



CITY OF SALEM

555 Liberty St SE
Salem, OR 97301

Revisions to the Agenda #1

City Council

Monday, April 12, 2021

6:00 PM

Virtual Meeting

3.3 e. [21-139](#)

Project Request to Begin Design Activities for the Boone Road SE Sewer Extension East of Stroh Lane SE.

Ward(s): Ward 3

Councilor(s): Councilor Phillips

Neighborhood(s): Morningside

Result Area(s): Safe, Reliable, and Efficient Infrastructure

Revised - Neighborhood revised from SEMCA to Morningside.

3.3h. [21-57](#)

Priority bills for 2021 Oregon Legislative Session

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Add - Added New Report.



Staff Report

File #: 21-57

Version: 1

Date: 4/12/2021

Item #: 3.3h.

TO: Mayor and City Council

FROM: Legislative Committee

SUBJECT:

Priority bills for 2021 Oregon Legislative Session

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

ISSUE:

Shall the City Council approve the City of Salem's positions on legislative bills in the 2021 Oregon Legislative Session?

RECOMMENDATION:

Approve the City of Salem's positions on legislative bills in the 2021 Oregon Legislative Session.

SUMMARY:

During the regular session, when the subject of proposed legislation is outside the scope of the policy statements, City Council's Legislative Committee reviews bills identified as critical by City staff. The Legislative Committee recommends to City Council the position the City should take on critical bills. Bills reviewed by the Legislative Committee on April 9, 2021 and recommended to the City Council are attached (Attachment 1).

FACTS AND FINDINGS:

The Oregon State Legislature convened January 20, 2021 for its regular session. Thousands of bills have been drafted and many await first reading.

The Legislative Committee is Mayor Bennett and Councilors Andersen, Hoy, and Lewis. Councilor Gonzalez serves as the alternate.

BACKGROUND:

As positions are developed for individual bills, staff will use a system of prioritization to identify the City's opposition ("O") or support ("S") for a bill. For a high priority bill with a fiscal or policy impact, classifying the bill with a "1" will allow for the City to work to support or oppose the bill. For medium priorities, a "2", staff will watch for changes and may become involved if time and resources permit.

Before any official representing the City of Salem can attempt to influence legislation on an issue, the City Council must adopt a position related to that matter. To continue a coordinated and unified response during the upcoming session, the Mayor and Councilor are asked to communicate the nature of their legislative contacts to staff via an email to Courtney Knox Busch (cbusch@cityofsalem.net <<mailto:cbusch@cityofsalem.net>>). The email should identify the date of the legislative contact, the legislator(s) with whom contact was made, bill(s) discussed, and a summary of the position(s) and comments shared. Staff will forward the communication to the City's lobbyist, the Legislative Committee, and City Council as appropriate.

Courtney Knox Busch
Strategic Initiatives Manager

Attachments:

1. Bills Reviewed by Legislative Committee - April 9, 2021

City Council

Report Date: April 9, 2021

City of Salem

Bill Number	Position	Priority
HB 2287 INTRO	Oppose	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 2544 A	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>		
SB 742 INTRO	Oppose	1
<p>Relating to alarms.</p> <p>Limits local government regulations on certain nonresidential alarm systems and battery-charged fences.</p> <p>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.</p>		
Bill Number	Position	Priority
HB 2478 INTRO	Support	2
<p>Relating to lawyer-client privileged public records.</p> <p>Maintains indefinitely exemption from required disclosure of public records that are subject to lawyer-client privilege and public records exemption for privileged information.</p> <p>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.</p>		
HB 2486 INTRO	Oppose	2
<p>Relating to access to emergencies; declaring an emergency.</p> <p>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.</p> <p>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</p>		

City Council

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City of Salem

Bill Number	Position	Priority
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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 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 3005 INTRO	Support	2
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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 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	Oppose	2
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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.

HB 3357 INTRO	Oppose	2
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Relating to traffic offenses.

Authorizes duly authorized traffic enforcement agents to review and issue citations based on photographs taken by photo red light cameras.

City Council

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City of Salem

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4/9/2021 - Slippery slope toward privatization of decreasing expertise required of law enforcement.

3/5/2021 - SPD currently hires retired officers to review red light violations and issue citations/attend court hearings as necessary. This bill would allow agencies to hire anyone, most likely at a reduced rate of pay, to handle this task. There may be some cost savings for SPD in this bill, however I do not have the data to demonstrate to what degree (if any).

SB 554 A	Support with amendments	2
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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).

SB 666 INTRO	Oppose	2
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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
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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.