how much we support the resolution welcoming the regional Muslim mosque in Talent and declaring that “the City of Talent does not tolerate discrimination, hate speech, or violent acts committed against any individual or community, including those who are foreign born and those who are Muslim, their places of worship, homes, businesses, schools, or community centers” and that Talent encourages residents “to recognize and celebrate diversity and to make extra efforts to ensure the safety of Muslim, immigrant, and refugee neighbors.”

These are our sentiments exactly.

Thank you for hearing us and for the good work you do.

Sincerely,

Erika Giesen and Danielle Mancuso
113 Gangnes Drive
Talent, OR 97540

From: [Diane Ware](#)
To: [Mayor Stricker](#); [Councilor Wise](#); [Councilor Collins](#); [Councilor Pederson](#); [Councilor Harrison](#); [Councilor McManus](#); [Councilor Abshire](#)
Subject: Resolution regarding diversity and inclusion
Date: Monday, September 05, 2016 7:00:41 PM

Dear Mayor Stricker and members of the city council,

As a proud citizen of Talent for six years I want to weigh in in favor of a resolution That will declare our city's support for its Muslim mosque and all who worship there And for the immigrants who live and work among us.

Hate speech and scapegoating of any group of people is unacceptable and in my view Un-American behavior. My father risked his life in World-War II and again in the Vietnam War to help keep America free from the kind of tyranny that has been allowed in other Kinds of societies.

As a former school teacher and a mother I have learned that it is best to nip problems in the bud By laying clear expectations from the beginning. With the fear that is being promoted By a person now seeking presidential power, we need to be proactive and declare a climate of safety for all who live in our township regardless of religion or nation of origin.

Thank you for your thoughtful consideration in this matter and for your generous service to our Community. Diane Ware
248 Willow Way
TAlent

Sent from my iPad

From: [Allen Hallmark](#)
To: [Mayor Stricker](#); [Councilor Wise](#); [Councilor Collins](#); [Councilor Pederson](#); [Councilor Harrison](#); [Councilor McManus](#); [Councilor Abshire](#)
Cc: [Matt Witt](#)
Subject: Regarding the proposed Welcoming Muslims resolution
Date: Friday, September 02, 2016 1:34:17 PM
Attachments: [9.02.16 Matt Witt letter to Talent council welcoming Muslims.docx](#)

Dear Mayor Stricker and councilors,

First, I want to say that I totally endorse the letter that Matt Witt has written to you on this subject and sent to you by email. If you haven't read it, please open the attachment to this email and read it. For all the reasons listed by Matt and more, I urge you to pass the resolution as soon as possible without waiting to construct a civil rights policy. I'm sure such a policy would be a good thing for the city of Talent, but there is some urgency behind passing the present resolution because it has been in the news and the subject of much discussion in the community. To wait and "study it to death" while writing a civil rights policy would send a message to the community that the council is having second and third thoughts about whether it should pass the resolution.

I endorse Matt's suggestion near the end of his letter to rearrange "the order so that some of the clauses that state general principles of inclusion come closer to the beginning and then set up the more specific clauses about our Muslim and immigrant neighbors, which also are needed." I suggest that you work with Matt in drafting the final version of the resolution because he has clearly thought through this matter.

We need to be as welcoming as possible to members of the Muslim community who live among us and those who may visit our town and their mosque and assure them that the city of Talent's services are as available to them as to any other citizen.

Thank you all so much for volunteering your time for the betterment of our fair city and I wish you all the best in your deliberations and decision-making.

Very truly yours,
Allen Hallmark
261 Christopher Way
Talent, OR 97540
541-897-0135

From: [Councilor Wise](#)
To: [Councilor Wise](#); [Mayor Stricker](#); [Rachel Parks](#); [Michelle Glass](#); [Darian Slywka](#); [Gerlinde Smith](#); [Dorian Hastings](#); [Linda Winhold](#)
Subject: Fw: Talent Mosque Resolution
Date: Monday, November 14, 2016 4:27:52 PM

From: David Lorenz Winston <david@davidlorenzwinston.com>
Sent: Sunday, November 13, 2016 5:05 PM
To: Mayor Stricker; Councilor Wise; Councilor Collins; Councilor Pederson; Councilor Harrison; Councilor McManus; Councilor Abshire
Subject: Talent Mosque Resolution

Dear Mayor Stricker and The Talent City Council,

I think it's proper and important for City Council to resolve that the The Talent Mosque and it's followers have every right to exist here in Talent.

David Winston

From: [Aleece Townsend](#)
To: [Mayor Stricker](#); [Councilor Wise](#); [Councilor Collins](#); [Councilor Pederson](#); [Councilor Harrison](#); [Councilor McManus](#); [Councilor Abshire](#)
Subject: Talent Mosque
Date: Sunday, November 13, 2016 4:59:14 PM

Dear Mayor and Council-

I am a resident of Talent. With the current anti-muslim climate I would like to encourage an open dialogue and extension of protection to the Mosque that is in our borders. I understand that in August, a group of local residents asked the Talent city council to adopt a resolution saying that the mosque is welcome here and that the community will do what it can to protect its followers.

Based on a discussion at the meeting, Mayor Darby Stricker was asked by the council to appoint a committee of residents to fine tune the wording of the resolution and bring it back for a vote.

It has been three months, and the resolution is needed more than ever. Please let me know what the status is.

Aleece Townsend
7685 Adams Rd
Talent

From: [Lee Lull](#)
To: [Mayor Stricker](#); [Councilor Wise](#); [Councilor Abshire](#); [Councilor Collins](#); [Councilor Harrison](#); [Councilor Pederson](#); [Councilor McManus](#)
Subject: Stand by our neighbors, friends and family
Date: Sunday, November 13, 2016 4:15:28 PM

Particularly in the wake of the recent election and the advancement of hateI urge you to adapt a resolution to the effect that people of all religions, non religions, colors and sexual identification are safe in Talent and that we stand by each other. Please make it clear that this includes those who follow the Muslim religion and worship and gather at the mosque in Talent.

For those more given to hate and destruction....please encourage them to go live on an ice floe in the melting arctic where I'm sure they will be happy given that global warming is a hoax.

Sincerely,
Lee Lull
Talent

From: [Michael Tufts](#)
To: [Mayor Stricker](#); [Councilor Wise](#); [Councilor Collins](#); [Councilor Pederson](#); [Councilor Harrison](#); [Councilor McManus](#); [Councilor Abshire](#)
Subject: Talent Mosque
Date: Monday, November 14, 2016 10:55:39 AM

Hello,

In light of the recent election of Donald Trump and the following rise in hate crimes happening across the country I am writing to ask for expediency on a decision from the city of Talent for the written acceptance and protection of the mosque.

It has been about three months since the council appointed a committee that has apparently turned into a lengthy democratic and bureaucratic process. This is unacceptable when making decisions about whether to accept and protect vulnerable individuals or groups in our community. We need our elected city leaders to be leaders and make *timely* decisions that protect *all* of our community members.

I am asking that you consider this and my support, and expedite your decision.

Best Regards,

Michael Tufts - Chief Innovative Officer

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From: [Michael Tufts](#)
To: [Councilor Wise](#)
Subject: Re: Talent Mosque
Date: Monday, November 14, 2016 6:05:45 PM

Daniel,

Thanks for your reply. My wife and our three children live in Talent and appreciate the progress of the city we've seen over last five years...especially more recently. I had heard about the mosque initiative and was excited to hear that Talent was taking a lead on it, but it was brought to my attention over the weekend that it still has not moved forward. I am not affiliated with the mosque directly, but as an affluent, educated white male I don't have to fear for my safety because the color of my skin, or explain my religion, or be questioned about my intentions. As white Americans, we don't need these types of protections written in, or to have our city make special statements for us, but since the election we have seen a rise in these types of racial violence across the country. Because of this I feel it is important that those of us with the power in our communities take action ensuring our community and city are safe for everyone here.

I understand that city politics and policy isn't always as cut and dry, or as quick, as we'd sometimes like it to be. However, I think this is an extraordinary case happening across the country during extraordinary political circumstances that requires quicker action.

Thanks for letting me voice my concern and support, and I look forward to the city's progress in this matter.

Best Regards,

Michael Tufts - Chief Innovative Officer

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From: [Martha Wilhelm](#)
To: [Mayor Stricker](#); [Councilor 6](#)
Cc: [Councilor Wise](#); [Councilor Pederson](#); [Councilor Harrison](#); [Councilor Abshire](#); [Councilor Collins](#)
Subject: Talent mosque resolution
Date: Friday, November 18, 2016 8:47:39 AM

Good morning, Mayor and Councilpersons of Talent,

As a citizen of the “greater” Talent area (Wagner Creek-Holton Rd.), I would like to voice my support for the swift passage of the resolution before you regarding the Talent mosque: i.e. that the mosque is welcome here and that the Talent community will do everything we can to ensure the safety of its followers. We have the opportunity to make a proactive stand to support and protect practitioners of all faiths in our community.

Thank you,

Martha Wilhelm

1867 Holton Rd.

Talent, Or.

From: [Heiland Hoff](#)
To: [Councilor Wise](#)
Subject: Muslim resolution
Date: Friday, November 18, 2016 2:23:59 PM

To whom it may concern:

My understanding is that the City is considering a resolution specifically welcoming Muslims to our community. I am opposed to this resolution.

I do welcome Muslims to our community. I also welcome people of other faiths. As an Atheist, I would also like to feel welcomed. I feel it is divisive and illegal to single out one faith for our government to support. The whole point of the separation of church and state is to *not* single out one faith for government support, and to do otherwise is illegal and will set the city up to be attacked by lawsuits, which I would participate in as a plaintiff.

In these divisive times, a resolution that welcomes people of all faiths strongly implies special support for Muslims. I think that would be wonderful. It isn't necessary or prudent to list them by name. If, however, you insist on specifically naming Muslims in your resolution, then I demand that my faith, Atheism, also be specifically named. My faith is also subject to discrimination, which I have frequently encountered. It isn't fair to welcome Muslims without also welcoming Atheists. Both groups are subject to hate crimes and discrimination.

If you want your resolution to state that the government of Talent welcomes people of all faiths, specifically including Muslims and Atheists, then I would support that resolution. However, I feel a better resolution would simply welcome people of all faiths, without listing which faiths are specifically included. "All" includes Muslims. "All" includes Atheists. "All" is good.

h

Heiland Hoff
Principal Architect
Heiland Hoff Architecture


541-944-9639

From: [Erika Giesen](#)
To: [Mayor Stricker](#); [Councilor Wise](#); [Councilor Collins](#); [Councilor Pederson](#); [Councilor Harrison](#); [Councilor 6](#); [Councilor Abshire](#)
Subject: Resolution re Talent Mosque
Date: Friday, November 18, 2016 11:32:23 PM

Dear Mayor Stricker and City Councilors,

I am writing to ask for your kind attention to the passage of the resolution to support the mosque in Talent. With the current political climate it's more important than ever for Talent to show our support for our Muslim family, friends and neighbors.

Thanks very much,
Erika Giesen
113 Gangnes Dr.
Talent, OR 97540

From: [wonderja \[REDACTED\]](#) on behalf of [janelle wilson](#)
To: [Mayor Stricker](#); [Councilor Wise](#); [Councilor Collins](#); [Councilor Pederson](#); [Councilor Harrison](#); [Councilor 6](#); [Councilor Abshire](#)
Subject: Mosque Resolution
Date: Sunday, November 20, 2016 9:41:57 AM

Dear Mayor Stricker and City Councilors,

I encourage you to act promptly to adopt a resolution making it clear that Talent's mosque is welcome here and that the Talent community will do everything we can to ensure the safety of its followers.

I live in close proximity to the mosque and was able to attend their open house before they opened a couple of years ago. I see their thriving community come together to celebrate and worship--just as others in our community do in their respective places of worship. Yet our community somehow is at odds with allowing these neighbors of ours to do the same. I believe a resolution would do a great deal to help the members of the mosque and the entire Talent community know that they deserve (and have!) the same rights as other places of worship. Furthermore, that they add to the wonderful diversity of our town. They are an integral part of our community, deserving of care and respect.

Thanks very much for your consideration and work to ensure that all of Talent knows that they are welcome here.

janelle wilson
339 Everett Way
Talent, OR 97540

From: [Councilor Wise](#)
To: [Bruce Schnabel](#)
Subject: Re: BIG MISTAKE
Date: Tuesday, December 06, 2016 12:14:06 PM

Mr. Schnabel,

Thank you for your input on this matter. There is a committee working on a way to make sure that Talent remains an open, tolerant community for people of all faiths and persuasions. That committee will likely make a recommendation to Council, possibly in late January or February. At that point, Council will hold a public hearing. You and your friends are welcome to provide your input at that time.

Daniel Wise, M.A., M.B.A.
Councilor Seat 1
Councilor1@cityoftalent.org
(541) 535-1566

From: Bruce Schnabel [REDACTED]
Sent: Sunday, December 4, 2016 6:33:17 PM
To: Councilor Wise
Subject: BIG MISTAKE

Mr Wise,

You are anything but wise!! Before you throw out the welcome mat to Muslims encouraging them to move to our peaceful little town, I encourage you to do some research on the effect it has had in places like France, Sweden, Germany, etc. Or read any of Ayaan Hirsi Ali's books such as: Infidel or Nomad or The Caged Virgin or Heretic. Also, anything by Bridgette Gabrielle, such as: Why They Hate and They Must Be Stopped. Or subscribe to Pamela Geller's site. Here, I'll help you: <http://pamelageller.com/>

I can assure you, if you continue to push this not-thought-out plan to open the door and invite Muslims into our neighbor after reading one if not all the books I suggested, you're either a complete idiot or a Muslim yourself. And if you are a Muslim, shame on you for being one!! You obviously know nothing of their history, past or present.

I can guarantee you, myself and a large group of friends will be at the next city council meeting!

Watch these videos and open your eyes: 1). <https://www.youtube.com/watch?v=qm5SYxRXHsl>
2). <https://www.youtube.com/watch?v=BPKqM-TV2i8>
3). <https://www.youtube.com/watch?v=CUDf9YOgCQI>

Those are just a few, there are many, many more.

I've been a Talent resident for 16 years and have lived in the valley since 1982.
Sincerely, a very concerned citizen.

From: [Matt Witt](#)
To: [Dorian Hastings](#); [Sharon Anderson](#); [Councilor Wise](#)
Cc: [Mayor Stricker](#)
Subject: resolution regarding Safety for All
Date: Sunday, September 04, 2016 3:22:56 PM
Attachments: [Safety for All Resolution.docx](#)
[Ad Hoc Committee Statement of Purpose.docx](#)

Thank you so much for initiating the resolution sparked by the presence of the mosque in our community at a time of ramped-up hate speech and violence against Muslims, immigrants, and people of color. I am very grateful.

Attached is an attempt to revise the original resolution to reflect the discussion at the August 17 council meeting.

Also attached is a draft statement of purpose that could be used, if needed, to explain the purpose and mission of the ad hoc committee.

Perhaps these drafts will be of some use to the ad hoc committee. Please be assured that there is no proprietary pride of authorship and feel free to use, adapt, edit, rewrite, or whatever you please. This is a community effort and it obviously doesn't matter who wrote what phrase but whether the phrase is right.

In both the revised resolution and the statement of purpose, I incorporated some of the concerns and language raised at the August 17 meeting, such as an affirmation of separation of church and state, a clear statement of not endorsing any religion, presenting a clear context of universal values before getting to the specific situation, etc.

The resolution is shorter than what it was. My theory would be that the shorter and more streamlined it is, the easier it is to craft something that is hard to argue with and that finds common ground with most people, even if it leaves out phrases that some of us would include if this were just our own personal expression.

Regarding what the resolution is called, it probably needs a heading and a name that are short enough that it will be what people actually say. I suggested Safety for All, in part because people could actually call it the Safety for All Resolution, whereas if you call it something more substantive and precise like the Resolution on Safety, Dignity, and Inclusion for All Residents, people will still have to find a way to refer to it, and you may be back to phrases like "the civil rights resolution" or "the mosque resolution" which are either not really accurate or don't emphasize common ground in the community. Safety for All at least signals the idea of inclusion and ought to be pretty hard to argue with. But you may think of something better.

Finally, I can't be a member of the ad hoc committee. I am going to be traveling a lot this fall (often with only sporadic internet connection or none at all), including a stint as Artist in Residence at John Day National Monument and some essential family commitments. But I will try to help in any way I can.

Thank you again for raising this issue and building the community support to get it passed.

--

Matt Witt 541-292-6586

Website: [Matt Witt Photography](#)



From: [Matt Witt](#)
To: [Mayor Stricker](#); [Councilor Wise](#); [Councilor Collins](#); [Councilor Pederson](#); [Councilor Harrison](#); [Councilor McManus](#); [Councilor Abshire](#)
Subject: resolution regarding diversity and inclusion
Date: Friday, September 02, 2016 12:34:39 PM

Dear Mayor Stricker and members of the Talent City Council:

I am a proud supporter of many of the forward looking projects encouraged by our mayor and council, including the arts foundation, Maker City project, and Rogue Climate Talent, and I want to thank all of you for your public service.

I was very pleased at the August 17 meeting to see local residents bring forward a resolution welcoming the regional Muslim mosque in Talent and declaring that "the City of Talent does not tolerate discrimination, hate speech, or violent acts committed against any individual or community, including those who are foreign born and those who are Muslim, their places of worship, homes, businesses, schools, or community centers" and that Talent encourages residents "to recognize and celebrate diversity and to make extra efforts to ensure the safety of Muslim, immigrant, and refugee neighbors."

This subject is very real to my family. My daughter-in-law, an American citizen, was born in India and then raised in the U.S. She has dark skin, and to the many Americans who don't distinguish, she could be assumed to be Muslim. After 9/11, she was afraid to be on the streets alone, and to this day she tells us how nervous she is about visiting the Rogue Valley. She and our son also worry about the safety of our granddaughter who could be taken to be a Muslim child.

I was touched by our new council member's comment that his son-in-law is Muslim and tries not to let anyone know that he is. What kind of country are we becoming that members of his family or my family have to live in fear of what people might do because of someone's religion or perceived religion or ethnic identity?

The roots of this issue actually go further back for my family. My ancestors came to the U.S. fleeing religious persecution in Eastern Europe. They had to change their name and hide their religion and cultural background in order to get jobs. My father lost his two front teeth while still a teenager when a neighborhood bully attacked him because of who he was.

In the 1930s, persecution of Jews in Germany and other countries intensified, but millions of non-Jews all over the world said nothing. My father was in the infantry

that liberated the concentration camps. He saw first hand the result of that silence. When he died here in Talent a few years ago at the age of 97, he still had the Purple Heart medal awarded to him because of his injuries in that war. If we cannot speak out now, I wonder what he and millions more like him were fighting for.

As several speakers said at the recent council meeting, Talent itself has a history we must learn from. In the 1850s, one of its most illustrious residents, John Beeson, was forced by mob rule to leave his farm and family because he dared to object to the killing of the native people who lived here. (His book published at that time, "A Plea for the Indians," available from our public library, tells the whole story.)

For more than 60 years after statehood, Oregon's constitution provided that African Americans could not live in the state. Many communities had "sundown" rules that provided that any African American within city limits had to just be passing through and must not be present after dark. A few white residents objected to such treatment of their fellow human beings, but most remained silent, either because they were not affected or because they were afraid of what their neighbors might think if they spoke out.

I have walked with family members along irrigation ditches and mining sites built by Chinese immigrants who were robbed, cheated, and eventually driven from their homes here. Again, there were some people who thought this treatment was wrong, but nearly all remained silent.

Not far from here at Tule Lake, Americans of Japanese descent were held in our own concentration camps during World War II. Many lost their homes, farms, and businesses. Some Oregonians spoke out in their defense, but in this case too, the great majority remained silent.

Today, it is our turn to be tested. Sentiment against Muslims, immigrants, and other people of color is being whipped up by some of our nation's most powerful and visible "leaders." Muslim religious leaders have been shot. As we heard at your meeting, Muslims in our community are being attacked just for being Muslim.

I do not believe that there was a single person in the council room who advocates breaking down the wall between church and state. We are not being asked to endorse Islam or any other religion.

A mosque has been established in our town. People who wish to attend services there or to live and work in our midst are highly fearful, and with good reason. We

should not wait until something terrible happens and then express our sympathy. We should speak out now and do what we can as a community to protect those who are threatened.

No analogy is perfect, but the following recent incident comes to my mind. A few weeks ago, an electrical fire started in a neighbor's dry field directly across from my house. If it had not been dealt with immediately, our house and many others would have burned to the ground.

Fortunately, we have a highly professional fire department. When we called them, they did not say, "Well, I'm sure this fire is important to you, but you have to understand that all fires matter." They did not say, "We can't respond to your call because then maybe someone else will call us about a fire where they live." They did not say, "Well, we're looking out our window here at the station and we don't see any fire," or "We don't think we need to do anything because there aren't any fires at *our* houses right now."

There was a fire – a real fire, a fire that would have done enormous damage if it continued to spread – and they came and put it out.

That is what we as a community are called upon to do with this resolution. It is not about hypotheticals or philosophical debates or ideology or politics. It is about real families, real neighbors, real children who are being threatened, as other groups have been throughout our history. I hope that our community responds, rather than repeating the silence of many of our forebears.

I believe that the resolution could be improved by rearranging the order so that some of the clauses that state general principles of inclusion come closer to the beginning and then set up the more specific clauses about our Muslim and immigrant neighbors, which also are needed. I also believe that this resolution is needed now, regardless of whether the city decides to look at developing a civil rights policy.

Thank you for your leadership, and thank you again for your public service.

--

Matt Witt 541-292-6586

Website: [Matt Witt Photography](#)

Facebook: www.facebook.com/mattwittphotography

From: [Mayor Stricker](#)
To: [Councilor Wise](#)
Subject: Fwd: The resolution re: ethnic tolerance in Talent
Date: Saturday, December 10, 2016 7:41:12 PM

Sent from my iPhone

Begin forwarded message:

From: Priscilla High [REDACTED]
Date: December 10, 2016 at 9:57:56 AM PST
To: mayor@cityoftalent.org
Subject: The resolution re: ethnic tolerance in Talent

Dear Mme Mayor,

Although I live in Ashland, I am writing to you because I am dedicated to an America which celebrates the gifts of the all the people who make their homes here and are part of our communities. I want to express my support of Dorian Hastings and those citizens of Talent who are working be sure that yours is known far and wide as an inclusive community.

When I lived in California I worked with Muslims on numerous projects and became close friends of many. I deeply admire their moral and human qualities as well as their love of learning and of American democracy.

I am a friend and admirer of Dorian. I was present at her first meeting with Muslim community members at their Center in Talent. I will do whatever I can to support Talent's resolution re: ethnic tolerance.

Priscilla High

2709 Clay Creek Way
Ashland, 97520
541-201-0162

PO Box 445
110 East Main St.
Talent, OR 97540

www.CityofTalent.org

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[Talent, Oregon](#)

From: [Laura Lee Kent](#)
To: [Mayor Stricker](#); [Councilor Wise](#)
Cc: [Caren Caldwell](#); Flyfishman@aol.com
Subject: Resolution on Our Muslim Community
Date: Tuesday, December 13, 2016 7:20:55 AM

Dear Mayor Strickler & Councilman Wise,

I am writing to support the resolution in support of our Muslim residents. As a resident of Talent and the Pastor of the Medford Congregational United Church of Christ, I am particularly concerned that we work together to support our citizens of all faiths. Sadly, hate posters from Vanguard America were put on our church on Sunday night. Their message was clearly racist and intended to create an atmosphere of fear.

I believe that we cannot let such intolerance go unchallenged. And, I am hoping that you join me in believing that we need to take every possible opportunity to declare our openness to all of the people who live in our communities and that we need to clearly support those who are most vulnerable to attack. So, please support this resolution in every way that you can.

If I can be more supportive in any way, feel free to contact me at this email: lauralee@medforducc.org or by phone 541-772-8860.

Sincerely, The Rev. Laura Lee Kent

From: [Susan Lio](#)
To: [Mayor Stricker](#); [Councilor Wise](#)
Subject: Muslim mosque welcome!
Date: Sunday, December 11, 2016 9:46:27 PM

Dear Mayor Darby and Council member Wise:

I am writing to you both to declare my support for our city to stand behind a resolution declaring that the mosque in our city is welcome. I desire to live in a city that is safe for Muslims and people of all faiths.

Susan Lio
267 St Ives Dr
Talent, OR 97540



12/12/16

Dear Mr Wise:

I would like to encourage you to pass the resolution to support the mosque in Talent and to emphasize that our city is a "safe city" for Muslims and people of all faiths.

Thank you,
Frank T. Jones



Mr. Frank Jones
P.O. Box 821
Talent, OR 97540

SAVE THE REDWOODS LEAGUE

Counselman Daniel Wise

From: [Amy Drake](#)
To: [Councilor Wise](#)
Subject: Resolution for Diversity and Safety for All
Date: Monday, December 19, 2016 9:18:19 AM

Dear Daniel,

I was inspired by the Medford City Council's recent decision to draft a resolution affirming Medford's commitment to diversity and safety for all and rejecting the anti-Muslim posters recently put up downtown by a hate group.

Please pass a similar resolution for the city of Talent. Such a statement would affirm the cities commitment to ensuring that Talent is a safe and welcoming space for the Masjid Al Tawheed mosque and Muslim residents and visitors. It would also address the real threats to safety that local Muslim, immigrant, Jewish, LGBTQ+, and people of color are facing in our community right now.

Sincerely,
Amy Drake

From: [Councilor Wise](#)
To: [Councilor Wise](#); [Mayor Stricker](#); [Rachel Parks](#); [Michelle Glass](#); [Darian Slywka](#); [GERLINDE SMITH](#); [Dorian Hastings](#); [Linda Winhold](#); [Melissa Huhtala](#)
Subject: Fw: Support for Welcoming Resolution from South Mountain Friends Meeting (Quakers)
Date: Thursday, December 22, 2016 4:27:30 PM

From: Patricia Morrison [REDACTED]
Sent: Thursday, December 22, 2016 2:52 PM
To: Mayor Stricker; Councilor Collins; Councilor Harrison; Councilor 6; Councilor Pederson; Councilor Wise; Councilor Abshire
Subject: Support for Welcoming Resolution from South Mountain Friends Meeting (Quakers)

Dear Mayor & Council,

On behalf of South Mountain Friends Meeting (Quakers) in Ashland, with members from all over the Rogue Valley, I would like to share this minute of support written and approved by the entire meeting:

2016.12.1. South Mountain Friends Meeting supports the efforts of the Talent and Medford City Councils to pass resolutions welcoming Muslims and other religious and racial minorities to their cities.

Sincerely,
Patricia Morrison
Clerk
South Mountain Friends Meeting

City of Talent
PO Box 445
110 East Main St.
Talent, OR 97540
www.CityofTalent.org

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[Talent, Oregon](#)

From: [Heather De Bey](#)
To: [Councilor Wise](#); [Mayor Stricker](#)
Subject: I support the resolution that combats Islamaphobia in our Community
Date: Wednesday, January 18, 2017 6:12:44 AM

Dear Mayor Strickner and Councilor Wise,

I want to reach out to you both and express my support for the resolution that extends the hand of friendship and solidarity to our Muslim community members at our City Council meeting on February 1st.

My family purchased our home in Talent back in 2008, and have always valued Talent for its peacefulness, diversity and community connections. We have always felt the support of our neighbors; from a friendly wave to an invitation to a neighborhood BBQ. For us, living in Talent is easy. In the current political climate that our nation faces, it is more important than ever to reach out to sections of our society that face marginalization and discrimination. This resolution shows our friends, neighbors and children that Talent is a community built on the greatest of American values; respect for personal liberties and justice for ALL.

I hope you will both join me on February 1st at the City Council Meeting in supporting this important resolution.

Sincerely,
Heather DeBey
134 Marin Court, Talent

From: [Darian Slywka](#)
To: [Councilor Wise](#); [Councilor Abshire](#); [Councilor Collins](#); [Councilor Harrison](#); [Councilor Pederson](#); [Councilor 6](#)
Cc: [Mayor Stricker](#)
Subject: Re: Information Requested
Date: Monday, January 02, 2017 9:57:13 AM

All,

As an appointed committee member, I was able to attend my first committee meeting regarding the Muslim (Civil Rights) Resolution several weeks back to offer my input and participate to help shape this resolution to accurately reflect the views of Talent residents. After engaging in this endeavor, it is with regret that I am resigning from this committee effectively immediately.

I think it is important to share my reasons for this decision. First, regardless of the name, this resolution has absolutely nothing to do with civil rights. This resolution is nothing more than a "feel good" resolution which actually doesn't take into account current civil rights issues within our area. Recently, the Oregon Advisory Committee to the United States Commission on Civil Rights released a report (Sept 2015) detailing the top civil rights issues within Oregon. Nowhere in this report is violence or hatred geared towards Muslims. In fact, the report lists the top issues as human trafficking, domestic violence, inequities in healthcare and the militarization of police.

Yet, this committee chooses not to address any of these actual issues and is focusing on a "feel good" resolution. This report was sent to all members of the committee and was completely discounted.

Several other members suggested that we do have violence towards Muslims and that alone should be justification enough for the proposal of a resolution. However, when I directly contacted our Talent Chief of Police, he commented that we have no reported cases related to violence against Muslims nor is there any documented cases within the City of Medford, OR. I also mentioned this fact to the group and the answer I received from several members of the group suggested that since crime specifically against Muslims is not being reported, the crime data not accurate.

I also suggested that perhaps the committee should hear the views from actual members of the Mosque here in Talent and that idea too was discounted. I find this fascinating that we, as a committee, don't have member representatives of the religious group that we are proposing a resolution to support. I have contacted the Mosque numerous times by voicemail and email and have not received any response. I've never seen a committee take this type of approach. It just doesn't make sense.

It is also no coincidence that some members of this committee work for Unite Oregon, which have a mandate of policy advocacy and legislation.

As a city, we need to acknowledge and represent our citizens, not specific organizations. As a city, we have the responsibility of unifying our community. This resolution certainly does not represent this city nor the residents. Based on various emails, responses received and my direct conversations with numerous Talent city residents, this resolution is causing a divide to occur within our community. There are now groups of citizens for this proposed resolution and those that oppose it.

Isn't this the exact opposite of what we are trying to achieve?

I will not adjust my ethical values to accommodate this committee. We do have documented civil rights issues, yet this committee refuses to acknowledge the facts and instead is focusing on what they see on television and in the media.

I thought I was a part of this committee to represent the views of citizens, protect civil rights and foster community, yet it was very clear that this committee does not represent actual civil rights issues within our area. They are instead focusing on one specific religious group.

Regretfully Yours,

Darian

References:

Civil Rights In Oregon, Issues and Concerns Moving into the 21st Century, A Report of the Oregon Advisory Committee to the United States Commission on Civil Rights, September 2015: URL: http://www.usccr.gov/pubs/OR_SAC_StatusofCivilRights-WebV.pdf Retrieved: November 1, 2016

Oregon State Police: Law Enforcement Data Systems, Section 10: Statewide Domestic Disturbance and Bias Reporting, URL: http://www.oregon.gov/osp/CJIS/Pages/annual_reports.aspx Retrieved: November 21, 2016

Email from Talent City of Police Chief Curtis Whipple dated November 21, 2016.

From: [Lynda Weinhold](#)
To: [Councilor Wise](#)
Subject: Resolution - Statement of Support
Date: Tuesday, January 17, 2017 5:40:33 AM

Dear Mayor and members of the Council of the City of Talent

I am a member of the Ad Hoc Committee appointed by Mayor in order to consider a resolution in support of the Muslim community and their place of worship in the City of Talent. I apologize for my absence and am submitting this statement to be a part of the presentation of the findings of the committee to the City Council on February 1.

As a committee we were charged to determine whether we feel that a resolution is necessary, if so, to frame such a resolution, and to present our findings to the City Council together with the resolution.

When we began this journey I was a bit torn. Although I have been aware in the last year of the rising animosity toward Muslims, I knew that they were not the only targeted segment of our population to endure struggles in the present national climate. I wondered - why the Muslims only? Why now? How do participants in the mosque feel about such a resolution? And how does our community feel about it?

I have come to believe strongly in moving forward. Having attended a social evening at the mosque, I was able to visit with the women who are the most visible targets of intimidation in their daily lives. I listened to their stories, their laughter, the welcoming nature, and wanted to proffer that same welcome to them. I heard their gratitude for community support.

As a committee we also investigated other cities and communities who felt that they should take a stand. Much larger communities than ours - Beaverton, OR, Portland, OR, San Francisco, CA, Philadelphia, PA - have considered a statement of support to be necessary.

I have been a part of the time, thought, research, and study that have gone into the resolution we propose. I was there (both at home and in meetings) for the hours of perfecting that went into choosing the exact words to be inclusive but not exclusive in our support for a group under attack. I comprehend the necessity and the timeliness of this resolution at this moment in the history of Talent. I am heartened by the overwhelming majority of support from our citizens in the communications we have received.

I understand the need, perhaps, to go forward with thought of specifically standing for other segments of our population with continued support. And still I feel that now is the time to adopt this specific resolution.

I have lived in Talent or its outskirts for a quarter of a century. I want to be proud of being a citizen of a town which stands strongly for a welcoming and protecting its people.

--
Lynda Weinhold
541 944 236

We make a living by what we get. We make a life by what we give.

Winston Churchill

From: [Emily Ehrlich](#)
To: [Councilor Wise](#); [Mayor Stricker](#)
Subject: In support of Muslims in our community
Date: Monday, January 23, 2017 4:10:33 PM

Dear Mayor Stricker and Councilor Wise,

I am writing today in support of the resolution to support Muslims in the community of Talent, which I understand will be discussed at the city council meeting on February 1st. Although I am not a resident of Talent I do work here at the Oregon Shakespeare Festival Production Facility on Talent Avenue. One of OSF's core values is inclusion of all people, regardless of race, gender, sexual orientation, religion, country of origin, (dis)ability, and all other areas of identity. I also share these values personally and am proud to work in the town that is also home to the only mosque in the region. Although I am a non-religious white woman, I strongly believe that all people should be able to practice their religion without fear of discrimination and persecution and I welcome the Muslims in this community as my friends and neighbors. In these incredibly divisive and dangerous times for Muslims nationally, those of us with the privilege and ability to stand with those who are targeted must do so. I strongly urge you to adopt this resolution. Islamophobia and hate has no place in our community.

Sincerely,

Emily Ehrlich Inget
Costume Rentals Manager
My Pronouns: She/Her/Hers

OSF Costume Rentals
408 Talent Avenue
Talent, OR 97540
541-482-2111 ext. 308

www.osfcostumerentals.org
www.facebook.com/osfcostumerentals
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#OSFCostumes
#DreamCloset

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From: [Steve Willeby](#)
To: [Mayor Stricker](#)
Cc: [Councilor Wise](#)
Subject: Support for a resolution to combat religious discrimination
Date: Monday, January 23, 2017 4:38:32 PM

Dear Madam Mayor and the Talent Council,

I write you today to encourage you to vote for a resolution to combat islamophobia in our community.

I lived in Talent for a couple years in the 90's then moved to Ashland. When my wife and I started our family and were looking to purchase a home, Talent was the first place we looked. We are raising our three sons here and wish for them to grow up in a community that respects all peoples religion, (or lack thereof). We have enjoyed living in Talent for the past ten years.

Now, with the building of the OSF Production Building, I get to work here too.

Seeing as Talent is also home to the only Mosque in the Rogue Valley, I would like our community to affirm, (in the face of growing religious intolerance and islamophobia in our nation), that Talent is a community that supports and respects our Muslim neighbors.

Thank You

Steve Willeby
340 Taylor Street
Talent OR

Dear Mayor Sticker and Councilor Wise,

We are writing this letter in our capacity of executive leaders of the Oregon Shakespeare Festival, a large employer in the Rogue Valley with a facility in Talent. We write today to urge you to support the resolution that will be presented to the Talent City Council on February 1st regarding the Muslim population in our area, and specifically the mosque in Talent.

This resolution says that the mosque is welcome here, and that the community will do all it can to protect its followers. It will also make clear that the City of Talent welcomes and values diversity, inclusion and freedom of religion. In the present political climate of divisiveness, it is all the more important that our communities express clearly that we welcome and value all people regardless of all race, gender, sexual orientation, religion, country of origin, ability or economic status.

This resolution is even more important today than it was in August when it was first proposed. Anti-Muslim posters continue to be found across our community as well as our OSF campus, and just this last weekend a local Muslim family had their tires slashed in front of their apartment. When the safety and security of one group is threatened, we all lose. When people are persecuted for their beliefs, the freedoms of all Americans are threatened. We have to be willing to stand up and speak for those whose voices are being drowned out by shouts of fear and hatred. We must use our power to set the example.

Of course we recognize that there are many populations in our area that need our support, but we ask you to recognize that the Muslim community has been singled out for increasing rhetoric and hate speech. Signaling an intolerance for this kind of behavior in this instance will send a clear signal to all that our community is a safe and welcoming one.

Thank you for your consideration.

Sincerely,

Bill Rauch, Artistic Director
Cynthia Rider, Executive Director
Oregon Shakespeare Festival



City Council Agenda Report

Agenda Item – Staff Report 02/01/2017

Meeting Date: February 1, 2017

Primary Staff Contact: Ryan Martin

Department: Administration

Email: rmartin@cityoftalent.org

Approval: Thomas J. Corrigan

Secondary Contact:

Currently the Talent Urban Renewal Agency (TURA) contracts with the City of Talent for various services as per Resolution 15-15 (amendment #5 to the Inter-Government Cooperation Agreement). The estimated cost for services for FY17 is \$50,360. However, only \$20,000 of revenue was budgeted for FY 2017 for the City and \$22,000 was budgeted as expenditures for TURA.

TURA adopted resolution 16-22 on November 2, 2016 to increase expenditures by \$28,360 to reflect the correct numbers. The City now needs to account for an increase of \$30,360 (\$50,360-20,000) in revenues.

If TURA was to employ an independent Executive Director, annual costs would be \$89,000 for personnel costs and an additional \$14,000 in costs to operate an office for TURA.

Therefore, the City Manager proposes a transfer of appropriations of \$30,360.

General Fund Revenues	+\$30,360
General Fund Expenditures	+\$30,360

Per Oregon Local Budgeting Law, a supplemental budget that does not increase the fund by 10% or more does not require a public hearing or published notice.

RESOLUTION NO. 17-956-R

A RESOLUTION ADOPTING THE SUPPLEMENTAL BUDGET AND MAKING APPROPRIATIONS FOR THE 2016-17 FISCAL YEAR.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TALENT, OREGON.

WHEREAS, the City has received additional funding from the Talent Urban Renewal Agency in the amount of \$30,360; and,

WHEREAS, the City Council finds it necessary to amend the fiscal budget to account for this increase in revenues; and,

WHEREAS, the City Council finds it necessary to expend a portion of these new revenues within the General Fund.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the supplemental budget in accordance with ORS 294.480(1) for fiscal year 2016-17.

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2016 and for purposes shown on the attachment.

Duly enacted by the City Council in open session on February 1, 2017 by the following vote:

AYES: 0 NAYS: 0 ABSTAIN: 0 ABSENT: 0

City Recorder and Custodian of City records

Council Agenda Report

Meeting Date: February 1, 2017
Department: Admin
Staff Recommendation:

Primary Staff Contact: Tom Corrigan
E-Mail: TCorrigan@CityofTalent.org

ISSUE BEFORE THE COUNCIL

Ballot Measure for new Diesel Tax

BACKGROUND

On January 18, Staff presented information from the original Diesel Tax Ordinance (*attached*) to the Council. There still exist possibilities that the Truck Stop could be reformatted for new business and as such, City streets and traffic may be impacted. This tax should be in place prior to any permitting to allow any future developer to know what they can expect. Diesel and gas taxes are designated to assist in funding road construction and maintenance. Diesel taxes would come primarily from heavy rigs and delivery trucks. Gas taxes would come from anyone buying gas within the City of Talent.

The City of Phoenix has taken in upwards of \$80,000.00 annually in diesel taxes. This was before the construction at the I5 intersection. Current estimates and with possible planning of I-5 interchange work could exceed \$125,000 per year.

Some answers for questions posed –

All definitions of this ordinance come directly from State ordinances. Anyone purchasing gas or diesel products will pay the tax. The City would use the State to handle the collection process similar to how we are handling the recreational marijuana tax. This will allow for the experts to make the decisions on what is taxable.

If a diesel only tax was instituted, we would be one of a very few cities that passes only this portion. The City of Portland has the highest piggyback fuel tax currently at 10%

The 500 gallon requirement is again per State Code.

We have removed the redundant language in the first few sentences.

We have included ballot language, title, and explanatory statement.

The effective date will be set for July 1, 2017 based on the May election. The ballot measure language will become the Ordinance (*Attachment Exhibit A*) if passed.

We have also attached a Notice of Receipt of Ballot Title that will need to be published once the Council adopts the resolution. The Notice itself does not need to be approved by Council. This Resolution must be adopted by February 15, 2017 if it is to be on the May ballot.

STAFF RECOMMENDATION

POTENTIAL MOTIONS – “I move to adopt Resolution # 17-957-R , calling an election on May 16, 2017 to refer to the voters of the City of Talent, Oregon, Resolution #17-957-R and adopting a ballot title and explanatory statement.”

Council Agenda Report

Meeting Date: July 20, 2016
Department: Admin
Staff Recommendation:

Primary Staff Contact: Tom Corrigan
E-Mail: TCorrigan@CityofTalent.org

ISSUE BEFORE THE COUNCIL

Ballot Measure for new Diesel Tax

BACKGROUND

On April 6, City Council directed Staff to present a report and sample language regarding a ballot measure for a new Diesel Tax. This was put in motion as there may come a day that properties in Talent would be developed as a diesel fueling location. This tax should be in place prior to any permitting to allow any future developer to know what they can expect. Diesel taxes are designated to assist in funding road construction and maintenance. Taxes would come primarily from heavy rigs and delivery trucks.

The City of Phoenix has taken in upwards of \$80,000.00 annually. This was before the construction at the I5 intersection.

We have included ballot language, title, and explanatory statement.

The effective date was set for January 1, 2017 based on the November election. If the voters were to approve it, the new Charter can take effect any time after December 8, 2016, however January 1 seems like a cleaner date. The ballot measure language will become the Ordinance (Attachment Exhibit A) if passed.

We have also attached a Notice of Receipt of Ballot Title that will need to be published once the Council adopts the resolution. The Notice itself does not need to be approved by Council. This resolution must be adopted by August 19 if it is to be on the November ballot.

STAFF RECOMMENDATION

POTENTIAL MOTIONS – “I move to adopt Resolution # ___ calling an election on November 8, 2016, to refer to the voters of the City of Talent, Oregon, ___ the City of Talent and adopting a ballot title and explanatory statement.”

RESOLUTION NO. 17-957-R
AN ORDINANCE ADOPTING A MOTOR VEHICLE DIESEL FUEL TAX

WHEREAS, the people of the City of Talent wish to adopt a motor vehicle diesel fuel tax; and

WHEREAS, ORS 319.350 allows the voters of the City of Talent to adopt a city motor vehicle fuel tax;

NOW THEREFORE, THE CITY OF TALENT ORDAINS AS FOLLOWS:

Section 1. MOTOR VEHICLE DIESEL FUEL TAX.

01.010 Short Title. The provisions of this Chapter shall be known and may be cited as the "City of Talent Motor Vehicle Diesel Fuel Tax Ordinance".

01.015 Purpose. The purpose of the Motor Vehicle Diesel Fuel tax is to raise revenues necessary for the construction, reconstruction, improvement, repair, maintenance, operation and use of the public street system in the city.

01.020 Definitions. As used in this ordinance, unless the context requires otherwise:

"City" means the City of Talent

"Dealer" means any person who:

(a) Imports or causes to be imported Motor Vehicle Diesel Fuel for sale, use or distribution in, and after the same reaches the city, but "Dealer" does not include any person who imports into the city Motor Vehicle Diesel Fuel in quantities of 500 gallons or less purchased from a supplier who is licensed as a dealer under this ordinance and who assumes liability for the payment of the applicable Motor Vehicle Diesel Fuel tax to the city; or

(b) Produces, refines, manufactures or compounds Motor Vehicle Diesel Fuels in the city for use, distribution or sale in the city; or

(c) Acquires in the city for sale, use or distribution in the city Motor Vehicle Diesel Fuel with respect to which there has been no Motor Vehicle Diesel Fuel tax previously incurred.

"Distribution" means, in addition to its ordinary meaning, the delivery of Motor Vehicle Diesel Fuel by a dealer to any service station or into any tank, storage facility or series of tanks or storage facilities connected by pipelines, from which Motor Vehicle Diesel Fuel is withdrawn directly for sale or for delivery into the fuel tanks of motor vehicles whether or not the service station, tank or storage facility is owned, operated or controlled by the dealer.

"Highway" means every way, thoroughfare and place of whatever nature, open for use of the public for the purpose of vehicular travel.

"Motor Vehicle" means all vehicles, engines or machines, movable or immovable, operated or propelled by the use of Motor Vehicle Diesel Fuel.

"Motor Vehicle Diesel Fuel" means and includes diesel fuel, by whatever name such as diesel fuel is known or sold, usable as fuel for the operation of motor vehicles, except fuel or liquid, the chief use of which, as determined by the tax administrator, is for purposes other than the propulsion of motor vehicles upon the highways.

"Person" includes every natural person, association, firm, partnership, corporation, joint venture, or other business entity

"Service Station" means and includes any place operated for the purpose of retailing and delivering Motor Vehicle Diesel Fuel into the fuel tanks of motor vehicles.

"Tax Administrator" means the city administrator, the city administrator's designee, or any person or entity with whom the city administrator contracts to perform those duties.

01.030 Tax Imposed. A Motor Vehicle Diesel Fuel tax is imposed on every dealer. The tax imposed shall be paid monthly to the tax administrator. The tax administrator is authorized to exercise all supervisory and administrative powers with regard to the enforcement, collection and administration of the Motor Vehicle Diesel Fuel tax, including all powers specified in ORS 319.010 to 319.430.

01.040 Amount and Payment.

1. In addition to any fees or taxes otherwise provided for by law, every dealer engaging in the dealer's own name, or in the name of others, or in the name of the dealer's representatives or agents in the city, in the sale, use or distribution of Motor

Vehicle Diesel Fuel, shall:

(a) Not later than the 25th day of each calendar month, render a statement to the tax administrator, on forms prescribed, prepared, and furnished by the tax administrator, of all Motor Vehicle Diesel Fuel sold, used, or distributed by the dealer in the city as well as all such fuel sold, used, or distributed in the city by a purchaser from the dealer upon which sale, use or distribution the dealer has assumed liability for the applicable Motor Vehicle Diesel Fuel tax during the preceding calendar month.

(b) Pay a Motor Vehicle Diesel Fuel tax computed on the basis of ___ cents per gallon of such Motor Vehicle Diesel Fuel so sold, used or distributed as shown by such statement in the manner and within the time provided in this ordinance.

2. In lieu of claiming refund of the tax as provided in Section 01.210 of this Ordinance, or of any prior erroneous payment of Motor Vehicle Diesel Fuel tax made to the City by the dealer, the dealer may show such Motor Vehicle Diesel Fuel as a credit or deduction on the monthly statement and payment of tax.

3. The Motor Vehicle Diesel Fuel tax shall not be imposed wherever it is prohibited by the Constitution of laws of the United States or of the State of Oregon.

01.050 Permit Requirements. No dealer shall sell, use or distribute any Motor Vehicle Diesel Fuel until the dealer has secured a dealer's permit as required in this chapter.

01.060 Permit Applications and Issuance.

1. Every person, before becoming a dealer in Motor Vehicle Diesel Fuel in this city, shall make an application to the tax administrator for a permit authorizing such person to engage in business as a dealer.

2. Applications for the permit must be made on forms prescribed, prepared and furnished by the tax administrator.

3. The applications shall be accompanied by a duly acknowledged certificate containing:

(a) The business name under which the applicant transacts business.

(b) The address of the applicant's principal place of business and location of distributing stations in the city.

(c) The name and address of the managing agent, the names and addresses of the several persons constituting the firm or partnership and, if a corporation, the corporate name under which the corporation is authorized to transact

business and the names and addresses of its principal officers and registered agent.

4. If an application for a Motor Vehicle Diesel Fuel dealer's permit is complete and has been accepted for filing, the tax administrator shall issue to the dealer a permit in such form as the tax administrator may prescribe to transact business in the city. The permit so issued is not assignable, and is valid only for the dealer in whose name it is issued.

5. The tax administrator shall keep and file all completed applications with an alphabetical index, together with a record of all permitted dealers.

01.070 Failure to Secure Permit.

1. If any dealer sells, distributes or uses any Motor Vehicle Diesel Fuel without first filing the certificate and securing the permit required by Section 01.060 of this Ordinance, the Motor Vehicle Diesel Fuel tax on all Motor Vehicle Diesel Fuel sold, distributed, or used by the dealer shall immediately be due and payable.

2. The tax administrator shall proceed forthwith to determine, from as many available sources as the tax administrator determines reasonable, the amount of tax due, and shall assess the tax in the amount found due, together with a penalty of 100% of the tax, and shall make a certificate of such assessment and penalty. In any suit or proceeding to collect the tax or penalty or both, the certificate shall be prima facie evidence that the dealer named in the certificate is indebted to the City in the amount of the tax and penalty stated.

3. Any tax or penalty assessed pursuant to this Section 01.070 may be collected in the manner prescribed in Section 01.110 of this Ordinance with reference to delinquency in payment of the tax or by action at law.

4. In the event any suit or action is instituted to enforce this section, if the City is the prevailing party, the City shall be entitled to recover from the person sued reasonable attorney's fees at trial or upon appeal of such suit or action, in addition to any other sums provided by law.

01.080 Revocation of Permit. The tax administrator may revoke the permit of any dealer who fails to comply with any provision of sections 01.020 to 01.270 of this Ordinance. The tax administrator shall mail by certified mail addressed to the dealer at the dealer's last known address appearing on the files of the tax administrator, a notice of intent to revoke the dealer's permit. The notice shall give the reason for the revocation. The revocation shall become effective without further notice if within 10 days from the mailing of the notice the dealer has not made good its default or delinquency.

01.090 Cancellation of Permit.

1. The tax administrator may, upon written request of a dealer, cancel a permit issued to that dealer. The tax administrator shall, upon approving the dealer's request for cancellation, set a date not later than 30 days after receipt of the written request, after which the permit shall no longer be effective.

2. The tax administrator may, after 30 days' notice has been mailed to the last known address of the dealer, cancel the permit of the dealer upon finding that the dealer is no longer engaged in the business of a dealer.

01.100 Remedies Cumulative. Except as otherwise provided in Sections 01.110 and 01.130 of this Ordinance, the remedies provided in Sections 01.070, 01.080 and 01.090 of this Ordinance are cumulative. No action taken pursuant to those sections shall relieve any person from the penalty provisions of this Ordinance.

01.110 Payment of Tax and Delinquency.

1. The Motor Vehicle Diesel Fuel tax imposed by sections 01.030 and 01.040 of this Ordinance shall be paid to the tax administrator on or before the 25th day of each month.

2. Except as provided in subsections (3) and (5) of this section, if payment of the Motor Vehicle Diesel Fuel tax is not paid as required by subsection (1) of this Section, a penalty of one percent of such Motor Vehicle Diesel Fuel tax shall be assessed and be immediately due and payable.

3. Except as provided in subsection (5) of this section, if payment of the tax and penalty, if any, is not made on or before the 1st day of the next month following that month in which payment is due, a further penalty of 10 percent of the tax shall be assessed. Said penalty shall be in addition to the penalty provided for in subsection (2) of this section, and shall be immediately due and payable.

4. If the Motor Vehicle Diesel Fuel tax imposed by sections 01.030 and 01.040 of this Ordinance is not paid as required by subsection (1) of this section, interest shall be charged at the rate of .0329 percent per day until the tax, interest, and penalties have been paid in full.

5. Every penalty imposed and any interest that accrues under the provisions of this Ordinance shall be merged with, and become a part of, the tax required to be paid.

6. Penalties imposed by this section shall not apply if a penalty has been assessed and paid pursuant to section 01.070 of this Ordinance. The tax administrator may for good cause shown waive any penalties assessed under this section.

7. If any person fails to pay the Motor Vehicle Diesel Fuel tax, interest, or any penalty provided for by this section, the tax, interest, and/or penalty shall be collected from that person for the use of the City. The tax administrator shall commence and prosecute to final determination in any court of competent jurisdiction an action to collect the same.

8. In the event any suit or action is instituted to collect the Motor Vehicle Diesel Fuel tax, interest, or any penalty provided for by this section, if the City is the prevailing party, the City shall be entitled to recover from the person sued reasonable attorney's fees at trial or upon appeal of such suit or action, in addition to all other sums provided by law.

9. No dealer who collects from any person the tax provided for in this Ordinance shall knowingly and willfully fail to report and pay the same to the City as required in this Ordinance.

01.120 Monthly Statement of Dealer. Every dealer in Motor Vehicle Diesel Fuel shall provide to the tax administrator on or before the 25th day of each month, on forms prescribed, prepared, and furnished by the tax administrator, a statement of the number of gallons of Motor Vehicle Diesel Fuel sold, distributed or used by the dealer during the preceding calendar month. The statement shall be signed by the dealer or the dealer's agent.

01.130 Failure to File Monthly Statements. If a dealer fails to file any statement required by Section 01.120 of this Ordinance, the tax administrator shall proceed forthwith to determine from as many available sources as the tax administrator determines to be reasonable the amount of Motor Vehicle Diesel Fuel sold, distributed, or used by such dealer for the period unreported, and such determination shall in any proceeding be prima facie evidence of the amount of such fuel sold, distributed or used. The tax administrator shall immediately assess the dealer for the Motor Vehicle Diesel Fuel tax upon the amount determined, adding thereto a penalty of ten percent of the tax. The penalty shall be cumulative to other penalties provided in this Ordinance.

01.140 Billing Purchasers. Dealers in Motor Vehicle Diesel Fuels shall render bills to all purchasers of Motor Vehicle Diesel Fuel. The bills shall separately state and describe the different products sold or shipped and shall be serially numbered except where other sales invoice controls acceptable to the tax administrator are maintained.

01.150 Failure to Provide Invoice or Delivery Tag. No person shall receive and accept Motor Vehicle Diesel Fuel from any dealer, or pay for the same, or sell or offer the Motor Vehicle Diesel Fuel for sale, unless the Motor Vehicle Diesel Fuel is accompanied by an invoice or delivery tag showing the date upon which Motor Vehicle Diesel Fuel was delivered, purchased, or sold, and the name of the dealer in Motor Vehicle Diesel Fuel.

01.160 Transporting Motor Vehicle Diesel Fuel in Bulk. Every person operating any conveyance for the purpose of hauling, transporting, or delivering Motor Vehicle Diesel Fuel in bulk shall, before entering upon the public highways of the city with such conveyance, have and possess during the entire time of the hauling or transporting of such Motor Vehicle Diesel Fuel, an invoice, bill of sale, or other written statement showing the number of gallons, the true name and address of the seller or consignor, and the true name and address of the buyer or consignee, if any, of the same. The person hauling such Motor Vehicle Diesel Fuel shall at the request of any officer authorized by law to inquire into or investigate such matters, produce and offer for inspection the invoice, bill of sale, or other statement.

01.170 Exemption of Export Fuel.

1. The Motor Vehicle Diesel Fuel tax imposed by sections 01.030 and 01.040 of this Ordinance shall not be imposed on Motor Vehicle Diesel Fuel:

(a) Exported from the city by a dealer; or

(b) Sold by a dealer in individual quantities of 500 gallons or less for export by the purchaser to an area or areas outside the city in containers other than the fuel tank of a motor vehicle, but every dealer shall be required to report such exports and sales to the city in such detail as may be required.

2. In support of any exemption from Motor Vehicle Diesel Fuel taxes claimed under this section, other than in the case of stock transfers or deliveries in the dealer's own equipment, every dealer must execute and file with the tax administrator an export certificate in such form as shall be prescribed, prepared, and furnished by the tax administrator, containing a statement, made by some person having actual knowledge of the fact of such exportation, that the Motor Vehicle Diesel Fuel has been exported from the city, and giving such details with reference to such shipment as the tax administrator may require. The tax administrator may demand of any dealer such additional data as is deemed necessary in support of any such certificate, and failure to supply such data will constitute a waiver of all right to exemption claimed by virtue of such certificate. The tax administrator may, in a case where tax administrator believes no useful purpose would be served by filing of an export certificate, waive the filing of the certificate.

3. Any Motor Vehicle Diesel Fuel carried from the city in the fuel tank of a motor vehicle shall not be considered as exported from the city.

4. No person shall, through false statement, trick or device, or otherwise, obtain Motor Vehicle Diesel Fuel for export as to which the city tax has not been paid and fail to export the same, or any portion, or cause the Motor Vehicle Diesel Fuel or any portion not to be exported, or divert or cause to be diverted the Motor Vehicle Diesel Fuel or any portion to be used, distributed or sold in the city and fail to notify the tax

administrator and the dealer from whom the Motor Vehicle Diesel Fuel was originally purchased of such person's act.

5. No dealer or other person shall conspire with any person to withhold from export, or divert from export or to return Motor Vehicle Diesel Fuel to the city for sale or use so as to avoid any of the fees imposed under this ordinance.

6. In support of any exemption from taxes on account of sales of Motor Vehicle Diesel Fuel in individual quantities of 500 gallons or less for export by the purchaser, the dealer shall retain, for at least three years, an export certificate executed by the purchaser in such form and containing such information as is prescribed by the tax administrator. This certificate shall be prima facie evidence of the exportation of the Motor Vehicle Diesel Fuel to which it applies only if accepted by the dealer in good faith.

01.175 Sales to Armed Forces Exempted. The license tax imposed by sections 01.030 and 01.040 of this Ordinance shall not be imposed on any Motor Vehicle Diesel Fuel sold to the Armed Forces of the United States for use in ships, aircraft, or for export from the city; but every dealer shall be required to report such sales to the tax administrator in such detail as may be required. A certificate by an authorized officer of such Armed Forces shall be accepted by the dealer as sufficient proof that the sale is for the purpose specified in the certificate.

01.190 Fuel in Vehicles Coming into City Not Taxed. Any person coming into the city in a motor vehicle may transport in the fuel tank of such vehicle, Motor Vehicle Diesel Fuel for such person's own use only and for the purpose of operating such motor vehicle without securing a permit or paying the tax provided in Sections 01.030 and 01.040 of this Ordinance, or complying with any of the provisions imposed upon dealers under this ordinance. However, if the Motor Vehicle Diesel Fuel so brought into the city is removed from the fuel tank of the vehicle or used for any purpose other than the propulsion of the vehicle, the person so importing fuel into the city shall be subject to all the provisions herein applying to dealers.

01.200 Fuel Sold or Delivered to Dealers

1. A dealer selling or delivering Motor Vehicle Diesel Fuel to dealers is not required to pay a Motor Vehicle Diesel Fuel tax on such fuel.

2. The dealer in rendering monthly statements to the city as required by Sections 01.040 and 01.120 of this Ordinance shall show separately the number of gallons of Motor Vehicle Diesel Fuel sold or delivered to dealers.

01.210 Refunds. Refunds will be made pursuant to ORS 319.280 to 319.320. Claim forms for refunds may be obtained from the tax administrator's office.

01.220 Examination and Investigations. The tax administrator, or duly authorized

agents, may make any examination of accounts, records, stocks, facilities and equipment of dealers, service stations and other persons engaged in storing, selling or distributing Motor Vehicle Diesel Fuel or other petroleum product or products within the City of Talent, as well as any other investigations the tax administrator considers necessary in carrying out the provisions of sections 01.020 through 01.270 of this Ordinance. If the examinations or investigations disclose that any reports of dealers or other persons filed with the tax administrator pursuant to the requirements of this Ordinance, have shown incorrectly the number of gallons of Motor Vehicle Diesel Fuel distributed, or the tax accruing on the fuel, the tax administrator may make such changes in subsequent reports and payments of such dealers or other persons, or may make such refunds, as may be necessary to correct the errors disclosed by the tax administrator's examinations or investigations. The dealer shall reimburse the City for the reasonable costs of the examination or investigation if the investigation reveals that the dealer paid 95 percent or less of the tax owing for the period of the examination or investigation. In the event that such examination or investigation results in an assessment by and an additional payment due to the City, such additional payment shall be subject to interest at the rate of 18 percent per year from the date the original tax payment was due.

01.230 Limitation on Credit for or Refund of Overpayment and on Assessment of Additional Tax.

1. Except as otherwise provided in this Ordinance, any credit for an erroneous overpayment of tax made by a dealer taken on a subsequent return, or any claim for a refund of tax erroneously overpaid must be taken or filed within three years after the date on which the overpayment was made to the City.
2. Except in the case of a fraudulent report or neglect to make a report, every notice of additional tax proposed to be assessed under this ordinance shall be served on dealers within three years from the date upon which such additional taxes become due, and shall be subject to penalty as provided in section 01.110 of this Ordinance.

01.240 Examining Books and Accounts of Carrier of Motor Vehicle Fuel. The tax administrator or the tax administrator's duly authorized agents may at any time during normal business hours examine the books and accounts of any carrier of Motor Vehicle Diesel Fuel operating within the City for the purpose of enforcing the provisions of this Ordinance.

01.250 Records to be Kept by Dealers. Every dealer in Motor Vehicle Diesel Fuel shall keep a record, in such form as may be prescribed by the tax administrator, of all purchases, receipts, sales, and distributions of Motor Vehicle Diesel Fuel. The records shall include copies of all invoices or bills of all such sales and shall at all times during the business hours of the day be subject to inspection by the tax administrator or authorized agents of the tax administrator.

01.260 Records to be Kept Three Years. Every dealer shall maintain and keep, for a period of three years, all records of Motor Vehicle Diesel Fuel used, sold and distributed within the city by such dealer, together with stock records, invoices, bills of lading, and other pertinent papers as may be required by the tax administrator. In the event such records are not kept within the state of Oregon, the dealer shall reimburse the tax administrator for all travel, lodging, and related expenses incurred by the tax administrator in examining such records. The amount of such expenses shall be assessed in addition to the tax imposed by section 01.030 of this Ordinance.

01.370 Appeals

1. Any person aggrieved by any decision of the Tax Administrator may appeal to the City Manager by filing a notice of appeal with the Tax Administrator within ten days of the date the notice of the decision is served or mailed. City Manager shall fix a time and place for hearing the appeal and shall give the appellant ten days' written notice of the time and place of the hearing.

2. Any person aggrieved by any decision of the City Manager under subsection 1 of this Section may appeal to the Council by filing a notice of appeal with the Tax Administrator within ten days of the date the City Manager's decision is served or mailed. The Tax Administrator shall transmit the notice, together with the file of the appealed matter, to the Council, who shall fix a time and place for hearing the appeal. The Council shall give the appellant not less than ten days' written notice of the time and place of hearing the appeal.

01.380 Use of Tax Revenues.

1. For the purpose of this section, net revenue shall mean the revenue from the tax, interest, and penalties imposed by sections 01.020 through 01.270 of this Ordinance remaining after providing for the cost of administration and any refunds and credits authorized under this Ordinance.

2. The net revenue shall be used only for the construction, reconstruction, improvement, repair, maintenance, operation and preservation of public highways, roads, and streets within the city.

SECTION 3. SEVERABILITY. Any provision of this Ordinance which proves to be invalid, void, or illegal shall in no way affect, impair, or invalidate any other provision of this Ordinance, and the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 4. CODIFICATION. If this Ordinance becomes effective as provided by Section 5 below, the City Recorder is hereby authorized and directed to codify Section 1

of this Ordinance in an appropriate Title of the Talent Municipal Code and to change the word "Ordinance" to "Chapter" as appropriate when codified.

SECTION 5. EFFECTIVE DATE. If approved by a majority of the voters of the City of Talent at the statewide general election held on _____, this ordinance shall take effect on _____

319.010 Definitions for ORS 319.010 to 319.430. As used in ORS 319.010 to 319.430, unless the context requires otherwise:

(1) "Aircraft" means every contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air, operated or propelled by the use of aircraft fuel.

(2) "Aircraft fuel" means any gasoline and any other inflammable or combustible gas or liquid by whatever name such gasoline, gas or liquid is known or sold, usable as fuel for the operation of aircraft, except gas or liquid, the chief use of which, as determined by the Department of Transportation is for purposes other than the propulsion of aircraft.

(3) "Airport" means any area of land or water, except a restricted landing area, which is designed for the landing and takeoff of aircraft.

(4) "Broker" means and includes every person other than a dealer engaged in business as a broker, jobber or wholesale merchant dealing in motor vehicle fuel or aircraft fuel.

(5) "Bulk transfer" means any change in ownership of motor vehicle fuel or aircraft fuel contained in a terminal storage facility or any physical movement of motor vehicle fuel or aircraft fuel between terminal storage facilities by pipeline or marine transport.

(6) "Dealer" means any person who:

(a) Imports or causes to be imported motor vehicle fuels or aircraft fuels for sale, use or distribution in, and after the same reaches the State of Oregon, but "dealer" does not include any person who imports into this state motor vehicle fuel in quantities of 500 gallons or less purchased from a supplier who is licensed as a dealer under ORS 319.010 to 319.430 and who assumes liability for the payment of the applicable license tax to this state;

(b) Produces, refines, manufactures or compounds motor vehicle fuels or aircraft fuels in the State of Oregon for use, distribution or sale in this state;

(c) Acquires in this state for sale, use or distribution in this state motor vehicle fuels or aircraft fuels with respect to which there has been no license tax previously incurred; or

(d) Acquires title to or possession of motor vehicle fuels or aircraft fuels in this state and exports the product out of this state.

(7) "Department" means the Department of Transportation.

(8) "Distribution" means, in addition to its ordinary meaning, the delivery of motor vehicle fuel or aircraft fuel by a dealer to any service station or into any tank, storage facility or series of tanks or storage facilities connected by pipelines, from which motor vehicle fuel or aircraft fuel is withdrawn directly for sale or for delivery into the fuel tanks of motor vehicles whether or not the service station, tank or storage facility is owned, operated or controlled by the dealer.

(9) "First sale, use or distribution of motor vehicle fuel or aircraft fuel" means the first withdrawal, other than by bulk transfer, of motor vehicle fuel or aircraft fuel from terminal storage facilities for sale, use or distribution. "First sale, use or distribution of motor vehicle fuel or aircraft fuel" also means the first sale, use or distribution of motor vehicle fuel or aircraft fuel after import into this state if the motor vehicle fuel or aircraft fuel is delivered other than to the terminal storage facilities of a licensed dealer.

(10) "Highway" means every way, thoroughfare and place, of whatever nature, open for use of the public for the purpose of vehicular travel.

(11) "Motor vehicle" means all vehicles, engines or machines, movable or immovable, operated or propelled by the use of motor vehicle fuel.

(12) "Motor vehicle fuel" means and includes gasoline and any other inflammable or combustible gas or liquid, by whatever name such gasoline, gas or liquid is known or sold, usable as fuel for the operation of motor vehicles, except gas or liquid, the chief use of which, as determined by the department, is for purposes other than the propulsion of motor vehicles upon the highways of this state.

(13) "Person" includes every natural person, association, firm, partnership, corporation or the United States.

(14) "Restricted landing area" means any area of land or water, or both, which is used or made available for the landing and takeoff of aircraft, the use of which, except in case of emergency, is provided from time to time by the department.

(15) "Service station" means and includes any place operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles or aircraft fuel into the fuel tanks of aircraft.

RESOLUTION NO. 12-878-R

A RESOLUTION ESTABLISHING COUNCIL RULES OF PROCEDURE GOVERNING THE PROCESS TO BE FOLLOWED IN THE CONDUCT OF CITY BUSINESS; AND RESCINDING RESOLUTION 05-714-R.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TALENT, OREGON.

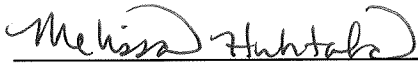
WHEREAS, ORS 192.610-192.710 establishes the framework for the conduct of any public meeting held by a city council in the State of Oregon;

WHEREAS, the City Council of the City of Talent desires to define in more detail how the council conducts its business and the procedures to follow in that process;

NOWHEREFORE, BE IT RESOLVED that the Common Council of the City of Talent hereby adopts the attached Council Rules of Procedures to be followed in the conduct of City business at all duly noticed meetings of the council.

Duly enacted by the City Council in open session on April 18, 2012 by the following vote:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1



Melissa Huhtala, City Recorder and Custodian of City records

COUNCIL RULES OF PROCEDURE

Section 1, Meeting of Council.

A. Compliance. All meetings of the City Council shall comply with the Oregon State Public Meetings Law ORS 192.610-192.690, which is hereby incorporated by reference into these rules.

B. Meeting Schedule. The City Council will meet in regular session of the first and third Wednesday of each month unless the Council cancels or reschedules the meeting. If either of these Wednesdays are a legal holiday, the council shall meet on Tuesday of that week.

C. Time of Meeting. Regular sessions will convene at 6:30 p.m. All regular sessions will be adjourned not later than 9:30 p.m. unless extended by a vote of the members present at the meeting.

D. Special Meetings. The Mayor or three or more councilors may call a special meeting. Twenty-four (24) hour notice shall be given to the remaining councilors, the City manager and the public. Public notice shall be given by posting said notice on the bulletin board outside City Hall. The notice shall specify the meeting time and place and a description of the business to be transacted at the meeting. If a special meeting is called to deal with an emergency involving danger to life or property, notice is not required. No general legislation may be considered at a special meeting except for which the meeting is called.

E. Executive Sessions. An executive session (a meeting closed to the public) may be held in accordance with the Public Meetings Law. The mayor may call any regular, special or emergency meeting into executive session by citing the specific provision of ORS 192.660, which authorizes the session. Representatives of the news media shall be allowed to attend executive sessions. The Mayor shall instruct any media representatives present not to disclose the substance of any discussion during executive session. No final decision shall be made in executive session. To make a final decision, the presiding officer shall either call the meeting into open session or place the decision on the agenda of a future open session. Executive Sessions will generally be scheduled at the end of a Council meeting to encourage public participation on other agenda items.

F. Study Session. Study sessions of the council shall be held in accordance with Oregon Public Meetings Laws, and shall be called by either the Mayor, City Manager or three councilors whenever circumstances require such a session. No votes, or binding decisions can be made at these study sessions. The presiding officer shall determine whether the public will be allowed to participate in discussions at these study sessions. **Study Sessions will be held as needed on the 5th Wednesday of the month or before Regular Council Meeting times may vary depending on the topic.**

G. Attendance. Councilors shall inform the City Manager, **City Recorder** or Mayor if they are unable to attend any meeting. Additionally, the Mayor shall inform the Council President, as well as the City Manager, regarding any absence by the Mayor.

Section 2. Agenda.

The City Manager shall prepare an agenda of the business to be presented at a regular council meeting. The items on the agenda should follow the formal order of business prescribed elsewhere in these rules. The City Manager, Mayor, council members or the public may request that a matter be placed on the agenda. The City Manager shall have the discretion of placing an item on the agenda for the upcoming meeting or a subsequent meeting because of time constraints or time needed for compilation of materials. Requests for placement of an item on the agenda must be received by the City Manager by 5:00 p.m. on the Wednesday prior to a regularly scheduled meeting.

The City Manager, the Mayor, or any council member, subject to approval by a majority of the council present at the meeting, may add an item to the agenda at the beginning of any meeting.

Section 3. Minutes

A. Written minutes of all open regular and special meetings shall be prepared by a person designated by the City Manager, and shall be approved by the Council at the next meeting and made available for public inspection once approved. The City Recorder and the person taking the minutes shall sign the minutes after they have been approved by the City Council. All meetings shall be tape-recorded and the tapes shall be kept for a period of two years.

B. Written minutes shall include the names of all councilors present, all motions, Resolutions, orders, ordinances and measures proposed and their disposition, the results of all votes, recording by name of each Council voting in the negative unless the vote is unanimous, the substance of the discussion of any matter and references to any documents discussed.

Section 4. Order of Business.

A. Regular meetings shall be conducted in the following order of business, subject to the right of the Mayor, with Council consent, to alter the order of business:

1. Call to Order/Roll Call
2. Public Hearings. All public hearings will be subject to notice requirements as listed in other City ordinances and state law, unless there are none, and then a Notice of Public Hearing shall be placed in a local newspaper a minimum of one time within the 7 days prior to the meeting. A copy of this Notice of Public Hearing shall also be posted at City Hall, Bulletin Board and Tark's during that time.

The purpose of public hearings is to: 1) provide input to the Council in the form of information and opinions from affected parties and citizens of; and 2) provide an opportunity for citizens to be involved in municipal affairs. Public hearings may be continued to another meeting if necessary or desirable.

3. Citizens Heard on Non-Agenda Items. Citizens wishing to speak on non-agenda items. The purpose of this item is to allow citizens to address the Council on matters related to city government and properly the object of Council consideration. A time limit of five minutes per citizen shall apply, unless the Mayor, prior to the Citizen Input period, decides to allocate less time. Citizen comment shall not exceed the time limitation unless the Council votes to suspend the rules. The council shall not act on issues raised during this portion of the agenda. Such items can be added to a future agenda if the Council so chooses allowing staff the opportunity to research the issue raised and provide comment.
4. Consent Calendar. The consent calendar includes all those routine or non-controversial items, which are indicated on the agenda. The items are considered as a single item without debate or discussion, except for simple clarification. Any member of the Council may remove an item from the consent agenda prior to the vote to approve it. Any items removed are taken up individually in the order they appear on the Council agenda.
5. New Business – Items requiring a vote of the Council including resolutions, discussion of proposed policy changes or proposed projects, or other business appropriate to Council discussion.
6. Information Items - Items not intended for discussion of the Council but rather departmental monthly reports or other items that may be of interest to the full council on either local or regional issues.
7. **City Manager & Other Department Reports – Items for discussion by the City Manager and Department heads as needed.**
8. Committee Reports – Reports by council members of the activities of committees (either regional or local) for which the council member has been designated as the Council delegate or liaison.
9. Other Business. Items from the Mayor or Council.
10. Adjournment.

Section 5. Discussion of business.

A. The right to discuss the business before the Council is reserved exclusively for the mayor, councilors, the City Manager and the City Attorney, with the following exceptions:

1. Public hearings; and
2. Citizens wishing to speak on non-agenda items.

B. The presiding officer shall recognize any city staff member or member of the audience for discussion of any matter before the council.

C. No person shall be permitted to speak or present evidence until recognized by the presiding officer and given permission to speak or present evidence. All comments, evidence or questions from the floor will be addressed to the presiding officer. In the case of questions, the presiding officer will request input from the appropriate sources (staff, council or presenters).

Section 6. Conduct of Business.

A. Presiding Officer. The Mayor shall preside at all meetings of the council. In the absence of the mayor, the Council President shall preside. The council president shall be elected at the first meeting of each odd-numbered year.

B. Absence of Presiding Officer. In the absence of the mayor and the council president, the council shall elect a councilor to serve as presiding officer as its first order of business. Any councilor may call a meeting to order for the purpose of electing a presiding officer.

C. Substitution of Presiding Officer. The presiding officer may appoint a temporary presiding officer to cover his or her temporary absence from the meeting by handing the gavel to the council president or, if the council president is absent or serving as presiding officer, to any other councilor.

D. Motion Procedure. When a motion is moved and seconded, it shall be stated by the presiding officer for debate. The mover, without the consent of the councilor seconding it, may not withdraw a motion once made. No councilor shall be allowed to speak more than once on a particular question until every other councilor has had an opportunity to do so.

E. Motion to Postpone or Table. A motion to postpone may be debated and amended and may specify a time when the question will be considered. A motion to table precludes all amendments or debate and if the motion prevails, consideration of the question may be resumed only upon the motion of a member voting with the majority.

F. Point of Order. Any member may raise a point of order at any time and the presiding officer shall determine all points of order, subject to the right of any councilor to appeal the decision to the full council.

G. Quorum. A majority of the Council constitutes a quorum for its business.

Section 7. Conduct of Hearings.

A. Scope of Rules. The rules contained in this section shall govern the conduct of administrative and quasi-judicial hearings held by the council including, but not limited to, those held pursuant to land use matters of the City. The City Council has assigned land use appeals to a hearings officer. The council may take quasi-judicial actions on various City Ordinance that specify an appeal to council

B. Nature and General Conduct of Hearing.

1. The Council, when conducting any such hearing, shall afford persons entitled under the ordinances of the City, such as the nuisance ordinance, to notice of hearing, an opportunity to be heard, to present and rebut evidence to an impartial tribunal, and to have a decision based on substantial evidence.

2. No person in attendance shall be disorderly, abusive or disruptive of the orderly conduct of the hearing and any person may be removed from the hearing for such conduct.

3. No person offering testimony shall speak more than once without obtaining permission from the presiding officer. Each person speaking shall be limited to 5 minutes.

4. No person shall testify without first standing, receiving recognition from the presiding officer and stating his or her name and residence or business address.

5. No person shall present irrelevant, immaterial or unduly repetitious testimony or evidence; provided, however, that reports and documents prepared by City personnel shall be deemed relevant, material and the weight or competency thereof shall be determined by the council.

6. There shall be no audience demonstrations, such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

7. The presiding officer, councilors, City Manager, City Attorney and with the approval of the presiding officer, any other employee of the City may question and cross-examine any person who testifies.

C. Challenging Participation by a Councilor.

1. Any proponent, opponent of, or other party interested in a matter to be heard by the council may challenge the qualification of any councilor to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a councilor's bias, prejudgment, personal interest, or other facts from which

the party has concluded that the councilor will not participate and make a decision in an impartial matter.

a. Such challenge must be made prior to the commencement of the public hearing and shall be incorporated into the record of the hearing.

2. No councilor shall participate in discussion or vote on the matter when for any reason the councilor determines he or she cannot participate in the hearing and decision in an impartial manner.

3. No employee of the City who has a financial or other private interest shall participate in discussion with, or give an official opinion to, the council or the matter without first declaring for the record the nature and extent of such interest.

4. The general public has a right to have councilors free from pre-hearing or ex parte contacts on matters heard by them. It is also recognized that a countervailing public right is free access to public officials on any matter. Therefore, councilors shall reveal any significant pre-hearing or exparte contacts with regard to any matter as early as possible under the circumstances in the hearing or the matter. If such contacts have impaired the councilors' impartiality or ability to vote on the matter, the councilor shall so state and shall abstain there from.

5. Notwithstanding any provision of this or any other rule:

a. An abstaining or disqualified councilor may be counted for purposes of forming a quorum; and

b. A councilor may represent himself or herself, a client or any other member of the public at a hearing; provided, that said councilor abstains from the vote on the matter, removes himself or herself from the council area and joins the audience, and makes full disclosure of his/her status and position at the time of addressing the council.

D. Order of Procedure. The presiding officer, in the conduct of the hearing, shall comply with the appropriate City ordinance and/or state law for specific types of hearings so regulated. For administrative hearings not subject to other City ordinances or state law, the hearing will be conducted in the following manner:

1. Commence the Hearing. Announce the nature and purpose of the hearing and summarize the rules for the conduct of the business.

2. Call for Abstentions. Any councilor announcing a decision to abstain shall identify the reasons for abstaining and shall not participate in discussion of the matter or vote on the matter.

3. Staff Report. The City Manager, or designee shall summarize the nature of the matter, explain any graphic or pictorial displays, which are a part of the record, and provide such other information as may be requested.

4. Written Communications. ~~Written~~ communications addressing any matter before the council shall be received by the City by 5:00 p.m. on the Wednesday immediately preceding a regularly scheduled council meeting unless for good cause the council waives the time period therefore.

1. Mail

a. Letters addressed to Mayor and/or City Council – All letters addressed to the Mayor and/or entire City Council requiring a response from staff are copied to all Council members with a note as to which staff person will be preparing a response for the Mayor’s signature. A copy of the response mailed, along with the original letter will be provided to each Council member. Letters addressed to the Mayor and/or entire City Council that do not require a response, but provide information on Council agenda items or like matters are copied to the full Council. Cards and other mail addressed to the Mayor marked “personal” and/or “confidential” will not be opened.

b. Letters addressed to Individual Council Members – All letters addressed to individual Council members will not be opened. The envelopes will be delivered/mailed to the individual Council member’s home address. If a Council member is requesting a response to be prepared by staff, the letter is copied to all members of the Council with a note as to which staff person will be preparing a response for the addressee’s signature. A copy of the response mailed, along with the original letter will be provided to each Council member.

2. Council Correspondence – All Council member correspondence written with City resources (letterhead, typing, staff support, postage, etc.) will reflect the position of the full Council, not individual Council member’s positions. All Council member correspondence using City resources will be copied to the full Council. For example, if a citizen writes a letter to an individual Council member, the response to the letter along with a copy of the citizen’s letter will be copied to the full Council.

3. Clerical Support – The City Manager’s Office will coordinate the typing of correspondence requested by individual Council members. All correspondence typed for Council members will be on City letterhead and will reflect the position of the full Council, not individual Council members, and will be copied to the full Council.

From time to time, citizens write to the Mayor to voice concern, request assistance, or to request information on an issue/item. When such letters are addressed to the Mayor, the City Manager will prepare a response letter for the Mayor’s review and signature. The response, along with a copy of the citizen’s letter, will be copied to the full Council.

5. Audience Participation. Those present wishing to speak in favor of the proposed action will be allowed to speak, followed by those opposed to the proposed action.

6. Close of Hearing and Deliberation by Council. The presiding officer shall conclude the hearing and the council shall deliberate the matter. The council shall either make its decision or continue its deliberations to a subsequent meeting, the time and place of which must then be announced. The subsequent meeting shall be for the purpose of continued deliberation, and the presiding officer shall not allow additional submission of testimony, except upon approval by the council.

Section 8. Voting

A. Requirement. The concurrence of a majority of those present and voting at a meeting, provided that a quorum is present, is required to determine any matter before the council. Each councilor present must vote on all questions before the council unless the member has a conflict of interest, which would disqualify the member from voting. If a member abstains, the reasons for the abstention shall be entered in the record.

B. Roll Call Vote. At the request of any councilor, or as a requirement of any ordinance, any question shall be voted on by roll call.

C. Tie Vote. In the case of a tie vote the Mayor must vote.

G. Motion to Reconsider. To provide usefulness and protection against abuse, the motion to reconsider has to be made by a member who voted with the prevailing side. (Only one who voted aye if the motion involved was adopted can move Reconsideration, or *no* if the motion was lost.) Any member regardless of the individual's previous vote on the subject can second the motion to reconsider. The purpose of reconsideration is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a change situation that has developed since the taking of the vote.

H. Record of Votes. Unless the vote is unanimous, the ayes and nays of each councilor shall be entered in the minutes.

I. Vote Required. The express concurrence of a majority of the council members present and constituting a quorum is necessary to decide affirmatively a question before the Council.

Section 9. Ethics Code

A. Councilors shall review and be bound by the requirements of the State Ethics Law dealing with use of public office for private financial gain. Councilors shall give public notice of any potential conflict of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, councilors shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the council. This general obligation includes the duty to refrain from:

1. Disclosing confidential information or making use of special knowledge or information before it is made available to the general public.
2. Making decisions involving business associates, customers, clients and competitors;
3. Violation of council rules in fact or intent;
4. Appointing relatives, clients or employees to boards and commissions;
5. Requesting preferential treatment for themselves, relatives, associates, clients, coworkers or friends;
6. Seeking employment of relatives with the City.
7. Actions benefiting special interest groups at the expense of the City as a whole;
8. Expressing an opinion which is contrary to the official position of the Council without so stating.

B. Councilors shall conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring nondiscriminatory performance of public services, being informed concerning the matters of council consideration and abiding by all decisions of the council, whether or not the member voted on the prevailing side.

Section 10. Legal Advice.

Requests to the City Attorney for advice requiring legal research shall not be made by a member of the council. Requests for legal advice should be made of the City Attorney through the City Manager. Exceptions to this are issues related to the performance of the City Manager and the Mayor should make those inquiries. The City Attorney shall in either case provide any written responses to the full council and the City Manager.

Section 11. Communication with Staff.

Council members shall respect the separation between policy making and administration by limiting individual contacts with City employees so as not to influence staff decisions or recommendations, interfere with their work performance, undermine the authority of supervisors or to prevent the full council from having benefit of any information received.

Council members shall address all inquiries and requests for information from staff to the City Manager and allow sufficient time for a response. All written information given by the City Manager, or designee, to one council member shall be distributed to all council members.

Council members shall respect the roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages. Staff shall have the same respect for the roles and responsibilities of council members.

Section 12: Use of Electronic Devices

192.670 Meetings by means of telephonic or electronic communication. (1) Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS 192.610 to 192.690.

(2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the governing body of the public body shall make available to the public at least one place where the public can listen to the communication at the time it occurs by means of speakers or other devices. The place provided may be a place where no member of the governing body of the public body is present. [1973 c.172 §7; 1979 c.361 §1]

A. It is the policy of the Council, in keeping with the intent of the state's open meetings law, that the use of electronic communications devices during Council meetings be limited and shall otherwise comply with rules and laws applicable to proceedings before the Council.

Any electronic communication regarding a quasi-judicial matter to be considered by the Council is an ex parte contact, and shall be disclosed, as required by law.

This rule does not prohibit the use of the City provided interactive computers on the dais for viewing the Council meeting agenda and agenda packet. This rule does not limit the use of electronic communications devices outside of public meetings. However, all electronic communications sent and received by Councilors must comply with the rules and laws applicable to public records.

B. Definitions

1. As used in this section, "electronic communications devices" means laptop computers, smart phones, cell phones, or other similar devices capable of transmitting or receiving messages electronically.

2. As used in this section, "electronic communications" means e-mail, text messages, or other forms of communications transmitted or received by technological means.

3. All phones shall be kept in the silent or vibrate mode.

Section 13. Confidentiality.

Councilor Members shall keep all written materials provided to them on matters of confidentiality under law in complete confidence to ensure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other councilors, the City Manager or City Attorney.

If the council, in executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiation, whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A council member will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.

Although Oregon state law requires that the media be allowed to attend executive session, no council member should engage in discussion with the media outside the executive session on the topic. The media is no longer bound by the requirements of confidentiality should discussion continue once the executive session is adjourned.

Council members are bound by the confidentiality of executive session even after they no longer serve on the City Council.

The council, by resolution, may censure a member who discloses a confidential matter.

Section 14. Suspension of the Rules

By a majority vote, the Council may suspend any section of these Council Rules of Procedure, except for those sections regulated by City Charter, City Ordinance or State law.

Adopted by City Council on April 18, 2012- effective immediately