



Work Session

WS

Milwaukie City Council

COUNCIL WORK SESSION

City Hall Council Chambers, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

AGENDA

MAY 2, 2023

Council will hold this meeting in-person and through video conference. The public may attend the meeting by coming to City Hall or joining the Zoom webinar, or watch the meeting on the [city's YouTube channel](#) or Comcast Cable channel 30 in city limits. For Zoom login visit <https://www.milwaukieoregon.gov/citycouncil/city-council-work-session-325>.

To participate in this meeting by phone dial 1-253-215-8782 and enter Webinar ID 897 8131 1965 and Passcode: 519687. To raise hand by phone dial *9.

Written comments may be delivered to City Hall or emailed to ocr@milwaukieoregon.gov. Council may take limited verbal comments.

Note: agenda item times are estimates and are subject to change.

Page #

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|--|----------|
| 1. Municipal Court Check-In – Report (4:00 p.m.)
Staff: Kimberly Graves, Municipal Court Judge | |
| 2. Rent Relief Update – Report (4:30 p.m.)
Staff: Joseph Briglio, Community Development Director | 1 |
| 3. Legislative and Regional Issues – Discussion (5:00 p.m.)
Staff: Scott Stauffer, City Recorder | 4 |
| 4. Adjourn (5:30 p.m.) | |

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation services email espanol@milwaukieoregon.gov at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the [city's YouTube channel](#) and Comcast Channel 30 in city limits.

Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a ocr@milwaukieoregon.gov o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a espanol@milwaukieoregon.gov al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el [canal de YouTube de la ciudad](#) y el Canal 30 de Comcast dentro de los límites de la ciudad.

Executive Sessions

The City Council may meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(2); all discussions are confidential; news media representatives may attend but may not disclose any information discussed. Final decisions and actions may not be taken in executive sessions.

Municipal Court

Municipal Courts in Oregon

- ▶ Many incorporated cities in Oregon have a municipal court as authorized by charter and state law.
- ▶ Municipal courts have concurrent jurisdiction with circuit and justice courts over all violations and misdemeanors committed or triable in the city in which the court is located. They do not have jurisdiction over felonies.
- ▶ Municipal courts primarily hear traffic violations and crimes; violations of municipal codes and ordinances, including animal, noxious growth and trash nuisances; vehicle impoundments and forfeitures; and parking and pedestrian violations. They also hear certain minor tobacco, liquor and drug violations.
- ▶ Municipal courts may be a court of record, although most are not. Municipal court procedures are controlled to a large extent by state law.
- ▶ A municipal judge need not be an attorney, although most are.
- ▶ Municipal judges are usually appointed by, and serve at the pleasure of, the city council. A few Oregon cities have elected judges. Qualifications for office are determined by the city council or charter. A municipal judge may perform weddings anywhere within the state of Oregon.

Milwaukie Municipal Court

- ▶ Handles traffic and code violations, no criminal cases
- ▶ Court of record with attorney judge
- ▶ Citations a year – approx. 2600
- ▶ Trials a year – approx. 50
- ▶ Code cases a year – approx. 10-20

Historical Info

- ▶ Attendance Court - ended in 2020 due to a change in the law around truancy
- ▶ Amnesty Program – periodic program to address outstanding fines greater than 3 years old
- ▶ Photo Radar

Who is involved?

- ▶ **Court staff** – manages the dockets, oversees budgetary issues related to court operations, coordinates with security personnel, and works with the collection agency on fine collection.
- ▶ **Prosecutor** – handles cases in which the defendant has retained an attorney.
- ▶ **Police officers** – submit citations to the court, testify at trial, and make sentencing recommendations at trial.
- ▶ **Judge**

Role of the Judge

- ▶ Guides the operation of the court with court staff
- ▶ Accepts the plea to a violation and imposes a judgment
- ▶ Presides over trials; including ruling on motions, and making determinations on legal issues
- ▶ Improve community safety and livability by enforcing laws and engaging with the community
- ▶ Collaborate with the police department and other agencies to provide needed services to the community
- ▶ Ensures that the rights of citizens are respected during proceedings

What comes next?

- ▶ Establish a coordinated program with Behavioral Health to support the work and improve outcomes for struggling members of the community.
- ▶ Expand the work with Behavioral Health to include handling of misdemeanor cases; limited to community livability offenses.
- ▶ Develop a Community Court with collaboration from community partners to provide support for people involved in criminal activity in the city and reduce recidivism.
- ▶ Increase types of misdemeanor cases prosecuted in the city.

Funding

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

OMB No. 1121-0329
Expires 12/31/2023



BJA FY 23 Community Courts Initiative

Assistance Listing Number # 16.585

Grants.gov Opportunity Number: O-BJA-2023-171688

Solicitation Release Date: March 27, 2023 11:00 AM ET

Step 1: Application Grants.gov Deadline: May 24, 2023 8:59 PM ET

Step 2: Application JustGrants Deadline: May 31, 2023 8:59 PM ET

Overview

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) seeks applications for funding to support efforts by state, tribal, and local governments to establish and enhance community courts in their jurisdictions. This program furthers the DOJ's mission by providing resources to communities to enhance public safety, build trust between law enforcement and the community, and increase access to critical behavioral health treatment and recovery support, and other support services. In addition to the Community Courts Initiative, BJA also funds the following programs to assist communities in addressing community safety, public health, and other social issues

[Edward Byrne Memorial Justice Assistance Grant \(JAG\) Program](#)

[JMHCP](#)

[Innovations in Supervision Initiative](#)

This solicitation incorporates guidance provided in the [OJP Grant Application Resource Guide](#) which provides additional information for applicants to prepare and submit applications to OJP for funding. If this solicitation expressly modifies any provision in the OJP Grant Application Resource Guide, the applicant is to follow the guidelines in this solicitation as to that provision.

Solicitation Categories

Competition ID	Category *	Number of Awards	Dollar Amount for Award	Performance Start Date	Performance Duration (Months)
C-BJA-2023-00085-PROD	Category 1 - Planning and Implementation	5	\$900,000	10/1/23 12:00 AM	48
C-BJA-2023-00086-PROD	Category 2 - Enhancement	5	\$900,000	10/1/23 12:00 AM	48

Eligible Applicants:

City or township governments, County governments, Native American tribal governments (Federally recognized), State governments, Other

Other

State, city, township, county, or tribal government acting directly or through agreements with other public or private entities on behalf of a single community court

BJA will consider applications under which two or more entities would carry out the federal award, however, only one entity may be the applicant. Any others must be proposed as subrecipients (subgrantees). For additional information on subawards, see the [OJP Grant Application Resource Guide](#).

BJA may elect to fund applications submitted under this FY 2023 solicitation in future fiscal years, dependent on, among other considerations, the merit of the applications and the availability of appropriations.

Contact Information

For assistance with the requirements of this solicitation, contact the OJP Response Center at 800-851-3420, 301-240-6310 (TTY for hearing-impaired callers only), or grants@ncjrs.gov. The OJP Response Center operates from 10:00 a.m. to 6:00 p.m. eastern time (ET) Monday–Friday, and 10:00 a.m. to 8:00 p.m. ET on the solicitation close date.

Pre-application Information Session

BJA will hold a solicitation webinar on April 12, 2023, at 2:30pm EST. This call will provide a detailed overview of the solicitation and allow an opportunity for interested applicants to ask questions. Preregistration is required for all participants. Register by clicking on this [link](#) and following the instructions. To use the time most efficiently, BJA encourages participants to review the solicitation and submit any questions they may have in advance and no later than

COUNCIL STAFF REPORT

To: Mayor and City Council
Reviewed: Ann Ober, City Manager, and
Toby LaFrance, Finance Director
From: Joseph Briglio, Community Development Director
Subject: **Rental Assistance Program Update**

Date Written: April 20, 2023

ACTION REQUESTED

To receive a final update on the city's three-year Covid rental assistance program.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

April 19, 2016: Council approved [Ordinance 2117](#), authorizing council to declare a housing emergency and approved [Ordinance 2118](#), establishing Milwaukie Municipal Code (MMC) 5.60 (renter protections), requiring landlords to provide 90 days' notice to tenants prior to a no-cause eviction.

July 17, 2018: Council adopted the [Milwaukie Housing Affordability Strategy \(MHAS\)](#).

June 2, 2020: Council adopted [Resolutions 37-2020](#) and [38-2020](#) extending the housing emergency and maintaining renter protection measures. Council approved [Ordinance 2192](#) amending the MMC to update the review period to every six months instead of triggering review every year that the metropolitan region's vacancy rate exceeds 4%.

June 30, 2020: The city contracted with Northwest Housing Alternatives (NHA) to administer a rent relief program for Milwaukie residents. This round of rent relief utilized \$25,000 of community development department funds.

October 13, 2020: Council received an update on the state of housing and the MHAS action items. Council requested that staff return in December to consider the need for the housing emergency, and for approval of permanent renter protection measures.

December 1, 2020: Council extended the housing emergency and renter protection measures for six months to allow staff to further review public testimony and Oregon Senate Bill (SB) 608.

December 30, 2020: The city executed a second agreement with NHA to administer a second round of rent relief for Milwaukie residents. Like the first round, the second utilized \$25,000 of community development department funds.

March 16, 2021: Staff returned to Council to ask for direction on whether Council wanted to allow the existing Ordinances 2117 and 2118 to expire. Staff provided an explanation of the additional protections Milwaukie's renter protections provides over the ban on no cause evictions legislation provided in SB 608.

April 27, 2021: The city amended its agreement with NHA to allow for additional time to administer the second round of rent relief for Milwaukie residents.

[June 7, 2022:](#) Council adopted the budget for the 2023-2024 biennium, which dedicated \$75,000 in federal American Rescue Plan Act (ARPA) funds to be used for a third round of rental assistance.

[June 29, 2022:](#) The city entered into a personal services agreement with NHA for the purpose of providing a third round of rental assistance to residents most in need of retaining their housing.

ANALYSIS

City leadership has long recognized the housing and affordability crisis occurring throughout the state and country. This understanding has been demonstrated in part by the actions listed above, which resulted in the creation of the MHAS and its subsequent goals and actions to help cultivate more equitable housing options for residents. When the Covid pandemic began, Council and staff became concerned that community members would be in a heightened level of stress and crisis. To that end, the city has distributed three rounds of rent relief using \$25,000 (\$50,000 total) of community development department funds for the first two rounds and \$75,000 of ARPA funds for the most recent third round. The city contracted with NHA to administer each cycle. These rounds of assistance were in relation to MHAS action 2.5 (Adopt policies to mitigate the impact of rental displacement) and 2.6 (Assist in eviction prevention) and targeted support for those with the highest risk of defaulting on their rental payment.

Every round of assistance has been successful in supporting dozens of Milwaukie families with their monthly rental payment and housing needs. The ongoing COVID-19 pandemic, intensified by historic increases in inflation, created a continued and expected demand for help. Therefore, it was incredibly fortunate that the city was able to offer three times (\$75,000) the typical aid for those living on the cusp of eviction and housing insecurity in its ARPA funded third round of relief.

The third round supported 24 families who were most in need of financial support due to a loss of income and/or unusual or unexpected costs (i.e., hospital and health care visits, vehicle repairs, etc.), combined with the inability to satisfy their expenses. NHA works with some of our most vulnerable residents and is often the first stop for those looking for supportive services. This has made them an ideal local partner as they have built the grassroots relationships and service pipeline for addressing and understanding the demand in Milwaukie. Slightly different than previous rounds, this one observed family in deeper financial distress with some having months of back payments and fees. Therefore, some recipients required multiple months of assistance to get back to housing stability.

BUDGET IMPACT

This round of rent relief assistance was funded by federal ARPA dollars. There are administrative costs associated with the disbursement of these funds; however, the community development department has been able to cover these expenses from its personal and technical services budget without issue.

WORKLOAD IMPACT

Implementing and monitoring a rent relief program requires contracting with an experienced professional service provider, such as NHA, through the appropriate procurement process. This program has had minimal impact on the staff's current capacity and workload because of the city's ability to contract the service.

CLIMATE IMPACT

Housing security and affordability, and climate actions, are closely linked due to the disproportionate impacts of energy burdens, environmental resource loss, and pollution on the health of vulnerable communities. Measures taken by the city to protect the life, safety, and health of persons, property, and/or the environment include consideration of Milwaukie's efforts to mitigate and adapt to climate change.

COORDINATION, CONCURRENCE, OR DISSENT

The city manager's office, finance department, and community development department are in concurrence with the staff report's findings.

STAFF RECOMMENDATION

This is an informational item only.

ALTERNATIVES

None.

ATTACHMENTS

None.

A stylized, abstract illustration of a flower or shell-like structure in shades of white, grey, and brown, set against a green and brown background, all contained within a circular frame on the left side of the slide.

**WS 3. 5/2/23
Presentation**

Legislative & Regional Issues

May 2, 2023

May 9

- City Council Study Session
- Site Visit to Eugene (Lane County) to the **Columbia Care 23-Hour Stabilization Center**
 - On site from 3-5 p.m.
 - Coordinate Travel



Key Dates

- ~~1/17 – Session Begins~~
- ~~1/25 – City Day at the Capitol~~
- ~~2/21 – Measure Introduction Deadline~~
- ~~2/22 – Revenue Forecast (1st)~~
- ~~4/4 – 1st Chamber Work Session Deadline~~
- 5/19- 2nd Chamber Work Session Deadline
- 5/17 – Revenue Forecast (2nd)
- 6/25 – Constitutional Sine Die



Legislation

- **HB2530A – renewable hydrogen – Third Reading 5/2**
- **HB2889 – Housing Needs Analysis – Hearing 5/3**
- **HB3167A – allows for digital legal notices – Hearing 5/4**
- **SB275 – allignment of education departments – WS 5/3**
- **SB611 – increases amount owed to tenant in landlord-caused terminations – WS 5/4**



Letters

- Gun Control Support (Councilor Stavenjord)
- Council Goals Cover Letter
- HB2571 – E-Bike Program (Mayor Batey)



Resources

- OLIS: [Oregon Legislative Information System](#)
- LOC: [CM3 – LOC Bill Summary](#)
(Username/password: [loc@orcities.org](#))
- Thorn Run Partners
(Metro Mayors Consortium)



Questions?

Scott Stauffer, City Recorder
stauffers@milwaukieoregon.gov





Honorable Co-Chairs Senator Steiner and Representative Sanchez,

Thank you for considering a Ways & Means Work Session for House Bill 2571, the E-Bike Rebate. This policy serves as an expansion of the Oregon Clean Vehicle Rebate Program, leveraging existing infrastructure to deploy a fund for Electric Bikes.

HB 2571 passed the House 'Climate, Energy, & Environment' committee with near-unanimous bipartisan support (9-1), and it shares the endorsement of a number of coalitions, which are listed on the second page of this letter.

Our Ask: \$6M + operating costs for an electric bike rebate program. In consideration of Oregon's existing goal to limit the amount of gas-powered vehicles on the road by 2035, as well as this legislature's ongoing efforts to institute policies that serve as anti-poverty measures, promote health and wellbeing, and do equitable good for the broadest amount of Oregonians possible, we ask that you consider the benefits the E-Bike rebate expansion can bring to our beautiful state:

- Electric Bikes are a high-demand alternative to cars for short-trips, which helps families avoid a major expense, decreases VMT (vehicle miles traveled), and can significantly reduce carbon dioxide emissions.
- The program is structured around equity - with higher rebates granted to lower-income residents, and \$2M reserved for low-income rebates. With a limit of 1 rebate per resident, this fund can go a long way.
- Due to historic redlining and other race-based policies, communities of color are far more likely to live near busy roads and suffer from higher air pollution levels. The emission-reduction benefits of e-micromobility may help improve air quality in these traditionally underserved communities.

Thank you for your consideration, and for your stewardship of Oregon's state budget.

HB 2571 Chief Sponsors & Coalition Partners

Representative Dacia Grayber

Representative Mark Gamba

COALITION PARTNERS



[address block]

RE: House Bill 2571

Dear Chair Marsh and members of the House Committee on Climate, Energy and the Environment:

The Milwaukie City Council supports House Bill 2571 to establish a program for providing rebates to qualifying individuals who purchase electric assisted bicycles (e-bikes) or cargo electric bicycles and qualifying equipment. Establishing a statewide e-bike rebate program as a companion to the statewide electric vehicle (EV) rebate program aligns with Milwaukie's Climate Action Plan, is included as a recommendation in the Oregon Department of Transportation's recently released "Electric Micromobility in Oregon: A TEINA Supplemental Report," and would demonstrate the Legislature's commitment to climate goals and safe, affordable, active transportation options.

Given the benefits and popularity of e-bikes, an e-bike incentive program could further help Milwaukie and the State achieve our ambitious decarbonization goals. Moreover, the amendment providing for a larger rebate for persons whose income is under 80% of area median income aligns with our equity and social justice goals.

Studies have found that e-bike riders frequently report feeling safer riding an e-bike than a human powered bike, with women, individuals over fifty-five, and individuals with physical limitations reporting an even greater feeling of safety. By limiting the rebate to purchases made from in-state retailers, bike rebates can also help small businesses around the state thrive.

In Milwaukie, we have built a number of multi-use paths as well as new bike lanes in the past six years, and have the Monroe Greenway under development, which will stretch from the Willamette River to our eastern edge, where it will join with a similar project by Clackamas County, connecting to the Clackamas Town Center area and I-205 trail. With more safe infrastructure for bike riding than ever before, e-bikes offer an affordable transportation option for communities that have otherwise become car dependent. One comparison calculated that commuting by an e-bike could save an individual \$17,927 after four years compared to commuting by a car.¹ In addition to being a lower-cost transportation option in car dependent communities, e-bikes offer more flexibility than public transportation and allow people to easily commute to work or run errands on their own time. Additionally, e-cargo bikes can be a versatile and reliable tool, as they make it easier to move children, haul groceries, and provide mobility after disasters. Shifting trips from gasoline vehicles to e-bikes can have an impact on local air quality, especially for low-income communities and communities of color which often suffer disproportionately from motor vehicle pollution.

For these reasons, we, the undersigned members of the Milwaukie City Council, support this bill and encourage its passage this session.

[signature block]

¹ <https://www.radpowerbikes.com/blogs/the-scenic-route/ebike-vs-car-by-the-numbers>

Dear Milwaukie residents,

As your City Council, we remain committed to addressing the most pressing issues impacting our community. We establish Council goals that guide our work and dedicate resources and capacity towards those priorities.

~~Recently, In January, we held a retreat at which we met to discuss~~ the many issues that impact Milwaukie residents and our immediate future. We examined past Council goals that have informed the work of the city, and considered potential areas that reflect the deep needs of our residents and unique opportunities for Milwaukie. In that and subsequent discussions, the majority of Council settled on continuing the three goals from the prior Council: implementing our climate action plan, addressing equity and social justice in our community, and forging a path forward for management of Milwaukie's parks..

While we are proud to have identified three important goals in our Council resolution, we understand that other critical areas were not selected as goals. In discussing the goals, we also considered several possible topics including but not limited to Economic Development, Community Affordability, and the Removal of the Kellogg Creek Dam, which are all important to our community.

~~However, w~~We want to assure you that the Council will continue to advocate for issues that were not selected and work with you and community groups to make Milwaukie a thriving, equitable, and sustainable place to live, work, and play.

~~As we've met to finalize Council goals, we also considered several possible topics including Economic Development, Community Affordability, and the Removal of the Kellogg Creek Dam, which are all important to our community.~~

Real progress is being made with the removal of the dam in the administration of a \$15million grant for that purpose. That work has a staff person from the City of Milwaukie who is engaged in the project and works closely with partners to move toward the goal of dam removal and restoration of that area of our community. We are excited about this work and will continue to advocate individually around this long-term project.

In addition, we recognize that economic development and creating living-wage jobs are crucial to the success and vibrancy of our community. By attracting new businesses and supporting existing ones, we can help create job opportunities that provide a living wage and benefits for our residents. We are committed to working with our partners in the private sector to create a thriving and diverse economy that benefits all members of our community.

As a small city, we have a unique opportunity to work together to find solutions that work for everyone. Whether it's exploring new partnerships with local businesses, or advocating for policies that prioritize affordability, we are committed to doing everything we can to make our community a more affordable place to live. We know that affordability is not just about dollars and cents; it's also about quality of life.

~~When people feel that they can afford the basics, they are able to focus on other important things like family, education, and community involvement.~~ By working together, we can create a more affordable and prosperous future for our community.

We understand that affordability, particularly in housing, is a top concern for many members of our community. We believe that everyone should have access to safe and affordable housing, and we are committed to finding ways to help make that a reality. Ongoing work on housing affordability will continue for at least two years, including the preparation of a new Housing Capacity Analysis and Housing Production Strategy. That work contains several recommendations which guide the city as we address housing availability, affordability, and quality. The City has also allocated the first \$2million of our Construction Excise Tax to support more affordable housing in the community.

We know that housing affordability is critical to the overall health of our community. When people can find affordable housing, they are better able to make ends meet, and they are more likely to stay in our community over the long term. This benefits us all.

We believe that by working together, we can create a more equitable, affordable, and prosperous future for our community. We thank you for your ongoing support and engagement in our identified Council goals and all these important issues.

Sincerely,

Commented [LB1]: Did Ann have some heartache over some of the language about commitments in other areas?