



CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, February 9, 2015
4:00 p.m.

OUR MISSION IS

*"Providing quality public services
for a better Albany community."*

OUR VISION IS

*"A vital and diversified community
that promotes a high quality of life,
great neighborhoods, balanced
economic growth, and quality public
services."*

AGENDA

- 4:00 p.m. **CALL TO ORDER**
- 4:00 p.m. **ROLL CALL**
- 4:05 p.m. **BUSINESS FROM THE PUBLIC**
- 4:10 p.m. **REQUEST FOR CITY TO PURCHASE PROPERTY – Bob Richardson**
Action Requested: Information, discussion, direction.
- 4:25 p.m. **CRIME STATISTICS AND ORDINANCE CHANGES – Mario Lattanzio**
Action Requested: Information, discussion.
- 5:05 p.m. **401 MAIN STREET REQUEST FOR PROPOSAL – Kate Porsche, Chris Bailey**
Action Requested: Information, discussion, direction.
- 5:25 p.m. **FIRE STATION 11 PROGRAMMING UPDATE – John Bradner**
Action Requested: Information, discussion.
- 5:40 p.m. **RECORDS INFORMATION MANAGEMENT (RIM) POLICIES ANNUAL REVIEW – Mary Dibble**
Action Requested: Information, discussion.
- 5:50 p.m. **COUNCILOR COMMENTS**
- 5:55 p.m. **CITY MANAGER REPORT**
- 6:00 p.m. **ADJOURNMENT**

Rules of Conduct for Public Meetings

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the meeting.

City of Albany Web site: www.cityofalbany.net

The location of the meeting/hearing is accessible to the disabled. If you have a disability that requires accommodation, advance notice is requested by notifying the City Manager's Office at 541-917-7508, 541-704-2307, or 541-917-7519.



TO: Albany City Council

VIA: Wes Hare, City Manager
Mark Shepard, Director of Public Works and Community Development *MWS*

FROM: Bob Richardson, Planning Manager *BAR*

DATE: February 4, 2015 for the February 9, 2015, City Council Work Session

SUBJECT: Citizen Request for the City to Purchase Land

RELATES TO STRATEGIC PLAN THEME: A Safe City; An Effective Government

Action Requested:

Staff recommends that the City Council consider a request by Mr. Robert Gilbert to purchase his 4.52 acre parcel of land identified as Tax Lot 800 of Linn County Assessor's Map 11S-04W-13B.

Discussion:

The subject parcel is within City limits, abuts the Calapooia River, and is generally north of Riverside Drive / Queen Avenue, and southwest of the western end of 17th Avenue SE. The base zoning designation of the site is Open Space (OS) (Attachment B.1).

Mr. Gilbert contacted City staff regarding issues affecting his property and his concerns are described in his August 7, 2014, email that was previously forwarded to the Council (Attachment A). In summary, Mr. Gilbert states that the presence of a floodway as designated by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) and other regulated wetland and riparian areas, along with the presence of high voltage power lines, make it challenging to develop or sell his property (Attachments B.2 and C). More specifically, Mr. Gilbert states that the City's adoption of FEMA's FIRMs in 2010 have constrained more of the site with designated floodway areas compared to pre-2010 FIRMs (Attachment C).

Mr. Gilbert claims that he has regularly experienced people trespassing on this property. He believes those trespassing often originate from Hazelwood Park. One solution to address this issue contemplated by Mr. Gilbert is to fence his property. However, in most instances the Albany Development Code (ADC) does not permit structures, including fences, to be constructed in the floodway. The ADC reference to fencing as a permanent structure was incorporated in 2010.

Staff has evaluated Mr. Gilbert's concerns and his request to purchase the subject property. Staff is not aware that the City has taken any action that would obligate the City to purchase the subject property or otherwise compensate Mr. Gilbert. Following is a discussion of the issues raised by Mr. Gilbert.

Mapped Floodway

With respect to changes in the mapped floodway, staff research found that in 1986, prior to Mr. Gilbert's purchase of the property, the FEMA FIRMs showed the floodway covering a majority of the property. The property was annexed into the City from Linn County in 2005, and in 2010 the City adopted updated FIRMs. The 2010 boundaries of the floodway on the subject property are essentially unchanged from the floodway boundaries shown on the 1986 maps (Attachment C).

Trespassers from Hazelwood Park

With respect to the assertion that Hazelwood Park contributes to the trespassing issues, Staff notes that the park is over 800-ft to the east of Mr. Gilbert's property, and the parking lot approximately 1,000-ft away (Attachment B.1). To reach the property from the park, a person would need to cross the Bonneville Power Authority (BPA) land that lies between the park and Mr. Gilbert's property. There are also several other routes a trespasser could take to access the subject site.

There is a system of bollards and cable gates surrounding the park's parking lot, and there is a similar cable gate at the northeast corner of the park. Occasionally, cables are illegally broken or removed by those wishing to drive their vehicles across the park. Thus, it is certainly possible that people are driving illegally across both the park and BPA land to the Gilbert property. City staff make repairs to the perimeter barricade several times each year, and the City has done what it can to prevent vehicle access across the park.

Mr. Gilbert also states that there is no public restroom at the park, implying that this is related to the trespass issue on his property. It is staff's assessment that the lack of public facilities in Hazelwood Park does not have any bearing on Mr. Gilbert's trespassing problem.

Conclusion

Mr. Gilbert requests that the City purchase his property because he believes the proximity of Hazelwood Park increases the number of trespassers on his property, and because he believes that the 2010 FIRMs constrain more of his land than pre-2010 maps. Staff does not see any obligation that the City has for purchasing the Gilbert property.

City staff considered if there was any public need that could be served by obtaining the property for addition to Hazelwood Park, and determined that no such need exists. Staff recommends that the City not purchase the property.

Pending Council direction, staff is willing to help Mr. Gilbert identify local and State agencies/organizations that may be interested in acquiring his property for preservation

Budget Impact:

If the property is not purchased, there will be no budget impact.

RAR:rk

c. Ed Hodney, Parks and Recreation Director

Attachments

- A. Email Correspondence from Mr. Gilbert to Mark Shepard, Community Development and Public Works Director
- B. Zoning and Natural Features Maps
- C. 1986 and 2010 FIRMs showing Floodway

From: Shepard, Mark
Sent: Friday, August 8, 2014 9:39 AM
To: City Council
Cc: 'rjagilbert@centurylink.net'; Hodney, Ed; Lattanzio, Mario; Richardson, Bob
Subject: FW: Letter to city council

Hello Councilors,

I am forwarding a letter to you from Robert Gilbert at his request. Mr. Gilbert owns an undeveloped property along the Calapooia River just north of Queen Ave. (see attached map). His letter provides some history on the property and identifies some issues and concerns he has regarding the use and potential development of the property.

Staff will bring this issue to a future Council Work Session in which we will identify the specific issues Mr. Gilbert has raised and provide a staff response to those issues. While I can understand Mr. Gilbert's frustration, I do not believe that the regulatory issues that impact his property are driven by City decisions but rather the result of State and Federal requirements. Therefore, there is a limit to the flexibility that the City can grant. However, staff will look for ideas that may assist in dealing with the regulatory as well as trespassing issues Mr. Gilbert has raised and we will identify these in our report to Council. I anticipate that we will bring this to Council this fall.

mark

From: rjagilbert@centurylink.net [<mailto:rjagilbert@centurylink.net>]
Sent: Thursday, August 7, 2014 5:54 PM
To: Shepard, Mark
Subject: RE: Letter to city council

Thank you for responding to my email. Here is the letter I would like to present to the city council. Please forward it on to them with whatever other information you can. If you have any questions, I can be reached at my home phone (541-924-0757) or at this email address.

Dear Albany City Council,

I am writing to make you aware of a problem that my family has with a piece of property that has, in recent years, been exacerbated by city regulations. You could say that we are caught between two mutually exclusive problems that, together, prevent my family from finding a solution to either one. Our problem is with a piece of property that my father and grandfather bought in the early '90s on the banks of the Calapooia River. Though the driveway to this property is located on Queen Street (between the Albany power substation and the Queen Street Bridge), this property is very isolated; most people who pass by are unaware that it is even there. However, my family has always had to deal with trespassers following our driveway down to our property in order to gain access to the swimming hole that we have on the river. The locals have also discovered that they can park in the Hazelwood Park parking spaces and walk or even ride their motorsports vehicles down a well-worn trail through the Bonneville Power Administration's land and straight into my property. Many years ago, my father had a shed razed, wire fences cut, and a gate rammed open by people who wanted to use our property as a race track; he solved that problem by allowing the forest to grow up and take over. In recent years, this property's reputation for its privacy and isolation has attracted more than just hikers and swimmers. It is starting to become a destination site for camping, wild parties, drug abuse, and the local toilet (there are no rest rooms at Hazelwood park). When my family arrives to enjoy our own property, we instead must clean up the mess left behind by those who ignore our signage. Often I have to confront

people I find camping, fishing, swimming, or just hiking through our property. When I do, it is always an argument. Sometimes I have to call the police. And sometimes the police tell me that they are busy and that I have to leave my own property and wait for them to handle the situation. A few years ago, my neighbor to the north did not wait for the police before confronting several criminals who were camping in my forest; he was almost killed before the police arrived and arrested the trespassers. Knowing this, my wife and I are increasingly reluctant to dare take our kids out to our property for even so much as a picnic. Essentially, I have had to yield my own property to the public because the public wants to believe that my property is theirs.

After my wife and I inherited this property, we began discussing our options for securing it from trespassers and squatters. That is when we discovered that Albany's recently-adopted FEMA flood maps effectively destroyed our entire lot. When my family first bought the land twenty years ago, it was zoned to allow one residence (there was originally a farm house on the plot, but it has since been removed). When Albany annexed the property into the city, the zoning changed to open space, but still allowed one residence. However, FEMA's new floodway designation, which covers nearly all of our property, denies our right to not only build a residence, but to not even so much as build a fence to deter trespassers. In fact, the denial of fencing also affects our ability to farm the land. As I explained in the previous letter to the city, FEMA and Albany thought they were not "taking" my land (as defined by the 5th Amendment and the U.S. Supreme Court's Dolan/Nolan decisions) because they left me about 6500 square feet on the far eastern side of my property that they thought was buildable. In reality, however, that entire area is underneath a wide corridor of high-voltage power lines...beneath which nothing is allowed to be constructed—including fences.

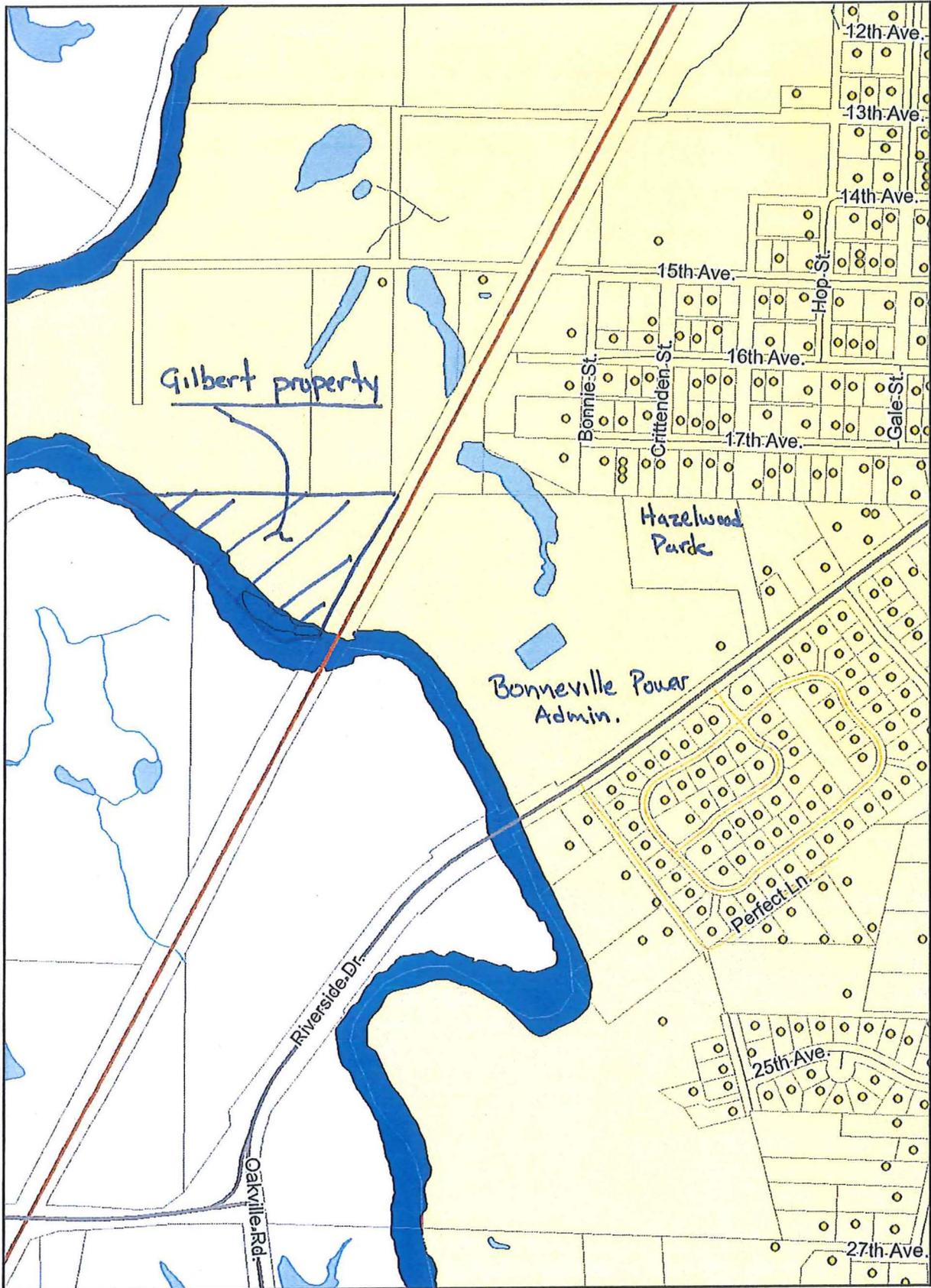
As a result of FEMA's floodway designation, my family can neither inhabit the land so that we can defend it from invaders, nor sell the land and be rid of its frustration. There is no market value for land that cannot be developed. Even the land's natural resource value has been compromised thanks to Albany's recent adoption of Goal 5 regulations protecting wetlands and riparian zones. My father originally thought he could harvest the trees he allowed to grow on the property, but now that the forest he grew is delineated as wetlands, the trees are protected by a mound of red tape. Add on the amount of monetary exactions a land-owner must deal with when their land is designated "wetlands", and we are essentially being held hostage by regulations. We cannot sell the land. We cannot develop it. We cannot recover any of our losses by harvesting the land's natural resources because the cost of "mitigation" far outweighs the value of the land. I have even gone so far as to consult with the Department of State Lands regarding the possibility of turning our property into a wetlands mitigation bank—but once again all the hands trying to get into the cookie jar make such an endeavor on such a small piece of land financially unfeasible.

At this point, the only solution I have left to consider is to ask the city of Albany to purchase this property from us. I know that the city council is not entirely responsible for the problems I face, but if it were not for the proximity of Hazelwood Park, and if it were not for the city's adoption of FEMA's new floodway maps in 2010, I am convinced that my family would be able to find a solution to the rest of our problems.

We look forward to arriving at a solution with your help.

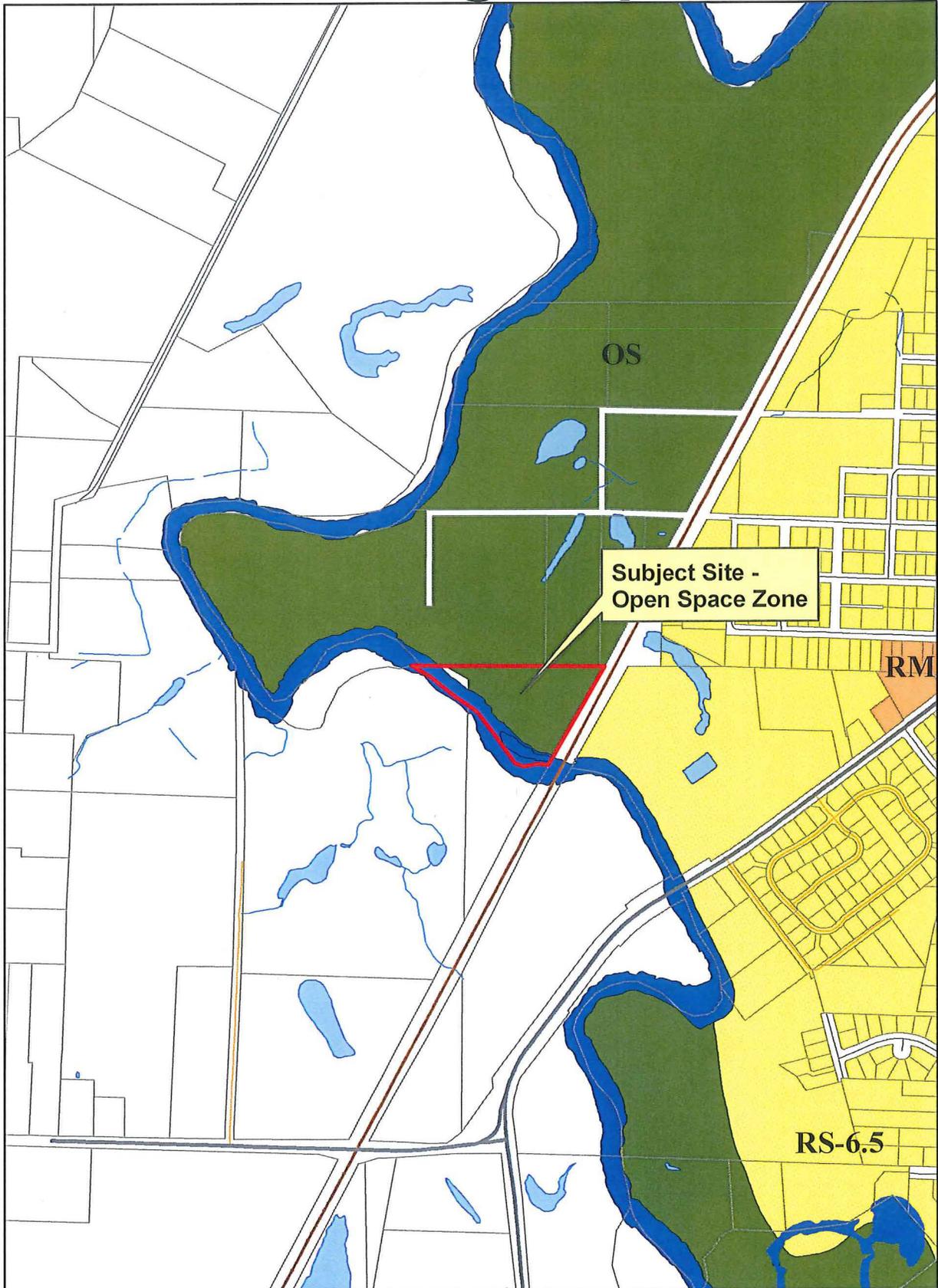
~Robert and Lisa Gilbert

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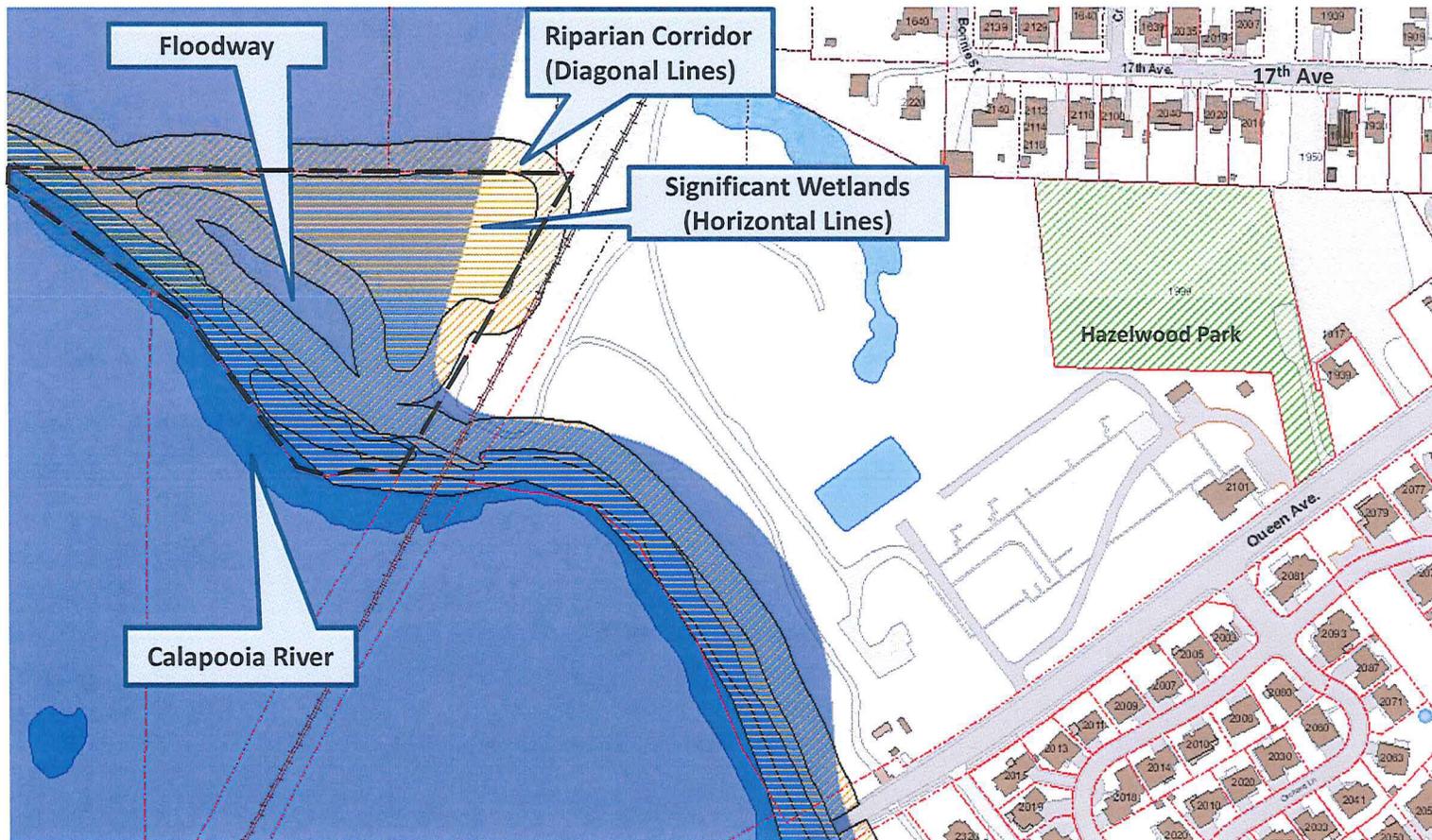


Zoning Map

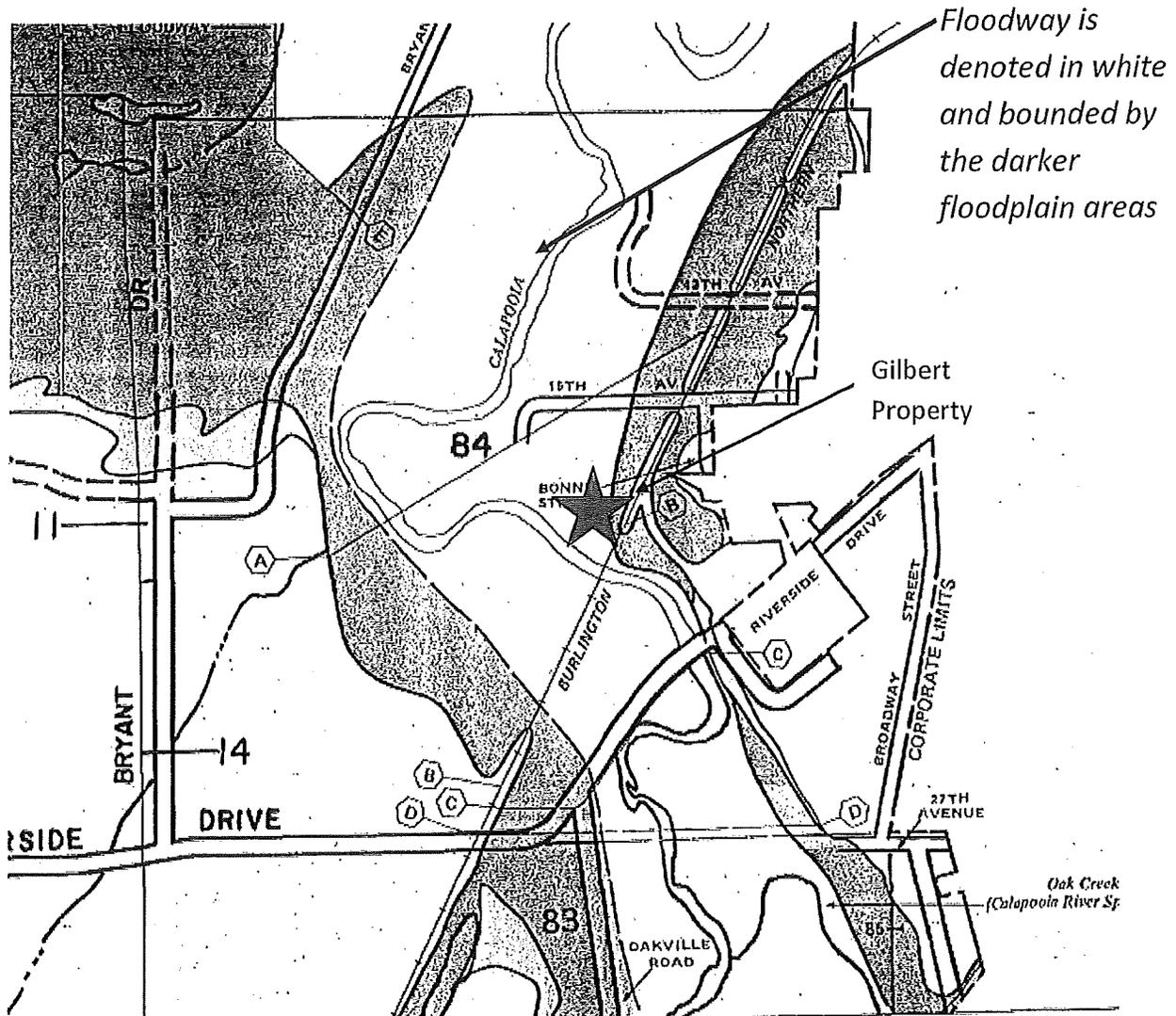
ATTACHMENT B.1



Natural Features Map

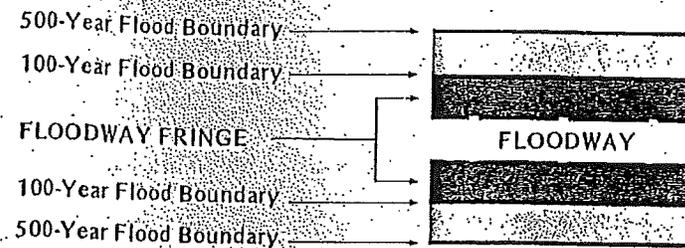


FEMA Flood Insurance Rate Map, Community Panel #4101360180
 Effective Date: September 29, 1986

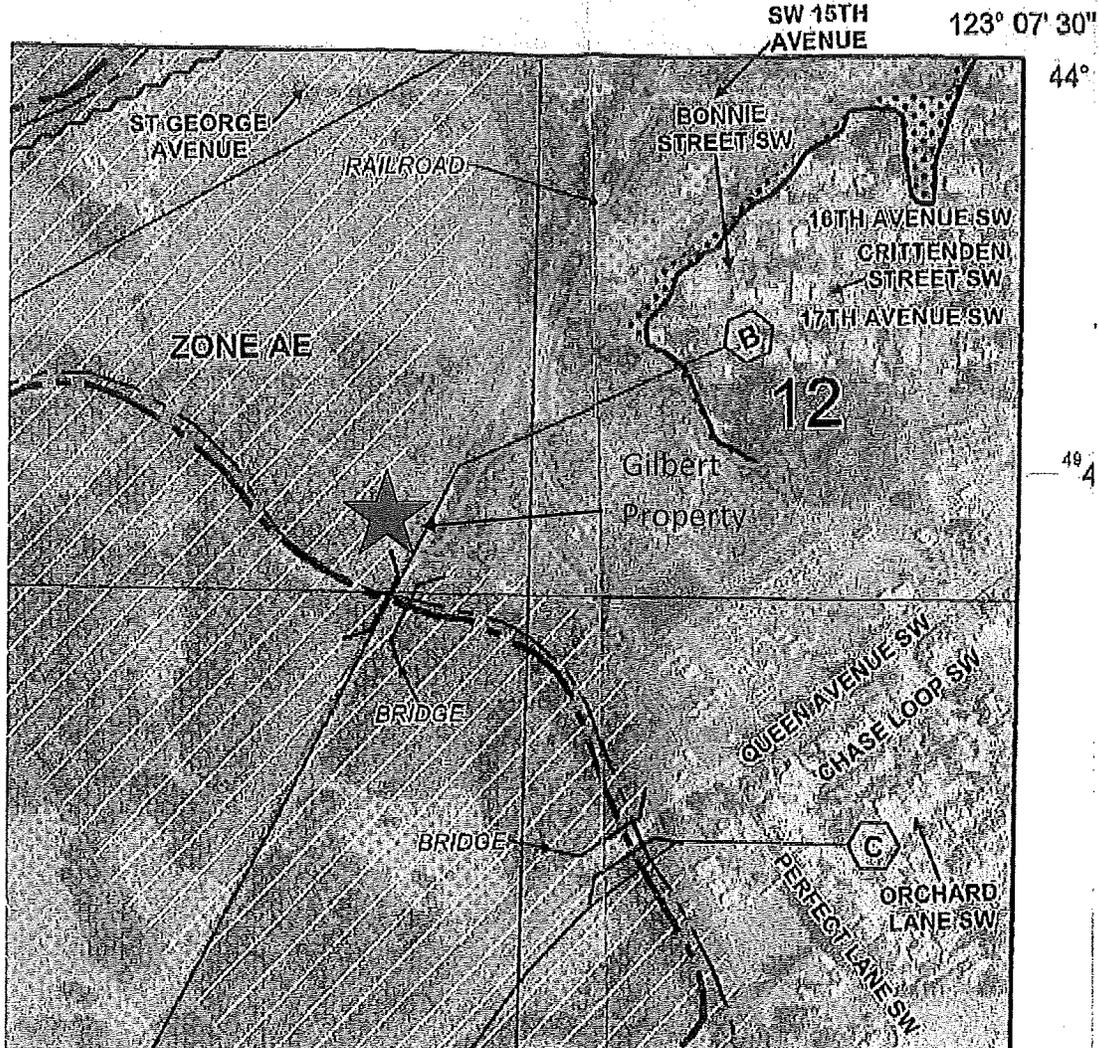


Floodway is denoted in white and bounded by the darker floodplain areas

KEY TO MAP



FEMA Flood Insurance Rate Map, Community Panel #41043C0507G
 Effective Date: September 29, 2010



LEGEND

 SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD
 The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

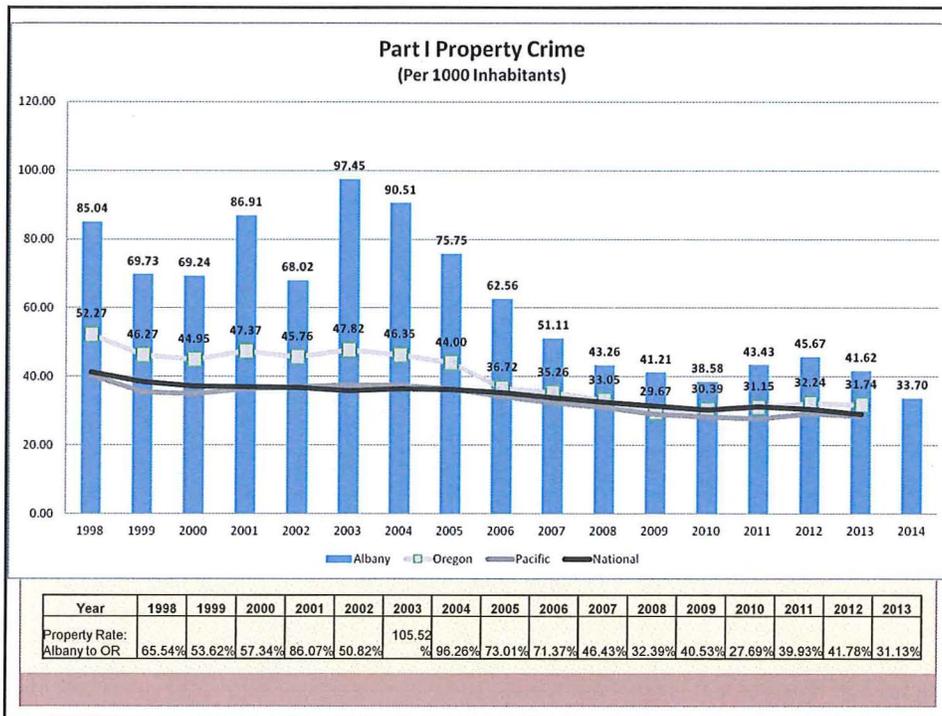
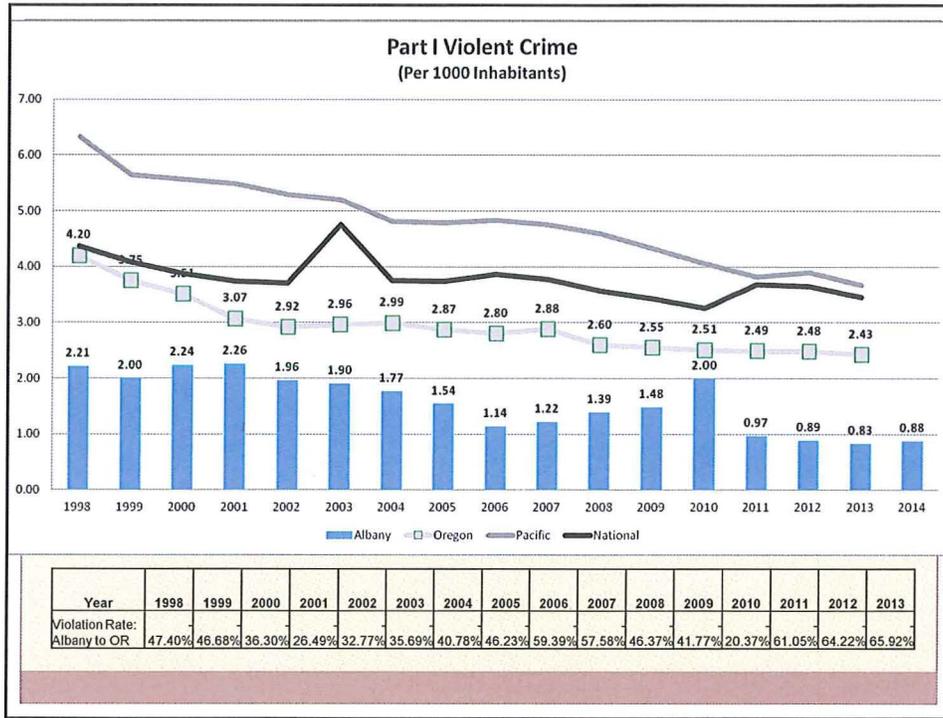
 FLOODWAY AREAS IN ZONE AE

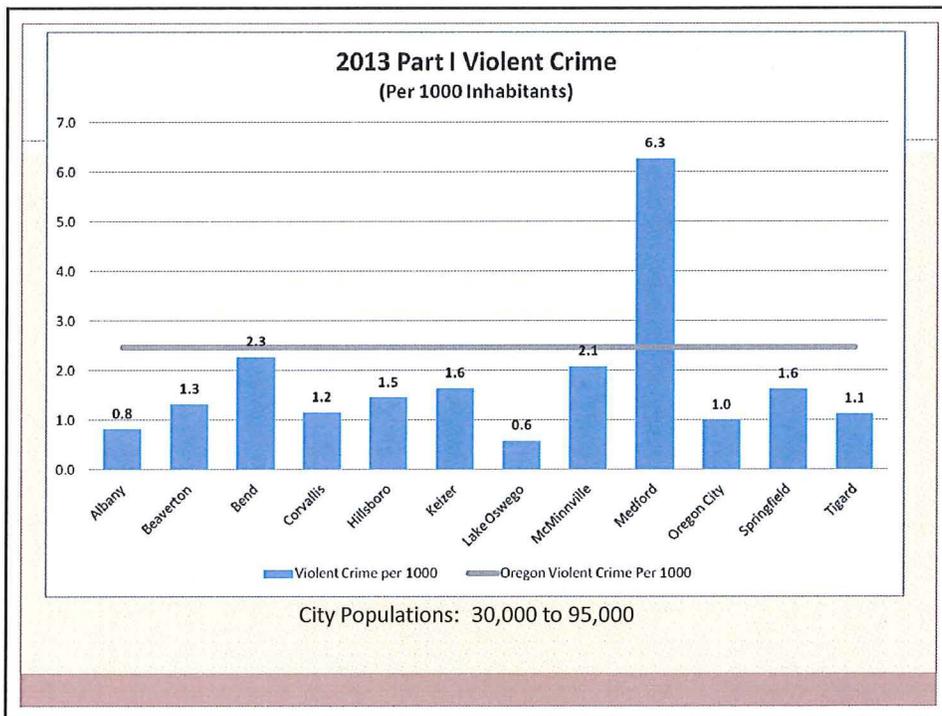
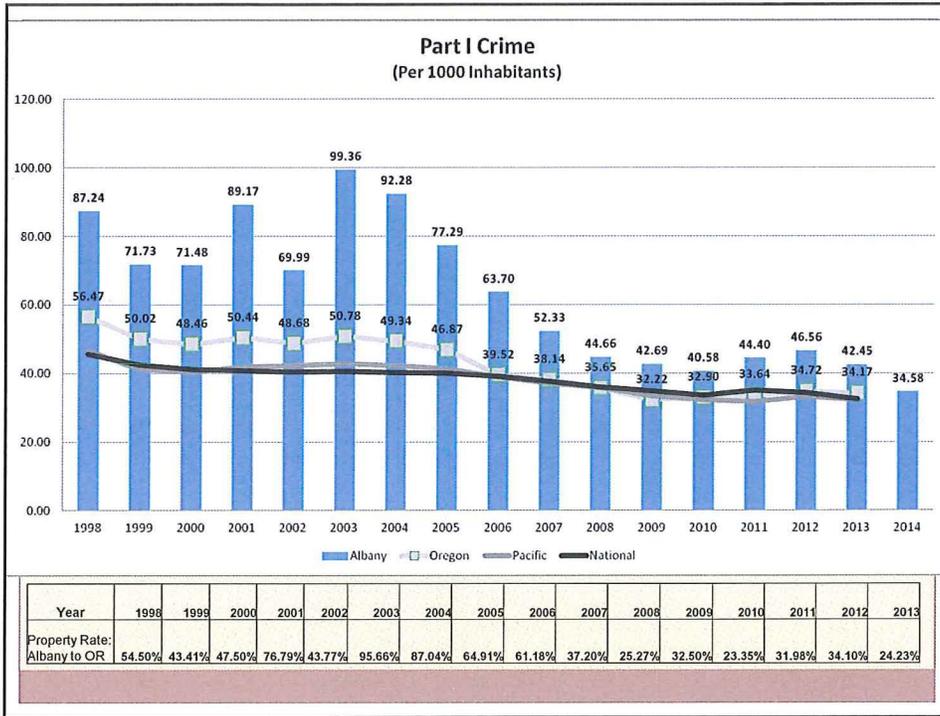
Police Department Presentation

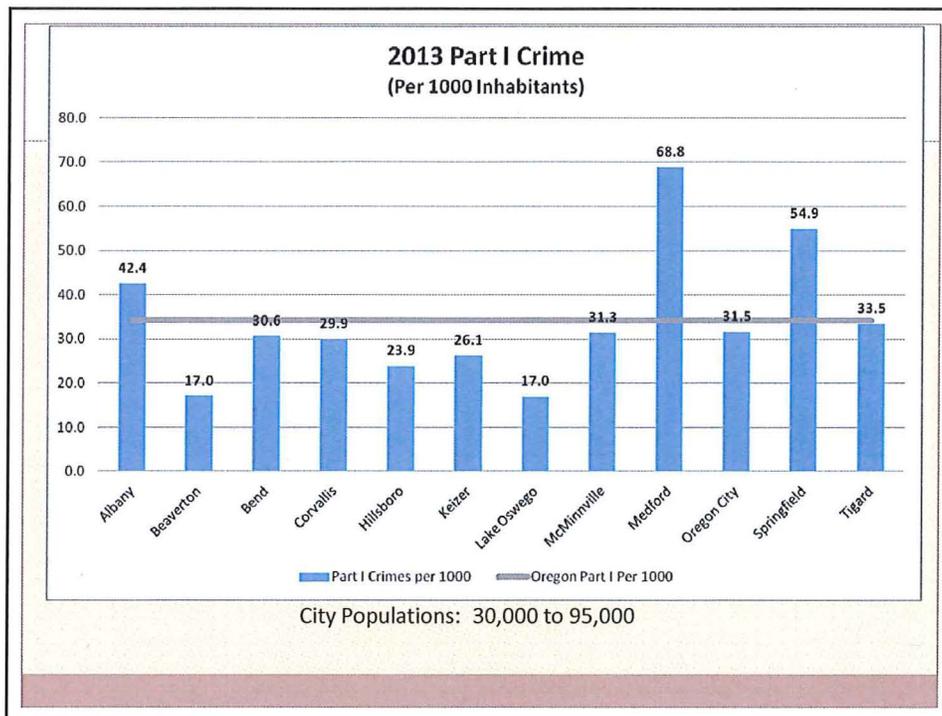
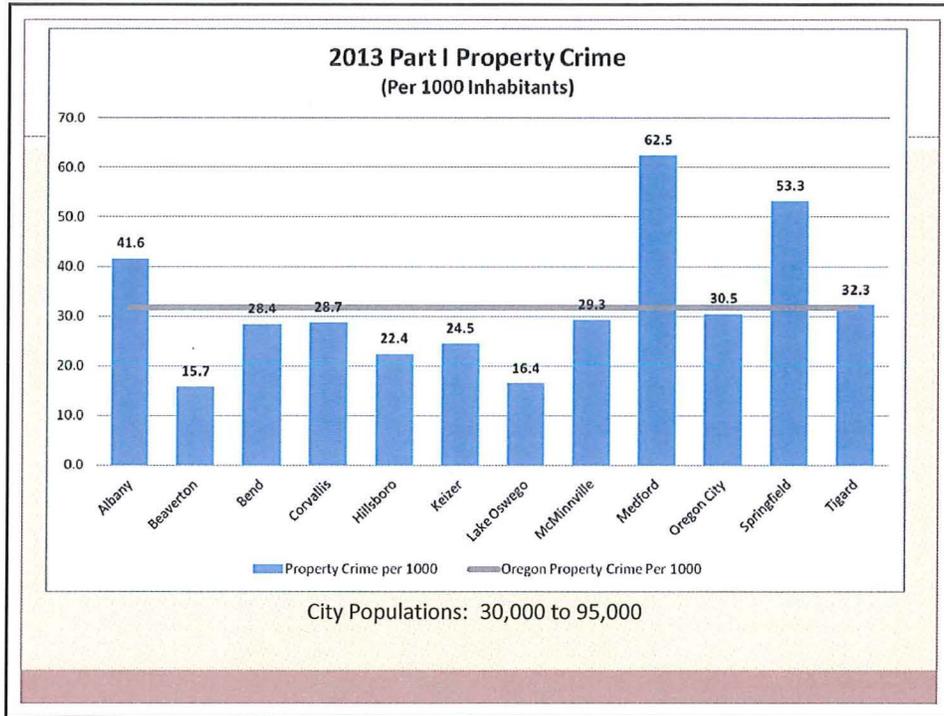


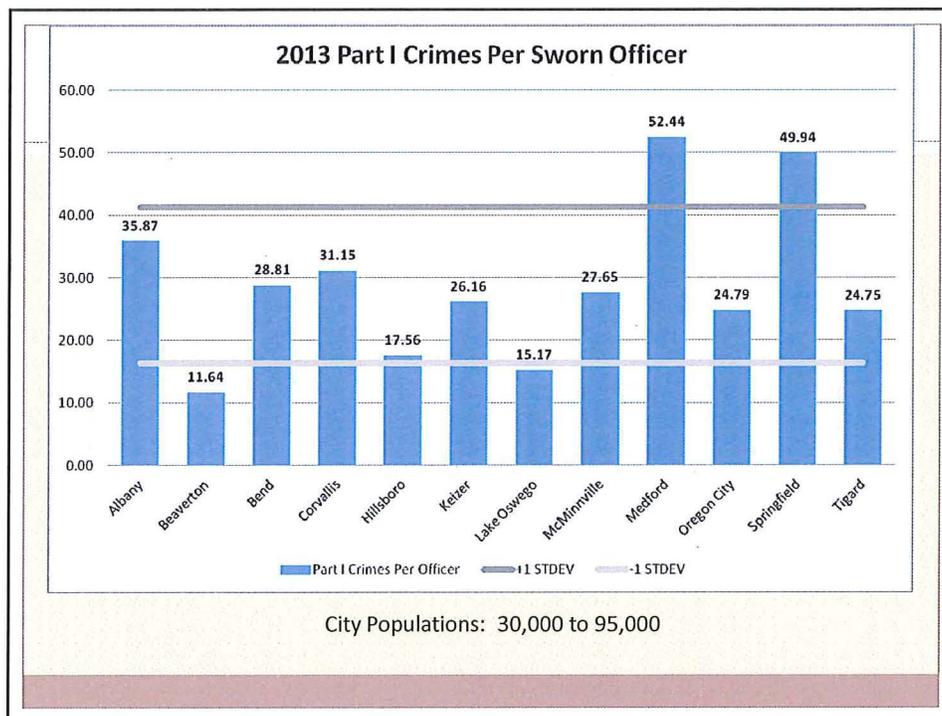
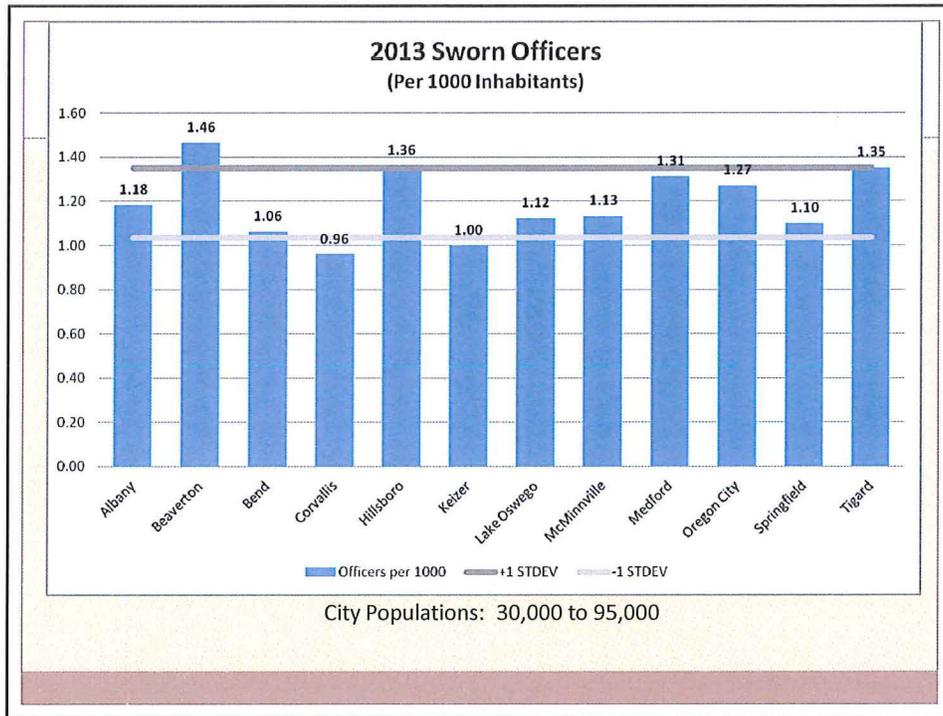
FBI UCR (Unified Crime Reporting) Part 1 Crimes

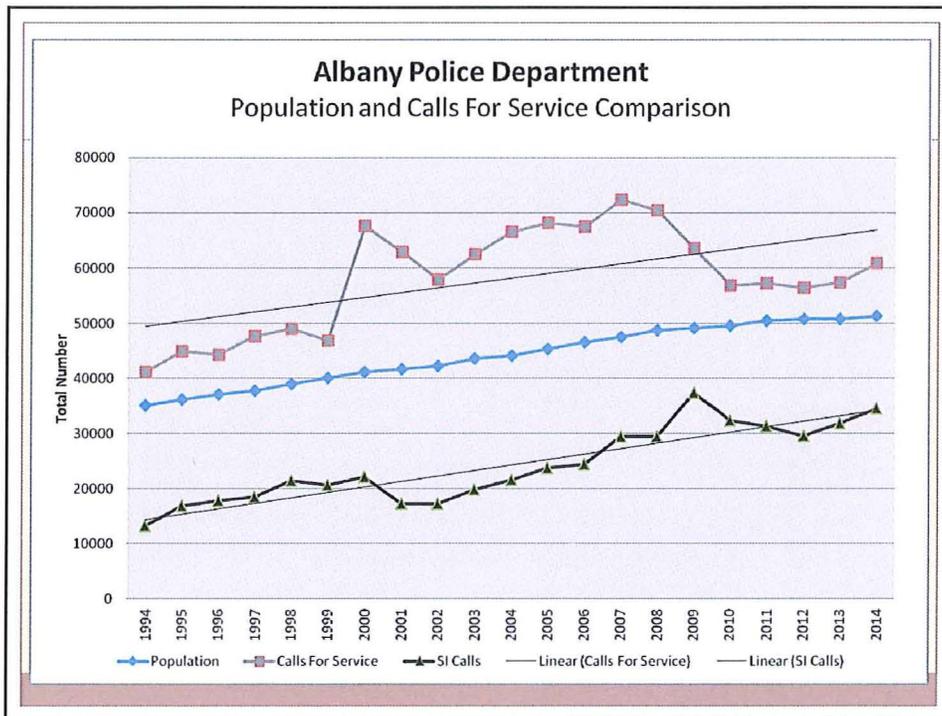
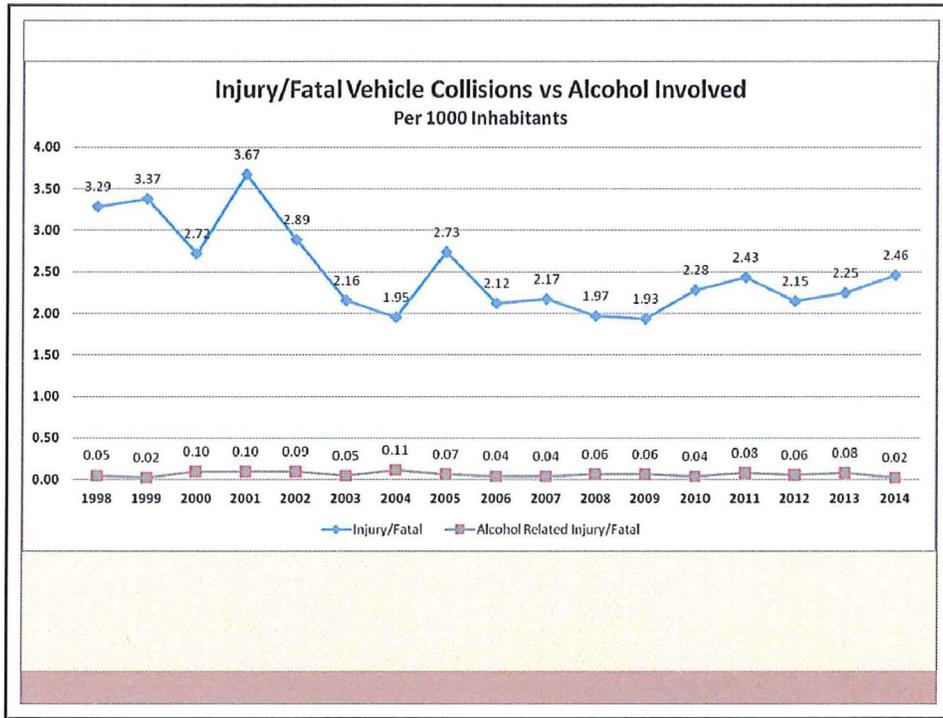
- **Violent:**
 - Homicide
 - Rape
 - Robbery
 - Aggravated Assault
- **Property:**
 - Arson
 - Burglary – Business
 - Burglary – Other
 - Burglary – Residence
 - Larceny – From Vehicle
 - Larceny - Other
 - Stolen Vehicle











Accomplishments/Challenges

- 8.9% Reduction in Part 1 Crimes for 2013.
- 17.4% Reduction in Part 1 Crimes for 2014.
- 26.3% Reduction in Part 1 Crimes since 2012.

- Calls for Service Increased by 6.2% in 2014 (3560 Calls).
- Fatal/Injury Accidents Increased by 10.5% in 2014.

Ordinances Update

- **Ordinances:**
 - Open Container Ordinance
 - Human Waste Ordinance
 - Improper Use of Transit Shelters – One citation issued last week, all others have been verbal warnings.
 - Secondhand Dealer and Transient Merchants Ordinance – Currently have 18 businesses registered. Update Ordinance:
 - ✕ Exclude Scrap Metal Recycling Businesses which return regulated property to base component and not resold as regulated property.
 - ✕ Add Ammunition to Regulated Property (Already covered under Sporting Equipment, but this will further clarify it).

Community Resource Unit

- Community Policing Advisory Board (CPAB); 8-15
- Street Crimes Unit (SCU)
- Volunteers; 5 = 1,428 hours
- Albany Police and Kids Together (APAK)-2 at risk kids offered sports scholarships
- Bringing Up Learning and Behavior (BULB)-24
- LCMH Crisis Worker; Response & Outreach
- Social Media (Facebook/Twitter/MyPD/Web Page)
- The Club Program – 170+

Crime Prevention Through Environmental Design

- CPTED Reports – 33 (2014)
- City Planning (voluntary) Site Plan Reviews - 15
- PROJECTS-
 - Airport Rd (Kohl's area) to Waverly Cemetery
 - OSU Shred Day
 - Dave Clark Trail (Trash Pick Up, Pruning, Enforcement)
 - Can U ID Me Page
 - Warrant (Wanted Persons)
 - Bike Registration (Web Site)
 - Treasure Hunt – 452 children accessed APD
 - Safety Camp – over 200 kids each summer
 - Grants - \$6,000 (APAK, \$2,500; Shop w/a Cop \$2,500; SASSI/Graffiti Abatement, \$1,000)
 - Linn Together Partnership; E-cigarette language for school handbooks
 - Child Seat Installation Technician (Interagency Coordinated Events)

Proposed Staffing Increases by Priority

All Proposed Positions were Previously Funded:

1. Administrative Services Supervisor
2. Sworn Officer (Upon Completion of Training assign to Traffic Enforcement)
3. Communications Specialist
4. Sworn Officer (Upon Completion of Training assign to Traffic Enforcement)

Approximate Budget Impact for 2015: \$365,000

Questions?





TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Mario Lattanzio, Chief of Police *ML*
DATE: February 2, 2015 for February 9, 2015, City Council Work Session
SUBJECT: Amend Albany Municipal Code Title 7, Chapter 7.90 Secondhand Dealers and Transient Merchants

RELATES TO STRATEGIC PLAN THEME:

- An Effective Government
- A Safe City

Action Requested:

Amend Albany Municipal Code Title 7, Chapter 7.90 Secondhand Dealers and Transient Merchants.

Discussion:

On July 23, 2014, the City Council approved Ordinance No. 5837 to amend Albany Municipal Code, Chapter 7.90 Secondhand Dealers and Transient Merchants. Over the past six months of experience, we recommend the following amendments to provide clarification.

The attached Ordinance has all recommended changes marked in gray highlight and strikethrough. In Section 7.90.020, Subsection 6, we are updating the definition of "Dealer" or "Secondhand Dealer" to exclude scrap metal recycling businesses as defined in ORS 165, in which regulated property is returned to base component and not resold as regulated property.

In Section 7.90.160, Subsection 1, we are updating the List of Regulated Property to include ammunition.

Budget Impact:

None

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE TITLE 7.90 SECONDHAND DEALERS AND TRANSIENT MERCHANTS; REPEALING ORDINANCE NO. 5837; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Albany is amending Albany Municipal Code Section 7.90, to update Section 7.90.020 Definitions, and Section 7.90.160 List of Regulated Property and repealing Ordinance 5837; and

WHEREAS, by adopting the requirement for an electronic property management reporting system, operations will be improved; and

WHEREAS, electronic reporting will ensure quality investigations and will identify repeat offenders; and

WHEREAS, it is in the best interest of public safety to identify regulated properties and prohibit activities that promote increased property crimes.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. Amending Albany Municipal Code Title 7. The Albany Municipal Code Title 7, Chapter 7.9, Section 7.90.020 Definitions, and Section 7.90.160 List of Regulated Property is hereby amended as follows:

Sections:

- 7.90.010 Purpose.
- 7.90.020 Definitions.
- 7.90.030 Special License Required.
- 7.90.035 Minimum Standards.
- 7.90.040 Application for Special License.
- 7.90.045 Transient Merchants-Surety Bond Required.
- 7.90.050 Issuance and Renewal of Special License.
- 7.90.070 Subsequent Locations.
- 7.90.080 Reporting of Secondhand Dealer Transactions.
- 7.90.090 Regulated Property Sale Limitations.
- 7.90.100 Tagging Regulated Property for Identification.
- 7.90.110 Inspection of Property and Records.
- 7.90.120 Prohibited Acts.
- 7.90.130 Penalties.
- 7.90.140 Revocation or Suspension of License.
- 7.90.150 Appeals.
- 7.90.155 Administrative Policies and Procedures.
- 7.90.160 2014 List of Regulated Property.

7.90.010 Purpose.

The purpose of adopting this Chapter is to regulate certain business activities that present an extraordinary risk of being used by criminals to dispose of stolen property. Despite the best efforts of legitimate secondhand dealer businesses, this risk is present because these businesses process large volumes of goods and materials that can be the subject of theft. This Chapter is intended to reduce this type of criminal activity by providing timely police awareness of such property transactions and by regulating the conduct of persons engaged in this business activity. These regulations are necessary and the need for the regulations outweighs the regulatory effect that may result from their adoption.

7.90.020 Definitions.

As used in this Chapter, unless the context requires otherwise:

1. "Acceptable identification" means either a current driver's license, a State of Oregon Identification Card issued by the Department of Motor Vehicles, an Oregon Concealed Handgun License, or two current United States, state- or local government-issued identification cards, one of which has a photograph of the seller.
2. "Acquire" means to take or transfer any interest in personal property in a voluntary transaction, including but not limited to: sales; consignments; memoranda between a Dealer and a private party seller; leases; trade-ins; loans; and abandonments. Any acquisition of regulated property by a Dealer will be presumed to be an acquisition on behalf of the Secondhand Dealer business. Notwithstanding the foregoing, "acquire" does not include:
 - a. Any loans made in compliance with state laws by persons licensed as pawnbrokers by the State of Oregon; or
 - b. Memoranda between a Secondhand Dealer and a person engaged in the business of selling regulated property; or
 - c. Acquisition of property for consignment sale wherein payment is not made to the owner within 14 days of consignment.
3. "Business Location" means any physical location where the Dealer conducts business.
4. "Chief of Police" means the Chief of the Albany Police Department or his/her designee.
5. "Criminal conviction" refers to any offense defined by the statutes of the State of Oregon or ordinances of the City of Albany, unless otherwise specified. Any conviction for conduct other than that denoted by the statutes of the State of Oregon or ordinances of the City of Albany, as specified herein, will be considered to be equivalent to one of such offenses if the elements of such offense for which the person convicted would have constituted one of the above offenses under the applicable Oregon statutes or City of Albany ordinance provisions.
6. "Dealer" or "Secondhand Dealer:"
 - a. Means any:
 - (1) Sole Proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership, or any other form of organization for doing business and that either:
 - (i) Acquires regulated property at or from business locations within the City of Albany, or on behalf of such a business regardless of where the acquisition occurs, or
 - (ii) Offers for sale regulated property.
 - (2) Pawnbroker licensed under the Oregon Pawnbroker's Act, ORS 726.020, 726.990.
 - b. Dealers that acquire or offer for sale not more than 50 items of regulated property in any one-year period will be categorized as an "Occasional Secondhand Dealer." The term "Dealer" in this Chapter and all regulations herein refer to Secondhand Dealers,

Occasional Secondhand Dealers, and Pawnbrokers unless specifically stated otherwise.

c. "Dealer" does not include:

- (1) A business whose acquisitions of regulated property consist exclusively of donated items and/or purchases from 501(c)3 organizations; or
 - (2) A person whose only business transactions with regulated property in the city of Albany consist of the sale of personal property acquired for household or other personal use; or
 - (3) A person whose only business transactions with regulated property in the city of Albany consist of a display space, booth, or table maintained for displaying or selling merchandise at any trade show, convention, festival, fair, circus, market, flea market, swap meet, or similar event for less than 14 days in any calendar year.
 - (4) A scrap metal recycling business as defined in ORS 165, in which regulated property is returned to base component and not resold as regulated property.
7. "Held Property" means any regulated property that cannot be sold, dismantled, or otherwise disposed of for a prescribed period of time as more specifically enumerated in Section 7.90.090.
 8. "Investment purposes" means the purchase of personal property by businesses and the retention of that property in the same form as purchased, for resale to persons who are purchasing the property primarily as an investment.
 9. "Medication" means any substance or preparation, prescription, or over-the-counter, used in treating or caring for ailments and/or conditions in humans or animals.
 10. "New" means anything conspicuously not used.
 11. "Pawnbroker" means any business required by ORS 726.040 to hold an Oregon pawnbroker's license. Pawnbrokers are required by Chapter 7.90 to have a Secondhand Dealer License. As a Dealer, all transactions occurring within their business (loans, buys, or consignments) are subject to all requirements within this Chapter unless otherwise stated.
 12. "Person" means a natural person.
 13. "Precious Metals" means an item that consists of or incorporates gold in eight karat or greater purity, silver, platinum, or palladium. Item of precious metal does not include dental gold, unrefined metal ore, an electronic product, any part of a mechanical system on a motor vehicle, gold or silver coins or bullion in any form. Refer to ORS 646A.064.
 14. "Principal" means any person who will be directly engaged or employed in the management of the Secondhand Dealer business, including any owners and any shareholders with a five percent or greater interest in the company.
 15. "Receive" means to take property into the inventory, possession, or control of a Dealer.
 16. "Regulated property" means property of a type that has been defined in this Chapter that is frequently the subject of theft, including new items as defined in this section as well as used items such as precious metals, precious gems, watches, sterling silver, electronic equipment, photography equipment, tools, musical instruments and cases, firearms, sporting equipment, and household appliances. In order to enhance the Police Department's ability to reduce property crimes and recover stolen goods, a list of regulated property has been established and may be updated by June 30th of each year by the Chief of Police or designee. A copy will be kept on file

in the Police Department.

17. "Remanufactured" means that an item has been altered to the degree that the main components are no longer identifiable as the original item.
18. "Seller" means any person who:
 - a. Offers items of regulated property in exchange for money or other property; or as collateral for a loan; or
 - b. Donates or abandons items of regulated property.
19. "Trade Show" means an event open to the public, held in a venue other than a Dealer's business location, at which vendors of a specific type of merchandise may exhibit, buy, sell, or trade items that may include regulated property.

Events commonly known as flea markets or swap meets, in which goods of many types are exhibited, sold, or traded, are not considered trade shows for the purpose of this Chapter.
20. "Transaction Report" means the record of the information required by Section 7.90.080, transmitted to the Albany Police Department by the means required in Section 7.90.080.
21. "Transient Merchant" means any person:
 - a. Engaged in the business of purchasing or acquiring regulated property from business locations within the City of Albany; and
 - b. Engaged as an itinerant or temporary business under the provisions of the Albany Municipal Code, Chapter 5.10.
22. "Used" means anything that has been put into action or service.
23. "Electronic database" means the computerized record keeping system the Albany Police Department utilizes to manage data, including but not limited to, Secondhand Dealers' transaction reports.

7.90.030 Special License Required.

1. No person or business shall engage in, conduct, or carry on a secondhand dealer business in the city of Albany without a valid Secondhand Dealer Special License issued by the City of Albany.
2. Upon acquiring or offering for sale more than 50 items, or a total value of over \$500.00 of regulated property during any one-year period, an occasional secondhand dealer shall apply for and obtain a Secondhand Dealer Special License before acquiring any more items of regulated property.
3. Any person or business that advertises or otherwise holds him/her out to be acquiring or offering for sale regulated property within the City of Albany will be presumed to be operating as a Dealer subject to the terms of Chapter 7.90.
4. The sale and/or purchase of regulated property at events commonly known as "garage sales," "yard sales," or "estate sales," and online purchases are exempt from these regulations if all of the following are present:
 - a. No sale exceeds a period of 72 consecutive hours; and
 - b. No more than three sales are held at the same location in any 12-month period.

7.90.035 Minimum Standards.

1. No person or business may operate as a Dealer within the city of Albany unless the person or business maintains a fixed physical business location.
2. Dealers shall comply with all applicable federal, state, and local regulations.

7.90.040 Application for Special License.

1. An applicant for a Secondhand Dealer Special License shall complete and submit an application that sets forth the following information:
 - a. The name, address, telephone number, birth date, and principal occupation of all principals that will be directly engaged or employed in the management or operation of the business or the proposed business;
 - b. The name, address, and telephone number of the business or proposed business and a description of the exact nature of the business to be operated;
 - c. Written proof that all principals are at least 18 years of age;
 - d. A brief summary of the applicant's business history in any jurisdiction including:
 - (1) The license history of the applicant, and
 - (2) Whether the applicant or any principal has ever had any business-related license or permit revoked or suspended, the reasons therefore, and the business activity or occupation of the applicant or principal subsequent to the suspension or revocation;
 - e. Whether the applicant will be a sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership, or any other form of organization for doing business.
 - (1) If a partnership, the application must set forth the names, birth dates, addresses, telephone numbers, and occupations, along with all other information required of any individual applicant, of each partner, whether general, limited, or silent, and the respective ownership shares owned by each.
 - (2) If a corporation, or limited liability company, the application must set forth the corporate or company name, copies of the articles of incorporation or organization, and the corporate by-laws or operating agreement, and the names, addresses, birth dates, telephone numbers, and occupations, along with all other information required of any individual applicant, of every officer, director, member or manager, and shareholder (owning more than five percent of the outstanding shares) and the number of shares held by each;
 - f. If the applicant does not own the business premises, a true and complete copy of the executed lease (and the legal description of the premises to be permitted) must be attached to the application.
2. The Secondhand Dealer shall notify the Chief of Police or designee of any changes in the information required in Subsection 1 of this Section within 10 business days.

3. The personal and business information contained in the application forms required pursuant to Section 7.90.040 are subject to the requirements of the Oregon Public Records Law, ORS 192.410 et seq.

7.90.045 Transient Merchants-Surety Bond Required.

No person shall engage in business as a transient merchant until such merchant has filed with the City Recorder of the City a \$25,000 bond, with a surety company licensed to do business in the State of Oregon as surety, for the benefit of any person damaged by false, fraudulent, or misleading representations of the transient merchant in the conduct of his/her business.

Any person, business, or corporation operating as a transient merchant in the city of Albany shall maintain any purchases within the city of Albany for a period of 14 days and have it available for inspection during regular business hours.

7.90.050 Issuance and Renewal of Special License.

1. Upon the filing of an application for a Secondhand Dealer Special License, the Chief of Police or designee shall conduct an investigation of the applicant and all principals according to the requirements in Section 7.90.040. The Chief of Police or designee shall issue the license within 30 days of receiving the application if no cause for denial exists.
2. Except as provided in Section 7.90.050 the Chief of Police shall deny an application for a Secondhand Dealer Special License if any of the following apply:
 - a. The applicant, or any person who will be directly engaged in the management or operation of the business, or any person who owns a five percent or more interest in the business, has previously owned or operated a business regulated by Chapter 7.90, and
 - (1) The license or permit for the business has been revoked and not reinstated for cause that would be grounds for revocation pursuant to Chapter 7.90, or
 - (2) The business has been found to constitute a public nuisance and abatement has been ordered;
 - b. Any person listed on the initial application or renewal application has been convicted of one or more crimes involving either bribery, deception, dishonesty, forgery, fraud, theft, or any attempt or conspiracy to commit any of the listed offenses;
 - c. Any statement in the application is false or any required information is withheld.
3. Notwithstanding Section 7.90.050, the Chief of Police may grant a permit after consulting with the City Council despite the presence of one or more of the enumerated factors if the applicant establishes to the Chief of Police's reasonable satisfaction that:
 - a. The behavior evidenced by such factor is not likely to recur; or
 - b. The behavior evidenced by such factor is remote in time; or
 - c. The behavior evidenced by such factor occurred under circumstances that diminish the seriousness of the factor as it relates to the purpose of Chapter 7.90.
4. Secondhand Dealer Special Licenses are valid yearly and will automatically renew at 12:00 a.m. on January 15th of each year unless the Special License is revoked or surrendered. The licenses are nontransferable and are valid only for a single business location. When the business location

is to be changed, the license holder shall provide the address of the new location in writing to the Chief of Police or designee for approval at least 14 days prior to the change.

5. Secondhand Dealer Special Licenses must be displayed at the business location in a manner readily visible to patrons.
6. Upon denial of an application for a Secondhand Dealers Special License, the Chief of Police or designee shall give the applicant written notice of the denial.
 - a. Service of the notice will be accomplished by mailing the notice to the applicant by certified mail, return receipt requested.
 - b. Mailing of the notice will be prima facie evidence of receipt of the notice.
 - c. The denial will be effective three days after the notice is sent.
7. Denial of a license may be appealed to the Albany Municipal Court by filing written notice of an appeal within 10 days of the date of denial in accordance with Section 7.90.150.

7.90.070 Subsequent Locations.

1. Dealers must file an application for a permit for a subsequent or additional business location with the Albany Police Department; provided the information required for the subsequent or additional business location is identical to that provided in the application for the prior location with the exception of that required by Section 7.90.040.
2. Secondhand Dealer Special Licenses issued for subsequent or additional business locations will be subject to all the requirements of this Chapter, and the term of the permit issued for a subsequent or additional location will expire on the same date as the initial permit.

7.90.080 Reporting of Secondhand Dealer Transactions.

1. Dealers shall provide to the Albany Police Department all required information as set forth by the Albany Police Department for each regulated property transaction (not including sales). The Chief of Police may designate the format for the transfer of this information and may direct that it be communicated to the Criminal Investigations Unit by means of mail, the Internet, or other computer media.
 - a. In any such case that the Chief directs that the information be transmitted via computer media, the Chief may also direct the system that will be utilized in order to ensure conformity among all Secondhand Dealers.
 - b. If, after establishing the format and requirements for the transmission of computerized reports of transactions, the Chief of Police alters the required format, Dealers will be given at least 60 days to comply with the new format requirements. If unable to implement the reporting system before the deadline, a Dealer must submit a written request for additional time to the Chief of Police before the deadline.
 - c. Secondhand Dealers are required to report only new transactions with a dollar amount of \$20.00 or more. Multiple transactions by an individual in a single day will be aggregated for overall dollar amount. Loan renewals do not need to be reported.
 - d. Within three days of a purchase, a secondhand dealer shall report the transaction to the Police Department.
2. The Chief of Police may specify the format of the transaction report form. The Chief of Police may require that the transaction report form include any information relating to the regulations of this Chapter. Dealers may utilize their own forms, in lieu of those supplied by the Albany Police Department, if the Chief of Police has approved such forms. The Declaration of Proof of

Ownership will be considered to be included in references in this Chapter to the transaction report form, as appropriate.

7.90.090 Regulated Property Sale Limitations.

1. Regulated property is subject to the following limitations:
 - a. **Holding Period.** Regulated property acquired by any Secondhand Dealer must be held for a period of 14 full days from the date of acquisition. Firearm transactions conducted by Federal Firearm Licensed dealers are exempt from the 14-day hold. Pawnbroker loan transactions are exempt from the 14-day hold requirements of Section 7.90.090 because of the redeemable nature of the loans and the holding requirements in ORS 726. However, if the loan is converted to a buy by the pawnbroker within 14 days from the date of the pawn transaction, the difference between the original date of the pawn and the buy will count toward the 14-day hold requirement. All other provisions of Section 7.90.090 remain in effect.
 - b. **Requirements of Held Property.** All held property must remain in the same form as when **received, must not be sold, dismantled, or otherwise disposed of to allow for identification and examination by the Albany Police Department.** Held property must be kept at the business location during this holding period so that it can be inspected during normal business hours (as provided in Section 7.90.110). Held property, other than property on Police Hold, may be held in a place within public view, as long as the other requirements of Section 7.90.090, Subsection 1.b, are met.
 - c. **Consignment Sales.** Items consigned to a Secondhand Dealer must be reported as purchases when accepted.
 - d. **Held property requirements do not apply if:**
 - (1) The property is received from a Secondhand Dealer regulated by the City of Albany who has already satisfied the holding requirements of this Chapter and the Dealer records the original transaction report number on the transaction report completed for the new transaction; or
 - (2) If a customer, who originally purchased property from a Secondhand Dealer, returns it to that Dealer with the original receipt.
2. Notwithstanding Section 7.90.090, the Chief of Police may determine that certain types of transactions pose a reduced risk of being an outlet for the sale of stolen property and therefore may modify the hold period and/or reporting requirements for those types of transactions. Those transactions and the modified requirements are described in Section 7.90.120.
3. Upon reasonable belief that an item of regulated property is the subject of a crime, any peace officer may provide notice to any Dealer that a specifically described item of regulated property must be held in a separate Police Hold area for a period not to exceed 30 days from the date of notification, and is subject to the requirements of Section 7.90.090, Subsection 1.b, above. The hold may be extended an additional 30 days upon notice provided to the Dealer that additional time is needed to determine whether a specific item of regulated property is the subject of a crime. The Dealer shall comply with the hold notice and notify the Albany Police Department Detective Unit of the hold notice no later than five calendar days from the day the notice was received, either by telephone, fax, email, or in person. A Dealer must notify the Detective Unit of his/her intent to dispose of any item of regulated property under Police Hold at least 10 days prior to doing so.

- a. A Police Hold area must meet the following criteria:
 - (1) Located out of public view and access, and
 - (2) Marked "Police Hold," and
 - (3) Contain only items that have been put on Police Hold.
 - b. If it is not possible or practical to move an item to or store an item in the Police Hold area, a Dealer may submit a written request to the Chief of Police or his/her designee for approval to keep the item with other held property. Approval may be granted with the understanding that the item will be clearly marked as being on Police Hold and kept from public view and access.
4. Upon probable cause that an item of property is the subject of a crime, the Chief of Police or his/her designee may take physical custody of the item or provide written notice to any Dealer to hold such property for a period of time as determined by the Chief of Police, not to exceed the statute of limitations for the crime being investigated. Any property placed on hold pursuant to this subsection is subject to the requirements found in Section 7.90.090, Subsection 1.b, and will be maintained in the Police Hold area unless seized or released by the Police. Seizure of property will be carried out in accordance with Oregon Revised Statutes.
 5. If a Dealer acquires regulated property with serial numbers, personalized inscriptions or initials, or other identifying marks which have been destroyed or are illegible due to obvious normal use, the Dealer shall continue to hold the property at the business location for a period of 90 full days after acquisition. The Dealer must notify the Albany Police Department by writing "90 day hold" next to the item on the transaction report or by an electronic means approved by the Albany Police Department. The held property must conform to all the requirements found in Section 7.90.090, Subsection 1.b.
 6. If a Dealer receives information that leads to an objectively reasonable basis to believe that any property already at his/her business location has been previously lost or stolen, he/she must report that belief to the Albany Police Department by day's end. The notice must include the transaction report number and any additional information regarding the name of the owner, if known.
 7. If a peace officer seizes any property from a Dealer, the Dealer must notify the Albany Police Department of the seizure no later than five calendar days from the day the seizure occurs. The Dealer must provide the name of the agency, the name of the peace officer, the number of the receipt left for the seizure, and the seized property information. Notification to the Albany Police Department may be given by telephone, fax, email, or in person.

7.90.100 Tagging Regulated Property for Identification.

Dealers shall affix a tag to every item of regulated property, which must contain a unique, legible number. That unique number must either be the same as the transaction report number for that item or be referenced to the transaction report required by the Albany Police Department. After the holding period has expired, the transaction number must remain identifiable on the property until the sale of the property.

1. After the applicable holding period has expired, hand tools, or items that are sold with other like items and have no identifiable numbers or markings need not remain tagged.
2. After the applicable holding period has expired, items that are remanufactured need not remain tagged.

7.90.110 Inspection of Property and Records.

Upon presentation of official identification, a Dealer shall allow any representative of the Albany Police Department to enter the business location to ensure compliance with the provisions of Chapter 7.90. The inspection will be for the limited purpose of inspecting the business location, regulated property, and related records as provided in this Chapter. Except by mutual agreement with the Dealer or by court order, any inspection under this Section may occur only during the Dealer's normal business hours.

7.90.120 Prohibited Acts.

1. It is unlawful for any person regulated by Chapter 7.90:
 - a. To receive any property from any person or other act:
 - (1) Known to the principal, employee, or Dealer to be prohibited from selling by a court order,
 - (2) Under the age of 18 years unless the person's parent or guardian completes the applicable information on the Declaration of Proof of Ownership,
 - (3) Consignment sales: to consign an item, provide customer with a cash advance and agree or contract to have the customer buy back the item with a fee after a specified time. This is a loan transaction falling under the Oregon Pawnbroker Act, ORS 726.
 - b. To receive property prohibited by this Chapter, including:
 - (1) Medications,
 - (2) Gift cards, in-store credit cards, or activated phone cards,
 - (3) Property with serial numbers, personalized inscriptions or initials or other identifying marks that appear to have been intentionally altered or rendered illegible;
2. Any violation of Chapter 7.90 is punishable, upon conviction, by a fine of not more than \$2,500.00 and a jail sentence of up to one year.

7.90.130 General Penalties

Any violation of Chapter 7.90 shall be deemed a misdemeanor as provided under Chapter 1.04, Subsection 010 through 020, unless the City requests it to be treated as a violation.

1. Violation- a civil penalty of not more than \$1,000.00 or such sum as may be provided in the ordinance defining the offense.
2. Misdemeanor- a fine of not more than \$2,500.00 or imprisonment not to exceed one year, or both such fine and imprisonment.

7.90.140 Revocation or Suspension of License.

1. Along with the other regulatory enforcement authority granted under this Chapter, the Chief of Police may, after consulting with the City Council, revoke or suspend any license issued pursuant to this Chapter:
 - a. For any cause that would be grounds for denial of a license; or
 - b. Upon finding that any violation of the provisions of this Chapter, federal, state, or other local law has been committed and the violation is connected with the operation of the permitted business location so that the person in charge of the business location knew, or

should reasonably have known, that violations or offenses were permitted to occur at the location by the Dealer or any principal or employee engaged or employed in the management or operation of the business location; or

- c. A lawful inspection has been refused; or
 - d. If payment of civil penalties has not been received by the City of Albany within 10 business days after the penalty becomes final; or
 - e. If any statement contained in the application for the License is false.
2. The Chief of Police, upon revocation or suspension of any License issued pursuant to this Chapter, shall give the Dealer written notice of the revocation or suspension.
 - a. Service of the notice will be accomplished by mailing the notice by regular and certified mail, return receipt requested.
 - b. Mailing of the notice by regular mail will be prima facie evidence of receipt of the notice.
 3. Revocation will be effective and final 15 days after the giving of notice unless the revocation is appealed in accordance with Section 7.90.150.
 4. Suspension will be effective immediately upon the giving of notice, for the period of time set in the notice not to exceed 30 days.

7.90.150 Appeals.

1. Any Dealer or person whose initial application or renewal application for a Secondhand Dealer Special License has been denied, or whose license has been revoked or suspended, may appeal the action of the Chief of Police or his designee to the Albany Municipal Court.
2. The filing of a notice of appeal of revocation or suspension of a permit, or of a civil penalty imposed by the Chief of Police under this Chapter, will stay the effective date of the action until the Albany Municipal Court Judge has issued an opinion.

7.90.155 Administrative Policies and Procedures.

1. Any proposed amendments or changes to the Secondhand Dealer Ordinance will be approved by the City Council.
2. The Chief of Police may make available and publish a new Regulated Property List by June 30th of each year. If no modifications are made, the previous year's Regulated Property list will remain in effect.

7.90.160 ~~2014~~ List of Regulated Property

1. Used Items-only transactions greater than \$20.00 in a single or aggregate transaction are required to be reported.
 - a. Precious metals, refer to definition under Section 7.90.020;
 - b. Precious gems;
 - c. Watches of any type and jewelry containing precious metals or precious gems;
 - d. Sterling Silver, including but not limited to, flatware, candleholders, salt and pepper shakers, coffee and tea sets, or ornamental objects;
 - e. Audio equipment;
 - f. Video equipment;
 - g. Other electronic equipment, including but not limited to: global positioning systems (GPS), electronic navigation devices, or radar detectors;

- h. Photographic and optical equipment;
- i. Electrical office equipment;
- j. Power equipment and tools;
- k. Automotive and hand tools;
- l. Telephones, telephone equipment, or cellular telephones;
- m. Power yard and garden tools;
- n. Musical instrument and related equipment;
- o. Firearms, including but not limited to: rifles, handguns, shotguns, pellet guns, or BB guns. Firearm transactions conducted by a Federal Firearm Licensed dealer are exempt from the 14-day hold;
- p. Sporting equipment: e.g. bicycles, kayaks, golf clubs;
- q. Outboard motors, and boating accessories;
- r. Household appliances, valued over \$50.00 retail value;
- s. Entertainment media such as DVD boxed sets, video game cartridges, etc;
- t. Computers and computer-related software and equipment;
- u. Ammunition.

2. New items

- a. New items purchased from a licensed business shall be exempt from regulation under Chapter 7.90 if the Dealer has a bill of lading, receipt, invoice, or the equivalent for the new items.
- b. Items acquired from a manufacturer, manufacturer's representative, or distributor that are discontinued or have been used for display or demonstration but not previously sold are new and exempt from regulation under Chapter 7.90.

Section 2. Emergency Clause. In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, or to facilitate the prompt and timely completion of important City business, an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by Council: _____

Approved by Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Recorder



TO: Albany City Council

VIA: Wes Hare, City Manager
Mark W. Shepard, P.E., Assistant City Manager/Public Works and Community Development Director

MWS

FROM: Chris Bailey, Assistant Public Works Director/Operations Manager
Kate Porsche, Economic Development and Urban Renewal Director

DATE: February 2, 2015, for the February 9, 2015, Council Work Session

SUBJECT: Review of 401 Main Street Property Use Proposals

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods
● Effective Government

Action Requested:

Staff recommends City Council authorize the City Manager to enter into negotiations for a Purchase and Sale Agreement with Good Samaritan Ministries of Albany for the property at 401 Main Street SE.

Discussion:

On February 3, 2014, the City Council directed staff to proceed with a Request for Proposals (RFP) for the sale of property the City owns at 401 Main Street SE. The RFP was delayed until the street improvement project on Main Street was completed this summer. The RFP has returned two qualified proposals for the purchase and use of the property. The two entities that submitted proposals were Durig Capital and Good Samaritan Ministries of Albany (GSM).

There were three evaluation criteria that staff used to rank the proposals. These criteria were identified in the RFP:

- a) Proposer's competency, experience, and financial plan. Proposer must be financially responsible, have the necessary qualifications and a sound financial plan for purchasing and improving the property.
- b) The alignment of the Proposer's intended use for the property with City goals for the neighborhood and the overall value to the City of the financial plan and intended use.
- c) Proper completion of proposal forms. The thoroughness and professional manner with which the Proposer prepares and completes the RFP submittal is an indication of the manner in which Proposer may approach its work on the property.

Randy Durig is the owner of several small businesses based in Tigard. The Durig proposal is to restore and improve the building to use it as a for-profit business as a space available for rent. The proposal is to lease space to a congregation and also make the building available for rent for other events such as weddings, birthday parties, etc. Mr. Durig proposes to pay \$16,500 for the property and may request up to \$5,000 in CARA funds, but he is not reliant on those funds. He intends to privately finance the improvements to the property. His estimate of the cost to rehabilitate the property is \$244,080. Mr. Durig has previously refurbished a similar property in Hubbard.

GSM is an established organization in Albany whose proposal is to restore and improve the building to use for their church and non-profit Christian ministry functions. GSM also intends to immediately request the registration of the property on the National Register of Historic Places, for which it is eligible. Registering the property will enable them to apply for grant funding to

help finance the restoration of the property. GSM proposes to have one of its members manage the restoration of the building. This individual has experience restoring the Gaylord House in Corvallis and the Lewisburg Grange Hall, including raising funds and securing donations for those projects. GSM proposes to pay only \$111 for the property and is not planning to request CARA funds. Their estimate to complete the restoration of the property is \$157,700 which includes donations and discounted goods and services. They have secured an initial \$10,000 specifically for this project to begin the restoration and anticipate an additional \$20,000 donation within the next five years. They also describe dedicating 20 percent of the funds donated by their membership to the restoration project.

Although the Durig proposal offers to pay more for the property, staff recommends moving forward with the GSM proposal. The GSM proposal included a detailed description of the type of restoration work they intend to perform, and the phasing of that work. In contrast, the Durig proposal provides only broad categories of renovation work that would be performed. GSM describes a focus on improving the livability of the neighborhood, and they have experience working with local contractors and authorities such as the Landmarks Advisory Commission. Finally, GSM identified and provided their approach to two major constraints of the property: limited parking space and disabled access to interior facilities. The Durig proposal, like the GSM proposal, provides some initial commitment from neighboring properties for shared parking agreements, but it does not address how it may resolve ADA accessibility issues.

Staff believes that the GSM proposal better meets “the overall value to the City of the financial plan and intended use” as described in the RFP. The Durig proposal provides value in terms of the initial purchase price, property tax revenue, and the potential economic input of visitors to the City. The GSM proposal provides value in the form of long-term stability and stewardship of the property. There is also a value to the preservation of a Nationally Registered historic place which adds to the City’s inventory of historic structures and protects the property into the future. Throughout this process, staff has received input from many people within the community who value the church building as an important piece of Albany’s history. The level of detail and meticulous research from the GSM proposal indicates an investment of time and energy that would predict a quality historic restoration project. Therefore, staff believes the GSM proposal provides a better overall value to the neighborhood and community than the Durig proposal.

Both proposals will likely require a Conditional Use Permit from the Community Development Department. Staff recommends making the Purchase and Sale Agreement contingent upon successful completion of this process.

Budget Impact:

The sale of the property will provide \$111 for the Street Fund.

Expenditures for this property have averaged over \$7,000 per year for the last three fiscal years. Future City expenditures to maintain the property will be eliminated.

CB:kw



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: John R. Bradner, Fire Chief *JRB*
DATE: February 5, 2015, for the February 9, 2015, City Council Work Session
SUBJECT: Fire Station 11 Programming Update

RELATES TO STRATEGIC PLAN THEME: • A Safe City

In 2011 the City contracted with ZCS Engineering and hsr Master Planning to complete the first phase of the Facilities Assessment and Preliminary Design for the potential replacement of Fire Station 11. This phase created a Fire Department programming and needs assessment document that identified potential elements that should be considered in replacing the current station. The information contained in this report was arrived at through discussions with Fire Department staff, site visits to the current station, and knowledge of fire station design by those completing the analysis. This report called for a 29,387 square foot building to address the 40-year needs for the city of Albany's main fire station.

In 2014 the Public Safety Facilities Review Committee requested that the Fire Department scrutinize this report to identify potential reductions in square footage to reduce construction costs and the need for additional funding. In addition to a review by the Fire Department management team of the space allocations from the ZCS/hsr report, Mackenzie, an architectural and engineering firm, also provided a no-cost brief analysis of the initial report with information on potential reductions to the square footage. These were presented to the Committee on April 8, 2014, and a new size of 25,500 square feet was approved. The Committee concluded its recommendations to the City Council by requesting that updates to the fire station programming be brought to the City Council for review.

Mackenzie identified in their initial analysis potential space reductions and reaffirmed previous studies on the need to replace the existing station and not remodel and/or expand the current station. They also provided feedback on the lot size recommendation and cost per square foot for construction and associated soft costs. In addition, they provided information on the absence of administrative staff at the main fire station in the ZCS/hsr programming document stating "...it appears that the program notes that Command Staff would not reside in the new facility and would remain at City Hall. Historically, for headquarter stations, it is my experience that these positions would reside within the headquarter station, so I would question whether it makes sense to keep those positions at City Hall." Through conversations with Mackenzie, they maintained that a main headquarters fire station, including all of fire administration, could be constructed within 25,500 square feet as approved by the Committee, while still addressing all Fire Department functional needs.

Fire Administration was previously housed at Station 11 and moved out in the early 1990s due to a lack of space. The City initially rented space across the street from Station 11 and then moved to City Hall when it was constructed in 1996. These moves were necessary because replacement of the main fire station was a long-term project given little consideration at the time. A growing fire department required more appropriate accommodations than the current station or rented space could provide. While some aspects of having Fire Administration in City Hall are beneficial, removing it from the main fire station created operational issues for the Department.

Fire Station 11 has more visitors, requests for tours, and general public contact than the other three fire stations combined. Because Station 11 is centrally located and is the main fire station, the public accesses residential safety equipment, such as chimney cleaning brushes, from this station. As the storage location for fire and EMS equipment, vendors frequently make deliveries to this station. When the crew is out of the station for emergencies, training, or other business, there may be no one there to handle these needs.

Station 11 emergency services and day staff have repeatedly requested support at the station to address the public contacts and other daily needs of a main fire station. The number of Fire Department support positions has decreased, and the Department is unable to dedicate a position for this purpose under our current configuration. The configuration of having Fire administrative and support staff at City Hall separates supervisors from their workgroups, which creates inefficiencies in operations. By relocating Fire Administration to the main fire station, all support staff would be relocated and allow us to provide better service within the department and for the community.

The current design for the new station is below the size recommended by the Public Safety Facilities Review Committee. The plans include relocation of Fire Administration from City Hall to the new station and provide improved efficiencies from original concepts. Relocating administration was achieved through reallocating and reducing spaces.

- The overall size of the apparatus bays were reduced, while still adequately addressing emergency vehicle space needs.
- One of the four identified offices for Life Safety Division compliance officers will be used for the Fire Marshal who manages and supervises that program and currently works at City Hall.
- The four preplan offices were removed and incorporated into a centralized reporting area that accommodates multiple functions.
- The number of restrooms was reduced when work space adjacencies were identified, still maintaining an adequate number of restrooms.
- Related work and storage areas were combined which reduced overall square footage.

JB:ljh



TO: Albany City Council

VIA: Wes Hare, City Manager
Stewart Taylor, Finance Director

FROM: Mary Dibble, City Clerk

DATE: February 3, 2015, for the February 9, 2015, Work Session

SUBJECT: Annual Records Information Management (RIM) Policy Updates

RELATES TO STRATEGIC PLAN THEME: ● Effective Government, Transparency

Action Requested:

Council's annual review of Records Information Management (RIM) Program policies. A resolution adopting the Public Records Request policy and fees will be on the February 11, 2015, Consent Calendar.

Background

The City of Albany's RIM Program policies are reviewed by staff annually to verify that policies continue to comply with the Oregon State Archives standards. There are four RIM policies.

There are 18 RIM Coordinators in the City. RIM Coordinators serve as educators for their department's staff. The City Clerk provides education to the RIM Coordinators through periodic memos, meetings, and training.

RIM Policies

Following is a summary of the policies:

1. F-05-08, Public Records Requests

In 2014 the City Clerk's Office coordinated 75 requests and Municipal Court responded to 174 requests. Police and Fire have their own forms based on the most common types of requests they receive.

Policy/Form Revisions: Reduce the cost of a USB flash drive from \$15 to \$5 on the Form; and clarify language regarding personal equipment.

A resolution is on the Consent Calendar for the February 11, 2015, Regular Session.

2. F-04-08, Identification Theft Protection Policy

The Oregon Identity Theft Protection Act (OITPA) has authority over local governments. The City has an Identity Theft Protection Team with a representative from each department. Team members meet annually to discuss identity fraud-related and any security breaches that may have occurred. There were no security breaches reported in 2014.

The City also holds training sessions for employees who handle private information on a regular basis. The training is provided by an OITPA Outreach Coordinator from the Oregon Division of Finance & Corporate Securities. An Albany Police Department

detective is also invited to speak to recent identity fraud trends in Albany. About thirty employees attended training in January.

Policy Revisions: There are no changes proposed.

3. F-09-08, Records Management Policy

This policy sets the framework for the City's RIM Program. It adopts the State of Oregon Secretary of State's Retention Schedule and sets guidelines for how categories of records can be retained based on their retention periods.

Policy Revision: Revise Section 3 to include an annual review of each department's Records Inventory List in order to verify that all records are being documented, being purged according to the Retention Schedule, and that migration plans are in place if necessary for electronic records. Revise Section 6-7 for clarity.

4. F-10-09, Digital Image as Original (DIO)

The DIO allows for electronic images of paper records to be designated as originals, so that the paper copy can be discarded. Only certain record series are eligible for the DIO application. RIM Coordinators oversee the DIO process for their department.

Policy Revisions: The changes are housekeeping in nature.

Closing

The annual review of the City of Albany's RIM policies demonstrates our commitment to compliance with the law while providing good customer service to our citizens. RIM Coordinators are to be commended for the additional duties they take on as records managers and trainers for their staff.

Budget Impact:

None.

MD

Attachments

c: Stewart Taylor, Finance Director



City of Albany
Finance/City Clerk's Office
Policy #: F-05-08-~~005006~~
Title: Public Records Requests

Purpose To outline procedures for public records requests in order to comply with ORS guidelines.

Scope This policy applies to all City employees.

Policy The City strives to provide timely and open access to public records and information not specifically exempted from access set forth in ORS 192.501 and 192.502.

Each department shall be responsible for implementing this policy with oversight by the department's Records Information Management (RIM) Coordinator.

Policy F-05-08 sets public records fees and outlines the internal procedures to meet public records requests.

This policy does not apply to City employees seeking records from other City employees for use in performance of their duties.

The Police Department and the Fire Department use their own Public Records Request Forms.

- Guidelines**
1. **Documentation.** All public records requests must be documented. The three acceptable forms of documentation are:
 - a. Completion of the Public Records Request Form. This is the preferred method for efficiency in tracking the City's compliance with public records laws and compiling statistical data.
 - b. A request made via e-mail that contains the following: date of request, requestor's name and contact information, and information regarding the document(s) requested.
 - c. A letter that contains the following: date of request, requestor's name and contact information, and information regarding the document(s) **being** requested.

All requests must be specific enough for the City to determine the nature, content, and department where the records may be located.



2. **Responsible Department.** RIM Coordinators should coordinate public records requests. If the records requested are in a different department, the RIM Coordinator is responsible to forward the request to the appropriate RIM Coordinator promptly. If the request was made using the Public Records Request Form, write the date the request was received on the Form in the "For Staff Use" section and then forward.
3. **Mandatory Notification.** ORS 192.440 requires that for written public records requests, the public body must respond in writing as soon as practicable and without unreasonable delay. Mandatory notification is a formal acknowledgement of the receipt of the request and includes a specific statement (ORS 192.440)(2)(a-f). The mandatory statements are listed in the "For Staff Use" section on the Public Records Request Form.
4. **Notification Process.** Timeliness is key to public records requests. If the request is filled promptly, then statement ORS 192.440 (2) (b) applies (the request is complete and the records are enclosed/attached.) No further notification is necessary if (b) applies.

If the request cannot be filled promptly, provide the notification promptly using the appropriate statement from ORS 192.440 (2)(a)(c-f). The City provides three mechanisms for written mandatory notification:

- a. Form: Provide a copy of the form via mail, e-mail, fax, or in person with the appropriate box checked in the "For Staff Use" section to the requestor.
 - b. Letter: Use the letter with the appropriate statement included when a formal letter is more appropriate than a copy of the form. Contact the City Clerk for an example of a formal letter
 - c. E-mail: Reply to the sender using the appropriate statement.
5. **Exempt Records.** Certain public records are exempt from disclosure per ORS 192.501 and 192.502. **The RIM Coordinator completing the request is responsible for verifying that the records being released are not exempt.** If there is question about whether or not a record can be disclosed, please contact the City Clerk's Office or the City Attorney.
 6. **Fees.** ORS 192.440 authorizes the public body to charge fees associated with requests, including requesting a portion of the fees in advance as a condition of receiving the public records. Additionally, public bodies are required to publish the fees. City of Albany records request fees are listed on the back of the Public Records Request Form.



- a. Requests with fees that are estimated to exceed \$25 require written notification of the estimated amount followed by confirmation from the requestor to proceed with the public records request.
- b. Prepayment will be required for requests that are estimated to exceed \$25.

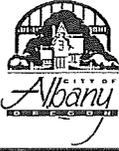
Directors may designate the revenue account for public records request fees.

7. **Personal External Sources Used for Copies of Public Records.** Personal CDs, DVDs, or USB flash drives presented by the public for the copying of City records are external sources ~~are~~ prohibited. The City will provide a CD, DVD, or a USB flash drive for the fee designated in the Fee Schedule.
 - a. Any other type of personal equipment or external source presented by the requestor in order to copy a public record must be approved by the IT Director or his/her designee.
 - b. In all scenarios where public records are prepared for copying, Research and Inspection fees apply.
8. **Billing.** The department responding to the request is responsible for collecting and processing the payment through their cashiering system. For payments that exceed \$1.00, departments may choose to have the Finance Department bill the requestor by completing a Request for A/R Billing Form.
9. **Archiving.** Once the request is satisfied, RIM Coordinators should send documentation of the original request and the mandatory notification to the City Clerk's Office for archival (except for Police, Municipal Court, and Fire who keep their requests at their location). Three dates should be written on the documentation:
 - a. The date the request was received
 - b. The date of the notification
 - c. The date the request was completed
10. **Identity Theft Protection.** Records released as part of a public records request must be in compliance with F-04-08, Identity Theft Protection.



City of Albany
Finance/City Clerk's Office
Policy #: F-05-08-~~005~~006
Title: Public Records Requests

Supercedes: F-05-08- 004 005	Created/Amended by/date: June 9, 2010/November 28, 2011/March 26, 2012/March 13, 2013/ <u>February 1, 2015</u>	Effective Date: February 26, <u>2014 February 11, 2015</u>
Finance Director:	City Manager:	



City of Albany
Finance/City Clerk's Office
Policy #: F-05-08-006
Title: Public Records Requests

Purpose To outline procedures for public records requests in order to comply with ORS guidelines.

Scope This policy applies to all City employees.

Policy The City strives to provide timely and open access to public records and information not specifically exempted from access set forth in ORS 192.501 and 192.502.

Each department shall be responsible for implementing this policy with oversight by the department's Records Information Management (RIM) Coordinator.

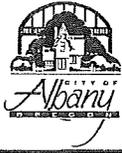
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1. **Documentation.** All public records requests must be documented. The three acceptable forms of documentation are:
 - a. Completion of the Public Records Request Form. This is the preferred method for efficiency in tracking the City's compliance with public records laws and compiling statistical data.
 - b. A request made via e-mail that contains the following: date of request, requestor's name and contact information, and information regarding the document(s) requested.
 - c. A letter that contains the following: date of request, requestor's name and contact information, and information regarding the document(s) requested.

All requests must be specific enough for the City to determine the nature, content, and department where the records may be located.



City of Albany
Finance/City Clerk's Office
Policy #: F-05-08-006
Title: Public Records Requests

2. **Responsible Department.** RIM Coordinators should coordinate public records requests. If the records requested are in a different department, the RIM Coordinator is responsible to forward the request to the appropriate RIM Coordinator promptly. If the request was made using the Public Records Request Form, write the date the request was received on the Form in the "For Staff Use" section and then forward.
3. **Mandatory Notification.** ORS 192.440 requires that for written public records requests, the public body must respond in writing as soon as practicable and without unreasonable delay. Mandatory notification is a formal acknowledgement of the receipt of the request and includes a specific statement (ORS 192.440)(2)(a-f). The mandatory statements are listed in the "For Staff Use" section on the Public Records Request Form.
4. **Notification Process.** Timeliness is key to public records requests. If the request is filled promptly, then statement ORS 192.440 (2) (b) applies (the request is complete and the records are enclosed/attached.) No further notification is necessary if (b) applies.

If the request cannot be filled promptly, provide the notification promptly using the appropriate statement from ORS 192.440 (2) (a)(c-f). The City provides three mechanisms for written mandatory notification:

- a. Form: Provide a copy of the form via mail, e-mail, fax, or in person with the appropriate box checked in the "For Staff Use" section to the requestor.
 - b. Letter: Use the letter with the appropriate statement included when a formal letter is more appropriate than a copy of the form. Contact the City Clerk for an example of a formal letter
 - c. E-mail: Reply to the sender using the appropriate statement.
5. **Exempt Records.** Certain public records are exempt from disclosure per ORS 192.501 and 192.502. **The RIM Coordinator completing the request is responsible for verifying that the records being released are not exempt.** If there is question about whether or not a record can be disclosed, please contact the City Clerk's Office or the City Attorney.
 6. **Fees.** ORS 192.440 authorizes the public body to charge fees associated with requests, including requesting a portion of the fees in advance as a condition of receiving the public records. Additionally, public bodies are required to publish the fees. City of Albany records request fees are listed on the back of the Public Records Request Form.



City of Albany
Finance/City Clerk's Office
Policy #: F-05-08-006
Title: Public Records Requests

- a. Requests with fees that are estimated to exceed \$25 require written notification of the estimated amount followed by confirmation from the requestor to proceed with the public records request.
- b. Prepayment will be required for requests that are estimated to exceed \$25.

Directors may designate the revenue account for public records request fees.

7. **Personal External Sources Used for Copies of Public Records.** Personal CDs, DVDs, or USB flash drives presented by the public for the copying of City records are prohibited. The City will provide a CD, DVD, or a USB flash drive for the fee designated in the Fee Schedule.
 - a. Any other type of personal equipment or external source presented by the requestor in order to copy a public record must be approved by the IT Director or his/her designee.
 - b. In all scenarios where public records are prepared for copying, Research and Inspection fees apply.
8. **Billing.** The department responding to the request is responsible for collecting and processing the payment through their cashiering system. For payments that exceed \$1.00, departments may choose to have the Finance Department bill the requestor by completing a Request for A/R Billing Form.
9. **Archiving.** Once the request is satisfied, RIM Coordinators should send documentation of the original request and the mandatory notification to the City Clerk's Office for archival (except for Police, Municipal Court, and Fire who keep their requests at their location). Three dates should be written on the documentation:
 - a. The date the request was received
 - b. The date of the notification
 - c. The date the request was completed
10. **Identity Theft Protection.** Records released as part of a public records request must be in compliance with F-04-08, Identity Theft Protection.



City of Albany
Finance/City Clerk's Office
Policy #: F-05-08-006
Title: Public Records Requests

Supercedes: F-05-08-005	Created/Amended by/date: June 9, 2010/November 28, 2011/March 26, 2012/March 13, 2013/February 1, 2015	Effective Date: February 11, 2015
Finance Director:	City Manager:	

RESOLUTION NO. _____

**A RESOLUTION ADOPTING REVISIONS TO THE PUBLIC RECORDS REQUEST POLICY,
F-05-08 AND THE PUBLIC RECORDS REQUEST FORM; AND REPEALING
RESOLUTION NO. 6300.**

WHEREAS, Oregon public records laws allow agencies to establish fees reasonably calculated to reimburse the public body for the public body's actual cost of making public records available; and

WHEREAS, the Public Records Request Policy was adopted by the City Council by Resolution No. 6300; and

WHEREAS, the fees for public records requests are on the City of Albany Public Records Request Forms; and

WHEREAS, the fee for USB flash drives have dropped in price in the general market place and the fee schedule should be revised accordingly; and

WHEREAS, the Information Technology department has a stock of USB flash drives for use in response to a public records request for which the City will charge \$5.00 each.

NOW, THEREFORE, BE IT RESOLVED that the City of Albany City Council hereby adopts the Public Records Request Policy as Exhibit A and the standard Public Records Request Form as Exhibit B.

DATED AND EFFECTIVE THIS 11th DAY OF FEBRUARY 2015.

ATTEST:

Mayor

City Clerk



PUBLIC RECORDS REQUEST FORM

City of Albany
City Clerk's Office

For Police Dept. public records contact: 541.917.7680. For Fire Dept. public records contact 541.917.7700.

Notice: Public Records laws are addressed in ORS Sections 192.420, 192.440, and 192.501. City of Albany Policy F-05-08, Public Record Requests, outlines the City's procedures. Fees are listed on the back of this form. Prepayment and confirmation to proceed will be required for requests that exceed \$25.

Your signature below acknowledges that you have read, understand, and accept financial responsibility for the fees associated with this public records request.

Signature: _____ Date: _____

Requestor Information:

_____		_____	
Name		Mailing Address	
_____		_____	
City	State	Zip Code	
_____		_____	
Daytime Phone Number	Fax Number	E-mail address	

Document Information:

Describe the information/records you are requesting. Be specific enough for the City to determine the nature, content, and department where the records you are requesting may be located. Provide specific dates whenever possible. Use additional sheets of paper if necessary.

Return Form To: Mail or drop off: City Hall, Finance Dept, 333 Broadalbin Street SW, Albany, OR 97321
Fax: 541.917.7511 E-mail: cityclerk@cityofalbany.net

For Staff Use

Send copy of this form to City Clerk when request is complete.

Date received: _____	Date Notification Provided: _____	Date completed: _____
RIM Coordinator: _____	Notification Method: <input type="checkbox"/> Copy of Form	Completed by: _____
Dept: _____	<input type="checkbox"/> E-mail <input type="checkbox"/> Mail <input type="checkbox"/> Fax	Total Fees: _____

Staff Notes:

Mandatory Notification Statement per ORS 192.440 (2)(a-f)

Dear Requestor, thank you for your public records request. Your request:

- (a) was unable to be completed because the City does not possess or is not the custodian of the records.
- (b) is attached/enclosed.
- (c) will require more time to process (estimated date) _____ and will require a deposit of \$_____.
- (d) will require more time to process. An estimate will be provided within a reasonable time.
- (e) has been forwarded to the _____ Dept to determine if the record exists; you will be contacted shortly.
- (f) was unable to be completed because the records are exempt under state or federal law: _____
- Other: requires additional or more specific information: _____

PUBLIC RECORDS FEE SCHEDULE

City of Albany
City Clerk's Office

1. Copies of Public Records: For 8.5 x 11 black and white, copies will be .25 cents per page; and .50 cents per page for duplexed copies. For 11 x 17 black and white, copies will be .50 cents per page; and \$1.00 per page for duplexed. For 8.5 x 11 color, copies will be .50 cents per page; and \$1.00 per page for duplexed. For 11x17 color, copies will be \$1.00 per page; and \$2.00 per page for duplexed. Photo quality paper will be an additional charge. For the Fire Department, a \$7.00 research fee includes up to ten single-sided copies. To certify as a true copy the fee is \$5.00 in addition to the copy charges.
2. Personal External Sources Used for Copies of Public Records. ~~Personal external sources~~ CDs, DVDs, or USB flash drives presented by the public -are prohibited. The City will provide the following items for a fee:
 - a. ~~CD, or DVD, or USB flash drive~~: \$5.00
 - ~~b. USB flash drive: \$15.00~~
 - ~~c. Audio tape~~: \$15.00 for the first tape and \$5.00 for each tape thereafter.
 - ~~d. Video tape~~: actual cost to reproduce the video tape.
 - ~~e. Any other type of personal equipment or external source presented by the requestor in order to copy a public record must be approved by the IT Director or his/her designee.~~

In all scenarios where public records are prepared for copying, Research and Inspection fees apply.

3. Copies of Maps and other Nonstandard Documents: Charges for maps, large documents, or other nonstandard size documents shall be charged in accordance with the actual costs incurred by the City to reproduce them.
4. Inspection Fees and Research Fees: Inspection means official records that are inspected by the public while in the presence of a staff member. Research includes locating, collating, and copying public records. Staff may waive inspection or research fees for not more than **five** Level 1 public records requests from the same requestor in a calendar year.

Level 1: Up to 30 minutes	Copy cost plus \$10 (flat fee)
Level 2: 30 minutes to 2 hours	Copy cost plus \$25 per hour (prorated)
Level 3: Over 2 hours	Employee costs (wages plus benefits)(prorated)
5. Written Notification: Requests with fees that are estimated to exceed \$25 require written notification of the estimated amount followed by confirmation from the requestor to proceed with the public records request. Prepayment in full is required for requests that are estimated to exceed \$25. If the actual time and cost are less than estimated, the excess money shall be refunded to the requestor. If the actual cost and time are in excess of the estimated cost, the difference shall be paid at the time the records are produced.
6. Archived Scanned Copies: Scanned copies archived in the City of Albany Laserfiche system or other electronic records which are readily available to the RIM Coordinator may be sent to an e-mail address provided by the requestor for the cost of Inspection or Research fees.
7. Electronic Searches: For non-exempt public record requests including e-mails or other electronic records stored on any City network and not readily available to the RIM Coordinator, the fee is \$100 per hour for inspection, research, and copying time with a minimum one-hour charge. The information will be provided on a CD, DVD, or USB flash drive for the designated fee.
8. Additional Charges: If a request is of such magnitude and nature that compliance would disrupt the City's normal operation, the City may impose such additional charges as necessary to reimburse the City for its actual costs of producing the records, including but not limited to excessive postage fees.
9. Reduced Fee or Free Copies: Whenever the City determines that providing copies of public records at a reduced fee or without costs would be in the public interest, the City may so authorize per ORS 192.440(5).

Copies per page		Electronic Formats	
.25 (.50 for duplexed)	8.5 x 11 black & white	5.00	Each DVD, or each CD, or USB flashdrive
.50 (1.00 for duplexed)	11 x 17 black & white	15.00	First audio tape; or USB flash drive
.50 (1.00 for duplexed)	8.5 x 11 color	5.00	Each add'l audio tape
1.00 (2.00 for duplexed)	11 x 17 color	Actual cost to reproduce	Video tape
Additional charge	Photo quality paper	Additional charge	See 8.
Inspection Fees and Research Fees		Maps & Nonstandard	To Certify as a True Copy
Up to 30 minutes	Copy costs plus \$10	Actual cost for reproduction	\$5.00 in addition to copy charges
30 minutes to 2 hours	Copy cost plus \$25 an hr	Electronic Searches	
Over 2 hours	Employee cost (wages plus benefits)	\$100 per hour	One hour minimum
Police Department		Fire Department	
Refer to Police Department Records Request Form		\$7.00 research fee includes up to 10 single-sided copies	



Purpose To outline procedures for compliance with the Oregon Identity Theft Protection Act (OITPA), Oregon Revised Statutes 646A.600 through 646A.628.

Scope This policy applies to all City employees.

Policy It is the policy of the City of Albany to protect identifying information and comply with the OITPA.

This policy is used in conjunction with: [OITPA - A Business Guide](#), published by the Oregon Department of Consumer and Business Services.

Guidelines 1. **Safeguarding Personal Information:** The City of Albany shall maintain reasonable safeguards, including proper document disposal of expired records and a secure chain of custody, to protect Personal Information. The OITPA definition of Personal Information is:

- a. A person's name in combination with a Social Security Number (SSN); Oregon driver's license number or Oregon identification card number; or passport number; or financial, credit, or debit card numbers along with security or access codes or passwords that would allow access to a financial account.

2. **Social Security Number Protection:** The following activities are prohibited:

- a. Printing SSNs on any mailed materials not requested by the employee or customer unless redacted; and
- b. Printing SSNs on cards used to access products, services, or City buildings (such as employee identification cards); and
- c. Publicly posting or displaying SSNs.

Exceptions to the printing of SSNs are:

- a. Requirements by the state of Oregon and federal laws including documents such as W2s, 1099s, or similar documents; and
- b. Records used for internal verification or administrative processes; and
- c. Records used for enforcing a judgment or court order; and
- d. Other exceptions identified in 646A.620.

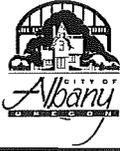


3. **Notification of Security Breach:** If an employee suspects there may have been a security breach, they must contact a member of the [Identity Theft Protection Team](#) so that immediate action to contain the breach can be taken if necessary. The Team member should contact the Finance Director and/or the City Clerk to help assess and document the possible breach. The Finance Director and/or City Clerk will consult with the IT Director and the City Attorney as needed.
4. In the event that Personal Information in an electronic format has been subject to a security breach, the City will provide notification of the breach to the customer(s) or the employee(s) as soon as possible:
 - a. In writing; or
 - b. Electronically if that is the primary manner of communication with the customer or employee; or
 - c. By telephone, if direct contact is made with the person whose information may have been compromised; or
 - d. With substitute notice as defined in 646A.604.
 - e. If the breach of security affected more than 1,000 consumers and requires disclosure, all consumer reporting agencies that compile and maintain reports on consumers on a nationwide basis shall be notified as defined in 646A.604.

Exceptions to notification of a security breach are:

- a. If notification would impede a criminal investigation; or
- b. If there is no reasonable likelihood of harm as defined by 646A.602.

-
- Responsibility**
1. **Information Technology Department (IT):** IT is responsible to establish technical controls to safeguard personal information stored in electronic format and to document safeguard practices in writing.
 2. **Human Resources Department (HR):** HR is responsible to include this Identity Theft Protection Policy as part of new employee orientation by documenting its review.
 3. **Department Directors:** Department Directors are responsible to be familiar with the OITPA and to document review of this policy in temporary employee orientation. Each department will have a representative on the [Identity Theft Protection Team](#).
 4. **Employees:** Employees are responsible to comply with this policy and any internal processes as directed by their department. Noncompliance may result in formal disciplinary action up to and including termination of employment. Employees should contact their supervisor if they



City of Albany
Finance Policy
Policy #: F-04-08-005
Title: Identity Theft Protection Policy

have questions about compliance with this policy.

Supercedes: F-04-08-004	Created/Amended: Mar 4, 2008; Oct 22, 2008; November 28, 2011; March 11, 2013; February 24, 2014	Effective Date: February 24, 2014
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City of Albany
 Finance/City Clerk's Office
 Policy #: F-09-08-~~005~~006
 Title: Records Management Policy

Purpose To outline procedures for records management in compliance with state guidelines and the City of Albany Records Information Management (RIM) Program.

Scope This policy applies to all City employees.

The RIM Program is comprised of the City of Albany's records management related Policies, Procedures, Resolutions, and Forms. All documents are located on the Intranet.

The City Clerk or his/her designee is the official Records Custodian for the City. The City Clerk's Office administers the RIM Program.

~~The "RIM Team" structures policy and procedures of the RIM Program based on risk assessment and compliance with the ORS and OAR. The RIM Team is comprised of the City Clerk, Deputy City Clerk, Finance Director, Accounting Specialist, and a representative from Information Technology (IT).~~

~~The Risk Manager and City Attorney are resources available to the RIM Team.~~

"RIM Coordinators" are responsible for records management compliance and education in their respective Departments.

Directors are responsible to appoint a RIM Coordinator for their Department.

Policy The City will comply with ORS (192) and OAR (166-030 – Division 30) guidelines as they pertain to the management of public records. The City Clerk's Office will rely on advice and direction from the City Attorney when these guidelines require interpretation. This policy outlines the process to be used to ensure that applicable City records are retained, preserved, and destroyed in accordance with the Oregon State Archives Retention Schedule, and works together with the ORS and OAR guidelines and Albany's RIM Program.

Non-compliance with this policy creates risk-management and liability issues for the City. Compliance with this policy is mandatory.

This policy applies to the "official copy" of a public record.

Definitions **Access and Disclosure.** Public records may be subject to disclosure under Oregon Public Records Law unless the record or material is exempt. Refer to ORS 192.410 for the definition of a public record as it pertains to inspection. Also see ORS 192.420; 192.440; and ORS 192.501.



City of Albany
Finance/City Clerk's Office
Policy #: F-09-08-~~00~~5006
Title: Records Management Policy

Convenience Copy. Also known as a “non-record copy,” it is a copy or duplicate of an official copy. Retention and disposition do not apply, but access and disclosure may apply.

~~Creation date. The date on which the public record was created.~~

Custody. Immediate charge and control exercised by an authority.

~~**Electronic Records – Structured and Unstructured.** A structured electronic record is a database; examples are Eden and Springbrook. An unstructured electronic record is not a data-driven; examples are Word, PowerPoint, Excel, PDF, and Publisher.~~

Official Copy. The designated public record, when multiple copies exist. Records that are not the “official copy” are “convenience copies.”

Public Record. ORS 192.005 (5) refers to the definition of a public record as it relates to archiving. “Public record” means any information that:

- (a) Is prepared, owned, used, or retained by a state agency or political subdivision;
- (b) Relates to an activity, transaction or function of a state agency or political subdivision; and
- (c) Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the state agency or political subdivision.

~~**Record Series.** Records arranged according to a filing system or kept together because they relate to a particular subject or function or result from the same activity.~~ Record Series are defined in the Oregon State Archives Retention Schedule.

~~**Retention and Disposition.** Official copies of records are subject to the Oregon State Archives Retention Schedule.~~

~~**Transitory.** Temporary or transitory records are an An exchange of communication that is fulfilled almost immediately upon request. Keep record until the task is complete or its value has passed, only as long as needed. For a full explanation, refer to OAR 166-200-0010(5), Correspondence. If the record meets all the criteria in the reference, then it is not transitory and requires retention. If the record does not meet all the criteria, then it is considered transitory and may be destroyed. Documentation of disposal of transitory records is not required.~~

Procedures

1. **Retention Schedule.** The City of Albany has adopted the Oregon State Archives Retention Schedule. RIM Coordinators are responsible for applying the Retention Schedule to “official copy” records in their Department. Unless otherwise stated in the Retention Schedule, a retention period shall be calculated from the creation date.



City of Albany
Finance/City Clerk's Office
Policy #: F-09-08-~~00~~5006
Title: Records Management Policy

2. **Archiving Official Copies of Records.** The location of archived records that are official copies is determined according to their minimum retention period, which is listed with the record series in the Retention Schedule.

a. *Custody of short-term records* (records with retention of two years or less). Retained and managed by employee, except for:

a-b.

i. ~~except for~~ records the RIM Coordinator takes custody of based on their content or administrative relevance; and

ii. ~~except for~~ the following Record Series, which should be forwarded to the City Clerk's Office:

- News Releases
- Competitive Bid Records - rejected bids and bid exemptions
- ~~Proclamations — proclamations requested by outside groups or organizations which are not included in an agenda file~~

b-c. *Custody of long-term records* (records with retention of more than two years, but less than 100 years). Retained and managed by the RIM Coordinator or City Clerk's Office. The RIM Coordinator should contact the City Clerk's Office for instruction about whether a particular Record Series should be retained and managed by the City Clerk or by the RIM Coordinator.

e-d. *Custody of 100 years or more to permanent records* (permanent records are identified as such in the Retention Schedule). These records have a permanent or enduring historical, administrative, legal, or fiscal value and must be retained in paper format. RIM Coordinators will forward permanent records to the City Clerk's Office, except for certain police, ambulance, or legal records which are retained in the Police Department, Fire Department, or City Attorney's Office.

~~Most records archived by the City Clerk's Office are also scanned into Laserfiche for easy access and stored in a Recorder's File in the City's vault.~~

3. **Electronic Records Retention.** Records may be electronically retained in approved formats only. The Information Technology (IT) RIM Coordinator or IT Director must confirm that a migration plan will be included in future software related projects in order to ensure that information continues to be accessible during the required retention period, or legacy software will be maintained and supported for cases where migration is not possible.

a. ~~Short-term records: pre-approved electronic formats are Laserfiche, Outlook, Word, SharePoint, or Excel. Other electronic formats are acceptable for storage of official copies ONLY if the media meets all four~~



of the following criteria:

- ~~• The retention capacity of the electronic media will exceed the minimum retention period for the record series; and~~
- ~~• Technology will exist that can produce and print out this record for the duration of the retention period without unacceptable loss of quality (consult with Information Technology); and~~
- ~~• The Department responsible for managing the record's procedures allows for electronic records retention (consult with RIM Coordinator); and~~
 - ~~• There is process in place to flag the employee as to when the record's retention expires so that it can be destroyed.~~

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b. ~~Long term records:~~ the pre-approved electronic format is Digital Image as Original (DIO). Other electronic formats are acceptable for storage of official copies ONLY if the media meets all five of the following criteria:

- ~~• The RIM Coordinator takes custody of the official copy; and~~
- ~~• The retention capacity of the electronic media will exceed the minimum retention period for the record series; and~~
- ~~• Technology will exist that can produce and print out this record for the duration of the retention period without unacceptable loss of quality (consult with Information Technology); and~~
- ~~• There is a process in place by the RIM Coordinator to identify when the record's retention expires so that it can be destroyed; and~~
- ~~• The City Clerk's Office has approved the format via a Justification Documentation form.~~

e. ~~Permanent records:~~ electronic retention does not apply. Official copies of permanent records must be retained in paper form.

~~Note:~~ A digital image and an electronic record are not the same. Electronic retention is acceptable for short-term records only. An electronic record does not take the place of an original document unless F-10-09, Digital Imaging as Original (DIO) is applied by the RIM Coordinator.

4. Annual Records Inventory Review. RIM Coordinators will review their Department's records inventory on an annual basis. Review will include: verification that the media being used will outlive the record series' minimum retention, or that a migration plan is in place; evaluation of Justification Forms on file; and an evaluation of records eligible for disposal. The Annual Review Form will be due March 1 of each year.

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4.5. 5. Exceptions to the Schedule. Retaining or destroying records outside of the schedule exposes the City to risk of litigation; thus, records must should be retained no less and should be retained no more than their retention schedule. Only There are two exceptions allow for retaining records for

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~~longer than past~~ the minimum retention period: legal holds and completion of a Justification Documentation form.

a. **Legal Hold.** In the event a record series becomes subject to a legal hold, all disposal must cease, even if the records were retained past their retention date. The City Clerk's Office and the City Attorney's Office must be notified immediately upon receipt of a legal hold.

b. **Justification Documentation form.** If a RIM Coordinator decides that a record series warrants retention *beyond* its assigned disposal date, or if a *unique or new* record series is not included in the Retention Schedule, the RIM Coordinator may submit a Justification Documentation form to the City Clerk's Office for approval. ~~A copy of the form will be returned to the RIM Coordinator and should be retained with the Department's records management procedures. This form is located on the Intranet.~~

~~5. **Purging Records.** RIM Coordinators should schedule annually (at minimum) a time for their Department to prepare records for storage during their retention period and/or destroy records which have met their retention expiration date.~~

~~Transitory records, regardless of format, do not require their disposal to be recorded.~~

~~6. **Records Storage & Disposal.** Destruction Logs must be approved by the City Clerk's Office prior to their disposal.~~

~~6. **a. Destruction Log – Paper Records.** Use for disposal of paper records. Boxes in storage should be labeled with the Department, record series, retention expiration date, and the total number of boxes in the series. Also, a record of destroyed records must be retained and stored in the City Clerk's Office; this is a legal requirement and is vital for the City's efforts to mitigate litigation risk. The City Clerk's Office has created a Records Storage & Disposal Log – Paper Records, which can be merged with the Records Storage Labels to reduce data entry to accomplish these two tasks. Both forms and merging instructions are located on the Intranet.~~

~~7. **a. Storage.** Complete Section A of the Records Storage & Disposal Log – Paper Records when boxing records to be stored. To create box labels, merge the Log with the Records Storage Labels document. Print labels on Avery 5352 labels and apply labels to boxes. RIM Coordinators should retain the Log during the retention period; the City Clerk's Office does not need a copy of the Log while records are in storage.~~

~~b. **Disposal.** Complete Section B of the Records Storage & Disposal Log – Paper Records after the records are destroyed. The method of disposal must be in compliance with ORS and F-04-08, Identity Theft Protection Policy. Forward the~~

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City of Albany
 Finance/City Clerk's Office
 Policy #: F-09-08-~~005006~~
 Title: Records Management Policy

~~original copy of the Log to the City Clerk's Office. Departments may keep a copy of the Log for their records.~~

~~7. **Records Storage & Disposal** **b. Destruction Log – Non-paper Records.** Use for disposal of Digital Image as Originals (DIOs) and the official copy of unstructured electronic records.~~

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~~b. **Structured eElectronic short-term records.** Storage and disposal of the official copy of structured electronic short-term records does not have to be recorded on a Destruction Log. Disposal of structured electronic records and their data migration plans are reviewed during the Annual Records Inventory Review.~~

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~~a-c.~~

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~~b. **Digital Image as Originals (DIOs).** Storage and disposal of DIOs must be recorded. See F-10-09, Digital Images as Originals.~~

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~~8. **Identity Theft Protection.** Storage and disposal of all public records (including convenience copies) must be in compliance with ORS and the F-04-08, Identity Theft Protection Policy.~~

~~9-d. **Convenience Copies.** Employees are discouraged from keeping convenience copies, as this is a liability and cost issue for the City in the event of Public Records Requests and legal holds. Employees should carefully consider the need for a convenience copy versus the risk and cost of discovery. Employees are responsible to locate their convenience copies that are on portable storage in the event of a public records request or legal hold.~~

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10. **Procedures & Training.** RIM Coordinators are responsible for implementing records management procedures in their Departments which includes: the transfer of custody of official copies of records from the employee to the RIM Coordinator; training current and new employees in their Department on records management; and attending periodic RIM training sessions as scheduled by the City Clerk's Office.

Supersedes: F-09-08- 004005	Created/Amended by/date: March 6, 2012	Effective Date: March 6, 2012
Finance Director:		City Manager:



City of Albany
Finance/City Clerk's Office
Policy #: F-09-08-006
Title: Records Management Policy

Purpose To outline procedures for records management in compliance with state guidelines and the City of Albany Records Information Management (RIM) Program.

Scope This policy applies to all City employees.

The RIM Program is comprised of the City of Albany's records management related Policies, Procedures, Resolutions, and Forms. All documents are located on the Intranet.

The City Clerk or his/her designee is the official Records Custodian for the City. The City Clerk's Office administers the RIM Program.

"RIM Coordinators" are responsible for records management compliance and education in their respective Departments.

Directors are responsible to appoint a RIM Coordinator for their Department.

Policy The City will comply with ORS (192) and OAR (166-030 – Division 30) guidelines as they pertain to the management of public records. The City Clerk's Office will rely on advice and direction from the City Attorney when these guidelines require interpretation. This policy outlines the process to be used to ensure that applicable City records are retained, preserved, and destroyed in accordance with the Oregon State Archives Retention Schedule, and works together with the ORS and OAR guidelines and Albany's RIM Program.

Non-compliance with this policy creates risk-management and liability issues for the City. Compliance with this policy is mandatory.

This policy applies to the "official copy" of a public record.

Definitions

Access and Disclosure. Public records may be subject to disclosure under Oregon Public Records Law unless the record or material is exempt. Refer to ORS 192.410 for the definition of a public record as it pertains to inspection. Also see ORS 192.420; 192.440; and ORS 192.501.

Convenience Copy. Also known as a "non-record copy," it is a copy or duplicate of an official copy. Retention and disposition do not apply, but access and disclosure may apply.

Custody. Immediate charge and control exercised by an authority.



Electronic Records – Structured and Unstructured. A structured electronic record is a database; examples are Eden and Springbrook. An unstructured electronic record is not a data-driven; examples are Word, PowerPoint, Excel, PDF, and Publisher.

Official Copy. The designated public record, when multiple copies exist. Records that are not the “official copy” are “convenience copies.”

Public Record. ORS 192.005 (5) refers to the definition of a public record as it relates to archiving. “Public record” means any information that:

- (a) Is prepared, owned, used, or retained by a state agency or political subdivision;
- (b) Relates to an activity, transaction or function of a state agency or political subdivision; and
- (c) Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the state agency or political subdivision.

Record Series. Record Series are defined in the Oregon State Archives Retention Schedule.

Transitory. Temporary or transitory records are an exchange of communication that is fulfilled almost immediately upon request. Keep record until the task is complete or its value has passed. Documentation of disposal transitory records is not required.

Procedures

1. **Retention Schedule.** The City of Albany has adopted the Oregon State Archives Retention Schedule. RIM Coordinators are responsible for applying the Retention Schedule to “official copy” records in their Department. Unless otherwise stated in the Retention Schedule, a retention period shall be calculated from the creation date.
2. **Archiving Official Copies of Records.** The location of archived records that are official copies is determined according to their minimum retention period, which is listed with the record series in the Retention Schedule.
 - a. **Custody of short-term records** (records with retention of two years or less). Retained and managed by employee, except for:
 - i. records the RIM Coordinator takes custody of based on their content or administrative relevance; and
 - ii. the following Record Series, which should be forwarded to the City Clerk's Office:
 - News Releases
 - Competitive Bid Records - rejected bids and bid exemptions
 - b. **Custody of long-term records** (records with retention of more than two



years, but less than 100 years). Retained and managed by the RIM Coordinator or City Clerk's Office. The RIM Coordinator should contact the City Clerk's Office for instruction about whether a particular Record Series should be retained and managed by the City Clerk or by the RIM Coordinator.

- c. **Custody of 100 years or more to permanent records** (permanent records are identified as such in the Retention Schedule). These records have a permanent or enduring historical, administrative, legal, or fiscal value and must be retained in paper format. RIM Coordinators will forward permanent records to the City Clerk's Office, except for certain police, ambulance, or legal records which are retained in the Police Department, Fire Department, or City Attorney's Office.
3. **Electronic Records Retention.** Records may be electronically retained in approved formats only. The Information Technology (IT) RIM Coordinator or IT Director must confirm that a migration plan will be included in future software related projects in order to ensure that information continues to be accessible during the required retention period, or legacy software will be maintained and supported for cases where migration is not possible.
4. **Annual Records Inventory Review.** RIM Coordinators will review their Department's records inventory on an annual basis. Review will include: verification that the media being used will outlive the record series' minimum retention, or that a migration plan is in place; evaluation of Justification Forms on file; and an evaluation of records eligible for disposal. The Annual Review Form will be due March 1 of each year.
5. **Exceptions to the Schedule.** Retaining or destroying records outside of the schedule exposes the City to risk of litigation; thus, records should be retained no less and no more than their retention schedule. There are two exceptions for retaining records past the minimum retention period: legal holds and completion of a Justification Documentation form.
 - a. **Legal Hold.** In the event a record series becomes subject to a legal hold, all disposal must cease, even if the records were retained past their retention date. The City Clerk's Office and the City Attorney's Office must be notified immediately upon receipt of a legal hold.
 - b. **Justification Documentation form.** If a RIM Coordinator decides that a record series warrants retention *beyond* its assigned disposal date, or if a *unique or new* record series is not included in the Retention Schedule, the RIM Coordinator may submit a Justification Documentation form to the City Clerk's Office for approval.
6. **Records Disposal.** Destruction Logs must be approved by the City Clerk's Office prior to their disposal.



City of Albany
 Finance/City Clerk's Office
 Policy #: F-09-08-006
 Title: Records Management Policy

- a. **Destruction Log – Paper Records.** Use for disposal of paper records.
 - c. **Destruction Log – Non-paper Records.** Use for disposal of Digital Image as Originals (DIOs) and the official copy of unstructured electronic records.
 - d. **Structured electronic records.** Disposal of the official copy of structured electronic records do not have to be recorded on a Destruction Log. Disposal of structured electronic records and their data migration plans are reviewed during the Annual Records Inventory Review.
7. **Identity Theft Protection.** Storage and disposal of all public records (including convenience copies) must be in compliance with ORS and the F-04-08, Identity Theft Protection Policy.
8. **Convenience Copies.** Employees are discouraged from keeping convenience copies, as this is a liability and cost issue for the City in the event of Public Records Requests and legal holds. Employees should carefully consider the need for a convenience copy versus the risk and cost of discovery. Employees are responsible to locate their convenience copies that are on portable storage in the event of a public records request or legal hold.
9. **Procedures & Training.** RIM Coordinators are responsible for implementing records management procedures in their Departments which includes: the transfer of custody of official copies of records from the employee to the RIM Coordinator; training current and new employees in their Department on records management; and attending periodic RIM training sessions as scheduled by the City Clerk's Office.

Supercedes: F-09-08-005	Created/Amended by/date:	Effective Date:
Finance Director:	City Manager:	



City of Albany
Finance/City Clerk's Office
Policy #: F-10-09-003
Title: Digital Images as Originals (DIO)

Purpose To outline procedures for using Digital Images as Originals (DIO) for the purposes of records management. This policy works with state of Oregon guidelines and the City of Albany Records Information Management (RIM) Program.

Scope This policy applies to RIM Coordinators.

Policy The City recognizes that implementing DIO for records management saves file storage space. Records can also be directly transferred to the City's digital imaging system, Laserfiche, rather than be printed to paper and scanned, reducing the use of expensive resources such as paper, ink, and energy. It also increases staff efficiency by reducing the amount of time it takes to archive and dispose of records.

This policy applies to the "official copy" of a public record.

- Procedures**
1. **Authority.** In accordance with ORS 192.050, with approval of proper budgetary authority, all records captured by a digital imaging system shall be deemed an original; and a transcript, exemplification, or certified copy of any such reproduction shall be deemed a transcript, exemplification, or certified copy, of the original.
 2. **Digital Image vs. Electronic Record.** Word, Excel, Mail Server (Outlook), and Sharepoint are electronic records, not digital images, and are acceptable formats for Short-term (two years or less) retention, only. Records in Word, Excel, Outlook, and SharePoint that have been retained electronically which become eligible for Long-term (*two years or more, less than 100 years/permanent*) retention may be converted to digital images and a RIM Coordinator may apply DIO. RIM Coordinators can use "*Overview – Choosing records for DIO,*" on the Intranet, to determine if a record series is appropriate for DIO.
 3. **System Documentation.** In accordance with OAR 166-017-0020, System Documentation, the Information Technology – Digital Imaging Plan (DIP) commits to migrating Laserfiche documents to a current technology when Laserfiche technology expires without loss of information. This plan is maintained and implemented by Information Technology (IT). It applies to records with retention of ten years or more.
 4. **Image Quality Verification and Documentation.** In accordance with OAR 166-017-0030, Image Quality:
 - a. Digital images shall be verified for their quality prior to disposal of the



City of Albany

Finance/City Clerk's Office

Policy #: F-10-09-003

Title: Digital Images as Originals (DIO)

original document. The RIM Coordinator is responsible to evaluate the quality of the images by spot-checking a sample of documents in the scanned batch. Following the determination that the digital records are of good quality, the original paper records may be destroyed. (The disposal of the paper copy immediately following its being scanned in as a DIO does not need to be documented on the Records Storage & Disposal Log – Non-paper Records, because it is no longer considered the “original” record.)

b. Documentation describing inspections shall include the date of inspection, name of inspector, group of documents inspected, and sample size (or number of documents). ~~The City Clerk's Office will print a report annually to list all DIO records in Laserfiche. The City Clerk's Office will retain the list in accordance with OAR 166-200-0060 (10), Records Management Records. The City Clerk's Office will reconcile DIO Master List annually to meet this requirement.~~

c. If scanning the record may compromise its validity (such as an embedded “void” watermark on the document), DIO is not recommended.

5. **Records Eligible for Scanning.** The state of Oregon identifies two categories of digital images, based on their retention, which are eligible for DIO.

a. Eligible records

- i. *Ten years or less.* Records must be verified for image quality.
- ii. *Ten to 99 years.* Records must be verified for image quality and are subject to the DIP Policy.

b. Non-eligible records

- i. *100 years to Permanent.* These records are not eligible for DIO. Records can be scanned for ease in locating files but the digital image does not take the place of the original. The original record must be retained permanently in its original form (i.e., paper). All records with retention of 100 years to Permanent are retained by the City Clerk's Office.

~~6. **Responsibility (Custody) of the Record.** F-09-08, Records Management Policy, identifies categories based on retention periods to determine the party responsible for a record.~~

~~a. *Short term (two years or less):* RIM Coordinators may retain custody. Notify the City Clerk's Office of the records series so it can be documented on the DIO Master List, kept by the City Clerk's Office.~~

~~b. *Long term (two years or more, less than 100 years/permanent):* contact the City Clerk's Office to determine who should retain custody.~~



City of Albany
 Finance/City Clerk's Office
 Policy #: F-10-09-003
 Title: Digital Images as Originals (DIO)

~~e. Documentation: RIM Coordinators should document DIO records in their custody, using one of two forms: Section A of the Records Storage & Disposal Log – Non-paper Records or Records Inventory Spreadsheet.~~

~~7.6.~~ **Identity Theft Protection.** Scanned documents must be in compliance with F-04-08, Identity Theft Protection. RIM Coordinators can use the redaction function in Laserfiche to meet this requirement.

~~8.7.~~ **Annual Inspection.** In accordance with OAR 166-017-0050 (d), Storage Requirements, digital images must be inspected annually. Inspection includes:

a. *Visual inspection and playback.* The RIM Coordinator verifies the quality of the images by spot-checking a sample of the digital records. A minimum of 20 digital records is required for each record series. If loss of digital quality exists, the RIM Coordinator should notify the City Clerk's Office and ~~Information Technology- IT~~ immediately.

b. *Documentation.* Complete the Annual DIO Inspection form, which includes the date of inspection, name of inspector, group of documents (record series) inspected, sample size (20), and the ~~total estimated~~ number of images in the record series. Annual DIO Inspection forms are due to the City Clerk's Office by February 1 of each year.

~~9.8.~~ **Purging Records.** RIM Coordinators are responsible for ~~the purging of~~ DIO records in their ~~custody~~department.

a. RIM Coordinators should have a system in place to remind them to purge DIO records that have met their retention based on the Purge Date in the template.

b. RIM Coordinators must use Section B of the Records Storage & Disposal Log – Non-paper Records to record the deletion of DIO records which have met their retention period. Forward the original copy of the Log to the City Clerk's Office. Departments may keep a copy of the Log for their records.

Supercedes: Res. No. 5690	Created/Amended by/date: November 28, 2011 <u>February 1, 2015</u>	Effective Date: January 11, 2012 <u>February 11, 2015</u>
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City of Albany

Finance/City Clerk's Office

Policy #: F-10-09-003

Title: Digital Images as Originals (DIO)

Purpose

To outline procedures for using Digital Images as Originals (DIO) for the purposes of records management. This policy works with state of Oregon guidelines and the City of Albany Records Information Management (RIM) Program.

Scope

This policy applies to RIM Coordinators.

Policy

The City recognizes that implementing DIO for records management saves file storage space. Records can also be directly transferred to the City's digital imaging system, Laserfiche, rather than be printed to paper and scanned, reducing the use of expensive resources such as paper, ink, and energy. It also increases staff efficiency by reducing the amount of time it takes to archive and dispose of records.

This policy applies to the "official copy" of a public record.

Procedures

1. **Authority.** In accordance with ORS 192.050, with approval of proper budgetary authority, all records captured by a digital imaging system shall be deemed an original; and a transcript, exemplification, or certified copy of any such reproduction shall be deemed a transcript, exemplification, or certified copy, of the original.
2. **Digital Image vs. Electronic Record.** Word, Excel, Mail Server (Outlook), and Sharepoint are electronic records, not digital images, and are acceptable formats for Short-term (two years or less) retention.. Records in Word, Excel, Outlook, and SharePoint that have been retained electronically which become eligible for Long-term (*two years or more, less than 100 years/permanent*) retention may be converted to digital images and a RIM Coordinator may apply DIO. RIM Coordinators can use "*Overview – Choosing records for DIO,*" on the Intranet, to determine if a record series is appropriate for DIO.
3. **System Documentation.** In accordance with OAR 166-017-0020, System Documentation, the Information Technology – Digital Imaging Plan (DIP) commits to migrating Laserfiche documents to a current technology when Laserfiche technology expires without loss of information. This plan is maintained and implemented by Information Technology (IT). It applies to records with retention of ten years or more.
4. **Image Quality Verification and Documentation.** In accordance with OAR 166-017-0030, Image Quality:
 - a. Digital images shall be verified for their quality prior to disposal of the original document. The RIM Coordinator is responsible to evaluate the



City of Albany

Finance/City Clerk's Office

Policy #: F-10-09-003

Title: Digital Images as Originals (DIO)

quality of the images by spot-checking a sample of documents in the scanned batch. Following the determination that the digital records are of good quality, the original paper records may be destroyed. (The disposal of the paper copy immediately following its being scanned in as a DIO does not need to be documented on the Records Storage & Disposal Log – Non-paper Records, because it is no longer considered the “original” record.)

- b. Documentation describing inspections shall include the date of inspection, name of inspector, group of documents inspected, and sample size (or number of documents). The City Clerk's Office will reconcile DIO Master List annually to meet this requirement.
 - c. If scanning the record may compromise its validity (such as an embedded “void” watermark on the document), DIO is not recommended.
5. **Records Eligible for Scanning.** The state of Oregon identifies two categories of digital images, based on their retention, which are eligible for DIO.
- a. Eligible records
 - i. *Ten years or less.* Records must be verified for image quality.
 - ii. *Ten to 99 years.* Records must be verified for image quality and are subject to the DIP Policy.
 - b. Non-eligible records
 - i. *100 years to Permanent.* These records are not eligible for DIO. Records can be scanned for ease in locating files but the digital image does not take the place of the original. The original record must be retained permanently in its original form (i.e., paper). All records with retention of 100 years to Permanent are retained by the City Clerk's Office.
6. **Identity Theft Protection.** Scanned documents must be in compliance with F-04-08, Identity Theft Protection. RIM Coordinators can use the redaction function in Laserfiche to meet this requirement.
7. **Annual Inspection.** In accordance with OAR 166-017-0050 (d), Storage Requirements, digital images must be inspected annually. Inspection includes:
- a. *Visual inspection and playback.* The RIM Coordinator verifies the quality of the images by spot-checking a sample of the digital records. A minimum of 20 digital records is required for each record series. If loss of digital quality exists, the RIM Coordinator should notify the City Clerk's Office and IT immediately.
 - b. *Documentation.* Complete the Annual DIO Inspection form, which includes the date of inspection, name of inspector, group of documents (record series) inspected, sample size (20), and the estimated number of images in



City of Albany

Finance/City Clerk's Office

Policy #: F-10-09-003

Title: Digital Images as Originals (DIO)

the record series. Annual DIO Inspection forms are due to the City Clerk's Office by February 1 of each year.

8. **Purging Records.** RIM Coordinators are responsible for the purging of DIO records in their department.
 - a. RIM Coordinators should have a system in place to remind them to purge DIO records that have met their retention based on the Purge Date in the template.
 - b. RIM Coordinators must use Section B of the Records Storage & Disposal Log – Non-paper Records to record the deletion of DIO records which have met their retention period. Forward the original copy of the Log to the City Clerk's Office. Departments may keep a copy of the Log for their records.

Supersedes: Res. No. 5690	Created/Amended by/date: February 1, 2015	Effective Date: February 11, 2015
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