



NOTICE OF PUBLIC MEETING

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, February 25, 2008
4:00 p.m.

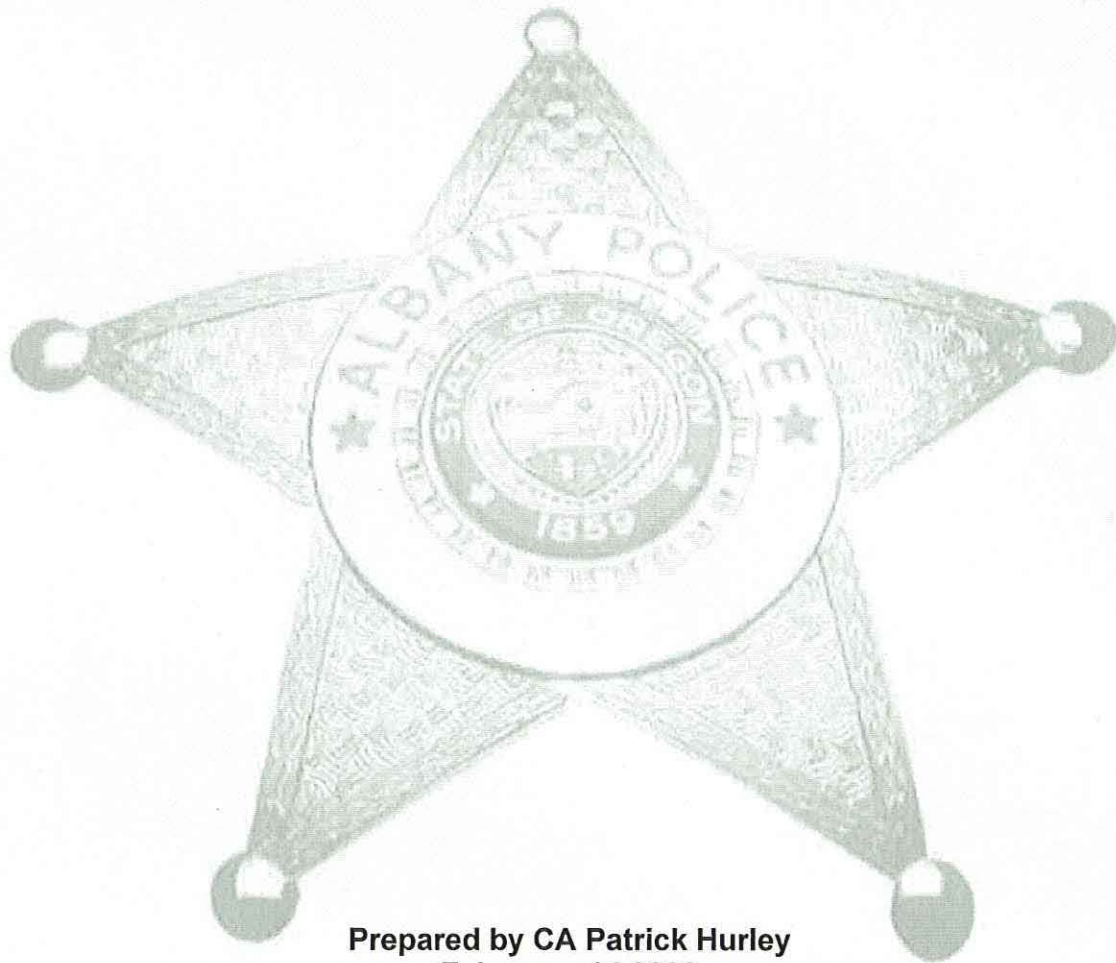
AGENDA

- 4:00 p.m. **CALL TO ORDER**
- 4:00p.m. **BUSINESS FROM THE PUBLIC**
- 4:05 p.m. **2007 CRIME REPORT** – Ed Boyd
Action Requested: Information.
- 4:20 p.m. **TRANSPORTATION SYSTEM PLAN DISCUSSION** – Jeni Richardson
Action Requested: Discussion.
- 4:45 p.m. **SIGN CODE REVIEW** – Melanie Adams
Action Requested: Information; discussion.
- 5:05 p.m. **CONTINUED DISCUSSION OF LIBRARY DISTRICT PROPOSAL** – Ed Gallagher
Action Requested: Information; discussion; direction for approval February 27, 2008.
- 5:20 p.m. **PUBLIC WORKS ENGINEERING POSITION RECLASSIFICATIONS** – Mark Shepard
Action Requested: Information; discussion; direction for approval February 27, 2008.
- 5:25 p.m. **CITY COLLECTION OF CONSTRUCTION EXCISE TAX** – Jim Delapoer
Action Requested: Information; discussion; direction for approval February 27, 2008.
- 5:45 p.m. **COUNCILOR COMMENTS**
1. Community cleanup proposal – Councilor Collins
 2. Low-cost spay and neuter program – Councilor Olsen
- 5:55 p.m. **CITY MANAGER REPORT**
- 6:00 p.m. **ADJOURNMENT**

City of Albany Web site: www.cityofalbany.net

The location of the meeting/hearing is accessible to the disabled. If special accommodations to attend or participate in the meeting/hearing are needed, advance notice is requested by notifying the Human Resources Director at 917-7500.

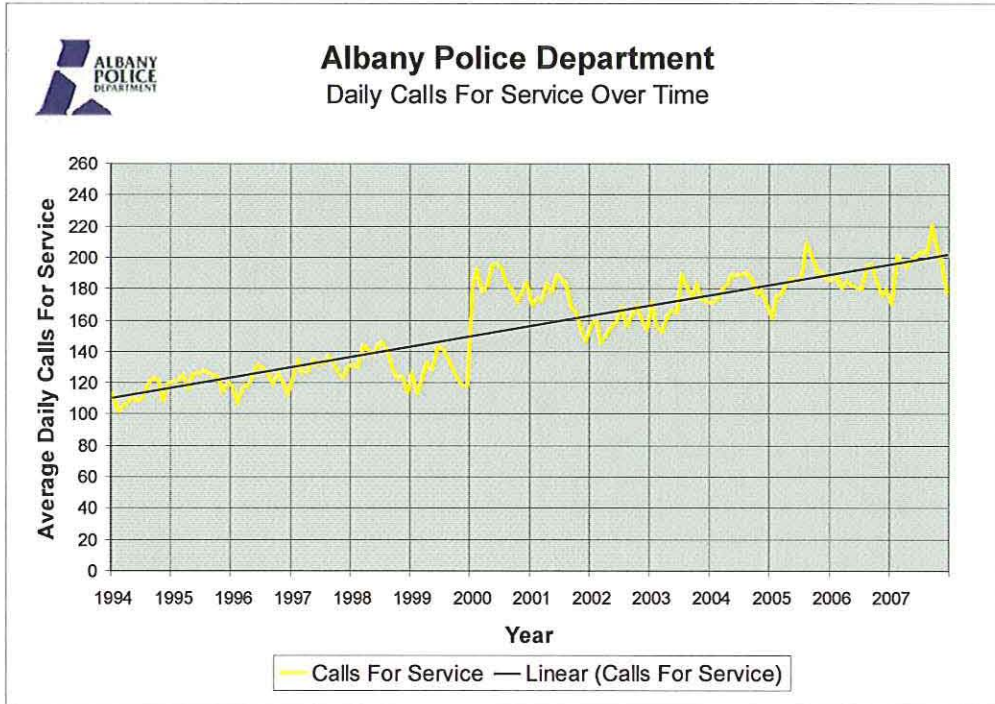
ANNUAL CRIME REPORT 2007



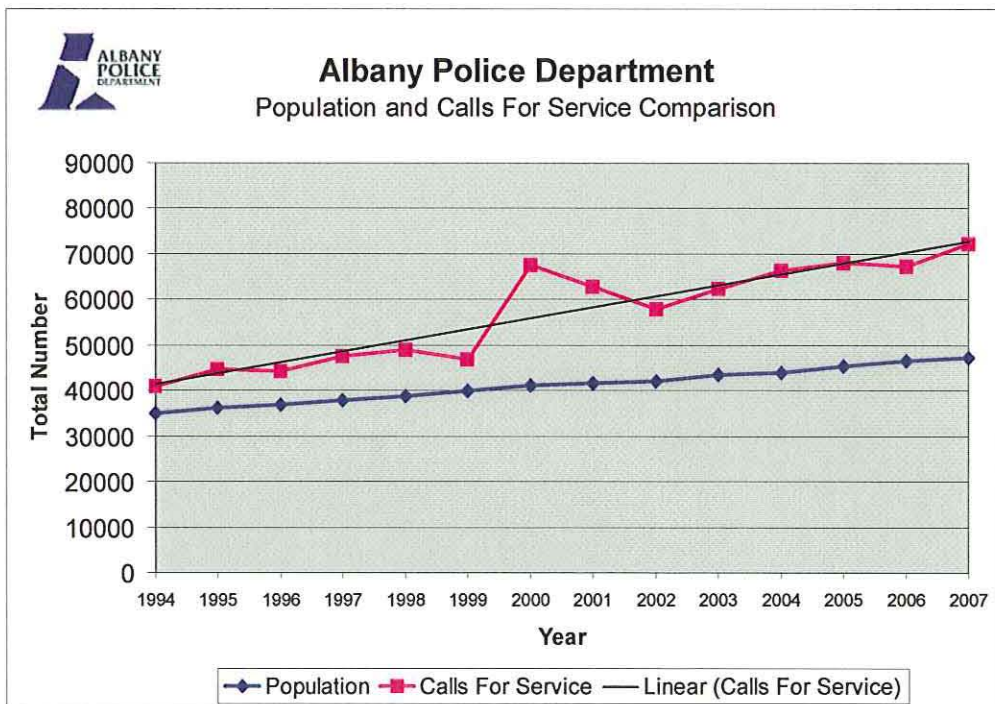
Prepared by CA Patrick Hurley
February, 14 2008

ALBANY POLICE DEPARTMENT

1. Calls For Service. The Daily Calls For Service chart clearly shows an upward trend in Calls For Service over the past 14 years. Of note is that the Albany Police Department exceeded an average of 200 calls per day in six (6) of the twelve (12) months of 2007, peaking in September 2007 with an average of 221 Calls For Service each day.



There is a strong, positive correlation between population and calls for service. As the population of Albany increases, we can expect to see an increase in the calls for service.



Below is a table indicating projected population and calls for service through 2012, if both population growth and calls for service continue in the future as they have in the past.

Year	2003	2004	2005	2006	2007
Population	43600	44049	45360	46359	47470
Calls For Service	62420	66529	68159	67442	72287
Sworn Officers with Levy	59	59	59	59	62
Officer Rate/1000 Population with Levy	1.35	1.34	1.30	1.27	1.31
Officer Rate/1000 Population without Levy	1.26	1.25	1.21	1.19	1.24

Year	2008	2009	2010	2011	2012
Projected Population	48236	49170	50104	51038	51972
Projected Calls For Service	75189	77606	80022	82439	84856
Sworn Officers with Levy	62	62	62	62	62
Officer Rate/1000 Population with Levy	1.29	1.26	1.24	1.21	1.19
Officer Rate/1000 Population without Levy	1.22	1.20	1.18	1.16	1.14

Note: Historical population is taken from the Portland State University Center for Population Research and Census. Projected population is based on linear regression of the past 14 years.

2. Officer Levels.

According to the 2006 Uniform Crime Report published by the Federal Bureau of Investigation, the national sworn officer rate per 1000 population for nonsuburban cities with a population between 25,000 – 49,999 was 1.8; the Pacific Region sworn officer rate per 1000 population for cities with a population between 25,000 – 49,999 was 1.3; and



the Oregon sworn officer rate per 1000 population was 1.56. The chart above shows the officer manning levels required to maintain the national, Pacific Region and Oregon officer rates given the projected population for the next 6 years. The Albany Police Department has habitually

fallen below Oregon and national averages. However, starting in 2008, sworn officer levels will also begin to fall below the Pacific Region averages.

3. Calls For Service Impact on Officer Levels

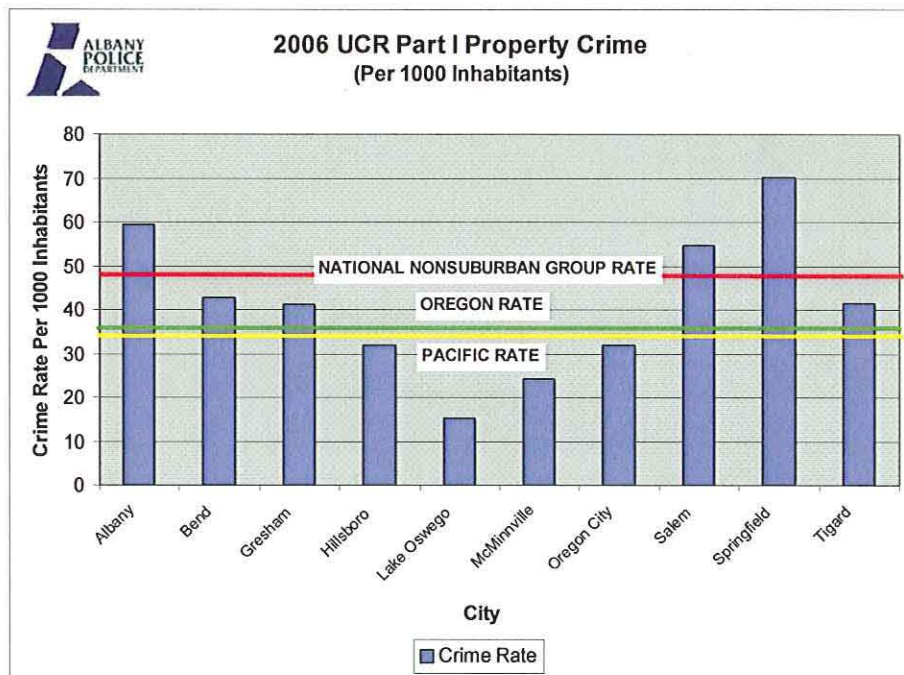
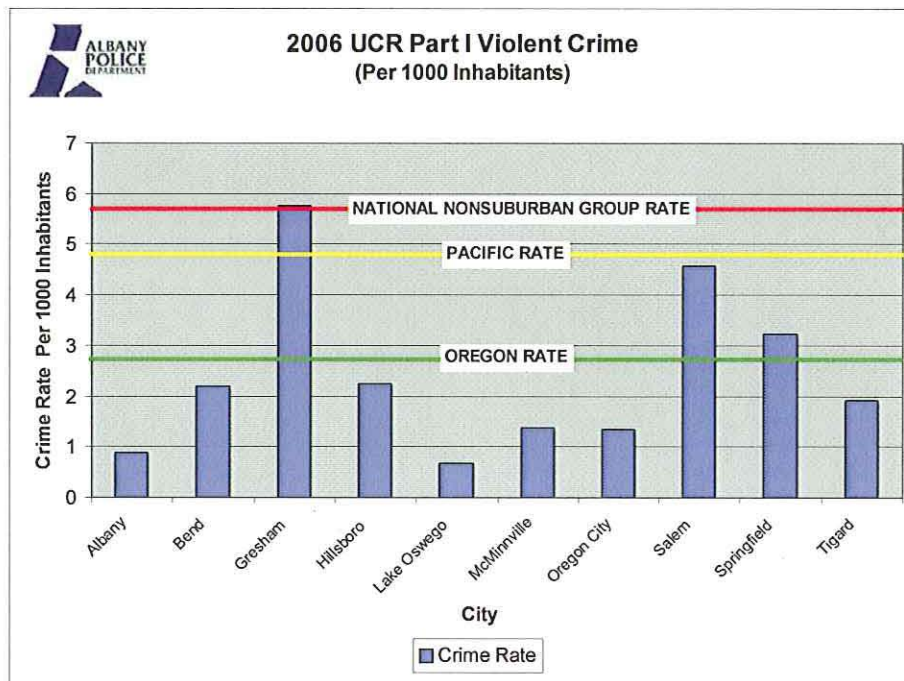
Year	Population	Sworn Officers ^{1,2}	Sworn Officers/1000	Support Staff	Total Personnel	Calls For Service	Calls/Sworn Officer
1994	35,020	44	1.26	18.75	62.75	41,108	934.27
1995	36,205	49	1.35	19.25	68.25	44,882	915.96
1996	37,095	49	1.32	19.25	68.25	44,291	903.90
1997	37,830	49	1.30	19.25	68.25	47,577	970.96
1998	38,925	55	1.41	20.25	75.25	48,925	889.55
1999	40,010	55	1.37	21.25	76.25	46,839	851.62
2000	40,852	55	1.35	22.25	77.25	67,653	1230.05
2001	41,650	55	1.32	22.25	77.25	62,934	1144.25
2002	42,280	55	1.30	22.25	77.25	57,890	1052.55
2003	43,600	59	1.35	27.25	86.25	62,420	1057.97
2004	44,049	59	1.34	27.25	86.25	66,529	1127.61
2005	45,360	59	1.30	27.25	86.25	68,159	1155.24
2006	46,359	59	1.27	28.00	87.00	67,442	1143.08
2007	47,470	62	1.31	31.25	93.25	72,287	1165.92
2008	48,236	62	1.29	31.25	93.25	75,189	1212.73
2009	49,170	62	1.26	31.25	93.25	77,606	1251.71
2010	50,104	62	1.24	31.25	93.25	80,022	1290.68
2011	51,038	62	1.21	31.25	93.25	82,439	1329.66
2012	51,972	62	1.19	31.25	93.25	84,856	1368.65

¹Sworn Officers includes Chief (1), Captains (3), certain Sergeants (3) and Detectives (6) who are not considered first responders.

²Numbers reflect authorized level not filled level.

The table above shows historical data for sworn officers, support staff, population and Calls For Service. It also incorporates a 5-year projection provided that population growth and calls for service continue in the future as they have in the past and authorized staffing levels remain constant. We can expect that the increased calls for service will affect the work load for patrol officers, communications specialists, police clerks and property and evidence as well as their ability to respond to the needs of an ever increasing population.

4. Crime Trends



The charts above show how selected Oregon cities compared to the overall Oregon, Pacific Region, and National Nonsuburban Group (25,000 to 49,999 population) crime rates for UCR Part I Violent Crime and UCR Part I Property Crime. Cities were chosen based on either their population or their proximity to Albany. Overall, Albany has a relatively low violent crime rate compared to other cities in the state, region, and the nation. However, Albany has a significantly higher property crime rate compared to the same cities.

2 YEAR CRIME COMPARISON				
YEAR	2007	2006	2005	% CHANGE 05 TO 07
CALLS FOR SERVICE	72,261	67,442	68,159	+6.0 %
CASES	27,850	29,250	29,706	-6.2 %
UCR PART I VIOLENT	58	54	71	-18.3 %
UCR PART I PROPERTY	2450	2952	3459	-29.2 %
UCR PART I/II/III	8747	9415	9742	-10.2 %
ADULT ARRESTS	3810	3765	3681	+3.5 %
JUVENILE ARRESTS	606	571	501	+21.0 %
TRAFFIC (MOVING VIOLATIONS)	2942	1749	1160	+153.6 %
ABANDONED VEHICLES	752	828	921	-18.3 %
JUNK/TRASH	110	151	162	-32.1 %

There has been a downward trend in overall crime for the past two years. During the same time period, Calls For Service, arrests and moving violations have all increased.

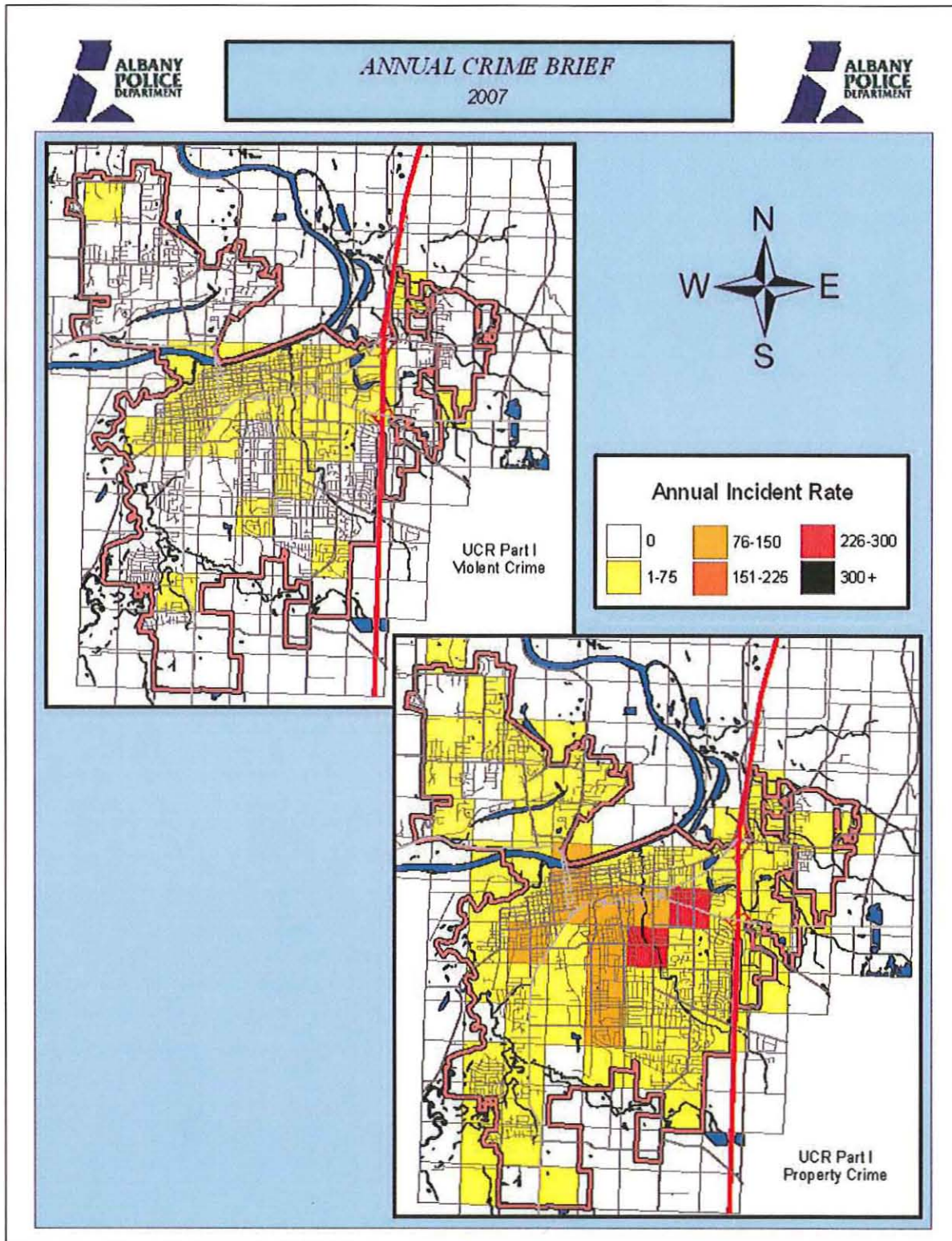
UCR PART I PROPERTY CRIME COMPARISON				
YEAR	2007	2006	2005	% CHANGE 05 TO 07
LARCENY-ALL OTHER	795	970	1015	-21.7 %
LARCENY-MOTOR VEHICLE	623	730	890	-30.0 %
LARCENY-SHOPLIFTING	282	287	384	-26.6 %
LARCENY-BICYCLES	157	233	252	-37.7 %
MOTOR VEHICLE THEFT	127	186	289	-56.1 %
ALL ARSONS	33	19	14	+135.7 %

During the past two years the top five property crimes have steadily decreased. While Arsons do not contribute greatly to the overall property crime numbers, the steady rise in the past two years is of concern.

UCR PART I VIOLENT CRIME COMPARISON				
YEAR	2007	2006	2005	% CHANGE 05 TO 07
AGGRAVATED ASSAULT	12	12	32	-62.5 %
ROBBERY-BUSINESS	17	14	14	+21.4 %
ROBBERY-OTHER	10	10	10	0.0 %
FORCIBLE RAPE	5	1	9	-44.4 %
ROBBERY-HIGHWAY	3	3	3	0.0 %

There is a greater amount of variance with violent crime from year to year than with property crime. There is not a consistent downward trend over the past two years and caution should be used when viewing or drawing conclusions about violent crime numbers due to the variance and because small changes in numbers will make large percentage changes.

5. Crime Map



The highest crime areas continue to be clustered around Albany's major shopping areas.



TO: Albany City Council

VIA: Wes Hare, City Manager
Diane Taniguchi-Dennis, P.E., Public Works Director *Diane Dennis*

FROM: Mark W. Shepard, P.E., Assistant Public Works Director / City Engineer
Jeni Richardson, P.E., Civil Engineer III
Ronald G. Irish, Transportation Systems Analyst
Heather Hansen, Planner III

DATE: February 20, 2008, for the February 25, 2008, City Council Work Session

SUBJECT: Transportation System Plan Update – 2030 Roadway Needs Analysis

STRATEGIC PLAN THEMES AND GOALS: Great Neighborhoods

Action Requested:

Staff to receive Council comments and questions on the documents delivered at the work session on February 25, 2008. Staff direction on whether Council is ready to accept these *Memorandums* by motion or have additional review time and take the matter forward to the March 10, 2008, Council work session.

Discussion:

There have been eight deliverables in the Transportation System Plan (TSP) Update Council has previously reviewed and accepted. These memorandums are:

- *Memorandum #1 – Existing Plans and Policies (October 10, 2005)*
- *Memorandum #2 – Review of Goals, Objectives, and Measures of Effectiveness (October 10, 2005)*
- *Memorandum #3 – Existing Transportation Conditions and Deficiencies (January 9, 2006)*
- *Memorandum #4 – 2030 Comprehensive Plan Committed Network Scenario (January 22, 2007)*
- *Memorandum #5 – 2030 Land Use Alternatives Analysis (April 9, 2007)*
- *Memorandum #6A – DRAFT 2030 Model Alternatives Analysis (February 28, 2008)*
- *Working Paper #1 – 2030 External Traffic Growth (February 28, 2008)*
- *Memorandum #6B – DRAFT 2030 Multi-modal Plan (February 28, 2008)*

On February 11, 2008, staff delivered two additional documents for Council's review

- *Memorandum #6C – DRAFT 2030 Roadway Needs Analysis*
- *Knox Butte Neighborhood Discussion (background information)*

Staff has returned today to inform Council of the input received from other agencies and to hear from you. At this time you might want to accept the memo or you might want additional review time. Your review of *Memorandum #6C* is intended to be a fatal flaw check before the draft roadway project list is taken to the public and will be subject to additional modifications as review continues and later as project priorities are discussed. The public open houses have been scheduled for March 4th and March 11th with locations to be determined and announced to the Council at this meeting.

Following community review of the draft roadway projects, our next step will be to develop a comprehensive TSP project list of roadway projects (from memo #6C) and non-auto projects (from memo #6B), project costs, and the first cut at project prioritization. Memo #7 will resolve project conflicts or overlaps and will be presented for additional comments and revisions by Council, agencies, and the community.

Budget Impact:

There is no direct budget impact to approving this memorandum. This project is funded with Street Capital Funds.

JMR:kw



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Don Donovan, Planning Manager *DD*
Melanie Adams, Interim Building Official *MA*
DATE: February 21, 2008, for the February 25, 2008, City Council Work Session
SUBJECT: Albany Development Code (ADC) Article 13 ("Sign Code")

- RELATES TO STRATEGIC PLAN THEME:
- Great Neighborhoods
 - A Safe City
 - An Effective Government

Action Requested

Review the following information regarding the Sign Code and its enforcement. Direction from Council as to whether changes are needed to the City's current regulation and enforcement of signs in the public right-of-way.

Discussion

On February 13, 2008, James Brooks came to the City Council meeting with a complaint that the Community Development Department's code compliance staff asked him to remove two portable signs from the public right-of-way in front of his business and later confiscated the signs when he failed to remove them. Mr. Brooks operates two service stations on Pacific Boulevard SE: an Arco station and a Union 76 station. Staff had required removal of the two portable signs because they both violated Albany Development Code (ADC) Section 13.330 regarding signs in public rights-of-way.

Mr. Brooks suggested that the City's Sign Code is too restrictive and that prohibiting him from placing his signs in the public right-of-way is hurting his business. He also stated that he felt he was being unfairly targeted by the City for enforcement and asked that all other business owners be required to move or remove their signs placed in the right-of-way as well. Mr. Brooks asked Council to reconsider the City's approach to signs in the right-of-way and perhaps make amendments to the Sign Code. Council expressed an interest in discussing this issue at the next work session.

Signs in Public Rights-of-Way

ADC Section 13.330, "Prohibited Signs," states:

"The following signs are prohibited and may not be placed within the city of Albany:

...(18) Signs in the public right-of-way except as listed in Section 13.310 ADC and AMC (Albany Municipal Code) Chapter 13.33 (Temporary Right-of-Way Use Permits)."

ADC 13.310 allows signs such as traffic signs and other signs necessary for public safety. AMC 13.33.030 requires a permit for display advertising and other private uses of a public right-of-way

and allows the City Manager to issue a permit for advertising and other uses in limited circumstances. A process is currently in place for citizens to make application to the City Manager for such a permit.

The purpose of the Sign Code, as explained in ADC Section 13.110, is "to...provide equitable methods of business identification, reduce signage conflicts, promote traffic and pedestrian safety, increase the aesthetic value and economic viability of the City, all by classifying and regulating the location, size, design, type and number of signs and related matters." To provide equitable methods of business identification, reduce signage conflicts, and increase the aesthetic value of the city, the Sign Code limits the number and size of signs visible from public streets. Too many signs may limit the effectiveness of an individual sign to provide information to the public and may create clutter that most people consider detrimental to an attractive and vibrant streetscape.

Signage in the public right-of-way may also present a public safety hazard. According to Ron Irish, the City's Transportation Analyst, signs placed in the public right-of-way have the potential to pose safety problems if placed within a "vision clearance area" near an intersection or driveway. The City restricts obstructions between the heights of 2 and 8 feet in these "vision clearance areas", and the height of advertising signs generally fall within that range. If placed on a sidewalk or on a median, the signs can also become an obstruction for pedestrians. On 5- and 6-foot-wide sidewalks, the signs often reduce the clear sidewalk area below Americans with Disabilities (ADA) required minimums. Most of the signs being placed in the right-of-way are of a temporary, "sandwich board" style, and are not properly secured. During the periods of high winds, which we experienced a couple of months ago, a number of these temporary signs blew over and could have presented a risk to pedestrians and motorists expecting to have a clear path of travel.

The prohibition on signs in public rights-of-way is not unique to Albany. Corvallis, Salem, and Eugene, for example, all prohibit these types of signs. Albany does have certain exceptions for the core downtown area, as do other jurisdictions, such as Eugene and Roseburg. Albany's historic downtown has typically been regulated differently due to the fact that for downtown businesses, the property line is the wall of their building. Even though downtown is treated somewhat differently, these regulations continue to focus on the interests listed in the Sign Code's purpose statement.

Coincidentally, on February 19, 2008, the City received a letter from the Oregon Department of Transportation (ODOT) that addresses the use of public rights-of-way for signs. (See attached.) The letter explains, among other things, that the Attorney General's office for the State of Oregon has advised ODOT not to allow any signs other than traffic control devices in their rights-of-way. This means that the City would not be able to grant permits to place signs in the right-of-way for any area of ODOT jurisdiction, such as on Pacific where Mr. Brooks operates his two gas stations.

Sign Code Enforcement

Pursuant to direction from the City Manager, Community Development staff began focusing on Sign Code enforcement in November 2007, specifically targeting signs located in the public right-of-way. The City had received a number of calls from citizens late last year, complaining that the placement of temporary signs in the right-of-way had gotten out of hand and asking the City to do

a better job of enforcing its Sign Code. Since November, Community Development has addressed over 100 signs located in the rights-of-way, and has hired one full-time compliance inspector to focus on Sign Code enforcement. As Mr. Brooks pointed out, there are still many signs throughout the city that are placed in the public rights-of-way. Staff maintains a list of all signs in violation of the right-of-way regulations, and works through the list as quickly as possible. The signs which Mr. Brooks brought to staff's attention are all on this list and will be addressed in a timely fashion. However, as Community Development's resources are limited, staff is not always able to address a sign complaint immediately.

In the past, City staff has conducted citywide sign sweeps. While this achieved the goal of equal enforcement (all signs in the right-of-way were seized on the same day), Community Development staff felt that this approach did not provide the lasting effect of keeping signs out of the rights-of-way permanently. Instead, staff now engages in an extremely customer service-intensive process when working with sign owners to help them move or remove their signage. Each business owner receives a letter with a seven-day timeline for removal of their sign from the public right-of-way. This letter is followed up with a phone call from staff. In most cases, staff makes multiple "reminder" phone calls to business owners, asking them if they need help finding a different place for their sign and offering to help interpret and navigate the City's regulations. In most cases, business owners do comply. Due to the level of communication that staff maintains with business owners, it is rare that staff must confiscate a sign, as was the case with Mr. Brooks.

Summary

As staff mentioned at the City Council meeting, we do contemplate clarifying and/or revising some portions of the Sign Code. However, the prohibition on advertising signs in the public rights-of-way was not one of the areas in which staff wished to propose revisions. Staff would like to have direction from Council as to whether the placement of signs in the public rights-of-way should be an area of focus for changes to either the Sign Code, staff's enforcement of the Sign Code, or both.

Budget Impact:

None at this time.

DD/MA

Attachment: Letter from ODOT



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Traffic-Roadway Section
355 Capitol St. NE, 5th Floor
Salem, OR 97301-3871
(503) 986-3568
Fax: (503) 986-4063

Association of Oregon Counties
P.O. Box 12729
Salem OR 97309

February 11, 2008

File Code:

League of Oregon Cities
1201 Court Street NE Suite 200
Salem OR 97301

Re: Signs within the Public Right of Way

It was recently brought to the attention of the Oregon Traffic Control Devices Committee (OTCDC) that there have been requests to install signing in the public right of way to direct motorists to new developments of homes or businesses. The OTCDC is an advisory group to the state, cities, and counties in Oregon regarding traffic management issues. The committee assists the Oregon Transportation Commission in setting policies and procedures related to traffic control devices. The OTCDC wants to send this open letter to all cities and counties to remind them not to allow advertising or other type signs that are not in compliance with the Manual on Uniform Traffic Control Devices (MUTCD) in the public right of way

Traffic control devices installed on all public roads within the State of Oregon are required to conform to the MUTCD, published by the Federal Highway Administration (FHWA). This requirement is established by Oregon Revised Statute (ORS 810.200) and Oregon Administrative Rule (OAR 734-020-0005). Many local jurisdictions have codes or ordinances covering the display of signs on local streets or roads as well. Furthermore, the Attorney General's office for the State of Oregon has advised ODOT not to allow any signs in the public right of way other than traffic control devices, as this would require the state to allow anyone to use the public right of way for any kind of signing as a matter of freedom of speech.

The purpose of traffic control devices, as well as the principles for their use, is to promote highway safety and efficiency by providing for the orderly movement of all road users on streets and highways throughout the Nation. Traffic control devices notify road users of regulations and provide warning and guidance needed for the reasonably safe, uniform, and efficient operation of all elements of the traffic stream. The MUTCD mandates that signs must conform to requirements for size, shape, color, and simplicity of message to produce a clear meaning to motorists. Legibility and size combine with placement to provide adequate time for motorist response. Sign supports are carefully tested to provide safe breakaway and crash characteristics to lessen the potential severity of a crash. In addition, the MUTCD requires that traffic control devices shall not bear any advertising message or any other message that is not related to traffic control.

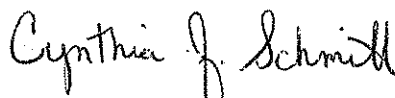


Additional unnecessary signs within the right of way lessen the respect for traffic control devices (i.e., too many signs) or may detract attention from other important traffic matters (i.e., stopped vehicles or pedestrians) or other traffic control devices (i.e., red lights or stop signs). Cities and counties should not allow other types of signing to accompany traffic control devices within the right of way. The combination of added distraction, lack of legibility, and support worthiness in a crash may result in increased frequency and severity of crashes.

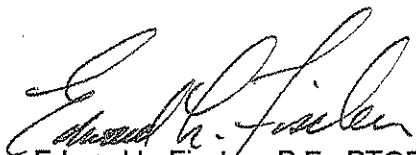
Signs of the nature that were shown to the OTCDC (see attachment) while appearing to be directional guidance in nature are, in fact, advertisement in nature; they contain too much written text; they have non-standard font that is also too small to be read by cars going at even the slowest speeds; they are on posts that are not crash worthy; and the signs have no resemblance to an acceptable traffic control device. In short, these signs would be a menace and should not be allowed on a public roadway in Oregon.

The rights of way of our streets and roads should be reserved for the most necessary of traffic control devices in order to preserve the safety of the motorists.

Sincerely,



Cynthia J. Schmitt, P.E., PTOE
Marion County
Chairperson OTCDC



Edward L. Fischer, P.E., PTOE
State Traffic Engineer
Secretary OTCDC

Attachments

CC: Jon Oshel, AOC
Andy Shaw, LOC
Members of OTCDC
Tom Tushner, Washington County

HILLSBORO

- Legend Homes ↑
- Arbor Custom Homes ↑
- Riverside ↓
- Renaissance Homes ↑
- Polygon Northwest ←
- Costa Pacific ↑
- DR Horton ↑
- Buena Vista Custom Homes ↑

4 x 8 ft central community signs

HILLSBORO

- Legend Homes ↑
- Arbor Custom Homes ↑
- Riverside ↓
- Renaissance Homes ↑
- Polygon Northwest ←
- Costa Pacific ↑
- DR Horton ↑
- Buena Vista Custom Homes ↑

4 x 8 ft central community signs

HILLSBORO

- Legend Homes ↑
- Arbor Custom Homes ↑
- Riverside ↓
- Renaissance Homes ↑
- Polygon Northwest ←
- Costa Pacific ↑
- DR Horton ↑
- Buena Vista Custom Homes ↑

4 x 8 ft central community signs

HILLSBORO

- Legend Homes ↑
- Arbor Custom Homes ↑
- Riverside ↓
- Renaissance Homes ↑
- Polygon Northwest ←
- Costa Pacific ↑
- DR Horton ↑
- Buena Vista Custom Homes ↑

4 x 8 ft central community signs

3x6
posts
with
decorative
base

HILLSBORO

- Legend Homes ↑
- Arbor Custom Homes ↑
- Riverside ↓
- Renaissance Homes ↑
- Polygon Northwest ←
- Costa Pacific ↑
- DR Horton ↑
- Buena Vista Custom Homes ↑

4 x 8 ft central community signs

HILLSBORO

- Legend Homes ↑
- Arbor Custom Homes ↑
- Riverside ↓
- Renaissance Homes ↑
- Polygon Northwest ←
- Costa Pacific ↑
- DR Horton ↑
- Buena Vista Custom Homes ↑

4 x 8 ft central community signs

HILLSBORO

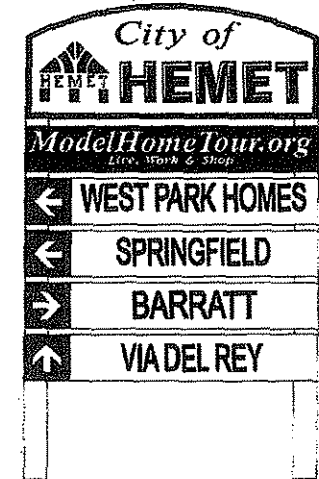
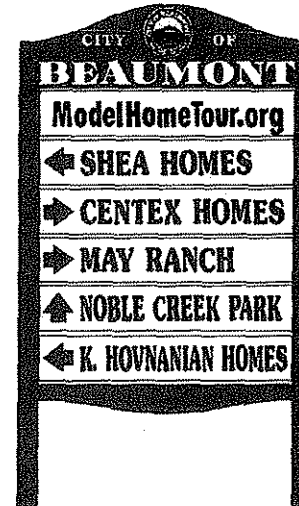
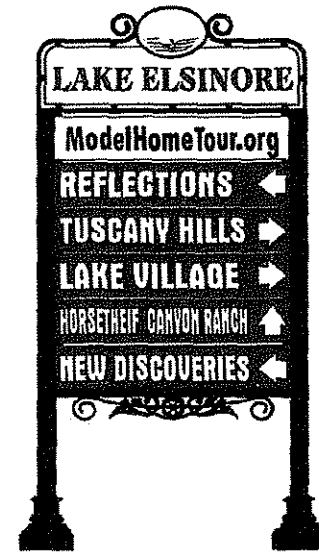
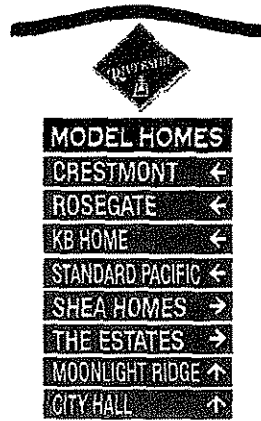
- Legend Homes ↑
- Arbor Custom Homes ↑
- Riverside ↓
- Renaissance Homes ↑
- Polygon Northwest ←
- Costa Pacific ↑
- DR Horton ↑
- Buena Vista Custom Homes ↑

4 x 8 ft central community signs

HILLSBORO

- Legend Homes ↑
- Arbor Custom Homes ↑
- Riverside ↓
- Renaissance Homes ↑
- Polygon Northwest ←
- Costa Pacific ↑
- DR Horton ↑
- Buena Vista Custom Homes ↑

4 x 8 ft central community signs



ALL ARTWORK & DESIGNS ARE THE EXCLUSIVE PROPERTY OF HOKE OUTDOOR ADVERTISING, INC.

UNAUTHORIZED USE OF ARTWORK OR DESIGNS WITHOUT WRITTEN PERMISSION FROM HOKE OUTDOOR ADVERTISING, INC. MAY RESULT IN LEGAL ACTION.

JOB NUMBER

B06-059

PROJECT

BIA-RIVERSIDE

SIGN TYPE

COLLAGE

SCALE

1:2

DATE

06-12-07

SALESPERSON

CARLA WILD

ART APPROVAL SIGNATURE:

ART APPROVAL DATE:

ART CREATED BY:


JESSE

FILE NAME:

CARLA/BIA-RIVERSIDE/ B06-059 COLLAGE

Revision #



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Ed Gallagher, Library Director 
DATE: February 20, 2008, for the February 25, 2008, City Council Work Session
SUBJECT: Library District

RELATES TO STRATEGIC PLAN THEME: • An Effective Government
• Great Neighborhoods

Action Requested:

Information and discussion. Consider adopting the attached Resolution at the February 27, 2008, City Council meeting to refer creation and participation in the Linn Library District to the voters in November 2008.

Discussion:

This is a follow-up conversation from the February 11, 2008, Work Session where the City Council asked for more information and clarification to help with its decision on supporting a library district ballot measure in November 2008. One outcome for today would be to join with Lebanon, Sweet Home, Millersburg, Tangent, Halsey, Scio, Sodaville, Waterloo, and all their staff and various boards, by agreeing to support a ballot measure to allow the voters to decide for themselves about significant improvement to library services via the proposed district.

I think it's very important to repeat, highlight, and focus on just some of the easily identified benefits to library users in Albany, such as:

- 60 percent increase in FTE, and significant strengthening of staffing by strategic realignment.
- More than 50 percent increase in book/materials budget.
- A 23 percent increase in operational hours, something the public has requested for years but is beyond the ability of the General Fund to support and sustain.
- Consolidated planning, purchasing, and training that help eliminate redundancies and inefficiencies.
- Dedicated source of funding to help avoid library cutbacks and closures as seen in Sweet Home, and Jackson and Josephine Counties.
- Little, if any, effective tax increase.

I think these benefits and many more outweigh the risks and uncertainties that have surfaced in our conversations over the past five years. Again, our legitimate concerns are common to every library district plan across the country, and there is much to learn and borrow if the measure reaches the ballot and passes.

To address some of our concerns:

- Levying .68/\$1,000 for a library district has little effect upon compression. The impact to the Public Safety Levy is \$9,068.

- By law, all current Library jobs will transfer to the proposed district. To address one comment—I would personally relish the opportunity to provide leadership in whatever capacity possible for such an exciting project.
- Routine maintenance is part of the regular budget. Planning for major repairs could also be incorporated into the district budget, and, in fact, there is an effort to create a reserve fund from day one, which is an excellent start. It helps that the two largest facilities will be brand new, creating space for building up reserves.
- The City can join with Lebanon in agreeing to under levy for three years. At the end of three years, which coincides with the renewal of Albany's Public Safety Levy, the City could explore reducing the Levy by the district amount, which would provide over \$2 million in permanent funds to Fire and Police (the former Library budget). It could then renew the levy at a potentially much lower rate.

The library community in Albany supports placing this issue before the voters. Throughout the state and across the country, library districts have become the best practice for delivering high-quality library services at the best price.

I believe this endeavor is a very solid example of effective government and would provide a high level of sustainable library services to the citizens of Albany for generations to come.

Budget Impact:

None

EG:kg

Attachments 2

City of Albany
Linn Library District
Budget Issues 2007-2008
(Revised 02/20/2008)

Resources

Linn County Property Tax	(1,587,721)
Benton County Property Tax	(331,266)
Public Safety Levy	(9,144)
Total Property Tax	<u>(1,928,131)</u>

Library Fees	<u>(80,000)</u>
Total Revenues	<u>(2,008,131)</u>

Requirements

45-1701 Library	2,138,200
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Difference	130,069
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Other

Central Service Charges	125,600
GIS System Charges	6,500
IT Services	38,000
Total Charges	<u>170,100</u>

IT Equip Res	52,700
Annual PERS Bonds	21,118

GF Property Tax Reduction (80%)	(1,535,190)
P&R Property Tax Reduction (20%)	(383,797)

Building Ownership and Lease
Routine and major maintenance
Service Contracts (Payroll, Finance, IT, HR)

**Proposed Linn Library District
3-Year Budget (Revised)**

	Year I Jul 09-Jun 10	Year II Jul 10-Jun 11	Year III Jul 11-Jun 12
Cash Forward		774,752	615,924
Previously levied taxes*		139,437	146,409
Interest	16,018	37,290	42,264
Fines and fees	75,000	80,000	85,000
Donations	5,000	5,000	5,000
Miscellaneous	5,000	5,000	5,000
Tax income from current year's taxes**	4,647,907	4,880,302	5,124,317
Total resources	4,748,925	5,921,781	6,023,915
Annual expenditures	Year I	Year II	Year III
Personnel	1,643,950	3,419,417	3,556,194
Collections	252,915	521,006	536,636
Other materials and services	505,831	1,042,012	1,073,272
Capital outlay	126,459	227,623	200,258
Total annual expenditures	2,529,155	5,210,058	5,366,360
Projected 2% under-expended line items	50,583	104,201	107,327
Expenditure total	2,478,572	5,105,857	5,259,033
July - Dec 2009 current operations estimate	1,495,601	-	-
Grand total operating expenditures	3,974,173	5,105,857	5,259,033
Transfer to reserves		200,000	200,000
Projected ending balance	774,752	615,924	564,882

*3% of prior year income from taxes

**4.5% growth in 2007-08 and 4.5% growth in 2008-09

RESOLUTION NO. _____

A RESOLUTION CONSENTING TO THE FORMATION OF THE LINN LIBRARY DISTRICT.

WHEREAS, over the past five years, the Linn Library League has studied alternatives for providing improved library services for county residents. It has determined that a library district can provide the revenues necessary for improved and additional library services in the county; and

WHEREAS, the Linn Library League plans to file a petition/request that the Linn County Board of Commissioners form a library district within the county to provide services to county residents; and

WHEREAS, the Linn Library League believes that a library district will better meet the needs for public library and informational services of both city and county residents; and

WHEREAS, the City Council believes that a library district will better meet the needs for public library and informational services of both city and county residents.

NOW, THEREFORE, BE IT RESOLVED that the City of Albany approves the formation of a library district and consents to include all territory of the city that is within Linn County within the boundaries of the Linn Library District.

DATED AND EFFECTIVE THIS 27TH DAY OF FEBRUARY 2008.

Mayor

ATTEST:

City Clerk



TO: Albany City Council

VIA: Wes Hare, City Manager
Diane Taniguchi-Dennis, P.E., Public Works Director *MWS*
Feb

FROM: Mark W. Shepard, P.E., Assistant Public Works Director/City Engineer *MWS*

DATE: February 21, 2008, for the February 25, 2008, City Council Work Session

SUBJECT: Public Works Engineering Position Reclassifications

RELATES TO STRATEGIC PLAN THEME: • Effective Government

Action Requested:

Staff requests Council review of the proposed request to eliminate one vacant position and to reclassify four positions in the Public Works Engineering Division. This item is scheduled for the February 27, 2008, council agenda for formal approval.

Discussion:

The Public Works Department is planning for the 29 employees (28%) who are eligible to retire within the next five years. The Department is actively working on planning for the transition periods when the retirements occur. As part of the succession planning, the Department is implementing the American Public Works Association self-assessment and accreditation program to formally document policies, practices, and procedures that will provide training and to help transfer of knowledge within the organization between team members. As each retirement occurs, the Department critically reviews the vacant position for its role and responsibilities within the organization and to take the opportunity the vacancy presents to make organizational structure changes.

The Public Works Engineering Division has had two retirements in the past month of two long-term employees: Kathy Flanagan (Clerk II) and Michael Brash (Design and Construction Supervisor) in the Engineering Division. The Engineering Division also has many well qualified and highly motivated employees who are ready to take on additional responsibilities. The Human Resources Department has reviewed and approved the reclassifications and compensation.

The specific actions are:

1. Eliminate 1-FTE Design and Construction Supervisor position (vacant-due to retirement)
2. Reclassify 1-FTE Public Works Permitting and Development Services Engineer to Assistant City Engineer
3. Reclassify 2-FTE Civil Engineer II positions to Civil Engineer III
4. Reclassify 1-FTE Clerk II to Clerk III (vacant)

The following is additional information on each of the reclassifications:

1. Eliminate 1-FTE Design and Construction Supervisor position (vacant)
Our recommendation is to eliminate the 1-FTE Design and Construction Supervisor position that is currently vacant. The duties previously performed by this position will be reassigned. The employees taking on the additional duties will be reclassified and this

action will provide a career growth opportunity for these employees. The elimination of this senior position in the Division will fund the reclassifications and result in a significant savings.

2. Reclassify 1-FTE Public Works Permitting and Development Services Engineer to Assistant City Engineer (Jeff Blaine)
This recommendation is to promote Jeff Blaine, who is the Public Works Permitting and Development Services Engineer, to Assistant City Engineer. Jeff will be assigned the responsibility of planning, directing, and supervising the design and construction work group in addition to his current duties to supervising the Development and Permitting work group. These duties include developing work plans and project schedules for the design and construction of capital improvements and developing a budget for the work groups. Jeff is responsible for the preparation and coordination of the Capital Improvement Program document. These increased duties are consistent with the duties outlined in the job description of the Assistant City Engineer. The change for Jeff Blaine would involve a reclassification from Public Works Permitting and Development Services Engineer (Pay Grade N229, Step 5) to Assistant City Engineer (Pay Grade N232, Step 4).
3. Reclassify 2-FTE Civil Engineer II positions to Civil Engineer III (Chris Cerklewski and Staci Belcastro)
This recommendation is to reclassify Chris Cerklewski, Civil Engineer II and Staci Belcastro, Civil Engineer II to Civil Engineer III. Both Chris and Staci have been performing at a high level for a significant amount of time. These promotions will allow Chris and Staci to take on additional responsibilities. Chris and Staci's assumption of additional responsibilities will allow Jeff Blaine to take on the additional duties of Assistant City Engineer. Chris will take on a lead role in the design of all underground water and sewer utility and street projects. He will manage schedules and design efforts of the capital design program. Staci will take on a lead role in the design of all facility improvement projects such as water pump station, sewer lift stations, reservoirs, and treatment facilities. She will manage schedules and design efforts of the facility replacement and maintenance projects. The changes for Chris Cerklewski and Staci Belcastro will involve a reclassification from Civil Engineer II (Pay Grade A152, Step F) to Civil Engineer III (Pay Grade A153, Step E).
4. Reclassify 1-FTE Clerk II to Clerk III (vacant)
This request is to reclassify the Engineering Division's Clerk II position to a Clerk III position. The duties needed to be performed by this position include: maintaining data base records and department administrative procedures, processing incoming and outgoing mail, typing documents, and preparing and monitoring purchase documents to effectively support the Engineering Division. Based on these duties, the Clerk II position should be reclassified to a Clerk III. The change for the Clerk position will involve a reclassification from Clerk II (Pay Grade A110) to Clerk III (Pay Grade A112). No step is established for the reclassification since the position is not currently filled.

Cost Savings

The net budget impact of the proposed changes is a significant reduction in personnel costs in the Engineering Division. Following is a summary of the budget impact with the salary and benefits estimated for each change.

Proposed Change	Approximate Annual Budget Cost/(Savings) Salary and Benefits
Eliminate Design and Construction Manager Position	(\$140,600)
Reclassify Jeff Blaine to Assistant City Engineer	\$7,200
Reclassify Chris Cerklewski to Civil Engineer III	\$8,900
Reclassify Staci Belcastro to Civil Engineer III	\$8,900
Reclassify Clerk II to Clerk III	\$4,000
Total Budget Impact	(\$111,600)

The Engineering Division is fortunate to have highly qualified individuals who are capable and willing to take on new roles and challenges as needs and opportunities arise.

Budget Impact:

The net impact of the proposed changes in the Engineering Division is a cost savings of approximately \$111,600 per year.

MWS:imf



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Jim Delapoer, City Attorney

Jim Delapoer (ja)

DATE: February 20, 2008, for the February 25, 2008, City Council Work Session

SUBJECT: City Collection of Construction Excise Tax

Action Requested:

Present the City Council the opportunity to review the draft intergovernmental agreement with the Greater Albany Public Schools for the collection of the new construction excise tax. This item will be on the February 27 council agenda for formal approval.

Discussion:

As the Council will recall from our last Joint City Council/School Board meeting, the 2007 Oregon Legislature adopted Senate Bill 1036, which allows school districts to charge a tax on new construction. The tax rate is set at \$1 per square foot for residential structures and 50 cents per square foot for nonresidential structures.

The law envisions that school districts will enter into intergovernmental agreements with local governments to collect the tax along with associated building permit fees.

Attached to this memo is a draft of a proposed intergovernmental agreement between the City and the Greater Albany Public School District for the collection of the tax.

Pursuant to the new law, the most that the City can receive for administrative costs associated with collection of the tax is one percent. This agreement proposes that payment to help offset the City's costs.

JVBD:bf:ldh
Attachment

U:\Administrative Services\City Manager's Office\City Attorney (general)\CCWC Memo for 02-25-08 re New Tax-mjvbd.doc

**CONSTRUCTION EXCISE TAX
INTERGOVERNMENTAL AGREEMENT**

**TO COLLECT AND REMIT TAX BETWEEN
GREATER ALBANY PUBLIC SCHOOL DISTRICT 8J
AND THE CITY OF ALBANY, OREGON**

This Construction Excise Tax Intergovernmental Agreement to Collect and Remit Tax ("CET Collection IGA") is effective on the last date of signature below, and is by and between Greater Albany Public School District 8J, a school district organized under the laws of the state of Oregon ORS 330.005 ("GAPS"), and City of Albany ("City"), collectively referred to as "Parties."

WHEREAS, Senate Bill 1036, which was adopted by the 2007 Legislature and which became effective on September 27, 2007, authorizes GAPS, as defined in ORS 330.005, to impose construction excise taxes to fund capital improvements to GAPS' facilities; and

WHEREAS, Section 5 of Senate Bill 1036 provides that the Construction Excise Tax shall be collected by local cities and remitted pursuant to intergovernmental agreements; and

WHEREAS, GAPS is contemplating imposing a construction excise tax within the School District and Section 5 of Senate Bill 1036 also requires GAPS to enter into intergovernmental agreements with any local government or special district that would collect the tax prior to the adoption of a construction excise tax; and

WHEREAS, the Parties desire to agree to certain procedures needed to collect the Construction Excise Tax and remit the tax to GAPS.

NOW THEREFORE, the Parties hereto agree as follows:

1. Information and Forms. The City shall provide all of the forms it deems necessary to collect the Construction Excise Tax and GAPS will provide all necessary information to assist the City in doing so.
2. Staffing. The City shall provide sufficient staff to calculate and collect the CET and to transfer to GAPS the collected CET and other applicable fees and remit said fees as hereinafter set forth in paragraph 5.
3. Collection: Start date. The City agrees to collect the CET on behalf of GAPS for those properties within GAPS and within the City. The City shall begin collecting the CET on March 24, 2008, and shall continue collection until the CET expires or is terminated by GAPS, or until this Agreement is terminated as provided herein.

4. Exemptions. GAPS shall provide the City the CET exemption form. The City shall provide to the public the claim form and exemption to the CET. If a person or entity asserts that it is exempt from the CET and files a CET exemption form at the time the CET would otherwise be due, The City shall grant the exemption. It shall be GAPS' responsibility to determine the validity of the exemption and to institute collection procedures to obtain payment of the CET, as well as any other remedy GAPS may have under law, if the Person was not entitled to the exemption. The CET exemption form shall inform the applicant that GAPS has the right to contest the claim of exemption and that the claim of exemption will be tried in the Circuit Court for the County in which the real property is located. If the applicant is not successful, GAPS shall be entitled to recover the tax due, plus interest from the date when due at the rate of 1% per month, or any portion of a month, together with all costs, including but not limited to, any expert witness fees, attorney fees and all other costs and expenses as allowed by law, whether by administrative rule, statute or rule of civil procedure.

GAPS recognizes that the CET will not apply to commercial or residential remodels which do not add additional square footage even in those circumstances where Building Permit fees are charged by the City.

5. Remittance. The City shall remit the collected CET to GAPS. Remittance shall be quarterly, by the 30th of the month following the quarter ending. Quarters end on March 31, June 30, September 30 and December 31 of each year. CET remittance and the CET Report shall be sent to Greater Albany Public School District, 718 7th Avenue SW, Albany, OR 97321.

6. CET Reports. Along with the CET remittance, the City shall submit to GAPS a report of the CET explaining how the CET remittance was determined.

7. Failure to Pay CET. Upon a Person's refusal to or failure to pay the CET when due, the City in administering that Person's building permit, shall not issue the permit until the fee is paid. The City shall treat a person's refusal to pay the CET in the same manner that the City would take when a person refuses to pay the portion of the fee attributable to the State of Oregon or the City.

8. Reimbursement of Out-of-Pocket Expenses. In addition to the Administrative Fee, City shall withhold from any quarterly payment to GAPS, any out-of-pocket expenses incurred by City in connection with its collection of the CET. By way of example, credit card fees are charged to the City when a taxpayer utilizes a credit card for payment. City shall be entitled to make a reasonable deduction from the CET paid to the School District to reflect such charges and other out-of-pocket costs.

9. Records. The City shall make all records related to building permit activity, Construction Excise Tax collections, and CET exemptions available to GAPS, or its designated auditors, as necessary for GAPS to audit Construction Excise Tax collections. Records production shall be subject to the City's customary charges and procedures for the inspection and copying of public records. This Agreement shall not obligate City Staff to prepare reports or documents other than as required in response to public records requests or to undertake any other work or activities unless a satisfactory agreement is reached between the parties to compensate

the City therefore.

10. Administrative Fee. As consideration for the above described services, The City shall retain 1% of the CET collected by the City pursuant to the terms of this Agreement. This sum shall be retained by the City to compensate the City for its actual expenses in collecting the CET even in those circumstance where it is subsequently determined that the CET was wrongfully collected. In this circumstance, the obligation to refund collected CET shall rest solely with GAPS. Prior to submitting the CET to GAPS, the City shall deduct this Administrative Fee directly from the CET collected, and the amounts deducted and retained shall be identified in the report submitted to GAPS.

11. Amendment. This CET Collection IGA may be amended by mutual written agreement of the Parties. City and GAPS further agree to negotiate in good faith to amend this IGA should the CET law be amended by subsequent legislation or judicial proceeding so that this IGA is consistent with the most current legislation. Refusal to negotiate an amendment to this IGA is grounds for immediate termination.

12. Other Agreements. This CET Collection IGA does not affect or alter any other agreements between GAPS and the City.

13. Defense and Indemnification. GAPS agrees to defend, indemnify and hold harmless the City, and its officers, agents and employees, against all claims and actions, and all damages and expenses related thereto, arising from the City's performance of this IGA, except for those caused by the sole negligence of the City or its officers and employees.

14. Termination. Either party may terminate this IGA for any reason upon 1 years written notice to the other. Upon such termination, neither party shall have any remaining responsibilities to the other concerning the subject of this Agreement.

**GREATER ALBANY PUBLIC
SCHOOL DISTRICT 8J**

THE CITY OF ALBANY

By:
Title: GAPS Superintendent
Date: _____

By:
Title: _____
Date: _____

GAPS

CITY

State of Oregon)
) ss.

County of _____)

On this _____ day of _____, 2008, before _____, the undersigned Notary Public, personally appeared _____, as Superintendent of GAPS, personally known to me (or proved to be on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that (he)(she) executed it.

My commission expires: _____

State of Oregon)

County of _____)

ss.

On this _____ day of _____, 2008, before me _____ the undersigned Notary Public, personally appeared _____ as _____ of the City, personally known to me (or proved to be on the basis of satisfactory evidence) to be the person(s) whose name(s) is (are) subscribed to this instrument, and acknowledged that he (she or they) executed it.

My commission expires: _____

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