

CITY OF SALEM LEGISLATIVE SUBCOMMITTEE

Si necesita ayuda para comprender esta información, por favor llame 503-588-6178

Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available on request. To request such an accommodation or interpretation, contact the ADA Liaison at 503.588.6255 at least **two business days** before meeting; or TTD/TTY telephone (503) 588-6439, is also available 24 hours a day, seven days a week.

LEGISLATIVE COMMITTEE

Members

Mayor Bennett, Chair
Councilor Tom Andersen
Councilor Chris Hoy
Councilor Jim Lewis

Staff

Justin Martin, Perseverance
Debra Aguilar (Police)
Courtney Knox Busch (City Manager's Office)
Tiffany Corbett (Information Technology)
Greg Hadley (Fire)
Jason Pulley (Public Works)
Jessica Blakely (Salem Housing Authority)
Josh Eggleston (Finance)
Eunice Kim (Community Development)
Sara Long (Urban Development)
Allison Pavelek (Human Resources)
Marcus Pitts (Human Resources)
Marc Weinstein (Legal)
Ryan Zink (Budget)

It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, and source of income, as provided by Salem Revised Code 97. The City also fully complies with Title VI of the Civil Rights Act of 1964, and Americans with Disabilities Act of 1990, and related statutes and regulations, in all programs and activities.

Declare potential or actual conflicts of interest prior to each item on the agenda.

MEETING AGENDA

April 9, 2021 11:00 AM - 12:00 PM

Virtual Meeting on Zoom Platform

Watch on City's YouTube Channel

1. Welcome and Call to Order
2. Legislative Session Update, Justin Martin
3. Priority Bills
 - Increase support for shelter: HB 2544 (youth)
 - Restrict guns in public spaces: SB 554, HB 3005
 - Influence land use: HB 2488 (Climate Equity), HB 2287 (annexation), HB 2556 (public notice), HB 2764 (appeals), SB 742 (electric fences)
 - Reform law enforcement: HB 2928
 - Honor others: SCR 10 (Senator Winters), HCR 29 (Salem Elks)
 - Others: HB 3326 (murals); SB 850 (housing status in death report); HB 2478 (attorney-client privilege) HB 2486 (media access to scenes of emergency/police activity SB 666 (labor negotiations)
4. Updates on 2021 Legislative Priorities for Funding Support
 - Navigation Center
 - Sobering Center
 - Yaquina Hall (affordable housing)
 - Community mental health impacts
 - Protect drinking water source with wildfire clean up
 - Secure COVID-19 recovery resources
5. Adjourn

Legislative Committee

Report Date: April 6, 2021

City of Salem

Bill Number	Position	Priority
HB 2287 INTRO	Watch	1
<p>Relating to annexation.</p> <p>Requires that, in election proposing annexation, votes from city and territory to be annexed be counted separately to determine separate majorities if territory to be annexed includes 100 acres or more.</p> <p>1/18/2021 - HB 2287 would present a barrier to current practice regarding city-initiated enclave annexations that are approved by a majority of the votes cast in the combined city and territory. It would allow a small number of opposition parties to potentially stop them. In Salem, enclave annexations are not typically 100 acres or more. The bill should be monitored given its broad relating to clause "annexation" and to ensure the 100-acre threshold is not lowered. This bill is similar to bills from previous sessions.</p>		
HB 2488 INTRO	Watch	1
<p>Relating to addressing climate justice through land use planning; declaring an emergency.</p> <p>Requires Land Conservation and Development Commission to make changes to statewide land use planning goals by December 31, 2026, to address climate justice by addressing climate change adaptation and mitigation and environmental justice for disadvantaged communities.</p> <p>1/19/2021 - HB 2488 would require the City to update its Comprehensive Plan and land use regulations to comply with statewide planning goals that would be updated to address climate change and equity. The State would update the goals by December 2026, and the City would need to be in compliance within 90 days of the goals' adoption. The State would also set interim standards by July 2021 that would apply to City land use decisions until the City complied with the updated statewide planning goals. The bill aligns with the City's adopted policy statement to support the reduction of greenhouse gas emissions, but State funding, technical assistance, and a longer timeframe - more than 90 days - are needed to support local implementation. Changes required at the local level could be significant.</p>		
HB 2544 INTRO	Support	1
<p>Relating to homeless youth; prescribing an effective date.</p> <p>Authorizes Department of Human Services to award two-year grants to organizations that provide services to unaccompanied homeless youth and to organizations that operate host home projects for unaccompanied homeless youth.</p> <p>3/30/2021 - HB 2544 funds Department of Human Services two-year grants to organizations that provide services to unaccompanied homeless youth and to organizations that operate host home projects for unaccompanied homeless youth. This would provide additional funding throughout the state to combat youth homelessness. Responding to Salem's sheltering crisis is a key City Council priority.</p>		
HB 2556 INTRO	Watch	1
<p>Relating to delivery of land use notices.</p> <p>Requires delivery of certain land use notices to property owners and to properties within wider geographic range.</p> <p>1/18/2021 - HB 2556 would increase the area to which the City provides public hearing notices and land use decisions; the change would be from 250 feet to 600 feet. It would also require public hearing notices to go to property addresses in addition to property owners; the City already provides notices to addresses (e.g., tenants or occupants) but only within 250 feet of the subject property. This bill would increase public notice in Salem but would also increase the City's cost, and land use fees would need to be raised to cover the increase.</p>		
HB 2764 INTRO	Watch	1
<p>Relating to standing in land use appeals.</p> <p>Limits standing in appeals of land use decisions or limited land use decisions to persons that reside or maintain business within 25 miles of boundary of local government or special district and appeared before decision maker in person at hearing if available.</p>		

Legislative Committee

Report Date: April 6, 2021

City of Salem

Bill Number	Position	Priority
-------------	----------	----------

1/18/2021 - HB 2764 would limit who could appeal the City's land use decisions to the Land Use Board of Appeals. Specifically, to appeal, a person would have to live or maintain a business within 25 miles of Salem and would have had to have appeared orally before the City at a hearing. This would prevent outside groups from being able to appeal City decisions.

SB 742 INTRO	Oppose	1
---	--------	---

Relating to alarms.

Limits local government regulations on certain nonresidential alarm systems and battery-charged fences.

2/10/2021 - SB 742 appears to expand where electric fences would be allowed in Salem to any nonresidential property. This could include mixed-use areas such as the downtown. Currently, Salem only allows electric fences to enclose livestock or around outdoor storage areas for nonresidential uses in the General Commercial Zone or industrial zones.

SCR 10 INTRO	Support	1
---	---------	---

In memoriam: Senator Jackie Winters.

In memoriam: Senator Jackie Winters, 1937-2019.

3/30/2021 - SCR 10 honors the late Senator Jackie Winters who worked tirelessly for Salem and her constituents from 1999, in the Oregon House of Representatives, and in the state Senate in 2003 until her death in 2019. She was the first African American Republican elected to the Legislature. Senator Winters worked across the aisle to forge pragmatic solutions for our community and the State of Oregon.

Bill Number	Position	Priority
-------------	----------	----------

HB 2478 INTRO	Support	2
--	---------	---

Relating to lawyer-client privileged public records.

Maintains indefinitely exemption from required disclosure of public records that are subject to lawyer-client privilege and public records exemption for privileged information.

3/30/2021 - Bill amends ORS 192.398 to make explicit that attorney-client privileged communications are not subject to disclosure under Oregon's Public Records Law after 25-years pursuant to ORS 192.390. Bill will serve to ensure that public sector clients have the same opportunity for confidentiality as private entities receive when seeking legal advice. This change will serve to "fix" the Oregon Court of Appeals ruling in City of Portland v. Bartlett which held that under currently law, attorney-client materials are disclosable under Oregon's Public Records Law after 25-years.

HB 2486 INTRO	Oppose	2
--	--------	---

Relating to access to emergencies; declaring an emergency.

Requires, on or after October 1, 2021, officials of public bodies to grant news media representatives access to scenes of emergencies or emergency police activity that are otherwise closed to public.

4/5/2021 - HB 2486 requires that credentialed or documented representatives of news media organizations be granted access to scenes of emergencies or police activity that are otherwise closed to the public, unless it would compromise the safety of emergency response employees, impede the emergency response, or impede the investigation of the incident. OSP, in consultation with local law enforcement, is tasked with developing guidelines for the implementation of the bill. Although local law enforcement will have input on the development of criteria, the bill takes away local control over the management of scenes of emergencies. The bill does not allow for denial of access to the scene for the safety of the press, which puts additional strain on emergency responders who will have the added responsibility of safeguarding the press. The bill requires the press be given access to the scene even if an escort is not available, this raises concerns over the potential for contamination of a crime scene or crucial evidence being inadvertently destroyed or tampered with. The City of Salem works hard to keep the public informed of emergency situations and to provide information to news media organizations in a timely and appropriate manner. This bill creates problems rather than solving an issue.

1/19/2021 - What qualifies as a credentialed or documented news media representative? What criteria would OSP use to develop the list? Would there be an appeal process? What if every blogger/internet influencer gets credentialed? Are the police

Legislative Committee

Report Date: April 6, 2021

City of Salem

Bill Number	Position	Priority
-------------	----------	----------

officers responsible for the personal safety of those entering an area that is flooded, forest fire, or other natural disaster? Subsection 4 says that we can't deny media access to a scene just because we don't have an escort. My concern would be liability on behalf of law enforcement, destroying or tampering with evidence by media, the potential to have to go rescue the media because they entered into an area that was unsafe, putting rescuers in danger, etc.

HB 2928 INTRO	Oppose	2
--	--------	---

Relating to the use of tools by law enforcement agencies; declaring an emergency.

Regulates use of chemical incapacitants, kinetic impact projectiles and sound devices by law enforcement agencies.

1/21/2021 - This bill seems specific to the Portland area and the riots in that area. This would affect Salem's ability to respond to civil disturbances by limiting use of chemical irritants to only when the mayor declares a riot - takes that decision out of the hands of police (would cause a delay). Prohibits use on media, and others as described, however during a riot there is no ability to look at press credentials or determine who is actual media (instead of tying the use to those who do not obey the lawful order to disperse). Also makes it a crime to be working a disturbance with outside LE agencies (such as the feds) if they use a tool that has been barred by law/statute - this is specific to Portland.

Previous legislation provided safe guards and regulations involving the use of chemical irritants during riots.

HCR 29 INTRO	Support	2
---	---------	---

Honoring Salem Elks Lodge for its community involvement and charitable contributions.

Honors Salem Elks Lodge for its community involvement and charitable contributions.

3/30/2021 - HCR 29 honors the Salem Elks Lodge. As a charitable organization, Salem Elks have worked closely with Easter Seals to assist homeless veterans transitioning into housing and seeking employment. The City of Salem is grateful to these and other financial contributions to a variety of social service and community needs in Salem.

SB 666 INTRO	Oppose	2
---	--------	---

Relating to public meetings.

Modifies public meeting notice requirements for meetings held in executive session.

4/1/2021 - SB 666 requires that labor negotiations of a public body must be conducted in an open meetings. The bill removes the provision allowing for labor negotiations to be held in executive session if negotiations for both sides request it. This will make frank and/or sensitive conversations during labor negotiations difficult, and may unduly politicize and sensationalize labor negotiations.

SB 850 INTRO	Support	2
---	---------	---

Relating to reports of death.

Requires that report of death indicate housing status of decedent.

3/30/2021 - SB 850 adds a field for housing status to the current death report form. The bill has minimal impacts to the City and would add to information available for those who die while living unsheltered throughout the state. Mid-Willamette Community Action Agency has asked the City to support.

Bill Number	Position	Priority
-------------	----------	----------

HB 3005 INTRO	Watch	3
--	-------	---

Relating to state preemption of firearm regulation.

Repeals statute creating state preemption of local firearm regulation and statutes creating exceptions to preemption.

3/30/2021 - HB 3005 seeks to repeal state preemption of firearm regulation as set forth in Oregon Revised Statutes 166.170 to 166.176. This may allow City Council to explore the possibility of enacting an ordinance prohibiting open carry of firearms in parks, however, any such ordinance will still be subject to Federal and State constitutional limitations as well as conflict of law

Legislative Committee

Report Date: April 6, 2021

City of Salem

Bill Number	Position	Priority
-------------	----------	----------

principals. It is anticipated that should state preemption of firearm regulation be repealed, attempts to regulate firearms on a local level will be met with legal challenges and in-person opposition of the regulations.

3/30/2021 - HB 3005 seeks to repeal state preemption of firearm regulation as set forth in Oregon Revised Statutes 166.170 to 166.176. City ordinance seeking to regulate the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any components thereof will still be subject to Federal and State constitutional limitations as well as conflict of law principals. It is anticipated that should state preemption of firearm regulation be repealed, attempts to regulate firearms on a local level will be met with legal challenges and in-person opposition of the regulations. If HB 3005 moves forward, should the City Council wish, it would be possible to prohibit open carry of firearms in parks.

2/16/2021 - Bill seeks to repeal state preemption of firearm regulation as set forth in Oregon Revised Statutes 166.170 to 166.176. City ordinance seeking to regulate the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any components thereof will still be subject to Federal and State constitutional limitations as well as conflict of law principals. It is anticipated that should state preemption of firearm regulation be repealed, attempts to regulate firearms on a local level will be met with legal challenges and in-person opposition of the regulations.

HB 3326 INTRO	Neutral	3
------------------	---------	---

Relating to murals.

Prohibits local governments from charging fee to review application for mural and limits grounds for application denial.

3/29/2021 - HB 3326 would prohibit local governments from charging a fee for a mural application. The City of Salem's mural application fee does not cover the cost of its review, or notice and subsequent public hearing. As currently authored, the language in this bill could impact other potential related fees (i.e., permit fee). The Salem Public Art Commission is currently working toward simplifying the mural approval process. The City should continue to retain the right to impose some kind of orderly process for tracking and ensuring continued maintenance or removal, if needed, and recoup costs should the City need.

3/25/2021 - HB 3326 would prohibit local governments from charging a fee for a mural application. The City of Salem's mural application fee does not cover the cost of its review, or notice and subsequent public hearing.

Bill Number	Position	Priority
-------------	----------	----------

SB 554 A	Not Reviewed	No Priority
----------	--------------	-------------

Relating to firearms; prescribing an effective date.

Authorizes entity that owns, occupies or controls public building to adopt ordinance, rule or policy limiting or precluding affirmative defense for possession of firearms in public buildings by concealed handgun licensees.

3/30/2021 - SB 554 authorizes entities owning, occupying or controlling public buildings to adopt an ordinance, rule or policy limiting or precluding the use of an affirmative defense for possession of firearms in public buildings by concealed handgun licensees (except in parking areas or garages). For this purposes of SB 554, public building is limited to certain airport areas, buildings owned, occupied or controlled by specified public bodies, the grounds adjacent to these buildings, and real property owned by a college or university. For state buildings, SB 554 removes affirmative defense for possession of firearm in state building by concealed handgun licensee.

If the goal of the City Council is to explore prohibiting open carry in parks, SB 554 would require amendment to include parks and expand its scope to include open carry of firearms (not solely concealed weapons).

3/30/2021 - SB 554 authorizes entities owning, occupying or controlling public buildings to adopt ordinance, rule or policy limiting or precluding affirmative defense for possession of firearms in public buildings by concealed handgun licensees (except in parking areas or garages). For this purposes of SB 554, public building is limited to certain airport areas, buildings owned, occupied or controlled by specified

public bodies and real property owned by college or university. For state buildings, SB 554 removes affirmative defense for possession of firearm in state building by concealed handgun licensee.

If the goal of the City Council is to prohibit open carry in parks, SB 554 would require amendment to include parks in the definition of public property and expand its scope to include open carry of fire arms (not solely concealed weapons).