



# City Council Agenda

Mayor  
Sean VanGordon

City Council  
Michelle Webber, Ward 1  
Steve Moe, Ward 2  
Kori Rodley, Ward 3  
Beth Blackwell, Ward 4  
Victoria Doyle, Ward 5  
Joe Pishioneri, Ward 6

**City Manager:**  
Nancy Newton  
**City Recorder:**  
AJ Nytes 541.726.3700

City Hall  
225 Fifth Street  
Springfield, Oregon 97477  
541.726.3700  
Online at [www.springfield-or.gov](http://www.springfield-or.gov)

These meetings will be available via phone, internet using Zoom and in person. Members of the public wishing to attend these meetings electronically can call in or attend virtually by following the directions below. This information can also be found on the City's website

The meeting location is wheelchair-accessible. For the hearing-impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. For meetings in the Council Meeting Room, a "Personal PA Receiver" for the hearing impaired is available, as well as an Induction Loop for the benefit of hearing aid users.

To arrange for these services, call 541.726.3700.

**Meetings will end prior to 10:00 p.m. unless extended by a vote of the Council.**

All proceedings before the City Council are recorded.

September 5, 2023  
Tuesday

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5:30 p.m. Work Session  
Library Meeting Room  
or

Virtual Attendance

Registration Required:

Attend from your computer, tablet or smartphone:

Zoom

Meeting ID: 858 7220 8111

[https://us06web.zoom.us/webinar/register/WN\\_wGQZKjZNTRu6JkR5mO9BXg](https://us06web.zoom.us/webinar/register/WN_wGQZKjZNTRu6JkR5mO9BXg)

To dial in using your phone in Listen Only Mode:

Dial 1 (971) 247-1195

Toll Free 1 (877) 853-5247

Oregon Relay/TTY: 711 or 800-735-1232

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*(Council work sessions are reserved for discussion between Council, staff and consultants;  
therefore, Council will not receive public input during work sessions.  
Opportunities for public input are given during all regular Council meetings)*

CALL TO ORDER

ROLL CALL – Mayor VanGordon \_\_\_\_, Councilors Webber \_\_\_\_, Moe \_\_\_\_, Rodley \_\_\_\_, Blackwell \_\_\_\_, Doyle \_\_\_\_, and Pishioneri \_\_\_\_.

1. Lane Regional Air Protection Agency Interviews  
[AJ Nytes] (20 Minutes)
2. Administrative Civil Penalties  
[Charlie Kent] (50 Minutes)

ADJOURNMENT

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7:00 p.m. Regular Meeting  
Library Meeting Room  
or  
Virtual Attendance  
Registration Required:  
Attend from your computer, tablet or smartphone:  
Zoom  
Meeting ID: 858 7220 8111  
[https://us06web.zoom.us/webinar/register/WN\\_wGQZKjZNTRu6JkR5mO9BXg](https://us06web.zoom.us/webinar/register/WN_wGQZKjZNTRu6JkR5mO9BXg)  
To dial in using your phone in Listen Only Mode:  
Dial 1 (971) 247-1195  
Toll Free 1 (877) 853-5247  
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CALL TO ORDER

ROLL CALL – Mayor VanGordon \_\_\_\_, Councilors Webber \_\_\_\_, Moe \_\_\_\_, Rodley \_\_\_\_, Blackwell \_\_\_\_, Doyle \_\_\_\_, and Pishioneri \_\_\_\_.

PLEDGE OF ALLEGIANCE

SPRINGFIELD UPBEAT

1. Mayor's Recognition
  - a. 2023 Springfield Heritage Awards  
[Mayor VanGordon] (10 Minutes)

CONSENT CALENDAR

1. Claims
2. Minutes
3. Resolutions
4. Ordinances

5. Other Routine Matters

ITEMS REMOVED FROM THE CONSENT CALENDAR

PUBLIC HEARINGS - **Please limit comments to 3 minutes. Request to speak cards are available at both entrances. Please present cards to City Recorder. Speakers may not yield their time to others.**

BUSINESS FROM THE AUDIENCE - **Limited to 20 minutes. Please limit comments to 3 minutes. Request to Speak cards are available at both entrances. Please present cards to City Recorder. Speakers may not yield their time to others.**

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

BIDS

ORDINANCES

BUSINESS FROM THE CITY COUNCIL

1. Committee Appointments
2. Business from Council
  - a. Committee Reports
  - b. Other Business

BUSINESS FROM THE CITY MANAGER

1. Other Business

BUSINESS FROM THE CITY ATTORNEY

1. An Ordinance Amending the Springfield Municipal Code Regarding Criminal Misdemeanors and Violations, and State Traffic Offenses  

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[Mary Bridget Smith] (15 Minutes)

ORDINANCE NO. 1 - AN ORDINANCE AMENDING SPRINGFIELD MUNICIPAL CODE SECTIONS 5.100, 5.104, 6.000 AND 6.002, AND ADOPTING A SEVERABILITY CLAUSE

**NO ACTION REQUESTED. FIRST READING ONLY**

ADJOURNMENT

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**AGENDA ITEM SUMMARY****SPRINGFIELD  
CITY COUNCIL****Meeting Date:** 9/5/2023  
**Meeting Type:** Work Session  
**Staff Contact/Dept.:** AJ Nytes/CMO  
**Staff Phone No:** 541.726.3700  
**Estimated Time:** 20 Minutes  
**Council Goals:** Promote and Enhance our Hometown Feel while Focusing on Livability and Environmental Quality

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**ITEM TITLE:** APPLICANT INTERVIEWS FOR SPRINGFIELD REPRESENTATIVE ON THE LANE REGIONAL AIR PROTECTION AGENCY (LRAPA) BOARD

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**ACTION REQUESTED:** Interview the applicants for the Springfield At-Large representative position on the Lane Regional Air Protection Agency (LRAPA) Board.

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**ISSUE STATEMENT:** The LRAPA Board is a nine-member board which meets monthly to establish policy and adopt agency regulations. To date, Springfield has one city councilor as the representative on the LRAPA Board and one citizen as a second representative on the Board.

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**ATTACHMENTS:** [1: Interview Schedule and Questions](#)  
[2: Application of Mike McFarlane](#)  
[3: Application of Jared Hensley](#)  
[4: Application of Alysha Hartman](#)

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**DISCUSSION/  
FINANCIAL  
IMPACT:** The Lane Regional Air Protection Agency was created in 1968 to achieve and maintain clean air in Lane County, Oregon in a manner consistent with local priorities and goals. With the support of its member entities, which include Lane County and the cities of Eugene, Springfield, Cottage Grove and Oakridge, LRAPA carries out its mission to protect and enhance air quality through a combination of regulatory and non-regulatory programs and activities. To date, the board consists of four representatives from the City of Eugene, one representative from Lane County, two representatives from the City of Springfield, one representative from the City of Cottage Grove, and one representative from the City of Oakridge.

The City posted recruitment for the At-Large position on May 10, 2023 and received two applications.

The City interviewed those candidates and received direction from the council on June 12, 2023 to extend the recruitment to allow for a larger pool of candidates.

The City posted the extended recruitment on June 27, 2023 with a deadline of August 25, 2023 and received a total of three applications. Of those three applicants we were able to reach two and confirm their availability to interview at this work session meeting.

The Council is scheduled to ratify the appointment of the selected candidate during their September 18, 2023 Regular Council Meeting.

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**September 5, 2023**  
**Interview Schedule/Questions**  
**Lane Regional Air Protection Agency (LRAPA)**  
**Board of Directors**

Schedule

Interview of Mike McFarlane

Interview of Jared Hensley

Interview of Alysha Hartman (unconfirmed at time of publishing this packet)

Questions

1. Why are you interested in serving on the LRAPA Board of Directors?
2. Describe your professional and personal experience as it relates to your desire to become an LRAPA Board member.
3. Please list the areas of concern you have about air quality, community development and the environment in general.
4. Outside of the monthly LRAPA Board meetings, what amount of volunteer time do you have to offer for work involving the LRAPA Board?
5. Can you give us an example of your experience working with a committee?
6. Please name one way you would help inform our community about LRAPA and/or LRAPA Projects.
7. How do you think the work of the LRAPA Board will improve our community?





# Application for a City of Springfield Citizen Advisory Board/Commission/Committee

Please print or type:

1. What experiences / training / qualifications do you have for this particular board / commission / committee?
  
  
  
  
  
  
  
  
  
  
2. What specific contribution do you hope to make?
  
  
  
  
  
  
  
  
  
  
3. Briefly describe your involvement in relevant community groups and activities. (Lack of previous involvement will not necessarily disqualify you from consideration.)
  
  
  
  
  
  
  
  
  
  
4. What community topics concern you that relate to this board / commission / committee? Why do you want to become a member?
  
  
  
  
  
  
  
  
  
  
5. Most boards / commissions / committees meet monthly. Subcommittees may meet more frequently. Meetings generally last one and one-half hours. **It is highly recommended you attend a meeting before submitting the application.** Please read the news release for this position which contains the normal dates and times for these meetings and can be found at <https://www.springfield-or.gov/city/newsroom/>. Are you available to attend meetings on the dates listed for this committee?

Yes      No

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify the information in this application and attachments are true and complete to the best of my knowledge. I understand that false or misleading statements or missing information is cause for rejection of application, removal of name from eligible list, or dismissal from the position. I hereby waive my rights to claims or damages against any employer and the City of Springfield, its officers, agents, and employees, in regard to this exchange of information. I hereby authorize to permit the City of Springfield and/or the Springfield Police Department to review my background information and if required my DMV records. I have reviewed the Advisory and meet the minimum requirements to serve/volunteer in the desired position. I also authorize to permit any materials listed above to be copied and retained by the City of Springfield. I authorize the use of my photograph.

I will defend, indemnify and hold harmless the City of Springfield, its officers, employees, and agents from and against all liability or loss and against any and all claims, actions, causes of actions, proceedings or appeals based upon or arising out of or arising from or in connection with my conduct or performance as a volunteer with the City of Springfield including but not limited damage or injury to persons or property and including without limitation attorney fees and expenses; except for losses, claims or actions resulting from the sole negligence of the City of Springfield.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

For more information please call the City Manager's Office 541.726.3700  
Return this application to the City Manager's Office, 225 Fifth Street, Springfield Oregon 97477 or email: cmomail@springfield-or.gov



AUG 21 REC'D  
2023  
[Signature]

# Application for a City of Springfield Citizen Advisory Board/Commission/Committee

City Manager's Office • 225 Fifth Street • Springfield, OR 97477

**PLEASE NOTE:**

- When possible, council will not appoint people currently serving on another governing body to the Planning Commission or Budget Committee.
- When appointing people to any of the other city boards, commissions or committees, the Council shall take into account whether that person is being reappointed for a subsequent term, is currently serving on another governing body or currently appointed to another city board, commission or committee.
- When possible, the Council will appoint people to serve on one City board, commission or committee only.

Board / Commission / Committee applying for:

Lane Regional Air Protection Agency

(A separate application must be completed for each board / commission / committee)

Name: Jared S Hensley

First Middle Initial Last

Home address [Redacted] Springfield 97478

Street City Zip

Mailing address: \_\_\_\_\_

Street City Zip

Day Phone: [Redacted] Evening phone: [Redacted]

Email Address: [Redacted]

Preferred Form of Contact: Evening Phone

Do you live within the Springfield city limits?  Yes  No ➔ If yes, how long? 4 years 6 months

If no, do you live inside Springfield's Urban Growth Boundary?

Ward number (City residents only): 6  Yes  No

Are you a Springfield property owner?  Yes  No

Are you a Springfield business owner?  Yes  No

Are you a registered voter?  Yes  No

Occupation: Technical Sales/Engineering Place of employment/School: Rosboro

Rosboro

Business address: 2509 Main St., Springfield, OR 97477

Education: Architectural Engineering B.S., University of Wyoming

Are you currently serving on any other board, committee, or commission? If so, please list them here:

N/A

How did you hear about the above vacancy?

- Newspaper ad     Newspaper article     Radio/TV     Mail notice
- Word of mouth     Board/Commission/Committee member     Internet

(Over, please)

For more information please call the City Manager's Office 541.726.3700  
Return this application to the City Manager's Office, 225 Fifth Street, Springfield Oregon 97477





# Application for a City of Springfield Citizen Advisory Board/Commission/Committee

Please print or type:

1. What experiences / training / qualifications do you have for this particular board / commission / committee?

2017 - Preservation and Review Board in Steilacoom, WA. Oversight on the historical preservation and architectural design review for buildings constructed inside Steilacoom city limits.

2009-Current - Professional Engineer - ANSI Standard and International Code committees. This knowledge would translate into the technical review and understanding of DEQ regulations and permit requirements.

2. What specific contribution do you hope to make?

I hope to provide a focus on policy review and implementation through use of my technical background, apply and express community insight, and help to insure balance in understanding community issues within the board.

3. Briefly describe your involvement in relevant community groups and activities. (Lack of previous involvement will not necessarily disqualify you from consideration.)

2020-Present - Youth Little League Baseball, Football and Basketball Coach. Thurston area.

2017 - Preservation and Review Board in Steilacoom, WA.

4. What community topics concern you that relate to this board / commission / committee? Why do you want to become a member?

I am looking for a way to become more active in and serve my community. Being active in LRAPA would allow me to openly discuss the air quality issues I am often faced with while also valuing the opinions and opportunities that the larger businesses bring our communities.

5. Most boards / commissions / committees meet monthly. Subcommittees may meet more frequently. Meetings generally last one and one-half hours. **It is highly recommended you attend a meeting before submitting the application.** Please read the news release for this position which contains the normal dates and times for these meetings and can be found at <https://www.springfield-or.gov/events/>. Are you available to attend meetings on the dates listed for this committee?

Yes  No

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify the information in this application and attachments are true and complete to the best of my knowledge. I understand that false or misleading statements or missing information is cause for rejection of application, removal of name from eligible list, or dismissal from the position. I hereby waive my rights to claims or damages against any employer and the City of Springfield, its officers, agents, and employees, in regard to this exchange of information. I hereby authorize to permit the City of Springfield and/or the Springfield Police Department to review my background information and if required my DMV records. I have reviewed the Advisory and meet the minimum requirements to serve/volunteer in the desired position. I also authorize to permit any materials listed above to be copied and retained by the City of Springfield. I authorize the use of my photograph.

I will defend, indemnify and hold harmless the City of Springfield, its officers, employees, and agents from and against all liability or loss and against any and all claims, actions, causes of actions, proceedings or appeals based upon or arising out of or arising from or in connection with my conduct or performance as a volunteer with the City of Springfield including but not limited damage or injury to persons or property and including without limitation attorney fees and expenses; except for losses, claims or actions resulting from the sole negligence of the City of Springfield.

Applicant Signature: \_\_\_\_\_

Date: 2/16/23

For more information <https://www.springfield-or.gov/>  
Return this application to the City Manager's Office, 225 Fifth Street, Springfield Oregon 97477



# Application for a City of Springfield Citizen Advisory Board/Commission/Committee

Rec'd- 06/16/2023  
1:03pm- ADP

City Manager's Office • 225 Fifth Street • Springfield, OR 97477

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- When possible, the Council will appoint people to serve on one City board, commission or committee only.

Board / Commission / Committee applying for:

(A separate application must be completed for each board / commission / committee)

Name: \_\_\_\_\_

First Middle Initial Last

Home address: \_\_\_\_\_  
Street City Zip

Mailing address: \_\_\_\_\_  
Street City Zip

Day Phone: \_\_\_\_\_ Evening phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Preferred Form of Contact: \_\_\_\_\_

Do you live within the Springfield city limits? Yes  No  If yes, how long? \_\_\_\_\_  
If no, do you live inside Springfield's Urban Growth Boundary?

Ward number (City residents only): \_\_\_\_\_ Yes No

Are you a Springfield property owner? Yes No  
Are you a Springfield business owner? Yes No  
Are you a registered voter? Yes No

Occupation: \_\_\_\_\_ Place of employment/School: \_\_\_\_\_

Business address: \_\_\_\_\_

Education: \_\_\_\_\_

Are you currently serving on any other board, committee, or commission? If so, please list them here:

How did you hear about the above vacancy?

Newspaper ad	Newspaper article	Radio/TV	Mail notice
Word of mouth	Board/Commission/Committee member	Internet	

(Over, please)

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## Application for a City of Springfield Citizen Advisory Board/Commission/Committee

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Yes      No

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**AGENDA ITEM SUMMARY****SPRINGFIELD  
CITY COUNCIL****Meeting Date:** 9/5/2023  
**Meeting Type:** Work Session  
**Staff Contact/Dept.:** Charlie Kent/DPW  
**Staff Phone No:** 541-726-3755  
**Estimated Time:** 50 Minutes  
**Council Goals:** Provide Financially Responsible and Innovative Government Services

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**ITEM TITLE:** ADMINISTRATIVE CIVIL PENALTIES

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**ACTION REQUESTED:** Staff requests Council direction on the draft version of an Administrative Civil Penalties (ACP) procedure. Staff intends to return to Council with an Ordinance amending the Municipal Code adding an Administrative Civil Penalties process and a proposed budget necessary for the implementation of this procedure.

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**ISSUE STATEMENT:** Code violations are currently enforced through a one size fits all, labor intensive process. Staff discretion is used to mitigate some service issues and processes have been streamlined through technology integration, however a programmatic change is required for a return to previous service levels. Staff is proposing to create an Administrative Civil Penalties process through the adoption of amendments to the Municipal Code to expand the ability to process municipal code violations.

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**ATTACHMENTS:**

- [1. Council Briefing Memorandum](#)
- [2. Power-point presentation](#)
- [3. Administrative civil penalty Matrix](#)

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**DISCUSSION/  
FINANCIAL  
IMPACT:** Code Enforcement staff last presented to Council on June 12, 2023, discussing that a tiered enforcement response is an essential step in improving the effectiveness of the Code Enforcement Program. An ACP procedure provides the opportunity for a quicker resolution to complaints and a more community-oriented, educational approach to code enforcement.

Additional funding would be required to administer a new ACP program. This additional program funding could be offset by utilizing existing Development and Public Works FTE and, depending on Council goals, future FTE additions may be required to provide expected service levels. No additional funding would be required for software and technical resources. Any ACP fines could be deposited into a special Code Enforcement fund and used as a reoccurring source to develop educational materials and conduct abatement projects on large code enforcement cases.

An ACP procedure would require a Municipal Code change, further procedural development, staff training, and public outreach. Draft Municipal Code language from the City Attorney's office is provided for council review. As a public service, the ACP procedure would have little effect on the daily operation of a code enforcement officer, though a dedicated effort would be required to create a standardized process; including, citation tracking, court integration, software development, payment processing, and appeals administration. Staff training would occur on the job following an introductory period. Public outreach would be achieved through social media notification, public announcement, educational pamphlets, and through dedicated communications staff. If ultimately adopted, the target goal for ACP implementation is July 1, 2024.

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**MEMORANDUM**

**City of Springfield**

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**Date:** September 5, 2023

**To:** Nancy Newton, City Manager **COUNCIL**

**From:** Charlie Kent, Code Enforcement Officer (AIC) **BRIEFING**  
 Jeff Paschall, Community Development Director

**Subject:** Code Enforcement Civil Administrative Penalties **MEMORANDUM**

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**ISSUE:** Code violations are currently enforced through a one size fits all, labor intensive process. Staff discretion is used to mitigate some service issues and processes have been streamlined through technology integration, however a programmatic change is required for a return to previous service levels. Staff is proposing to create an Administrative Civil Penalties process through the adoption of amendments to the Municipal Code to expand the ability to process municipal code violations.

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**COUNCIL GOALS/MANDATE:**

Provide Financially Responsible and Innovative Government Services

**BACKGROUND:**

"As an alternative or supplement to judicial action, enforcement agencies may use a variety of administrative remedies to gain compliance with state and municipal regulations. Administrative remedies which do not use the criminal or civil courts may be employed early in the enforcement cycle when the responsible person refuses to comply after receiving notices of violation. Although not required by law, many agencies establish a practice of using administrative alternatives before filing a case in court. "-Schilling, Hare

An administrative civil penalty process (ACP) is commonly used within code compliance programs across the state and nation as an effective enforcement tool. The ACP process provides a more clear, equitable environment for code compliance than judicial alternatives. The process is simpler and more efficient. Staff time is utilized more effectively as a community partner through onsite interactions where educational outreach is prioritized, and the total time to case resolution is dramatically reduced. Effectively, ACP's prevent long-term or chronic issues by addressing violations in a timely manner when they are relatively minor. On the street, the ACP process will provide for a more individualized and violation-appropriate approach to compliance by removing legal barriers which could be reserved for significant, chronic, or complex violations.

There are two differences between a judicial and ACP process. Presumption and procedure.

In the civil citation and complaint process the City presents facts and testimony to the Municipal Court Judge who then finds the accused guilty or not guilty based on the judicial interpretation of the code, those facts and testimony presented by the City, and testimony and facts presented by the accused during a legal proceeding. If found guilty, the City recommends an appropriate penalty. In the ACP, it is presumed that the City's findings are factual, and penalties are unilaterally imposed through a standard violation-specific matrix. Because due process is required for any lawful application of government enforcement, an appeal process is required. In the judicial process, a guilty party would appeal the Springfield Municipal Courts finding to the Circuit Appellate court, and the City Attorney would represent the City. A guilty party in the ACP process would appeal to a hearing official, similar to a land use decision. The City could contract this service with the Lane

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Council of Governments as it currently does with other programs. It is common to include a fee for a hearing in the recipients application for appeal.

Because the legal burden of a finding shifts from the Springfield Municipal Court to the individual code officer in the ACP process, a sworn oath of office or other legal mechanism may be required to act with appropriate authority.

**Standard Process:**

In response to a code complaint, the daily enforcement procedures and processes of the code enforcement officer will not differ dramatically between the two enforcement mechanisms. An important distinction is that because code enforcement officers will be making a more concerted effort to educate community members, the initial inspection may take longer than current averages. That extra 10-20 minutes on site would potentially benefit the City if the code enforcement officer is able to decrease or eliminate future violations.

A reminder of the current judicial workflow process and average staff time per workflow item:

1. *Complaint* – A neighbor, resident, community member, or partner agency contacts the City to report a code violation. Administrative staff records the violation, determines jurisdiction, clarifies any required information, and assigns a response priority. Violations are assigned based on priority and a first inspection is scheduled for the next business day, *20-minute average time per case.*
2. *Inspection* - Officers investigate, record results on a tablet, and determine a responsible person. If a violation is found, a notice ordering the responsible person to correct the violation is usually mailed within 48 hours. Reinspection occurs after 10-30 days (less for minor nuisance violations and more for complex or significant cases) as determined by officers. Deadlines may be extended by officer discretion. Additional reinspection’s may potentially be scheduled as necessary following a warning citation or final warning citation mailed within 48 hours after inspection. *25-minute average or each inspection, 2.75 average inspections per case. 68-minute average per case.*
3. *Civil citation and complaint* - If the violation remains after the final warning, a citation and complaint will be filed with the Municipal Court. The responsible person is arraigned 2-3 weeks following issuance of the citation. Regular reinspection’s occur on the date of arraignment and further citations are issued if the violation remains. Trial is set 3-4 weeks following the arraignment. *35-minute average time per citation, additional 120 minutes for trial preparation and appearance. 155-minute average time per civil citation and complaint.*
4. Additional methods to address non-compliance rarely used are administrative abatement and administrative inspection warrants. Though rare, substantial staff time is required for each administrative abatement project. The recent abatement project average is 8 hours overtime and 12 hours regular staff time.

**Proposed ACP Procedure:**

1. *Complaint* – A neighbor, resident, community member, or partner agency contacts the City to report a code violation. Administrative staff records the violation, determines jurisdiction, clarifies any required information, and assigns a response priority. Violations are assigned based on priority and a first inspection is scheduled for the next business day. *20-minute average time per case.*
-

2. *Inspection* - Officers investigate, record results on a tablet, determine a responsible person, and issue a courtesy notice on-site if a violation is observed. A standard 3-day deadline is set for minor violations. *20 minute average per inspection.*
3. *Administrative Citation (ticket)* – A ticket is issued for non-compliance on day 5 following the issuance of the 3-day courtesy notice. Some tickets may be eligible for a “fix-it” resolution if justifiable reasons exist for non-compliance. Additionally, the code enforcement supervisor has discretion to reduce fines if compliance is achieved at any point. Re-inspections occur periodically, and fines increase per the standard penalty matrix. *15-minute average time per citation.*
4. *Civil citation and complaint* - Once the threshold is met, the case transfers to the judicial workflow process having already met the burden of “Prior Written Notice”, a statutory determination of the Springfield Municipal Code, section 5.608.

### **Financial Impact:**

The financial impact of an ACP procedure can be complex and multifaceted. It involves a balance between revenue generation, compliance, enforcement costs, legal expenses, community perception, and economic development. The cost is not just in additional FTE, but also represented by loss of revenue generation from decreasing property values and impacts to economic development. Additionally, curing a small violation early prevents it from being a larger issue later. Here are some further factors to consider:

- **Public Relations and Perception:** The way a municipality enforces codes and penalties can affect its public image. If the enforcement is perceived as unfair, overly aggressive, or inconsistent, it might lead to negative public relations and community backlash. This could impact the municipality's reputation and potentially deter investment.
  - **Deterrence and Compliance:** ACP's can serve as a deterrent for property owners and businesses, encouraging them to comply with local codes and regulations. This can lead to improved community aesthetics, safety, and overall quality of life.
  - **Social Equity Considerations:** It's important to consider the potential disparate impact of penalties on different socio-economic groups. Striking a balance between enforcing codes and avoiding undue financial burden on vulnerable populations is a critical consideration.
  - **Administrative Efficiency:** Efficiently processing violations and penalties requires administrative infrastructure. Inefficiencies and delays in the administrative process lead to increased costs and resource allocation.
  - **Monitoring and Reporting:** Establishing a system to track violations, penalties, and compliance efforts can require technological investments for record-keeping, reporting, and analysis.
  - **Cost of Enforcement:** Implementing a code enforcement program and the associated procedures requires resources. This includes the salaries of code enforcement officers, administrative staff, and support personnel involved in processing violations and penalties. Training and ongoing professional development for staff also contribute to costs. For an increase, additional program FTE could be leveraged from within existing Development and Public Works Department allocations.
  - **Legal and Administrative Expenses:** There might be legal costs associated with enforcing penalties. Property owners or businesses that receive penalties might challenge them, leading to legal proceedings and associated expenses for the municipality.
  - **Impact on Property Values:** Consistent and effective code enforcement can lead to improvements in the appearance and safety of neighborhoods. This can positively impact
-

property values, which in turn can contribute to increased property tax revenue for the municipality.

- **Economic Development:** Overly stringent enforcement and high penalties could potentially deter businesses from starting or expanding within the municipality. Balancing the need for code compliance with creating a welcoming environment for economic development is important.
- **Revenue Generation:** While not the primary goal or outcome, any revenue generated can relieve reliance on other City funds. ACP's, when collected, can contribute to the municipality's budget, funding a special abatement program and developing educational outreach materials

### **Public Outreach and Education:**

Partnering with City Communications and GIS staff, Code Enforcement staff can develop and implement a public outreach campaign in response to a new ACP procedure. This is crucial to ensure transparency, compliance, and community understanding. A thorough needs assessment is essential to understand the specific challenges, concerns, and knowledge gaps within the community. Property owners, renters, businesses, and community organizations are a large portion of the target audience, and we'll need to tailor the content of the message to their needs and preferences. These community members could be involved in the development of outreach materials as well and we can identify them through surveys, community meetings, or social media posts.

Educational materials which communicate the ACP procedure will be developed using plain language and in a clear and easily understandable manner. The purpose of the process, types of violations, and potential penalties will be explained using visual aids like infographics, diagrams, and pamphlets. Materials will be accessible across multiple platforms including, print, online and in community meetings. Social media platforms, local newspapers, community websites, and will be utilized to reach a diverse audience. Additionally, staff may host workshops, information sessions, or webinars where residents can ask questions, seek clarifications, and engage directly with code enforcement staff.

Developing and implementing a public outreach and educational materials campaign in response to a new code enforcement ACP procedure requires a strategic and inclusive approach. By identifying community needs, communicating clearly, highlighting benefits, involving the community, and utilizing various communication channels, the City can foster understanding, cooperation, and compliance while minimizing potential backlash or misconceptions.

### **DISCUSSION:**

***QUESTION FOR COUNCIL: Does Council support the proposed procedure for the ACP process?***

***What level of discretion, if any, should officers have to reduce fine amounts vs. code supervisor? If adopted, how should the effectiveness of the ACP process be measured?***

***What metrics should be used to assess its impact on compliance and community outcomes?***

### **NEXT STEPS:**

Staff is seeking input from Council at this work session on the Administrative Civil Penalties procedure. If directed, staff will return to Council with an Ordinance amending the Municipal code

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adding an Administrative Civil Penalties process and a proposed budget necessary for the implementation of this procedure.

Staff is scheduled to return on September 18, 2023.

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**RECOMMENDED ACTION:** Give staff direction on the following questions:

- 1. What level of discretion, if any, should code officers have to reduce fine amounts vs. code supervisor?**
  - 2. If adopted, how should the effectiveness of the ACP process be measured?**
  - 3. What metrics should be used to assess its impact on compliance and community outcomes?**
  - 4. Does Council support the proposed procedure for the ACP process?**
  - 5. Does Council have input or feedback on the topic at this point?**
-



## Code Enforcement Administrative Civil Penalties

# Administrative Civil Penalty Refresher

## ACP Process

- ▶ More effective for minor violations
- ▶ Community outreach oriented
- ▶ Faster intervention, 3-5 day deadlines
- ▶ Can progress to judicial process

## Judicial Process

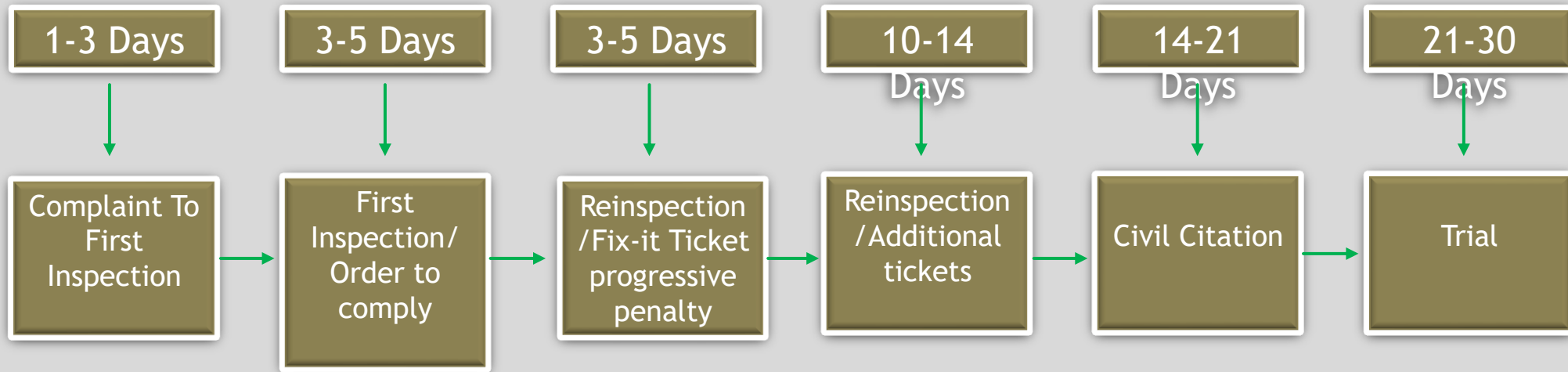
- ▶ More effective for complex or chronic violations
- ▶ Provides legal framework
- ▶ Insulates staff
- ▶ Prepares for other legal tools

# Designed to Address Minor Violations through a more effective approach

- Prohibited parking
- Garbage
- Obstruction of the right of way
- Fences
- Odors
- Stagnant water
- Stored vehicle



# ACP Process



Time to First Fine(\$50) = 6 Days

Time to Trial = 45 days

# What are Councils expected service levels ?

1. Compliance Rate
2. Response Time
3. Case Resolution Time
4. Repeat Offenses Rate
5. Public Satisfaction and Engagement

# Complaint Priority Response

- ▶ Three levels of a priority driven response are High Priority 1, Moderate Priority 2, and Low Priority 3
- ▶ High Priority 1 cases are health and safety hazards, emergency situations, and accessibility violations.
- ▶ Moderate Priority 2 cases are public nuisances and zoning violations.
- ▶ Low Priority 3 cases are minor zoning violations, private nuisances, parking violations, and administrative violations

# Additional Code Enforcement Topics to Prioritize for Discussion

- ▶ Program objectives and strategic goals
- ▶ Municipal code amendments
- ▶ Measuring program effectiveness





# Council Q & A

# Administrative Civil Penalty Matrix/Priority of Code Violations

Violation	Priority 1	Priority 2	Priority 3
First	\$100	\$50	\$25
Second	\$200	\$100	\$50
Third		\$200	\$100
Fourth			\$200

## Administrative Civil Penalty Matrix

A progressive administrative civil penalties citation process is a systematic approach which may be used by the City to address code violations or non-compliance through a series of escalating penalties. This approach is designed to encourage timely correction of violations while allowing violators the opportunity to cure their actions at several stages before facing more severe consequences. The process typically involves increasing penalties for repeated or unresolved violations.

1. Initial Order to Comply: when a code violation is identified, City issues an initial order to comply to the responsible party. This notice outlines the violation, specifies the required corrective actions, and provides a reasonable timeframe within which the violation must be remedied. At this stage, the emphasis is on informing the violator, encouraging compliance, and avoiding the need for penalties.

2. First Administrative Citation Penalty: if the violation is not corrected within the specified timeframe in the initial order to comply, a first-level penalty is imposed. This penalty is typically a moderate monetary fine. The violator is informed of the penalty and is given another opportunity to rectify the violation, along with a new deadline.

3. Second Administrative Citation Penalty (Increased): if the violation persists after the first penalty, a second-level penalty is imposed. This penalty is double the first penalty amount and serves as a stronger incentive for compliance. Along with the increased penalty, the violator is again informed of the violation, the previous penalties, and the importance of prompt correction.

4. Third/Fourth Administrative Citation Penalty (Significantly Increased): if the violation continues despite the previous penalties, a third and fourth-level penalty is imposed. This penalty is significantly higher than the previous penalties and is meant to reflect the seriousness of repeated non-compliance. The third penalty for a Priority 1 violation is a Civil Citation and Complaint and may include an order to abate.

5. Legal Action or Severe Consequences:

If the violation remains unresolved even after final administrative penalty, the City might take more serious legal actions, such as issuing a civil citation, initiating the abatement process, or seeking

injunctive relief. These actions are typically reserved for cases of persistent and deliberate non-compliance.

The key idea behind a progressive administrative civil penalties citation process is to encourage timely compliance by providing multiple opportunities for violators to correct their actions while gradually increasing the consequences for non-compliance. This approach aims to strike a balance between achieving compliance, deterring future violations, and minimizing the need for more extreme enforcement measures. It's important for the process to be transparent, well-communicated, efficient.

## Priority of Code Violations

### Priority 1: *High Priority Violations*

**Health and Safety Hazards:** Violations that pose an immediate threat to public health and safety, such as unsafe structures, hazardous materials, unsanitary conditions, or attractive nuisances. Violations that impact the health and safety of occupants or the surrounding community.

**Emergency Situations:** Violations that require immediate action to prevent injury, damage, or environmental harm, collapsing structures, or imminent danger situations.

**Accessibility Violations:** Violations that impede accessibility for people with disabilities, such as lack of ramps, inadequate signage, or blocked emergency exits.

### Tier 2: Moderate Priority Violations

**Public Nuisances:** Violations that affect the quality of life for residents, including home business disturbances, illegal dumping, abandoned vehicles, excessive conditions attracting rodents, nuisance fences.

**Zoning Violations:** Violations of zoning regulations, such as improper land use, setbacks, signage, and parking requirements.

### Tier 3: Lower Priority Violations

**Parking Violations:** Violations related to parking regulations, such as parking in prohibited areas.

**Minor Zoning Issues:** Violations that have a limited impact on zoning regulations, such as minor signage violations or temporary uses.

**Non-Urgent Property Nuisances:** Violations that are a nuisance but do not pose immediate health or safety risks, such as minor litter or minor noise disturbances.

**Administrative Violations:** Violations related to administrative processes, such as failure to obtain required permits, licenses, or approvals.

It's important to note that while this priority list provides a general framework, Council guidance, community input, and changes in circumstances can impact the priorities assigned to different types of violations. Regular review and adjustment of the priority list based on feedback and changing conditions can ensure that resources are allocated effectively for code enforcement.

**Springfield Upbeat**  
**September 5, 2023**  
**Springfield Heritage Awards**

The Heritage Award program is from the Springfield Historic Commission in collaboration with the Springfield History Museum Committee. The awards are to recognize significant achievements in stewardship of the physical and cultural heritage of Springfield, Oregon. These awards recognize a broad array of stewardship activities that increase awareness, appreciation, and support an inclusive perspective of local heritage.

There are two award categories: (1) Preservation Excellence Award; and (2) History Maker Award. While the Preservation Excellence Award will focus on projects such as historic preservation/restoration or research/outreach activities, the History Maker Award will focus on a person or entity that demonstrates leadership in shaping, preserving, and fostering appreciation of local heritage – past, present, and future.

The nominations from the community included 7 different proposals. The winners of the awards are:

**History Maker Award** - recognizes individuals, organizations, companies and public agencies that demonstrate leadership in shaping, preserving, and fostering appreciation of local heritage – past, present and future.

Recipient: Marta Clifford (Confederated Tribes of the Grand Ronde)

Nominator: Stephanie Tabibian

Marta has devoted her life's work to bringing awareness of Native American issues in and around the city of Springfield and strives to always be a good caretaker of Kalapuya Illihi. For the last three years she has organized "Poetry in the Park" on National Missing and Murdered Indigenous Women Day - an event to advocate for the end of violence against Native Women and draw attention to the high rate of disappearances and murders of Native people.

Marta also collaborates with Willamalane, providing guidance on appropriate Land Acknowledgments and park signage, and conducting Kalapuya Talking Stones tours for staff. In addition to all this, and a full-time job, she is the Elder-In-Residence at the University of Oregon Theatre Department and the Native American and Indigenous Studies Academic Residential Community. In Springfield, she helped develop the Illihoo Native Theatre group - the first Native Theatre company in Eugene/Springfield.

Whenever there is a community discussion regarding making improvements for Indigenous and Tribal representation in Springfield, Marta is there – always willing to assist, teach and provide feedback. She leads with joy, empathy, and compassion for all those around her.

**Preservation Excellence Award** - recognizes outstanding projects, including but not limited to: restoration, rehabilitation or adaptive use of historic buildings, structures, sites or cultural

landscapes; or activities related to the identification, protection and interpretation of heritage resources.

Recipient: 215 Main Street(Jordon Graham)

Nominator: Jenna Fribley

The main goals of rehabilitating 215 Main Street were to remediate severe blight, uncover and restore a rare midcentury asset for Springfield, and to support downtown revitalization by creating viable commercial space. The original Timber Topper restaurant, built in 1957, housed different restaurants over the years at the corner of Main Street and Pioneer Parkway. The façade was drastically altered in terms of color, material and profile that concealed the midcentury character of the original building. The project removed many layers of added material and revealed the original structure, paying homage to the classic diner and creating a commercial space for Lee's Mongolian Grill. The corner has been transformed into an inviting, bustling eatery once again.

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**AGENDA ITEM SUMMARY**

**Meeting Date:** 9/5/2023  
**Meeting Type:** Regular Meeting  
**Staff Contact/Dept.:** Mary Bridget Smith/CAO  
**Staff Phone No:** 541-744-4061  
**Estimated Time:** 15 Minutes  
**Council Goals:** Mandate

**SPRINGFIELD  
CITY COUNCIL**

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**ITEM TITLE:** AN ORDINANCE AMENDING THE SPRINGFIELD MUNICIPAL CODE REGARDING CRIMINAL MISDEMEANORS AND VIOLATIONS, AND STATE TRAFFIC OFFENSES

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**ACTION REQUESTED:** Conduct a first reading on the following ordinance: AN ORDINANCE AMENDING SPRINGFIELD MUNICIPAL CODE SECTIONS 5.100, 5.104, 6.000 AND 6.002, AND ADOPTING A SEVERABILITY CLAUSE

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**ISSUE STATEMENT:** This Ordinance is intended to include any changes in the state criminal and traffic statutes listed in SMC Sections 5.100, 5.104, 6.000, and 6.002 that occurred in the recent legislative session.

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**ATTACHMENTS:** [1: Draft Ordinance](#)

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**DISCUSSION/  
FINANCIAL  
IMPACT:** Springfield Municipal Code Sections 5.100 through 5.104 adopt by reference and make state misdemeanor and violation crimes an offense against the City of Springfield so they may be prosecuted in Springfield Municipal Court. Sections 6.000 and 6.002 do the same for traffic offenses. These sections are updated on a periodic basis to capture any changes that have occurred in the incorporated statutes during recent legislative sessions. For example, in the most recent legislative session, the Oregon Legislature passed a bill that makes organizing a street race a misdemeanor. Another bill regarding DUII expanded the prohibition on impaired driving to include any impairing substance which was intended to close a gap for glue sniffing and over the counter medications.

One current issue related to criminal laws is the impact Measure 110 has on local communities. The City Attorney's Office does not recommend that the City of Springfield adopt ordinances criminalizing illicit drug use because of jurisdictional and preemption issues. However, there may be other policy actions the Council may want to take in addressing the collateral impacts of decriminalizing drug use. Some communities have adopted resolutions calling for the change or repeal of Measure 110 and others are preparing for potential reform in the upcoming legislative session. The City Attorney's Office can follow up with additional information or data that would help the Council determine next steps.

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**CITY OF SPRINGFIELD, OREGON**  
**ORDINANCE NO. \_\_\_\_\_ (General)**

**AN ORDINANCE AMENDING SPRINGFIELD MUNICIPAL CODE SECTIONS 5.100, 5.104, 6.000 AND 6.002, AND ADOPTING A SEVERABILITY CLAUSE**

**WHEREAS**, the Springfield Municipal Court has jurisdiction to prosecute criminal misdemeanors and violations, and state traffic offenses that occur within the Springfield city limits;

**WHEREAS**, the City of Springfield has an interest in ensuring the public safety by preventing the commission of criminal and traffic offenses;

**WHEREAS**, it is in the public interest for the City of Springfield to include and adopt by reference the penalties and statutory language for criminal misdemeanors and violations, and traffic offenses as currently described in the Oregon Revised Statutes;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1. Section 5.100 "Definitions" of the Springfield Municipal Code is hereby amended to read as follows:

"The definitions contained in ORS Chapters 161, 162, 163, 163A, 164, 165, 166, 167, 181A, 471, 475, 475A, 475C and 480.111-165, as currently in effect, are adopted by reference and made a part of this chapter."

Section 2. Section 5.104 "Misdemeanors and Violations – State Statutes Adopted" of the Springfield Municipal Code is hereby amended to read as follows:

"(1) Each misdemeanor and violation made an offense against the state under the provisions of the ORS Chapters 161, 162, 163, 163A, 164, 165, 166, 167, 181A, 471, 475, 475A, 475C and 480.111-165, as currently in effect and constituted, are adopted by reference and made a part of this chapter and designated an offense against the City.

(2) A person who violates any one of the provisions within the jurisdiction of the City is in violation of this chapter and shall be charged with the offense of violating Section 5.104 of this Code, and reference shall be made in the charging instrument to that particular section of the ORS, as incorporated by reference, which has been violated. If any other section of this chapter or any other SMC ordinance creates a specific misdemeanor or violation offense in conflict with an ORS misdemeanor or violation offense incorporated by reference in this chapter, the provisions of the ORS regarding misdemeanor or violation offense incorporated by reference, shall govern."

Section 3. Section 6.000 "Definitions" of the Springfield Municipal Code is hereby amended to read as follows:

"The definitions contained in ORS Chapters 801, 802, 803, 805, 806, 807, 809, 810, 811, 813, 814, 815, 816, 818, 819, 820, 821, 822, 823, 825, 826, and OAR 740.100.0010 issued thereunder, and Chapter 153 are adopted by reference and made part of this chapter, except where this code explicitly provides otherwise or context clearly indicates a different meaning."

Section 4. Section 6.002 "Oregon Vehicle Code" of the Springfield Municipal Code is hereby amended to read as follows:

"(1) Each misdemeanor and violation made an offense against the state under the provisions of ORS Chapters 801, 802, 803, 805, 806, 807, 809, 810, 811, 813, 814, 815, 816, 818, 819, 820, 821, 822, 823, 825, 826, and OAR 740.100.0010 issued thereunder, and Chapter 153, as currently in effect and constituted, are adopted by reference and made a part of this chapter and designated an offense against the City.

(2) A person who violates any one of the provisions within the jurisdiction of the City is in violation of this chapter and shall be charged with the offense of violating Section 6.002 of this Code, and reference shall be made in the charging instrument to that particular section of the ORS, as incorporated by reference, which has been violated. If any other section of this chapter or any other SMC ordinance creates a specific misdemeanor or violation offense in conflict with an ORS misdemeanor or violation offense incorporated by reference in this chapter, the provisions of the ORS regarding misdemeanor or violation offense incorporated by reference, shall govern."

Section 5. Severability Clause. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

ADOPTED by the Common Council of the City of Springfield this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

APPROVED by the Mayor of the City of Springfield this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder