



**WILLAMETTE  
UNIVERSITY**

College of Law

Received At Council Meeting  
Meeting Date: 9-25-17  
Agenda Item: 5.6  
Received by: Lemmy Johnson  
From: Warren Binford

**CLINICAL LAW PROGRAM**

Warren Binford

Professor of Law

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July 24, 2017

Robert Salberg  
Children's Educational Theater  
710 Howard St. SE  
Salem, OR 97302

Dear Robert:

I am writing to invite you to join me in asking the City of Salem to commit to becoming a "child-friendly city." The child-friendly city concept came from a resolution passed at the second United Nations Conference on Human Settlements in 1996, which aimed to make cities livable for all residents, including children. The underpinning idea is that because children are one of the most unique and vulnerable segments of society, but also the potentially vibrant future of a community, their well-being is "the ultimate indicator of a healthy habitat." More specific information about child-friendly cities can be found at <http://childfriendlycities.org/>.

Today there are hundreds of child-friendly cities around the world and dozens of countries have established criteria for becoming one, including Australia, France, Spain, New Zealand, Switzerland, Brazil, Finland, Germany, the United Kingdom, the Philippines, the Republic of Korea, Finland, Portugal, and more. Many of the countries have based their criteria on the principles of the United Nations Convention on the Rights of the Child, which is the most widely ratified human rights treaty in the history of the world. Indeed, every country in the world has ratified it except the United States. Although we have not yet ratified the treaty, we have signed it and we contributed more language and edits to the treaty than any other country.

Because the United States does not yet have an accreditation system for being designated a child-friendly city, Salem has more freedom to decide what criteria it wants to set for itself in defining itself as a child-friendly city and can distinguish itself from other U.S. cities in doing so. Basically, any local system of governance that recognizes children's rights can distinguish itself as a child-friendly city by committing to fulfill children's basic rights such as to be able to drink safe water; have access to proper sanitation; walk safely in the city; have places to meet friends and play; express their opinions on the city they experience and envision; participate in cultural and social events; and contribute to decisions about their city.

At a practical level, being a child-friendly city means that children's rights are taken into consideration and children's voices are included in the development and implementation of programming, policies, laws, and budgets. In Salem, including children's voices could mean, for example, resurrecting the Salem Youth Commission or placing youth on appropriate advisory committees. Supporting children's rights to participate in cultural and social events could be fulfilled through steps such as the recent unveiling of the City's new webpage focused on Youth

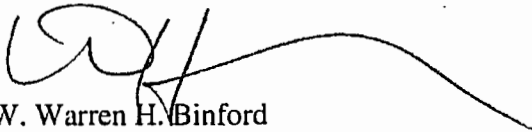
& Families. Another example of being a child-friendly city could be the deliberate consideration of the impact of proposed budgets on children and youth and actively including children and families in the strategic planning process. I would also suggest that committing to become a child-friendly city creates a public obligation to measure the success of our city's children with regard to education, health, economic security, and more and to work with our community partners to advance our community with regard to these measures.

As a first step, I am attaching a draft "City of Salem Resolution Committing to Become a Child-Friendly City." The proposed resolution has been accepted positively by the Human Rights and Relations Advisory Commission and no changes were requested. Several city council members have already expressed their support for the resolution and we would like to build on this momentum by identifying community partners willing to join us in supporting the adoption of this resolution by the Salem City Council this fall. Are you interested?

I would be happy to meet with you individually or talk by telephone to answer any questions you may have. I also welcome your suggestions and collaboration. Additionally, a group of us--my law school students, Salem youth, and I—is available to provide a short presentation between August and October to non-profit boards or other interested groups that support children's rights and would like to learn more about what becoming a child-friendly city could mean for our community.

I hope you will join us in this endeavor, and will follow up by phone.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Warren H. Binford', with a long, sweeping horizontal line extending to the right.

W. Warren H. Binford  
Professor of Law  
Director, Clinical Law Program

WWHB/ms

Enclosure

**City of Salem Resolution Committing  
To Become a Child Friendly City**

April 11, 2017

WHEREAS, the City of Salem has high aspirations and standards for its children and families and is constantly seeking ways to improve their lives and ensure an environment that protects children's health; and

WHEREAS, the City of Salem recognizes that the community's children have the right to peace and safety; the right to play, explore, dream, imagine and create; the right to a clean environment; and the right to be heard; and

WHEREAS, the City of Salem recognizes that what happens to children within their communities significantly impacts their growth and development and, additionally, determines their cost or contribution to society over the rest of their lives; and

Alternative: WHEREAS, the City of Salem recognizes that children who experience a strong, livable city are all the more likely to understand what a livable city needs and may become the guardians of the city's livability for future generations; and

WHEREAS, the City of Salem recognizes that efforts to make a city safe and livable for children requires higher standards of livability for all; and

Alternative: WHEREAS, The City of Salem recognizes that the features of a city that make it the safest, healthiest and accommodating for its most vulnerable citizens can also make it exceptionally more livable for everyone; and

WHEREAS, the City of Salem recognizes that being a child friendly city may benefit the community by attracting families who contribute to economic vitality and social diversity; and

WHEREAS, the City of Salem recognizes that every area of government policy and planning affects children to some degree, either directly or indirectly, and the state of a community's children is a very sensitive indicator of the social, environmental, and economic health of the community; and

WHEREAS, the City of Salem recognizes the need for increased participation by children in decision making forums and creating child friendly environments; and

WHEREAS, the City of Salem seeks to become the first city in Oregon to be distinguished as a UNICEF Child Friendly City; now, therefore

BE IT RESOLVED, that the Mayor and members of the City Council of Salem, gathered here on the 11<sup>th</sup> day of April, 2017 A.D. do hereby affirm their support of the City of Salem becoming a UNICEF Child Friendly City; and

**BE IT RESOLVED**, that the Mayor and members of the City Council of Salem will advance policies and practices that are in harmony with the principles of a UNICEF Child Friendly City in all city agencies and organizations that address issues affecting Salem's children; and

**BE IT RESOLVED**, that the City of Salem will utilize the UNICEF Child Friendly City toolkit to measure the child friendliness of the city, conduct perception research with children and formulate a strategy to work toward the goal of being distinguished as a UNICEF Child Friendly City; and

**BE IT RESOLVED**, that the City of Salem commits to view all policy decisions and strategic planning through a child and family friendly lens; and

**BE IT RESOLVED**, that the City of Salem will actively solicit input from children such that they participate in and contribute to decisions about their communities and their own well-being; and

**BE IT RESOLVED**, that the City of Salem, in its efforts to facilitate child participation, will utilize best practices and will encourage children of all abilities, economic backgrounds, ethnicities, and statuses to participate; and

**BE IT RESOLVED**, that the City of Salem, in its goal of being distinguished as a UNICEF Child Friendly City will utilize a whole of community approach by working in partnerships with services, organizations, businesses, schools and the broader community to achieve the best possible outcomes for Salem's children.

Mr. Mayor and City Council Members,

My name is Frances Binford-Ross and I am growing up here in Salem. I am a second grader at the Heritage School and I am reading this statement on behalf of my friend and classmate, Soren Urban, who had to go home sick from school today and so cannot be here tonight.

## City Council Speech

Soren Urban

Mr. Mayor and Members of the City Council:

My name is Soren Urban and I am a 7<sup>th</sup> grader at Heritage School.

I am the future of Salem.

I would like to testify in support of the child-friendly resolution.

I have lived in Salem for my whole life and I am grateful for:

- Lots of parks where kids can be outside
- Lots of playgrounds where kids can play
- Lots of hospitals
- Lots of schools to educate my generation

I like traveling to other countries with my family. I like meeting other people. Despite other interesting things that they do have, sometimes other countries:

- don't have parks
- are dirty
- are smoggy and polluted
- have unsafe conditions

I want to make Salem the best city possible. I think we can do that, and just listening to children will help.

- As children, we are learning current facts in school.
- Children have different perspective than adults. It is always helpful to get the opinion of people with different experience.
- I have a really good civics class in my school. I have learned about government. I would like to have a child city council, elected by children and with children on it. I would be willing to help if you want help with that.

I hope that this resolution gets passed. Thank you for hearing my speech.

**Hi from Britta,**

After removing multiple downtown benches, Tonight, our Salem City Council members are debating a sidewalk bill to outlaw sitting and lying on City Sidewalks at night.

Neither those who govern, nor the sitters, suffer as much as the Law-enforcers, as they become accustomed to the task of removing "other people".

I know ! As a child in Aachen, Germany, I watched vagrants vanish from our Kinder-walks, one by one. Fortunately I arrived in the USA in 1937. By 1942 thousands of German citizens had vanished into terror, also by "Law Enforcers". These law-enforcing humans, had families, whose generations are still trying to deal with their family's past. Ask Walter Wehmeyer prominent Austrian film producer, his "shattered" is a story of his pain, and my past,

Knowing that once an Oregon Court ruled a similar Portland ordinance un-constitutional, our Salem created the proposal. Predictably, not a government solution, not even a start.

Multiple groups throughout the city are each doing their partial SOLUTION: These Citizens know what needs to be done. EMPOWER OUR PEOPLE ! They KNOW !!! JUST help them DO IT !!!

**B**<sub>ritta</sub>



*Britta Franz*

503-399-9099 Cell: 971-239-4500 [brittafran@aol.com](mailto:brittafran@aol.com)

Received At Council Meeting

Meeting Date: 9-25-17

Agenda Item: 7.1A

Received by: Amy Johnson

From: BRITTA FRANZ

9/25/2017

Mr. Mayor and Councilors;

Received At Council Meeting  
Meeting Date: 9-25-17  
Agenda Item:  
Received by: Amy Johnson  
From: Herb Shaw

I want to encourage you to follow up with action necessary to fulfill your obligation to purchase R/W for Marine Drive. I've attached for your convenience an excerpt from City Council Agenda Item 7(a), dated March 10, 2008, whereby Peter Fernandez, P.E., Interim Public Works Director at the time, presented their case for supporting a referral for the November 2008 Streets and Bridges Bond Measure. Please notice "Table 2 Recommended Project List" includes an item on Page 11, "Congestion Relief Projects – Strategic Right-of-Way Purchases" that states the following: "Purchase future street and highway right-of-way in advance of new Willamette River bridge and associated street and ramp connections, in order to preserve from future development, once a preferred alternative alignment is approved by the Federal Highway Administration. Purchase future street right-of-way in order to construct Marine Drive NW. Project funds can be used to construct Marine Drive NW with City Council approval."

The purchase of said R/W was a commitment, a promise if you will, to the citizens of our city upon passage of the Bond Measure. On Page 21 of March 10, 2008 Agenda Item 7(a), the narrative under "Project Delivery" included the statement: "Staff recommends that the \$98.6 million in projects be delivered over an eight-year schedule, beginning in 2009 and achieving substantial completion of all original projects by 2016." The staff schedule at that time identified Marine Drive R/W acquisition to begin July, 2011, with completion by December, 2014.

I submit to you that the Council is actually and morally obligated to implement the purchase of R/W immediately. In 2008, staff assured the Council that should a decision for the Third Bridge be delayed too long, the bond funds would be used solely to purchase R/W for Marine Drive, followed by construction thereof.

That was the intent, and that was what the people voted for, so please live up to your commitment and do the right thing by purchasing Marine Drive R/W this year.

Thank you,

Herb Shaw



**FOR COUNCIL MEETING OF:  
AGENDA ITEM NO.:  
PUBLIC WORKS FILE NO.:**

March 10, 2008

7 (a)

March 17, 2008

5 (a)

March 31, 2008

5 (a)

**TO: MAYOR AND CITY COUNCIL**

**THROUGH: LINDA NORRIS, CITY MANAGER PRO TEM**

**FROM: PETER FERNANDEZ, P.E., INTERIM PUBLIC WORKS DIRECTOR**

**SUBJECT: PROPOSED REFERRAL OF THE NOVEMBER 2008 STREETS AND  
BRIDGES GENERAL OBLIGATION BOND MEASURE**

**ISSUE:**

Shall the City Council refer to the voters a general obligation bond measure to improve the City's streets and bridges for the November 4, 2008, general election?

**RECOMMENDATION:**

The Council Streets and Bridges Bond Committee and staff recommend that Council direct staff to prepare a measure ballot title, explanatory statement, and other documents necessary to refer to the voters a general obligation bond measure to improve the City's streets and bridges for the November 4, 2008, general election. It is further recommended that:

1. The total amount of bonding authority not exceed \$98,600,000, including the cost of issuing bonds and capital program administration;
2. The proposed bonding authority be used to design and construct the projects illustrated in Attachment A and listed in Tables 1 (page 7) and 2 (page 9) of this staff report;
3. The bonding authority be issued in multiple sales of 15-year bonds that obtain proceeds needed to fund projects and maintain the lowest increase in the property tax levy for repayment of the bonds; and
4. As the list of approved projects nears completion, staff bring forward for Council consideration use of the accumulated savings from completed projects and accrued interest earnings, in excess of program administrative costs, for funding the projects listed in Table 3 (page 18) of this staff report.

**BACKGROUND:**

The \$28 million 1992 Street Improvements Bond and \$34.2 million 1995 Pedestrian Safety Bond were the last two transportation-related general obligation bond measures approved by the voters of the City of Salem. The principal funds of both these bond measures have been expended, with only small amounts of interest earnings remaining to be spent on projects currently adopted in the City's *Capital Improvement Program*. In 2000, a \$45.8 million Transportation Improvements General Obligation bond measure failed to receive voter approval.

MAR 10 2008

- Add the Skyline Road S Corridor Safety Upgrade Project from Liberty Road S to Kuebler Boulevard S (Cost: \$3,750,000). This project will improve safety for a street that serves as direct access for a high school and two elementary schools.

#### Recommended Project List

Table 2 contains the list of projects recommended from both the Council Streets and Bridges Bond Committee and staff. This table lists each project by title, description, its base year cost in 2007 dollars, and the adjusted cost that incorporates eight-year inflationary adjustments, as well as incorporating the cost of issuing the bonds. Affected neighborhood associations are listed with each project.

**Table 2  
Recommended Project List**

Project Title	Project Description	Base Year Cost (2007 dollars)	Adjusted Cost (For Inflation)
<b>Congestion Relief Projects - New Capacity</b>			
Kuebler Boulevard SE Widening Project	<p>Widen Kuebler Blvd. SE with one additional travel lane in each direction from intersection at Commercial Street SE through the intersection of Sunnyside Road SE. Construct bicycle lanes, curb, gutter, drainage, sidewalks, streetlights, and landscaping as needed.</p> <p>Widen intersection of Commercial Street SE at Kuebler Blvd. SE with dual left-turn lanes at all four approaches. Upgrade and adjust traffic signals at both intersections, including installation of additional turn lanes and other improvements as needed.</p> <p><i>The widening of Kuebler Blvd. SE between I-5 and Commercial St. SE is occurring as two separate existing projects: westbound improvements with City TSDC and Federal funds and the eastbound improvements through conditions of private development.</i></p> <p><i>Neighborhood Associations:</i></p> <ul style="list-style-type: none"> <li>- South Gateway</li> <li>- Faye Wright</li> <li>- Morningside</li> </ul>	\$6,570,000	\$7,245,000

Project Title	Project Description	Base Year Cost (2007 dollars)	Adjusted Cost (For Inflation)
Install & Network Traffic Monitoring Cameras	Install and network up to 24 traffic monitoring video cameras on key citywide arterial street locations to provide motorist information and traffic incident response coordination capabilities.	\$500,000	\$583,000
Fiber Optic Upgrade to Traffic Signal Interconnect System	Upgrade and install traffic signal interconnect system with fiber optic ring to accommodate communication with additional signals, video detection, automated traffic counting, and other traffic monitoring capabilities.	\$580,000	\$672,000
<b>Congestion Relief Projects - Strategic Right-of-Way Purchases</b>			
Strategic Right-of-Way Purchases	<p>Purchase future street and highway right-of-way in advance of new Willamette River bridge and associated street and ramp connections, in order to preserve from future development, once a preferred alternative alignment is approved by the Federal Highway Administration.</p> <p>Purchase future street right-of-way in order to construct Marine Drive NW. Project funds can be used to construct Marine Drive NW with City Council approval.</p> <p><i>Neighborhood Associations:</i></p> <ul style="list-style-type: none"> <li>- West Salem</li> <li>- Highland</li> <li>- Grant</li> <li>- CAN-DO</li> </ul>	\$3,000,000	\$3,658,000
<b>Rebuild &amp; Maintain Pavements and Bridges - Pavement Reconstruction/Rehabilitation Projects</b>			
Commercial Street NE/SE (Marion St. to Superior St.)	<p>Grind and overlay pavement. Replace worn/damaged curbs and sidewalks where needed.</p> <p><i>Neighborhood Associations:</i></p> <ul style="list-style-type: none"> <li>- CAN-DO</li> <li>- SCAN</li> </ul>	\$1,290,000	\$1,344,000

approximately \$200 per year for a home with an assessed value of \$200,000, or an increase of about \$53 between FY 2008-2009 and FY 2009-2010.

Another way of describing the cost of repaying the general obligation debt created by the Streets and Bridges bond is the increase in levy per thousand dollars of assessed value. The anticipated increase from the FY 2008-2009 amount would be \$.26 per thousand at first draw in FY 2009/2010, increasing to a maximum of \$.30 per thousand over the life of the bond repayment.

### **Project Delivery**

The method of delivering the recommended projects is directly related to the overall amount of bonding authority, length of time needed to design, acquire right-of-way, and construct the projects, and the number and amount of each bond issue. Staff recommends that the \$98.6 million in projects be delivered over an eight-year schedule, beginning in 2009 and achieving substantial completion of all original projects by 2016. Any additional projects that may be funded through potential savings would likely extend the construction schedule by a few more years.

Staff has created the eight-year project delivery schedule to enable a series of bonds to be sold over time, that maintains a relatively flat property tax levy curve for general obligation indebtedness. The eight-year schedule also allows the Public Works Department to deliver the projects without having to increase the number of staff positions. The final benefit of the proposed schedule is that it will spread projects over a number of construction seasons, avoiding having too many projects under construction at any one time that would cause disruptions in traffic flow throughout the community.

Upon voter-approval of the bond measure, staff will begin providing public information on the progress of the different projects as they go through the design and construction process. The *Keep Salem Moving!* logo will appear on special information signs at project work zones that will identify projects as bond-funded. In addition, an Internet web page will provide information on projects and document the progress of the overall construction schedule. Informational staff reports and briefings will be provided to the City Council.

While the majority of projects will be in their design and right-of-way acquisition phases the first few years, staff is recommending that the Pavement Reconstruction and Rehabilitation projects be undertaken during the first four years of the schedule to allow the City to address the severely deteriorated condition of its arterial street pavements as rapidly as possible. Other smaller projects will also be undertaken during the first half of the project delivery schedule. Projects requiring more complex engineering and environmental mitigation will take the longest amount of project delivery time.

### **Preparations for Placing Measure on Ballot**

Upon positive completion of the public hearing process, staff anticipates returning to the Council in April 2008 with the ballot title, explanatory statement, and other necessary

Linda Bierly

2308 Ptarmigan St. NW

Salem, OR 97304

Testimony for city council meeting 9.25.2017

I am Linda Bierly. I live in Ward 8

Please let me take you back to the September 18 meeting of the West Salem Neighborhood Association. The room is packed. One of the leaders of the bridge advocacy group is speaking - accusing two of the volunteers on the Land Use committee of conflicts of interest. The volunteers are not present to defend themselves. He is questioning their motives and their integrity. His speech is effective. You can feel the anger and the outrage building in the room. At the climax of his speech, he asks the rhetorical question "who does not have a problem with this?" And this is a decisive moment. You can feel the tension in the room. Suddenly, from behind me, comes a firm, strong voice saying "I don't have a problem with it." I will always be grateful to that voice - to that person that had the courage to speak out. Now, there is a lot going on here. There is the immediate attempt to discredit the volunteers. There is also an attempt to undermine the credibility of the Land Use Committee and the reports they have filed. And there is intimidation - the creation of such a climate of fear that no one is going to challenge this group. They will simply make it so uncomfortable that opponents will not feel it is worth it to stay involved.

But the real damage is this: the Chair spent the next half hour of the meeting explaining state and local conflict of interest law. Brady Rogers, a City of Salem employee spent another 20 minutes confirming the chair's explanation. This is time that should have been spend on the work of the neighborhood association. We should have been hearing from the police officer. We could have been discussing our goals for the upcoming year. We could have been hearing from committees about work accomplished and work planned. But our attention was diverted .

Neighborhood Associations are advisory to City Council. They are made up of volunteers that work on a wide range of neighborhood issues from the mundane to the critical. They are not public officials and they should not be. The grass roots nature, the freedom to speak out, the safety of participants, the willingness to accept diversity of opinions. These are the qualities that make neighborhood associations work. We must protect them.

Received At Council Meeting  
Meeting Date: 9/25/17  
Agenda Item: 8  
Received by: LL  
From: Linda Bierly